

**JANUARY 26, 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/84505272015?pwd=TnFqVlcvVUFzY25Ea3JyaHBNbDg5UT09>

Passcode: 200922

Or One tap mobile:

US: +16694449171, 84505272015# or +16699009128, 84505272015#

Or Telephone:

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

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Webinar ID: 845 0527 2015

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY CHAPLAIN JARED ALITC, WYANDOTTE COUNTY CHRISTIAN CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JANUARY 26, 2023, AGENDA**
- VI. CLERK'S-STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**
- XV. LAND BANK BOARD OF TRUSTEES' AGENDA**
- XVI. PUBLIC ANNOUNCEMENTS**
- XVII. ADJOURN**

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2022-044 - ANTHONY FICARA

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for a bee farm/garden at 6822 Berry Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212212

2. COZ2022-048 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 6340 Riverview Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212213

3. COZ2022-049 - KORB MAXWELL WITH POLSINELLI

Synopsis: Change of Zone from CP-2 Planned General Business District to A-G Agriculture District for the American Royal development at 11787 American Royal Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 212214

4. COZ2022-050 - DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS

Synopsis: Change of Zone from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts to RP-5 Planned Apartment District to construct a senior living facility at 2300 North 113th Terrace and 2302 North 113th Place, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212215

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2022-089 - ROGELIO FALCON

Synopsis: Special Use Permit for the Temporary Use of Land to keep two (2) storage containers on a residential lot at 444 North 10th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**

Tracking #: 212216

2. SP2022-107 - NATALIE MCNUTT

Synopsis: Renewal of a Special Use Permit (SP-2021-77 – expires 3/10/2023) to operate a short-term rental at 3801 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212208

3. SP2022-108 - ANN MARCHAEL WITH BUSINESS LAW ADVISORS

Synopsis: Special Use Permit for the Temporary Use of Land to keep equipment and materials related to a roofing business at 6541 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212217

4. **SP2022-109 - SHERRI BAILEY-SCOTT**

Synopsis: Home Occupation Special Use Permit to operate a chiropractic office at 5331 Miami Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212218

5. **SP2022-111 - JASON NEWMAN WITH EXCANZE PROPERTIES**

Synopsis: Renewal of a Special Use Permit (SP-2020-84 – expired 12/10/2022) for a short-term rental at 4112 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212209

6. **SP2022-114 - MIKE ODELL WITH HOLIDAY SAND AND GRAVEL**

Synopsis: Special Use Permit to operate a sand excavation and sand processing operation at 4403 North 42nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 212220

7. **SP2022-115 - NATHANIEL SCHOTANUS WITH RANGE 23 BREWING**

Synopsis: Renewal of a Special Use Permit (SP-2020-72 – expires 2/4/2023) to operate a microbrewery at 13400 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212210

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

1. **AN ORDINANCE** rezoning property at approximately 4229 Douglas Avenue (COZ2022-030), from R-1 Single Family District to R-2 Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212228

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2021-048 - BLAIR TANNER WITH TANNER & WHITE PROPERTIES**

Synopsis: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL 4/1 VOTE)**

Tracking #: 212211

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2022-113 - LYNNE BEAVER**

Synopsis: Special Use Permit to operate an event space at 2651 South 34th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 4/2 VOTE)**

Tracking #: 212219

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR JANUARY 26, 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.

IX. MAYOR'S AGENDA

Item No. 1. - PROCLAMATION: GOLDEN ROYALTIES CHAPTER DAY

Synopsis: Proclamation proclaiming January 14, 2023, as Golden Royalties Chapter Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212225

Item No. 2. - PROCLAMATION: MARTIN LUTHER KING JR COMMITTEE DAY

Synopsis: Proclamation proclaiming January 16, 2023, as Martin Luther King Jr. Committee Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212226

Item No. 3. - PROCLAMATION: SHEN YUN PERFORMING ARTS DAYS

Synopsis: Proclamation proclaiming January 27-29, 2023, as Shen Yun Performing Arts Days, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212227

X. REGULAR CONSENT AGENDA

Item No. 1. - APPROVAL: DOWNTOWN KCK COMMERCIAL HISTORIC DISTRICT

Synopsis: Approval of the Downtown KCK Commercial Historic District nomination to the National Park Service for consideration, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

*On January 9, 2023, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.*

Tracking #: 212186

Item No. 2. - RESOLUTION: 2023 CASH AND INVESTMENT POLICY

Synopsis: Approval of resolution adopting the Cash and Investment Policy, submitted by Andrea Vinyard, Deputy Treasurer.

*On January 9, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 212197

Item No. 3. - RESOLUTION: AUTHORIZING THE ACQUISITION AND IMPLEMENTATION OF CERTAIN PUBLIC SAFETY COMMUNICATION EQUIPMENT

Synopsis: A Home Rule Resolution authorizing and implementation of certain public safety communication equipment to serve the county and authorizing the issuance of general obligation bonds to finance the cost of the same, submitted by Debbie Jonscher, Acting Chief Finance Officer.

The project was previously authorized on September 15, 2022, with combined Ordinance/Resolution O-132-22/R-54-22. However, the statutory authority needs to be amended to be able to finance as a county project with county debt.

*On January 9, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 212152

Item No. 4. - PLAT: 55th - OSAGE ADDITION FINAL PLAT

Synopsis: Plat of 55th - Osage Addition, located at 705 South 55th Street, being developed by First Baptist Church of Turner, submitted by Brent E. Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212223

Item No. 5. - MINUTES

Synopsis: Minutes from the Full Commission meeting on May 12, 2022, and the Special Session meeting on November 22, 2022.

Minutes from the Mayoral Workshop on December 15, 2022, submitted for information only.

Tracking #: MINUTES

Item No. 6. - WEEKLY BUSINESS

Synopsis: Weekly business materials dated December 29, 2022, and January 5, 2023.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

Item No. 1. - UPDATE: 2022 OVERVIEW

Synopsis: The Interim County Administrator will provide an overview of UG Forward accomplishments for 2022 with next steps for the first quarter of 2023, submitted by Cheryl Harrison-Lee, Interim County Administrator.

For information only.

Tracking #: 212224

Item No. 2. – RESOLUTION: AMENDING SECTION 203 OF THE UNIFIED GOVERNMENT’S RULES OF PROCEDURE

Synopsis: A Resolution amending Section 203 of the Unified Government’s Rules of Procedure as directed by the Commission on January 12, 2023, submitted by Misty Brown, Chief Counsel.

Tracking #: 212232

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1. - LAND BANK OPTION APPLICATIONS

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

Please visit the new site to review the applications below.

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

- A. Single Family Homes – 8 Homes
 - 1. Tyler Conway – 1 home
2750 Glenrose Ln. – 194012
 - 2. Jose Hernandez Garcia – 1 home
1104 S. 39th St. – 170559
 - 3. Jamie Shipley – 1 home
8317 Riverview Ave.
 - 4. Uraya Sanders – 1 home
59 N. Tremont St. – 120913
 - 5. Ken Hinds – 1 home
1859 S. Tremont St. – 157950
 - 6. Ken Hinds – 1 home
2021 S. 10th Terr. – 126212
 - 7. The Village Initiative – 2 homes
2263 Quindaro Blvd. – 163312
2261 Quindaro Blvd. – 163311
2918 N. 27th St. – 116560
2914 N. 27th St. – 116561
2912 N. 27th St. – 116562
- C. Commercial – 1
 - 1. RA Engineering Corp – Office Building
816 N. 9th St. - 080611

Tracking #: 212230

Item No. 2. - LAND BANK PROPERTY TRANSFERS

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

Please visit the new site to review the applications below.

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbedddb8/>

PT - Property Transfers

1. Iganacio Hernandez – Yard Extension
647 Metropolitan Ave. – 154777
2. Delmar Sauder – Yard Extension
3208 N. 42nd Terr. - 914032
3. Unified Government –Transfer to UG
281 Central Ave. – 902800
4. Carmen Villarreal – Donation
917 Shawnee Ave. - 072946

Tracking #: 212231

XVI. PUBLIC ANNOUNCEMENTS**XVII. ADJOURN**



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 26, 2023

Re: Change of Zone Petition COZ2022-044

GENERAL INFORMATION

Applicant:
Anthony Ficara

Status of Applicant:
Property Owner
6822 Berry Road
Kansas City, Kansas 66104

Requested Action:
Approval of a Change of Zone.

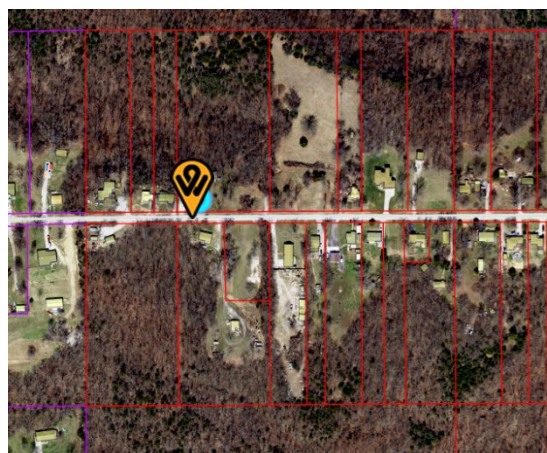
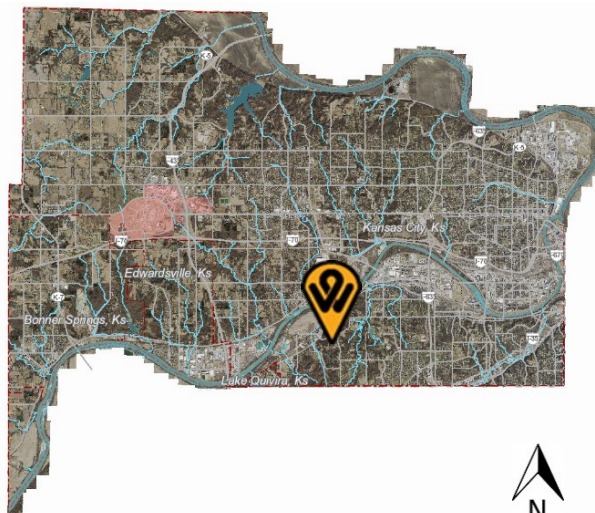
Date of Application:
October 28, 2022

Purpose:
To change the zoning district from R-1 Single Family District to A-G Agriculture District.

Property Location:
6822 Berry Road
Kansas City, Kansas 66104

Commission Districts:
Commissioner At-Large, District #1:
Tom Burroughs
District #6 Commissioner: Angela Markley

Existing Zoning: R-1 Single Family District



Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Large lot single family residence South: Large lot single family residence East: Large lot single family residences West: Large lot single family residences
Total Tract Size:	4.87 Acres
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this Property as Rural Density Residential, which allows agriculture, ranches, and large lot residential development, passive parks, and open space. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences.
Major Street Plan:	The Major Street Plan designates Berry Road as a Local Street.
Parking Requirement:	R-1 District (current zoning): Section 27-454(4)(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one (1) of which should be a garage or carport. A-G District (proposed zoning): Section 27-452(4)(e) requires two (2) off-street parking spaces shall be provided for each dwelling unit. The subject property has a basement garage, accessible at the rear of the property and a long driveway, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – November 17, 2022 Letters to Property Owners – November 18, 2022 and December 7, 2022
Public Hearings:	January 9, 2023 and January 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Anthony Ficara, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 6822 Berry Road. The Change of Zone has been requested so that the applicant can construct additional structures for the maintenance of the property, gardening, and beekeeping. The applicant has lived at the property a number of years and seeks to expand their existing agricultural uses. The Change of Zone has been requested so that the applicant can maintain multiple accessory structures related to the keeping of the property and construct a new barn on the parcel without the need for variances. The parcel had a second single-family residence addressed as 6814 Berry Road until the current applicant demolished it in 2019. This former home site is the new barn's proposed location.

This petition will be heard in conjunction with BOZA2022-061 for variances related to minimum lot size and setback requirements.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. They made one (1) call from the property to report a suspicious vehicle in 2016.

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received prior building enforcement complaints related to the second residence on the property, which has since been demolished, and some other violations:
 - a. 2021: ENV21-5061 – Vehicle with No Tag (closed)
 - b. 2019: 19299-01742 – Vacant Property Compliance (Dismissed – building demolished, auto generated case)
 - c. 2019: 19225-01066 – Tall Grass (closed)
 - d. 2018: 18200-05431 – Structural (closed)
 - e. 2017: 17201-00286 – Structural Deterioration (closed)
 - f. 2017: 17299-00936 – Broken Window (closed)
 - g. 2016: 17208-02339 – Vehicle on Unimproved Surface (closed)
2. There were 42 other violations for tall grass, weeds, and abatement with the prior owner.

Outstanding or Related Permits and Cases:

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

3. The owner has no previous Planning and Zoning Cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential and rural in character. Lots range in size from one (1) acre to 32 acres, with the average lot size being approximately three (3) acres. The streets are mostly asphalt and driveways are often asphalt or gravel. Lots are deep and narrow, and residences have average setbacks from the street with timber stand buffers at the rear.

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

The zoning and uses of nearby properties are set out above. The proposed use is expected to be compatible with the adjacent properties.

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

Per Section 27-452, the purpose of the A-G Agriculture District is to provide for those areas on the periphery of the city where agriculture is the predominate land use. It is designed to protect agriculture from premature or disorderly intrusion by urban land uses or to hold land for future development. The current zone puts restrictions on the property by number of accessory structures allowed and their size, which limits the applicant's ability to properly care for the land's natural features and to enjoy agricultural activities. The removal of these restrictions will not detrimentally affect nearby property, as it is customary to have accessory structures in a rural setting to maintain the care of the land.

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

The property is not vacant. The applicant purchased the property in 2013. The second home on the parcel was vacant from 2005 to 2019 when it was then demolished.

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

There is minimal public gain as this is private property and is not necessarily for the convenience or welfare of the public. There is some gain in the ability to better care for and maintain a large acreage open space. The proposed change of zone for agricultural activity has not been found to injure the appropriate use, visual quality, or marketability of nearby property substantially or permanently.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property will continue to remain private property. Should the Change of Zone be approved, the proposed zoning district would allow for the construction of a multiple accessory structures which require a building permit if over 120 square feet in size. The proposed structures are for private use by the landowner and are not expected to create an increase in traffic, parking, or create safety issues.

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

The City-Wide Master Plan designates this property as Low Density Residential. Low Density Residential includes single-family detached residences, institutional uses such as elementary and middle schools, small churches, libraries, parks, open space, etc. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences. The proposed use conforms to the master plan.

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

The applicant is proposing one accessory structure. The structure proposed so that the applicant may be a better caretaker of the open space property and to engage in homesteading hobbies, particularly bees and timber stand maintenance. There should be little to no long-term negative environmental impact. Any new structures on the property would be subject to a building permit if over 120 square feet in size.

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 on the street's frontage.

b. Sanitary sewer service

There is no sanitary service on the property. The property is served by septic.

c. Storm water control

There are no storm water control points near the property.

d. Police

Police service is provided by South Patrol, District #334.

e. Fire

Fire service is provided by Station #16.

f. Transit

The subject property is not reasonably accessible by mass transit or bus route. The nearest mass transit stop is a ride hail rally point at 55th and Swartz.

g. Schools

Education is provided by Turner USD #202.

h. Streets

See item #6 above.

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

The economic impact on the community is negligible, as the subject property is a privately-owned parcel with a proposed accessory structure.

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

The subject property currently conforms as it is a single family home. The change of zone allows for the subject property to remain conforming with the construction of the accessory structures.

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

There is negligible impact or gain to public health, safety, or welfare, however, there is ostensibly no hardship imposed on adjacent property owners. The land is in a rural neighborhood with vast open space in which agricultural and rural activities are expected.

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

There is little noise, vibration, or illumination to be a problem at this location, as it is on a large lot and few neighbors. Adjacent property owners enjoy similar activity typical of a rural and agricultural setting.

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

There is no substantial potential for the pollution of the air, land, or soil as the proposed building is proposed to store equipment necessary for the keeping and maintenance of the property. Structures on the property greater than 120 square feet are subject building code and enforcement practices which may include stormwater, grading, and erosion control.

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

The proposed uses would not damage or destroy an irreplaceable natural resource as it will not be clearing viable timber stand, polluting waterways, producing noxious odors or gases, or utilizing any other environmental hazardous activity. The accessory structure's construction is subject to a building permit if over 120 square feet.

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

The relative gain to the public health, safety, or welfare will be minimal as this is a private investment. The public gains from the lot being continuously maintained. There is some hardship on the landowner as they would not be able to engage in agricultural related activities pertaining to gardening and beekeeping.

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

The proposed use will not result in overcrowding or undue concentrations of population as this is a large parcel with timber stand buffers and the accessory structures will be used in the maintenance and care of the property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person 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
Agricultural Activity
Property Maintenance
Residential Use
Zoning
Vacant Lot

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-044**, subject to:

1. This City Planning Commission case is being heard in conjunction with **BOZA2022-061**. 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 **BOZA2022-061** by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Should livestock be introduced or timber stand improvements to be made, an updated Conservation District Plan is required;
3. A water source shall be maintained on the property and be provided prior to the introduction of an apiary.
4. The exterior debris and materials shall be removed or properly stored from public view.
5. If approved, any newly constructed buildings or accessory structures must follow the setbacks of the AG Agricultural District.
6. Driveway approaches shall be upgraded to an improved surface, such as asphalt or concrete, per UG standards. The front circle drive shall be all asphalt or concrete.
7. 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.
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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2022-044** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Applicant's Site Plan
Applicant's Proposed Barn
Neighborhood Meeting Information
Conservation District Letter
Staff Site Visit Photos Dated November 8, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Rezone	January 9, 2023	January 26, 2023
	Approval	

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-044** 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 **COZ2022-044**, 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.

January 9, 2023 City Planning Commission Minutes:

Hearing starts at 2:13:50:

CHANGE OF ZONE APPLICATION COZ2022-044 – ANTHONY FICARA -

SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District for a bee farm/garden at 6822 Berry Road. Detailed Outline of Requested Action: The applicant, Anthony Ficara, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 6822 Berry Road. The Change of Zone has been requested so that the applicant can construct additional structures for the maintenance of the property, gardening, and beekeeping. The applicant has lived at the property a number of years and seeks to expand their existing agricultural uses. The Change of Zone has been requested so that the applicant can maintain multiple accessory structures related to the keeping of the property and construct a new barn on the parcel without the need for variances. The parcel had a second single-family residence addressed as 6814 Berry Road until the current applicant demolished it in 2019. This former home site is the new barn's proposed

location. This petition will be heard in conjunction with BOZA2022-061 for variances related to minimum lot size and setback requirements.

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 January 9, 2023;
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:

- Anthony Ficara, applicant, 6822 Berry Road, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:17:15: Planner Toy stated that Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:17:36:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2022-044:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

1. **This City Planning Commission case is being heard in conjunction with BOZA2022-061. Any approval by the City Planning Commission or Board of**

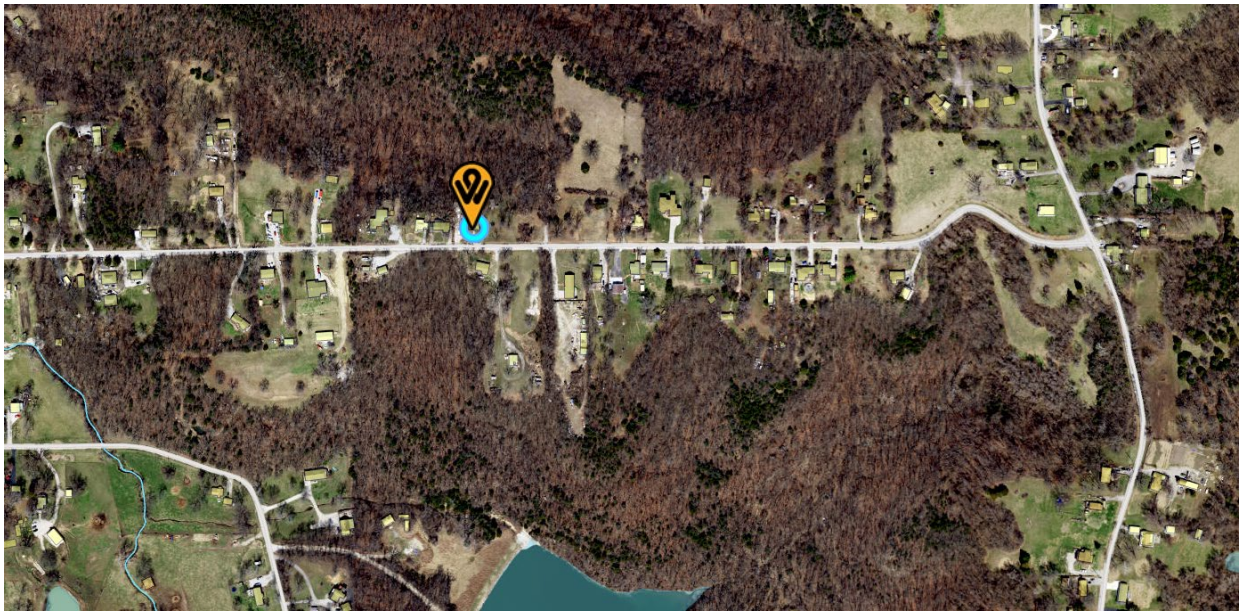
Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-061 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;

2. Should livestock be introduced or timber stand improvements to be made, an updated Conservation District Plan is required;
3. A water source shall be maintained on the property and be provided prior to the introduction of an apiary.
4. The exterior debris and materials shall be removed or properly stored from public view.
5. If approved, any newly constructed buildings or accessory structures must follow the setbacks of the AG Agricultural District.
6. Driveway approaches shall be upgraded to an improved surface, such as asphalt or concrete, per UG standards. The front circle drive shall be all asphalt or concrete.
7. 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.
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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all

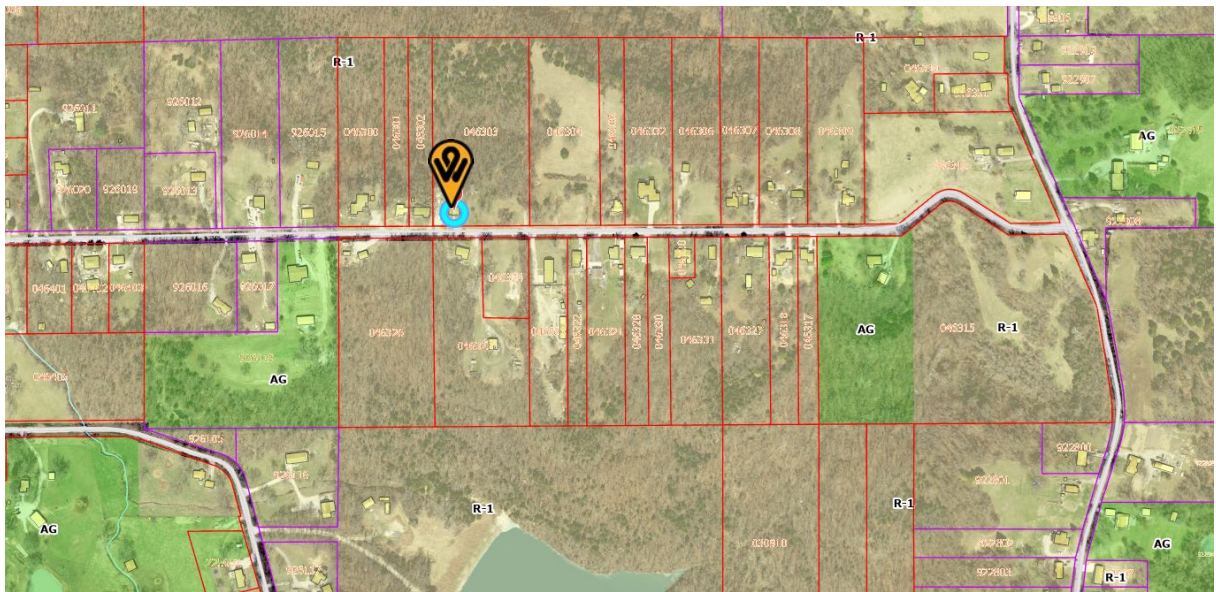
covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,

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

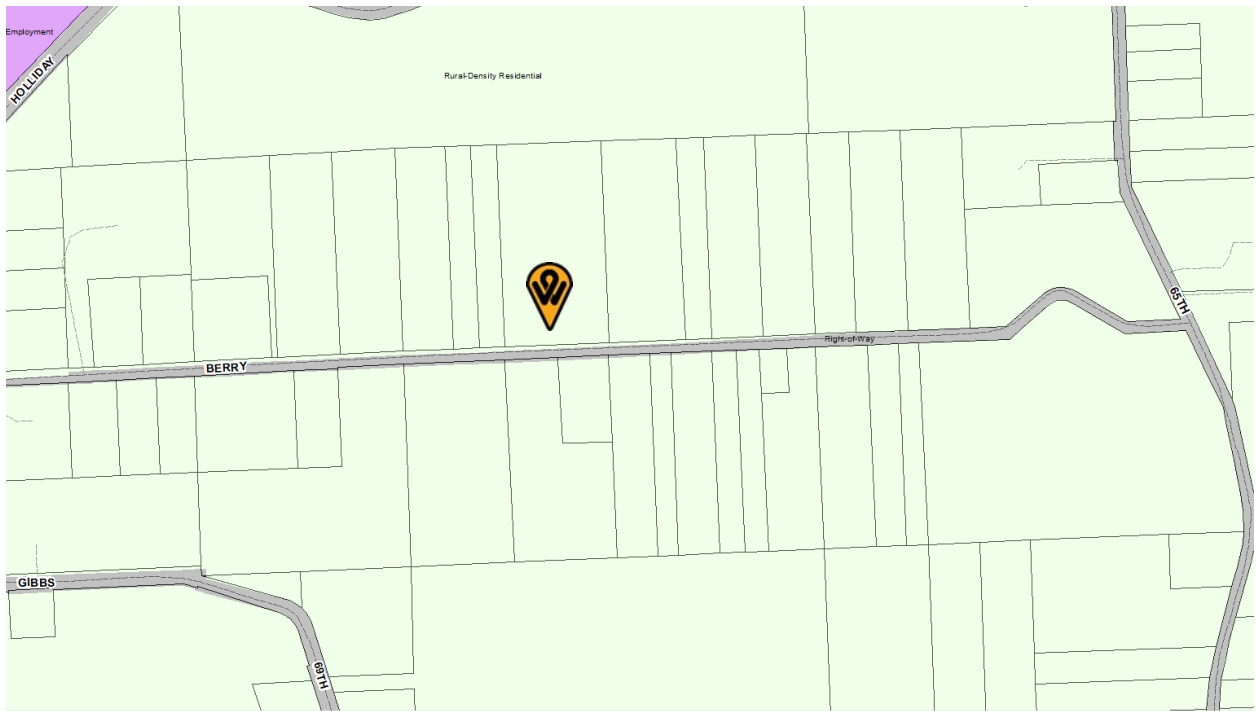
AERIAL MAP



ZONING MAP



LAND USE MAP



APPLICANT'S SITE PLAN

Kansas City, KS 66106

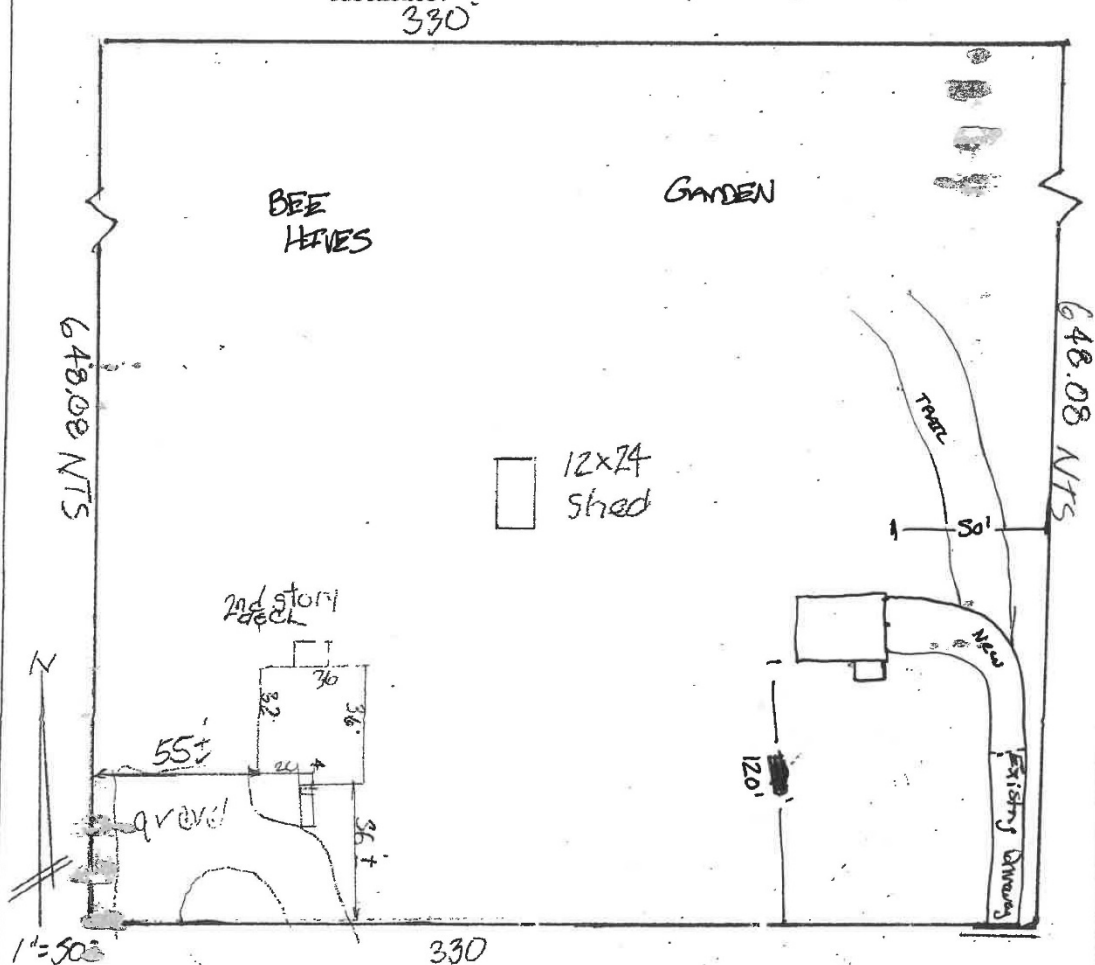
Fax: (913) 381-3048

JOB NO. 2947.56

DESCRIPTION:

Lot 5, CUNNINGHAM FARMS, a subdivision in the City of Kansas City, Wyandotte County, Kansas.

No title report furnished. Not responsible for any unplatted easements.



Liability is hereby limited to the above ordered by and to their assigns and

Title Company, Commitment No.

FUTURE USE (after the initial closing) IS PROHIBITED AND NO LIABILITY WILL BE ASSUMED.

O = Accepted or adopted monumentation control point.

Property address and encroachments, if any, are shown on the above diagram.

Note: Positional tolerance of major improvements location shown is 1' unless otherwise noted. Said inspection and the accompanying sketch are true and correct to the best of our information, knowledge and belief and were prepared for mortgage title insurance only. This inspection is subject to any inaccuracies that a subsequent boundary survey may disclose: it is not to be used for the establishment of any fences, structures or other improvements. No attempt was made to locate fences, streams, ponds, lakes or waterways. The Flood Hazard Zone for this property has not been determined unless otherwise noted. No warranty is extended herein to the present or future owner or occupant. Do not scale drawings. This inspection was either conducted by or under supervision of the surveyor signing same.

APPLICANT'S PROPOSED BARN

10/25/22, 3:50 PM

Design #: 336155604181

Store: KANSAS CITY WEST

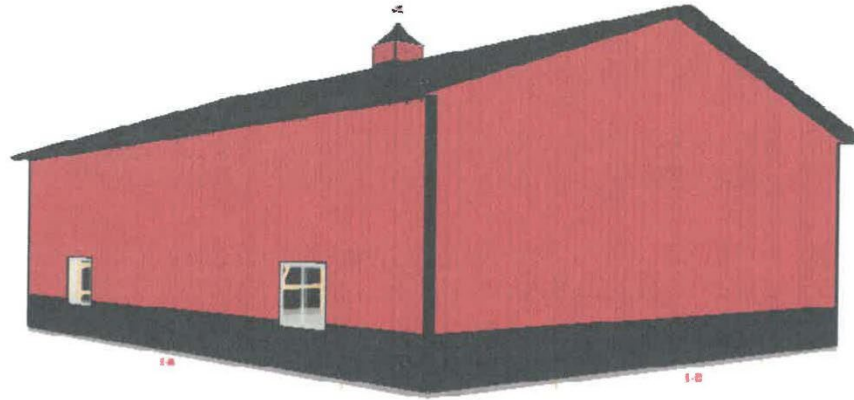
Post Frame



Post Frame Building Estimate

Date: Oct 25, 2022 3:49:11 PM

Elevation Views



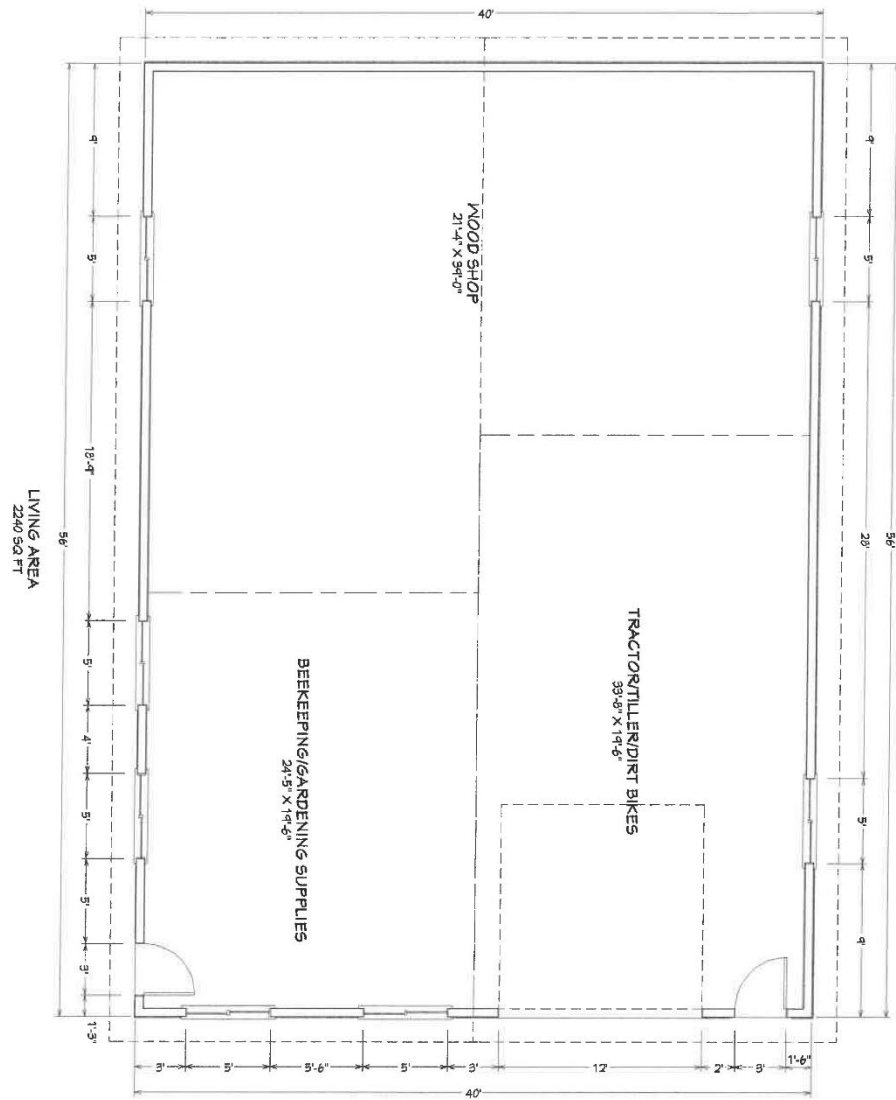
For other design systems search "Design & Buy" on Menards.com

Page 2 of 10

<https://midwest.menards.com/postframe-web/redirect.do#/summary/2/1/66106/3361>

2/10

APPLICANT'S PROPOSED BARN



NEIGHBORHOOD MEETING INFORMATION

Name and Contact Information

MINUTES:

Application Number BOZA2022-061 + COZ 2022-041
Date and Location: 11/28/22 6822 Berry RD

Meeting called to order at: 5PM

Names of people in attendance: nobody showed

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Questions and answers (include the following):

- Who asked question or gave comment
- What was the question or comment
- Who answered the question/comment
- What was the answer given

Meeting adjourned at: 5:20 PM

Minutes taken by: Anthony Frazier

NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # BO2A2022-001 & CO22022-044
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

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

My commission expires _____ of _____, 200_.

Notary Public

CONSERVATION DISTRICT COMMENT LETTER



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

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

November 14, 2022

RE: COZ-2022-044 and BOZA2022-061 Anthony Ficara R-1 to A-G for Bee farm and garden at 6822 Berry Road

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ-2022-044 and BOZA2022-061 Anthony Ficara R-1 to A-G for Bee farm and garden at 6822 Berry Road.

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

MAPS AND REPORTS

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

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

- There are two major soil type identified: Ladoga silt loam, 3 to 8 percent slopes and Vinland-Rock outcrop complex 15 to 45 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- Any gardening needs to be confined to the flatter areas. The Ladoga soils are good for garden crops.

Technical assistance is available from our office. Limitation maps, detail soil reports and a conservation plan can also be requested for this site from our office.

CONSERVATION DISTRICT COMMENT LETTER

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

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

Sincerely,

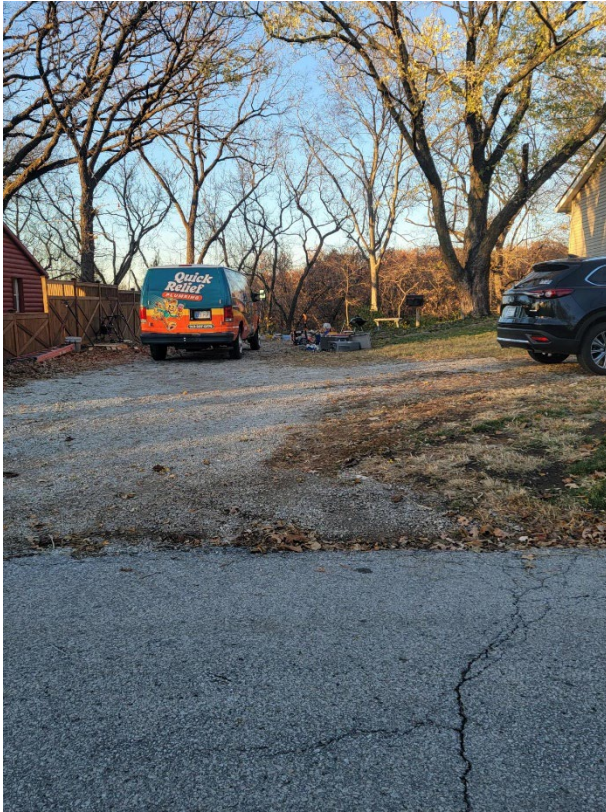
Cheri Miller
District Manager

enclosures

STAFF SITE VISIT PHOTOS DATED 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 26, 2023

Re: Change of Zone COZ2022-048

GENERAL INFORMATION

Applicant:

Austin Thompson
DBA Atlas Land Consulting

Status of Applicant:

Surveyor
14500 Parallel Road, Unit R
Kansas City, Kansas 66007

Requested Action:

Approval of a Change of Zone.

Date of Application:

November 28, 2022

Purpose:

To rezone from R-1 Single Family District to
A-G Agriculture District.

Property Location:

6340 Riverview Avenue
Kansas City, Kansas 66102

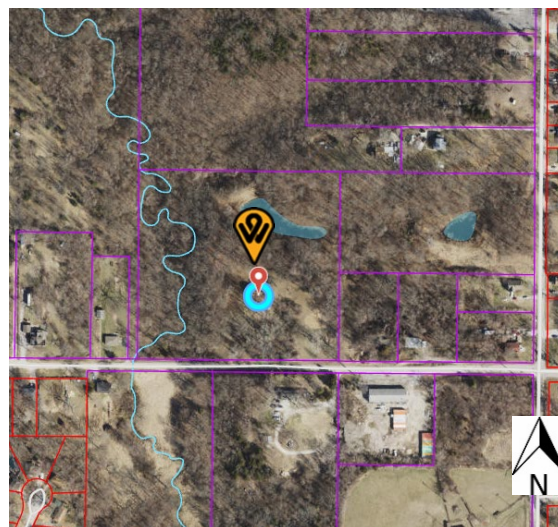
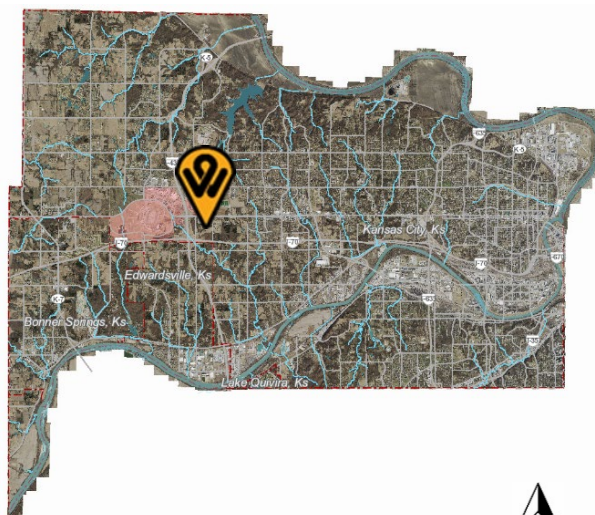
Commission Districts:

Commissioner At-Large, District #1:
Melissa Bynum

District #8 Commissioner: Andrew Davis

Existing Zoning:

R-1 Single Family District



Adjacent Zoning:	North: I-70 Right of Way South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: I-70 Right of Way South: Large lot single family residences East: Agricultural homestead West: Agricultural open space, vacant residential lots
Total Tract Size:	15.42 Acres
Master Plan Area:	The Subject Property is within the City-Wide Master Plan.
Master Plan Designation:	The City-Wide Master Plan designates this Property as Rural Density Residential, which allows agriculture, ranches, and large lot residential development, passive parks, and open space. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences.
Major Street Plan:	The Major Street Plan designates this tract of Riverview Avenue as a Local Street.
Parking Requirement:	R-1 District (current zoning): Section 27-454(4)(e) requires two (2) off-street parking spaces premises for each single-family dwelling, one of which should be a garage or carport. A-G District (proposed zoning): Section 27-452(4)(e) requires two (2) off-street parking spaces shall be provided for each dwelling unit. The current property is vacant open space with no dwellings proposed, meeting this requirement. Should a dwelling be proposed, off-street parking shall be required under district standards.
Advertisement:	<u>The Wyandotte Echo</u> – December 16, 2022 Letters to Property Owners – December 15, 2022
Public Hearings:	January 9, 2023 and January 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consultants, is requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District for the subject property at 6340 Riverview Road. The Change of Zone has been requested so that the applicant can construct structures for the maintenance of the property without the requirement to first build a dwelling or the need for additional variances. The applicant wishes to build a shed to keep landscaping and mowing equipment on the property.

This application is being heard in conjunction with BOZA2022-067 for a variance related to lot width to depth ratio.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints. There was one complaint listed from the prior ownership:
 - a. 2020: 2020-00121083 – Abandoned Vehicle
 - b. 2016: 2016-00017966 – New Call (no other information available)

Building, Zoning, or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints. The prior owner had a few complaints:
 - a. 2021: STR21-0329 – Structural – Neighbor built sheds on their property without permission.
 - b. 2019: 19225-05163 – Weeds/Grass
 - c. 2014: 14208-00382 – Vehicles with no tag (belonging to neighbors)

Outstanding or Related Permits and Cases:

1. The current property has no outstanding Building Permits.
2. The current property owner has no outstanding Code Inspection Cases.
3. The owner has no previous Planning and Zoning Cases. This case is being heard in conjunction with BOZA2022-067 for a variance related to lot width to depth ratio.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is residential and exurban in character. Lots range in size from one (1) acre to 25 acres, with the average lot size being approximately three (3)

acres. The streets are mostly asphalt and driveways are often asphalt or gravel. Residential lots are average for ex-urban neighborhoods with agricultural large lots adjacent to smaller subdivisions.

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

Agricultural zoning districts are rural in character with large lots permitting various degrees of agricultural activity or vacancy. The proposed use is expected to be compatible with the adjacent properties.

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

Per Section 27-452, the purpose of the A-G Agriculture District is to provide for those areas on the periphery of the city where agriculture is the predominate land use. It is designed to protect agriculture from premature or disorderly intrusion by urban land uses or to hold land for future development. The current zone puts restrictions on the property by number of accessory structures allowed and their size, which limits the applicant's ability to properly care for the land's natural features. The removal of these restrictions will not detrimentally affect nearby property, as it is customary to have accessory structures in a rural setting to maintain the care of the land.

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

The property has never been developed to known knowledge. The applicant purchased the property in 2022.

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

There is minimal public gain as this is private property and is not necessarily for the convenience or welfare of the public. There is some gain in the ability to better care for and maintain a large acreage open space. The proposed change of zone for agricultural activity has not been found to injure the appropriate use, visual quality, or marketability of nearby property substantially or permanently.

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

The proposed Change of Zone usage would not be determined to have any impact or change on traffic in a way that would adversely affect road capacity, safety, or parking. The subject property will continue to remain private property. Should the Change of Zone be approved, the proposed zoning district would allow for the construction of a multiple accessory structures which require a

building permit if over 120 square feet in size. The proposed structures are for private use by the landowner and are not expected to create an increase in traffic, parking, or create an aversion to safety.

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

The City-Wide Master Plan designates this property as Low Density Residential. Low Density Residential includes single-family detached residences, institutional uses such as elementary and middle schools, small churches, libraries, parks, open space, etc. Discouraged uses include industrial parks, business parks, adult-themed businesses, and medium and high-density residences. The land use designation does not change with the approval of the Change of Zone. There is no correlating land use specifically designated for the A-G agricultural zone and it is interpreted to be in the same land use category as its existing zone.

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

The applicant is proposing accessory structures to begin clearing and maintenance of the property. The structure is proposed so that the applicant may be a better caretaker of the open space property. There should be little to no long-term negative environmental impact. Any new structures on the property would be subject to a building permit if over 120 square feet in size.

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 on the street's frontage although the property is not directly connected.

b. Sanitary sewer service

Sanitary service is provided at the street's frontage although the property is not directly connected, as it is vacant agricultural land.

c. Storm water control

Storm water control points are at the north of the property, where I-70 crosses Muncie Creek.

d. Police

Police service is provided by West Patrol, District #222.

e. Fire

Fire service is provided by Station #2.

f. Transit

The subject property is not reasonably accessible by mass transit or bus route.

g. Schools

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

h. Streets

See item #6 above.

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

The economic impact on the community is negligible, as the subject property is a privately-owned parcel.

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

The subject property currently conforms as it is a vacant, heavily-treed lot. The change of zone allows for the subject property to remain conforming with the construction of the accessory structures.

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

There is negligible impact or gain to public health, safety, or welfare, however, there is ostensibly no hardship imposed on adjacent property owners. The land is in an exurban neighborhood with large lots in which agricultural and rural activities are expected.

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

There is little noise, vibration, or illumination to be a problem at this location, as it is on a large lot with large setbacks and few neighbors. Adjacent property owners enjoy similar activity typical of a rural and agricultural setting.

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

There is no substantial potential for the pollution of the air, land, or soil as the proposed building is proposed to store equipment necessary for the keeping and maintenance of the property. Structures on the property greater than 120 square feet are subject building code and enforcement practices which may include stormwater, grading, and erosion control.

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

The proposed uses would not damage or destroy an irreplaceable natural resource as it will not be polluting waterways, producing noxious odors or gases, or utilizing any other environmental hazardous activity. The accessory structure's construction is subject to a building permit if over 120 square feet.

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

The relative gain to the public health, safety, or welfare will be minimal as this is a private investment. The public gains from the lot being continuously maintained or cleared. There is some hardship on the landowner as they would not be able to construct accessory structures relating to the care of the land, such as the dying timber stand.

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

The proposed use will not result in overcrowding or undue concentrations of population as this is a large, heavily-wooded parcel with timber stand buffers and the accessory structures will be used in the maintenance and care of the property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in person on December 18, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Neighborhood Character
Agricultural Activity
Property Maintenance
Residential Use
Zoning
Vacant Lot

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-048**, subject to:

1. This This City Planning Commission case is being heard in conjunction with BOZA2022-067. 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 BOZA2022-067 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Should livestock be introduced, an updated Conservation District Plan is required;
3. A timber stand buffer shall be maintained or planted around the perimeter of the property to provide screening and buffering to adjacent property;
4. 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;
5. 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;
6. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
7. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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 **COZ2022-048** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Information
Conservation District Letter
Staff Site Visit Photos Dated June 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Rezone	January 9, 2023 Approval	January 26, 2023

STAFF CONTACT:

Kallie McLaughlin
kdmclaughlin@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-048** 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 **COZ2022-048**, 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.

January 9, 2023 City Planning Commission Minutes:

Hearing starts at 2:18:32:

CHANGE OF ZONE APPLICATION COZ2022-048 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 6340 Riverview Avenue.

Detailed Outline of Requested Action: The applicant, Austin Thompson with Atlas Land Consultants, is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District for the subject property at 6340 Riverview Road. The Change of Zone has been requested so that the applicant can construct structures for the maintenance of the property without the requirement to first build a dwelling or the need for additional variances. The applicant wishes to build a shed to keep landscaping and mowing equipment on the property.

This application is being heard in conjunction with BOZA2022-067 for a variance related to lot width to depth ratio.

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 January 9, 2023;
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:

- Austin Thompson, applicant, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:20:34: Planner Toy stated that Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:20:48:

On motion by Mr. Ward, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-048:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

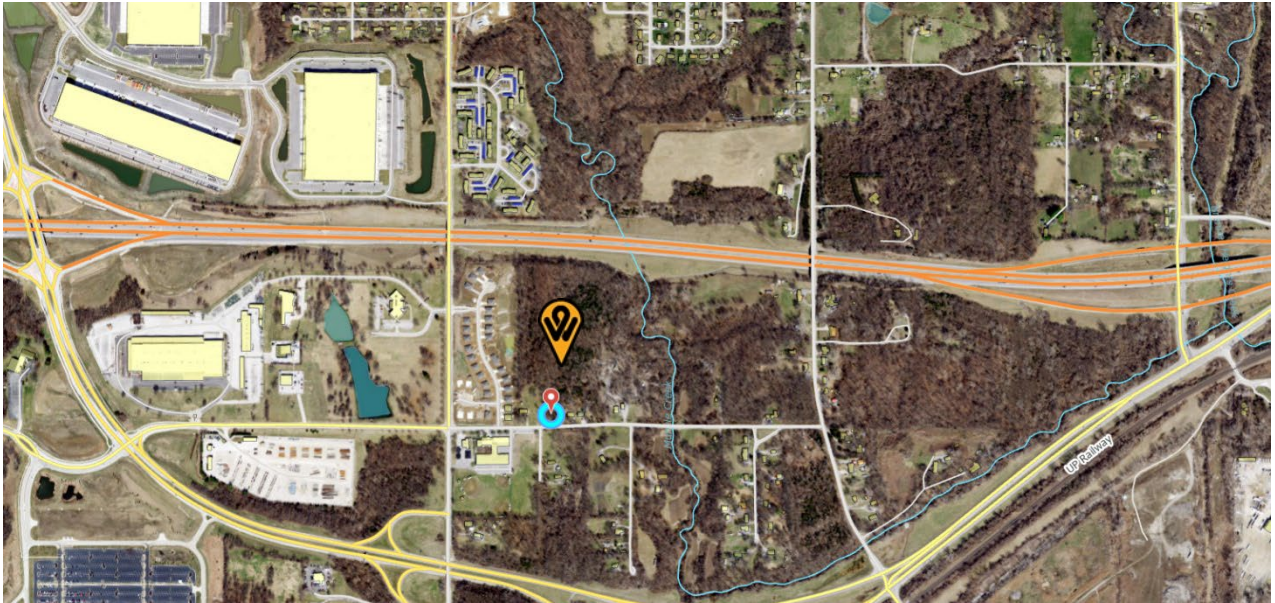
Subject to:

1. **This This City Planning Commission case is being heard in conjunction with BOZA2022-067. 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 BOZA2022-067 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
2. **Should livestock be introduced, an updated Conservation District Plan is required;**
3. **A timber stand buffer shall be maintained or planted around the perimeter of the property to provide screening and buffering to adjacent property;**
4. **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;**
5. **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;**
6. **Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all**

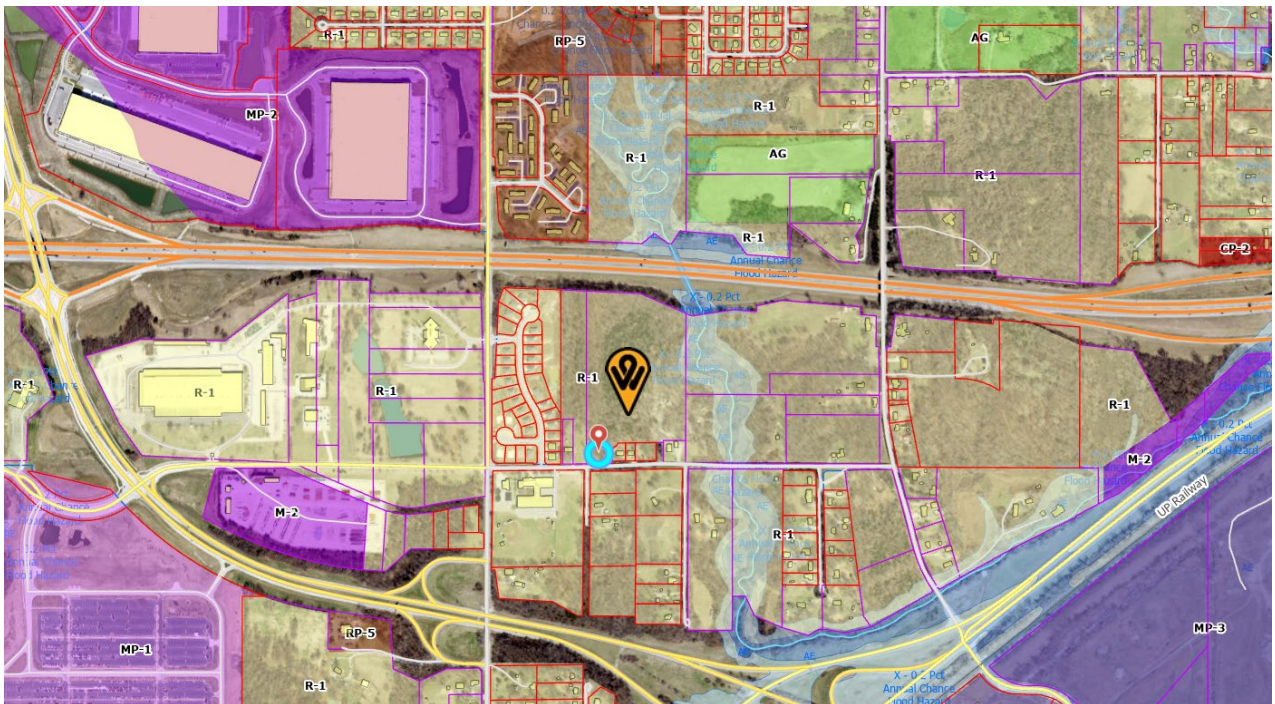
covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,

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

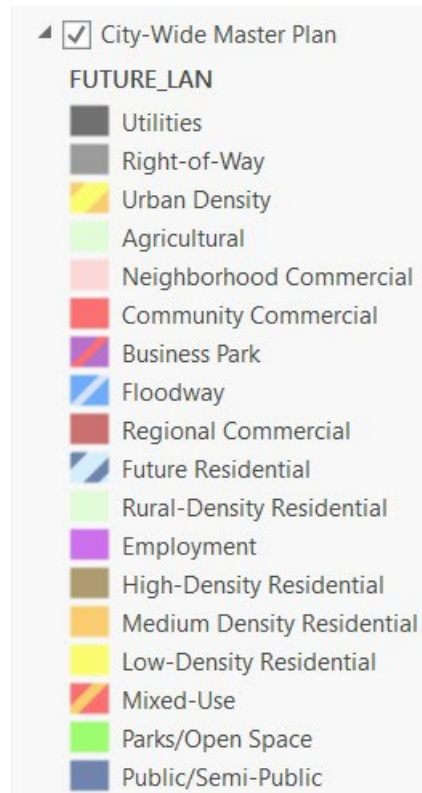
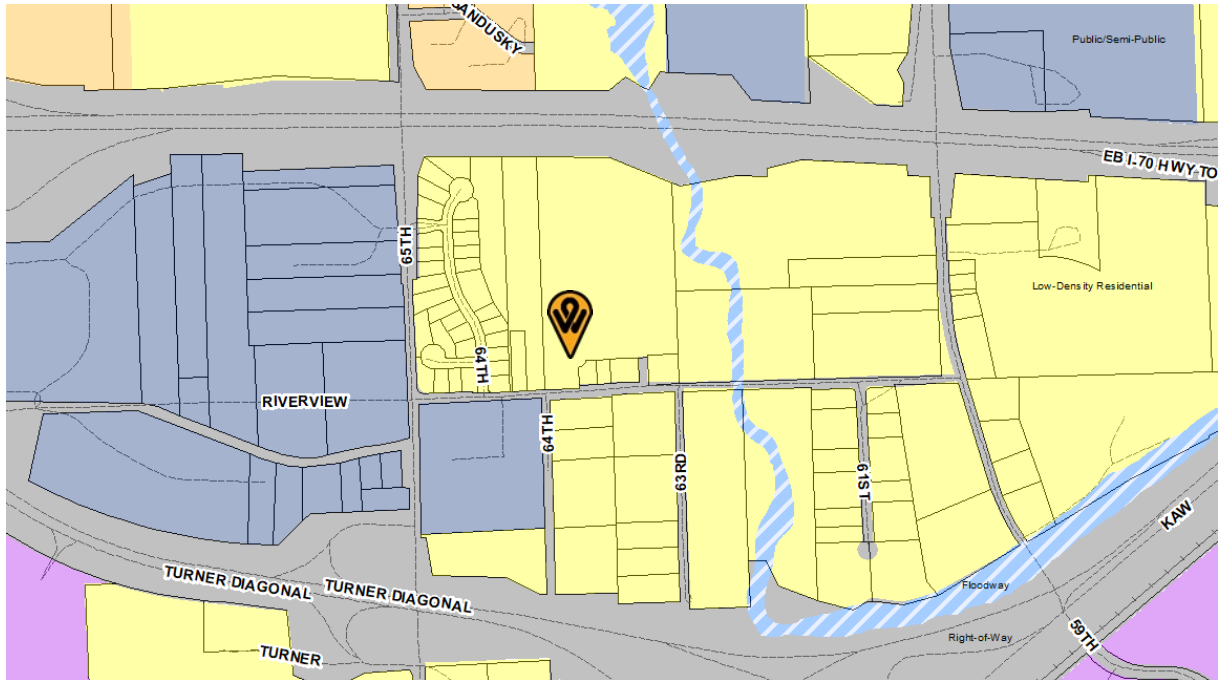
AERIAL MAP



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING INFORMATION

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Austin Thompson with Atlas Land Consulting, of lawful age, sound mind and upon his/her oath states as follows:

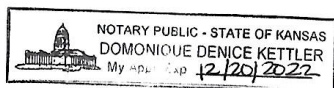
1. That I am the petitioner for Petition #BOZA2022-067 & COZ2022-048.
2. That I conducted a neighborhood meeting on via email or phone.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19th day of December, 2022.

My commission expires 20th of December, 2022.




Notary Public

EXHIBIT B

6340 RIVERVIEW AVE KANSAS CITY, KS 66102
COZ2022-048/BOZA2022-067

VIA CALLS, TEXT, OR EMAIL.

No comments.

CONSERVATION DISTRICT COMMENT LETTER



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

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

December 13, 2022

RE: COZ-2022-048 and BOZA2022-067 Austin Thompson with Atlas Land Consulting
R-1 to A-G for agricultural purposes at 6340 Riverview Avenue

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: COZ-2022-048 and BOZA2022-067 Austin Thompson with Atlas Land Consulting R-1 to A-G for agricultural purposes at 6340 Riverview Avenue.

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

MAPS AND REPORTS

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

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

- There are two major soil types identified: Ladoga silt loam, 3 to 8 percent slopes and Knox silt loam, 7 to 12 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- We did not receive any additional information so can only do a limited review of the project.
- There doesn't appear to be much agricultural use of this property. It is tree covered and could be managed for woodland production.
- There are programs and cost share to assist land owners in woodland management projects. Contact this office for more details.

CONSERVATION DISTRICT COMMENT LETTER

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.

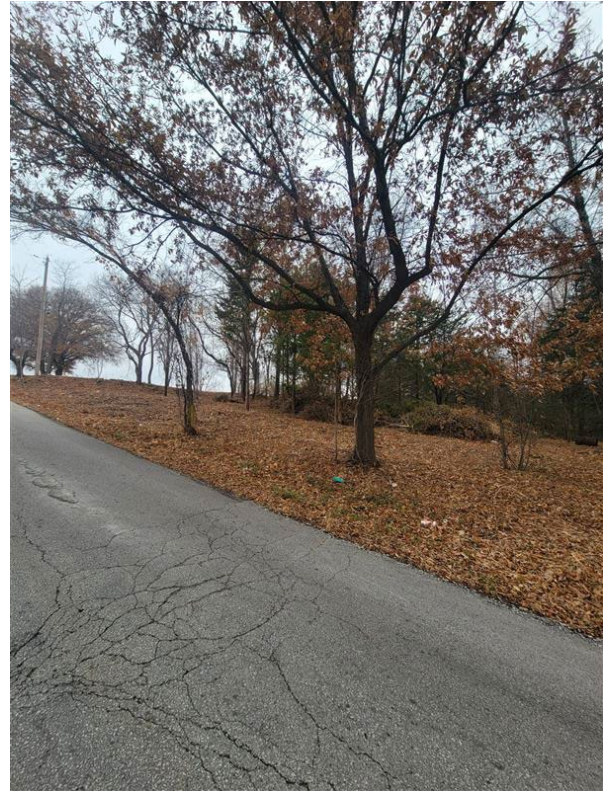
If you have any comments or questions, please do not hesitate to call me.

Sincerely,

Cheri Miller
District Manager

enclosures

STAFF SITE VISIT PHOTOS DATED DECEMBER 12, 2022



Existing Zoning:	CP-2 Planned General Business District (proposed A-G Agriculture District)
Adjacent Zoning:	North: A-G Agriculture District South: MP-2 Planned General Industrial District East: A-G Agriculture District West: A-G Agriculture District
Adjacent Uses:	North: Undeveloped land, farmland South: Distribution and warehousing (Urban Outfitters) East: Undeveloped land West: Undeveloped land
Total Tract Size:	12.02 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Commercial and Entertainment, which allows 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 and significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.
Major Street Plan:	The Major Street Plan classifies State Avenue as a Class A Thoroughfare and North 118 th Street as a Parkway.
Required Parking:	Sec. 27-452(e) Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Sec. 27-668(b) Any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission. The applicant has not provided a revised site plan that depicts the new parking lot, but is required to be submitted.
Advertisement:	<u>The Wyandotte Echo</u> – December 15, 2022 Letters to Property Owners – December 16, 2022
Public Hearings:	January 9, 2023 and January 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Korb Maxwell with Polsinelli PC, seeks to rezone 11787 Parallel Parkway from CP-2 Planned General Business District to A-G Agriculture District to build a parking lot for the American Royal complex on 12.02 acres rather than a hotel and associated parking as previously approved in 2020.

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. PR-2020-9 and American Royal Final Plat were approved by the City Planning Commission on April 13, 2020.
2. COZ #3210, American Royal Preliminary Plat, SP-2019-116, PR-2019-28 and MP-2019-6 were approved by the Unified Government Board of Commissioners on January 9, 2020.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The area is bounded by the Kansas Speedway and Urban Outfitters distribution and warehouse to the south and undeveloped land to the north, west and east. The site is on the peripheral edge of the Legends and Village West area.

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

The zoning and their uses are set out above. The proposed uses are compatible with them. The increase in traffic on 118th Street and access from the north could be a concern to the residences who live north of Lot 3 (west side of North 118th Street), the parking lot for RVs and trailers.

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 should not detrimentally affect nearby property if improvements are done properly, traffic circulation and routing is properly managed, and the proposed use complies with the codes and ordinances.

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

The property has been vacant since at least 1991, although the property has been actively farmed.

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

The proposed use is reasonably necessary for the convenience and welfare of the public. If designed to comply with the guidelines and regulations, the proposed uses of the American Royal will not substantially 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.*

Traffic and parking demand will be reviewed in coordination with Public Works to determine if the removal of the hotel and additional parking lot will affect road capacity, safety or create parking problems. It is imperative to describe how access to the north and east are addressed.

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

The proposed use complies with the Prairie Delaware Piper Master Plan, which allows 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 and significant capital investment in infrastructure that entertains visitors, and venues that attract visitors throughout the area.

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

The proposed use should not cause environmental harm if animal waste is properly disposed. Landscaping will be planted around the perimeter of the site, within parking lot islands and around the building to reduce stormwater runoff.

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 West Patrol, District #227.

e. Fire

Fire service is provided by Fire Station #12 located off Hutton Road and Leavenworth Road.

f. Transit

Kansas City ATA does not provide transit service near this property. The closest transit stop is along Village West Parkway, Route #101.

g. Schools

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

h. Streets

See item #6 above.

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

The proposed use will have a positive economic impact on the community.

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

The proposed use is capable of meeting applicable ordinance requirements.

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, possibly in the same manner as previously, but the parcel will have split zoning.

PREVIOUS ACTIONS

- PR-2020-9 and American Royal Final Plat were approved by the City Planning Commission on April 13, 2020.
- COZ #3210, American Royal Preliminary Plat, SP-2019-116, PR-2019-28 and MP-2019-6 were approved by the Unified Government Board of Commissioners on January 9, 2020.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on December 15, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Pedestrian Connectivity
Landscaping
Fire Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-049**, subject to:

1. **The use of the property is not an agriculture use as defined per Sec. 27-340, therefore is not subject to Sec. 27-675(b)(2). No gravel is permitted for parking within the American Royal building site east of 118th Street. Parking lots shall be an improved surface, asphalt or concrete and comply with UG Standards. However, parking areas in the northwest and southeast portions of the American Royal building site shall be permitted to be gravel for a period not to exceed five (5) years from the issuance of a building permit for the American Royal project;**
2. **In addition to establishing greater pedestrian connectivity between the proposed parking lot and the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so drivers in vehicles are alert to look for pedestrians;**
3. **If and when fencing is proposed to be constructed, the fencing around the perimeter of development shall be similar to the fencing around the perimeter of the Kansas Speedway parking lots, which is wrought iron with masonry columns. Both sites are zoned A-G Agriculture District, but are commercial in nature. In the end, the American Royal will be a high-quality development and the perimeter fencing along the streets will be one of the first and last parts of the development that visitors will notice upon entering and leaving the site;**

4. Lighting cannot exceed one (1) footcandle at the property line;
5. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood. Exterior lighting shall have 90-degree cutoffs fixtures;
6. Over the road truck shall not be parked on the property overnight. Livestock trucks and other similar vehicles shall be clustered together and parked close to the building as possible to minimize the view from the public right-of-way;
7. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property of Lot 2;
8. Minimum four (4) foot pedestrian path with landscape buffer and pedestrian lighting is required from parking areas to buildings;
9. Any proposed wind turbines must comply with the wind turbine ordinance;
10. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. State Avenue is classified as Class A Thoroughfare and 118th Street is classified as a Parkway, so sidewalks shall be installed on both sides of the street;
11. Based on the landscaping requirements in the A-G Agriculture District for the parking lot, one (1) tree per 7,000 square feet of site area, the number of trees are required for Lot 2 is 75 trees. This does not include the requirement for street trees along 118th Street and State Avenue and parking lot islands;
12. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved are wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
13. 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;
14. All landscaping shall be irrigated;
15. 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;
16. 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;
17. 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;
 18. All electrical meter banks, typically on the side of the building shall be screened from public view;
 19. 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;
 20. For any new building on Lot 2 or parts thereof, 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;
 21. 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; and,
 22. 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;
 23. If special on-site signage as specified in Sec. 27-739 is desired, new Special Use Permit is required;

24. 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;
25. All existing and future driveways must feature curb cuts that are constructed to UG standards;
26. 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;
27. 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,
28. 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 **COZ2022-049** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Map
Land Use Map
Zoning Map
Letter from the Applicant
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Site Photographs taken by Staff on December 14, 2022.

REVIEW OF INFORMATION AND SCHEDULE

Action _____
Public Hearing January 9, 2023
Rezoning Approval

Unified Government Board of Commissioners
January 26, 2023

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-049** 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 **COZ2022-049** 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.

January 9, 2022 City Planning Commission Minutes:

Hearing starts at 2:21:40:

CHANGE OF ZONE APPLICATION COZ2022-049 – KORB MAXWELL WITH

POLSINELLI - SYNOPSIS: Change of Zone from CP-2 Planned General Business District to A-G Agriculture District for the American Royal development at 11787 American Royal Way. Detailed Outline of Requested Action: The applicant, Korb Maxwell with Polsinelli PC, seeks to rezone 11787 Parallel Parkway from CP-2 Planned General Business District to A-G Agriculture District to build a parking lot for the American Royal complex on 12.02 acres rather than a hotel and associated parking as previously approved in 2020.

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 January 9, 2023;
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:

- Kevin Lee, Polsinelli, 900 West 48th Place, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:29:58: Planner Toy stated that Staff is amenable to amending Condition #1 as stated by the Applicant. Staff recommends approval subject to the conditions in the staff report, including the amendment to Condition #1.

Motion starts at 2:30:30:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-049:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

1. **The use of the property is not an agriculture use as defined per Sec. 27-340, therefore is not subject to Sec. 27-675(b)(2). No gravel is permitted for parking within the American Royal building site east of 118th Street. Parking lots shall be an improved surface, asphalt or concrete and comply with UG Standards. However, parking areas in the northwest and southeast portions of the American Royal building site shall be permitted to be gravel for a period not to exceed five (5) years from the issuance of a building permit for the American Royal project;**

- 2. In addition to establishing greater pedestrian connectivity between the proposed parking lot and the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so drivers in vehicles are alert to look for pedestrians;**
- 3. If and when fencing is proposed to be constructed, the fencing around the perimeter of development shall be similar to the fencing around the perimeter of the Kansas Speedway parking lots, which is wrought iron with masonry columns. Both sites are zoned A-G Agriculture District, but are commercial in nature. In the end, the American Royal will be a high-quality development and the perimeter fencing along the streets will be one of the first and last parts of the development that visitors will notice upon entering and leaving the site;**
- 4. Lighting cannot exceed one (1) footcandle at the property line;**
- 5. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood. Exterior lighting shall have 90-degree cutoffs fixtures;**
- 6. Over the road truck shall not be parked on the property overnight. Livestock trucks and other similar vehicles shall be clustered together and parked close to the building as possible to minimize the view from the public right-of-way;**
- 7. Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property of Lot 2;**
- 8. Minimum four (4) foot pedestrian path with landscape buffer and pedestrian lighting is required from parking areas to buildings;**
- 9. Any proposed wind turbines must comply with the wind turbine ordinance;**
- 10. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. State Avenue is classified as Class A Thoroughfare and 118th Street is classified as a Parkway, so sidewalks shall be installed on both sides of the street;**
- 11. Based on the landscaping requirements in the A-G Agriculture District for the parking lot, one (1) tree per 7,000 square feet of site area, the number of trees are required for Lot 2 is 75 trees. This does not include the requirement for street trees along 118th Street and State Avenue and parking lot islands;**
- 12. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved are wider than a double-loaded aisle and more than 20,000**

- square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
13. 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;
 14. All landscaping shall be irrigated;
 15. 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;
 16. 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;
 17. 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;
 18. All electrical meter banks, typically on the side of the building shall be screened from public view;
 19. 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;
 20. For any new building on Lot 2 or parts thereof, 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;
 21. 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; and,
22. 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;
23. If special on-site signage as specified in Sec. 27-739 is desired, new Special Use Permit is required;
24. 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;
25. All existing and future driveways must feature curb cuts that are constructed to UG standards;
26. 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;
27. 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,
28. 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 11787 American Royal Way (provided by UG Maps).

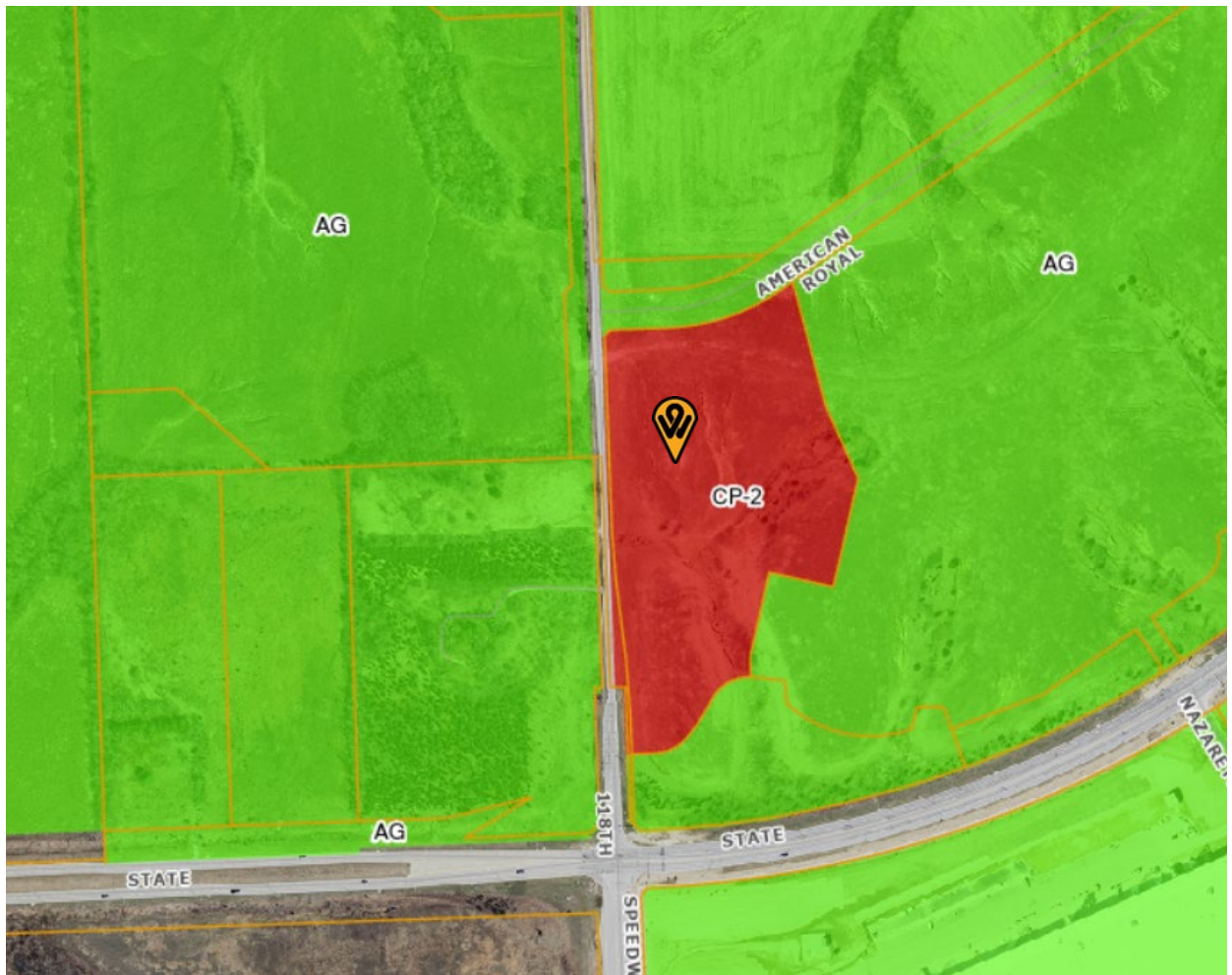


Figure 2. Zoning Map of 11787 American Royal Way (provided by ArcGIS Pro).

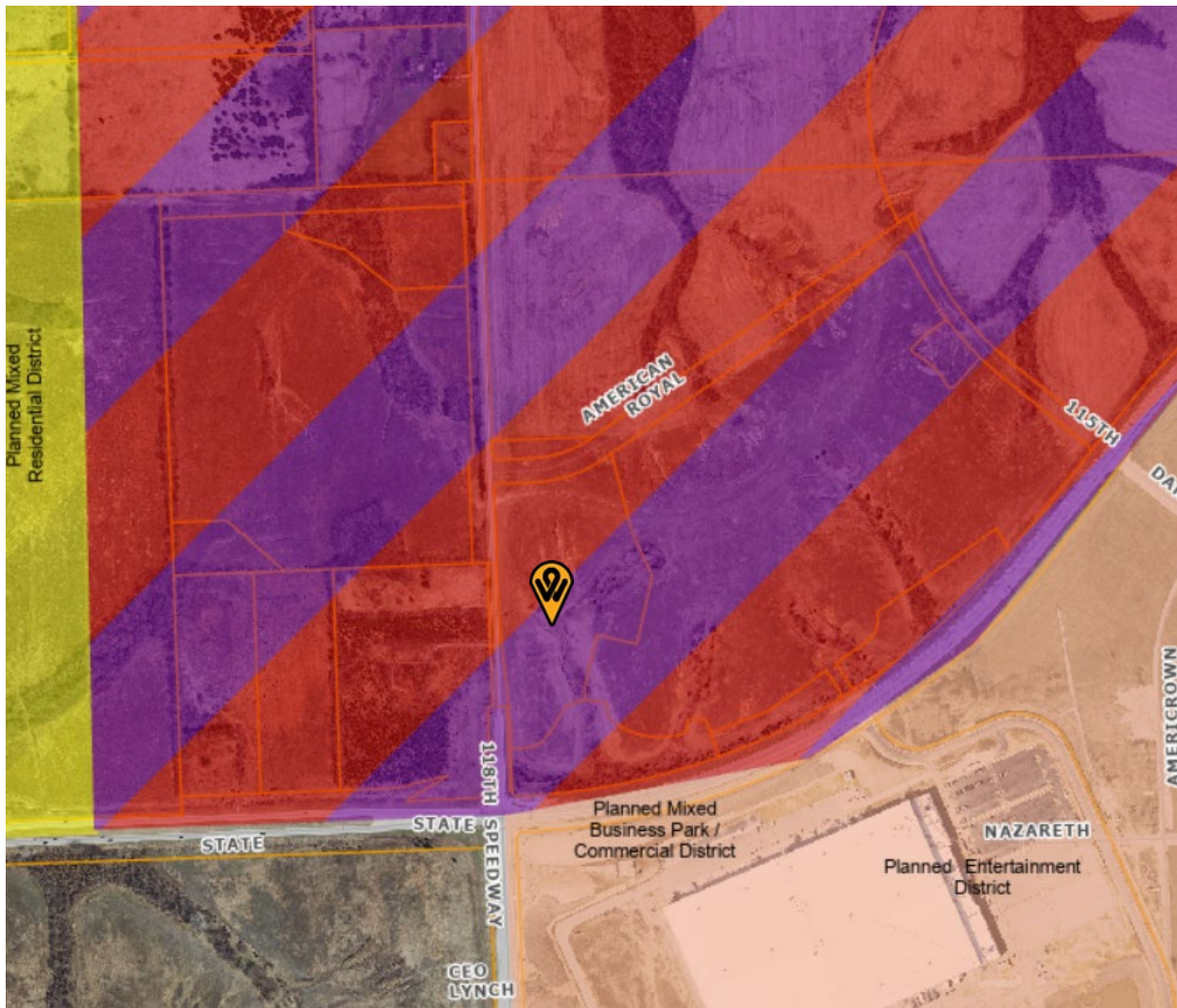


Figure 3. Downtown Master Plan Land Use Designation Map of 11787 American Royal Way (provided by ArcGIS Pro).

EXHIBIT B

Justification for Change of Zone

The American Royal Association (the “American Royal” or the “Royal”) has been a Kansas City tradition since 1899, celebrating the region’s rich agricultural heritage through competition, education and entertainment. Hosting the World’s largest barbecue contest, one of the Midwest’s largest and oldest livestock exhibitions, professional rodeos, and prestigious horse shows, and as home to the national championship saddle bred horse competition, the Royal brings with it a unique mix of uses that create a variety of tourism, education, and entertainment opportunities. It was against this backdrop that the Royal began exploring options to relocate its existing operations to the State of Kansas, and— upon identifying the larger 128+/- acre site that includes the subject property as the perfect place to call home for its vision—immediately set in motion a plan to leave behind its antiquated out-of-state facility, and develop a new state-of-the-art agricultural, education and entertainment destination in the Unified Government of Wyandotte County/Kansas City, Kansas (the “UG”).

The 12.02+/- acre property that is the subject of the change of zone request was previously zoned A-G (Agriculture), which is the same designation requested here. The 2020 change of zone to CP-2 was done for the sole purpose of accommodating the hotel use previously proposed for this location in connection with the new American Royal complex (the “Project”). Now that the updated plan for the Project no longer contemplates hotel uses at this location, the Applicant and staff both feel it is appropriate for the subject property to revert back to its previous AG designation, and keep a single consistent zoning district across the entire Project site.

Approval of the requested action set forth in this application is one piece of a much larger puzzle in developing the Project to serve as the nation’s premier agricultural complex and a go-to destination for food and agriculture year-round. The Project will create substantial tourism, entertainment and educational opportunities not presently available in the UG, and in doing so, attract a broad base and desirable visitor demographic.

The request set forth in this application is also appropriate and prudent from a land use and zoning perspective. Specifically, reverting zoning of the subject property back to its previous A-G designation:

- is compatible with the Comprehensive Plan, as it will result in a single consistent zoning district across the entire Project, and allow clear and appropriate application of the relevant Code provisions to facilitate development of the commercial/entertainment destination contemplated by the future land use plan;
- is consistent with the character of the neighborhood, which is zoned A-G (Agriculture) in its entirety;
- is compatible with the zoning and uses of properties nearby, which on all sides of the subject property are zoned A-G (Agriculture);

- is more suitable for the Project than CP-2 zoning, as off-street parking and other uses ancillary to the Project (rather than hotel uses) are now contemplated for the subject property, whereas C-2/CP-2 zoning is primarily intended to accommodate retail, wholesale and service establishments;
- will provide efficiencies in connection with obtaining the necessary Project approvals and starting construction, thereby resulting in development of the subject property that has otherwise remained vacant and underutilized since it was initially rezoned to CP-2 in connection with the former hotel use;
- is necessary for the convenience and welfare of the public, as the efficiencies noted above are in the best interests of the UG and in turn its residents, as well as those of the applicant
- will not substantially or permanently injure the appropriate use, visual quality or marketability of nearby property since, among other things, the requested A-G zoning is less intense than the current CP-2 designation;
- is purely the result of the hotel that was previously contemplated at this location no longer being a part of the plan for the Project, which is expected to result in less traffic and parking demand as compared to the previously approved plan;
- will not cause environmental harm, nor would the hotel if it were being developed and now there will be even less disturbance and construction activity to occur on this portion of the Project site;
- will not affect the availability or adequacy of utilities and other public services to serve the Project since, as noted above, the request actually pertains to there being less development and need for service at this location than proposed in connection with the previously approved plan;
- will advance the interests of the Project, which will have a substantial and positive economic impact on the community; and
- meets applicable ordinance requirements.
- Conversely, denial of the requested action would not result in any gain to the public health, safety, or welfare, but would impose substantial hardship upon the applicant and the UG by resulting in split-zoning designations within the Project, and potentially within a single parcel, that would cause unnecessary confusion and ambiguity in terms of clear and appropriate application of the relevant code provisions.

Change of Zone Petition (#COZ2022-049) Comments / Responses

Responses are in **bold text**.

Application Observations

1) Figure 2. Zoning Map of 11787

The Applicant would like to call staff's attention to an error on Page 13 of the "draft" comments received. The map thereon (Figure 2) erroneously shows approximately 47+/- acres west of 118th Street as currently zoned CP-2. All of those parcels (420402, 420409, 420410, 420411 and 892350) are in fact zoned A-G currently. The previous rezoning from A-G to CP-2 was limited exclusively to the 12.02+/- acres now known as Lot 2, as evident from the legal description submitted with that application and contained in Resolution #3210 approved by the UG Board of Commissioners and published in the official newspaper.

2) The Applicant would also remind staff of the narrow scope of the only application currently before it. This application is limited exclusively to the 12.02+/- acres commonly known as 11787 American Royal Way (Parcel 420401), and solely to the question of whether that property's zoning classification should be reverted back to A-G. The draft staff comments include much discussion of the development approved for other adjacent properties outside of Lot 2. We do not believe it is appropriate (nor legally enforceable) for the staff report on rezoning to discuss, or somehow purport to restrict, property or uses or development other than the 12.02 acres subject to the rezoning application. The Applicant requests that any and all such comments relating to other portions of the site and/or project be removed, and addressed at the appropriate time in connection with the other upcoming submittals related to such other portions of the site and/or project.

3) References herein to the "Code" shall mean the Unified Development Ordinance of the Unified Government of Wyandotte County/Kansas City, Kansas.

2) 12.02 and rezoning only

Planning and Urban Design Comments:

1) No gravel is permitted for parking within the American Royal building site. Parking lots shall be an improved surface, asphalt or concrete and comply with Unified Government standards.

Please refer to comment #2 above under Applicant Observations. To the extent this comment is directed at all or any portion of Lot 2, the Applicant would point staff to Sec. 27-675(B)(2) of the Code. That section provides that "[p]arking, loading and maneuvering areas for agricultural uses on ownerships of five acres or more shall be paved OR improved with a four inch depth of gravel or its equivalent" (emphasis added). The parking areas in the Northwest and Southeast portions of the overall "American Royal building site" are intended to be four-inch depth gravel or its equivalent in accordance therewith.

- 2) How many parking spaces will be added for the American Royal complex in place of the hotel and associated parking? Provided a site plan for review.

N/A. Although Lot 2 includes additional parking in place of the hotel, the revised plans result in a net reduction of approximately 619 parking spaces overall, as compared to the approved final development plan for the "American Royal complex" (approximately 1,948 vs. 2,567 respectively).

Per discussions with staff, a site plan is not required for the Lot 2 rezoning. For illustrative purposes only, however, a conceptual site plan is included along with this resubmittal.

- 3) 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 into the drive aisles, so drivers in vehicles are alert to look for pedestrians.

The Applicant will work with staff to determine the need and locations for reasonable traffic calming devices on site.

- 4) Will there be ride share (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?

TBD. The Applicant will work with staff to determine if and to what extent it may be appropriate for one or more dedicated ride share areas to be located on site.

- 5) Will there be EV charging stations within the parking lot?

TBD. The number and location of EV charging stations within the parking lot, if any, will be based on the anticipated demand for such stations, as determined by the Applicant in its reasonable discretion.

- 6) The fencing around the perimeter of [the] development shall be similar to the fencing around the perimeter of the Kansas Speedway parking lots, which is wrought iron with masonry columns. Both sites are zoned A-G Agriculture District, but are commercial in nature. In the end, the American Royal will be a high-quality development and the

perimeter fencing along the streets will be one of the first and last parts of the development that visitors will notice upon entering and leaving the site.

Per discussions with staff, the Applicant understands that this comment (i) does not impose any affirmative obligation to install any fencing on site (whether continuous or other perimeter fencing), and (ii) is intended to apply only to those locations, if any, where the Applicant itself elects to install fencing along the perimeter of the development. The Applicant is not planning on providing perimeter fencing around the development. If it decides to do so in the future, the Applicant will work with the UG to determine the appropriate type and location of such fencing.

- 7) Lighting cannot exceed one (1) footcandle at the property line.

Lighting will comply with applicable Code requirements.

- 8) Interior parking lot lights must also be well lit throughout without creating glare to the surrounding neighborhood. Exterior lighting shall have 90-degree cutoffs fixtures.

Lighting will comply with applicable Code requirements.

- 9) Over the road truck shall not be parking on the property overnight. Livestock trucks shall be clustered together and parked close to the building as possible to minimize the view from the public right-of-way.

Traditional over the road commercial trucks will not be using this facility for overnight parking. However, there will be instances where livestock trucks and trailers, and vehicles of a similar nature, will be temporarily parked overnight during events and other periods of loading and unloading.

- 10) Minimum 8-foot sidewalk/trail is required to be installed around the perimeter of the property.

Please refer to comment #2 above under Applicant Observations. This Application is limited in scope to the 12.02+/- acres comprising Lot 2. A minimum 8-foot sidewalk/trail is contemplated around the perimeter of the overall American Royal site, but not around the perimeter of Lot 2 on its own.

- 11) Minimum four (4) foot pedestrian path with landscape buffer and pedestrian lighting is required from parking area to buildings.

Please refer to comment #2 above under Applicant Observations. This Application is limited in scope to the 12.02+/- acres comprising Lot 2, and no buildings are proposed on Lot 2. However, the Applicant acknowledges and understands this comment in the context of the overall American Royal development.

- 12) Any proposed wind turbines must comply with the wind turbine ordinance.
Understood.

- 13) Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided. State Avenue is classified as Class A Thoroughfare and 118th Street is classified as a Parkway, so sidewalks shall be installed on both sides of the street.

Please refer to comment #2 above under Applicant Observations. This Application is limited in scope to the 12.02+/- acres comprising Lot 2, which is not adjacent to State Avenue. In the context of the overall development, sidewalks are contemplated in the following locations: (i) on the north side of State Avenue adjacent to the subject property, (ii) on the east and west sides of 118th Street adjacent to the subject property (between State Avenue and American Royal Way), (iii) on the south side of American Royal Way adjacent to the subject property, and (iv) on the east and west sides of 115th Street adjacent to the subject property.

- 14) 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) 573-862- pr by building inspection@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.

Understood.

- 15) All existing and future driveways must feature curb cuts that are constructed to UG standards.

Understood.

- 16) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need

a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Understood.

- 17) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check 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.

Understood.

Landscaping and Screening:

- 1) Based on the landscaping requirements in the A-G Agriculture District for the parking lot, one (1) tree per 7,000 square feet of the site area, the number of trees required for Lot 2 is 75 trees. This does not include the requirement for street trees along 118th Street and State Avenue and parking lot islands.

Understood with respect to the requirement for one (1) tree per 7,000 square feet of site area in the A-G Agriculture District. However, any requirement for street trees is limited to the Commercial Design Guidelines (i.e. districts beginning with a "C" designation per Sec. 27-574(A)) and does not apply to development in A-G districts.

- 2) Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved [and] are wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.

Understood with respect to the number of parking lot trees. The Applicant intends to install the requisite number of trees along the interior perimeter of the applicable parking areas, so as to enable livestock trucks and trailers to operate and safely navigate through these areas.

- 3) 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.

The proposed development will comply with applicable Code provisions related to type and minimum size of landscape plantings.

- 4) All landscaping shall be irrigated.

Acknowledged but with the important distinction and understanding that irrigation can be accomplished through a variety of watering methods, with or without the use of any "automatic" system. The Code requirement that new development landscaping be irrigated with an automatic system is found only within the Commercial Design Guidelines, which--as noted above--do not apply to development in A-G districts. Use of an automatic watering system for the entire development on a project of this size and scope is not feasible, and would also be inconsistent with the Applicant's messaging to American Royal constituents.

- 5) All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction.

The proposed development will comply with applicable Code provisions related to construction sequencing and plans for erosion control.

- 6) 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.

Outside bins and trash container areas will comply with the applicable Code provisions related to screening. With respect to the dumpsters proposed south of the barns, for example, the north side of the dumpsters will be screened from most views by the barns themselves, since the amount of activity during a livestock show makes it impossible to screen the north side with any type of wall, fence or gate.

- 7) 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.

Utility connections will comply with the applicable Code provisions related to screening.

- 8) All electrical meter banks, typically on the side of the building shall be screened from public view.

Electrical meter banks will comply with the applicable Code provisions related to screening.

- 9) 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 six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.

Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view in accordance with applicable Code provisions.

- 10) 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.

As provided in Code Sec. 27-699(B), "[m]echanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view", and "[s]uch screening shall be harmonious with building design and materials." It should be noted, however, that: (i) no buildings are proposed on Lot 2 (see #2 above under Applicant Observations), and (ii) with respect to development proposed east of Lot 2, which is outside of the scope of this Application, rooftop units and equipment will indeed be screened but not by means of a parapet wall. The nature of those buildings is such that use of a parapet wall for screening is not possible.

- 11) 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 plan 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 (20) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of sapplings).
 - f. Pads 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 the gate doors open.

The Applicant will work with BPU to determine reasonable and appropriate locations for necessary transformers and screening of the same.

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 signpermis@wycokck.org to begin this process.

Signage will be developed as the design progresses and necessary variances from the signage ordinance, if any, will be applied for and obtained later if applicable. It should also be noted that the approved special use permit already permits "[o]utdoor advertising signs and/or similar uses."

Grading:

- 1) Please explain how this project's grading will facilitate future development on adjacent sites. Approval was given by the Board of Commissioners to allow flexibility for American Royal Way to shift 50 - 100 feet, to accommodate the project, but remain outside the required setbacks.

The profile grade of American Royal Way and 115th Street allow for development to the north and east of this project. The profile of 115th Street generally follows existing grade and the ground to the east drops toward a creek to the east. The profile matches the existing low points of the property to the east. The profile of American Royal Way is generally in cut and allows for better access to the property to the north as this property sits at a lower elevation than the American Royal. The existing ground cannot be matched perfectly due to road design criteria. The low points in both the road and property to the north will need to be filled and the high points cut off to facilitate development of pad sites. The road profile attempts to average these cut and fills so the property to the north can develop without the need to haul in or haul off excess material. Discussions with some or all of the owners of the adjacent properties is ongoing and will continue as plans progress further for the development of said adjacent properties.

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

American Royal Neighborhood Meeting Minutes

Application Number: COZ2022-049
Date and Location: 12/15/2022 via Zoom Meeting
Meeting called to order at: 6:00 PM CST
Names of people in attendance: 10 (2 guests)

Applicant Representatives in Attendance:

- Jackie McClaskey, American Royal Association
- Pete Lacy, Lacy and Co.
- Adam Sterns, Multistudio
- Brian Lavery, Continental Consulting
- Phil Gibbs, Continental Consulting
- Kelsey Humphrey, Multistudio
- Kevin Lee, Polsinelli PC
- James McClure, Polsinelli PC

The above representatives are sometimes hereinafter collectively referred to as the “Applicant.”

UG Representatives in Attendance:

- None

Others in Attendance:

- Morgan Brantmeyer
- Perry Ann Jeveli

Exhibits: Please find attached copies of the neighborhood meeting notice and affidavit attached hereto as Exhibit A and Exhibit B, respectively, both of which are incorporated herein by reference.

Introduction and Project Description:

The Applicant introduced the Applicant representatives present at the neighborhood meeting and presented a full and accurate description of the proposed rezoning and the overall development plans. The Applicant discussed the plans’ evolution as compared to previous submittals and the reasoning for the rezoning. The Applicant described projected impacts of rezoning and the benefits to having the same zoning and use

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restrictions throughout the development. The Applicant stated that the Application is currently scheduled to go before the UG Planning Commission on January 9, 2023, and invited participants to attend. The Applicant opened up the discussion for questions and comments from the neighborhood attendees.

Questions and Comments:

1. Attendees stated they did not have any questions or comments. No further questions or comments were made from the any attendees.

Conclusion: The Applicant confirmed that there were no further questions or comments and thanked everyone for coming.

Meeting adjourned at: 6:12 pm CST

Minutes taken by: James A. McClure, Esq.

Affidavit – Neighborhood Meeting

State of Missouri)
) ss:
County of Jackson)

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

1. That I am a representative of the petitioner for Petition # COZ2022-049.
2. That I conducted a neighborhood meeting on December 15, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

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



Kim Sartain, Notary Public

My commission expires:
March of 24, 2023

**KIM SARTAIN
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 3/24/2023
COMMISSION # 15424786**

87377166.1

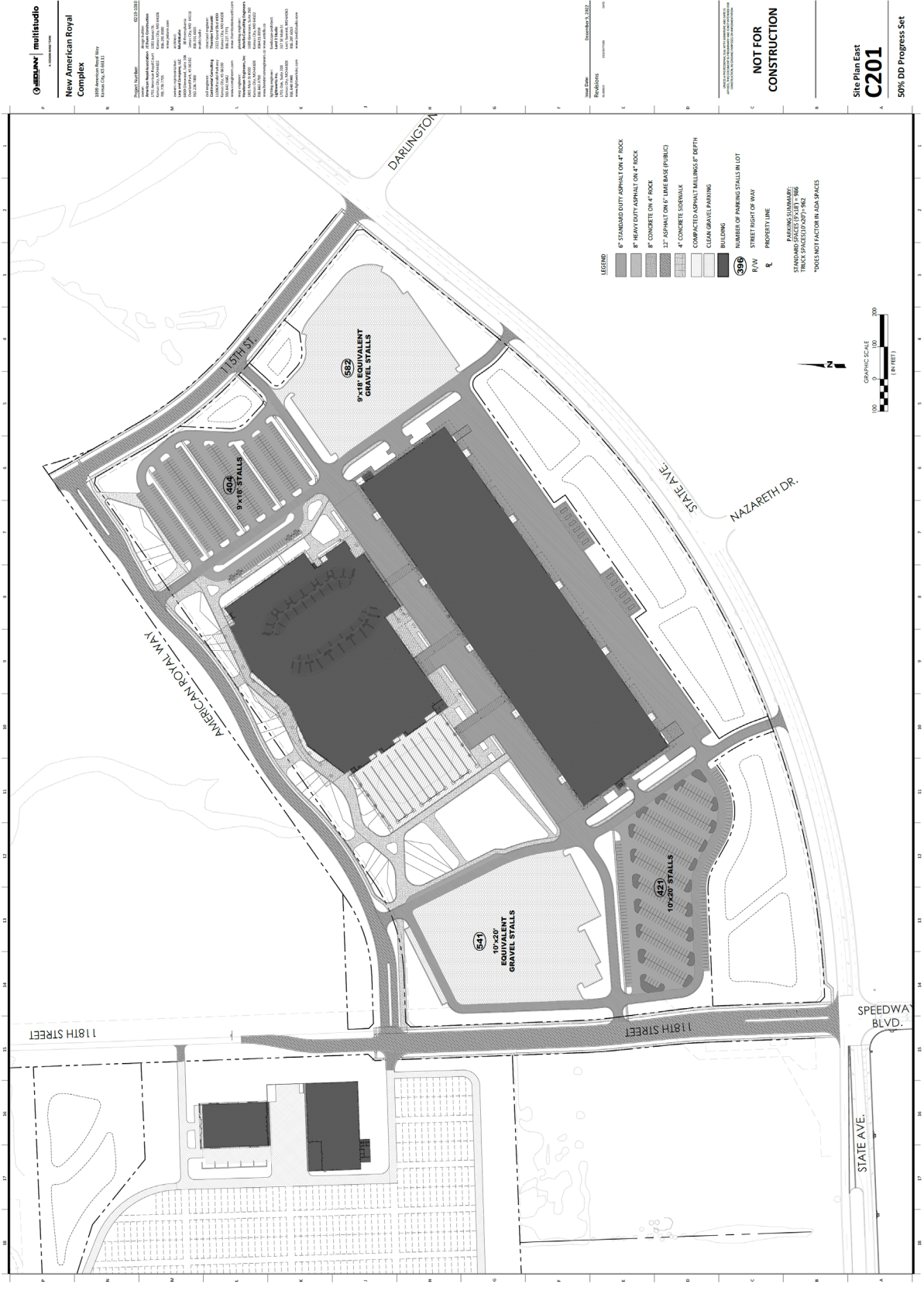




Figure 4. Site Photograph of 11787 American Royal Way looking northeast from North 118th Street (provided by Planning Staff).



Figure 5. Site Photograph of 11787 American Royal Way looking east from North 118th Street (provided by Planning Staff).



Figure 6. Site Photograph of 11787 American Royal Way looking southeast from North 118th Street (provided by Planning Staff).



Figure 7. Site Photograph of 11787 American Royal Way looking north from State Avenue (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: City Planning Commission

From: Planning and Urban Design Staff

Date: January 26, 2023

Re: Change of Zone Petition COZ2022-050

GENERAL INFORMATION

Applicant:

David Lotz, P.E.

Status of Applicant:

Representative
Contential Consulting Engineers, Inc.
11006 Parallel Parkway
Kansas City, KS 66109

Requested Actions:

Change of Zone from RP-3 Planned
Townhouse and RP-4 Planned Garden
Apartment Districts to RP-5 Planned
Apartment District.

Preliminary Plat for one (1) residential lot.

Date of Application:

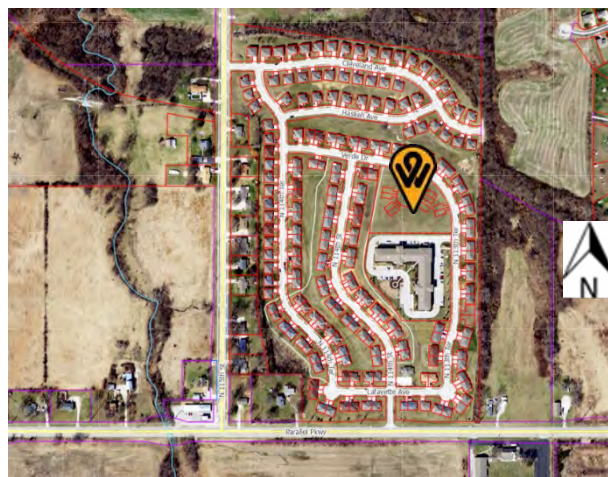
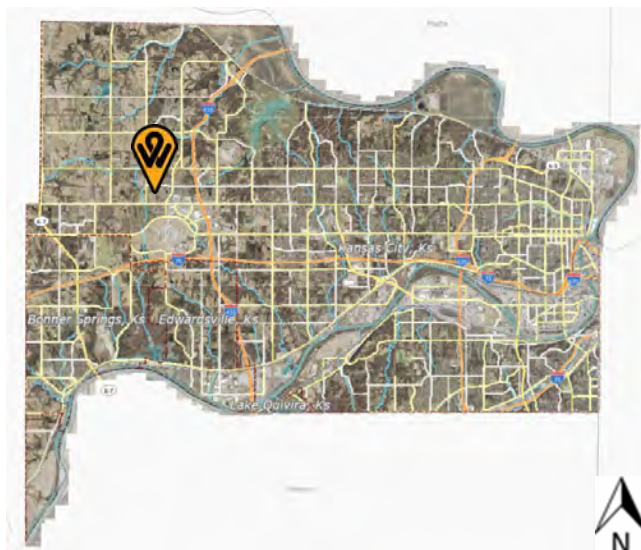
November 28, 2022

Purpose:

To rezone and build one (1), three (3) story
senior independent living facility totaling
40-units and connect to an existing
assisted living and memory care facility

Property Location:

2300 North 113th Terrace and 2302 North
113th Place



Commission District:	Commissioner At Large, District #1: Melissa Bynum District #5 Commissioner: Michael (Mike) Kane
Existing Zoning:	RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts
Adjacent Zoning:	North: RP-3 Planned Townhouse District South: RP-3 Planned Townhouse District East: RP-3 Planned Townhouse District West: RP-3 Planned Townhouse District
Adjacent Uses:	North: Single family homes South: Interstate 70 East: Single family homes West: Hotel and gas station
Total Tract Size:	6.58 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Planned Mixed-Use Residential, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multi-family uses.
Major Street Plan:	The Major Street Plan classifies Parallel Parkway as a Class A Thoroughfare and North 113 th Terrace and Verde Drive as Local Streets.
Required Parking:	Sec. 27-460(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. 148 parking spaces are required. 152 parking spaces are provided. A variance (BOZA #2094) for 82 parking spaces was approved for the 120-unit senior living facility June 3, 2013.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – December 15, 2022 Letters to Property Owners – Change of Zone – December 16, 2022; Plat – December 16, 2022
Public Hearings:	January 9, 2023 and January 26, 2023
Public Support:	None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant and representative, David Lotz with Continental Consulting Engineers, Inc., seeks to rezone 2302 North 113th Place from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts and RP-5 Planned Apartment District to build one (1), three (3) story building totaling 40 units and connect to an existing 120-unit senior living facility totaling 140 units on 6.58 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 primarily of duplexes zoned RP-3 Planned Townhouse District. The northern and eastern portion of the overall development, known as Hazelwood Villas, is developed with this series of parcels being the last undeveloped portion of land.

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 reasonably compatible with the surrounding properties to the south as this proposed senior living facility will connect to The Piper, an assisted living facility. Screening and buffering between duplexes and multi-family senior living is required.

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 should not detrimentally affect nearby property because of the required landscaping and buffering will be planted to screen the duplexes.

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

The property has not been developed. The adjacent Hazelwood Assisted Living facility was constructed in 2015.

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 remain living independently, but maintenance free. The proposed building will be similar in size, scale, materiality and color as The Piper, an assisted living facility, to the south.

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 40 units will increase traffic slightly along Verde Drive and North 113th Terrace. The Traffic Impact Study (TIS) has been analyzed by Public Works regarding road capacity, specifically looking at improvements to these intersections and sidewalk connections on both streets.

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 Mixed-Use Residential land designation, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multi-family uses.

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 west towards the duplexes.

The proposed use can enhance the environment or mitigate the intensity of use through enhanced landscaping, throughout the development, internal and along the perimeter of the property. Landscaping and screening are imperative.

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 West Patrol, District #227

e. Fire

Fire service is provided by Fire Station #12 located off Hutton Road and Leavenworth Road.

f. Transit

Kansas City ATA does not provide transit service near this property. The closest transit stop is approximately one-half (½) mile east at 109th and Village West Parkway (Plaza at the Speedway), Route #101.

g. Schools

Piper USD 203

h. Streets

See item #6 above.

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

The proposed use will have a beneficial economic impact on the community. This development will offer residents who want to live independently that is maintenance free.

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

The proposed use is capable of meeting applicable ordinance requirements.

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 intensity they originally sought to redevelop it as.

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

Development can be used safely without danger to health, flood, erosion, excessive noise, or other adversity. KCKFD will issue comments related to fire access.

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

Streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land uses. The Traffic Impact Study (TIS) will be reviewed by the Public Works Department to determine if any public improvements are required along North 113th Terrace or Verde Drive.

15. 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, 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.

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

The proposed grading plan intends to grade the site, falling from south to north, as the detention basin will be installed in the northwest corner. Trees and shrubs will be planted around the perimeter of the site including the detention basin, and street trees will be installed along Verde Drive.

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

The applicant is required to provide at least two (2) amenities, one (1) regular and one (1) small for the residents between the two (2) facilities.

PREVIOUS ACTIONS

- In 2010, Change of Zone (COZ 2991) was approved from RP-3 Planned Townhouse District to RP-4 Planned Garden Apartment District.
- In 2004, Change of Zone (COZ 2740) was approved from A-G Agriculture District to RP-3 Planned Townhouse District.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on December 20, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Pedestrian Connectivity
Lighting
Platting
Fire Access
Landscaping, Screening and Buffering
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-050**, subject to:

1. **Because this is a planned district, a Final Development Plan and Final Plat are required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;**
2. **Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be “stepped”. Four (4) feet of terrace is required every 8 feet of wall;**
3. **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;**

4. Add a raised crosswalk or stamped and colored concrete between the covered pedestrian connection of The Piper Assisted Living and Memory Care facility and the Piper Village Independent Living facility;
5. Walking trail, picnic tables, lawn games, raised gardens areas are amenities to be used by all residents;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;

7. Lighting cannot exceed one (1) footcandle at the property line;
8. Interior parking lots lights shall have 90-degree cutoff fixtures;
9. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlights is not determined to be necessary.

Hazelwood Assisted Living aka The Piper built a small berm and planted buffer plantings to screen their parking lot from the duplexes to the southeast, but did not install them per the approved plans.

The standard for an architectural screen abutting single-family or two-family uses is a wood privacy or metal panel fence with masonry columns installed every 32 feet running, which shall be constructed along the west property line of the independent living building;

10. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 2.59 acres, which requires 28 trees, five (5) additional evergreen or shade trees and 40 shrubs for buffering per the zoning district;

11. Street trees shall be planted with the landscaping for the development is installed;
12. 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;
13. All landscaping shall be irrigated;
 14. 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;
 15. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
 16. All electrical meter banks, typically on the side of the building shall be screened from public view;
 17. Regarding 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° and have 10 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the 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) on the front allowing for 10 feet on the front when gate doors open;
 18. 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;
 19. 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;
 20. 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;

21. 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;
22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
23. 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;
24. 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,
25. 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 **COZ2022-050** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Prairie Delaware Piper Master Plan Mixed Use Residential Guidelines
Residential Development Amenity Guidelines
KCKFD Comments
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on December 13, 2022.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	January 9, 2023	January 26, 2023
Rezoning	Approval	
Public Hearing		
Preliminary	January 9, 2023	Not Required
Plat	Approved	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-050** 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 **COZ2022-050** 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.

January 9, 2023 City Planning Commission Minutes:

Hearing starts at 2:31:52:

CHANGE OF ZONE APPLICATION COZ2022-050 – DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS - SYNOPSIS: Change of Zone from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts to RP-5 Planned Apartment District to construct a senior living facility at 2300 and 2302 North 113th Place.

PLAT2022-042 – DAVID LOTZ WITH CONTINENTAL CONSULTING ENGINEERS – SYNOPSIS: Preliminary Plat to combine two (2) residential lots into one (1) lot to construct a senior living facility at 2300 and 2302 North 113th Place.

Detailed Outline of Requested Action: The applicant and representative, David Lotz with Continental Consulting Engineers, Inc., seeks to rezone 2302 North 113th Place from RP-3 Planned Townhouse and RP-4 Planned Garden Apartment Districts and RP-5 Planned Apartment District to build one (1), three (3) story building totaling 40 units and connect to an existing 120-unit senior living facility totaling 140 units on 6.58 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 January 9, 2023;
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 for the Change of Zone; 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:

- David Lotz, applicant, Continental Consulting Engineers, Inc., 11006 Parallel Parkway, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:37:34: Planner Toy stated Staff has one (1) change in condition #9. Mr. Lotz discussed having a masonry wall/privacy fence along the west property line. In the report where it says memory care building, it should state independent living building. With that change, Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:38:25:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-050:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

1. **Because this is a planned district, a Final Development Plan and Final Plat are required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;**
2. **Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be “stepped”. Four (4) feet of terrace is required every 8 feet of wall;**
3. **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;**
4. **Add a raised crosswalk or stamped and colored concrete between the covered pedestrian connection of The Piper Assisted Living and Memory Care facility and the Piper Village Independent Living facility;**
5. **Walking trail, picnic tables, lawn games, raised gardens areas are amenities to be used by all residents;**
6. **All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).**

For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof;

7. Lighting cannot exceed one (1) footcandle at the property line;
8. Interior parking lots lights shall have 90-degree cutoff fixtures;
9. Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlights is not determined to be necessary.

Hazelwood Assisted Living aka The Piper built a small berm and planted buffer plantings to screen their parking lot from the duplexes to the southeast, but did not install them per the approved plans.

The standard for an architectural screen abutting single-family or two-family uses is a wood privacy or metal panel fence with masonry columns installed every 32 feet running, which shall be constructed along the west property line of the independent living building;

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The site is 2.59 acres, which requires 28 trees, five (5) additional evergreen or shade trees and 40 shrubs for buffering per the zoning district;
11. Street trees shall be planted with the landscaping for the development is installed;
12. 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;
13. All landscaping shall be irrigated;
14. 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;
15. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must

- be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
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 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
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 - 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).
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19. 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;
20. 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;
21. 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;
22. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 23. 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;
 24. 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,
 25. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE PLAT2022-042:**

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

Motion to **APPROVE** Passed: 5 to 0
Subject to the above conditions

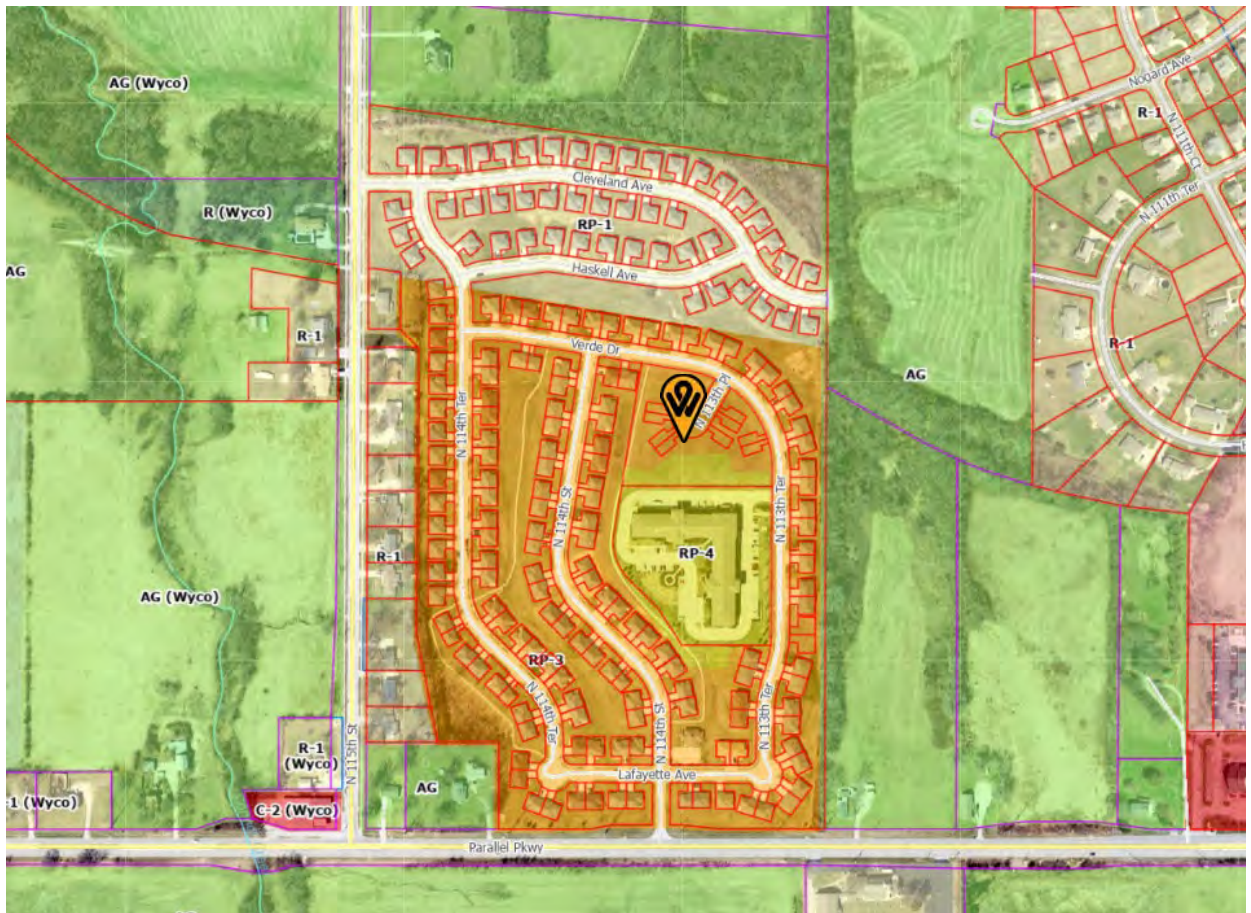


Figure 2. Zoning Map of 2302 North 113th Place (provided by UG Maps).

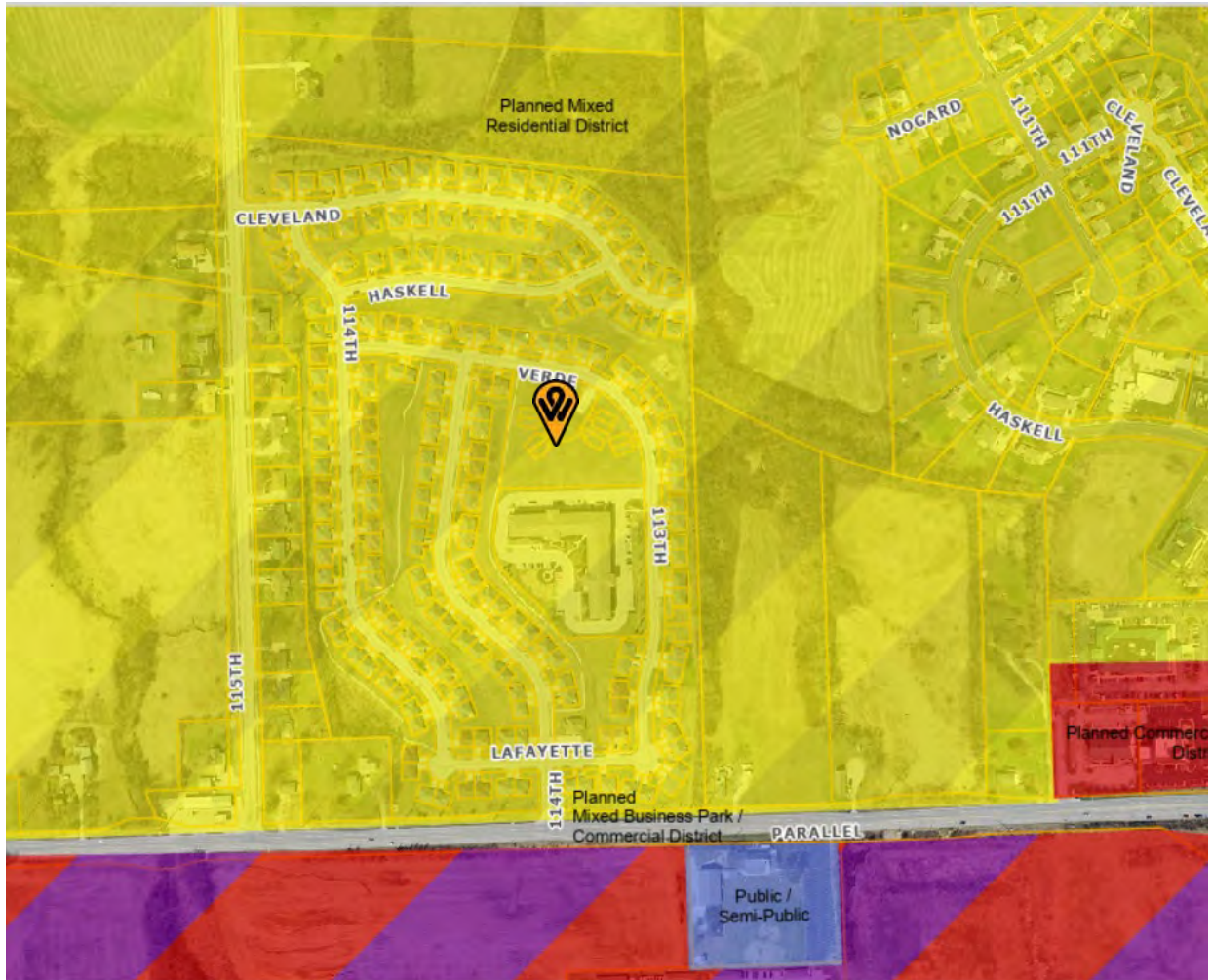


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map of 2302 North 113th Place (provided by ArcGIS Pro).

Mixed Use Residential Guidelines and Design Considerations

The community needs a variety of housing choices for long term sustainability. The Land Use Plan, Map 10, illustrates areas where mixed use residential development is recommended. These locations have good access to major road arterials and have available sewer access.

The following guidelines and Table 8 describe and define the unit types and amenities required for mixed use residential development proposals.

Guidelines:

- Development sites should be at least 25 acres in size for mixed-use or mixed density residential projects.
- Sites that are less than 25 acres in size are recommended for single family detached residential development.
- Establish an overall design theme for a mixed use residential plan.
- Design streets within residential neighborhoods to connect to adjacent uses.
- Avoid designing subdivisions that have all the same unit type and lot size.
- Encourage a variety of architectural styles within each neighborhood.
- Establish landscape standards that provide an overall theme for the development.



Mixed use example

Table 8: Mixed-Use Residential

	Small	Medium	Large
Minimum Acres*	25	100	200
Units*	100 - 299	300 - 649	650 or more
Percent SFD units Minimum Percentage	66	55	50
Percent STD units Maximum Percentage	None	None	None
Percent Duplex Maximum Percentage	33	30	30
Percent SF Attached (3 or more units) Maximum Percentage	33	30	30
Percent Apartments Maximum Percentage	None	20	25
Commercial Acres Maximum Acres	None	6	15
Commercial SI/ Maximum Square Feet	N/A	40,000	100,000
Commercial Uses Not Allowed	N/A	Drive-thru commercial	Restricted by plan
Open Space Percent Maximum Percentage	10	12	15
Setbacks	Based on Plan	Based on Plan	Based on Plan
Amenities Required	Trail/sidewalk and bikeway connections	Trail/sidewalk and bikeway connections	Trail/sidewalk and bikeway connections
Additional Amenities Required	2	3	4
Landscape	As required within code	As required within code	As required within code

*A development may use either areas of units to qualify.

Residential Development Amenity Guidelines

Amenities within residential subdivisions are an important factor when potential home buyers consider purchasing a home. Amenities enhance the overall value of a neighborhood and allow residents to meet and get to know one another.

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision.

Residential developments of any unit type with fewer than 50 dwelling units are required to have one small amenity.



Residential amenities

Residential developments with 50-to-200 dwelling units are required to have two (2) amenities. Only one (1) of the required amenities may be a small amenity.

Residential developments with more than 200 dwelling units are required to have three (3) amenities, of which one (1) amenity may be considered a small amenity.

Table 7: Residential Amenity Guidelines

Small:	
	Basketball, volleyball, or other court sport.
	Open play area of at least 15,000 square feet with maximum of three (3) percent slope and tow benches and one play structure.
	One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter , and one (1) barbeque grill/pit per area.
	Option provided by owner, but must be considered equal to one of the other small options.
Regular:	
	Swimming pool.
	Golf course.
	Residential clubhouse.
	Two (2) basketball, volleyball, or other court sports.
	Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per tot lot, one (1) bench per tot lot.
	Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter , and one (1) barbeque grill/pit per area.
	Trail(s) for pedestrian and/or bicycles that connect(s) to the overall trail network within the area. This trial may be within preserved natural corridor.
	Option provided by owner, but must be considered equal to one of the other regular options.



December 27, 2022

TO: Tony Sabljak, CFM
Development Review Coordinator
Department of Urban Planning and Land Use
Neighborhood Resource Center
Unified Government of Wyandotte County / Kansas City, Kansas
4953 State Avenue
Kansas City, Kansas 66102

RE: Change of Zone Petition COZ2022-050 and PLAT2022-042
(Piper Independent Living Preliminary Plat
City Response Letter

Planning and Urban Design Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. **This is understood.**
2. The traffic study is being reviewed by Planning Engineering, Public Works Department, and a third-party consultant due to staffing. Additional comments may be forthcoming, which may result in this petition being continued for one (1) month. **This is understood.**
3. Because this is a planned district, a Final Development Plan and Final Plat are required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time. **This is understood.**
4. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be "stepped". Four (4) feet of terrace is required every 8 feet of wall. **This is understood. There are no walls over 6'.**
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. **This is understood.**
6. Add a raised crosswalk or stamped and colored concrete between the covered pedestrian connection of Hazelwood Assisted Living and the Piper Village Living facility. **Details of this requirement will be shown on the Final Plans.**

7. Where are on-site deliveries going to be dropped off? Deliveries can be made in the service drive in between the existing and proposed buildings. A service entrance and covered walkway are located to receive deliveries directly into the back of house areas.
8. What on-site amenities will be provided as part of this development? Two (2) amenities, one (1) regular and one (1) small are required. The Prairie Delaware Piper Master Plan requires 1 small amenity for developments with fewer than 50 dwelling units (new development area). The existing site has a trail on the west side of the property that we believes qualifies as a regular amenity. We have shown on the Architectural Plans, Sheet A101, the locations of areas that could be utilized for the placement of picnic tables, lawn games, raised garden areas or other types of amenities. The Developer would like to discuss this further with planning staff.
9. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

For residential uses designed specifically for occupancy by those age 55 and over, the basement, safe room, or community shelter must be within the structure where the particular dwelling unit is located or within 15 feet of the structure in question and accessed under roof. FEMA regulations are planned to be met with a basement under the south west portion of the new structure. All safety regulations shall be adhered to.

10. Lighting cannot exceed one (1) footcandle at the property line. This is understood and has been shown on the Site Lighting Plan, Sheet SL1.01.
11. Interior parking lots lights shall have 90-degree cutoff fixtures. This is understood.
12. All existing and future driveways must feature curb cuts that are constructed to UG standards. This is understood.
13. 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. This is understood.
14. 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. This is understood.

Building Architecture:

1. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, to the maximum extent feasible, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the arterial or collector street frontage. Parking is shielded by the building from the roadways when possible. A cohesive parking strategy has been developed for the site to tie into the existing parking fields.
2. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's

architectural features and treatments shall not be restricted to a single façade. The rear elevations should have "front" entries, similar to the front elevation. All elevations are articulated with similar materials, treatments and language.

3. Per the City-Wide Master Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to 40 percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that 40 percent of each façade is indeed stone or brick. Noted and will comply. Please refer to elevation diagrams on sheets A203 & A204.
4. Exterior HVAC grilles shall be painted to match the adjacent exterior building color. Noted and will comply.
5. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public. Noted – downspouts shall be painted to blend with the building and located appropriately.

Landscaping and Screening:

1. B Sec. 27-699(b)(7) Where a parking lot serves other than single-family or two-family dwellings and is adjacent to or across an alley from property zoned for single-family or two-family use, such parking lot shall be provided an architectural screen at least four (4) feet in height above the paving surface. Buffer plantings or landscape screening may be substituted if protection from headlights is not determined to be necessary.

Hazelwood Assisted Living attempted to use a berm and buffer plantings to screen their parking lot from the duplexes to the southeast, but did not install them per the approved plans.

The standard for an architectural screen abutting single-family or two-family uses is a wood privacy or metal panel fence with masonry columns installed every 32 feet running. We have added a screen fence/retaining wall along the western side of the new development area only. The Developer would like to discuss this further with planning staff.

2. Provide a site line section between the senior living facility and the duplexes to the north and west. Site Line Sections have been provided.
3. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. This is understood and is being provided for the land encompassing the new construction only.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required. This is understood and is being provided for the land encompassing the new construction only.

The site is 6.58 acres, which requires 63 trees, 18 additional evergreen or shade trees and 140 shrubs for buffering per the zoning district. The Developer would like to discuss this further with planning staff.

4. Add street trees between the sidewalk and street. Resubmit the landscape plan. **This is understood and is being provided for the land encompassing the new construction only.**
5. 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. **This is understood.**
6. All landscaping shall be irrigated. **This is understood.**
7. 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. **Trash Enclosure at the existing facility will be used for this project. It is currently screened with gates.**
8. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen. **This is understood.**
9. All electrical meter banks, typically on the side of the building shall be screened from public view. **This is understood.**
10. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers. **This is understood.**
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open. **This is understood.**
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front. **This is understood.**
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat. **This is understood.**
 - 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). **This is understood.**
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open. **This is understood.**
11. 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. **This is understood.**
12. 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. **There will not be any Satellite dishes.**

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. **This is understood.**

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None. **No Action Required.**
- B) Items that are conditions of approval:
 - 1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. **See comments and responses below.**
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None. **No Action Required.**

General Engineering Review No. 1:

- 1. Provide a cover sheet including the following:
 - a. Contact information (for the landowner, developer, architect). **This information has been added to the Cover sheet.**
 - b. Sheet index including architectural and plat sheets. **A Sheet index has previously been provided on the cover sheet of the PDP submittal.**
 - c. Zoning Classifications. **The zoning classifications have been added to the Cover sheet. They are also shown on sheet C1.02 of the PDP Submittal.**
 - d. 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). **The requested information has been added to the cover sheet.**
- 2. See Erosion Control review for additional comments. **See comments below.**
- 3. See Storm Drainage review for additional comments. **See comments below.**
- 4. See Sanitary Sewer review for additional comments. **See comments below.**
- 5. See Retaining Wall review for additional comments. **See comments below.**

Erosion Control Review No. 1:

- 1. On the erosion control plan include: **See comments below.**
- 2. Limits of disturbance. **Understood. Limits of disturbance will defined and shown on the Final Land Disturbance Plans.**
- 3. 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. **Understood. The location for a temporary stockpile or waste area will defined and shown on the Final Land Disturbance Plans.**
- 4. 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. **This is understood.**
- 5. On the erosion control plan add note:

- a. Work shall conform to requirements of the Unified Government of Wyandotte County/Kansas City, Kansas (the UG) Specification Section 2150 - Erosion and Sediment Control. **Understood. This note will be added when the Final Land Disturbance plans are created.**
- b. Good housekeeping, including spill response shall be performed in accordance with UG Specification Section 2150 - Erosion and Sediment Control. **Understood. This note will be added when the Final Land Disturbance plans are created.**
- c. 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. **Understood. This note will be added when the Final Land Disturbance plans are created.**
- d. 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. **Understood. This note will be added when the Final Land Disturbance plans are created.**
- e. Contractor shall install erosion control devices before starting any construction activity. Show types of devices shall be installed, or reference the pre-construction plan, i.e., silt fence perimeter control, inlet protection, etc. **Understood. This note will be added when the Final Land Disturbance plans are created.**
- f. The contractor shall be responsible for providing additional erosion control measures or modifications when the plan fails to substantially control erosion or offsite sedimentation. **Understood. This note will be added when the Final Land Disturbance plans are created.**
- g. 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. **Understood. This note will be added when the Final Land Disturbance plans are created.**
- h. 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. **Understood. This note will be added when the Final Land Disturbance plans are created.**
- i. 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. **Understood. This note will be added when the Final Land Disturbance plans are created.**
6. Provide a concrete washout tank on all phases with concrete deliveries to site. **Understood. An area for a concrete washout tank will be defined and shown on the Final Land Disturbance Plans.**
7. 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. **Understood. This information will be shown on the Final Land Disturbance Plans.**

8. Provide erosion control measures for milestones of development: grading, utility, roads, structure erection and final development. **Understood. This information will be shown on the Final Land Disturbance Plans.**

Storm Drainage Review No. 1:

1. Delineate between public and private utility improvements. **The only public improvements are associated with the Street Vacation and shortening of the Public Sanitary Sewer Main. The property will be platted as a single lot and existing drainage easements will be vacated as shown on Sheet C1.01 of the submittal.**
2. Provide separate complete Public Storm Drainage drawing set including erosion control plan when applicable. **A separate set of Erosion Control Plans will be provided with Final Plans.**
3. Include Public Street design with Public Storm design. **There is no public street design associated with this project.**

Sanitary Sewer Review No. 1:

1. Delineate between public and private utility improvements. **The only public improvements are associated with the Street Vacation and shortening of the Public Sanitary Sewer Main. The demolition of the Public Sanitary Sewer (approximately 30 feet) is shown on sheet C1.01 of the submittal.**
2. Provide separate complete Public Sanitary Sewer drawing set including erosion control plan when applicable. **We will coordinate with the Water Pollution and Control Department about the need for a separate set of Public Sanitary Sewer Plans when submitting for Final Plans.**

Retaining Wall Review No. 1:

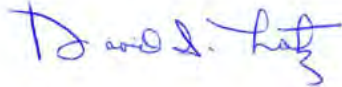
1. Retaining wall plans, and details are required with final plans, for any type of retaining wall. Provide retaining wall calculations for walls over 3'-6" high. Review the on-line retaining wall checklist. **Understood. Any wall calculations will be provided with Final Wall design.**
 2. Retaining wall calculations shall include global stability, vehicular loading, vehicular barrier, building loading, surcharge and/or construction loading, and pedestrian railing as applicable. **Understood. Any wall calculations will be provided with Final Wall design.**
 3. Pedestrian guardrails shall be provided on retaining walls over 30 inches high. Calculations shall include line and concentrated loads of 50 pounds per linear foot and 200 pounds concentrated load applied to top rail. Detail stanchion anchors. **Understood. Any wall calculations will be provided with Final Wall design.**
 4. Provide retaining wall plans for each wall showing plan layout, begin and end points, top and bottom wall elevations, dimensions, curve or bend data, cross sections, geogrid material and specifications, geogrid length and elevations, railing, posts, post foundations, utility crossings, drain tile location(s) and outlet(s), backfill, etc. Plans shall show limits and location of proposed retaining walls and walls must be dimensioned, tied to property lines, and angles and radius are shown as applicable. **Understood. This information will be provided with Final Wall plans.**
 5. Add note: Retaining wall geogrid and/or foundations shall not cross utility easements or right-of-way. **Understood. This note will be added to the Final Wall plans.**
 6. Calculations shall include applicable soil parameters utilized in the wall design, including but not limited to allowable soil bearing pressure, equivalent lateral fluid pressure (active and passive), surcharge load, internal angle of friction, coefficient of friction and soil density. **Understood. Any assumptions or soil parameters used for wall calculations will be provided with Final Wall design.**
 7. Provide cross sections of all proposed walls which indicate materials, wall and footing dimensions, reinforcing, concrete design strength, geogrid material, drainage method, backfill, compaction requirements, vehicular loading, and slope of backfill finish grade. **Understood. This**
-

- information will be provided with Final Wall plans.
8. Retaining walls with heights greater than 6 feet should be tiered. There are no walls anticipated to be greater than 6 feet in height.

If any further information is required at this time, please let us know?

Sincerely,

Continental Consulting Engineers, Inc.



David S. Lotz, P.E.
Senior Civil Engineer

dl@ccengineers.com

Enclosures: Sight-line Sections from Perimeter of the Site
Modified Landscape Plan
Modified Site Plan

Cc: Dan Simmons, Unified Government, Building and Logistics
Tim Baker, Baker Barrios
Amy Grant, Polsinelli

Neighborhood Meeting Minutes

Petition # COZ2022-050/PLAT2022-042

Date: December 20, 2022

Location: Via Zoom

Meeting called to order at: 6:00 p.m.

Names of people in attendance:

Project Team

1. David Lotz, P.E., Continental Consulting Engineers
2. Dan Simmons, Foundry Commercial
3. Amy Grant, Polsinelli PC
4. Meghan Dietz, Baker Barrios

Other Attendees

5. Mike Mann, 2205 N 113th Terrace
6. Bill Doolittle, 11304 Cleveland Avenue
7. Sherwin Carroll, 11309 Cleveland Avenue

We received no calls or e-mail questions prior to the Neighborhood zoom Meeting.

Presentation by David Lotz:

This is a Neighborhood Meeting for a project called the Piper. The Piper is an existing assisted living and memory care facility with approximately 120 units. With this project were adding a second building on the vacant ground north of the existing building. The new building is for Independent Living and will have 40 new units. Between the two facilities, we will have a total of 160 units. This will provide for a cohesive retirement community were we can serve the needs of those over 55 years of age at various levels of their life. The new building will be for those seniors who don't need the extra assistance at this time but would like to have a maintenance free lifestyle with all the amenities. There will be a dedicated entrance on the north side of the building and a covered walkway between the two buildings. The service entrance currently located on the north side of the existing building will remain and will serve both buildings. The kitchen area located within the existing building will serve both buildings with a separate dining area provided in the individual buildings.

A site plan was placed on the screen to more clearly identify the site improvements. A brief recap of the previous commentary was provided.

The new building will have a 17,000 SF template. The new building will be connected with a covered walkway to the north of the existing building.

Building elevations were placed on the screen to show the appearance of the building and its similarity to the existing building as well as the planned covered walkway.

A Landscape plan was placed on the screen and highlights include:

- Plan to keep existing trail on west side of site.
- Sidewalks are planned for all sides of the new building.
- Building is made to look similar to the existing building.
- Parking is located around the perimeter of the building.

The presentation was completed and the floor was opened to questions/comments.

Mike Mann Questions:

Q: Was this invitation sent to the Hazelwood Homes association?

A: David Lotz indicated he was unsure if the mailer went to this entity but that some 85-100 individuals received the invitation. After the meeting, it was confirmed that the invitation was sent to the homes association.

Q: Is there a retention pond on the north of the building?

A: Yes, that will be a dry detention basin and will not have water in it on a regular basis. It will only have water in it after rainfall events.

Q: The existing roads are in poor condition and may not handle heavy construction equipment. Will there be an escrow account to repair the roads?

A: The City has not asked for an escrow account. The city will take note of the conditions of the road today and will likely require that any road surfaces damaged by construction equipment for this project be repaired.

Q: What traffic impact will there be on the neighborhood?

A: A traffic memo has been submitted to the city and is under review. The existing street capacity is adequate to handle the 40 additional units for this site. The proposed parking also meets code.

A: Daniel Simmons Comment; The new building will be managed by the same operator currently managing the existing facility. There will be a bus to bring residents to their daily needs to reduce the need for residents to use personal vehicles. There is a demand from those in the Piper community to be close to their spouse who may have different medical needs.

David Lotz Comment: During peak hours, there are an additional 12 trips expected in both the AM and PM. based on trip generation information available from the ITE trip generation manual.

Q: How many parking spaces are allotted for the residents living there?

A: Approximately 145 spaces will be available at full build out. Some people in the existing facility do not have vehicles.

Bill Doolittle Questions:

Q: I am concerned that there is a need for a traffic light at the intersection today to help with the traffic load.

A: This project will not generate enough traffic to require a signal at the intersection. If you have concerns about existing traffic volumes and signal operations, I would encourage you to call the City to discuss those concerns.

Sherwin Carroll Questions:

Q: Once the city approves the project, what is the timeframe for getting the facility built?

A: It will likely take another 6-8 months to receive all approvals from the City including building permits. Construction of the facility will take approximately 12-16 months and could begin around March/April of 2024.

Comment: I would hope that the city would have the project adhere to any requirements set forth by the Hazelwood Villa's HOA, particularly in regards to the utility connections.

A: Yes, we must show the City where utility connections will be made and the providers must verify that capacity exists.

Comment: The public hearing before the City Planning Commission will be held on January 9, 2023 and everyone will have an opportunity to attend and provide comments at that time.

Meeting adjourned at: 6:40 p.m.

Minutes taken by: David S. Lotz, P.E. /Meghan Dietz

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF FLORIDA)
) SS:
COUNTY OF ORANGE)

Comes now Kevin R. Maddron, of lawful age, sound mind and upon his/her oath states as follows:

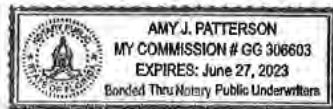
1. That I am the petitioner for Petition #COZ2022-050/PLAT2022-042.
2. That I conducted a neighborhood meeting on December 20, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

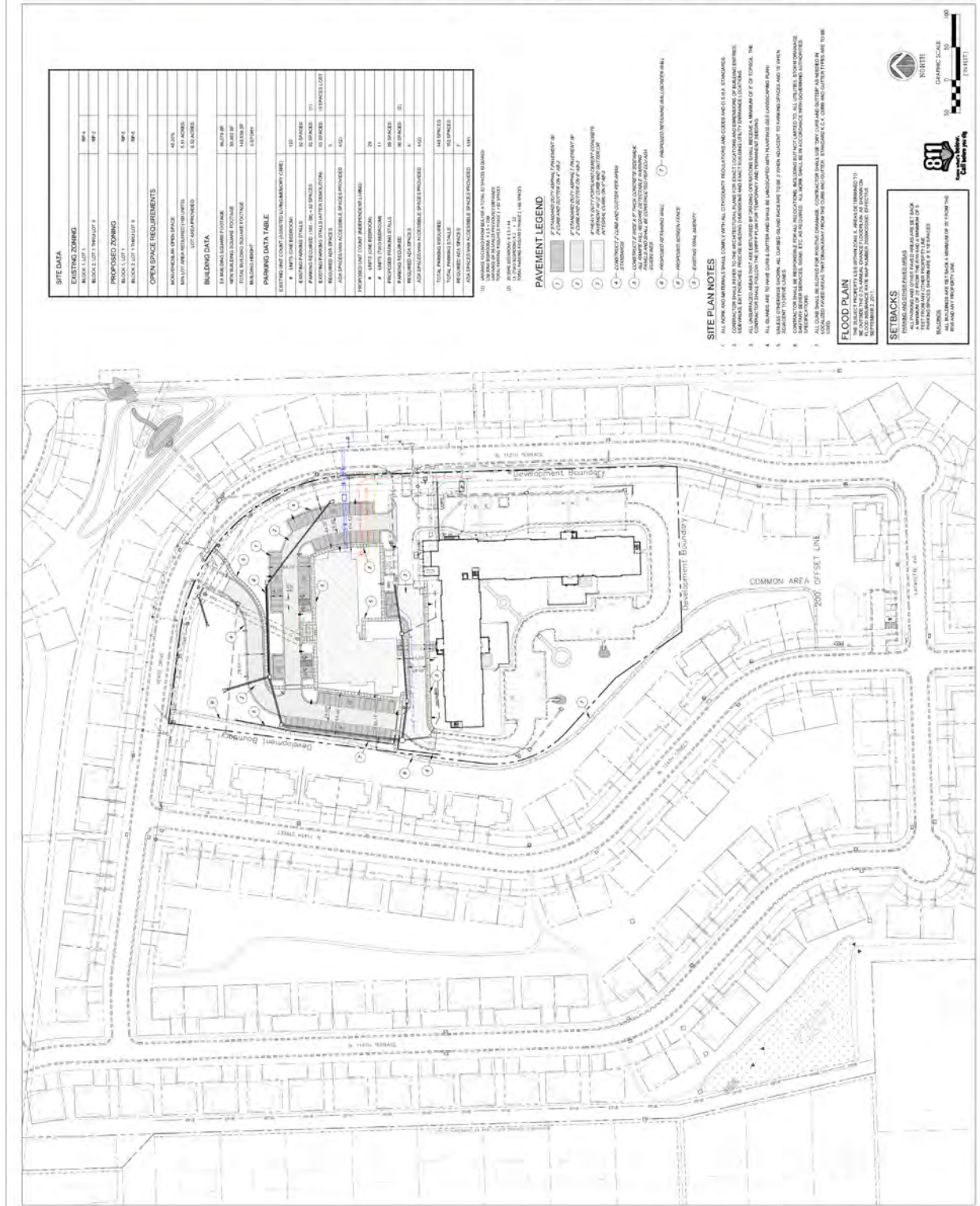
Kevin R. Maddron
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 21st day of December, 2022.

My commission expires 27th of June, 2023.



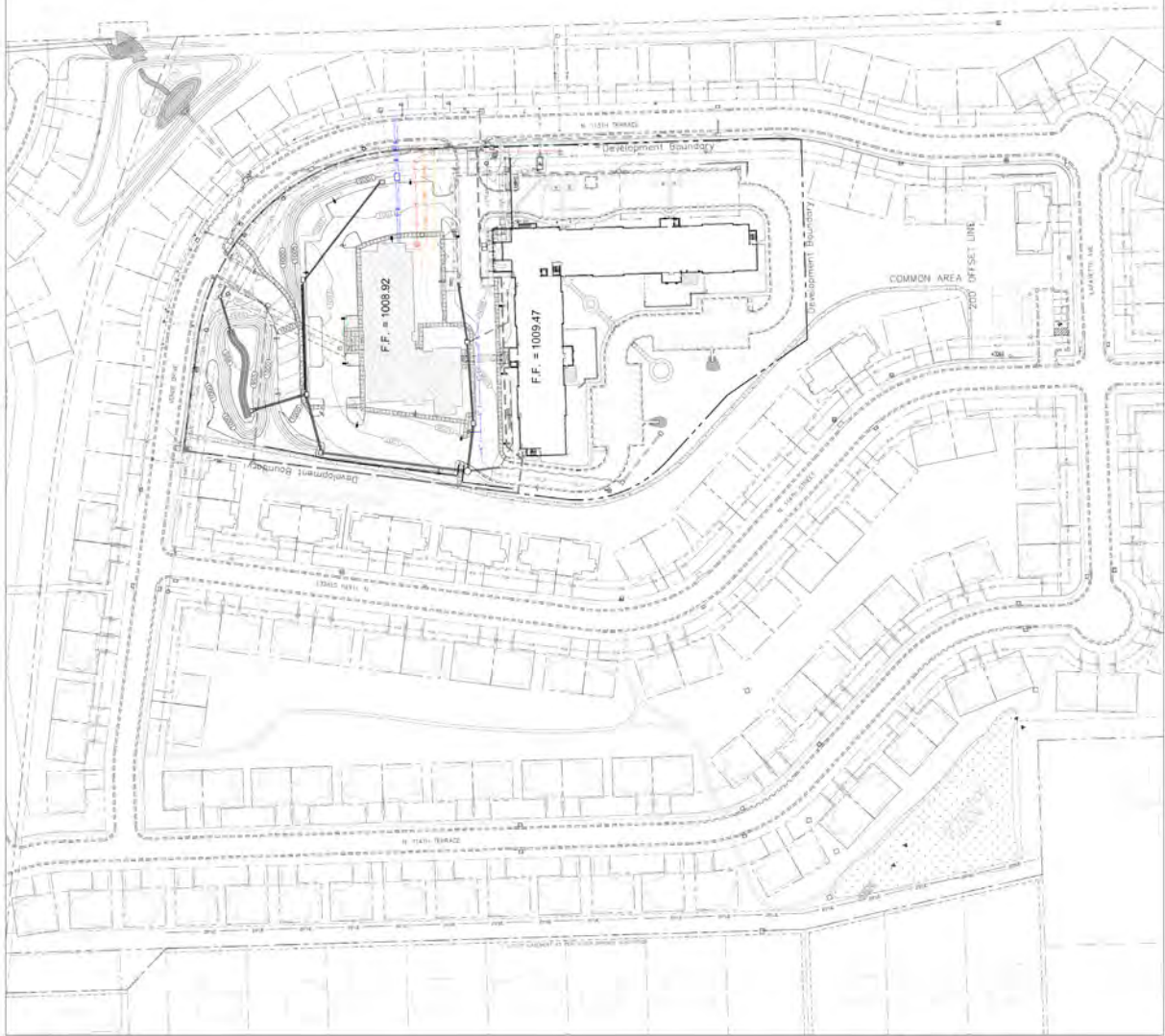
Amy J. Patterson
Notary Public

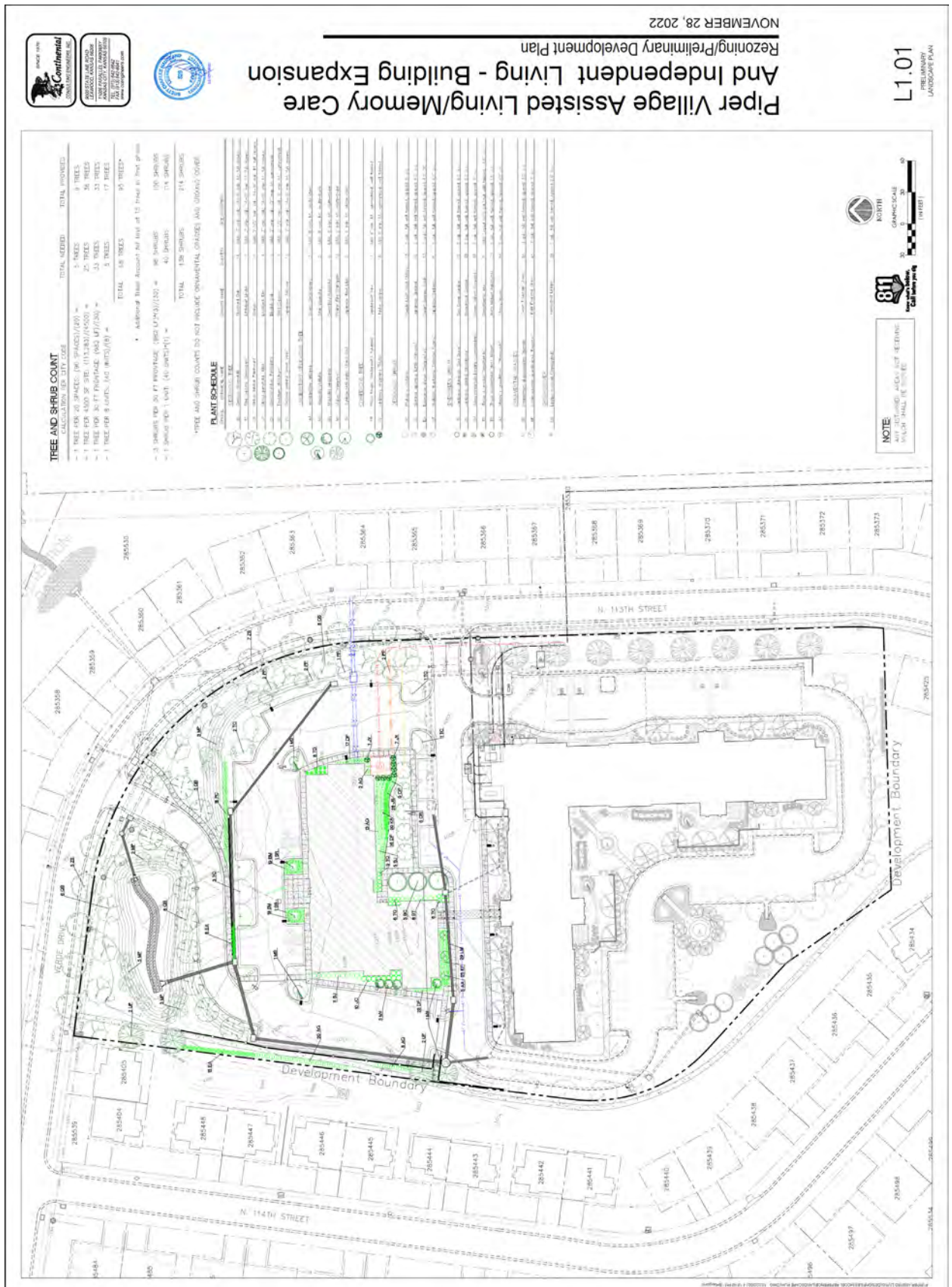


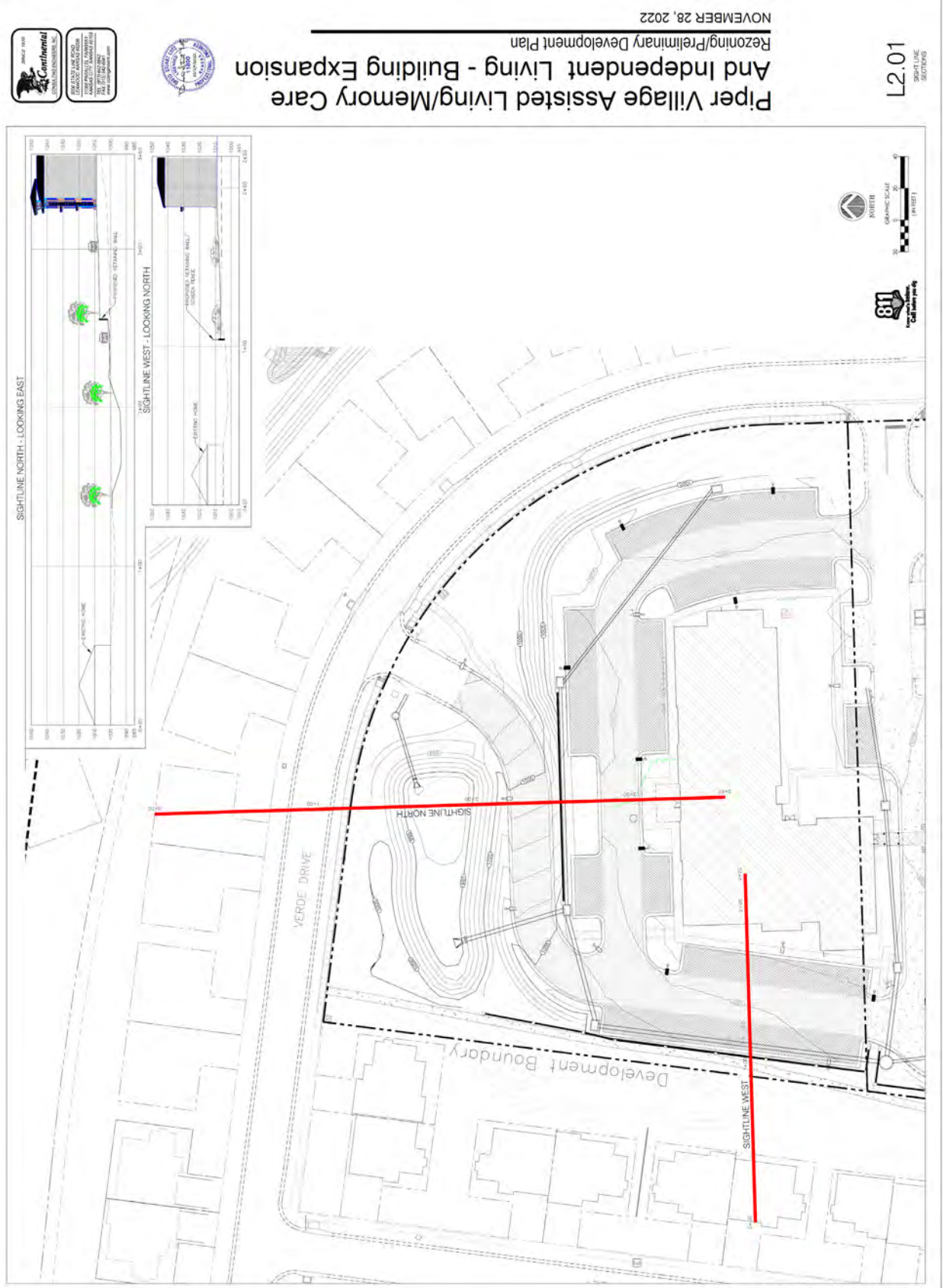


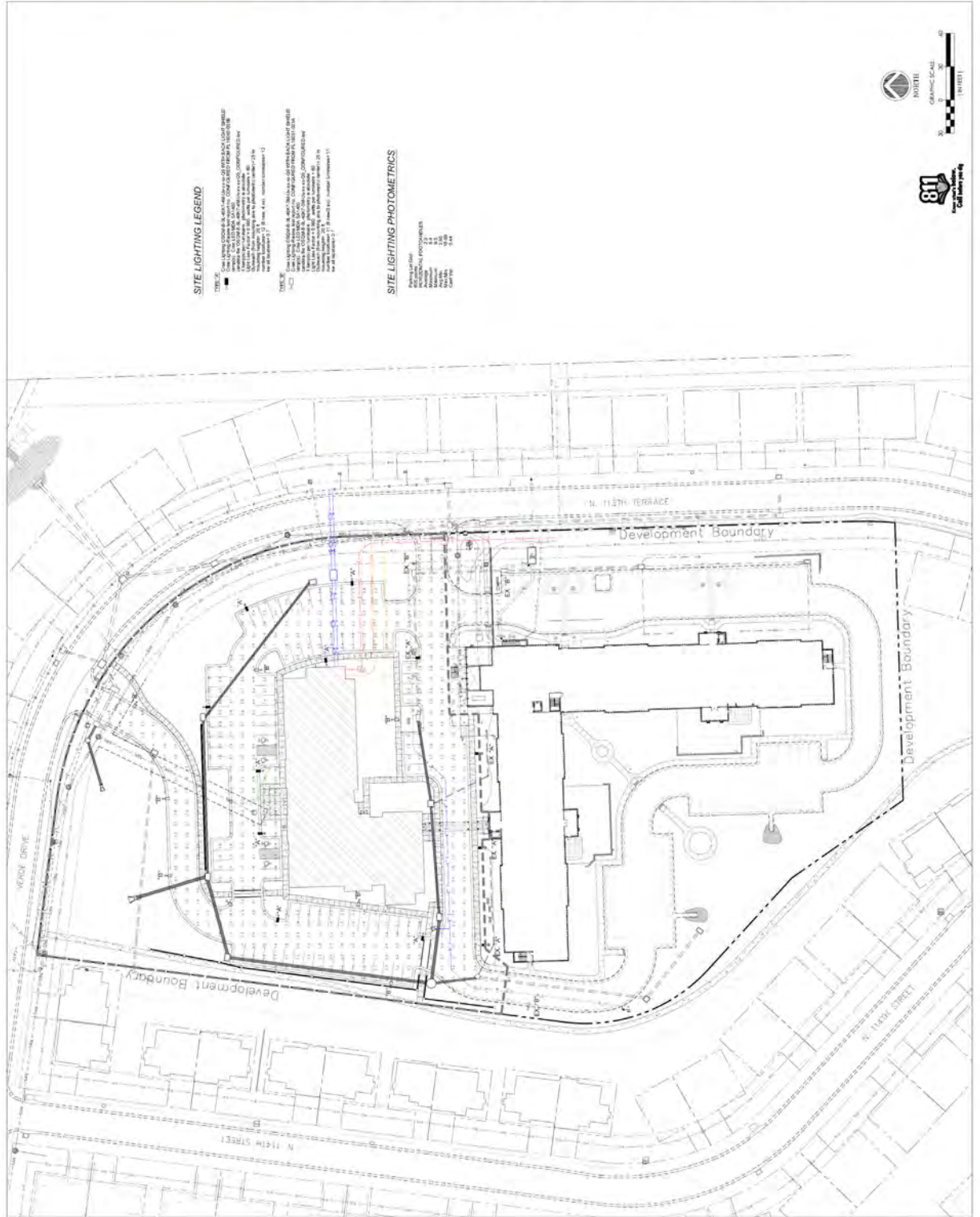
SITE GRADING NOTES

1. THE CONTRACTOR SHALL VERIFY & CONFIRM THAT THE LOCATION OF EXISTING UTILITIES IS SHOWN IN THE RECORD DRAWINGS OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES IN THE PROJECT AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES IN THE PROJECT AREA. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES IN THE PROJECT AREA.
2. ALL UTILITIES SHALL BE MAINTAINED IN PLACE. ANY UTILITIES FOUND TO BE IN VIOLATION OF THE CITY OF LOS ANGELES ORDINANCES SHALL BE REPAIRED OR REPLACED AT THE CONTRACTOR'S EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES IN THE PROJECT AREA.
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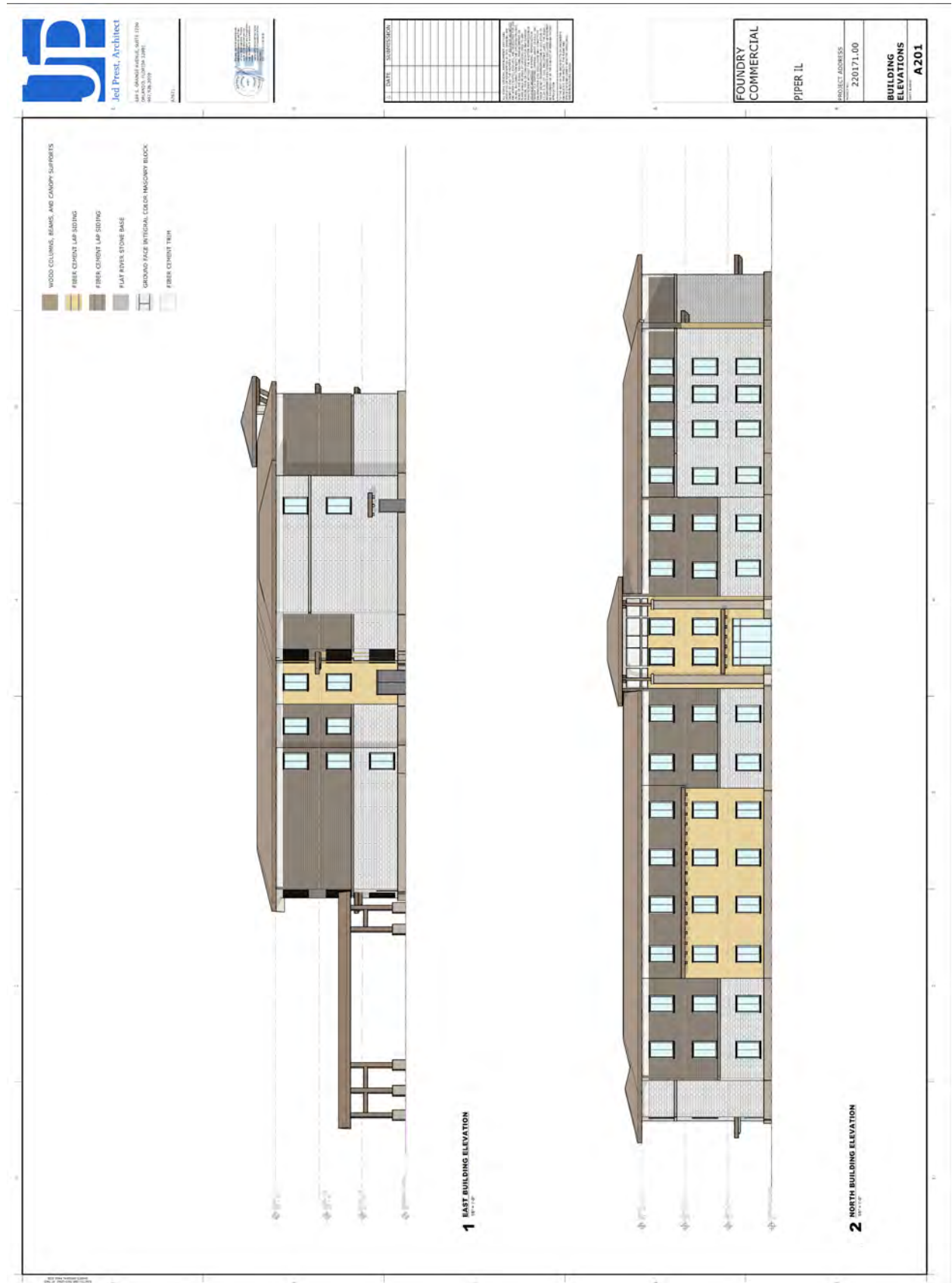






Figure 4. Site photograph of 2203 North 113th Place looking northwest from North 113th Place (provided by Planning Staff).



Figure 5. Site photograph of 2203 North 113th Place looking northwest from North 113th Place (provided by Planning Staff).



Figure 6. Site photograph of 2203 North 113th Place looking southeast from Verde Drive (provided by Planning Staff).



Figure 7. Site photograph of 2203 North 113th Place looking south from Verde Drive (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 26, 2023

Re: Special Use Petition SP2022-089

GENERAL INFORMATION

Applicant:

Rogelio Falcon

Status of Applicant:

Owner

444 North 10th Street
Kansas City, Kansas 66102

Requested Action:

Approval of a Temporary use of
Land Special Use Permit.

Date of Application:

September 30, 2022

Purpose:

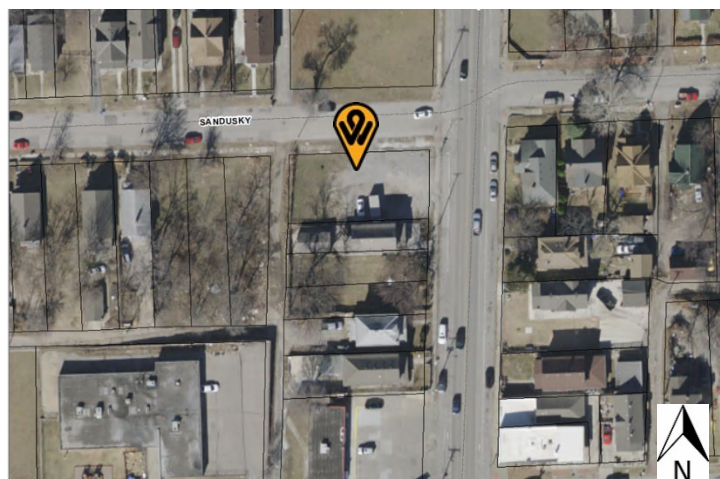
To approve a Special Use Permit to
keep a storage container on the
property.

Property Location:

444 North 10th Street
Kansas City, Kansas 66102

Commission Districts:

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



Existing Zoning:	R-1(B) Single-Family District
Adjacent Zoning:	North: R-1(B) Single-Family District South: R-1(B) Single-Family District East: R-1(B) Single-Family District West: R-1(B) Single-Family District
Adjacent Uses:	North: Vacant residential parcel South: Single family residence (Applicant's residence) East: Single family residence West: Vacant residential parcel
Total Tract Size:	0.16 Acre
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density, which allows for a mix of detached and attached residential uses.
Major Street Plan:	The Major Street Plan designates 10 th Street as a Class C Thoroughfare.
Parking Requirement:	Sec 27-455(d) states "two off-street parking spaces shall be provided on the premises for each single-family dwelling". This property is utilized as parking for the applicant's residence, which abuts the subject property to the south.
Advertisement:	<u>The Wyandotte Echo</u> – October 20, 2022 Letters to Property Owner – October 21, 2022, November 7, 2022, and December 7, 2022
Public Hearings:	January 9, 2023 and January 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Rogelio Falcon, is requesting a Special Use Permit to keep a storage container to store furniture on the property at 444 North 10th Street. The applicant would like to keep the containers for up to one (1) year to store furniture that they are transporting to family out of town.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no Noise or Disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been numerous Notices of Violations and Abatement actions taken on the property, ranging from grass and weeds on the lot, to improperly kept vehicles, to having storage containers without a Special Use Permit
 - a. 2022 – ABT22-2007 – Abatement of Weeds
 - b. 2022 – ENV22-1572 – Weeds and Trash
 - c. 2022 – PMZ22-0051 – Zoning Enforcement – Unapproved Storage Containers
 - d. 2020 – 20225-02085 – Abatement for Trash and Weeds
 - e. 2019 – 19212-00165 – Improper Storage of Vehicles
 - f. 2018 – 18212-00274 – Weeds and Trash

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood consists of predominately narrow, small lot single-family residences, with alleyway parking, with neighborhood commercial and institutional uses mixed in. The neighborhood is located along 10th Street, a mixed-use corridor running north to Quindaro and south to Armourdale.

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 proposed use is not compatible with the surrounding uses; Most nearby parcels are between a-tenth (0.10) and one-quarter (0.25) acre in size, while the subject property is 0.45 acre. The density and lot sizes of the surrounding area magnifies the impact that any accessory use may have upon neighboring properties. In addition to the applicant's vehicles which park on the property, the storage containers found on the property are most commonly found in an industrial context, rather than a single-family neighborhood.

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

While Special Use Permits for storage containers are not uncommon, the context of the property is important when determining impact. In this instance, many of the developed lots surrounding the property, including the applicant's residence have detached sheds or garages on the property that are used for storage, rather than two (2) storage containers, which themselves are industrial in nature. Additionally, the subject property does not have any impervious or improved surfaces, so the storage containers, as well as the applicant's personal vehicles, currently are stored on unimproved surfaces, increasing the potential for detrimental impact to the subject property. The Code of Ordinances prohibits parking on an unimproved surfaces, which currently, the applicant is parking both their personal vehicles, as well as the two (2) containers, on an unimproved surface.

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

The subject property has been vacant since at least 1997 and has been utilized as parking for the abutting single-family residence.

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

The Central Area Master Plan does not address Special Use Permit. The Central Area Master Plan designates this property as Urban Density, which allows for a mix of detached and attached residential uses. Urban Residential does not address storage of personal items. The proposed use is not a residential use in nature, as the applicant is using them to store inventory from their previous business. While storage containers are not uncommon in residential areas, the type of containers on the property are industrial in character and have been placed on an unimproved surface.

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 the increase of traffic to the point where it exceeds the capacity of 10th Street, a Class C Thoroughfare, as the proposed use is for the convenience and use by the existing property owner, rather than an outside party or the general public.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as it is a private use for the property owner to store inventory from their previous furniture business, rather than use for the public, as a storage facility would be. The proposed use may impact surrounding properties if the

proposed use is not properly managed with screening, creating an improved surface for the containers, or if the property itself is not properly maintained.

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

The two (2) storage containers are already on the property, so no additional impacts from dust, or vibration would occur. The containers will inherently create noise when they are being loaded and unloaded. This would be a regular occurrence. The subject property, however, does not contain an improved surface, rather a gravel driveway creates dust, especially if the property continues to serve as both a driveway for the applicant's residence and a location for their storage containers.

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

The proposed use of the storage containers is to store furniture from their previous business; This use should not pollute the air, land, or water, as it is located on an unimproved vacant parcel and will store furniture, and if it is placed on an improved surface with an improved driveway with a UG standard driveway apron.

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 located in an existing, built-out urban residential neighborhood.

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

The relative gain to public health, safety, and welfare is minimal, as the proposed use serves the property owner for their private use. As stated previously, much of the surrounding properties are no more the one-quarter (0.25) acre in size, which magnifies the impact of a use, such as keeping storage containers on the property. If denied, the applicant would have to find somewhere else to keep the containers, or utilize an existing public storage facility, rather than keep the containers on their property.

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

The subject property is currently used for the storage of the containers, as well as parking for the applicant's personal vehicles, which inherently already creates an atmosphere of overcrowding of the land. The proposed use, however, is not expected to result in the additional overcrowding or land or undue concentrations of population, as the subject property is a vacant lot, which is already used for parking and unpermitted storage.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant did not host the required neighborhood meeting.

KEY ISSUES

Alternative Storage Solutions
Improperly Stored Vehicles
Notices of Violation
Property Maintenance
Screening
Sidewalks
Unimproved Surfaces

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2022-089** due to the applicant not holding a neighborhood meeting or responding to questions and request for information from Staff.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

1. Are there any hazardous materials stored in the containers?
2. Is the box truck parked on-site also being used for storage?
3. Why has the applicant not pursued other storage solutions, such as existing storage facilities?
4. How long does the applicant intend to keep the storage containers on the property?
5. The applicant has had several Notices of Violation on the property, regarding improperly stored vehicles, and overgrown vegetation. The applicant shall remove all inoperable vehicles, or vehicles without proper registration, as well as properly maintain the site.

Staff Response: The applicant did not respond to the draft staff report or draft comments.

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 **DENIAL** of Petition **SP2022-089** subject to all comments and suggestions outlined in this staff report, and the reasons outlined by the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Photos, Provided by the Applicant, Dated September 2022
Site Photos, Provided by Staff, Dated October 18, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 9, 2023	January 26, 2023
Special Use	Denial	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-089**, 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.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-089** 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. _____.

January 9, 2023 City Planning Commission Minutes:

Hearing starts at 2:40:29 and the applicant was not present. The application was moved to the end of the agenda and recalled at 4:12:00 and the applicant was not present.

SPECIAL USE PERMIT APPLICATION SP2022-089 – ROGELIO FALCON -

SYNOPSIS: Special Use Permit for the Temporary Use of Land to keep two (2) storage containers on a residential lot at 444 North 10th Street. Detailed Outline of Requested Action: The applicant, Rogelio Falcon, is requesting a Special Use Permit to keep a storage container to store furniture on the property at 444 North 10th Street. The applicant would like to keep the containers for up to one (1) year to store furniture that they are transporting to family out of town.

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 January 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:12:42: Planning Director Hand stated that the request is for a Special Use Permit for the Temporary Use of Land to keep two (2) storage containers on the property. This application is a result of an enforcement

action. This property is in the Central Area Master Plan. This is a very urban location and the Applicant owns the single-family home and he is storing the containers on an abutting vacant piece of property. The enforcement action was put on hold pending the result of this Special Use Permit. Staff has not been able to communicate with the Applicant through phone, email and on-site visits. He has not held a neighborhood meeting nor responded to the draft staff report. Staff recommends denial for the reasons stated. If the Planning Commission would like to approve the Special Use Permit, it would need to first be held over to provide the Applicant additional time to hold a neighborhood meeting and address Staff comments and requests.

Motion starts at 4:13:50:

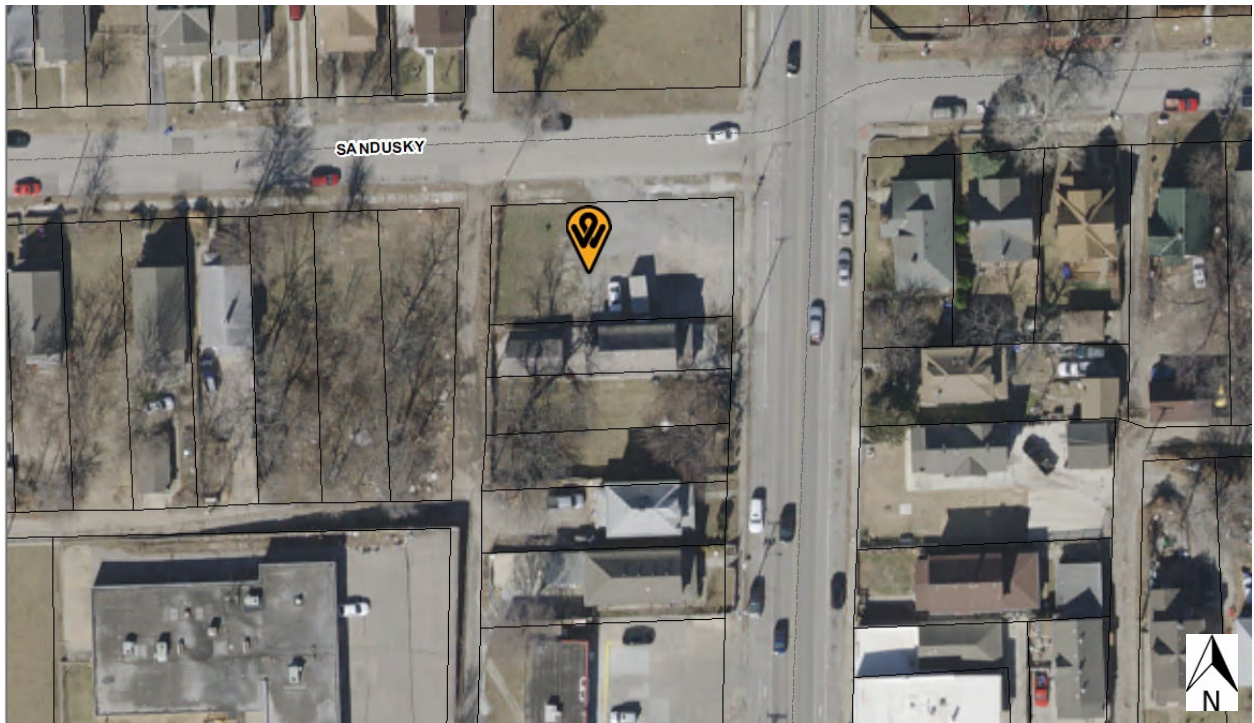
On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **DENIAL of Special Use Permit Application SP2022-089 due to the applicant not holding a neighborhood meeting or responding to questions and request for information from Staff:**

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

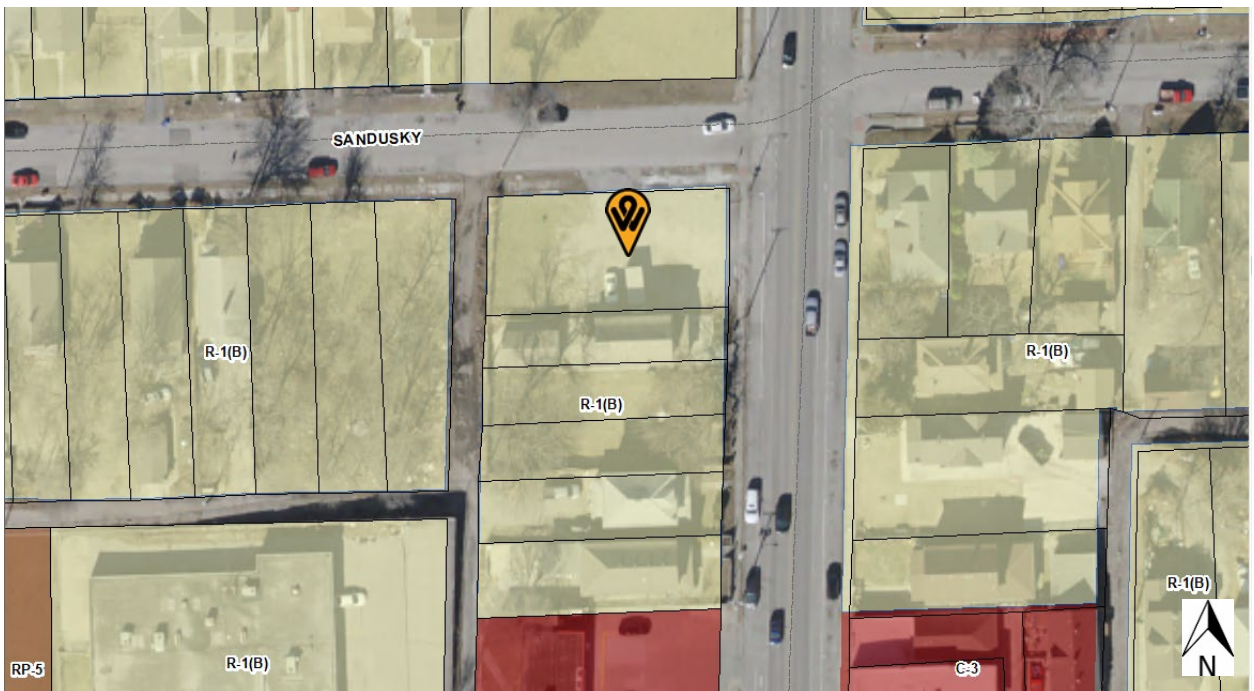
Motion to recommend **DENIAL** Passed: 5 to 0

ATTACHMENTS

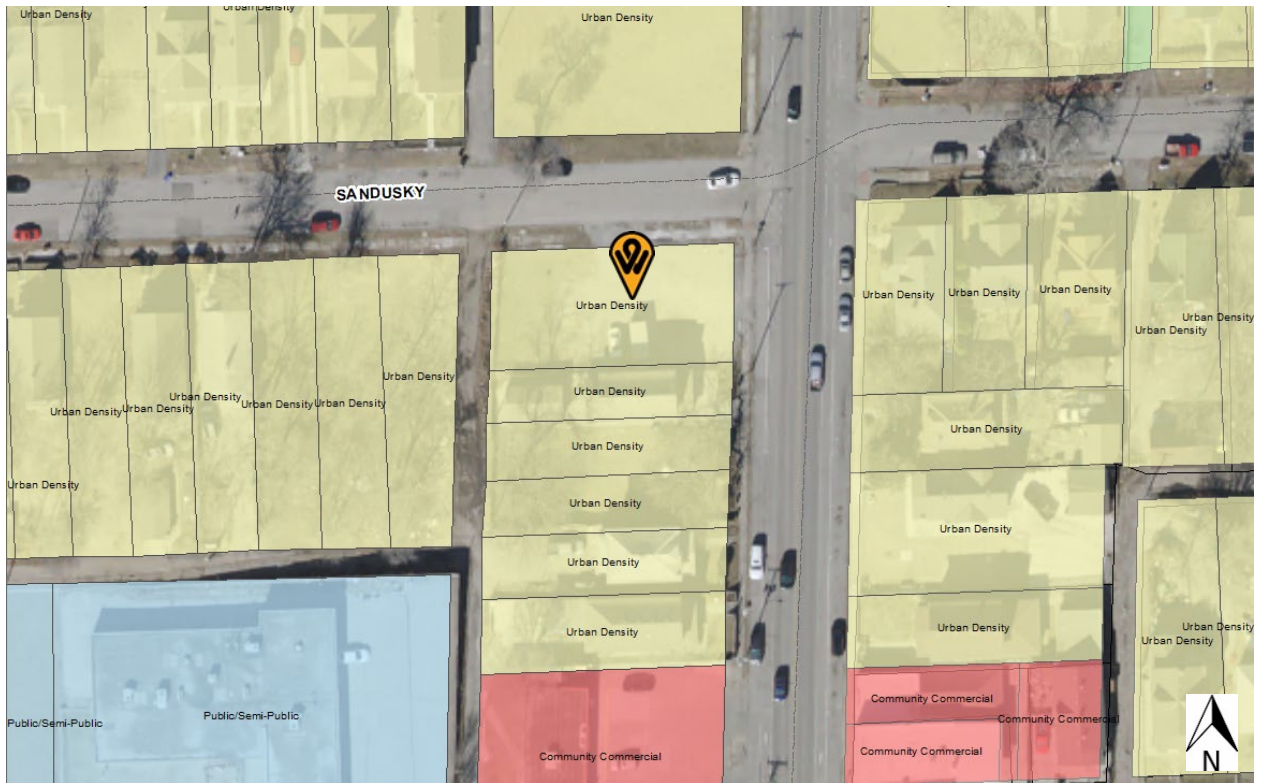
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



SITE PHOTOS, PROVIDED BY THE APPLICANT, DATED SEPTEMBER 2022



SITE PHOTOS, PROVIDED BY THE STAFF, DATED OCTOBER 18, 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 26, 2023

Re: **Special Use Petition SP2022-107**

GENERAL INFORMATION

Applicant:

Natalie McNutt

Status of Applicant:

Property Owner
14825 Fairway Circle
Leawood, Kansas 66224

Requested Action:

Renewal of a Special Use Permit
(SP2021-077, which expires March 2, 2023) for a short-term rental.

Date of Application:

November 28, 2022

Purpose:

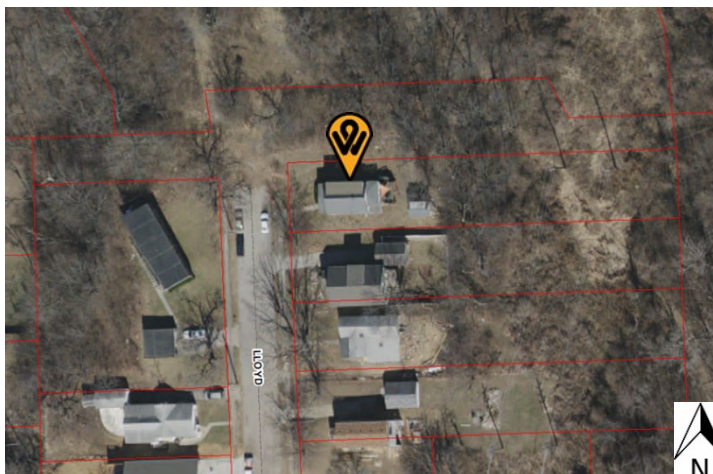
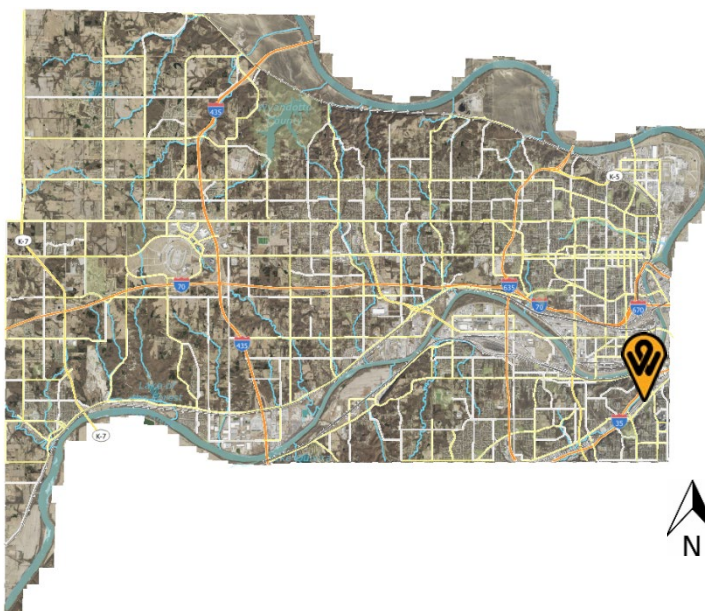
To continue to operate a short-term rental. The property is not the property owner's primary residence.

Property Location:

3801 Lloyd Street
Kansas City, Kansas 66103

Commission Districts:

Commissioner At-Large, District 2:
Tom Burroughs



Commission Districts (Cont'd): 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:	BPU Utility Substation
South:	Single family residence
East:	Fisher Park
West:	Single family residence

Total Tract Size: 0.33 Acre

Master Plan Designation: The Rosedale Master Plan designates this Property as Single Family Residential. This district 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 Major Street Plan designates Lloyd Street as a Local Street.

Parking Requirement: Section 27-455(d) states “two off-street parking spaces shall be provided on the premises for each single-family dwelling.” The applicant currently provides two (2) off-street spaces.

Advertisement: The Wyandotte Echo – December 15, 2022
Letters to Property Owner – December 16, 2022

Public Hearings: January 9, 2023 and January 26, 2023

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Natalie McNutt, is seeking approval for the operation of a short-term rental at 3801 Lloyd Street. The subject property is a single-family residence on a dead-end street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. The subject property currently has no outstanding code violations. There were several violations on the property with a prior owner that are now alleviated.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood and the Hilltop Neighborhood Group. The neighborhood is residential and urban in character. Lots are average for urban densities and the average lot size is 50 feet wide. The streets are mostly paved concrete and driveways are generally concrete approaches with concrete or gravel driveways. Many roads have visible evidence of neighborhood improvements such as improved curbs and sidewalks. This block of Lloyd Street is adjacent to Fisher Park and dead ends behind the newly constructed Board of Public Utilities electrical substation.

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

The zoning and uses are set out above. The subject property is surrounded primarily by R-1(B) Single Family Zoning Districts. The property has been non-owner occupied since at least 2004 when the prior owner purchased the property. Continuing use as a rental, either short or long term, is consistent with other nearby properties in close proximity to the nearby university, mixed-use corridor, and neighborhood corridor. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

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

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

The property is not vacant and has been utilized as a short-term rental since January 2022.

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. Single Family Residential allows a short-term rental but requires a Special Use Permit to operate as it is a business.

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. 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 since their original application. Vibration, dust, or illumination are not issues typically related to the usage of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property.

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

The proposed use will not pollute the air, land, or water as it is an existing permitted residence.

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is an existing single-family residence in a built-out urban neighborhood.

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7), with a maximum of two (2) cars on site. If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

- Approval of a Vacation (VAC2021-012) for a Right-of-way Vacation
- Approval of a Special Use Permit (SP2022-077) for one (1) year to operate a Short-Term Rental.

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of December 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Parking
Crowding
Required Home Repairs
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-107, for two (2) years**, subject to:

1. Maximum number of guests shall be seven (7);
2. All parking must be off-street, maximum number of vehicles is two (2);
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance:
913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. 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;
10. If approved, the applicant must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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;
12. 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;
13. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

property may also be subject to enforcement actions and administrative citations;

15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. 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 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,
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends

APPROVAL of Petition **SP2022-107** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Description of Business
Site Photos, Provided by Staff, Dated December 8, 2022
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 9, 2023	January 26, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-107**, 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 **SP2022-107**, 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.

January 9, 2023 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2022-107 – NATALIE MCNUTT –

SYNOPSIS: Renewal of a Special Use Permit (SP-2021-77 – expires 3/10/2023) to operate a short-term rental at 3801 Lloyd Street. Detailed Outline of Requested Action: The Applicant, Natalie McNutt, is seeking approval for the operation of a short-term rental at 3801 Lloyd Street. The subject property is a single-family residence on a dead-end street.

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 January 9, 2023;
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. Mr. Jason Newman requested that SP2022-111 be removed from the Consent Agenda.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

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

Motion to APPROVE Passed: 5 to 0

Subject to:

1. **Maximum number of guests shall be seven (7);**
2. **All parking must be off-street, maximum number of vehicles is two (2);**

3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
5. Applicant is to maintain liability insurance;
6. The property must remain in proper maintenance and free of hazards, pests, or infestations;
7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance:
913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
9. 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;
10. If approved, the applicant must file and maintain a current business occupation tax application with this office;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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;
12. 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;
13. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 16. 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 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,**
- 18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

ATTACHMENTS

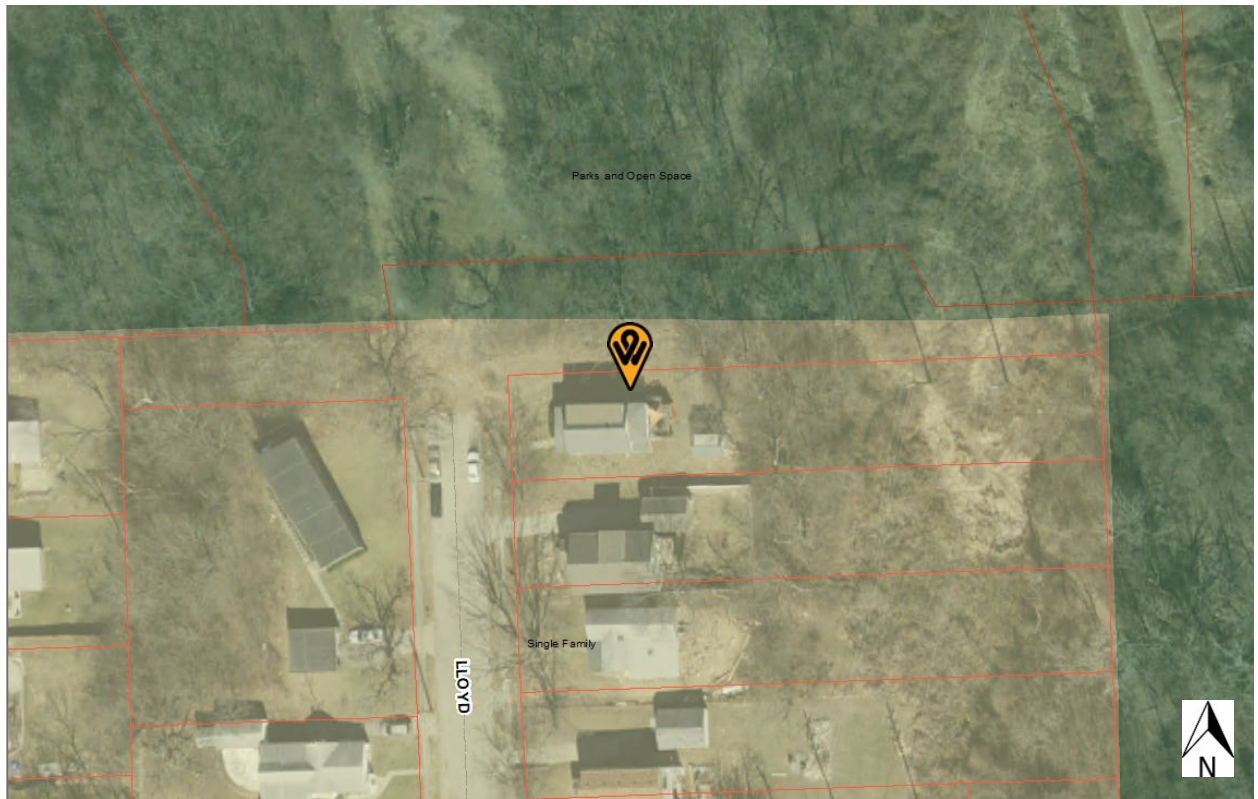
AERIAL IMAGERY



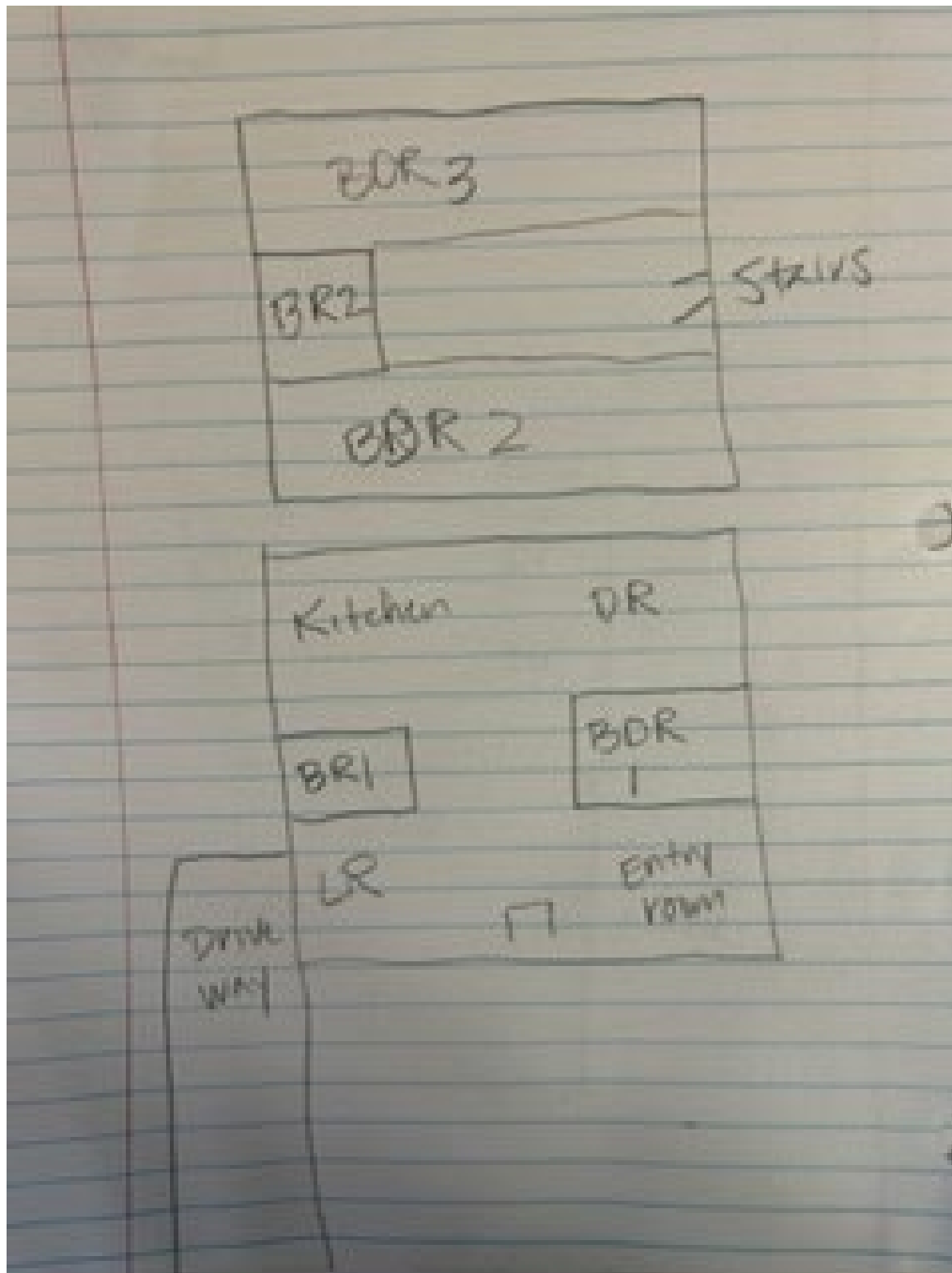
ZONING MAP



LAND USE MAP



FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED DECEMBER 8, 2022



MINUTES:

Application Number SP2022-107

Date and Location: email and phone calls

Meeting called to order at: N/A

Names of people in attendance: 2

Introductions:

Presentation by applicant and/or team (explain what information was given to those in attendance and a summary of what the speaker said).

Kathryn Harsh, texted and said she would be happy to write a note on my behalf. She said I was doing a really good job and have been really open to all her observations and that makes it easy to support my renewal.

Pat Morrill sent an email.

Today BPU received a copy of your notice regarding a neighborhood meeting for this special use permit.

We do not have any issues with the proposed use of the property.

We suggest that information be provided to whomever rents the property on how to report an electric/water outage at this address to the BPU.

To report an electric outage/problem call 913.573.9522.

To report a water outage/problem call 913.573.9622.

Meeting adjourned at: 12/22/2022

Minutes taken by: Natalie McNutt

Date: December 5, 2022

UNIFIED GOVERNMENT WY CO/KCK
701 N 7TH ST, STE 421
KANSAS CITY, KS 66101

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning concerning Land Use #SP2022-107, renewal of a Special Use Permit (SP2021-077 – expires 3/10/2023) to operate a short-term rental at 3801 Lloyd Street. To obtain this Land Use Permit requires a neighborhood meeting to inform you of the purpose of what the land is going to be used for and answer any questions you might have about that use.

The land in question is: 3801 Lloyd Street, Kansas City, KS 66103

The intent for said property is to be used as an Airbnb catering to short term workers or patients of the nearby KU Medical Center. We have currently been operating for a year and have forty 5 star reviews on Airbnb. We are also Superhosts. We will be renting to a long term traveling nurse starting in January.

I encourage you to reach out with any questions or concerns you may have. I am reachable by phone or email.

Sincerely,

Natalie McNutt

913-271-4709

Mcnuttfamily4@gmail.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kandas)
) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2022-107.
2. That I conducted a neighborhood meeting on 12/08/2022-12/20/22.
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

Natalie McNutt

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

My commission expires _____ of _____, 200_.

Notary Public



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 26, 2023

Re: Petition SP2022-108

GENERAL INFORMATION

Applicant:

Anne Marchael
DBA Business Law Advisors

Status of Applicant:

Attorney Representative
8700 Monrovia, Ste. 310
Lenexa, KS 66215

Requested Action:

Approval of a Special Use Permit.

Date of Application:

November 28, 2022

Purpose:

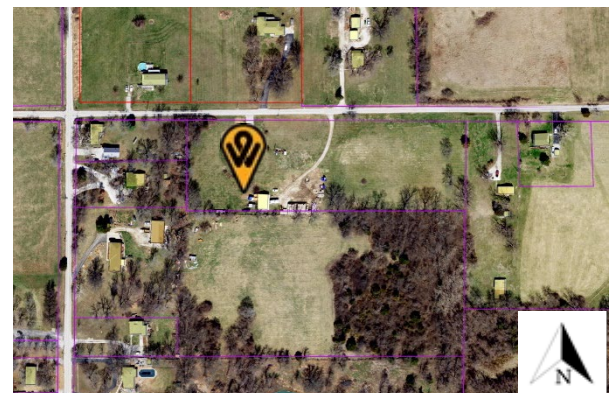
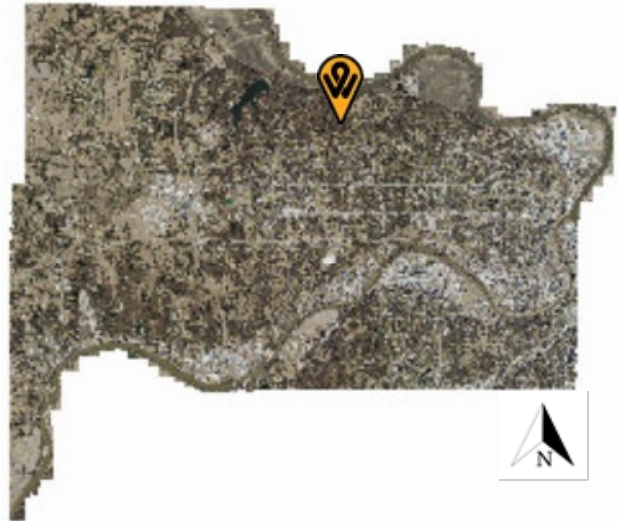
Approval of a Special Use Permit for
temporary use of land.

Property Location:

6541 Donahoo Road
Kansas City, Kansas 66104

Commission Districts:

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



Existing Zoning: R-1 Single Family Residential District

Adjacent Zoning:	North: R-1 Single Family Residential District South: AG Agricultural District East: R-1 Single Family Residential District West: R-1 Single Family Residential District
Adjacent Uses:	North: Single Family Residences South: Single Family Farmstead East: Single Family Residences West: Single Family Residences
Total Tract Size:	4.65 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Rural Density Residential. Land uses in this district include agriculture, ranches, and large lot residential development, passive parks and open space. Discouraged uses include high-density residential development, business parks, and industrial uses.
Major Street Plan:	The Major Street Plan designates this tract of Donahoo as a Local Street.
Parking Requirement:	Section 27-454(e) states that two (2) off-street parking spaces shall be provided for each single-family dwelling, one (1) of which shall be in a garage or carport. The subject property has one a two (2) car garage, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – December 16, 2022 and Letters to Property Owners – December 15, 2022
Public Hearings:	January 9, 2022 and January 26, 2023
Public Support:	One (1) person appeared at the January 9, 2023 City Planning Commission meeting.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Anne Marchael with Business Law Advisors, is representing Shamrock Roofing and Construction. The applicant is requesting to temporarily keep roofing materials and a skid steer at the subject property at 6541 Donahoo. The subject property is a large lot single-family residence with a large garage and garden shed. The Applicant purchased excessive materials during Covid, anticipating a material shortage, and purchased more than their current warehouse could accommodate and has been storing material at the off-site residential location. The applicant is seeking the Special Use Permit to keep materials at the property until

the inventory is reduced and they can move the remaining materials back into their warehouse or they use them on projects.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There are 13 Disturbance Complaints listed at the property:
 - a. 2020: 2020-00129131 – Burglary
 - b. 2018: 2018-00112945 – Suspicious Crowd/Activity
 - c. 2017: 2017-00079723 – Check on Welfare
 - d. 2017: 2017-00021246 – Alarm Check
 - e. 2016: Seven (7) Welfare Checks, One (1) Harassing Phone Calls

Building or Code Enforcement Complaints:

1. The current property owner has received no building enforcement complaints.
2. The current property owner has received a few enforcement complaints:
 - a. 2022: CMP22-2453 – Business without an SUP
 - b. 2018: 18217-00021 – Pool without a Barrier
 - c.

Outstanding or Related Permits and Cases:

1. The current property owner has prior building permits within the last 10 years:
 - a. 2016: 16345-00005 – Above Ground Pool
 - b. 2016: 16380-00590 – Electrical for Above Ground Pool (open)

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

This subject property is in the Cernech Neighborhood Group. Lots are generally large and are rural, exurban, and agricultural in nature. Houses have deeper setbacks than urban neighborhoods, and parcel sizes range from two (2) to 65 acres. Streets are typically asphalt with concrete driveways with minimal improvements such as sidewalks or street lighting.

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

The zoning and uses of properties nearby are set out above. The surrounding properties are single family residences, farmsteads, or vacant agricultural land. A roofing company's material storage is not generally compatible with the surrounding uses, although rural accessory activity is common related to

agriculture. The proposed use's compatibility is increased with screening that hides the use from the public.

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 material storage as it is a large lot in a rural neighborhood that can be screened from view. Removal of the restrictions can lead to increased traffic and dust from trucks accessing the property and killing the grass that provides erosion control.

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

The property is not vacant and is occupied with a single family residence.

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

Special Use Permits are not addressed in City-Wide Master Plan. The City-Wide Master Plan designates this property as Rural Density Residential. Land uses in this district include agriculture, ranches, and large lot residential development, passive parks and open space. Discouraged uses include high-density residential development, business parks, and industrial uses. The proposed use has a low degree of conformance to the plan's designation.

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

The current design of the neighborhood is not designed for a heavy amount of industrial traffic that may access the property for the materials although it can accommodate infrequent trips. There is sufficient off-street parking although it is gravel or unimproved. There is limited pedestrian access and the neighborhood is not considered walkable.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as it is a private business. The proposed use will not permanently injure the visual quality, or marketability of any adjoining property as it is screened and the proposed use is temporary.

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

There is a potential for noise and dust to be a problem at this location, as large trucks are accessing the property and driving on unimproved surfaces. These

issues should be minimal if managed appropriately, trips are screened, and grass is regrown on the property once the use is discontinued.

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

There is no substantial potential for the pollution of the air, land, or soil as it is within a rural neighborhood and no structures are being proposed.

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 no new structures are being proposed and temporary damage to the soil can be recovered through replanting grasses once the materials are removed.

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

The presence of roofing equipment and materials in and of itself would not be considered to have relative gains to the public health, safety, and welfare as it is a private business. There may be some hardship imposed on neighbors who experience the increase in traffic. Denying the Special Use Permit may cause hardship for the property owner as they would need to lease an additional property temporarily instead of utilizing property that they already own.

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

The proposed use will not result in overcrowding of the land, as it is a large rural property. There is a propensity for undue concentrations of population from multiple vehicles accessing the property throughout the day, although if trips are limited the nuisance would be minimal.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting by receiving letters and calls through December 23, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Grading
Waste
Noise
Traffic
Hours of Operation
Parking
Soil Conservation
Accessory Structures
Landscaping and Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-108**, for **two (2) years**, subject to:

1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
2. This Special Use Permit cannot be renewed at the end of the two (2) year period. The applicant or property owner shall find a new location for the storage of materials and equipment.
3. The subject property has multiple accessory structures, a garage and garden shed, although only one (1) accessory structure is allowed per zone. Per aerial photos, the garden shed was placed on the property between 2014 and 2016 although no building permits were found. A variance for two (2) accessory structures shall be applied for by the property owner or one of the structures shall be removed. If the smaller garden shed is kept, a building permit is required.
4. Trips shall be limited to two (2) per day – once in the morning at the start of business and once at the end of the business day.
5. The subject property has multiple accessory structures, a garage and garden shed, although only one (1) accessory structure is allowed per zone. Per aerial photos, the garden shed was placed on the property between 2014 and 2016 although no building permits were found. A variance for two (2) accessory structures shall be applied for by the property owner or one of the structures shall be removed. If the smaller garden shed is kept, a building permit is required.
6. The automotive salvage parts near the front of the property shall be removed or located inside the garage.

7. No new materials shall be brought to the property. Exposed materials shall have a tarp or other cover to increase screening.
8. The skid steer shall always be kept behind the fence and screened from view.
9. If approved, the applicant must continue to file and maintain a current business occupation tax application.
10. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
12. 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. 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 **SP2022-108** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Photos Dated November 28, 2022
Neighborhood Meeting Information
Staff Photos Dated December 9, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commissioners
Public Hearing		
Special Use Permit	January 9, 2023 Approval	January 26, 2023

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-108** 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 **SP2022-108** 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.

January 9, 2023 City Planning Commission Minutes:

Hearing starts at 2:42:00:

SPECIAL USE PERMIT APPLICATION SP2022-108 – ANNE MARCHAEL WITH BUSINESS LAW ADVISORS - SYNOPSIS:

Special Use Permit for the Temporary Use of Land to keep equipment and materials related to a roofing business at 6541 Donahoo Road. Detailed Outline of Requested Action: The applicant, Anne Marchael with Business Law Advisors, is representing Shamrock Roofing and Construction. The applicant is requesting to temporarily keep roofing materials and a skid steer at the subject property at 6541 Donahoo. The subject property is a large lot single-family residence with a large garage and garden shed. The Applicant purchased excessive materials during Covid, anticipating a material shortage, and purchased more than their current warehouse could accommodate and has been storing material at the off-site residential location. The applicant is seeking the Special Use Permit to keep materials at the property until the inventory is reduced and they can move the remaining materials back into their warehouse or they use them on projects.

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 January 9, 2023;
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:

- Anne Marchael, applicant, Business Law Advisors, 8700 Monrovia, Suite 210, Lenexa, Kansas 66215
- Gary Armstrong, 6541 Donahoo Road, Kansas City, Kansas 66104

The Planning Commission directed questions to the applicant and property owner.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:46:28: Planner Toy stated that the Special Use Permit is only for a maximum of two (2) years as it is for the temporary use of land and cannot be renewed. As the applicant stated, they will remove the gravel and restore it

back to grass, which is one (1) of the conditions of approval. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Staff regarding enforcement after the two (2) years or if there are violations during the term of approval. This application is in response to a Code Violation. Planner Toy stated that if there are issues during the term of approval, the application can be brought before the Board of Commissioners for consideration of revocation of the Special Use Permit. If after the two (2) year approval, the property has not been cleaned up, citations, court appearances and fines will restart as part of the enforcement action.

Motion starts at 2:49:26:

On motion by Mr. Ward, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2022-108 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 5 to 0

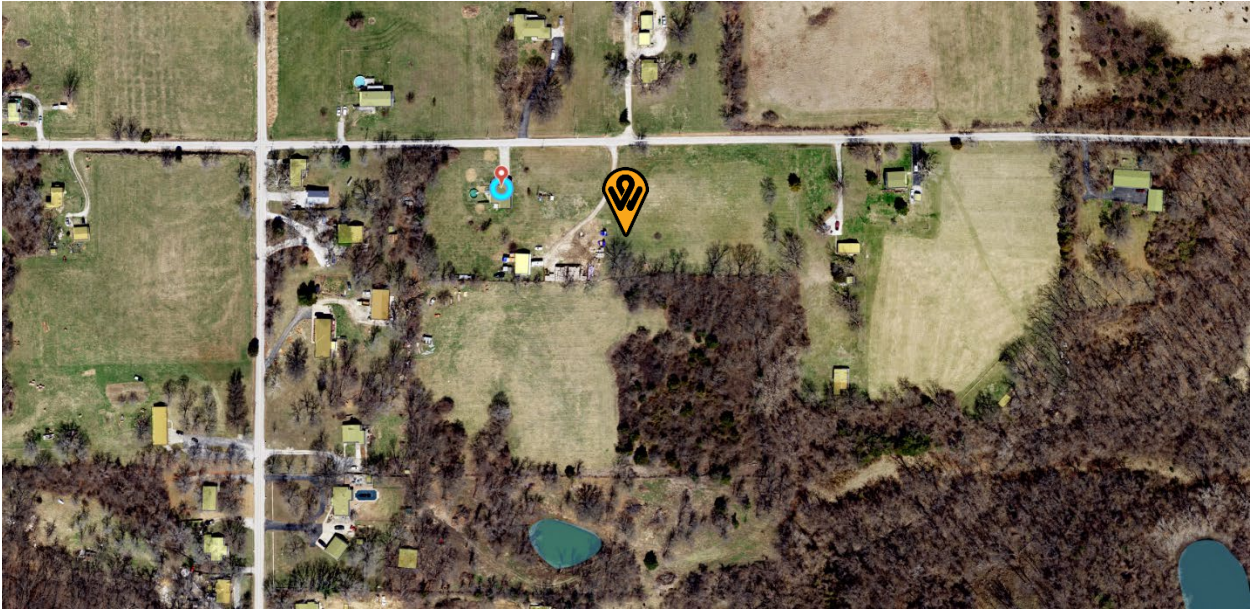
Subject to:

- 1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 2. This Special Use Permit cannot be renewed at the end of the two (2) year period. The applicant or property owner shall find a new location for the storage of materials and equipment.**
- 3. The subject property has multiple accessory structures, a garage and garden shed, although only one (1) accessory structure is allowed per zone. Per aerial photos, the garden shed was placed on the property between 2014 and 2016 although no building permits were found. A variance for two (2) accessory structures shall be applied for by the**

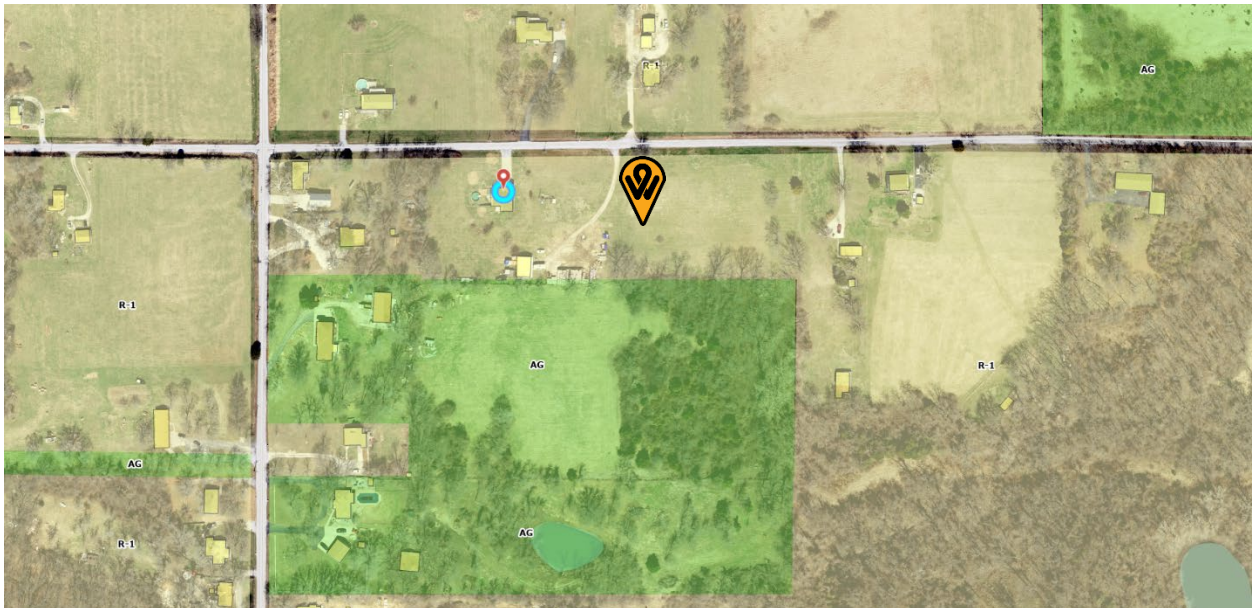
- property owner or one of the structures shall be removed. If the smaller garden shed is kept, a building permit is required.
4. Trips shall be limited to two (2) per day – once in the morning at the start of business and once at the end of the business day.
 5. The subject property has multiple accessory structures, a garage and garden shed, although only one (1) accessory structure is allowed per zone. Per aerial photos, the garden shed was placed on the property between 2014 and 2016 although no building permits were found. A variance for two (2) accessory structures shall be applied for by the property owner or one of the structures shall be removed. If the smaller garden shed is kept, a building permit is required.
 6. The automotive salvage parts near the front of the property shall be removed or located inside the garage.
 7. No new materials shall be brought to the property. Exposed materials shall have a tarp or other cover to increase screening.
 8. The skid steer shall always be kept behind the fence and screened from view.
 9. If approved, the applicant must continue to file and maintain a current business occupation tax application.
 10. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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;
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
 12. 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. 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.

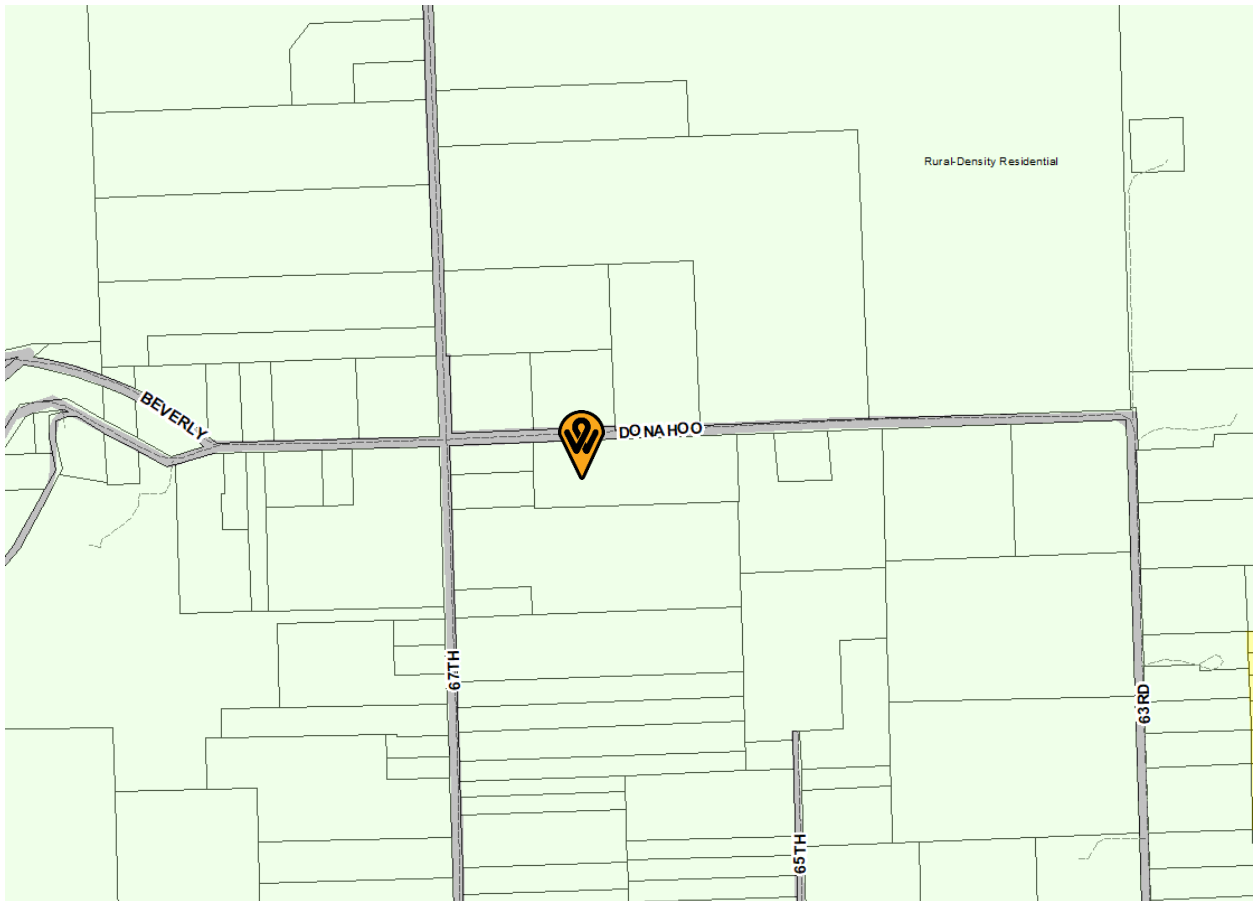
AERIAL MAP



ZONING MAP



LAND USE MAP



- Overall Photo of Property



- Primary Storage Area (CertainTeed Landmark Moire Black and Weathered Wood)



• OSB stockpile



- Accessory items located on site



- Owens Corning Duration Driftwood



The shingles located here are Owens Corning Duration Driftwood shingles. These will be moved, with the material in the previous photo, to the area where the OSB is at.

• Shed



Shed is available for use in the event that we have material that needs to be temperature controlled. However, it is currently not being utilized at this time.

The RV on location is property of Roxie, the land owner, and is not apart of the company fleet.

APPLICANT PHOTOS DATED NOVEMBER 28, 2022

- Skid Steer



APPLICANT PHOTOS DATED NOVEMBER 28, 2022



NEIGHBORHOOD MEETING INFORMATION

From: [Anne Marchael](#)
To: [Parker, Janet](#); [McLaughlin, Kallie](#)
Subject: 6541 Donahoo Rd. Meeting Minutes
Date: Wednesday, December 28, 2022 1:57:36 PM
Attachments: [Shamrock Neighborhood Aff sianed.pdf](#)

All,

Please find affidavit attached with minutes below.

Meeting was called to order at 6:00 pm via telephone. Attending the call at the outset was: Roxie Armstrong, Garen Armstrong, and Anne Marchael.

Anne Marchael took the minutes.

All three parties stayed on the call until 6:32 pm when the meeting was adjourned.

No neighbors joined the call, so, no questions were asked or answered.

However, prior to the call, Ms. Armstrong received the following correspondence from those on the neighborhood list:

- Mr. and Ms. DePriest called Ms. Armstrong at 10:50 am on December 23, 2022 and stated that they had no issue with the proposed zoning and supports the proposal.
- Lenora Miller called Ms. Armstrong on December 19, 2022, and likewise stated she had no issue with the proposed zoning and supports the proposal.
- Donna Henderson-Hoyt called Ms. Armstrong on December 19, 2022, she too stated she had no issue with the proposed zoning and supports the proposal.

Anne Marchael

Of Counsel

Direct: 816-419-8659 anne@phbusinesslaw.com
Office: 913-647-7522 www.phbusinesslaw.com
Fax: 913-492-2745

NEIGHBORHOOD MEETING INFORMATION

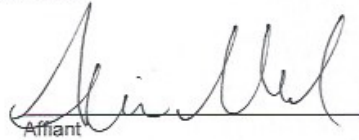
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____) SS
COUNTY OF _____)

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

1. That I am the petitioner for Petition # SP2022-108
2. That I conducted a neighborhood meeting on December 28th, 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 28th day of
December, 2002-2022

My commission expires _____ of _____, 200 .

Notary Public

STAFF SITE VISIT PHOTOS DATED DECEMBER 9, 2022



STAFF SITE VISIT PHOTOS DATED DECEMBER 9, 2022



STAFF SITE VISIT PHOTOS DATED DECEMBER 9, 2022



STAFF SITE VISIT PHOTOS DATED DECEMBER 9, 2022



STAFF SITE VISIT PHOTOS DATED DECEMBER 9, 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 26, 2023

Re: Special Use Petition SP2022-109

GENERAL INFORMATION

Applicant:

Sherri Bailey-Scott

Status of Applicant:

Tenant
5331 Miami Avenue
Kansas City, Kansas 66106

Requested Action:

Approval of a Special Use Permit.

Date of Application:

November 28, 2022

Purpose:

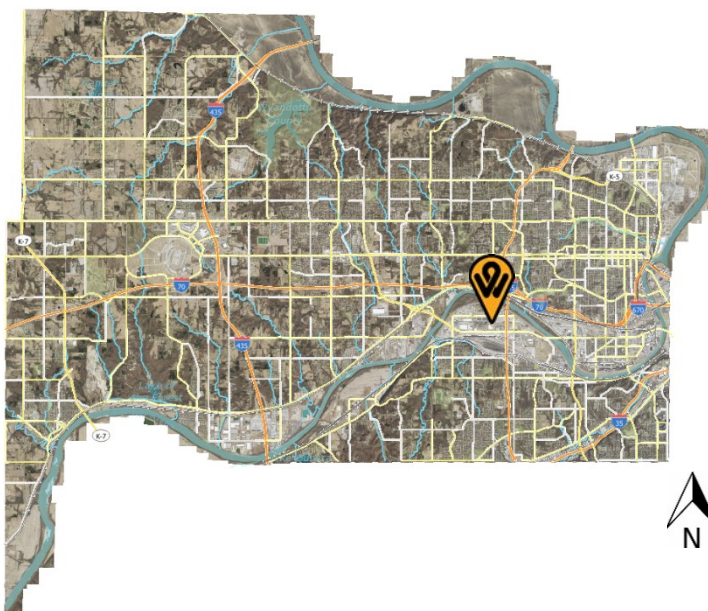
To approve a Special Use Permit
for a home occupation to operate a
chiropractic practice.

Property Location:

5331 Miami Avenue
Kansas City, Kansas 66106

Commission Districts:

Commissioner At-Large, District #2
Tom Burroughs
District #6 Commissioner:
Angela Markley



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single family residence South: Single family residence East: Single family residence West: Single family residence
Total Tract Size:	0.15 Acre
Master Plan Designation:	The Citywide Master Plan designates this property as Low-Density Residential, which allows single-family detached residential development. These uses are intended to meet a majority of the housing needs within the city.
Major Street Plan:	The Major Street Plan designates Miami Avenue as a Local/Neighborhood Street.
Parking Requirement:	The R-1 Single Family District requires two (2) off-street parking spaces be provided on the premises for each single-family dwelling, one (1) of which must be either in a garage or under a carport. The subject property provides five (5) spaces, one (1) of which is in a garage.
Advertisement:	<u>The Wyandotte Echo</u> – December 15, 2022 Letters to Property Owner – December 16, 2022
Public Hearings:	January 9, 2023 and January 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Sherri Bailey-Scott, is requesting a Home Occupation Special Use Permit to operate a chiropractic practice at her residence at 5331 Miami Avenue.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There is a history of Noise and Disturbance complaints from a previous tenant for various domestic disturbances from 2019 through 2021.

Building, Zoning, or Code Enforcement Complaints:

1. There was one (1) Notice of Violation in March 2022 for junk and debris in the driveway. This has since been closed
 - a. 2022 – ENV22-0757 – Environment – Trash and Debris

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Turner Statistical Neighborhood and the SAFE Neighborhood Group. The neighborhood is a well-established single-family comprised of ranch style and split-level single-family homes, with light commercial along 55th Street and Swartz.

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

The zoning and adjacent uses are set out above. The scale of the home occupation does not lend itself to be incompatible with nearby properties, however, if the applicant's client base grew, then there could be compatibility issues, particularly with traffic and parking.

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 these restrictions will not determinately affect nearby property unless the business grew to a point where it created parking and traffic issues.

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

The property is not vacant and has been occupied by various tenants, as it is a rental property.

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

The City-Wide Master Plan does not address home occupations or Special Use Permits. The Citywide Master Plan designates this property as Low-Density Residential. Low-Density Residential allows single-family detached residential development. These uses are intended to meet a majority of the housing needs within the city. If the business does not increase to the point where it exceeds the parking and traffic capacity, the business is compatible 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.*

If the applicant's serves more than one (1) client at a time, it could lead to issues with parking and potentially increase traffic on Miami Avenue, a Local Street. If managed properly, however, this should not lead to an increase of traffic.

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

The proposed use is reasonably necessary for the convenience and welfare of the general public, as it provides a new health and wellness service to the community. The proposed use will not substantially or permanently injure the appropriate use or visual quality, as long as the applicant follows stipulations and the applicant's cliental base does not grow beyond a reasonable number.

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, or illumination should not be a problem with this particular home occupation.

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

The proposed use should not pollute the air, land, or water as proposed use is located in an existing, built out residential area.

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

The proposed use will not damage or destroy and irreplaceable natural resource, as it is in an existing, built-out residential 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 to public health, safety, and welfare is positive as the proposed business provides a new health and wellness option to the community. A denial of this application would require the applicant to locate their business elsewhere potentially causing hardship.

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. This could be an issue however, if more than one (1) client is served at a time, as this could result in there being too few parking spaces for clients, resulting in overflow parking.

PREVIOUS ACTIONS

There have been no previous planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 26, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Business Plan – Present and Future Operation
Compliance with the Code of Ordinances
Parking
Overcrowding
Hours of Operation

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-109, for two (2) years**, subject to:

- 1. The applicant will see patients four (4) times a week, generally between 9:00 AM – 6:00 PM (Tuesday, Wednesday and Friday), and 10:00 AM – 1:30 PM (Saturday);**
- 2. The driveway apron must be paved with asphalt and brought up to the code standard, set by Section 27-673;**
- 3. The business will be limited to having one (1) client on-site at a time, due to the limited on-site parking provided;**

4. All parking must be off-street in the driveway;
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 must file and maintain a current business occupation tax application;
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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. 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 **SP2022-109** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Business Plan
Site Photos, Taken by Staff, Dated December 8, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 9, 2023	January 26, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-109** 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 **SP2022-109**, 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.

January 9, 2023 City Planning Commission Minutes:

Hearing starts at 2:50:25:

SPECIAL USE PERMIT APPLICATION SP2022-109 – SHERRI BAILEY-SCOTT -

SYNOPSIS: Home Occupation Special Use Permit to operate a chiropractic office at 5331 Miami Avenue. Detailed Outline of Requested Action: The applicant, Sherri Bailey-Scott, is requesting a Home Occupation Special Use Permit to operate a chiropractic practice at her residence at 5331 Miami 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 January 9, 2023;
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:

- Sherri Bailey-Scott, applicant, 5331 Miami Avenue, Kansas City, Kansas 66106

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:52:42: Planner Toy stated Staff has conditioned one (1) customer at a time and off-street parking. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:53:08:

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

SP2022-109 for two (2) years:

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

Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

1. The applicant will see patients four (4) times a week, generally between 9:00 AM – 6:00 PM (Tuesday, Wednesday and Friday), and 10:00 AM – 1:30 PM (Saturday);
2. The driveway apron must be paved with asphalt and brought up to the code standard, set by Section 27-673;
3. The business will be limited to having one (1) client on-site at a time, due to the limited on-site parking provided;
4. All parking must be off-street in the driveway;
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 must file and maintain a current business occupation tax application;
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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. 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



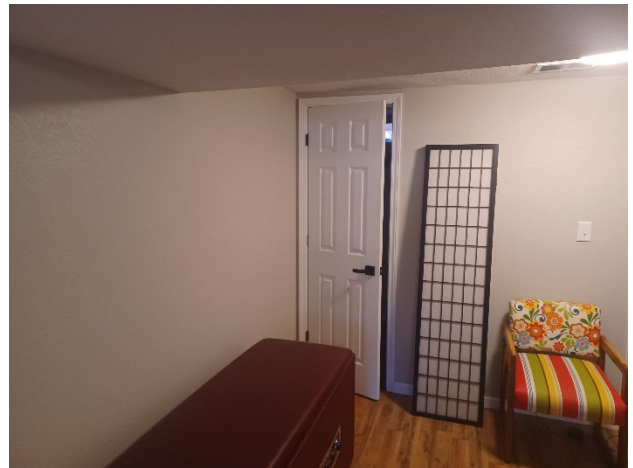
Sherri Scott Chiropractic is a Sole Proprietor. I have been practicing Chiropractic since 1998. I am board certified, parts I, II, III, IV (National Board of Chiropractic Examiners) as well as Physiotherapy with additional BS degrees in Human Biology and Nutrition. I also hold certificates in Anti Aging, Carpal Tunnel Syndrome and Repetitive Trauma Disorders. I have additional postgraduate education in physical therapy, rehab, and ergonomics.

My mission is to continue to provide affordable chiropractic care to the community. I pride myself on offering exceptional service at very reasonable prices.

I am licensed by the National Board of Chiropractic Examiners. My malpractice insurance is through NCMIC, and is current along with the KS stabilization fund. My liability insurance is through Farm Bureau. My NPI (national provider ID) is: 1558543256

All clients receive conscientious, one on one service. I'm proud to have 32, 5 star Chamber of Commerce reviews, and 65, 5 star google reviews, and I will strive to continue earning these reviews by providing the best possible service.

SITE PHOTOS, TAKEN BY STAFF, DATED DECEMBER 8, 2022



NEIGHBORHOOD MEETING MATERIALS

I sent letters to the contacts on the list sent to me by the Wyandotte County Urban Planning and Land Use. The meeting was held Monday, December 19th at 5:30 pm. Attached is copy of the sign in sheet. Only one person had a question/concern, and it is also attached. The other neighbors/contacts came to see the office and /or introduce themselves. No one contacted my by email or phone.

(December 26, 2022)

My legal name is Sherri Lynn Bailey-Scott.

Under penalty of perjury, I swear that this event occurred, and to the best of my knowledge, everything stated and attached, is true and correct.



Sherri Lynn Bailey-Scott

Please sign in:

Special Use Permit Meeting: SP2022-109-5331 Miami Ave
December 19th, 2022 – 6:00pm

Name

Address

Ken Dillu

5312 MIAMI K.C.K

Agustin: MARIA RANGEL 911 SO. 53rd TERR KCK

Dan Kuei 5548 Tamm Dr. KCK (TCC)

Maria Rangel 911 So. 53rd Terr. KCK 66106

Christina Rangel 5330 S. MIAMI AVE. KCK 66106

Mike Pettit 918 S 53 Terr. KCKS 66106

Becky Perry " " " " "

Becky Perry, 918 S 53rd Terr. asked: why was the application not completed before I moved in. I explained that I started the process, but was unable, due to the timeline, to complete it before moving. I would have lost the opportunity had I waited. She understood, and before she left she gave her approval as long as it stays "quiet."

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Sherri Bailey-Scott, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-109-5331 Miami Ave
2. That I conducted a neighborhood meeting on Dec. 19th, 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 28 day of Dec., 2022

My commission expires _____ of _____, 200 .

Notary Public



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 26, 2023

Re: **Special Use Petition SP2022-111**

GENERAL INFORMATION

Applicant:

Jason Newman

Status of Applicant:

Property Owner
4112 Booth Street
Kansas City, Kansas 66103

Requested Action:

Renewal of a Special Use Permit
(SP-2020-84) which expired
December 3, 2022.

Date of Application:

November 28, 2022

Purpose:

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

Property Location:

4112 Booth 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:	0.11 Acre
Master Plan Designation:	The Rosedale Master Plan designates this property as Single-Family, which is residential in character with rowhouses, townhomes, and single-family houses.
Major Street Plan:	The Major Street Plan designates Booth Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(e) requires that two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling.
Advertisement:	<u>The Wyandotte Echo</u> – December 15, 2022 Letters to Property Owner – December 16, 2022
Public Hearings:	January 9, 2023 and January 26, 2023
Public Support:	None to date.
Public Opposition:	One email in opposition has been submitted.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jason Newman, is seeking the renewal of Special Use Permit SP-2020-84, to continue the operation of a short-term rental at 4112 Booth Street.

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 at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There is an active Notice of Violation on the subject property for an inadequate porch railing. This was noted in the applicant's home inspection report as well.
 - a. 2022 – STR22-1071 – Structure – Porch Railing

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood and within the Hilltop Neighborhood Group. The neighborhood consists of mostly narrow lot single-family residences, along with legal-nonconforming duplexes and garden style apartments. The neighborhood is on the outskirts of the Rainbow Boulevard Commercial Corridor and the University of Kansas Health System District.

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 neighborhood consists of mostly single-family residences; Continuing to operate as a rental, either short or long term is consistent with other nearby properties in close proximity to the neighborhood corridor. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

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

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

The property is not vacant and has been utilized as a short-term rental since 2018.

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

Special Use Permits are not addressed in The Rosedale Master Plan. The Rosedale Master Plan designates this property as Single-Family, which is residential in character with rowhouses, townhomes, and single-family houses. The proposed use conforms to the Master Plan, so long as the use is granted a Special Use Permit and the property is properly managed.

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

The 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. 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 single-family residence.

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. Vibration, dust, or illumination are not typically related to the use of a residential property as a short-term rental and ostensibly are not considered to be problems for nearby property.

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

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

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

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

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

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

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

The proposed use would not result in overcrowding as it operates within an existing structure on the site with no proposed expansion. The maximum number of guests at one time is seven (7) and the maximum number of vehicles is two (2). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP-2019-101) for one (1) year to operate a Short-Term Rental.
- Approval of a Special Use Permit (SP-2020-84) for two (2) years to operate a Short-Term Rental.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Notice of Violation
Noise
Parking
Crowding
Required Home Repairs
Traffic
Email in Opposition

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-111**, for **two (2) years**, subject to:

1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
2. All remaining required repairs must be completed within 60 days of approval;
3. Maximum number of guests 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 post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper main entrance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978.
 - c. An asbestos notification for any property built before 1981.
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only

- allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 13. The Special Use Permit shall be valid for 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,
 14. 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 originally recommended approval for five (5) years. Due to miscommunication between Staff and the Applicant, the Applicant thought the application was recommended for approval for two (2) years and removed it from the Consent Agenda at the City Planning Commission meeting. The Planning Commission recommended approval for two (2) years. The Applicant intends to request removal of this item from the Consent Agenda at the Board of Commissioners meeting to request a five (5) year approval.

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 **SP2022-111** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Email in Opposition
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Floor Plan
Home Inspection Report
Business Plan Summary
Site Photos, Taken by Staff, Dated December 8, 2022
Home Inspection Report
House Guide

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 9, 2023	January 26, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-111** 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 **SP2022-111**, 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.

January 9, 2023 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2022-111 – JASON NEWMAN WITH EXCANZE PROPERTIES – SYNOPSIS: Renewal of a Special Use Permit (SP-2020-84 – expired 12/10/2022) for a short-term rental at 4112 Booth Street. Detailed Outline of Requested Action: The applicant, Jason Newman, is seeking the renewal of Special Use Permit SP-2020-84, to continue the operation of a short-term rental at 4112 Booth Street.

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 January 9, 2023;
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. Mr. Jason Newman requested that SP2022-111 be removed from the Consent Agenda.

Recording Secretary Parker stated that the Commission will consider the application that was removed from the Consent Agenda.

SPECIAL USE PERMIT APPLICATION SP2022-111 – JASON NEWMAN WITH EXCANZEE PROPERTIES – SYNOPSIS: Renewal of a Special Use Permit (SP-2020-84 – expired 12/10/2022) for a short-term rental at 4112 Booth Street. Detailed Outline of Requested Action: The applicant, Jason Newman, is seeking the renewal of Special Use Permit SP-2020-84, to continue the operation of a short-term rental at 4112 Booth Street.

Present in Support:

- Jason Newman, applicant, 4112 Booth Street, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation: Planner Toy stated that with approval of a short-term rental, without an on-site manager, the timeframe is 1 year, 2 years, 2 years and then 5 years having no other issues with the property and its operation and maintenance. (NOTE: This was an error on the part of Staff as the second 2 year approval does not occur unless there are issues.) This is the third time this application has been heard which would be a two-year term. If the Applicant comes back for another approval, the approval period would be five (5) years. Staff recommends approval for two (2) years subject to the conditions in the staff report.

On motion by Mr. Straws, seconded by Mr. Ward, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-111 for two (2) years:**

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

Motion to APPROVE Passed: 5 to 0
Subject to:

1. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
2. **All remaining required repairs must be completed within 60 days of approval;**
3. **Maximum number of guests 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 post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
7. **Applicant is to maintain liability insurance;**
8. **The property must remain in proper main entrance and free of hazards, pests, or infestations;**

9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978.
 - c. An asbestos notification for any property built before 1981.
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for 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,
14. 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.

From
Nikolas Clarke.

On Mon, Jan 9, 2023, 5:28 PM Yady Da <yady@yadydasales.com> wrote:
Good evening,

I'm writing in regards to a land use action pending hearing for property at 4112 booth street Kansas city Kansas 66103. I wanted to attend the meeting to object in person, however will not be able to attend.

I (4102 booth st) and multiple fellow neighbors surrounding the property at 4112 booth object to the short term rental permit these owners are asking for.

On top of already being surrounded by too many short term rentals on our street that have absolutely ruined the community our neighborhood had been striving towards, this periculous property and property owner have zero regard for the current neighbors and community. They have already been operating this property as a short term rental for about a year maybe longer, obviously done without the correct permits.

They have made no effort to reach out to the current neighbors and have been rude and down right mean when approached by current community residents.

Over this past summer they had construction in the front yard with zero regard for neighbors and their property. One part of that construction was to install pipe and drains for wastewater, these drains dump the wastewater directly onto the sidewalk. I've attached pictures of these drains dumping onto the sidewalk. These drains issue a massive hazard for neighborhood children as they walk to and from school each day as the property owner have made zero attempt to prevent ICE, the entire section of sidewalk is frozen with waste water, pictures attached. This causes 10-15 elementary school children that walk to school to walk in the street against oncoming traffic.

I'm sure diverting wastewater directly onto the sidewalk must be against some codes since not one other house anywhere around does this. This is not the type of business owner that we want further devaluing and destroying the community in our neighborhood.

Please object and DO NOT grant the short term rental permit for 4112 booth street kick 66103.

Thank you
Nikolas Clarke and the community and neighbors surrounding 41st and booth st in Rosedale.

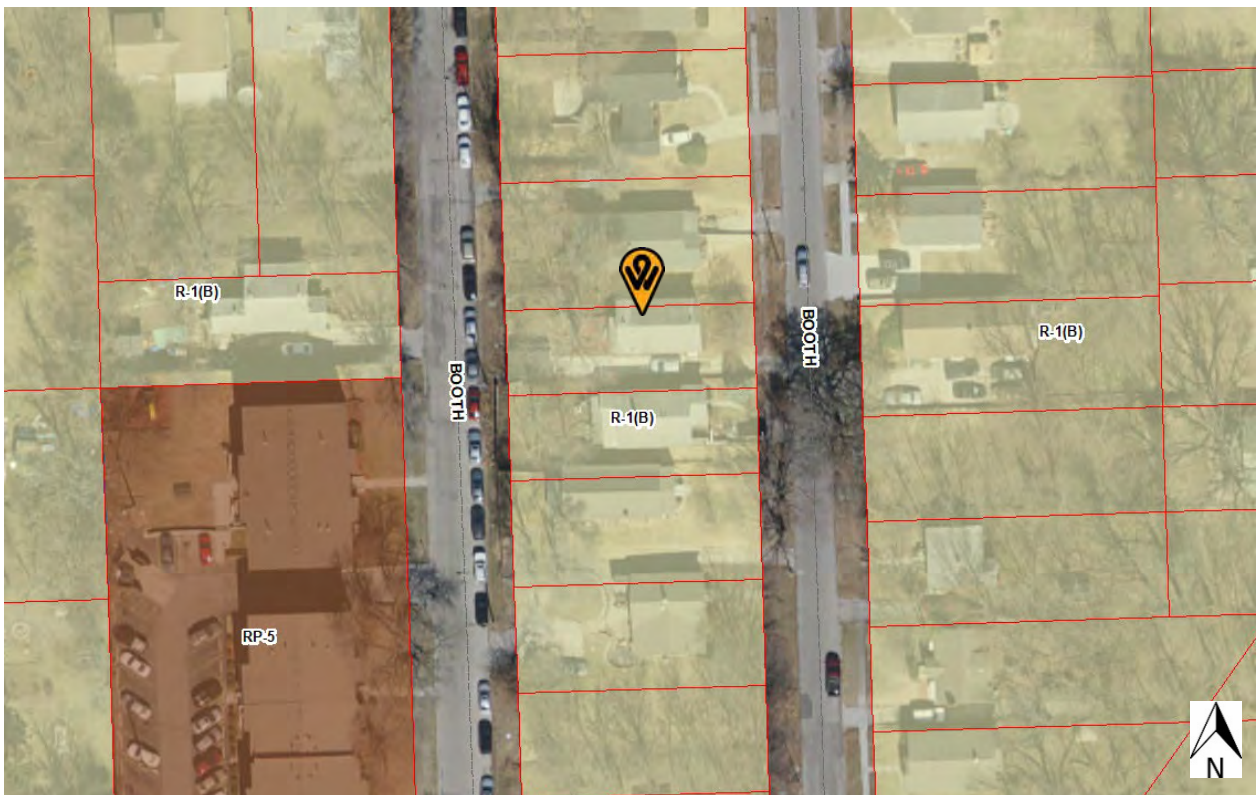


ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP



FLOOR PLAN



4112 Booth St, Application for Short Term Rental Special Use Permit

Business Plan

Property Management:

- All property management, booking management & guest management is handled by the owner of the property, Jason Newman.
- All maintenance of the property is handled by the owner.
- Owner contracts with a professional cleaning company to clean the house after each guest checks out.

Marketing, Communication, Rent & Taxes:

- The house is marketed on Airbnb and VRBO and those company's affiliated sites.
- All rental payments, fees and applicable taxes are handled by the short term rental platforms (Airbnb, HomeAway, VRBO).
- All guest interactions will be via the platform's messaging app, text messaging & phone calls via the owner of the property's cell phone.
- All communication with the neighbors will first be by door knocking to make an initial introduction and then all further communication by cell phone or in person.

Guests:

- The entire house is available for guests to rent. Individual rooms are not rented; the entire house only.
- The house contains 2 bedrooms & a fold-out sleeper sofa in the living room for guests to use. Both rooms & the sleeper sofa will be available for all reservations.
- No more than 6 guests are allowed on any reservation.
- No more than 3 vehicles are allowed per reservation. Guests are required to park all vehicles on the driveway or in the detached garage.
- The house is available for guests to book 365 days a year. I anticipate an 80-90% occupancy rate.
- All reservations have access to the following rooms with amenities:
 - Living Room: Sleeper sofa, love seat and over-sized chair. End tables, coffee table, wall mounted TV.
 - Dining Room: Table and chairs.
 - Kitchen: Sink, cabinets, counter tops, range, microwave, and refrigerator.
 - Bedroom 1: Queen Bed, chest of drawers, closet and ceiling fan.
 - Bedroom 2: Queen Bed, chest of drawers, closet and ceiling fan.
 - Full Bathroom: Tub over shower, vanity and sink, mirror, toilet.

- Deck off the back of the house and a screened porch on the front of the house.
- Driveway and a Detached single car garage.
- Front yard and back yard.

Safety:

- The house has smoke detectors in each bedroom, the living/dining room and the basement.
- The house has a carbon monoxide detector on the main level in the living room/dining room.
- The house has GFCI outlets in the kitchen and bathroom.
- All windows in the house are double hung vinyl windows that are easily operable.
- All exterior doors in the house have knobs and deadbolts and keyed on one side only.
- The detach garage has an automatic opener, with key pad, and knob and deadbolt on the side door.
- All electrical and gas components and appliances in the house are new/newer and are all in safe operating condition:
 - Furnace is high efficiency and is vented properly.
 - Water heater is gas and vented properly.
 - Electrical panel is located in the basement, is safe and has a standard cover on it.
- All stair cases requiring handrails, have sturdy handrails.
- The house has a working flash light available for guests.
- The house has two working fire extinguisher available for guests. One under the kitchen sink base cabinet and the other in the basement.
- The house has a first aid kit located in the cabinet above the refrigerator in the kitchen.
- The home owner will maintain a home owner's insurance policy that contains liability coverage.

SITE PHOTOS, TAKEN BY STAFF, DATED DECEMBER 8, 2022



HOME INSPECTION REPORT

SUMMARY

119

ITEMS INSPECTED

11

RECOMMENDATION

9

SAFETY HAZARD

- ⊖ 2.1.1 Roof - Coverings: Shingles on low slope
- ⚠ 3.7.1 Exterior - Decks, Balconies, Porches & Steps: Handrail rotted
- ⊖ 3.9.1 Exterior - Grading, Drainage & Retaining Walls: Negative Grading
- ⚠ 4.7.1 Basement, Crawlspce & Structure - Electrical: Junction Box Cover(s)
- ⚠ 4.11.1 Basement, Crawlspce & Structure - Door: Opens Over Stairs
- ⊖ 5.1.1 Heater/AC - Cooling Equipment: R22
- ⊖ 5.1.2 Heater/AC - Cooling Equipment: Air Flow Restricted
- ⊖ 5.1.3 Heater/AC - Cooling Equipment: Unit Not Level
- ⊖ 5.2.1 Heater/AC - Heating Equipment: Needs Servicing/Cleaning
- ⚠ 6.3.1 Electrical - Branch Wiring Circuits, Breakers & Fuses: Missed matched wire size
- ⚠ 7.1.1 Water Heater - Hot Water Systems, Controls, Flues & Vents: TPR Pipe Extension
- ⊖ 9.4.1 Kitchen/ Dining - Sinks and Plumbing: Improper "S" trap
- ⊖ 9.4.2 Kitchen/ Dining - Sinks and Plumbing: Flex drain
- ⚠ 11.2.1 Living Room - Lighting Fixtures, Switches & Receptacles: Reverse Polarity
- ⚠ 11.2.2 Living Room - Lighting Fixtures, Switches & Receptacles: Ungrounded Receptacle
- ⚠ 12.5.1 Main Floor Bathroom - Lighting Fixtures, Switches & Receptacles: Reverse Polarity
- ⚠ 12.7.1 Main Floor Bathroom - GFCI & AFCI: GFCI did not respond to test
- ⊖ 12.8.1 Main Floor Bathroom - Toilet: Loose Toilet
- ⊖ 13.4.1 Master Bedroom - Lighting Fixtures, Switches & Receptacles: 2-prong outlets -
- ⊖ 15.1.1 Attic - Access: Access to attic

2: ROOF

		IN	NI	NP	D
2.1	Coverings	X			
2.2	Gutters	X			
2.3	Flashings	X			
2.4	Vents and Caps	X			
2.5	Roof Ridge	X			
2.6	Eaves/ Fascia	X			

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Inspection Method

Ground

Approximate Age

8- 12 Years

Number of Layers

1 Layers

Roof Type/Style

Gable

Coverings: Material

Asphalt

Gutters: Gutter Material

Aluminum

Maintenance Tip: Keep gutters/downspouts cleared of debris to prevent downspouts from being clogged and overflow at gutters. Failure to do so can lead to moisture in the basement or foundation movement.

Observations

2.1.1 Coverings

SHINGLES ON LOW SLOPE

Shingles used on a low slope roof. Should be rolled roof product. Recommend review by qualified roofer and repairs be made as needed.

Recommendation

Contact a qualified professional.

 Recommendation



3: EXTERIOR

		IN	NI	NP	D
3.1	Siding, Flashing & Trim	X			
3.2	Exterior Doors	X			
3.3	Door Bell		X	X	
3.4	Electrical	X			
3.5	Faucets	X			
3.6	Walkways, Patios & Driveways	X			
3.7	Decks, Balconies, Porches & Steps	X			X
3.8	Front Porch	X			
3.9	Grading, Drainage & Retaining Walls	X			X
3.10	Vegetation	X			
3.11	Windows	X			

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Siding, Flashing & Trim: Siding Material
Wood

Faucets: Location
South

Walkways, Patios & Driveways: Driveway Material
Concrete

Decks, Balconies, Porches & Steps: Attached or permanent structures
Covered Porch

Decks, Balconies, Porches & Steps: Material
Concrete, Wood

Front Porch: Front Porch Material
Concrete, Wood

Grading, Drainage & Retaining Walls: Retaining Wall Type
None

Grading, Drainage & Retaining Walls: Grading

Lot grading and drainage have a significant impact on the building, simply because of the direct and indirect damage that moisture can have on the foundation. It is very important, therefore, that surface runoff water be adequately diverted away from the home. Lot grading should slope away and fall a minimum of one (1) inch every foot for a distance of six (6) feet around the perimeter of the building.

Observations

3.7.1 Decks, Balconies, Porches & Steps

HANDRAIL ROTTED

Handrail is rotted. Recommend repair.

Recommendation

Contact a qualified professional.





3.9.1 Grading, Drainage & Retaining Walls

 Recommendation

NEGATIVE GRADING

Grading is sloping towards the home in some areas. This could lead to water intrusion and foundation issues. Recommend qualified landscaper or foundation contractor regrade so water flows away from home.

[Here is a helpful article](#) discussing negative grading.

Recommendation

Contact a qualified landscaping contractor

4: BASEMENT, CRAWLSPACE & STRUCTURE

		IN	NI	NP	D
4.1	Foundation Exterior	X			
4.2	Foundation Interior	X			
4.3	Posts and Girders	X			
4.4	Basements & Crawlspaces	X			
4.5	Vapor Retarders (Crawlspace or Basement)		X	X	
4.6	Floor Structure	X			
4.7	Electrical	X			X
4.8	Ceiling Structure	X			
4.9	Steps, Stairways & Railings	X			
4.10	Foundation Window	X			
4.11	Door	X			X

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Foundation Exterior : Material
Masonry Block

Foundation Interior : Although there are no signs of water penetration we caution you to consider any basement as wet until experience proves it dry.

Posts and Girders: Support Material
Wood Main Beam

Floor Structure: Sub-floor
Plank

Floor Structure:
Basement/Crawlspace Floor
Concrete

Ceiling Structure: Material
2x8 Wood Joist

Basement

Visual inspection from grade to siding. Interior foundation was visually inspected using flashlight sill plate to floor (in areas accessible or not finished).

Maintaining your basement is the single most important homeowner responsibility. You need to correct and maintain grading, gutters, downspouts, sump pump discharge and all sources of surface water. Follow the recommendations provided in report.

Observations

4.7.1 Electrical

JUNCTION BOX COVER(S)

Junction Box Cover(s) missing. This is a potential shock or electrocution hazard.

Recommendation

Contact a qualified electrical contractor.

 Safety Hazard



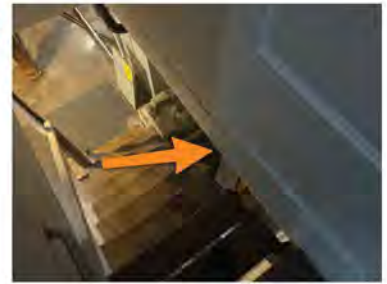
4.11.1 Door

OPENS OVER STAIRS

Door opens over stairs recommend repair.

Recommendation

Contact a qualified professional.



5: HEATER/AC

		IN	NI	NP	D
5.1	Cooling Equipment	X			X
5.2	Heating Equipment	X			X
5.3	Distribution System	X			
5.4	Venting	X			
5.5	Thermostat Controls	X			

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Cooling Equipment: Maintenance
Tip: Recommend that a HVAC professional seasonally service.

Recommend homeowner change filter every 30-60 days.

Cooling Equipment: Brand
 Trane

Cooling Equipment: Energy Source/Type
 Electric, Central Air Conditioner

Cooling Equipment: Location
 Exterior North, Exterior West

Cooling Equipment: Unit Age
 2003

Heating Equipment: Location
 Basement

Heating Equipment: Brand
 Trane

Heating Equipment: Energy Source
 Natural Gas

Heating Equipment: Heat Type
 Gas-Fired Heat, Forced Air

Heating Equipment: Unit Age
 2001

Distribution System: Ductwork
 Non-insulated

Distribution System: Configuration
 Central

Venting : Vent Type
 PVC

Observations

5.1.1 Cooling Equipment

R22

AC unit uses R22. All production and import of R22 will stop in 2020. Only recycled R22 refrigerant will be available to service existing air conditioners after 2020. This will make recharging the AC Unit expensive or difficult.

Recommendation

Contact a qualified professional.



5.1.2 Cooling Equipment

AIR FLOW RESTRICTED

Air flow to the air conditioner condenser was restricted. This may result in inefficient operation. Recommend cleaning dirt and/or debris from unit.

Recommendation

Contact a qualified HVAC professional.



5.1.3 Cooling Equipment

UNIT NOT LEVEL

Concrete pad supporting the outdoor condensing unit is not level. This can cause accelerated deterioration of components. Recommend licensed HVAC contractor level the unit.

Recommendation

Contact a qualified HVAC professional.

 Recommendation



5.2.1 Heating Equipment

NEEDS SERVICING/CLEANING

Furnace should be cleaned and serviced annually. Recommend a qualified HVAC contractor clean, service and certify furnace.

[Here is a resource](#) on the importance of furnace maintenance.

Recommendation

Contact a qualified HVAC professional.

 Recommendation



6: ELECTRICAL

		IN	NI	NP	D
6.1	Service Entrance Conductors	X			
6.2	Main & Subpanels, Service & Grounding, Main Overcurrent Device	X			
6.3	Branch Wiring Circuits, Breakers & Fuses	X			X
6.4	AFCI(S)		X	X	
6.5	Fuses		X	X	

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Service Entrance Conductors:
Electrical Service Conductors
Overhead

Main & Subpanels, Service & Grounding, Main Overcurrent Device: Panel Manufacturer
T&B

Branch Wiring Circuits, Breakers & Fuses: Branch Wire 15 and 20 AMP
Copper

Any Electrical Issues

Any electrical issues identified in this report should be referred to a professional certified electrician for review and repair

Main & Subpanels, Service & Grounding, Main Overcurrent Device: Main Panel Location
Basement, South

Main & Subpanels, Service & Grounding, Main Overcurrent Device: Panel Type
Circuit Breaker

Branch Wiring Circuits, Breakers & Fuses: Wiring Method
Conduit, Romex

Main & Subpanels, Service & Grounding, Main Overcurrent Device: Panel Capacity
100 AMP

Main & Subpanels, Service & Grounding, Main Overcurrent Device: Sub Panel Location
None

Observations

6.3.1 Branch Wiring Circuits, Breakers & Fuses

MISSED MATCHED WIRE SIZE

Missed matched wire size to breaker(s). Recommend having professional electrician repair as required

Recommendation

Contact a qualified electrical contractor.

 Safety Hazard



7: WATER HEATER

		IN	NI	NP	D
7.1	Hot Water Systems, Controls, Flues & Vents	X			X

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Hot Water Systems, Controls, Flues & Vents: Unit Age

2008

Hot Water Systems, Controls, Flues & Vents: Power Source/Type

Gas

Hot Water Systems, Controls, Flues & Vents: Capacity

40

Hot Water Systems, Controls, Flues & Vents: Location

Basement

Hot Water Systems, Controls, Flues & Vents: Manufacturer

American

I recommend flushing & servicing your water heater tank annually for optimal performance. Water temperature should be set to at least 120 degrees F to kill microbes and no higher than 130 degrees F to prevent scalding.

[Here is a nice maintenance guide from Lowe's to help.](#)

Observations

7.1.1 Hot Water Systems, Controls, Flues & Vents

TPR PIPE EXTENSION

TPR pipe should be within 1 or 2 inches of the floor

Recommendation

Contact a qualified plumbing contractor.



Safety Hazard



8: PLUMBING

		IN	NI	NP	D
8.1	Natural Gas Plumbing	X			
8.2	Main Water Shut-off Device	X			
8.3	Water Pressure		X		
8.4	Drain, Waste, & Vent Systems	X			
8.5	Water Distribution Pipes	X			
8.6	Sump Pump		X		
8.7	Septic System		X	X	

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Natural Gas Plumbing : Main Gas Shut-off Location

Gas Meter, North

Water Pressure: Pressure Was Noted

Could Not Test

Water Distribution Pipes: Pipe Material & Size

PEX, Copper

Main Water Shut-off Device: Location

Basement, East

Drain, Waste, & Vent Systems: Material

PVC

Water Distribution Pipes: Water Distribution Pipes are Primarily located

Basement unfinished

Main Water Shut-off Device: Water Source

Public

Drain, Waste, & Vent Systems: Location Of Drain

Basement

Sump Pump: Location

Basement

10: LAUNDRY ROOM

		IN	NI	NP	D
10.1	General	X			
10.2	Doors		X	X	
10.3	Exhaust Systems	X			
10.4	Electrical and Lighting	X			
10.5	Sinks and Plumbing	X			
10.6	Heating/ Cooling		X	X	

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

General: Location

Basement

General: Dryer Power Source

Unable to Determine

Exhaust Systems: Exhaust Fans

None

Exhaust Systems: Maintenance tip

Maintenance tip: Keep dryer vent clear of lint build up - this can be a fire hazard

Exhaust Systems: Dryer Vent

Unknown

Maintenance tip: Keep dryer vent clear of lint build up - this can be a fire hazard

Heating/ Cooling: Type

None

At the time of the inspection all appeared to be functioning and in serviceable condition.

11: LIVING ROOM

		IN	NI	NP	D
11.1	Doors	X			
11.2	Lighting Fixtures, Switches & Receptacles	X			X
11.3	Ceiling Fan	X			
11.4	Smoke Detectors		X		
11.5	Heating/ Cooling	X			
11.6	Windows	X			

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Smoke Detectors: Present

Present (See comment in the Smoke Detector section)

Heating/ Cooling: Type

Central Heating and Cooling

At the time of the inspection all appeared to be functioning and in serviceable condition.

Observations

11.2.1 Lighting Fixtures, Switches & Receptacles



Safety Hazard

REVERSE POLARITY

One or more receptacles have been wired with reverse polarity. This can create a shock hazard. Recommend licensed electrician evaluate & repair.

Recommendation

Contact a qualified electrical contractor.



11.2.2 Lighting Fixtures, Switches & Receptacles



Safety Hazard

UNGROUND RECEPTACLE

One or more receptacles are ungrounded. To eliminate safety hazards, all receptacles in kitchen, bathrooms, garage & exterior should be grounded.

Recommendation

Contact a qualified electrical contractor.



12: MAIN FLOOR BATHROOM

		IN	NI	NP	D
12.1	Doors	X			
12.2	Cabinets	X			
12.3	Counters	X			
12.4	Sinks and Plumbing	X			
12.5	Lighting Fixtures, Switches & Receptacles	X			X
12.6	Bath Fan		X	X	
12.7	GFCI & AFCI	X			X
12.8	Toilet	X			X
12.9	Shower	X			
12.10	Tub	X			
12.11	Heating/ Cooling	X			

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Counters: Couter Type

Solid Surface

Shower: Shower Walls

Ceramic Tile

Heating/ Cooling: Type

Central Heating and Cooling

At the time of the inspection all appeared to be functioning and in serviceable condition.

Observations

12.5.1 Lighting Fixtures, Switches & Receptacles



Safety Hazard

REVERSE POLARITY

One or more receptacles have been wired with reverse polarity. This can create a shock hazard. Recommend licensed electrician evaluate & repair.

Recommendation

Contact a qualified electrical contractor.



12.7.1 GFCI & AFCI



Safety Hazard

GFCI DID NOT RESPOND TO TEST

GFCI did not respond to test, suggest replacing for safety.

Recommendation

Contact a qualified electrical contractor.



12.8.1 Toilet

LOOSE TOILET Recommendation

The toilet bowl is loose at floor anchor bolts. The wax ring inside the unit must have a snug, secure fit in order to keep from leaking. Properly resealing and re-securing this unit is suggested to prevent water leakage and damage to the sub-floor area. This type of damage is not always visible or accessible to the inspector at time of inspection.

Recommendation

Contact a qualified plumbing contractor.



13: MASTER BEDROOM

		IN	NI	NP	D
13.1	General	X			
13.2	Doors	X			
13.3	Windows	X			
13.4	Lighting Fixtures, Switches & Receptacles	X			X
13.5	GFCI & AFCI		X	X	
13.6	Ceiling Fan	X			
13.7	Closets	X			
13.8	Heating/ Cooling	X			
13.9	Smoke Detectors		X		

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

General: Location

North, East, 1st floor

Windows: Window Material

Vinyl

Windows: Window Type

Double Hung

Smoke Detectors: Present

Present (See comment in the
Smoke Detector section)

Heating/ Cooling: Type

Central Heating and Cooling

At the time of the inspection all appeared to be functioning and in serviceable condition.

Limitations

Windows

INACCESSIBLE

Unable to test all windows due to stored personal property or furniture.

Observations

13.4.1 Lighting Fixtures, Switches & Receptacles

2-PRONG OUTLETS -


The home contained outdated, ungrounded 2-prong electrical outlets. Although this condition may have been commonly considered safe or acceptable at the time the home was originally constructed, as general knowledge of safe building practices has improved with the passage of time, building standards have changed to reflect current understanding. Consider updating the existing condition to meet generally-accepted current standards.

Recommendation

Contact a qualified electrical contractor.

14: BEDROOM 2

		IN	NI	NP	D
14.1	General	X			
14.2	Doors	X			
14.3	Windows	X			
14.4	Lighting Fixtures, Switches & Receptacles	X			X
14.5	GFCI & AFCI		X	X	
14.6	Ceiling Fan	X			
14.7	Closets	X			
14.8	Heating/ Cooling	X			
14.9	Smoke Detectors		X		

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

General: Location

North, West, 1st Floor

Windows: Window Material

Vinyl

Windows: Window Type

Double Hung

Smoke Detectors: Present

Present (See comment in the
Smoke Detector section)

Heating/ Cooling: Type

Central Heating and Cooling

At the time of the inspection all appeared to be functioning and in serviceable condition.

15: ATTIC

		IN	NI	NP	D
15.1	Access	X			X
15.2	Attic Insulation		X		
15.3	Ventilation		X		
15.4	Duct		X		
15.5	Electrical		X		
15.6	Attic Plumbing		X		
15.7	Chimney or B Vent (In attic)		X		
15.8	Exhaust		X		
15.9	Roof Structure & Attic		X		

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Access: Location

Bedroom Closet

Roof Structure & Attic: Type

Gable

Limitations

Access

INACCESSIBLE

No access to attic areas. Hidden damage may be present.

Observations

15.1.1 Access

ACCESS TO ATTIC

Access to attic is blocked recommend repair.

Recommendation

Contact a qualified professional.

 Recommendation



16: SMOKE/ CARBON DETECTORS

				IN	NI	NP	D
				IN = Inspected	NI = Not Inspected	NP = Not Present	D = Deficiency

Information

Carbon monoxide detectors are required by current safety standards on every floor, near to every sleeping area, and approximately 5 feet from ground. Recommend adding for safety.

Testing of smoke detectors is not included in this inspection. Pushing the "Test" button only verifies that there is power at the detector—either a battery or hard wired to the house power—and not the operational workings of the detector. The operational check is done by filling the sensor with smoke and is beyond the scope of this inspection. Battery operated smoke alarms should be checked routinely and the batteries changed frequently.

MAINTENANCE: Periodic testing and changing batteries yearly to ensure proper Smoke Alarm operation is required.

Old detectors. Smoke detectors last 6-10 years. Recommend replacing.

17: LEAD PAINT

				IN	NI	NP	D
				IN = Inspected	NI = Not Inspected	NP = Not Present	D = Deficiency

Limitations

General

NOT INSPECTED

Not inspected for lead paint. Due to the age of the property it is possible that lead based paint could be present. A visual inspection alone cannot verify the absence or presence of lead based paint. Only a state licensed lead paint inspector can make this determination. HDPI does not hold this license.

18: ASBESTOS

				IN	NI	NP	D
				IN = Inspected	NI = Not Inspected	NP = Not Present	D = Deficiency

Limitations

General

NOT INSPECTED

Due to the age of the property it is possible ACM (asbestos containing materials) could be present. A visual inspection alone cannot verify the presence of ACM. Only a state licensed asbestos lab can make this determination. HJDPI does not hold this license.

19: MOLD

	IN	NI	NP	D

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

Any growth in living spaces can be a serious health concern. The mold must be properly removed and all water problems causing the mold must be corrected. You can find reference information at EPA, Building Science Corporation or Minnesota Department of Health websites.

20: RADON

		IN	NI	NP	D
20.1	Radon System		X		

IN = Inspected NI = Not Inspected NP = Not Present D = Deficiency

Information

**Radon System: Testing for Radon
was not provided by HDPI**

STANDARDS OF PRACTICE

Inspection Details

Inspector shall inspect readily accessible, visually observable, installed systems and components listed in the ASHI standards and practice found [here](#).

NEIGHBORHOOD MEETING MATERIALS

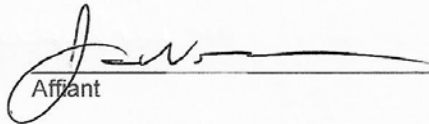
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

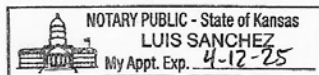
Comes now Jason Newman of lawful age, sound mind and upon his/her oath states as follows:

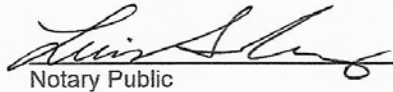
1. That I am the petitioner for Petition # SP2022-111
2. That I conducted a neighborhood meeting on 12-22-22.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of December, 200
2022
My commission expires 12th of April, 200
2025.




Notary Public

Neighborhood Meeting Minutes; 4112 Booth St:

Application Number: SP2022-111

Date and Location: 12/22/2022. Rosedale HOA Building - 1401 Southwest Blvd, Kansas City, KS, 66103

Meeting called to order at: 4 pm

Names of people in attendance:

- None

Questions and answers (include the following):

- None

Meeting adjourned at: 4:45 pm

Minutes taken by: Jason Newman

WELCOME to the Remodeled House Close to KUMed

4112 Booth St, Kansas City, KS 66103

Here is some information about the house. I hope you enjoy your stay, and please message, text or call me if you have any questions or concerns.

Sincerely,

Jason

- NO SMOKING IN THE HOUSE. Please respect me, the house, and future guests by not smoking inside the house.
- Parties are not allowed at this house! Please refer to the listing on AIRBNB or VRBO for all the house rules and the fees associated if house rules are not followed.
- WiFi: Network Name is 4112 Booth, Password is rockypotato185
- When you leave the home, just pull the door shut and press the "Lock" symbol on the key pad. Please make sure the front door dead bolt is secure after pressing the "lock" symbol...try to open the door after it is locked.
- To enter the home; type in the combination in the electronic key pad on the front door and then press the "Lock" symbol, and wait for the beep. If you forget the combination, check your Airbnb or HomeAway inbox; or message/text me.
- Please do not flush any foreign objects (baby wipes, adult wipes (even if they say flushable) feminine products, paper towels, etc) down the toilets. The house has been remodeled, but the main plumbing system is old.
- Thermostat: Use the + - buttons to set the temperature to your liking. If you need to switch from heat to cool, cool to heat, or turn the system on/off; press the button in the lower right-hand corner until the display shows what you are wanting. **DO NOT switch the thermostat to "cool" during the winter months, the temp must be above 60 degrees for 4 consecutive days before the a/c can run.
- TV: Press the red power button at the top of the remote to turn on/off the TV. When the TV first turns on, the Roku app home page will appear. Use the arrows on the remote to select the streaming app you want. Select YouTube TV to watch local channels and "cable" TV. To watch other streaming apps that require an account, you will need to enter your user account info (ID/Password).
 - ◻ Use the smallest remote to turn the sound bar on/off; or use the buttons on top of the sound bar. The sound bar needs to be on the optical setting to work with the TV.
- For YouTube TV: At the top of the screen you will see three options (Library, Home, Live). **Library** is the DVR screen for recorded shows and to schedule recordings. **Home** is a summary page that will show you top picks, popular shows, shows grouped by category, and allow you to search for shows based on category or genre. **Live** is where you will find the traditional guide that lists all channels and current shows as well as shows that are coming up. Use the remote arrows to navigate between screen options and within each screen. The volume control and mute button are on the side of the remote. The house button will take you back to the Roku home page. The back arrow button (next to the home button) will allow you pull the guide up while you're watching a live channel.

- All bathroom towels are located on the bathroom's towel bars or in the vanity cabinet. Extra toilet paper is in the vanity cabinet or the shelf above the toilet. The toilet paper holder is behind the bathroom door.
- Additional pillows, sheets and blankets for the couch pull out bed are located in the closet of the bedroom in the front of the house. The air mattress is in the closet as well.
- Each bed side lamp or light fixture has an usb charging port on it.
- If you need to do laundry. The detergent and dryer sheets are on the shelf by the washer/dryer in the basement.
- There is an iron and ironing board in the basement laundry room or in a bedroom closet.
- There is a fire extinguisher located under the kitchen sink cabinet and a flash light located next to the refrigerator/basement door.
- If there is inclement weather (tornado warning, etc); please go the basement.
- Extra trash bags are under the kitchen sink & extra paper towels are in the cabinet above the refrigerator. There is a large trash can located in the back yard next to the house, or garage, where full trash bags can be placed. Please do not put loose trash in the large can.
 - If your stay is a week or longer, you can place the large trash can and trash bags on the curb next to the driveway for pick up on Thursday mornings. The trash collection comes around 8am Thursday mornings.
- The code to open the garage door is BOOTHST
- Please wash all your dishes, glasses, pots/pans, etc prior to checking out. It's ok to leave the dishes drying on the drying rack which is located above the kitchen sink in the corner upper cabinet.
- Upon checking out, please leave all beds that were slept in un-made. This way the cleaning service will know which linens need to be washed.
- Please make sure all doors are locked and the lights are turned off prior to checking out.
- If you need to reach me; you can message me on the Airbnb/HomeAway App or call/text me at 913-221-7967 or email me at jrhomeskc@gmail.com
- **Departure Checklist:**
 - Leave all beds that were slept in un-made. This way the cleaning crew will know which bed sheets need to be washed.
 - Leave all used towels in the bath tub.
 - Wash all dishes that were used and place them on the drying rack or if the dishes are dry, you can put them away.
 - Make sure all windows are closed and locked and all blinds/curtains are drawn.
 - Make sure all doors are locked (back door and front door) and the lights are turned off prior to checking out.
 - Check out is at 11 am (unless a late departure has been pre-arranged).

RESTAURANTS, BARS, ENTERTAINMENT, THINGS TO SEE

Here's a list of some of my favorite spots. There are other great spots around; these are places I've eaten at or been too and recommend! Use google or google/apple maps to learn more about each place or to find their specific location.

➤ RESTAURANTS & BARS [On 39th Street or close to the house]

- Dagwood's Cafe – Breakfast/Brunch | On SW BLVD
- Q39 – BBQ | Sit Down | Good for Lunch | Great Dinner Spot | On 39th St
- Joe's KC BBQ – BBQ | Great for Lunch | Usually a long lunch line but can call ahead for take-out | Most People's Favorite BBQ Spot
- The Jazz – Cajun | Sit Down | Great Atmosphere | Incredible Food | On 39th
- Genghis Khan – Mongolian Grill | Just Off of 39th St
- Tanner's – Sports Bar | Good Bar Food | Lots of TVs | On Rainbow/39th St
- Vietnam Café – Southeast Asian | On Rainbow/39th St
- D'Bronx – pizza and sandwiches | Great Lunch Spot | Just Off of 39th St
- Blue Koi – Chinese & Noodle Dishes | On 39th St
- Room 39 – Breakfast, Lunch & Dinner | On 39th St
- Fric & Frac – Sandwiches | Great Local Spot | On 39th St
- Drunken Worm – Mexican | On 39th St
- Rudy's – Mexican
- Taco Republic – Mexican | Small Plates | Fabulous Margaritas
- El Patron – Mexican | On Southwest Blvd
- Margaritas – Mexican | On Southwest Blvd
- Taqueria Mexico – Mexican | Larger Sized Restaurant
- Ponak's – Mexican
- Artego Pizza – Pizza | On 39th St
- Mo Brew – Large Selection of Craft Beers | Cool Spot | On 39th St
- The High Dive Lounge – Quaint Cool Bar | On 39th St

➤ RESTAURANTS & BARS [In Westport]

- Char Bar – BBQ | Great Dinner Spot | Has lots of activities and Outdoor Space
- Westport Flea Market – Burgers & Such | Great Lunch Spot or Quick Dinner
- Green Room – Burgers & Such | Great Lunch Spot or Quick Dinner | Very Quaint
- Beer Kitchen – Burgers & Bar Food
- Sama Zama – Japanese
- Jerusalem Café – Middle Eastern
- Haha's – Pizza, Gyro, Med Food | Great Quick Lunch Spot
- Westport Ale House – Good Bar Food | Roof Top Deck | Good Nightlife
- Harry's Bar & Tables – Laid Back/Speak Easy Type | Nice Deck
- Julep - Laid Back/Speak Easy Type | Fabulous Bourbon Drinks
- Kelly's (Westport Inn) – Drinkers Bar | Good Nightlife
- Harpo's – Drinkers Bar | Good Nightlife
- Westport Saloon – Drinkers Bar
- Gambal's Social Club – Tons of Bar Games | Quaint
- FireFly Lounge – Trendy | Usually a DJ

➤ RESTAURANTS & BARS [Country Club Plaza]

- Eddie V's – Steaks & Seafood
- McCormick & Schmick's – Seafood
- Jack Stack – BBQ | More of sit down BBQ Place
- Rye – Traditional American Restaurant
- PF Chang's – Chinese

- Season's 52 – Traditional American Restaurant | Lunch & Dinner
- The Capital Grille – Steaks, etc
- Gram & Dunn – Small Menu | Good Food | Awesome Patio
- Kona Grill – Sushi & Other Food | Cool/Hip Place
- Jax Fish House – Gourmet Seafood & Oysters
- JJ's – Fancy Sit Down
- Zocalo – Trendy Mexican
- Cooper's Hawk – Good Food | Wine Tasting
- The Classic Cup – Breakfast/Brunch
- The Grandfalloon – Bar/Sports Bar
- O'Dowd's – Bar with great Roof Top Deck
- Brio - Italian
- IL Centro – Italian | South of the Plaza, 10 minute drive | Quaint and Delicious

➤ SIGHTSEEING [Close By]

- World War 1 Museum and Memorial
- Nelson-Atkins Museum of Art
- Sprint Center & College Basketball Experience
- Power & Light District
 - Many restaurants and bars
- Crown Center & Union Station
 - Closest street car location
- Kauffman Center for Performing Arts
- Negro Leagues Baseball Museum
- Boulevard Brewing Company Tours & Beer Hall
- The Crossroads District
 - Microbreweries and Distilleries
 - Restaurants
 - Bars



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 26, 2023

Re: **Petition SP2022-114**

GENERAL INFORMATION

Applicant:

Mike Odell with Holliday Sand & Gravel Co.

Status of Applicant:

Representative
Wil Anderson with BHC Rhodes
712 State Avenue
Kansas City, KS 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

November 28, 2022

Purpose:

To operate a sand dredging pit, sand processing and future restoration along the Missouri River.

Property Location:

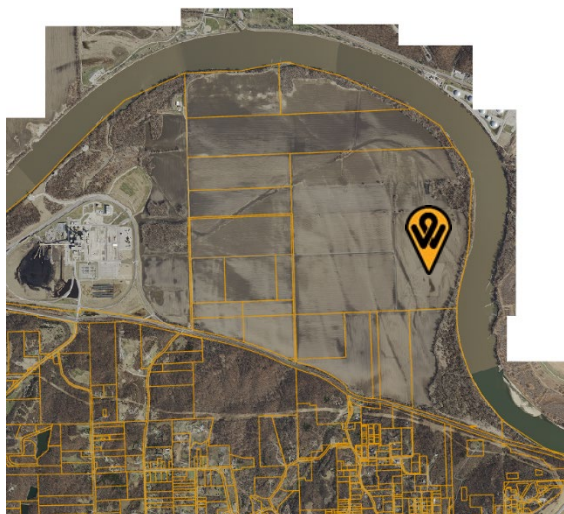
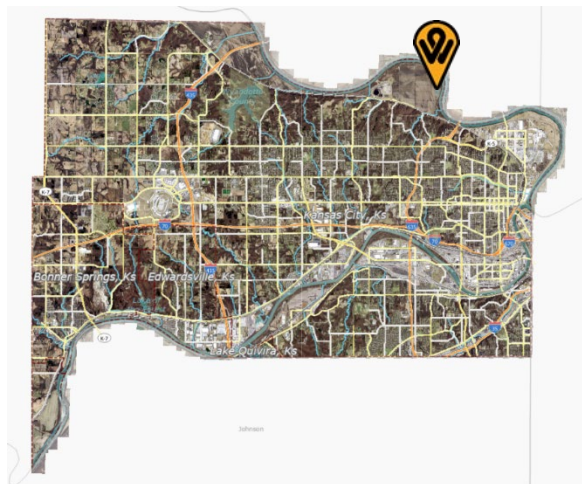
4403 North 42nd Street

Commission Districts:

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

Existing Zoning:

R-1 Single Family District



Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Undeveloped, farmland South: Undeveloped, farmland East: Undeveloped, farmland West: Undeveloped, farmland
Total Tract Size:	458 Acres
Master Plan Area:	City-Wide Master Plan
Master Plan Designation:	The City-Wide Master Plan designates this property as Floodway and Rural-Density Residential. Floodway allows passive parks and open space. Rural-Density Residential allows agriculture, ranches, large-lot single-family detached residences, and passive parks and open space.
Major Street Plan:	The Major Street Plan classifies North 42 nd Street as a Local Street.
Required Parking:	Sec. 27-454(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> – December 15, 2022 Letters to Property Owner – December 16, 2022
Public Hearings:	January 9, 2023 and January 26, 2023
Public Support:	Staff has received one (1) letter in support.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Mike Odell with Holliday Sand & Gravel, wants to operate a sand dredging, excavation and processing business, and transport sand by barge down the Missouri River on 458 acres at 4403 North 42nd 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. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is rural in nature, primarily agricultural farmland. The Board of Public Utilities (BPU) operates both water and power plants west of North 47th 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 operation would differ greatly from the current agricultural farmland and uses in the area currently.

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

There are various scenarios, such as flood events, where this operation and the changes to the landscape, could be detrimentally affected by this large and lengthy sand dredging operation.

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

The property has never been developed and has always been farmland.

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

Special Use Permits are not specifically addressed in the Master Plan. This will permanently change the landscape of the area upon completion of the sand dredging operation.

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 substantially increase the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it because the material will be taken from the site via barge, down river and construction equipment will remain on the property during the duration of the project.

Staff has concern regarding construction and ramp-up/site preparation traffic on underutilized roadways. The roads leading from North 44th Street are not improved (see site photographs).

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 necessary for the convenience and welfare of the public. The appropriate use will be altered as this area will be restored to a wetland and the majority of the R-1 Single Family District uses would not be allowed otherwise, except as a passive park and/or open space.

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 dirt are all potential effects of this type of use.

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

There are some significant concerns regarding potential environmental damage from chemical or diesel spills, and failure to adequately restore the area post-sand dredging operation.

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

The natural composition of this property will be permanently changed by this use. Once this operation begins, the site can never be restored to its current, original condition.

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

There is little public gain from this operation. 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 an issue, as the majority of employees will be on the barge excavating the sand and transporting it down the Missouri River for processing.

PREVIOUS ACTIONS

- Special Use Permit (SP-2017-77) for sand dredging operation was never heard by the City Planning Commission between 2017 – 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via in-person on December 21, 2022 at 712 State Avenue. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Construction/site preparation traffic
Work in the regulatory floodway and floodplain
Landscaping/Screening/Buffering
Visual Impacts
Dust, Noise, and Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-114**, for **five (5) years**, subject to:

1. No archeological resources have hereunto been discovered. If in the course of work allowed under these environs review archeological resources are discovered, applicants must contact the Planning and Urban Design Staff to arrange specific preservation and mitigation measures. Contact the Planning + Urban Design Department at 913-573-5750 and/or planninginfo@wycokck.org for assistance. If archeological resources are found refer to the National Park Service National Register Bulletin 36 for more information https://www.nps.gov/subjects/nationalregister/upload/NR_B36-Complete.pdf;

2. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
3. Continue to coordinate with the US Army Corps of Engineers (USACE) and obtain the necessary permits with the Department of the Army;
4. Existing trees and vegetation along the shoreline shall be preserved with the exception of the area specific to the dock access, loading stockpile and conveyor/access road line;
5. Site restoration and reclamation shall commence immediately following the removal of the barge loading dock/access road;
6. Normal operating hours: Earthmoving for stripping and reclamation – 7:00 AM to 5:00 PM weekdays and dredging, processing and barge loading – 10 to 24 hours per day. Operations would typically be Monday through Friday or Saturday as outlined in our submitted project operation plan.
 - a. Hours of operation for earthmoving for stripping and reclamation shall be during daylight hours. Exceptions shall be made for occasional large-scale earthmoving operations occurring on Saturdays and/or Sundays, due to imminent weather conditions (i.e. flooding) and unusual peak demand. Contractor/Operator shall provide 24-hour advance notice to the Unified Government Planning + Urban Design office of any large scale after hours and/or weekend operations;
7. Restrooms shall be provided in a manner that is approved by the Building Inspection Department;
8. Dust has the potential to be a problem. The site (disturbed ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto North 47th Street;
9. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures;
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) 573-8780;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. 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;
13. 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;
14. 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;
 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. 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;
 17. Subject to approval, the Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Board of Public Utilities Conditions:

1. During the term of this permit, Holliday will procure and continuously maintain, at its' sole expense, a location-specific Pollution Legal Liability (PLL) insurance policy which meets the requirements in Exhibit B of the September 1, 2022 letter from BPU General Manager Bill Johnson.
2. Holliday shall adopt all assurances set out in the Project Development Plan and obtain all such other permits as identified therein.
3. Holliday shall provide BPU all final governmental permits and updates of those permits.
4. Holliday shall provide for reasonable future reimbursements for BPU's future outside experts necessary to review project related environmental reports or changes in project conditions.
5. Holliday will timely share its water quality monitoring results with BPU.

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 **SP2022-114** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Letter from the US Army Corps of Engineers
Project Summary
Traffic Impact Letter
Traffic Plan
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Landscape Plan
Dock Detail
Architectural Plan
Site Cross Section
Board of Public Utilities Letter of No Objection
Letter of Support from Sturgis Materials
Site Photographs Provided by Staff on December 13, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	January 9, 2023	January 26, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-114** 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 **SP2022-114** 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.

January 9, 2023 City Planning Commission Minutes:

Hearing starts at 3:39:55:

SPECIAL USE PERMIT APPLICATION SP2022-114 – MIKE ODELL WITH HOLIDAY SAND AND GRAVEL - SYNOPSIS: Special Use Permit to operate a sand excavation and sand processing operation at 4403 North 42nd Street. Detailed Outline of Requested Action: The applicant, Mike Odell with Holliday Sand & Gravel, wants to operate a sand dredging, excavation and processing business, and transport sand by barge down the Missouri River on 458 acres at 4403 North 42nd 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 January 9, 2023;
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. Letter in support from Todd Geiger with Geiger Ready Mix

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

Present in Support:

- Kevin Foutes, 7355 West 162nd Terrace, Overland Park, Kansas
- Randy Gordon, BHC Rhodes, 712 State Avenue, Kansas City, Kansas 66102
- Angela Lawson, Assistant UG Chief Counsel spoke concerning the letter submitted by Bill Johnson of the Board of Public Utilities with additional conditions of approval for this application.

Present in Opposition:

- No one appeared

Planning Director Hand joined the meeting at 4:04:00 (10:04 pm)

Staff Recommendation starts at 4:04:00: Planning Director Hand stated that the request is for a sand excavation and processing operation. This property is in the City-Wide Master Plan in the north Midtown area. Staff has received one (1) letter in support and no letters in opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report and the additional conditions from the Board of Public Utilities.

Motion starts at 4:05:30:

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

SP2022-114 for five (5) years:

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

Motion to recommend **APPROVAL** Passed: 5 to 0

Subject to:

1. No archeological resources have hereunto been discovered. If in the course of work allowed under these environs review archeological resources are discovered, applicants must contact the Planning and Urban Design Staff to arrange specific preservation and mitigation measures. Contact the Planning + Urban Design Department at 913-573-5750 and/or planninginfo@wycokck.org for assistance. If archeological resources are found refer to the National Park Service National Register Bulletin 36 for more information https://www.nps.gov/subjects/nationalregister/upload/NR_B36-Complete.pdf;
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- 4. Holliday shall provide for reasonable future reimbursements for BPU's future outside experts necessary to review project related environmental reports or changes in project conditions.**
- 5. Holliday will timely share its water quality monitoring results with BPU.**



Figure 1. Aerial photograph of 4403 North 42nd Street (provided by UG Maps).

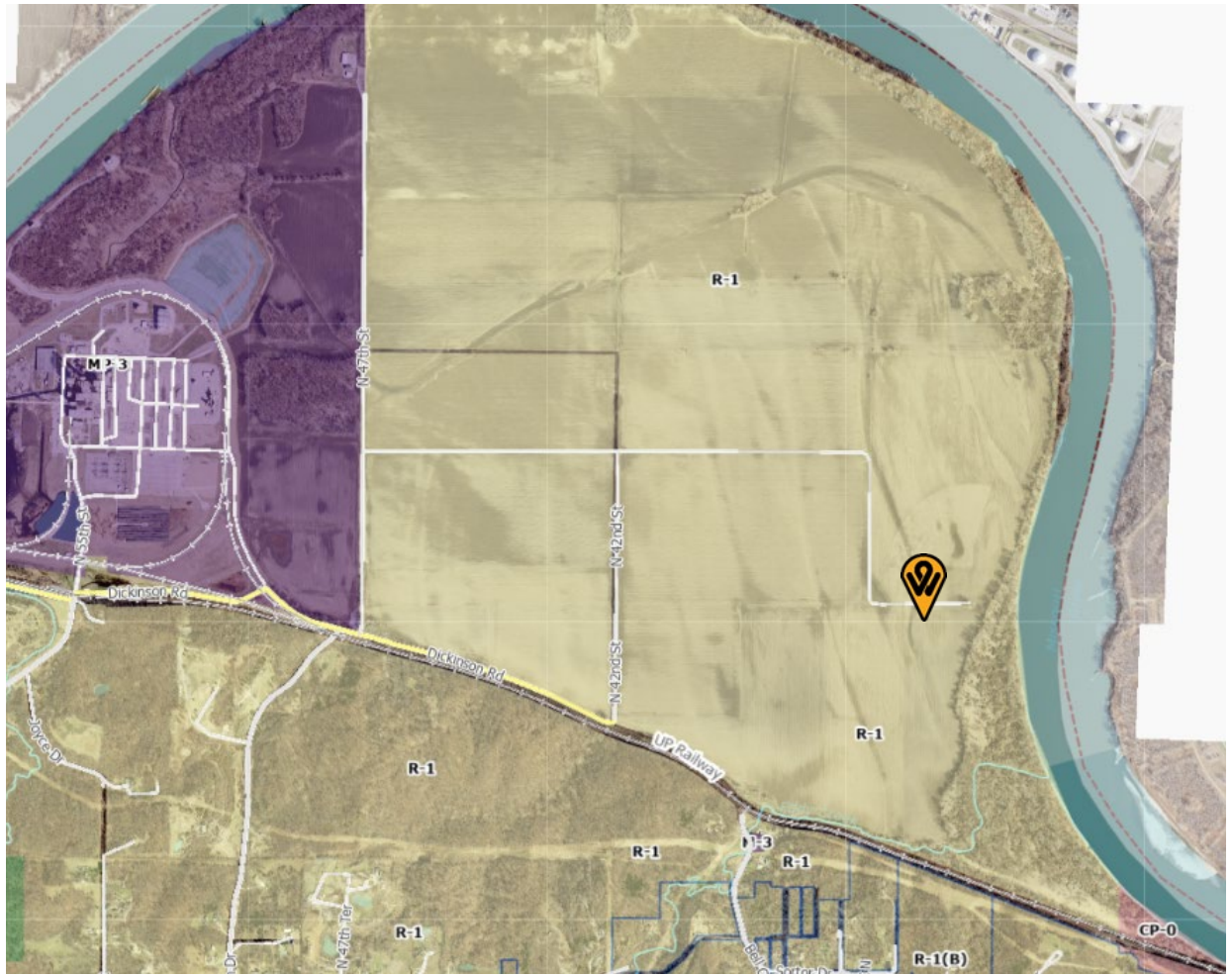


Figure 2. Zoning Map of 4403 North 42nd Street (provided by UG Maps).

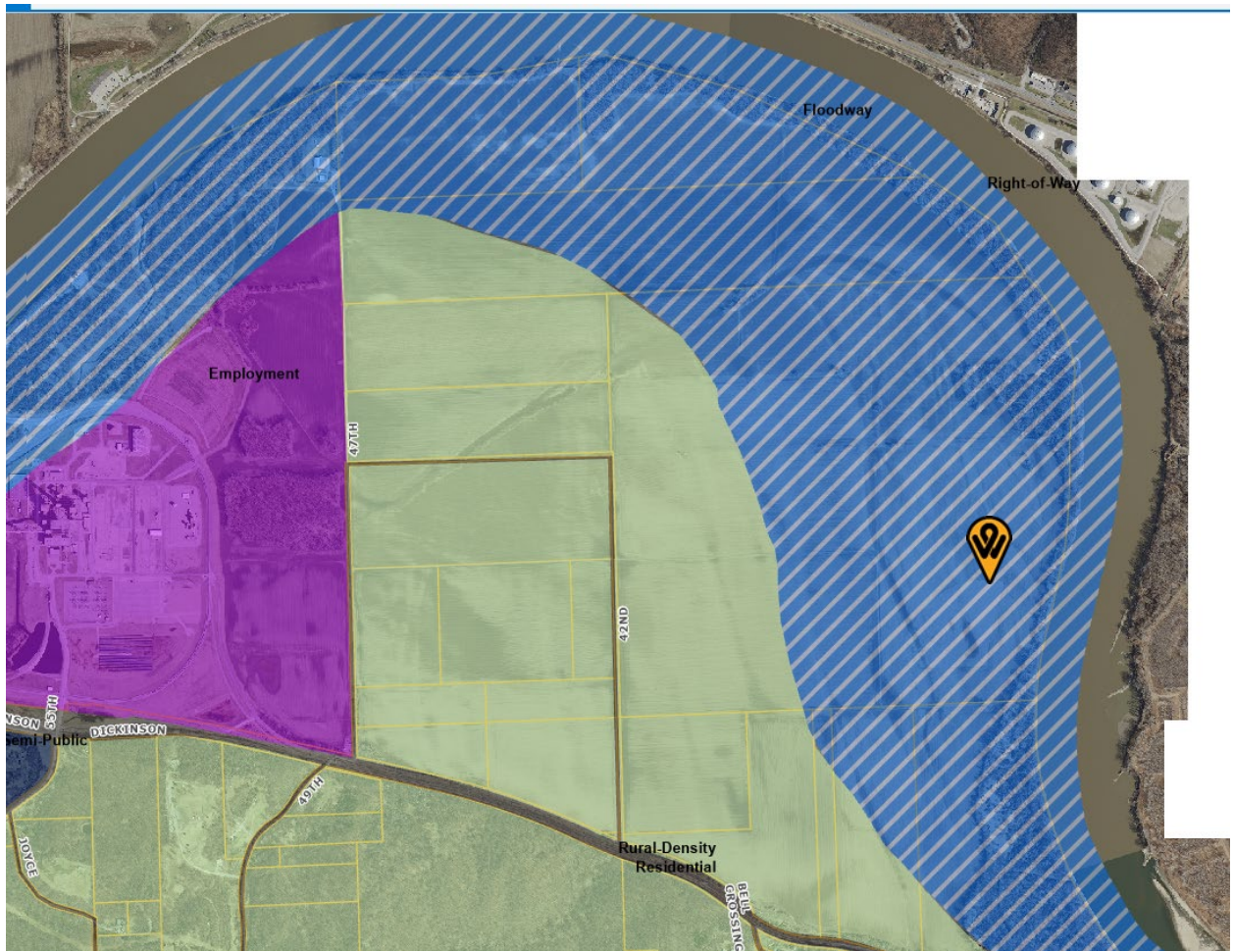


Figure 3. City-Wide Master Plan Land Use Map of 4403 North 42nd Street (provided by ArcGIS Pro).

Project Summary

Project Name - Nearman Bottoms Sand Pit Lake

Project Action

- Holliday Sand & Gravel Company, Inc. (Holliday) proposes to pit mine sand and gravel in the Missouri River (River) floodplain by electric powered dredge, creating a 300-acre lake and conservation area on the east side of the Nearman Bottoms.
- Sand will be processed and then shipped from the site by river barge, not trucks
- Proposed Startup – August 2024
- Project Duration – 40 years prox. (5 phases of 64 acres each)

Project Address - 4403 North 42nd Street, Kansas City, KS 66104

Company Profile

- Holliday, founded in 1928, is a Kansas City based corporation that dredges and processes sand and gravel for commercial sale to the construction industry.
- Holliday, dba Holliday Sand & Stone, is a subsidiary of CRH Americas Materials (previously known as Oldcastle Materials), headquartered in Atlanta, Georgia. Holliday is part of its West Division.
- Holliday operates 3 sand dredging facilities in greater Kansas City

Company Address - 7355 W. 162nd Terrace, Overland Park, KS 66085

Project Contacts

John (Pete) Peterson, Legal Counsel, pete@jlpetersonlaw.com

Mike Odell, VP Environmental, mike.odell@hollidaysand.com

Project Purpose and Need

Provide the central Kansas City Metro (KC) with a high quality and economical source of construction sand that can supplement River commercial dredging over the long term.

Land use

- Sand pit site: 458 acre, 4403 N. 42nd Street, KCK 66104, owned by CCP Properties, Inc., 11011 Cody Street, Overland Park, KS 66210
- Barge loading dock site: 17.3 acres, owned by Fouts & Son Farms, 3480 Dickinson Road, KCK 66104

BPU Wells and Water Quality - BPU wells are 1 mile northwest of the project

Excerpts from BPU's No Objection Letter:

*"Over several years, BPU staff and BPU's retained experts (Black & Veatch and Burns & McDonnell), as well as the Project developer and its consultant, Newfields, have studied potential impacts to BPU's water supply operations arising from the proposed development of the Project;...
"The studies have determined that there is practically no known risk of any impact to BPU's collector wells,"*

Water Quality Monitoring Measures

- 13 Groundwater monitoring wells
- Surface water testing program

- Quarterly sampling and testing for drinking water parameters for 10 years after closure
- Soil testing program – no ag chemicals land setback for 3 years prior to disturbance

BPU Indemnification - Holliday is providing BPU an environmental protection policy

Noise - No blasting, crushing or loud equipment

Hours of operation

- Earthmoving for stripping and reclamation – 7am to 5pm weekdays
- Dredging, processing and barge loading – 10 to 24 hours per day, 6 days per week, Sundays if necessary for special conditions

Flood Response Plan In Place

- Site is below 100-year flood plain, one-third in the floodway
- Flood Erosion – buried Corps dikes remain that initially formed the river channel. Velocity modeling completed confirms no concern of flood erosion

Southern Star Gas Pipeline Crossing

- Southern Star has reviewed crossing structures
- 400-foot setback, installing inclinometer slope monitoring devices

Historical Preservation

- Steamboat Arabia remains located in the last phase of the project, northeast corner will either be avoided or mitigated as required by KS Preservation Office
- Quindaro Townsite ruins 8/10ths mile south of project dock will not be impacted

Conservation Site Development

- 52 acres of riparian corridor will be restored with 60 trees per acre
- 32 acres of diverse prairie planting to add nesting and foraging areas for prairie species
- Native grasses with diverse pollinator forb mix will be planted
- Tens of acres of wetlands, mudflats, and reptile and fish spawning habitats will be created

Additional Permits Required

- Corps of Engineers – riverbank structures, wetlands, species impact
- KDHE- water quality, stormwater, air quality
- KDA/DOC – mining license and reclamation approval and bond
- KDA/DWR – pit mining water appropriations, floodplain fill and structures
- KDWPT – protection of T&E species
- SHPO – Section 106, Arabia preservation

Why Holliday needs this sand pit site:

- This is Holliday's best and only sand pit alternative to replace the MO River as a sand source.
- Holliday's MO River dredging has been reduced 90 percent over the last 10 years as a response to reduce MO River bed degradation, that has many causes that the Corps has not been able to reverse.
- There are three major ready-mix plants near the central district that need a sand source.
- Sand is in high demand and current alternate sources can't keep up.

Why the Nearman Site is the best possible site:

- This location is close to the central KC area ready mixes (Geiger, Talon, Fordyce & LaFarge)
- Enables all shipment of sand by barge instead of by trucks
- Has a high quality deposit that has not been found elsewhere
- Site is 13 feet below the flood plain and cannot be developed
- This site is perfect for development into a species friendly conservation area
- Moving from the MO River to the flood plain has long been requested by BPU

How does the proposed Sand Pit Lake benefit KCK?

The entire KCK area would benefit from the development of the conservation area specifically improving the ecology of the Missouri River floodplain:

- Improves quality of life:
 - Protect biodiversity
 - Improves air and water quality
- Site would qualify for habitat or water quality grants
- Holliday's site improvements could later be used for public access points after project completion:
 - Access road
 - Parking area
 - River overlook
 - Lake access

Project Development Plan and Appendices - Submitted updates
PROPOSED NEARMAN BOTTOMS SAND PIT LAKE PROJECT
HOLLIDAY SAND & GRAVEL COMPANY, INC.
May 2022

Document Name	Primary Author	Final Version Date
Report: Project Development Plan	Holliday	29 Oct 2021 (Revised Dec 2021) (Revised May 2022)
App A: Analysis of Potential Groundwater Impacts	NewFields	10 January 2019 (Rev Aug 2020)
App B: Environmental Monitoring Plan	NewFields	02 May 2018 (Revised Dec 2021) (Revised Dec 2021)
App C: Contingency and Spill Prevention, Control, and Countermeasure Plan	NewFields	April 2019 (Revised Dec 2021) (Revised December 2021)
App D: Environmental Noise Analysis	Henderson Engineers	27 June 2017 (Revised Oct 2021)
App E: Air Quality Evaluation	Blackstone Environmental	22 May 2018 (Revised Dec 2021)
App F: Nearman Bottoms Floodplain Flow Velocity Study	NewFields	03 April 2018 (Revised May 2021)
App G: Nearman Bottoms Harbor Inlet Bank Protection Analysis	NewFields	11 July 2018 (Rev Aug 2020)
App H: Influence of Proposed Harbor Development on Risk to the Southern Star Pipeline	NewFields	29 August 2018 (Rev Dec 2021)
App I: Historical Determination – Steamship Arabia	Lewis Berger Group	22 July 2009
App J: Fuel / Oil Transfer and Contingency Procedures	Holliday	05 January 2018 (Rev Apr 2021)
App K: Closure and Reclamation Plan	NewFields	20 December 2018 (Rev Dec 2021)
App L: Flood Emergency Response Plan	Holliday	29 Oct 2021 (Rev Dec 2021)
App M: Conservation Plan	Habitat Architects	October 2021



November 18, 2022

Byron Toy
Dept. of Planning & Urban Design
Unified Government
701 N. 7th Street
Kansas City, KS 66101

Re: Traffic Impacts for Proposed Special Use Permit
Nearman Bottoms Sand Pit, 4403 N. 42nd Street

Dear Mr. Toy,

The proposed Nearman Bottoms sand pit provides a unique opportunity to recover useful sand to supply the local construction materials market while avoiding creating a significant traffic impact on the adjacent UG streets. Sand will be transported by river barge instead.

Access would be via the existing gated access off of Dickinson Road by the rail crossing. The applicant intends to improve this private access road to elevate it a few feet above the existing farm ground and provide a 20'-wide aggregate surface.

The only vehicular traffic expected to travel on UG streets will be for daily access of 2 to 3 workers and an occasional truck delivering or removing equipment (averaging less than once per day) during initial site setup. Once in production, daily traffic would transition to on-site operations staff (4-5 workers) in passenger vehicles. Trucks may access the site 1-2 times a month for maintenance or when transporting earthmoving equipment associated with removing overburden as dredging progresses within each phase.

Based on this low volume of added traffic (10-15 trips per day), further traffic impact analysis does not appear necessary for this proposed use.

Please let me know if you have any questions or feel that additional discussion is needed.

Sincerely,
Brungardt Honomichi & Company, P.A.

Randall J. Gorton, PE, PTOE
Vice-President

Cc: Holliday Sand & Gravel, J. Peterson, J. Nelson, W. Anderson, file



3.5 Traffic

Holliday projects onsite work-related traffic to consist of that associated with the initial project setup over a 2-year period followed by ongoing production crew-related traffic. No traffic results from hauling sand or gravel from the project site as all products will be loaded onto barges and towed away on the River. Plant setup traffic over the 2-year setup period would average 2 trips per day. Once in production, ongoing traffic would average 10.9 trips (5.5 round trips) per day. Approximately 10 trips per year consist of large trucks hauling a total of five loads of earth-moving equipment in and out once a year.

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Proposed Nearman Bottoms Sand Pit Lake Project Document, Rev July 2022
Holliday Sand & Gravel Company, Inc.

The following table is a list of the estimated vehicles needing access to the site, their purpose and number of trips per day. Entering and exiting the project are counted as separate trips.

Activity	# of vehicles	Trips/day	Days/yr	Total trips/yr	Average Annual Vehicles/day
Ongoing Production Traffic					
Production/Maintenance Crew Day Shift	4	2	240	1920	5.3
Production Crew Night Shift	4	2	200	1600	4.4
Soil and Water Monitoring Sampling	1	2	4	8	0.02
Stripping Crew	4	2	40	320	0.9
Mechanics Truck	1	2	12	24	0.06
Fuel Truck for Earthmoving Machines	1	2	50	100	0.3
Haul in/out Earthmoving Machines	5	2	2	20	0.1
Total Ongoing Traffic				3992	11.1
Plant Setup Traffic (Over 2-year period)					
Baseline Soil Sampling	2	2	6	24	0.07
Fencing materials	10	2	1	20	0.05
Fencing install crew	1	2	15	30	0.88
Rock for access and plant roads	10	12	4	480	1.52
Roads/Initial Stripping machines	4	2	1	8	0.02
Roads/Initial stripping crew	4	2	50	400	1.10
Dredge Equipment	10	2	1	20	0.05
Dredge assembly crew	4	2	20	160	0.44
Plant equipment	10	2	1	20	0.05
Plant setup crew	4	2	20	100	0.44
Conveyor equipment	10	2	1	20	0.05
Conveyor assembly crew	4	2	30	240	0.66
Dock materials/crane	10	2	1	20	0.05
Dock installation crew	4	2	20	160	0.44
Electrical equipment	5	2	1	10	0.03
Electricians	2	2	25	150	0.41
1 Year Total			120	2302	6.31
Plant Setup Traffic Over 2-year Period			60	1151	3

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A CRH COMPANY

Dec. 27, 2022

Byron Toy
Department of Planning + Urban Design
Unified Government
701 N. 7th Street
Kansas City, KS 66101

Re: **Response to Draft Staff Report for Nearman Bottoms Sand Pit SUP Application (SP2022-114)**

Dear Mr. Toy,

We have received a copy of the draft staff report to the City Planning Commission for Holliday Sand & Gravel's (HSG) SUP application for our proposed sand processing operation and have the following responses to each staff comment in **dark green** text:

FACTORS TO BE CONSIDERED Section

1. The Character of the Neighborhood.

The character of the neighborhood is rural in nature, primarily agricultural farmland. The Board of Public Utilities (BPU) operates both water and power plants west of North 47th Street.

RESPONSE: Agreed

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 operation would differ greatly from the current agricultural farmland and uses in the area currently.

RESPONSE: The current uses of properties in this area are a mix of farming and industrial operations at the BPU facility. As compared to the BPU facility, the proposed sand operation will have similar material handling, stockpiles, and equipment structures to extract natural resources on a seasonal basis.

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

There are various scenarios, such as flood events, where this operation and the changes to the landscape, could be detrimentally affected by this large and lengthy sand dredging operation.

RESPONSE: The studies and other documents provided with this SUP application address these concerns regarding flooding, noise, dust, traffic and other issues that staff are mindful of. The buried inland dikes that the Army Corps of Engineers constructed to set the River channel in its current location will remain in place and prevent any alterations to the River channel as well as stabilization of land upstream of the Project. This proposed operation will use electric-powered equipment to make less noise and generate less air pollution. The sand material will then be transported via the river rather than on local streets. All of those measures are uniquely



supported by the specific location of this project and allow for a greatly-reduced risk of any detrimental effects on nearby properties.

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

The property has never been developed and has always been farmland.

RESPONSE: The lack of any other development may support a position that the community does not view this site as desirable for residential or other uses. Given the floodplain, railroad, and adjacent BPU uses, the proposed sand operation and its planned creation of new riparian habitat and conservation area may be among the property's best potential uses.

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

Special Use Permits are not specifically addressed in the Master Plan. This will permanently change the landscape of the area upon completion of the sand dredging operation.

RESPONSE: As mentioned above, the proposed sand operation will concurrently establish additional riparian habitat and future passive conservation/recreation uses that are part of the Master Plan for the site and worthwhile for the community. Holliday intends for the proposed conservation features to be of benefit to the immediate area visually and to the City environmentally versus the existing uses/conditions.

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 substantially increase the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it because the material will be taken from the site via barge, down river and construction equipment will remain on the property during the duration of the project.

RESPONSE: Agreed

Staff has concern regarding construction and ramp-up/site preparation traffic on underutilized roadways. The roads leading from North 44th Street are not improved (see site photographs).

RESPONSE: The application includes restricting all Project access onto the BPU's established N. 55th Street access route and then east via Dickinson, to be improved as needed by Holliday. Traffic volumes and vehicle loads will likely be similar to what the existing farm operations generate.

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 necessary for the convenience and welfare of the public. The appropriate use will be altered as this area will be restored to a wetland and the majority of the R-1 Single Family District uses would not be allowed otherwise, except as a passive park and/or open space.

RESPONSE: Holliday does not foresee single family construction on the Project site as it is entirely in either the floodway or the flood plain 14 feet below the 100 year flood plain elevation and believes restoring the site to riparian habitat is of great



environmental and aesthetic welfare to the public. Holliday is not impacting nearby land at higher elevations that remain available for R-1 uses. While not necessarily obvious, sand is a vital component for concrete and other uses that the entire community relies upon to maintain infrastructure, services, safety, and economic opportunity. Convenient and cost-effective sources of sand are limited in the Kansas City region. This location, as opposed to all other sites, allows Wyandotte County to have an economical sand source asset for decades with no objectional impacts while providing a method of delivering the sand by barge without relying on local streets for transport and generating noise and traffic, from land that has development options limited by floodplain regulations, and would result in an attractive lake, wildlife habitat and potential recreation opportunity.

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 dirt are all potential effects of this type of use.

RESPONSE: The studies and other documents provided with this SUP application provide analysis regarding the potential noise, dust, and other issues that nearby properties would be concerned about and demonstrates that the proposed sand operation would not create any such unacceptable impacts. In many ways the proposed sand operation will have a smaller potential for these effects than the existing agricultural activities. In addition, the Project will replace the need for existing Missouri River dredging adjacent to the site that is currently powered solely by diesel engines. The Project replaces those emissions with electric power from BPU, resulting in improved air quality in the area.

The submitted operations plan addresses dust generation, resulting only from intermittent stripping activity, and its control for the site. The operation will use electric-powered equipment generating less noise and air pollution; material will be transported via the river rather than on local streets. Though the Project is located thousands of feet from any residences, Holliday will also employ neighborhood friendly backup alarms and lighting.

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

There are some significant concerns regarding potential environmental damage from chemical or diesel spills, and failure to adequately restore the area post-sand dredging operation.

RESPONSE: The majority of the operation is electrically-powered and not using diesel or other chemicals on site. The submitted operations plan addressed concerns from these types of spill specifically, how they will be prevented as well as how any would be addressed should they occur. The applicant has also provided information on the operation plans, insurance coverage, and reclamation plan requirements that will be in place to assure that the site will be monitored and restored concurrent with sand processing, and the contingency plans in case of any spills or contamination on site.



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

The natural composition of this property will be permanently changed by this use. Once this operation begins, the site can never be restored to its current, original condition.

RESPONSE: Holliday's Project will create a natural resource (lake and conservation area) that restores the property to its original Missouri River riparian condition which is in concert with the Corps of Engineers mandated flood plain restoration and mitigation program, MRERP: Missouri River ecosystem restoration plan.

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

There is little public gain from this operation. Any hardship from denial seems to be the sole loss of a potential revenue source for the property owner.

RESPONSE: As previously explained, sand is a vital component for infrastructure maintenance and improvement by public agencies, including BPU and the Unified Government. The availability of good sand material from local sources means that public and private construction can be done at lower cost and more quickly. There are fewer and fewer options for this material in the Kansas City region, especially in situations where it can be extracted and transported away from nearby residences and not needing to have many trucks use local streets. The collective benefit of this proposed project may not be obvious to the public, but it would likely include potential savings in the tens of millions of dollars in reduced costs for concrete and bulk sand. The ready-mix businesses in the area depend on sand from this source to provide concrete and asphalt for the growth and maintenance of all infrastructure in the area. Changes on the Missouri River are mandating the development of flood plain sand sources to replace river dredging and has been requested for years by the BPU and other local water agencies. Holliday has pursued the study of this site with BPU since 2009 because it is the best and only alternative local sand source.

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

This is not expected to be an issue, as the majority of employees will be on the excavating the sand and transporting it down the Missouri River for processing.

RESPONSE: Agreed

PLANNING AND URBAN DESIGN COMMENTS Section

1. *This site plan denotes that the Steamboat Arabia site is located in the project area; have you contacted the State Historic Preservation Office to discuss any issues with this operation in proximity to the site? If not, please do so and submit their response to the inquiry.*

RESPONSE: The State Historic Preservation Office was previously contacted early in development of the sand project regarding potential dredging activity in proximity to the Arabia site. We have included a professional study and other information in Appendix I regarding SHPO's response on the matter. Holliday will plan to not dredge the Arabia site unless it is able to develop mitigation measures that are approved by SHPO.



2. No archeological resources have hereunto been discovered. If in the course of work allowed under these environs review archeological resources are discovered, applicants must contact the Planning and Urban Design Staff to arrange specific preservation and mitigation measures. Contact the Planning and Urban Design Department at 913-573-5750 and/or planninginfo@wycokck.org for assistance. If archeological resources are found refer to the National Park Service National Register Bulletin 36 for more information <https://www.nps.gov/subjects/nationalregister/upload/NRB36-Complete.pdf>.

RESPONSE: Understood

3. Provide an exhibit showing specific preservation of trees throughout this process specifically along the Missouri River shoreline.

RESPONSE: The only existing trees along the shoreline to be removed will be 2-3 acres for the dock access, loading stockpile, and conveyor/access road link. This area will be designated on the Site Plan

4. What is the site remediation – post completion?

RESPONSE: As stated in the Project Development Plan (beginning on page 21) and the Closure & Reclamation Plan Appendix K, remediation, including bank sloping and stabilization and planting of trees and grasses for habitat, will occur concurrently with the project. Upon completion, all equipment and structures not benefiting the conservation area will be removed and the ground filled and planted. A sizeable berm of overburden on the west edge of the project will be reserved for the final filling and planting after the final phase of production. We have also attached an enhanced version of our site conservation plan for your reference.

5. What are the proposed hours of operation?

RESPONSE: Normal operating hours: earthmoving for stripping and reclamation – 7am to 5pm weekdays and dredging, processing and barge loading – 10 to 24 hours per day. Operations would typically be Monday thru Friday or Saturday as outlined in our submitted project operation plan. We would appreciate the UG's understanding that occasional Sunday operations might be required due to special circumstances (i.e. imminent flooding or post-flooding restoration, unusual peak demand, etc.).

6. Will restrooms be provided for construction works, as work trucks will be parked in the vicinity, whether it is North 42nd Street or North 47th Street.

RESPONSE: Portable construction toilets will be used on site for all phases of the project. This will allow for removal in case of flooding.

7. Dredging dock and conveyor belt appear to be on another parcel, not within this project boundary. Please clarify.

RESPONSE: See Project Summary. The 17-acre dock property is included in the Project description and Holliday has a purchase option with Fouts and Son for this portion of 3480 Dickinson Road, pending permitting.

8. Dust has the potential to be a problem. The site (ground) shall be watered daily to minimize dust and all truck wheels shall be wetted prior to leaving the site, exiting onto North 47th Street.



RESPONSE: Holliday would request a modification that only the dust emitting areas (haul roads, pathways and stripped areas) be watered as required to prevent dust. Until disturbed, the site (ground) will not require watering as it will be vegetated or will have crops.

9. Lighting cannot exceed one (1) footcandle at the property line. Exterior lighting shall have 90-degree cutoffs fixtures.

RESPONSE: Understood. Proposed site lighting will be well away from adjacent properties. Site lighting would be installed to not illuminate other properties.

10. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit.

RESPONSE: Understood.

11. All existing and future driveways must feature curb cuts that are constructed to UG standards.

RESPONSE: If required, Holliday will construct a concrete drive approach to UG standards at the 47th & Dickinson intersection where the improved access drive will be constructed.

12. 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.

RESPONSE: Understood

13. 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.

RESPONSE: Understood

14. 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.

RESPONSE: Understood

15. 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.

RESPONSE: Understood

16. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to



meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.

RESPONSE: Understood

17. 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.

RESPONSE: Given the various agencies and permits that are involved with the proposed sand operation, Holliday has begun with seeking the UG's permission first, as local planning approval is our highest priority. This means that there will still be 12-24 months of additional time likely needed to secure all required permissions. After that it may be another 12 months before all equipment is installed and sand dredging gets underway. Once dredging begins it will still be a considerable amount of time to begin extraction of sand for processing and full operations are underway as discussed in our plan. In summary, we will need 1-2 years for remaining permitting, 2 years for equipment installation, and then 2-3 years for site prep and preliminary dredging to reach the sand of true market value to begin full sand operations.

With that long "ramp up" time before Holliday can even demonstrate how the implementation of our proposed plan will be conducted, we believe that it will be at least 7 years before the UG can truly see how the operation is conducted as a whole. Given the unusual level of permitting and site preparation involved with this operation, we respectfully request that the initial SUP be effective for ten (10) years from approval.

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

RESPONSE: Agreed

PLANNING ENGINEERING COMMENTS Section

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.

RESPONSE: Understood. There are some technical review comments that we would request be applied to our plans to be submitted for final building permits, if possible. This will allow us a certain amount of flexibility in case we receive related permitting comments/requirements from the other agencies involved (Corps of Engineers, KDHE, etc.). Those permits would be in process or in hand by the time the construction permit from the UG is applied for.

C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1) None

We appreciate UG staff's consideration of our SUP application. We recognize that this project has a tremendous number of details and prior background work that can be challenging to evaluate quickly. We are always ready to discuss specific questions and concerns with staff and officials in order to demonstrate Holliday's commitment to addressing potential issues and unknowns to minimize risks to the neighbors and community at-large.

Feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Michael R. Odell". The signature is written in a cursive style with a large, stylized "M" and "O".

Mike Odell
Vice-President
Holliday Sand & Gravel

Attachments

Cc: J. Parker, G. Hand, File, HSG, BHC, Procopio, J. Peterson

MINUTES:

Application Number SP2022-114

Date and Location: December 21, 2022

Meeting called to order at: BHC, 712 State Ave, Kansas City, KS

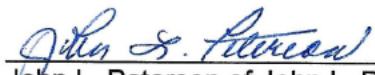
Names of people in attendance:

Michael R. Odell, Petitioner, Holliday Sand & Gravel Co.
Randy Gorton, Vice President of BHC Civil Engineering
John L. Peterson, Attorney for Petitioner
Dan Jones, Holliday Sand & Gravel Co.

Other than the aforementioned interested parties on behalf of Petitioner, there were no other attendees at the meeting. Included herewith is a copy of the Notice sent to the property owners provided by the UG. A subsequent Notice also was sent because of potentially inclement weather, detailing the instructions for attendance by Zoom. There were no attendees via Zoom.

The meeting was called to order at 4:00 pm and adjourned at 4:20 pm. The Minutes were taken by John L. Peterson. This is the third neighborhood meeting held on behalf of this Petitioner. The first was held in 2017 and the second was held in 2018. At the 2017 meeting, only one citizen attended and she was relieved to know that there would be no truck traffic concerning the former application; and, of course, that applies to this application also. There were no citizen attendees at the 2018 meeting. The original application filed in 2017 was withdrawn so that Petitioner could assimilate additional testing and information.

Respectfully submitted,


John L. Peterson of John L. Peterson, P.A.

[illegible]

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)

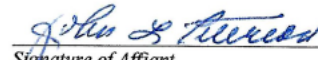
) SS:

County of Wyandotte)

Comes now John L. Peterson, of lawful age, sound mind and upon his oath states as follows:

1. That I am one of the attorneys for the petitioner for Petition #SP2022-114.
2. That I conducted a neighborhood meeting on December 21, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

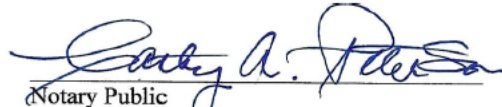
Further affiant saith not.


Signature of Affiant

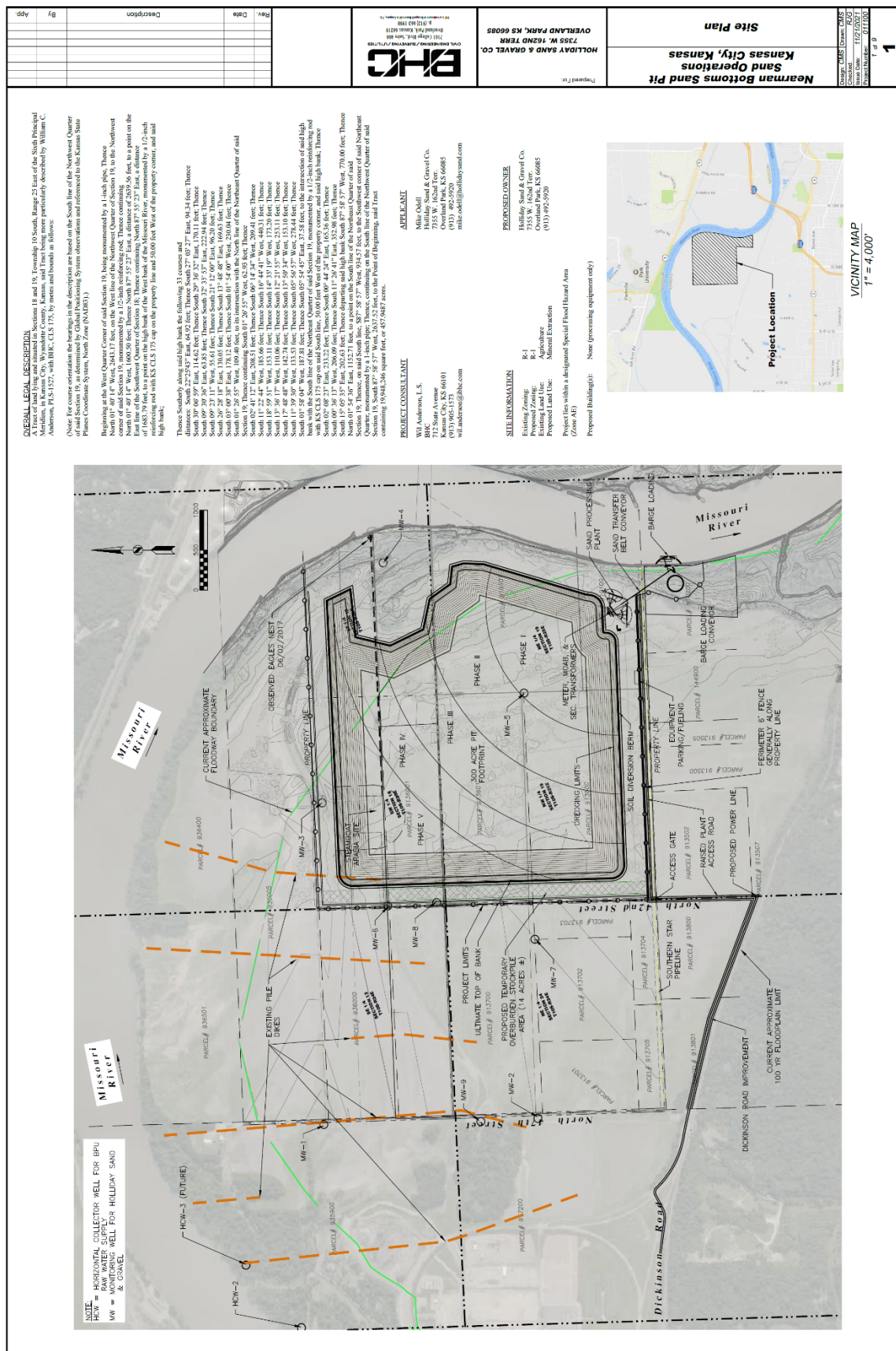

Print Name of Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 22nd day of December, 2022.

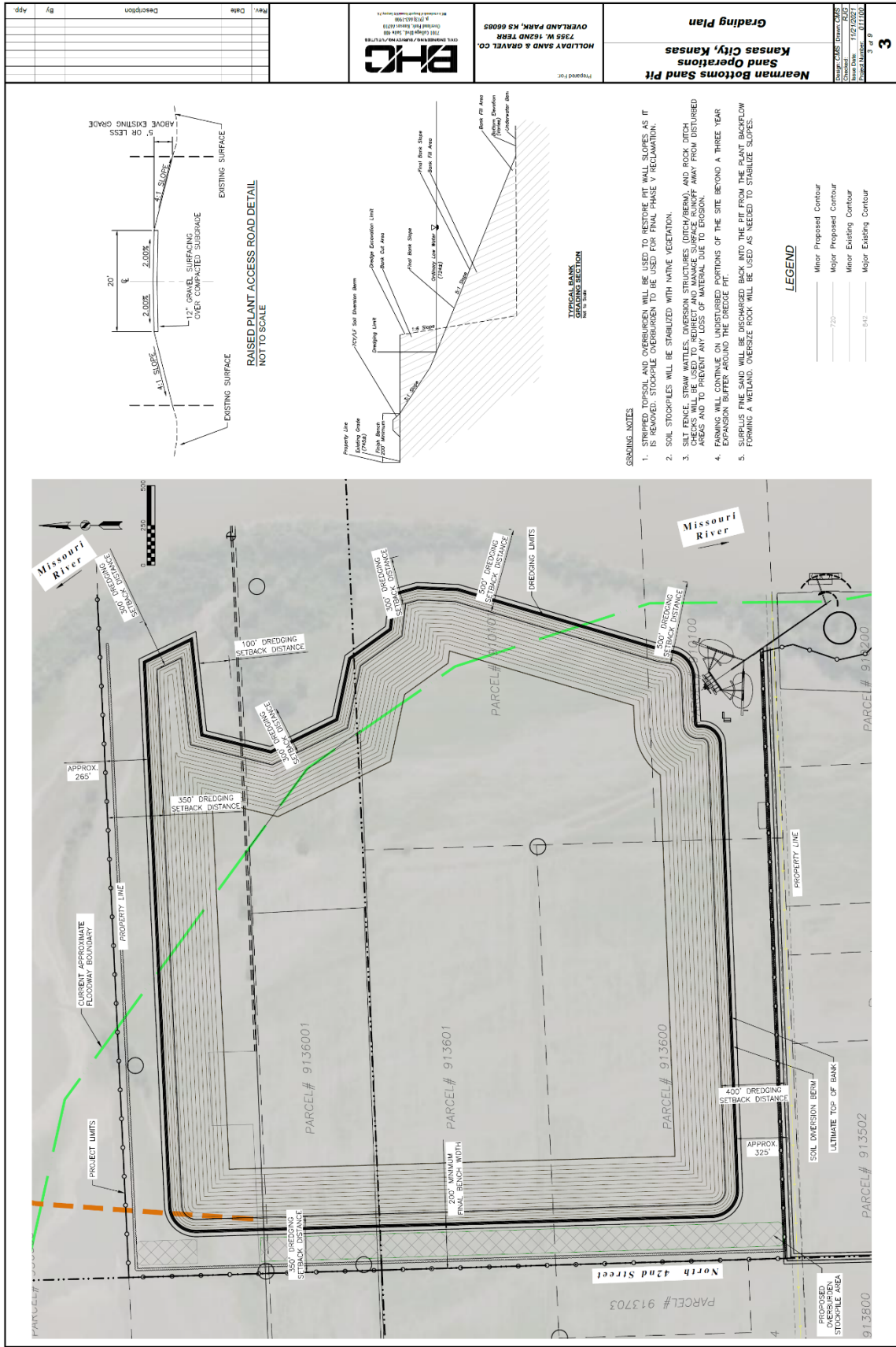


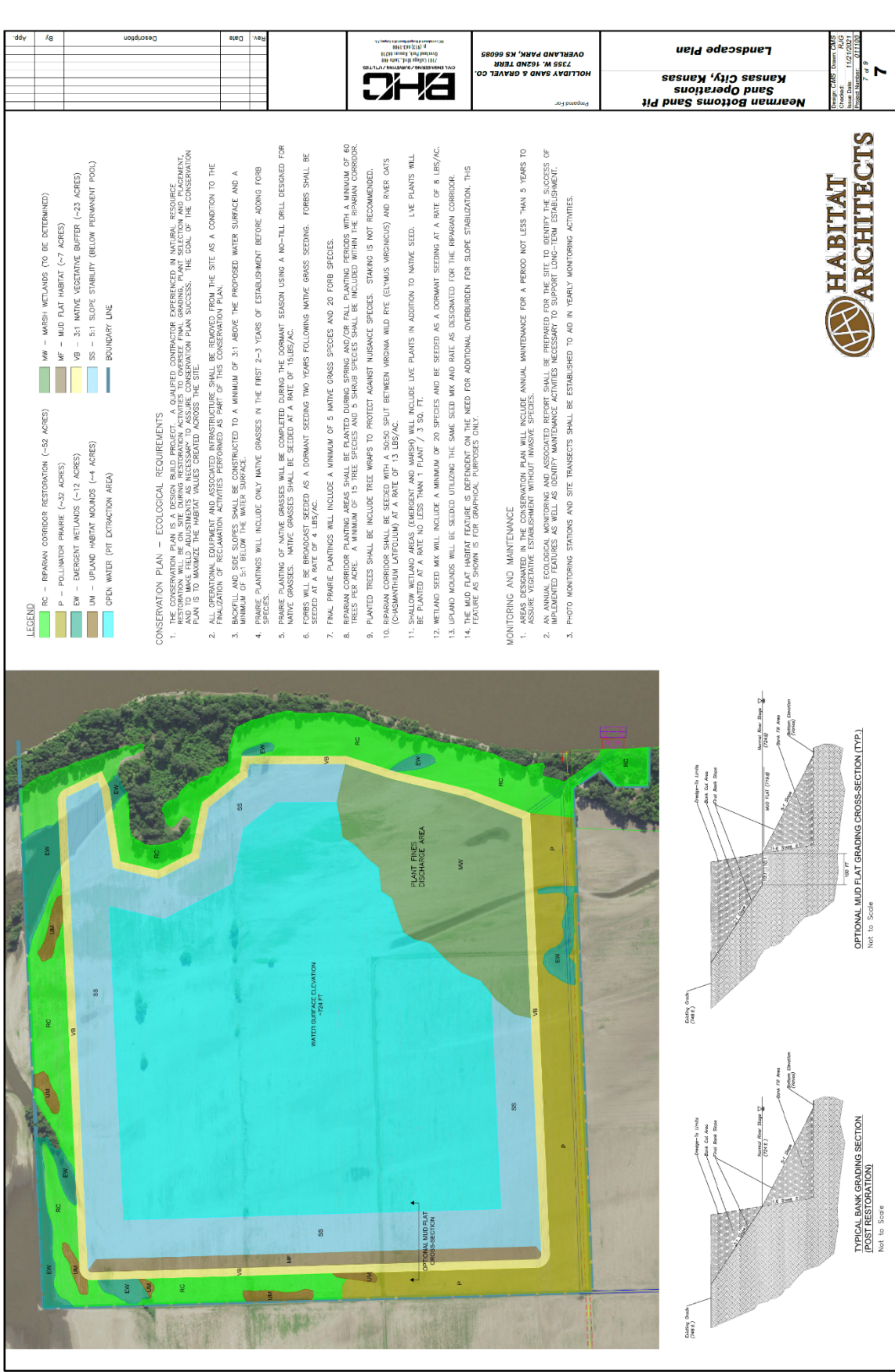

Notary Public

My commission expires 1-31-25









LEGEND

- RC - RIPARIAN CORRIDOR RESTORATION (~52 ACRES)
- P - POLLINATOR PRAIRIE (~32 ACRES)
- EW - EMERGENT WETLANDS (~12 ACRES)
- UM - UPLAND HABITAT MOUNDS (~4 ACRES)
- SS - OPEN WATER (PIT EXTRACTION AREA)
- WM - MARSH WETLANDS (TO BE DETERMINED)
- MF - MUD FLAT HABITAT (~7 ACRES)
- VB - 3:1 NATIVE VEGETATIVE BUFFER (~23 ACRES)
- SS - 5:1 SLOPE STABILITY (BELOW PERMANENT POOL)
- BOUNDARY LINE

CONSERVATION PLAN - ECOLOGICAL REQUIREMENTS

1. THE CONSERVATION PLAN IS A DESIGN BUILD PROJECT. A QUALIFIED CONTRACTOR EXPERIENCED IN NATURAL RESOURCE RESTORATION WILL BE ON SITE DURING RESTORATION ACTIVITIES TO OVERSEE FINAL GRADING, PLANT SELECTION AND PLACEMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR THE CONSERVATION PLAN IS TO MAXIMIZE THE HABITAT VALUES CREATED ACROSS THE SITE.
2. ALL OPERATIONAL EQUIPMENT AND ASSOCIATED INFRASTRUCTURE SHALL BE REMOVED FROM THE SITE AS A CONDITION TO THE FINALIZATION OF RECLAMATION ACTIVITIES PERFORMED AS PART OF THIS CONSERVATION PLAN.
3. BACKFILL AND SIDE SLOPES SHALL BE CONSTRUCTED TO A MINIMUM OF 3:1 ABOVE THE PROPOSED WATER SURFACE AND A MINIMUM OF 5:1 BELOW THE WATER SURFACE.
4. PRAIRIE PLANTINGS WILL INCLUDE ONLY NATIVE GRASSES IN THE FIRST 2-3 YEARS OF ESTABLISHMENT BEFORE ADDING FORB SPECIES.
5. PRAIRIE PLANTING OF NATIVE GRASSES WILL BE COMPLETED DURING THE DORMANT SEASON USING A NO-TILL DRILL DESIGNED FOR NATIVE GRASSES. NATIVE GRASSES SHALL BE SEED AT A RATE OF 15 LBS/AC.
6. FORBS WILL BE BROADCAST SEED AS A DORMANT SEEDING TWO YEARS FOLLOWING NATIVE GRASS SEEDINGS. FORBS SHALL BE SEED AT A RATE OF 4 LBS/AC.
7. FINAL PRAIRIE PLANTINGS WILL INCLUDE A MINIMUM OF 5 NATIVE GRASS SPECIES AND 20 FORB SPECIES.
8. RIPARIAN CORRIDOR PLANTING AREAS SHALL BE PLANTED DURING SPRING AND/OR FALL PLANTING PERIODS WITH A MINIMUM OF 60 TREES PER ACRE. A MINIMUM OF 15 TREE SPECIES AND 5 SHRUB SPECIES SHALL BE INCLUDED WITHIN THE RIPARIAN CORRIDOR.
9. PLANTED TREES SHALL BE INCLUDE TREE WRAPS TO PROTECT AGAINST NUISANCE SPECIES. STAKING IS NOT RECOMMENDED.
10. RIPARIAN CORRIDOR SHALL BE SEED WITH A 50:50 SPLIT BETWEEN VIRGINIA WILD RICE (ELYMUS VIRGINICUS) AND RIVER OATS (CHASMANTHIUM LATIFOLIUM) AT A RATE OF 13 LBS/AC.
11. SHALLOW WETLAND AREAS (EMERGENT AND MARSH) WILL INCLUDE LIVE PLANTS IN ADDITION TO NATIVE SEED. LIVE PLANTS WILL BE PLANTED AT A RATE NO LESS THAN 1 PLANT / 3 SQ. FT.
12. WETLAND SEED MIX WILL INCLUDE A MINIMUM OF 20 SPECIES AND BE SEED AS A DORMANT SEEDING AT A RATE OF 8 LBS/AC.
13. UPLAND MOUNDS WILL BE SEED UTILIZING THE SAME SEED MIX AND RATE AS DESIGNATED FOR THE RIPARIAN CORRIDOR.
14. THE MUD FLAT HABITAT FEATURE IS DEPENDENT ON THE NEED FOR ADDITIONAL OVERBURDEN FOR SLOPE STABILIZATION. THIS FEATURE AS SHOWN IS FOR GRAPHICAL PURPOSES ONLY.

MONITORING AND MAINTENANCE

1. AREAS DESIGNATED IN THE CONSERVATION PLAN WILL INCLUDE ANNUAL MAINTENANCE FOR A PERIOD NOT LESS THAN 5 YEARS TO ASSURE VEGETATIVE ESTABLISHMENT WITHOUT INVASIVE SPECIES.
2. AN ANNUAL ECOLOGICAL MONITORING AND ASSOCIATED REPORT SHALL BE PREPARED FOR THE SITE TO IDENTIFY THE SUCCESS OF IMPLEMENTED FEATURES AS WELL AS IDENTIFY MAINTENANCE ACTIVITIES NECESSARY TO SUPPORT LONG-TERM ESTABLISHMENT.
3. PHOTO MONITORING STATIONS AND SITE TRANSECTS SHALL BE ESTABLISHED TO AID IN YEARLY MONITORING ACTIVITIES.



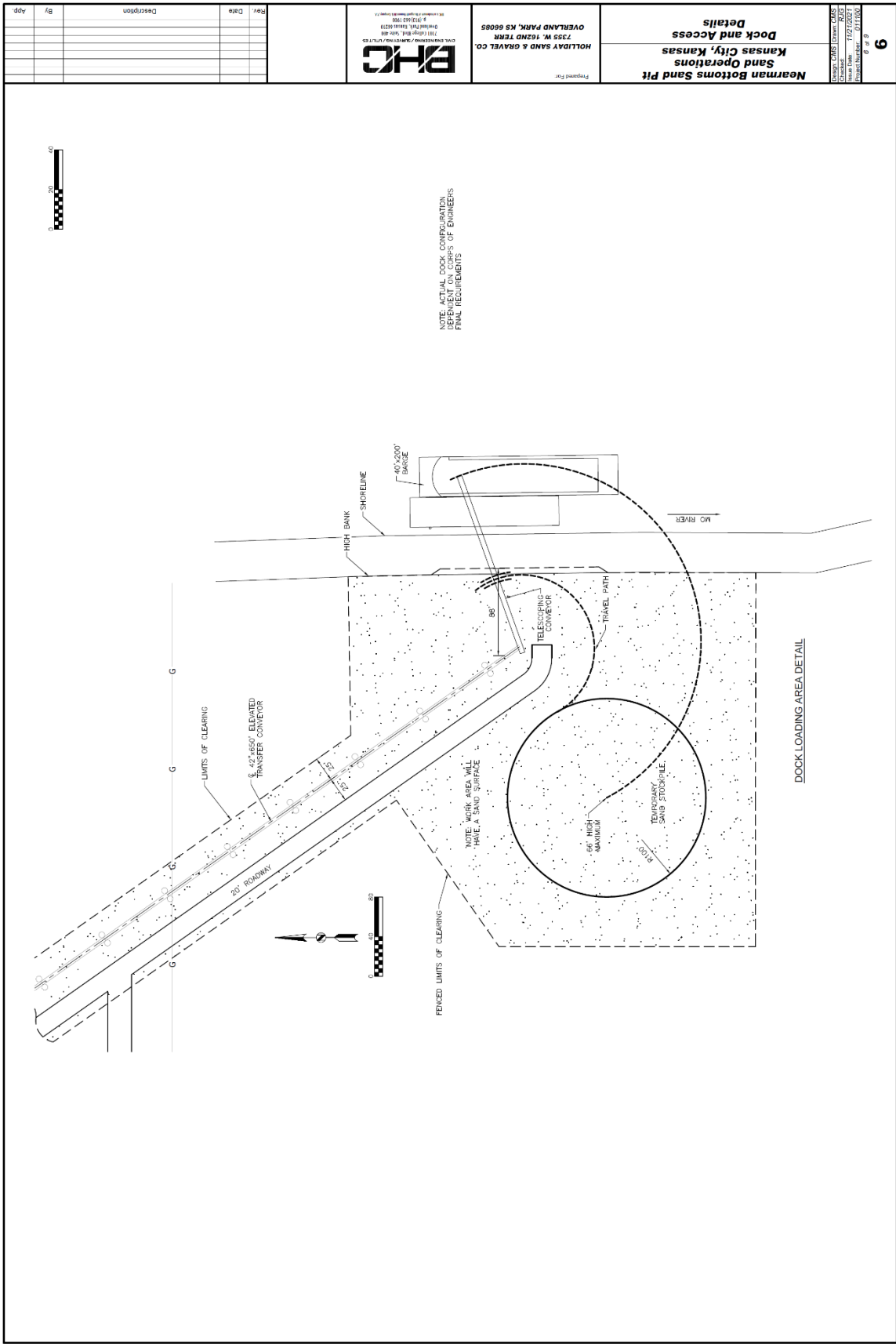
Nearman Bottoms Sand Pit
Sand Operations
Kansas City, Kansas
Landscape Plan

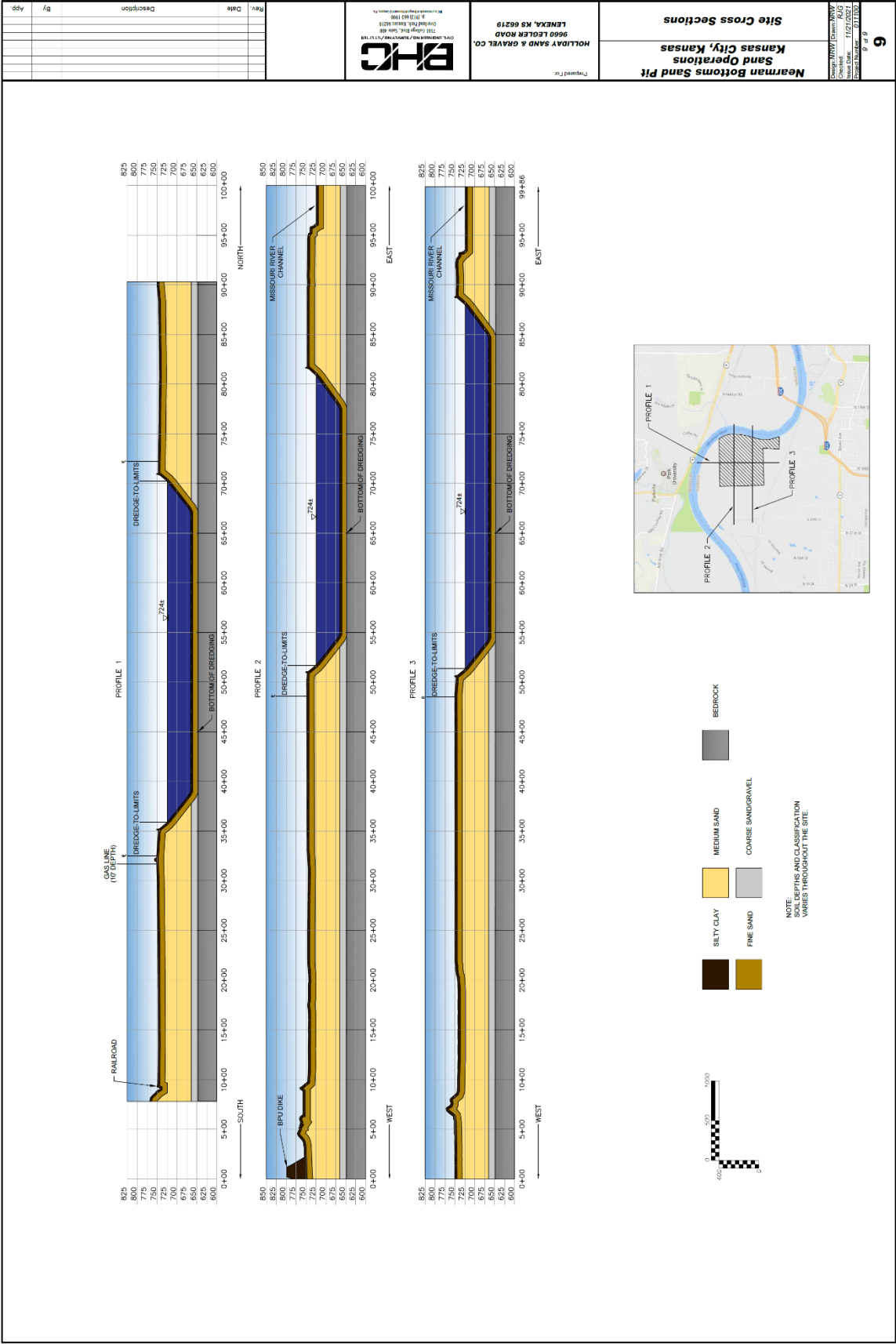
HOLLADAY SAND & GRAVEL CO.
OVERLAND PARK, KS 66105
RECEIVED 12/14/2022



Rev.	Date	Description	By	App.

7 of 8
Project Number: 0117100
Date: 1/12/2023
Drawn by: JLD
Checked by: JLD







September 1, 2022

VIA E-MAIL (planninginfo@wycokck.org)
Mr. Gunnar Hand, AICP
Director of Planning & Urban Design
Unified Government of Wyandotte County/Kansas City, KS
701 N 7th St., Suite 423
Kansas City, KS 66101

RE: Holliday Sand & Gravel Company, Inc. upcoming SUP application for Nearman sand and gravel project

Dear Mr. Hand:

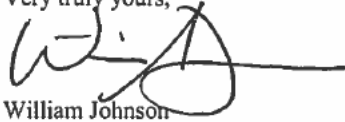
The Kansas City Board of Public Utilities ("BPU") appreciates the opportunity to comment upon the upcoming application for a Special Use Permit sought by Holliday Sand & Gravel Company, Inc. ("Holliday") for the construction of a sand and gravel mine in the Nearman bottoms (the "Project"). At this time and based on the assurance that Holliday will reimburse BPU for future experts reasonably needed to interpret test results or a change in conditions, and the assurances as set out in the Project Development Plan (Exhibit A) and the agreed upon insurance that Holliday will purchase for the benefit of the BPU as set out in the Insurance Letter (Exhibit B), BPU has no objection to the approvals sought by the Project proponent.

This proposed sand and gravel operation is located approximately one mile from the upstream BPU collector wells. Over several years, BPU staff and BPU's retained experts (Black & Veatch and Burns & McDonnell), as well as the Project developer and its consultant, Newfields, have studied potential impacts to BPU's water supply operations arising from the proposed development of the Project; those studies are listed in the attached List of Technical Studies. The studies have determined that there is practically no known risk of any impact to BPU's collector wells, but because of the vital importance of the BPU's collectors well to our community's water supply the Project developer has further agreed to provide and maintain financial assurance in the form of a location-specific insurance policy to address potential impacts caused by the proposed Project (as set out in Exhibit B). Holliday also has developed a satisfactory water quality monitoring program and will be sharing all resulting reports with BPU in a timely fashion.

BPU will continue to follow the Project as it proceeds through obtaining other required federal and state permits, and requests that the Unified Government of Wyandotte County/Kansas City, KS, require this Project to adopt all assurances set out in the Project Development Plans and obtain all such other permits as a condition of its approval, along with an ongoing requirement to maintain financial assurance (Exhibit B) to protect against potential impacts to BPU's collector wells and

to provide for reasonable future reimbursements for BPU outside experts necessary to review reports or changes in conditions.

Very truly yours,

A handwritten signature in black ink, appearing to be 'W. Johnson', with a long horizontal stroke extending to the right.

William Johnson
General Manager
Kansas City, Kansas Board of Public Utilities

cc: Ms. Angela Lawson, Deputy Chief Counsel
Ms. Ingrid Setzler, Environmental Compliance Director
Mr. Steve Green, Executive Director of Water Operations

Enclosures: List of Technical Studies, Exhibit B Insurance Requirements

Project Development Plan – List of Technical Studies
PROPOSED NEARMAN BOTTOMS SAND PIT LAKE PROJECT
HOLLIDAY SAND & GRAVEL COMPANY, INC.
July 2022

Document Name	Primary Author	Final Version Date
Report: Project Development Plan	Holliday	29 Oct 2021 (Revised Dec 2021) (Revised May 2022)
App A: Analysis of Potential Groundwater Impacts	NewFields	10 January 2019 (Rev Aug 2020)
App B: Environmental Monitoring Plan	NewFields	02 May 2018 (Revised Dec 2021) (Revised Dec 2021)
App C: Contingency and Spill Prevention, Control, and Countermeasure Plan	NewFields	April 2019 (Revised Dec 2021) (Revised December 2021)
App D: Environmental Noise Analysis	Henderson Engineers	27 June 2017 (Revised Oct 2021)
App E: Air Quality Evaluation	Blackstone Environmental	22 May 2018 (Revised Dec 2021)
App F: Nearman Bottoms Floodplain Flow Velocity Study	NewFields	03 April 2018 (Revised May 2021)
App G: Nearman Bottoms Harbor Inlet Bank Protection Analysis (Design Review Memo 27)	NewFields	11 July 2018 (Rev Aug 2020)
App H: Influence of Proposed Harbor Development on Risk to the Southern Star Pipeline	NewFields	29 August 2018 (Rev Dec 2021)
App I: Historical Determination – Steamship Arabia	Lewis Berger Group	22 July 2009
App J: Fuel / Oil Transfer and Contingency Procedures	Holliday	05 January 2018 (Rev Apr 2021)
App K: Closure and Reclamation Plan	NewFields	20 December 2018 (Rev Dec 2021)
App L: Flood Emergency Response Plan	Holliday	29 Oct 2021 (Rev Dec 2021)

App M: Conservation Plan	Habitat Architects	October 2021
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- App N: WPPP will be added when finalized

EXHIBIT B

Insurance Requirements for Holliday Sand & Gravel Company, Inc., their parent companies and affiliates, including Ash Grove Materials Corporation and their parent companies and affiliates (Holliday) Special Use Permit with Wyandotte County, KS Unified Government Mining and dredging project in Nearman bottoms area (Project)

During the term of this Permit Holliday will procure and continuously maintain, at its' sole expense, a location -specific Pollution Legal Liability (PLL) insurance policy which meets the following requirements:

1. The PLL Policy will be issued to Kansas City Board of Public Utilities (BPU) as First Named Insured, with the Unified Government of Wyandotte County, KS as an Additional Named Insured;
2. The PLL will be location specific insurance for releases from the Project, and will insure as the Covered Location the site referred to as the Kansas City Board of Public Utilities Horizontal Collector Well 1 located at latitude 9.175464754320686 and longitude -94.6991325443253, and Horizontal Collector Well 2 located at latitude 9.17733608933543 and longitude -94.69626794502915, as legally defined;
3. The PLL will contain a limit of liability of at least \$50 million for each pollution event or occurrence, and policy aggregate;
4. The PLL policy limit will be adjusted every three years using the past three years inflation factors published by Handy-Whitman, using the index for Water Distribution Companies;
5. The PLL deductible or self-insured retention for each pollution event or occurrence will not exceed \$500,000. Holliday will be financially responsible for any deductible, assumed or self-insured, under the PLL for each Insuring Agreement;
6. The amount of insurance required does not represent a limitation of liability for Holliday;
7. The PLL will provide New Conditions coverage defined as the date of initial policy inception, which will be on or before any work commences at the Nearman Bottoms Site. Any subsequent renewals of the PLL insurance during the life of the Project will continue to use the initial policy inception date as the Separation Date/Retro Date defining New Conditions. The PLL will contain the following insuring Agreements for New Conditions:
 - Remediation Expenses – Onsite

-
- Remediation Expenses – Offsite
 - Third Party Claims – Onsite
 - Third Party Claims – Offsite
 - Transportation
 - Waste Disposal Activities
 - Business Interruption and Extra Expense;
8. The PLL will not contain a dewatering exclusion;
 9. Holliday will be required by UG approvals to promptly notify BPU of any Pollution Incident, Claim or Loss, including any events or circumstances that may reasonably be expected to give rise to a Pollution Incident, Claim or Loss. Such prompt notice is required for BPU to meet reporting requirements as a condition of the PLL. If Holliday fails to provide BPU with prompt notice of Pollution Incident, Claim or Loss results, and to the extent this results in loss or diminishment of insurance coverage under the PLL, then Holliday must reimburse or pay on behalf any related loss incurred by BPU. BPU will also notify insurance carrier of a Pollution Incident, Claim or Loss as soon as practicable and as required by the PLL;
 10. Holliday will be required by UG approvals to provide to BPU a copy of the PLL policy, to the attention of the Law Department. BPU will provide Holliday insurance carrier approval for Holliday to negotiate the location specific PLL for Project;
 11. The insurance and financial security provisions for the decommissioning or site closure period will be reviewed and subject to approval by BPU prior to this commencement;
 12. Holliday is responsible for 100% of premium payments due for the PLL insurance and is required to make such payments in a timely manner. Holliday and BPU will be required to and will provide any information required according with standard insurance practice to renew the PLL insurance and maintain during the life of the Project. If Holliday fails to maintain insurance in accordance with all the requirements herein, then BPU can place the agreed upon location specific PLLL insurance and Holliday must pay or reimburse all premiums incurred.
-



Dear Planning Commission Members:

I am writing in support of this application by Holliday Sand to dredge sand at 4403 N. 42nd St. We have been familiar with and worked with Holliday for a number of years. Holliday is an extremely trustworthy, solid corporation serving Wyandotte County and the general Kansas City metropolitan area.

The Kansas City metro is in need of concrete to accomplish the many progressive projects planned for our area. Needless to say, sand is one of the most vital components of concrete.

Throughout the duration of this project, Holliday will be under the watchful eye of numerous government agencies including, among others, KDHE, the Army Corps of Engineers, your own internal departments, and those of the BPU. Holliday has been working closely with Gunnar Hand and Byron Toy of the Unified Government Planning Department.

By granting this SUP, your Commission will go a long way in ensuring a continuous supply of sand for this much needed building ingredient. Your support would be greatly appreciated.

Sincerely,

Marc A. Lonesk
Sturgis Materials

A handwritten signature in dark ink, appearing to read "Marc Lonesk", is written over a horizontal line. Below the line, the text "President and CEO" is printed in a small, regular sans-serif font.

President and CEO

550 South Packard ♦ P.O. Box 5133 ♦ Kansas City, Kansas 66119 ♦ PH: (913) 371-7757 ♦ FAX: (913) 371-7764



Figure 4. Site photograph of 4403 North 42nd Street looking northeast from North 47th Street (provided by Planning Staff).



Figure 5. Site photograph of 4403 North 42nd Street looking east from North 47th Street (provided by Planning Staff).



Figure 6. Site photograph of 4403 North 42nd Street looking east from North 47th 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 26, 2023

Re: **Special Use Petition SP2022-115**

GENERAL INFORMATION

Applicant:

Karen and Nathaniel Schotanus

Status of Applicant:

Range 23 Brewery
11240 Lakeview Drive
Kansas City, Kansas 66109

Requested Action:

Renewal of a Special Use Permit
(SP-2020-72) which expires
January 7, 2023.

Date of Application:

November 28, 2022

Purpose:

To renew a Special Use Permit to
operate a microbrewery.

Property Location:

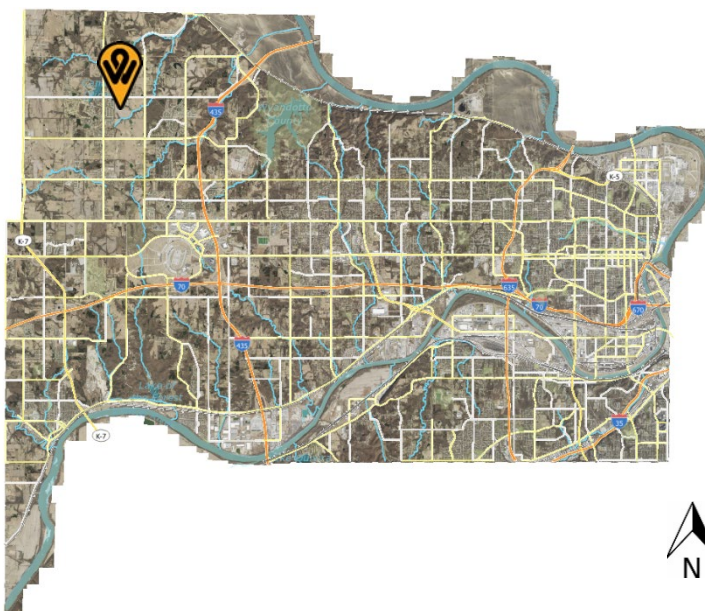
13400 Donahoo Road
Kansas City, Kansas 66109

Commission Districts:

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

Existing Zoning:

AG Agriculture District (WyCo)



Adjacent Zoning:	North: AG Agriculture District (WyCo) South: AG Agriculture District (WyCo) East: R-1 Single-Family District West: AG Agriculture District (WyCo)
Adjacent Uses:	North: Agricultural land South: Agricultural land East: Single family residence West: Agricultural land
Total Tract Size:	39.52 Acres
Master Plan Designation:	The Prairie-Delaware-Piper Master Plan designates a majority of the property as Planned Low-Density Residential, which allows for these areas are for single family detached residential units and should appear to be less dense. Additionally, part of the property is designated as Office, which allows for office spaces and less intense commercial uses.
Major Street Plan:	The Major Street plan designates Donahoo Road as a Boulevard/Parkway.
Parking Requirement:	Section 27-668(a)(12) requires one (1) space for each 50 square feet of seating or assembly area plus one (1) space for each remaining 200 square feet of total floor area. The business is approximately 3,790 square feet, which requires 18 parking spaces. Previous submittals demonstrate 68 parking spaces provided.
Advertisement:	<u>The Wyandotte Echo</u> – December 15, 2022 Letters to Property Owner – December 16, 2022
Public Hearings:	January 9, 2023 and January 26, 2023
Public Support:	One letter in support has been received.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Karen and Nathaniel Schotanus, are requesting a Special Use Permit to operate a microbrewery at 13400 Donahoo Road. The microbrewery would brew and serve both beer and non-alcoholic beverages.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There has been one (1) noise or disturbance complaint on the subject property for theft. Staff notes that this may or may not be related to other uses on the property.
 - a. 2021 – 90379 – Theft of property less than \$1,500.

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located in the Prairie-Piper Statistical Neighborhood. The neighborhood is predominantly agricultural in character and features parcels of 15+ acres. Development in the neighborhood is minimal; Some parcels have a mix of a primary residence and agricultural accessory buildings, while other parcels feature few or no structures. The subject property is located along Donahoo Road, a Boulevard/Parkway that connects east to Wyandotte County Lake and west into Leavenworth County.

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 applicant has plenty of space (nearly 40 acres) to serve as a buffer between the microbrewery, other facilities on-site, and the neighboring properties. Additionally, the neighboring properties are zoned A-G (WyCo) or R-1 and are all similarly large parcels. Large parcels can mitigate the externalities coming from special uses on nearby properties. Therefore, a special use such as a microbrewery has the potential to be compatible with the surrounding properties.

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

The property is on a 40-acre parcel and is already outfitted with two (2) buildings. The only potential issue with the current layout is the proximity of the driveway to the neighboring property to the east. The driveway runs closely parallel to the property boundary line.

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

The property is not vacant but is currently used as a horse ranch and a primary residence as well as the microbrewery.

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

The Prairie-Delaware-Piper Master Plan does not address Special Use Permits or microbreweries. The Prairie-Delaware-Piper Master Plan designates a majority of the property as Planned Low-Density Residential, which allows for these areas are for single family detached residential units and should appear to be less dense. Additionally, part of the property is designated as Office, which allows for office spaces and less intense commercial uses. While the proposed use is not a residential use, the use can serve as a buffer from the low-density, mostly agricultural uses to the east from the higher intensity residential and retail to the west.

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.*

As the microbrewery is an existing business with no patrons, there will not be an increase in traffic along Donahoo Road, a Boulevard/Parkway.

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

While local businesses are the economic lifeblood of any community, a microbrewery itself is not necessary for the convenience and welfare of the public. The current arrangement of the property and its structures, however, is designed to keep most activity away from the road and the property boundaries. With an appropriate site plan and business model, there is little reason to believe that a microbrewery would inherently cause substantial or permanent injury to the appropriate use, visual quality, or marketability of adjoining properties

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

Since the business does not have any patrons, noise, vibration, dust, and illumination are not concerns for this use and is not expected to create more noise than the other existing uses on the property.

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

The proposed use has the potential to pollute the land and water with byproducts from the brewing process. The applicant shall provide a plan for how they intend to dispose of any byproducts from the brewing process.

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

The brewing process naturally produces waste products, although most of the waste product is biodegradable. The applicants should work to recycle the brewery waste it can and properly dispose of the waste it cannot recycle.

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 of a microbrewery will be minimal, however, can exceed the hardships imposed on neighboring landowners and the community at large, as it provides a family-friendly environment as well as the benefits of a locally owned small business. As the business will not have patrons, there are not concerns regarding noise or drunk driving, which are common concerns with similar uses that serve patrons.

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

There is no indication that the proposed uses of the applicant property would result in an overcrowding of construction equipment and vehicles. The proposed use is not for residential use, therefore there not a potential for undue concentrations of population.

PREVIOUS ACTIONS

- Approval of a Variance (BZA #2400) for the paving of a driveway.
- Approval of a Special Use Permit (SP-2020-72) for two (2) years to operate a microbrewery.
- Approval of a Special Use Permit (SP-2020-73) for two (2) years for live entertainment.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 22, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Illumination
Dust
Smell
Microbrewing Process
Parking
Other Uses

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2022-115**, for two (2) years, subject to:

1. Hours of operation shall be from Thursday and Friday 12:00 PM to 7:00 PM and Saturday 11:00 AM to 4:00 PM;
2. The applicants should work to recycle the brewery waste it can and properly dispose of the waste it cannot recycle. Regardless, the applicants must comply with all local, county, State, and Federal waste disposal regulations;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. 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;
5. The applicant has filed and maintained a current business occupation tax application;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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;
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. 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. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 11. 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;
 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be

- considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-115** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Business Plan
Neighborhood Meeting Minutes
Site Plan
Site Photos, Taken by Staff, Dated December 8, 2022
Letter in Support

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 9, 2023	January 26, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-115** 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 **SP2022-115**, 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.

January 9, 2023 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2022-115 – NATHANIEL SCHOTANUS WITH RANGE 23 BREWING – SYNOPSIS: Renewal of a Special Use Permit (SP-2020-72 – expires 2/4/2023) to operate a microbrewery at 13400 Donahoo Road.

Detailed Outline of Requested Action: The applicants, Karen and Nathaniel Schotanus, are requesting a Special Use Permit to operate a microbrewery at 13400 Donahoo Road. The microbrewery would brew and serve both beer and non-alcoholic beverages.

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 January 9, 2023;
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. Mr. Jason Newman requested that SP2022-111 be removed from the Consent Agenda.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **APPROVE** the remaining items on the Consent Agenda:

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

Motion to **APPROVE** Passed: 5 to 0

Subject to:

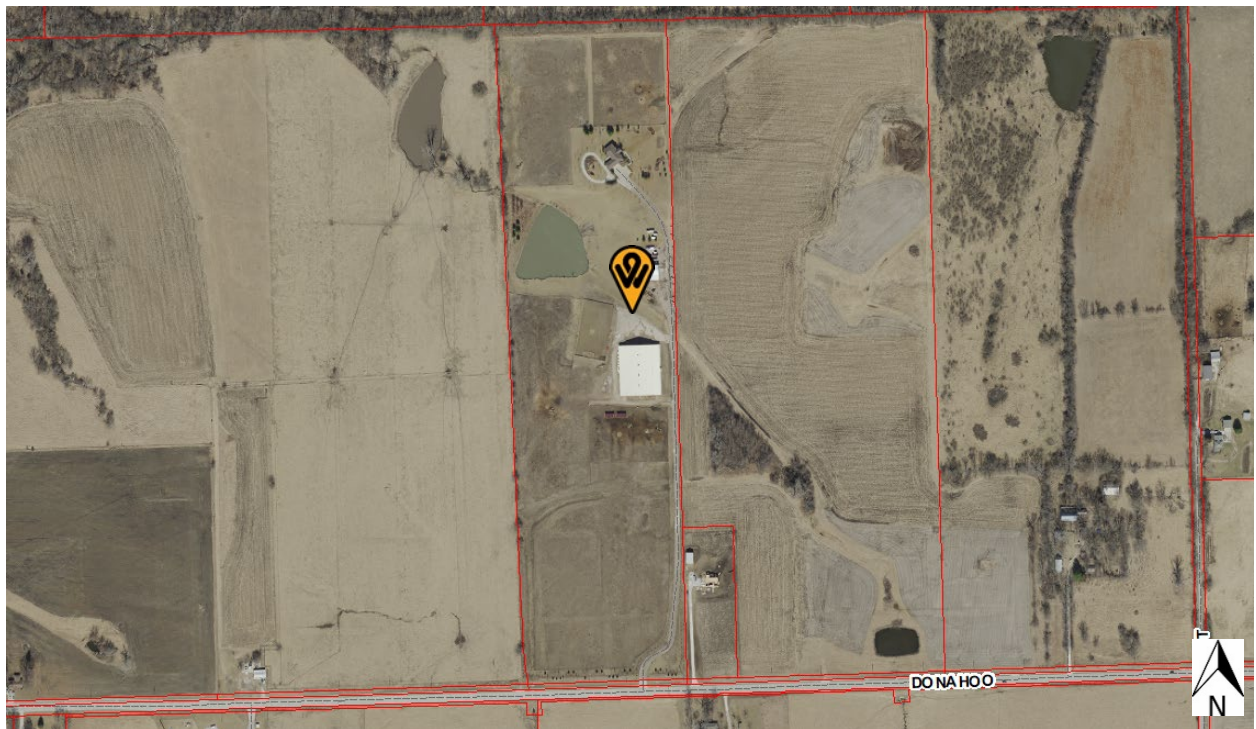
1. Hours of operation shall be from Thursday and Friday 12:00 PM to 7:00 PM and Saturday 11:00 AM to 4:00 PM;
2. The applicants should work to recycle the brewery waste it can and properly dispose of the waste it cannot recycle. Regardless, the applicants must comply with all local, county, State, and Federal waste disposal regulations;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. 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;
5. The applicant has filed and maintained a current business occupation tax application;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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;
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. **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. **All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
11. **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;**
12. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
13. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**

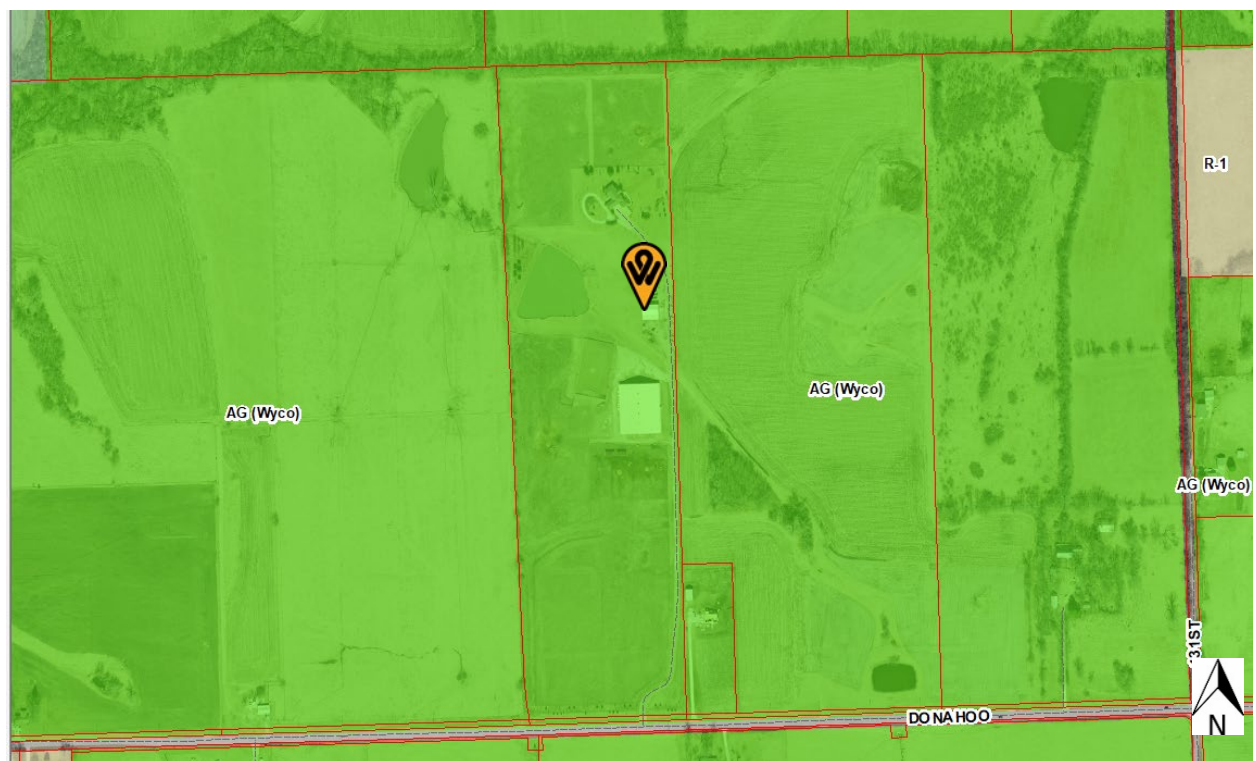
- 14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration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

ATTACHMENTS

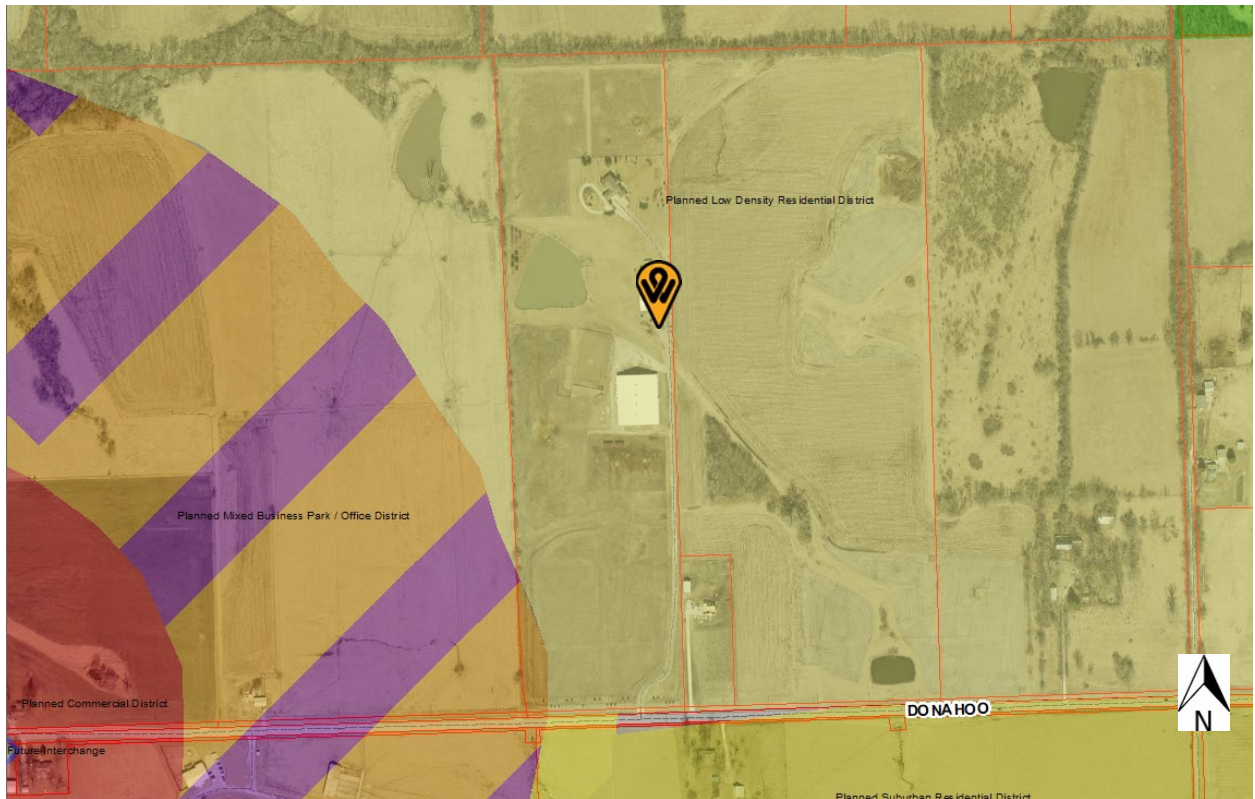
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



Range 23 Brewing

November 28, 2022

11240 Lakeview Dr
Kansas City, KS 66109

Department of Planning and Urban Design:

Please find the attached application for renewal of special use permit SP-2020-72 for Range 23 Brewing located at 13400 Donahoo Rd., Bldg. B.

There are some notable changes with this application over the initial application two years ago that will hopefully streamline the process. The first of which is that Due West Ranch no longer owns the property and is no longer operating an "Event Space". They will not be renewing SP-2020-73 which was tied to our permit due to them operating in the same building as the brewery. Secondly, the new owners have already paved the areas around Building B and will be paving the entire drive once weather permits. This will eventually make the variance for paving unnecessary once completed. What has not changed is the business model of the brewery. We are still a production only facility selling hand-made craft beverages (alcoholic and non-alcoholic) for wholesale and pick-up only. We still have no gathering space and there is still no drinking on site. Without the event space operating we are no longer offering special events on site where drinking did occur. We have expanded into the space a little more over the initial application to increase the square footage by 700 square feet, as is noted in the application.

What follows is a quick review of the supplementary regulations, stipulations, conditions, and restrictions associated with the permit that have been addressed or are no longer needed.

11240 LAKEVIEW DR., KANSAS CITY, KS 66109
T 913-523-5818 CHEERS@RANGE23BREWING.COM

NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT- NEIGHBORHOOD MEETING

STATE OF KANSAS

COUNTY OF WYANDOTTE

Comes now Nathaniel and Karen Schotanus of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # SP2022-115
2. That I conducted a neighborhood meeting on 12/22/2022 @ 1800
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

Affiant

Affiant

MINUTES: Range 23 Brewing Neighborhood Meeting

Application Number: SP2022-115

Date and Location: 12/22/2022 18:00 – Virtual meeting via Zoom Meet

Meeting called to order at: 18:00

Names of people in attendance: 1 – Karen Schotanus

Introductions: Karen Schotanus was prepared to introduce the brewery and its mission.

Presentation by applicant and/or team: Powerpoint was offered up. No participants attended. The Powerpoint included points about the Brewery and how nothing is changing with the Brewery's business. In addition, the presentation about the brewery included the location and the hours of operation, name meaning and history, mission, values, and vision. The presentation explained products produced including non-alcoholic offerings.

Questions and answers: There were no neighbors present other than the applicant and therefore no questions.

Meeting adjourned at: 18:32

Minutes taken by: Karen Schotanus

There were two citizens who contacted the applicants prior to the meeting. Their comments/questions/concerns are documented below:

David Knetter via voicemail message on 12/13/2022 at 10:11

“Hi Nate, my name is David Knetter. I live over here on Hollingsworth right behind the Due West Ranch and Range 23 Brewing. I got a letter in the mail yesterday which said that you were applying to renew your special use permit and obviously I don't have any objection to that. I didn't know whether you thought that was gonna be difficult. If you needed some support or something like that just from a neighbor give me a call back. My number is 816-289-9187”

The applicant returned the phone call on **12/15/2022**. David Knetter again stated that he did support the renewal of the special use permit and would attest to that should the applicant need. The applicant thanked him for the offer of support. No other comments, questions, or concerns were voiced.

Brandon Knetter via e-mail on 12/21/2022 at 17:19

“Hi, my name is Brandon Knetter. I live next door at 13324 Donahoo Road. I’m sending this email because I will be at work and unable to attend the meeting in person or through zoom. I am in full support of this business and glad that it’s doing well!

I just have a couple of questions/concerns.

The first would be in regard to the dust and speed from the traffic coming and going from the property. The dust can be pretty bad especially in the warmer months when the winds are out of the south/southwest. People tend to drive pretty fast and treat it more like a road than a private drive. I know there are a couple of plastic speed bumps but they seem to be ineffective as they don’t stay in place and people often drive around them.

The second question is in regard to having landscape screening put in between the two property lines as mentioned in item number 10 on the initial approval document in the Planning Commission recommendations section.

I will attach the link to that document to this email for reference.

I did mention these questions/concerns via text message to Lorrie who is one of the new property owners on July 1 2022. She replied to let me know she was going to bring it up at one of the upcoming LLC meetings with all of the owners, but I never got a follow up response after that. Please feel free to give me a call or reply to this email if you have any questions for me or if I need to clarify anything.

<https://wycokck.civicclerk.com/Web/UserControls/pdf/web/DocPDFWrapper.aspx?ad=7636>

Thank you,
Brandon Knetter
Sent from my iPhone

The applicant responded via email on 12/22/2022 at 23:12

Hi Brandon. Thank you for the response and the support. It is appreciated.

Regarding the speed of some drivers on the gravel drive: As you mentioned, the former owners placed the plastic speed bumps along the drive and added signage. It is our understanding that the new owners intend to asphalt/chip-seal the entire drive so this should alleviate the issue of the dust. We believe they are just waiting on the weather as they have already completed asphalt around the brewery itself. We'll speak with them about adding more signage if needed to help keep speeds down on the drive.

It should be mentioned that the brewery only averages 5 customers per day when we are open (3 days per week). The vast majority of traffic on the drive is for the barn. There are at least four separate businesses operating out of the barn that provide various equine lessons and services throughout the week.

Concerning the landscape screening: As I am sure you are aware, the property line separating the properties lies within a utility line. This is a BPU easement. When the UG Urban Planning and Zoning department recommended the landscaping I am not sure they realized this. In our discussions with BPU over two years ago they said there was to be no planting of landscape screening in their easement. We will bring your concern up to the new landlords so they are aware and can continue discussions with BPU/UG Urban Planning and Zoning if needed.

I hope this answers some of your questions and concerns. Our top priority is to be a benefit to our neighbors, and to fill a need in the immediate area. We appreciate you reaching out and if there are ever any other concerns you have now or in the future please feel free to contact us. While we operate on a very small portion of the property, we have a good relationship with the landlords and other businesses and are happy to pass along any information that is out of our hands.

Nathaniel Schotanus, Co-owner/Head Brewer
Range 23 Brewing
13400 Donahoo Rd., Bldg. B
Kansas City, KS 66109
913-229-0992 (brewery)
913-523-5818 (cell)
Range23Brewing.com

-
1. **Condition 1: Paving requirement:** As mentioned above the variance was approved, but soon the paving will be completed and therefore no longer an issue.
 2. **Condition 6: Brewery Waste:** This was covered in the initial application process, but just as a follow-up. According to the Brewer's Association spent grains make up 85% of all brewing waste. The rest being in water (cooling, cleaning, etc.) and general refuse encountered by any business. All our spent grains go to local farmers for their livestock and other agricultural uses. We have to date never sent a bag of spent grain to the landfill. The next largest component of waste comes from water used for chilling the wort. This water gets recycled by sending it to a water tank that Due West Ranch then uses to wet their arena to keep down dust. This decreases water consumption across both businesses. Finally, the water that does get used for cleaning goes into the septic system on site after it has been rendered neutral (in the case of using acidic cleaning agents).
 3. **Condition 7: ADA Compliant Parking:** Without an operating event space on site the needed parking spots have been greatly reduced from the 68 mentioned in the permit. According to Section 27-676(a) it seems we'll only need two spots. These are already paved and striped.
 4. **Condition 8: Striping:** Once weather permits the newly paved areas will be striped.
 5. **Condition 11: Landscaping along drive:** The boundary along the drive is also in a BPU easement. In discussions with BPU as to this stipulation we were advised not to plant landscaping in their easement to act as a screen as advised by the Planning Commission. This was over a phone call, but we will attempt to get it in writing going forward.
 6. **Condition 12: Illuminated Parking:** Without a large parking lot needed for an event space the parking at the building has no need for illumination.
 7. **Condition 14: Rumble Strips:** Currently, rumble strips are installed prior to the concrete apron leading to Donahoo. Once the paving is done these will no longer be needed.

This concludes the stipulations needing addressed. We hope everything else is in order. We look forward to continuing to work with the city in helping *“to enhance the long-term value and livability of the Unified Government of Wyandotte County and Kansas City, Kansas.”*

Sincerely,

Nathaniel and Karen Schotanus, Owners
Range 23 Brewing

SP2022-115

January 26, 2023

23

SITE PHOTOS, TAKEN BY STAFF, DATED DECEMBER 12, 2022



(First published _____)

COZ2022-030

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4229 Douglas Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to R-2 Two Family District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on July 29, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to R-2 Two Family District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Lots 27 and 28 and the East 1/ 2 of Lot 26, in Block 1, SPRING GARDEN, an addition in Wyandotte County, Kansas. (Approx. Add. 4229 Douglas Avenue) All of Lots 23, 24 and 25, and the West 1/ 2 of Lot 25, Block 1, SPRING GARDENS, a subdivision of land in Kansas City, Wyandotte County, Kansas, less and except that part described as follows: Beginning at the Southeast corner of Lot 25; thence West 150 feet to the Southwest corner of Lot 23; thence North along the West line of Lot 23, 150 feet to the Northwest corner of said Lot 23; thence East along the North line of said Lot 23, 70 feet to a point 30 feet West of the Northeast corner of said Lot 24; thence South 75 feet to a point that is 30 feet West of the East line of said Lot 24; thence Southeasterly to a point that is 135 feet South and 5 feet West of the Northeast corner of Lot 24; thence Southeasterly to the point of beginning as condemned and taken by the city of Kansas City,

Kansas for road purposes, Located at approximately 4229 Douglas Avenue, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to R-2 Two Family District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2 Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 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



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 26, 2023

Re: Change of Zone Petition COZ2021-048

GENERAL INFORMATION

Applicant:
Blair Tanner

Status of Applicant:
Tanner & White Properties, Inc.
1545 Stone Canyon Road
Los Angeles, CA 90077

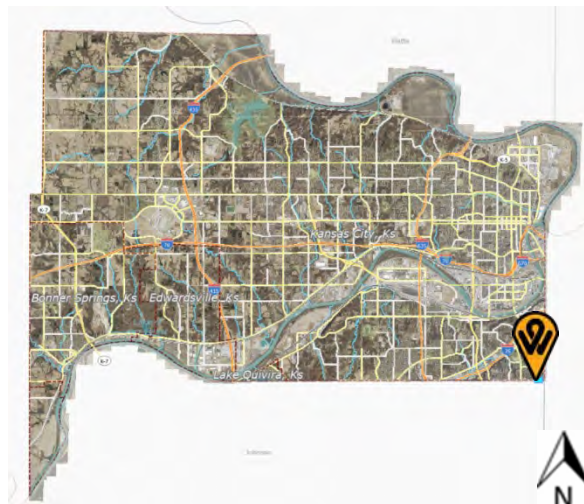
Requested Actions:
To approved Change of Zone from
C-1 Limited Business and R-1(B) Single
Family Districts to RP-6 Planned High-Rise
Apartment District.

Date of Application:
October 29, 2021

Purpose:
To rezone to build a 7 story 149-unit
apartment building.

Property Location:
4601 Rainbow Boulevard

Commission District:
Commissioner At Large, District #2: Tom
Burroughs
District #3 Commissioner: Christian Ramirez



Existing Zoning:	C-1 Limited Business and R-1(B) Single Family Districts
Adjacent Zoning:	North: C-3 Commercial and R-1(B) Single Family Districts South: None (City of Westwood, Kansas) East: R-1(B) Single Family District West: C-1 Limited Business District
Adjacent Uses:	North: Office building and single-family homes South: Mixed use apartments and Woodside Racquet Club East: Single-family homes and vacant lots West: A small office building and car wash
Total Tract Size:	1.89 Acres
Master Plan Area:	Rosedale Master Plan
Master Plan Designation:	The Rosedale Master Plan designates this property as Urban Mixed Use which allows townhomes, small apartment buildings (1-3 stories), multi-family apartments (taller than 3 stories), public/institutional uses, offices and services, and retail and entertainment uses.
Major Street Plan:	The Master Street Plan classifies Rainbow Boulevard as a Class A Thoroughfare and West 46 th Avenue as a Local Street.
Advertisement:	<u>The Wyandotte Echo</u> – November 18, 2021 Letters to Property Owners – November 19, 2021, December 6, 2021, January 3, 2022, February 7, 2022, July 3, 2022, August 1, 2022, November 18, 2022 and December 12, 2022
Public Hearings:	May 9, 2022, May 26, 2022, October 10, 2022, October 27, 2022, December 1, 2022, January 9, 2023 and January 26, 2023.
Public Support:	Staff has received letters of support and support has been present at all meetings on this case.
Public Opposition:	Staff has received letters of opposition and opposition has been present at all meetings on this case.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven

(7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of commercial business along Rainbow Boulevard, Westwood City Hall is located southwest of the subject property and to the north and east is an established single-family neighborhood. Immediately to the south is a mixed-use development in the City of Westwood connected to Woodside Racquet Club. Rainbow Boulevard corridor is one of the major commercial corridors in Rosedale.

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 existing development to the south, along Rainbow Boulevard, but the scale and size of this project can be perceived to be imposing to the single-family neighborhood north of West 46th Avenue. The number of units have been reduced from 164 to 149. The height of the building along West 46th Avenue and the east property line is now four (4) stories.

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 might detrimentally affect nearby property the majority of the development fronts West 46th Avenue, which is across the street from three (3) single-family homes in addition to the Spring Valley residential neighborhood, however, the height of the building has been reduced from 7

stories to four (4) stories. The portion of the development that is sited along Rainbow Boulevard will not detrimentally affect nearby property because there is a mixed-use development abutting this development to the south and commercial to the west.

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

The property is not vacant. The parking lot is used for overflow parking for Woodside Racquet Club and a commercial business.

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

The proposed development is reasonably necessary for individuals and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or townhome or condo. Furthermore, with the University of Kansas Medical Center offices and campus to the north, those employees may be seeking a place to live that is in close proximity to their school and/or employer. The proposed use may substantially injure the visual quality or marketability of nearby property because the longest portion of the building will be oriented on West 46th Avenue, which is adjacent to an established single- family neighborhood.

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 149 units will increase traffic along West 46th Avenue. The Traffic Impact Study was analyzed by Planning Engineering and the Public Works Department regarding road capacity and was determined that improvements to West 46th Avenue and Rainbow Boulevard were not required. The applicant is improving the intersection at West 46th Avenue and Francis Street by installing a north/south crosswalk.

Parking along West 46th Avenue has changed from angled parking to parallel parking. Parking for residents will be within the parking garage located in the rear of the development, only accessible on West 47th Avenue via Rainbow Boulevard.

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

The proposed use conforms to the Rosedale Master Plan, which is Urban Mixed Use which allows townhomes, small apartment buildings (1-3 stories), multi- family apartments (taller than 3 stories), public/institutional uses, offices and services, and retail and entertainment use.

The applicant seeks a deviation in the Rosedale Master Plan – Urban Residential Multi-Family Design Guidelines to the maximum length of 200 feet for multi-family residential buildings. The length of the north façade is 412.58 feet, exceeding the 200-foot length maximum.

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 is covering the footprint of an existing commercial building, asphalt paving and concrete parking lot, and storm water runoff will be captured into the storm sewer system along Rainbow Boulevard and West 46th Avenue.

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 South Patrol, District #332

e. *Fire*

Fire service is provided by Station #10 located off West 36th Avenue.

f. *Transit*

Kansas City ATA provides transit service along Rainbow Boulevard, Route #107. The stop is in front of the development at West 46th Avenue and Rainbow Boulevard.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. Streets

Rainbow Boulevard is a Class A Thoroughfare and West 46th Avenue is a Local Street. 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 studio, one, two and three bedrooms) within the complex will promote a diverse population to make use of the nearby employment center, shopping, and entertainment, and transit.

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

The proposed use is capable of meeting applicable ordinance requirements with one (1) requested deviation from the Rosedale Master Plan – Urban Residential Multi-Family Design Guidelines.

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 develop it as.

PREVIOUS ACTIONS

- This petition is in conjunction with Appeal BOZA2022-046.
- BOZA2022-046 was approved by the Board of Zoning Appeals on October 10, 2022.
- BOZA2022-023 was denied by the Board of Zoning Appeals on May 9, 2022.
- COZ2021-048 was recommended for approval by the City Planning Commission (CPC) on May 9, 2022 and remanded back to the CPC by the Board of Commissioners on May 26, 2022, recommended for approval by the CPC on October 11, 2022, held over on October 27, 2022, and remanded back to the Planning Commission on December 1, 2022.

NEIGHBORHOOD MEETING

The applicant held three (3) neighborhood meetings in-person at Westwood City Hall on November 16, 2021, April 25, 2022, and September 19, 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 Rosedale Urban Multi-Family Residential Design Guidelines
Pedestrian Connectivity
Shade and View Corridors
Neighborhood
Compatibility Traffic
Transit (Bikeshare and KCATA)
Fire Access
Landscaping
Buffering/Screening

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 4 to 1 to uphold its previous recommendation of **APPROVAL** of Change of Zone **COZ2021-048**, subject to:

1. **A Final Development Plan is required to complete this entitlement process;**
2. **Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;**
3. **Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;**
4. **Paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard;**
5. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:**
 - **Enclosed dog yard with seating area and shade trees;**
 - **Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;**
 - **400 square foot play area with play structure;**
 - **Resident garden area with water access (must be in active use);**
 - **Swimming pool;**
 - **Rooftop patio; or**
 - **Five (5) square feet or greater balconies for all units.**

All buildings must provide enclosed and ground level storage for resident bicycles;

6. **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;**
7. **Only decorative lighting can be used on the exterior of the building(s);**
8. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting**

- spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
9. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;
 10. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;
 11. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every 30 feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;

12. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;

13. Street trees are to be provided at one (1) tree for every 30 feet of frontage along a major street;
14. 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;
15. All landscaping shall be irrigated;
16. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet;
17. All electrical meter banks, typically on the side of the building shall be screened from public view;

18. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
19. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
20. 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;
21. The trash enclosure shall be internalized in the garage;
22. 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;
23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
24. 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;
25. All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;
26. 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;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;

28. 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;
29. 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,
30. 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 concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2021-048** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
October 10, 2022 City Planning Commission Minutes
Aerial Map Land Use Map Zoning Map
Rosedale Master Plan Land Use Designation Map
Rosedale Master Plan Districts
Rosedale Master Plan Multi-Family Residential Design Guidelines
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan/Utility Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on November 16, 2021
Traffic Study Summary
Letters of Support
Letters of Opposition
Updated information from Kelly White
Updated letter from Gil Pintar

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 9, 2022	May 26, 2022
Rezoning	Approval	(Remanded back to CPC)
	October 10, 2022	October 27, 2022
	Approval	Held Over
		December 1, 2022
		(Remanded back to CPC)
	January 9, 2023	January 26, 2023
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2021-048** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2021-048** 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.

January 9, 2023 City Planning Commission Minutes:

Hearing starts at 1:28:58:

CHANGE OF ZONE APPLICATION COZ2021-048 – BLAIR TANNER WITH TANNER & WHITE PROPERTIES - SYNOPSIS: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard. *Detailed Outline of Requested Action:* The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven

(7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.

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 January 9, 2023;
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;
8. The testimony from the Board of Zoning Appeals meeting earlier this evening; and,
9. The letter in opposition received after distribution of the meeting packet from Valorie Wells Fenton.

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

Present in Support:

- Bob Johnson, applicant, Polsinelli, 900 West 48th Place, Kansas City, Missouri
- Aaron Mesmer, 4622 Pennsylvania, Kansas City, Missouri
- Dan Thompson, 4514 Francis Street, Kansas City, Kansas 66103
- Makenzie Gabriel, 4448 Cambridge Street, Kansas City, Kansas 66103
- Jerry Greer, 4503 Francis Street, Kansas City, Kansas 66103

The Commission directed questions to the applicant.

Present in Opposition:

- Kelly White, 4441 Francis Street, Kansas City, Kansas 66103
- Gil Pintar, 4178 Cambridge, Kansas City, Kansas 66103
- Chris Steineger, 4529 Francis Street, Kansas City, Kansas 66103
- Rose Eilts, 506 North 4th Street, Kansas City, Kansas 66102
- Valorie Wells Fenton, 4430 State Line Road, Kansas City, Kansas 66103
- Jill Folsom, 4446 Francis Street, Kansas City, Kansas 66103
- Erin Stryka, Executive Director, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103
- Jerri Moulder, 31 South Hallock Street, Kansas City, Kansas 66102

Staff Recommendation starts at 2:10:35: Planner Toy stated that there was a reference made to CVS, McDonald's and Boulevard Townhomes. Those projects were all approved prior to 2016 when the plan was approved. The Hudson development at 36th and Rainbow has received the same massing deviation that this development is seeking. This project was remanded back by the Board of Commissioners on December 1, 2022 to the Planning Commission due to an error in noticing property

owners within 200 feet as was the Board of Zoning Appeals application. Nothing has changed since the Planning Commission considered the application in October 2022. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Staff.

Motion starts at 2:12:50:

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2021-048:**

Carson	Chairman
Straws	Aye
Ward	No
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Not Present
Mohler	Not Present
Pauley	Not Present

Motion to recommend **APPROVAL** Passed: 4 to 1

Subject to:

1. **A Final Development Plan is required to complete this entitlement process;**
2. **Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;**
3. **Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;**
4. **Paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard;**
5. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:**
 - **Enclosed dog yard with seating area and shade trees;**
 - **Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;**
 - **400 square foot play area with play structure;**
 - **Resident garden area with water access (must be in active use);**
 - **Swimming pool;**
 - **Rooftop patio; or**
 - **Five (5) square feet or greater balconies for all units.**

All buildings must provide enclosed and ground level storage for resident bicycles;

6. 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;
7. Only decorative lighting can be used on the exterior of the building(s);
8. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood;
9. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;
10. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;
11. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses must include a five (5) to six (6) foot tall fence preferably with evergreens placed every 30 feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;

12. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;

13. Street trees are to be provided at one (1) tree for every 30 feet of frontage along a major street;
14. 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;
15. All landscaping shall be irrigated;

16. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet;
17. All electrical meter banks, typically on the side of the building shall be screened from public view;
18. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
19. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
20. 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;
21. The trash enclosure shall be internalized in the garage;
22. 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;
23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
24. 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;
25. All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;
26. 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;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 28. 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;
 29. 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,
 30. 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.

October 10, 2022 City Planning Commission Minutes:

Hearing starts at 2:06:10:

CHANGE OF ZONE APPLICATION COZ2021-048 – BLAIR TANNER WITH TANNER & WHITE PROPERTIES - SYNOPSIS: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard.

Detailed Outline of Requested Action: The applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 149-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.

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 October 10, 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;
8. The letters in support and opposition noted at the Board of Zoning Appeals meeting; and,
9. The testimony from 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:

- Bob Johnson, Polsinelli, 900 West 48th Place, Kansas City, Missouri 64112
- Blair Tanner, 2000 West 47th Place, Westwood, Kansas 66205
- Aaron Mesmer, Block Real Estate Services
- Greg Kindle, President, Wyandotte Economic Development Council
- Topher Philgreen, President of Topher Enterprises, 4512 Rainbow Boulevard, Kansas City, Kansas 66103
- Jason Sadler, 4507 Francis, Kansas City, Kansas 66103
- Dan Thompson, 4514 Francis Street, Kansas City, Kansas 66103
- Gerald Greer, 4503 Francis Street, Kansas City, Kansas 66103
- Megan Lovelace, 4458 Francis, Kansas City, Kansas 66103

Present in Opposition:

- Shari Wilson, 4529 Francis Street, Kansas City, Kansas 66103
- Kelly White, 4410 Francis Street, Kansas City, Kansas 66103
- Erin Stryka, Rosedale Development Association, 1403 Rainbow Boulevard, Kansas City, Kansas 66103

Staff Recommendation starts at 3:01:30: Planning Director Hand stated that this case is being heard in conjunction with BOZA2022-006 which was approved by the Board of Zoning Appeals earlier this evening. This case was remanded back to the City Planning Commission by the Board of Commissioners in May of 2022 in order to revise and resubmit to address the Master Plan and the shade study. The property is in the Rosedale Area Master Plan and the request is from C-1 Limited Business District and R-1(B) Single Family to RP-6 Planned High-Rise Apartment District to create a seven story, and five-story massing totaling 149 unit multi-family development. Staff has received letters in support and opposition to this proposal as well as the comments at the Board of Zoning Appeals and City Planning Commission meetings this evening. There are no Notices of Violation. Director Hand stated that there is an error in the staff report. If you look at condition #10 it speaks to a deviation specific to the Rosedale Area Master Plan Design Guidelines and its transition to a single-family neighborhood. That condition was written for a previous staff report and should have been removed before the final staff report was posted to the website and distributed. As discussed by the Applicant, there is a single deviation being requested tonight for the length of the building. The 200 foot length of the building is one of the carry over design guidelines from the Multi-Family Design Guidelines from the City-Wide Master Plan that were also incorporated into the Rosedale Master Plan Design Guidelines. All the unique design guidelines in the master plan that in addition to the multi-family design guidelines from the City-Wide Master Plan have been met by this project. The intent was not to have a monolithic building nor have more than a 200' building in a more typical multi-building apartment complex. Staff believes that through the two (2) massings there is a seven-story building up against Rainbow Boulevard and a five-story building against the

adjacent single-family neighborhood, plus the articulation in material and setbacks across the five-story massing. He further stated that he would like to note that the Rosedale Area Land Use Master Plan Map includes three defining characteristics: districts, corridors and centers. This location includes all three (3) of those. The Applicant is not requesting a Master Plan Amendment. Director Hand stated that he interprets that the applicant meets the intent of the master plan and design guidelines, which seeks to create the density along Rainbow Boulevard to provide built-in future transit riders and focus on the redevelopment of that commercial corridor at key community centers. A final development plan will be required to come before the Planning Commission if this petition is moved forward. Staff recommends approval subject to the conditions in the staff report.

The Planning Commission directed questions to Director Hand including explaining why the Board of Commissioners remanded the application back to the Planning Commission and how the applicant addressed the items.

Motion starts at 3:11:47:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to recommend **APPROVAL of COZ2021-048:**

Carson	Chairman
Mohler	Aye
Pauley	Aye
Straws	Aye
Ward	No
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	No

Motion to recommend **APPROVAL** Passed: 6 to 2

1. **A Final Development Plan is required to complete this entitlement process;**
2. **Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;**
3. **Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;**
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5. **Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than 50 units must provide two (2) of the following:**
 - **Enclosed dog yard with seating area and shade trees;**

- Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;
- 400 square foot play area with play structure;
- Resident garden area with water access (must be in active use);
- Swimming pool;
- Rooftop patio; or
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All buildings must provide enclosed and ground level storage for resident bicycles;

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7. Only decorative lighting can be used on the exterior of the building(s);
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9. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install;
10. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than 30 feet and must be broken via setbacks or offsets. The applicant must ask for a 212.53-foot deviation of the north façade from the City Planning Commission for a deviation in the Urban Residential Multi-Family Design Guidelines;
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The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable;

12. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

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- The site is 1.89 acres, which requires 18 trees, 21 additional shade trees and 167 shrubs per the zoning district;
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 15. All landscaping shall be irrigated;
 16. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet;
 17. All electrical meter banks, typically on the side of the building shall be screened from public view;
 18. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback five (5) feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
 19. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb;
 20. 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;
 21. The trash enclosure shall be internalized in the garage;
 22. 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;
 23. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 24. 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;

25. All staging of equipment, storage, and parking during construction shall remain wholly on-site and not spill over into the adjacent neighborhood;
26. 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;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. 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;
29. 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,
30. 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.

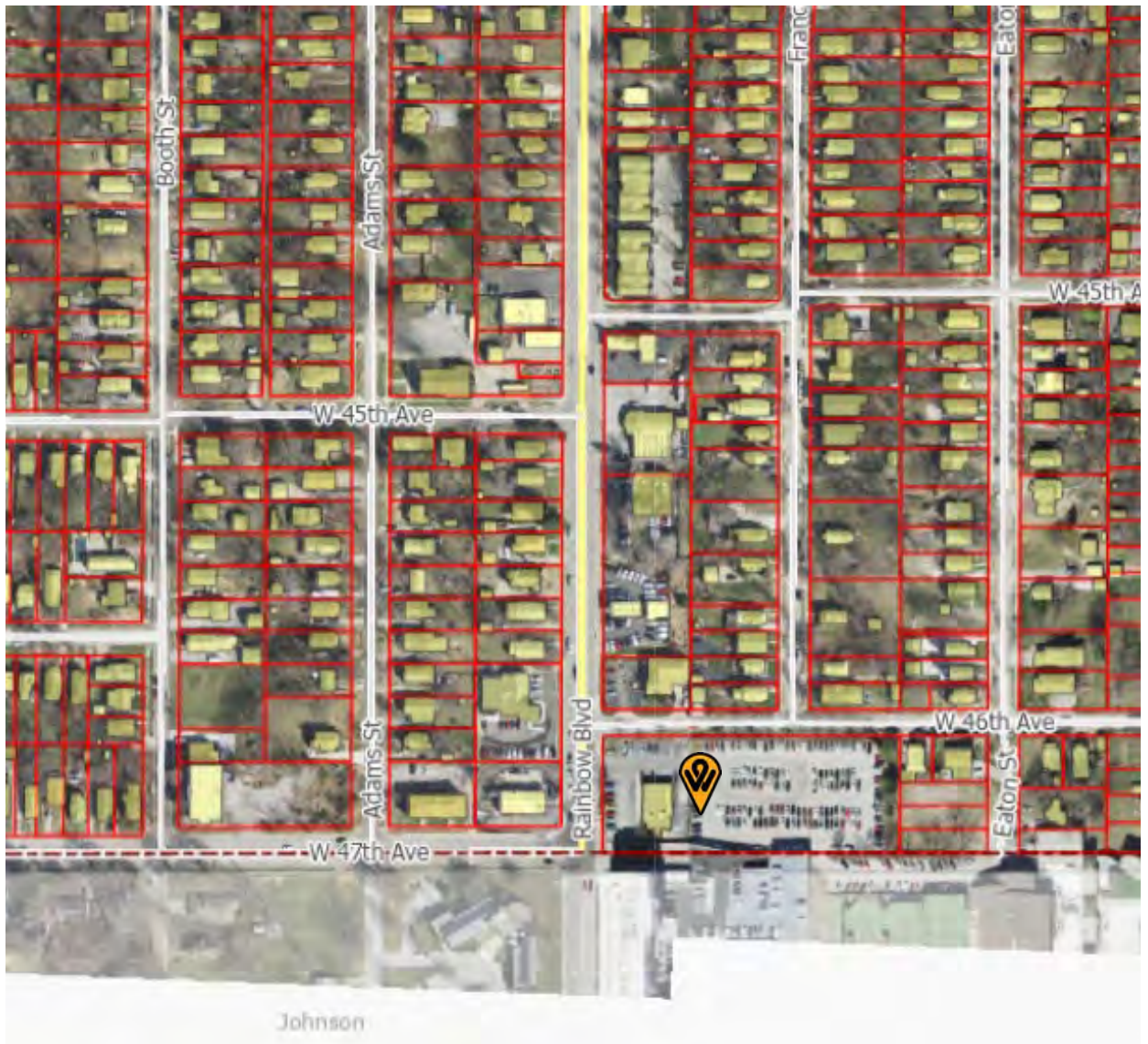


Figure 1. Aerial Map of 4601 Rainbow Boulevard (provided by UG Maps).

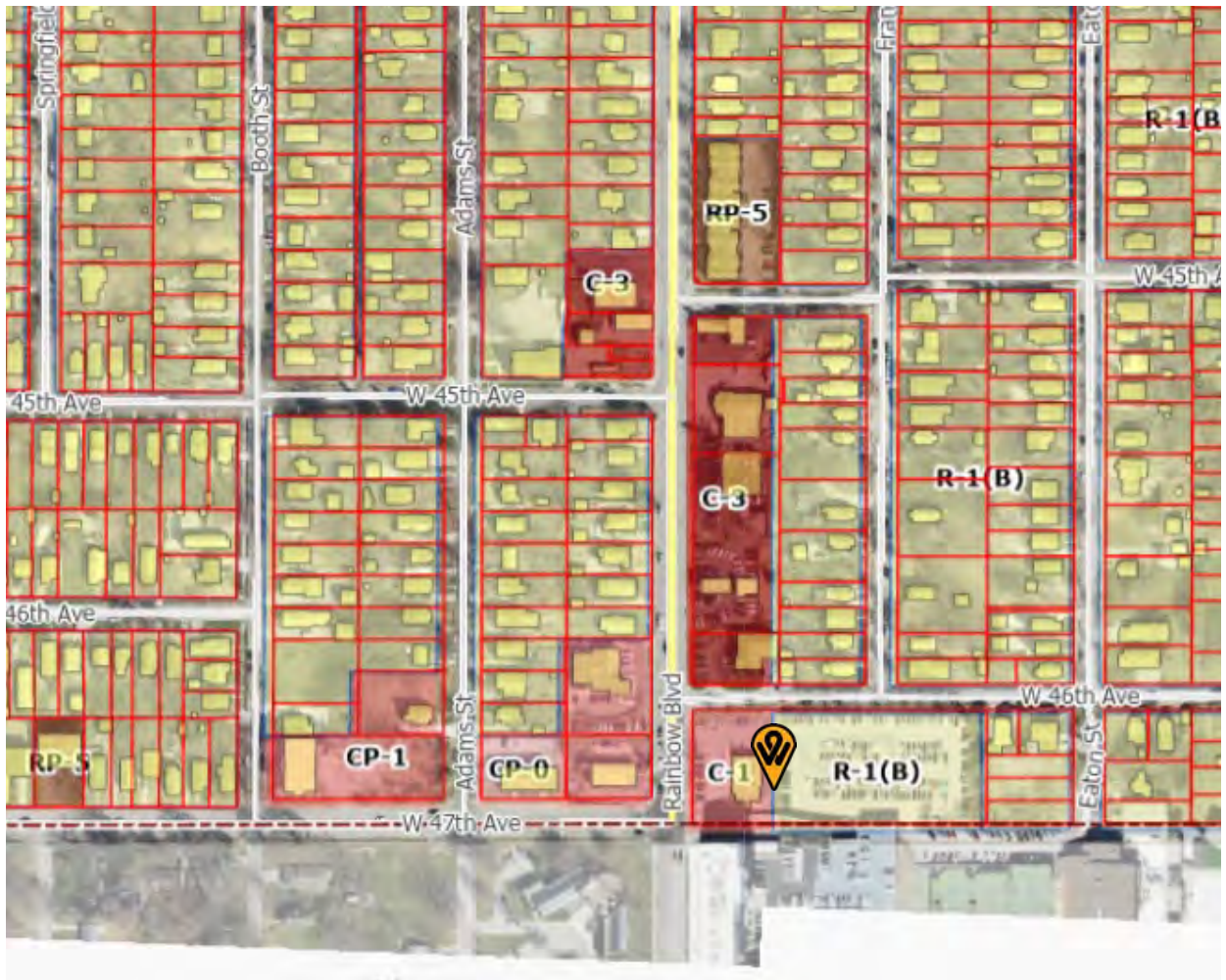


Figure 2. Zoning Map of 4601 Rainbow Boulevard (provided by UG Maps).



Figure 3. Rosedale Master Plan Land Use Designation Map of 4601 Rainbow Boulevard (provided by ArcGIS Pro).

DISTRICTS

URBAN CORE MIXED USE

Urban Core Mixed Use is the most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street. Active uses are encouraged on the first floor. Active uses are defined as retail, office, live/work units, or residential and must include entrances on the first floor and transparent windows.



URBAN MIXED USE

The Urban Mixed Use district is designed to create a vibrant urban character. This is the second most dense land use district in the Rosedale Master Plan area. This district should be urban in character with buildings up to the street.



GENERAL URBAN

This area is predominantly residential in character with rowhouses, townhomes, and single family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed use corridors. Three story apartment buildings are also allowed in the University Town special district. Buildings should not exceed the height of adjacent structures by more than one story or 10 feet. This is intended as a guideline to encourage incremental change and prevent development that is out of scale with the existing neighborhood. It will be considered alongside other factors such as how well the overall design of the site and building responds to its surrounding context and the level of community support.



URBAN MULTI-FAMILY RESIDENTIAL DESIGN GUIDELINES:

The following design guidelines apply to all new and renovated urban multi-family developments.

SITE CIRCULATION

Pedestrian walkways and sidewalks shall be a minimum of six feet wide. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- The primary entrance or entrances to each principal multi-family building
- To any sidewalks, trails, and walkways on adjacent properties that extend the boundaries shared with the multi-family development
- Any adjacent commercial land uses, including but not limited to retail shopping centers, office buildings, restaurants, or person service establishments. Commercial side or rear buffers may have a break or gateway to allow these connections to be made.

Garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of buildings. Access to parking lots may be gated. With exclusion of driveway leading directly to garage door, parking may not be located between the building face and the public right-of-way.

To continue the existing urban pattern that will blend into the surrounding neighborhood, developments that include interior streets shall be laid out in orthogonal streets and blocks as topography allows. Interior streets must have a sidewalk and parking on at least one side of the street. These streets may not be gated.

Unless rebuilt within the last 10 years, sidewalks and curbs at the perimeter of the development must be re-built and include a 2' green strip between sidewalk and curb.

SITE CONFIGURATION

Setbacks

A building may be set back no greater than 20' from the public right-of-way. Side street setbacks may not contain parking or a driveway.

Frontage

Building must occupy at least 70% of a lot's primary street frontage.

TRANSITION OF HEIGHT

Multi-Family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies listed below:

- Minimum side yard setback of 10' from property line abutting single family
- Within 30' of the property line abutting the single family residence, a multi-family building may not exceed a half story roof height greater than adjacent residence's roof height.
- Within 50' of the property line abutting a single family residence, a multi-family building may not exceed one story roof height greater than adjacent residence's roof height.

If a multi-family residence is located along a primary corridor with a single family neighborhood located directly behind, a 1.5 story garage/shelter with a solid opaque back wall shall about the back property line. Landscaping is not required where garage is built.

AMENITIES

Developments greater than 20 units must provide one of the following:
Developments with greater than 50 units must provide two of the following:

- Enclosed dog yard with seating area and shade trees
- Enclosed and landscaped courtyard or patio with one grill or fire pit and seating area
- 400 sq. foot play area with play structure
- Resident garden area with water access (must be in active use)
- Swimming pool
- Rooftop patio
- 5 sq. ft or greater balconies for all units

All buildings must provide enclosed and ground level storage for bicycles.

MATERIALS

High quality building materials will be used that are durable, attractive, and have low maintenance requirements. In general, materials must also be horizontally oriented to match the historic qualities of existing urban neighborhoods.

Forty percent (40%) or more of the total net exterior wall area of the building's front and exterior block side elevations, excluding gables, windows, doors, and related trim, shall be masonry.

Prohibited materials include:

- Board and batten wood
- Smooth-faced or split-faced concrete block
- Tilt-up concrete panels
- Corrugated metal siding
- Standard single or double tee concrete systems
- Vinyl siding
- Glass block
- EIFS

Roof materials must have a 35 year warranty

ENTRANCES

All developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:

- Masonry Stoop with cheek walls
- Covered or Uncovered Porch (minimum area of 35 sq. feet)
- Projecting or inset Portico (minimum area of 18 sq. feet)
- Patio or yard enclosed by 3' masonry and decorative iron fence

At least one Decorative Light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat Storm doors and patio doors are prohibited for primary street-oriented first floor entrances.

ARCHITECTURAL ARTICULATION

All buildings must use at least two of the following architectural elements:

- Setbacks of not more than 5' or less than 16"
- Bay windows
- Inset or Protruding Balconies
- Two or more Building Materials/Colors/Patterns
- Three or more Changes in Roof Height

The Maximum length of a multi-family residential building shall be 200 feet. Facade plains may not span more than 30' and must be broken vertically via setbacks or offsets.

If a building is three stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two of the following are required:

- Horizontal Change in building material (Shirtwaist)
- Notable horizontal change in building material pattern or scale or color
- Upper Story setback a minimum of 16"
- Cornice or Banding of contrasting color
- Roofline (typically of a porch) spanning across 60% of facade width
- Other

To continue a more organic urban environment and reduce the feel of mass-produced buildings, it is encouraged that developments containing more than three buildings include slight but complementary variations in one or more of the following:

- Building materials
- Material patterns or colors
- Roof forms
- Facade configuration of porches, balconies, setbacks etc

TRANSPARENCY

All facades oriented towards a street or courtyard accessed from a street must have 40% transparency between 3' and 8' above finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass.

Windows included in the above transparency requirement cannot be more than 3.5' above finish floor.

Exterior bars or shutters may not cover windows.

Glass block is prohibited except for bathroom windows not facing primary streets and all basement windows.

In general, windows should be placed to maximize the possibility for occupant surveillance of all entrances, recreation areas, parking areas, and apartment amenities.

ROOFS

Buildings 2 stories and less must have sloping roofs.

Buildings 3 stories and taller may have sloped or flat roofs.

On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms that complement each other. Large expanses of unbroken roof plains greater than 30' in length are to be avoided and must use one of the following:

- Dormer windows
- Offsets in Roof Height of at least 18"
- Intersecting or Compound plans

Sloping roof materials shall have a 35 year warranty and be high quality and durable materials such as:

- Clay or concrete tile
- Composition Shingles
- Asphalt Shingles
- Other materials considered on a case-by-case basis

EXTERIOR LIGHTING

Developments must provide pedestrian scaled lighting spaced every 40' along property lines abutting public streets. Interior parking lots must also be well light without creating glare to the surrounding neighborhood.

FENCING, SCREENING, LANDSCAPING

All fencing, screening, and landscaping must comply with Wyandotte County Zoning and Subdivision Regulations Article V. Fences and Division 10 for Landscaping and Screening.

Any fence within 20' of a public right of way must:

- Be 4' or less in height
- Be constructed of Masonry and/or Decorative Metal
- Allow access to the corresponding public street
- Be at least 70% transparent
-

Screening of multi-family residential developments is required between:

- Multi-family and commercial uses
- Multi-family and Single Family Residences

Pedestrian access points between various land uses are encouraged

Screening between uses must include a 5' to 7' fence and preferably evergreen trees placed every 30'.

Fence must be constructed of wrought iron or similar looking metal. Where headlights might shine into residential properties, a 4' tall (at maturity) evergreen hedge shall also be planted on the inside of the metal fence.

Engineered wood or vinyl fencing mounted on steel posts is also acceptable.

TRASH SCREENING

If provided, all trash and recycling receptacles shall be enclosed on all sides with a opaque 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. 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.

PARKING SCREENING

Parking visible from any public street must be screened by a fence or shrubbery that matures to 3' or greater and is planted to form a solid visual barrier.

UTILITIES SCREENING

Whenever possible, HVAC units must be placed above ground level, preferable on rooftops, and screened from public view. If utilities are located at ground level, they are to be screened with a fence not less than 4' high and with shrubbery that matures to 3' or higher. It is highly encouraged these units are located to reduce noise to both residents and surrounding residences. In no case shall utilities be located between a building face and a public street.

FEMA SHELTER

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.

KEY ISSUES

Massing
Compliance with the Rosedale Urban Multi-Family Residential Design Guidelines
Pedestrian Connectivity
View Corridors
Neighborhood Compatibility
Traffic Transit (Bikeshare and KCATA)
Fire Access
Landscaping
Buffering/Screening

STAFF COMMENTS AND SUGGESTIONS

Urban Planning and Land Use Comments:

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (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.

Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line. **RESPONSE: Acknowledged.**

2. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space.

Additionally, paint an east/west crosswalk along Francis Street, north/south across West 46th Avenue on the west side of Francis Street, and across West 46th Avenue at Rainbow Boulevard. **RESPONSE: The site provides 41% nonvehicular open space and a north/south crosswalk across W. 46th Avenue has been provided on the west side of Francis Street.**

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: The plan has been revised to remove four parking stalls from 46th Avenue, as well as removal the garage entry / exit from 46th Avenue. Additionally, the Owner has offered entry to the Woodside Club employee parking lot through the Woodside Village North garage; reducing the traffic impact on Eaton street.**

3. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments greater than fifty (50) units must provide two (2) of the following:

- Enclosed dog yard with seating area and shade trees;
- Enclosed and landscaped courtyard or patio with one (1) grill or fire pit and seating area;
- 400 square foot play area with play structure;
- Resident garden area with water access (must be in active use);
- Swimming pool;
- Rooftop patio; or
- Five (5) square feet or greater balconies for all units.

All buildings must provide enclosed and ground level storage for resident bicycles. **RESPONSE: Enclosed and landscaped courtyard, and 5 square feet of balconies for all units provided.**

4. All amenities shall be built within the first phase of the development. **RESPONSE: Acknowledged.**
5. 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: Acknowledged.**
6. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed. **RESPONSE: Acknowledged.**
7. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, developments must provide pedestrian scaled lighting spaced every forty (40) feet along property lines abutting public streets. Interior parking lots must also be well lit without creating glare to the surrounding neighborhood. **RESPONSE: Acknowledged.**
8. Provide floor plans of the building, including, but not limited to the garage, rooftop patio and terrace. **RESPONSE: The project is not proposing a public rooftop patio. Floor plans, including garage and terrace, have been provided.**
9. Limit or restrict access of the garage for exit only onto westbound West 46th Avenue, as the amount of traffic of a side, local street such as West 46th Avenue will become burdensome on the neighborhood.

West 46th Avenue garage should be for emergency access enter/exit only. **RESPONSE: The project has been revised to remove garage entry on 46th Avenue entirely.**

10. Due to excess parking per the parking code, change the angled parking along West 46th Avenue to parallel parking with bulb-outs to increase the open space buffer. Create a linear park (parklet) or buffer than parking adjacent to the residential neighborhood. **RESPONSE: The project is providing a pocket park for community use at the intersection of 46th Avenue and Francis Street. The angled-in parking along W. 46th Avenue remains.**
11. Rather than West 46th Avenue, the pull off for deliveries should be restricted to Rainbow Boulevard, if allowed by UG standards. Delivery vehicles will not have to travel through the neighborhood to go back onto Rainbow Boulevard to continue their delivery route or to their facility. There is a sign posted on West 36th Avenue restricting trucks over 12,000 lbs. from traveling on the street. **RESPONSE: The design team advises against a Rainbow Boulevard drop off due to traffic safety, as well as proximity to signal at Rainbow Boulevard and West 47th Terrace.**
12. This property is an ideal hub for a UG bikeshare e-bike rack. The rack and information kiosk should be publicly accessible, along West 46th Avenue. Provide the necessary specifications. The UG will provide the information kiosks and racks accordingly, and the applicant will be required to install. Detailed specifications are in the Attachments. **RESPONSE: The plans have been revised to show a bikeshare space at the corner of W. 46th Avenue and Rainbow Boulevard.**
13. A transit stop is currently on the north side of West 46th Avenue at the Rainbow Boulevard intersection. A more prominent stop and shelter shall be relocated in front of this development. Coordination with Justus Welker, Kansas City Area Transit Authority is necessary. **RESPONSE: Upon further discussion with planning staff, it was determined that a bikeshare location at this corner would be preferred over a more prominent transit stop.**

Building Architecture:

1. Provide an example of the proposed decorative metal screen on the east side of the garage, as the crosshatch does not provide any detail. Staff suggests a live green vegetation wall. **RESPONSE: The design team has moved the garage westward, to face the Courtyard. The east façade is now dwelling units with fenestration matching the north façade.**

Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, garage entries, parking areas, and parking structures shall be internalized in building groupings and located behind, underneath, or within the building. Multiple garage entries may not front any primary street with the exception of a combination of basement garage and stoop commonly found in Rosedale. Only one access point or garage door is allowed per group of

buildings. **RESPONSE: The vehicular entrance for this building is now internalized within the existing Woodside Village North Garage.**

2. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, multi-family developments abutting single family residences within areas zoned strictly for single family land use, must use the height transition strategies below:
 - Minimum side yard setback of ten (10) feet from property line abutting single family.
 - Within thirty (30) feet of the property line abutting the single-family residence, a multi-family building may not exceed a half ($\frac{1}{2}$) story height greater than adjacent residence's roof height.
 - Within fifty (50) feet of the property line abutting a single-family residence, a multi-family building may not exceed a one (1) story height greater than adjacent residence's roof height.

The northeast corner needs to be stepped back to comply with Rosedale Master Plan. **RESPONSE: The design team will be pursuing a deviation in regard to this.**

3. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, all façades oriented towards a street or courtyard accessed from a street must have forty (40) percent transparency between three (3) and eight (8) feet above the finished floor on all full stories. Windows must allow clear views to the street and not be darkly tinted, frosted, decorated, or mirrored glass. **RESPONSE: 45% transparency is being provided.**
4. Per the Rosedale Master Plan, all developments must have a primary entrance oriented towards the development's primary public street. These "front door" entrances must be articulated with one of the following options:
 - Masonry stoop with cheek walls;
 - Covered or uncovered porch (minimum area of 35 square feet);
 - Projecting or inset portico (minimum area of 18 square feet); or,
 - Patio or yard enclosed by three (3) masonry and decorative iron fence.

At least one (1) decorative light must be placed to the side or above doorways. Doors must have or have the appearance of inset panels, lights, or other architectural detailing. Flat storm doors or patio doors are prohibited for primary street-oriented first floor entrances. **RESPONSE: Main entrance provided at the corner of Rainbow Boulevard & West 46th Avenue under a portico.**

5. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, the maximum length of a multi-family residential building shall be 200 feet. Façade plains may not span more than thirty (30) feet and must be broken

via setbacks or offsets. **RESPONSE: The Developer is seeking a deviation for the length of the building. The design team has provided outset balconies every 30 feet that incorporate a change in material as well as plane.**

6. If a building is three (3) stories or greater in height, horizontal articulation is required to promote a pedestrian level scale. Two (2) of the following are required:
- Horizontal change in building materials (shirtwaist);
 - Notable horizontal change in building material pattern or scale or color;
 - Upper story setback a minimum of 16";
 - Cornice or banding of contrasting color;
 - Roofline (typically of a porch) spanning across 60% of facade width; or
 - Other.

RESPONSE: Horizontal change in building material, and notable change in material pattern and color provided.

7. Where is the main entrance along Rainbow Boulevard? **RESPONSE: At the corner of Rainbow Boulevard and 46th Avenue.**
8. The pedestrian scale on the south façade, currently depicted as fiber cement board should be a mural or green wall. **RESPONSE: There is no pedestrian access along the south façade.**
9. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed masonry. **RESPONSE: The plans have been revised to include this information.**
10. The proposed garage doors shall match the adjacent exterior building façade color. **RESPONSE: Acknowledged.**
11. Downspouts shall be internalized. **RESPONSE: All roof drains to be internalized.**
12. Greater emphasis needs to be put upon the ground floor uses and its proximity to Rainbow Boulevard. Need to activate all ground floor lobby, reading lounge and parking. **RESPONSE: The lobby space is activated – it is the major internal amenity space for the project.**

Landscaping and Screening:

1. Per the Rosedale Master Plan Urban Multi-Family Design Guidelines, screening of multi-family residential developments is required between multi-family and lower density residential uses. Screening between uses

must include a five (5) to six (6) foot tall fence preferably with evergreens placed every thirty (30) feet.

The fence must be constructed of wrought-iron or similar looking metal. Engineered wood or vinyl fencing mounted on steel posts is also acceptable. **RESPONSE: RESPONSE: 5'-6' tall fence (material as required) will be installed along the eastern property line, abutting the single family residences. This frontage will also include evergreen trees spaced 30' min.**

2. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required.

The site is 1.89 acres, which requires eighteen (18) trees, twenty-one (21) additional shade trees and 167 shrubs per the zoning district.

RESPONSE: A minimum of 39 trees and 167 shrubs will be provided on the site. This total does not include the required residential buffer along the east property line.

3. Street trees are to be provided at one (1) tree for every thirty (30) feet of frontage along a major street. **RESPONSE: 1 tree per 30lf of street frontage will be provided.**
4. 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: All plant material sizes will meet this minimum required.**
5. All landscaping shall be irrigated. **RESPONSE: All landscape areas will include an automatic irrigation system.**
6. If provided, 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: N/A. Trash enclosure is internal to the parking garage.**

Additional landscaping is necessary to screen the loading dock area from Rainbow Boulevard. This can occur in conjunction with screening the BPU transformer in the southeast corner of the site. **RESPONSE: There is no loading dock associated within the project site, nor is there a BPU transformer at the southeast corner of the site.**

The trash and recycling collection is located on the north side of the building. Is the intent to roll out the dumpster on a weekly basis? **RESPONSE: Yes, that is correct.**

7. Provide a sight line study from Francis Street and Eaton Street south towards the apartment building on West 46th Avenue. This height of the building will be an imposing structure in the neighborhood. What will residents see when they look south, down the hill towards this development?

The view down Francis Street should be a landmark, not a wall façade. As designed, the façade will create a visual wall at six (6) stories at the end of Francis Street. Incorporate different row of materials, move vertical stack (stair penthouse), change the massing, windows, or some other urban design strategy accordingly.

RESPONSE: The building elevation will have a material change in this view corridor to breakup with the south elevation. A pocket park will be located at the apex of this view along the building frontage to help break up this elevation.

8. Provide a light shadow study, taking into account the north elevation of the building and the residences on the north side of West 46th Avenue. **RESPONSE: The Developer is analyzing shading and would like to discuss further with planning staff as to what kind of study is being requested.**

9. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by the parapet.

This specifically refers to the stair penthouse and elevator overruns.

RESPONSE: All site utilities boxes, wall mounted utilities and rooftop mechanical units will be screened as required.

10. All electrical meter banks, typically on the side of the building shall be screened from public view. **RESPONSE: All electrical meter banks will be screened from public view as required.**

-
11. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer.

RESPONSE: BPU transformer will be screened as required.

Siting the transformer in the right-of-way along West 46th Avenue is not the best location and is impossible to screen from public view as required. The transformer must be relocated. **RESPONSE: The design team placed it here due to accessibility for power company as well as economy of project.**

12. Per the Rosedale Master Plan, sidewalks and curbs at the perimeter of the development must be re-built and include a two (2) foot green strip (median) between the sidewalk and curb. **RESPONSE: The 2' min green strip is factored in the current design. Along Rainbow, this green strip is 11'-13' wide.**
13. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building. **RESPONSE: Acknowledged.**
14. 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: Acknowledged.**

Signage:

15. Shall comply with the sign ordinance. **RESPONSE: Acknowledged.**

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
- 1) 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.
- B) Items that are conditions of approval:
- 1) None

MEETING SIGN-IN SHEET

Project: Woodside Village Rosedale

Meet Date: November 16, 2021

Facilitator: Tanner White Properties
and Polsinelli PC

Place/Room: Westwood City Hall,
Community Room

Application #: COZ2021-048

Name	Address	Email Address
Kenny White	4410 Francis St.	Kwjohn@hotmail.com
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MEETING SIGN-IN SHEET

Project: Woodside Village Rosedale	Meet Date: November 16, 2021
Facilitator: Tanner White Properties and Polsinelli PC	Place/Room: Westwood City Hall, Community Room
Application #: COZ2021-048	

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11/16/2021 Westwood Village Rosedale Neighborhood Meeting

Attendance:

Bob Johnson/Amy Grant, Polsinelli PC
Blair Tanner, Tanner White Properties
Aaron Mesmer, Block Real Estate Services
Matthew Hufft, Hufft Architects
Approximately 45 attendees. See attached sign-in sheet.

The meeting began at 6:00 p.m. Bob Johnson introduced the project team and gave a brief outline of the meeting presentation.

Blair Tanner and Matthew Hufft presented the vision for the project and referenced several site plans and renderings to explain the proposed project.

- Information about the Tanner and White Properties entity and that they have owned this property for approximately 7 years.
- Joint Venture with Block Real Estate Services on this project.
- Developer has studied various uses for this site including office, commercial, retail and multi-family.
- The Developer is seeking approval of a rezoning, preliminary development plan, and master plan amendment at this time. The overall presentation included plans and explanation as to site layout, number of units and parking spaces, building architecture, landscaping, access points, and traffic.
- Developer had created a website for the project: woodsidevillage.com/rosedale.

Question and Answer:

Q: How many parking spaces are in garage? How many parking spaces are being provide per unit?

A: There are a total of 247 parking spaces for this project. There are 227 spaces in the parking garage and 20 surface parking spaces along the north building façade. Our goal is to provide 1 parking space per unit.

Q: How many feet are you expanding W. 46th Avenue – actual pavement?

A: The existing street is approximately 22-feet in width, which shrinks down to about 16-feet when cars are parked on the street. We are proposing to widen the street by approximately 4-feet in width, going from 22-feet to 26-feet. We are also providing new angled parking stalls that are intended to be used for guest parking but will not be restricted so that the general public may use them as well. We believe these angled parking spaces will alleviate the issue of the street being narrow when cars are parked along the existing curb line.

Q: When cars leave the angled parking spaces they will have to head east through our neighborhood. This will create more traffic in our neighborhood and we already struggle with traffic conditions today. This is not an improvement and does not solve anything in my opinion. This project will make the traffic even worse.

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A: Any cars currently parking along the south curb of W. 46th Avenue have to head east through the neighborhood, so we did not see the new angled parking as an issue. If anything, we believe we are helping alleviate the issues because when cars are parking on W. 46th Avenue today it leaves you with only 16-feet of pavement, which is essentially a one-way drive. The angled parking will get those cars off of the street and will allow for the 26-feet of pavement to be used for two-way traffic. We agree and understand that this project as designed will create some additional traffic in this area.

Comment: The existing issue of cars being parked on W. 46th Avenue can be fixed today without your project being built. For the most part, the cars parking on W. 46th Avenue are employees of the Woodside Club and the new Woodside Village North project. We were promised that no-one would be allowed to park on W. 46th Avenue existing road. You can fix the issue by not allowing your people to park on the street.

A: Mr. Tanner indicated that this is the first time he had heard of this employee parking issue and will work to address it.

Q: How many balconies are on the W. 46th Street side? I would like to see W. 46th Avenue closed just west of the dentist office building. All of the beautiful pictures you have shown us tonight do not really show the impact of this project to our single-family homes across the street. The proposed massing is not good for us. I think that brownstones are nice but does not work here. How many stories in the building and how many balconies?

A: The site plan showing the north façade and location of balconies was shown. The building is seven stories in height near Rainbow and then steps down to six stories in height as the grade slopes to the east.

Q: Will you have mechanical units on rooftop that are not shown in these pictures?

A: Yes, we will have units on top of the building, but they will be screened with a parapet.

Q: This project will require deviations from the Rosedale Master Plan. Please explain those.

A: We will need a deviation for the height of the proposed building adjacent to the single-family home to the east. The site plan was referenced to show approximately how much of the proposed building would be impacted by the height restrictions listed in the master plan.

Q: Do you know the exact number of feet you are taller than allowed? What is the height relative to the setback?

A: We do not have that exact information with us tonight, but we will provide that information to Kelly White.

Q: I own a house directly across the street from the 6-story portion of the building and this new building will feel like a skyscraper to me. I will feel buried. There is just too much of a difference in height here. It is overwhelming from a standpoint of negative impacts to sunshine and bad weather.

A: Our project team has been very mindful of the transitions to the north. We believe that the architectural design, landscaping, and street widening that are proposed help to soften the transition.

Q: I want to clarify that there are single-family residences to both the north and east of this proposed project. How will you address delivery trucks and waste management trucks?

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A: All deliveries will utilize the dedicated delivery drop-off area at the northwest corner of the project - area was shown on the site plan. This will also include moving trucks. The trash containers will be located within the building and will be rolled out to the trash trucks when they arrive.

Comment: Have you ever lived in a neighborhood where trash trucks pick up dumpsters for large buildings like this? They are very loud between the dumpsters hitting the truck when they are overturned and the beeping noise when they back up. This will be a negative impact on our residential neighborhood. Your tenants will be shielded from this due to the location you chose. Please rethink and address this to lessen the impact.

Q: Why does there need to be entrance and exit on W. 46th Avenue? We are concerned about the traffic impact.

A: This secondary entrance/exit was suggested by our parking consultant with a focus on the residents of the building. We hear what you are saying and are taking this seriously. I am hearing what you say. We are taking this seriously and will look at this again to see if anything can be done to address this concern.

Q: I recently installed solar panels on my home and am worried that maybe shadows of the new building will impact my home. Do you have shadow study? I will be upset if my house and yard end up being shaded more than it already is and do not want my solar panels to be affected.

A: Yes, we will study shadows and will provide that information at our next meeting.

Q: What are you doing to address drainage? I moved here before the dentist office was built. After it was built, we have had flooding in my home that has caused thousands of dollars in repairs to my basement.

A: The proposed project is actually adding more green space than what exists today. The project will not alter the existing drainage patterns.

Q: Do you have plan for native plants to help absorb storm water.

A: Yes.

Q: How many parking spaces per unit?

A: We are providing one stall per bedroom for the one-bedroom units and two stalls for the two bedroom units.

Q: What happens if two or three people live in a unit, where do they park?

A: We are utilizing the same parking ratio for the project that we have at Woodside South and will have a similar ratio of units. We have found that it tends to average out and works that all residents can park in garage. They do have to register their vehicles with us and park in garage.

Q: This product is for rent?

A: Yes.

Q: Have you done a traffic study yet? What does it cover? Have you done studied Rainbow traffic?

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A: Yes, we did a trip generation study at the City's request. The report looks at the trips generated by this project and how those trips are distributed. The report reflects that 65% of trips will use Rainbow Boulevard.

Q: The intersection of 47th and Rainbow is already challenging – what will this traffic do to the intersection?

A: The UG staff will review and study. It is our understanding that the City has acknowledged that Rainbow Boulevard has capacity to handle this additional traffic generated by this project.

Q: When will the shadow study be submitted?

A: It should be done within the next month.

Q: Will you be asking for incentives for this project?

A: We have not yet decided that. It is still being considered.

Q: Why aren't you building this on the Johnson County side of line? Why here?

A: Woodside Village south does have a Phase 2 that is slated to be built but it is tied to the renovation of the Club facilities. The Club is still financially recovering from the effects of COVID, and the expansion work cannot be done now.

Q: I understand that the price range of these units will be \$2,100 and up. Is there any negotiation room to allow for some affordability of apartments?

A: These will be market rate apartment and will not provide median income designations. There will be units in this project with a rent less than \$2,100.

Comment: You will also need a deviation for the length of building as it can't be more than 200 feet in length.

A: That is correct. The approximate length of this being is 400+ feet.

Q: Have you considered environmentally sustainable aspects for the project?

A: Yes, we plan to do as much as we can in that regard. We are looking at LEED accreditations. We are working to find the balance of this being a for-profit development with sustainable practices.

Q: Is it possible to do green roof?

A: No. We have learned from prior experiences that it is too expensive.

Q: If you have 167 units, how many toilets does that require? Have you studied sewage?

A: We need to follow certain laws and City regulations regarding sewage. We will submit those plans to the City, and they will review and enforce those regulations.

Comment: So, to confirm, you will need deviations from the Rosedale Master Plan for building height and building length? Any other deviations? Do you need a variance for the traffic?

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A: Those are the departures from the Master Plan and Code that we are aware of. City staff is in the process of reviewing our application and will let us know if there are others needed. No, we do not need a variance for the traffic.

Comment: I have not heard how you will try to make this project more compatible with the existing neighborhood. It does not look like you have made accommodations here. The McDonald's and CVS projects made accommodations on their building heights and provided pocket parks.

A: We will take a look at those to better understand what they did and see if we can apply anything for this project. We do believe that our approach to the streetscape and landscape design is an accommodation that has been made for this project.

Q: It is possible that your delivery area may allow people to do a quick turn-around to head west on W. 46th Avenue. This could impact the dentist office and us. I believe you are making this area even more dangerous.

A: We respectfully disagree. The designated drop off area is being provided off of the street and the street is being widened.

Q: You are still adding a greater amount of people to the area that will use W. 46th Avenue. Can you relocate the drop off location to the south side of the building?

A: W. 47th Avenue is existing in its current configuration and cannot be modified to accommodate a delivery area. There are also grade issues on that side of the property.

Q: Have you asked the City if you can close W. 46th Avenue? We want it closed.

A: This is a public street and not within our control. We are not aware of City contemplating the closing of the street.

Comment: This has happened with other projects. It happened with the McDonald's and CVS projects.

A: We will evaluate those to better understand those situations. We encourage you to contact the City directly if you want the street closed.

Q: The entrance to the garage is directly across from an existing single-family home. Can it be moved toward Francis street?

A: We will take a look at that.

Q: When you widen street do you widen from south?

A: Yes, all additional property needs for the widening will come from our property.

Q: is it possible to extend W. 47th avenue to the east?

A: No.

Q: We are well-aware of problems with construction and mold issues that you had with Woodside Village North. What lessons were learned and how will you avoid those issues with this project.

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A: We are still in active litigation over that issue so we cannot comment much in that regard. We finished that site in 2016 and in 2017 realized we had some construction defects in the building. As the owner we corrected those issues as quickly as possible.

Q: What is occupancy rate now at Woodside Village North?

A: We are 100% leased.

Q: Is Uncorked going to open soon?

A: Yes, they should be done with their improvements soon and hope to open January/February.

Q: Can Eaton Street be closed?

A: No. Eaton Street is an important service entry to the Club. We did address some issues a while back and now have our larger deliveries on 47th Place and have deliveries come through the front door.

Comment: I am concerned about light and noise pollution. The lighting should not be a big deal but the noise from pool in summer is bad. The acoustics from the hill are incredible. We are hearing everything, and it is annoying. Please think about the acoustics for your events.

Q: What is your next step in the process?

A: The project is currently scheduled to be heard by the City Planning Commission on 12/13.

Q: Where will your construction staging be located? We do not want trucks using W. 46th Avenue.

A: We are still analyzing that. We will share our construction logistics plan with you when it is ready. we are looking at that now and will park on site.

Commissioner Ramirez: The concern over traffic has been brought up several times tonight and appears to be an issue. The intersection is currently heavy with traffic, especially during the rush hour, and now you are proposing to add these units and more traffic. I am also concerned about the project needing variances from the master plan. I have been vocal on other projects not being allowed to deviate from master plans. The plans were created for a reason and I generally do not support deviations unless they make sense. The two variances need for this project heavily deviate from the goals of the master plan. We are also seeing high rents on both this project and the Hudson project. Some have mentioned that we are creating a precedent of high-priced multi-family developments when we also need affordable housing all throughout the County. I personally feel that there is enough vocal opposition tonight regarding traffic and the need for a shadow study that I would ask you to consider delaying the project to allow more time to communicate with the community. As of right now, I am unable to support the project based on what I have heard tonight.

A: We have been listening tonight and have heard some good ideas. Our job is to now take all of this information and discuss it with our design team and see what, if anything, can be done to address the comments we heard tonight. The presentation we showed tonight is not the final version.

Q: I live behind the Rainbow Car Wash property. Has there been any discussion about putting a traffic light at W. 47th Avenue and Rainbow to get better address traffic?

A: Our study does not show that the proposed project would require a new signal at this location.

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Q: I know that you had drillers out in the parking lot doing core samples recently. I spoke with them about the depth of the bedrock. How much do you intend to excavate from this site – how much deeper will you go?

A: The project has not been fully engineered yet and we have not received a full report from on the core samples that were taken. Our goal is to follow the existing grade as much as much as possible.

Q: I believe Phase I has 91 units and now you are wanting another 167 units on this site. Why so big? Why so many units? It seems excessive.

A: A project needs a certain amount of scale in order to provide the quality being proposed.

Comment: My gut tells me you were not aware that this neighborhood has been looking at traffic control issues well before you constructed Phase I. We want traffic calming measures and have done our own traffic studies to address that. This traffic issue goes back at least 7-8 years and is the biggest problem in this area. I took a tape measure and show that there is only 20-feet of pavement on W. 46 Avenue in front of my home so the pavement width might vary. We have semitrucks, dump trucks and other large vehicles use W. 46th Avenue that should not be so that is also a problem. We do not want you to improve the street so that traffic is a “free flow”. We want traffic calming measures installed and/or we want W. 46th Avenue closed. I believe that Eaton Street access is still an issue with truck deliveries and employee parking.

Comment: I spoke with Gunnar Hand about his interpretation of the master plan and that adjacent property only applies to east and not to homes across the street. The size of this building is just too big.

Comment: You should have all of your traffic use W. 47th Avenue and not have access to W. 46th Avenue. You can't destroy our neighborhood by trying to make this project work. We do not want the dumpster/trash pick-up along 46th Avenue either.

Commissioner Ramirez: We do need to look at calming efforts as there is a continued effort between the UG and the City of Westwood to make Rainbow Boulevard more pedestrian friendly. Has your team spoken with the City of Westwood about how the proposed project might impact this issue?

A: We actively work with the City of Westwood on their plans for Rainbow Boulevard and support those plans. We will need to visit with City staff about potential traffic calming measures.

Next, there was a bit of discussion about comments related to financial viability of the Club, why Phase II of Woodside Village cannot be built right now, and whether or not the proposed project will seek incentives. Blair Tanner explained that Phase II cannot begin until the Club improvements are made and that the Club improvements cannot be made right now because the Club is still recovering from the effects of COVID and is not in a financial position to make those improvements right now. Blair Tanner offered to meet and discuss the issue further for those who are interested in doing so.

Q: Will people who rent units in this new project get to be a part of the Club?

A: Yes, every unit comes with one free membership to the club.

Q: If approved, how long will construction take?

A: Approximately 16-18 month from the time we break ground to finishing the project.

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Commissioner Ramirez: Are you able to share what incentives you may be seeking? I agree with comments made by others that I do not like the idea of the UG giving incentives to build this project so that the Club can benefit by having additional members.

Comment: Please explore options so that some of the units have rents that can be subsidized, especially if you are asking for incentive. We want diversity in our neighborhood.

Comment: The Rosedale master plan speaks to height, length, and affordability. These are all part of master plan that must be addressed.

Comment: Having a bus stop is also an important part of Rosedale plan. You also need to provide bike racks for the public and not just for tenants.

A: We will work with KC bike exchange on this project and have incorporate public bike racks on the patio at the northwest corner.

Q: If this project does not get approved, is there a possibility that you would reign things in and take care of Club issues first and then do apartments later?

A: No.

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MEETING SIGN-IN SHEET	
Project: Woodside Village Rosedale	Meet Date: April 25, 2022
Facilitator: Tanner White Properties and Polsinelli PC	Place/Room: Westwood City Hall, Community Room
Application #: COZ2021-048 & BOZA 2022-023	

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MEETING SIGN-IN SHEET

Project: Woodside Village Rosedale

Meet Date: April 25, 2022

Facilitator: Tanner White Properties
and Polsinelli PC

Place/Room: Westwood City Hall,
Community Room

Application #: COZ2021-048 & BOZA 2022-023

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4/25/2022 – 2nd Westwood Village Rosedale Neighborhood Meeting

Attendance:

Bob Johnson/Amy Grant, Polsinelli PC
Blair Tanner, Tanner White Properties
Aaron Mesmer, Block Real Estate Services
Jeff Kloch and Mike Schwaller, Hufft Architects
Approximately 30 attendees. See attached sign-in sheet.

The meeting began at 6:00 p.m. Bob Johnson introduced the project team and gave a brief outline of the meeting presentation.

Blair Tanner and Aaron Mesmer presented the revisions that have been made to the development plan. A brief summary of changes include:

- Removed garage entrance from W. 46th Avenue – vehicular access moved to 47th Avenue from Rainbow boulevard.
- Created new entrance for Woodside Club Employee Parking Lot to reduce use of Eaton Street.
- Created community pocket park at W. 46th Avenue and Francis Street.
- Proposed speed table for traffic calming measures.
- Wrapped east side of parking garage with residential units.
- Relocated trash pick-up to the west, closer to commercial activity.
- Provide a bike kc share station
- Removed a portion of the top two stories to align the tallest part of the building better with commercial activity.
- Pulled back entire top floor an additional 5 feet to reduce scale and changed building material.
- Created recesses in the building that are stepped back and treated with different materials to break up façade. Also strengthened vertical balconies to create texture and visual change of warm materials.

Question and Answer:

Comment/Questions: The Master Plan states that the development should match the scale of the existing neighborhood and not encroach into single-family neighbors like this project is doing. How many parking stalls are along W. 46th Avenue?

A: Only the height in the northeast corner of the proposed building does not meet the height suggested in the Master Plan. We are proposing 16 angled parking spaces along W. 46th Avenue.

Q: Are you still proposing deliveries along W. 46th Avenue? This will still increase traffic to our neighborhood. The angled parking at the Club created a safety issue with larger trucks that create an overhang.

A: Yes, the deliveries will still occur along W. 46th Avenue and will add some additional traffic but will also overlap deliveries already coming to the neighborhood. It is our understanding that Amazon, Fed Ex and other delivery companies coordinate their deliveries for the day so typically only 1-2 trucks a day will deliver packages to the building.

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Comment: We recently had an issue where a fire truck had issues with turning onto Francis from W. 46th Avenue. The proposed pocket park and street parking will contribute to this issue.

Q: How many units are you proposing and how many parking spaces?

A: The project has 171 units with 227 parking spaces in the garage. This equates to about 1.32 parking spaces per unit.

Q: Where will people park if your 1.32 spaces per unit is not adequate? Will visitors use the angled street parking?

A: We have quite bit of experience with multi-family projects and are finding that 1 space per bedroom is adequate for the project. We also require that each unit comes with a garage parking space to help ensure that people don't choose to park elsewhere when they are paying for a parking space in the garage.

Q: Will the angled parking spaces be reserved? It seems like you have enough parking over at the Club property and shouldn't need to add parking along W. 46th Avenue.

A: The angled parking will not be reserved. It will be available for use by the public. We provide these spaces for visitor parking.

Q: Would you consider restricting the parking on W. 46th Avenue to compact cars to avoid the large truck overhang issue?

A: Yes, we are willing to consider that if it becomes an issue.

Q: Did you do a traffic study? Have you published it somewhere?

A: A traffic study was done in 2011 with the original development of Woodside Village North. With this application, City staff requested that we provide an updated Trip Generation Study and that study was prepared and submitted to the City. We also understand that the City has independently studied this area recently to consider the neighbors request to close W. 46th Avenue.

Q: Will the height of this building be similar to Woodside Village North building?

A: Yes, we are few feet taller but very similar in height.

Q: Did the revisions create a reduction of units? How many parking spaces are you providing for bedrooms? What is the mixture of units?

A: The total number of units is roughly the same. We provide approximately one parking stall for studio and one bedroom units and two parking stalls for two and three bedroom units.

Q: How many stories is the building near the parking garage? Are you providing any e-charging stations/recycling?

A: The building has 6 levels of units near the parking garage. Yes, we are providing e-charging stations and recycling.

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Q: I live directly across the street at the northwest corner of W. 46th Avenue and Francis. Did you do a shadow study and will Spring Valley Residents have access to the Woodside Club similar to the Westwood Residents?

A: Yes, we did study shadows. We found that three out of the four seasons of the year there will be little or no impact of shadows for homes across W. 46th Avenue. In the winter months, there will be some additional shadow with the proposed building and the fact that sun sits lower on the horizon during the day. Spring Valley residents are able to join the Woodside Club just like anyone from the general public.

Q: You indicated one of the goals of the project is to provide diversity in the neighborhood. How are you doing that?

A: We were referring to housing diversity in the area.

Q: Do you still plan on seeking incentives? If so, what kind?

A: Yes, we still plan on seeking incentives for this project but have not done anything more in that regard as we have been focused on the plan revisions these past few months.

Q: This area currently has an issue with traffic for cars heading southbound on Rainbow Boulevard at 47th Avenue and this project is going to make it even worse.

A: The City determines if any traffic improvements need to be made and it is our understanding that the City has reviewed the proposed project and has determined the existing roadway capacity is sufficient for both existing traffic and new traffic created by this project.

Q: Will you please provide us with a list of outstanding issues that you have not yet resolved with City planning staff? Will you provide cross-sections for multiple areas so that people throughout the neighborhood can better understand the comparison of building heights and setbacks? I believe your 16 angled parking spaces will create issues and be problematic and would prefer parallel spaces.

A: The City will need to approve the following: (a) the length of the building; (b) the height of the building at the northeast corner as previously discussed; (c) the building setback along the southern property line and along Rainbow Boulevard; and (d) the use of nichiha material. Yes, we will work to prepare cross-sections and will provide those to RDA and Kelly White for distribution to the neighbors.

Q: What is the setback of the balconies?

A: The building wall is setback 25 feet from W. 46th Avenue and the balconies are at approximately 23 feet.

Comment: You said you are asking for an incentive but I do not see the benefit to the public if this project is built with incentives.

Comment: I will support what the community wants here. I agree with the traffic concerns expressed for Rainbow Boulevard. I will not support incentives for this project or any other project for the remainder of the year. The City needs more diversity based on income of residents.

Q: Where are you at in the process?

A: We are currently scheduled for the May 9th Planning Commission meeting.

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Q: How many parking spaces are located on the current parking lot? We don't see any impact from those vehicles today.

A: We do not know how many spaces there but can get that answer. The parking lot is currently used by UKHA to shuttle employees to and from other locations.

Comments: In my opinion, your desire to provide the vertical parking garage and amenities as opposed to spreading the parking garage along the entire first floor of the building is what is creating the massing issue. You are wasting space with ramps in the garage. Also, I don't think you need another trash location. You should just use the trash area at the Woodside North.

Comment: I will not support the plan because of the angled parking and the trash location. We do not want you to use W. 46th Avenue for parking or deliveries.

Q: Will you be paying for the speed-table or will the City?

A: If the City approved the speed-table we would pay to construct it.

Q: Please tell me what the rents will be here?

A: These will be market rate apartments.

Comment: The City recently placed no parking signs along W. 46th Avenue and adding 16 angled parking spaces is not an improvement. People using the parking lot today are not using W. 46th Avenue. The project is too big and looms over the homes on the north side of W. 46th Avenue. I am concerned about shadows as I like to garden. I do not support the project.

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9/19/2022 - Sign In Sheet
 Woodside Village N'hood Mtg.

<u>Name</u>	<u>Address</u>	<u>Email</u>
Patricia King Stone	4537 Adams St	pandb321@gmail.com
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Heaven White	4410 Francis, R.C.K.	Kwija2@hotmail.com
Eric Shuf	1105 SW Blvd	en@rosedale.org

9/19/2022 – 3rd Woodside Village Rosedale Neighborhood Meeting

Attendance:

Bob Johnson/Amy Grant, Polsinelli PC
Blair Tanner, Tanner White Properties
Aaron Mesmer, Block Real Estate Services
Jeff Kloch and Mike Schwaller, Hufft Architects
Approximately 15 attendees. See attached sign-in sheet.

The meeting began at 6:00 p.m. Blair Tanner and Aaron Mesmer presented the revisions that have been made to the development plan. A brief summary of changes include:

- Removed one level of building. This resulted in a decrease of 22 units for a total of 149 units.
- Removed units adjacent to east property line in compliance with RDA Master Plan.
- Adjusted western façade along Rainbow Boulevard to comply with side, corner yard setback requirement.
- Removed trash pick-up from W. 46th Avenue.
- Replaced angled parking with parallel parking along W. 46th Avenue. This results in a decrease of 8 parking spaces along W. 46th Avenue.
- Relocated trash pick-up to the south.
- Commissioned updated traffic study. Kansas Department of Transportation will not allow the project to have a drop-off zone along Rainbow Boulevard. Traffic study showed that there will be between 55 and 58 additional cars per minute during the peak traffic periods.

Question and Answer:

Q: How much more of setback are you providing from Rainbow Boulevard?

A: The setback was increased an additional 8 feet from Rainbow Boulevard.

Q: Did you increase the setback along W. 46th Avenue?

A: No, that setback has always met the code requirement.

Q: How many levels were removed from the building with the notch out at the northeast corner of the building?

A: The notch out area removed 2 levels of units from that corner of the building.

Q: How many total levels does the building now have?

A: There are five levels starting at the eastern property line and then 7 levels at the Rainbow property line.

Q: Who from KDOT advised that the pull-off area would not be permitted?

A: We will need to check with our engineering team on that.

Q: Do you have an update on the shadow study?

85258235.1

A: Yes. With the removal of the additional floor, there will now be between 15 and 19% additional sunlight for the two properties across the street during the winter months.

Q: Was the shadow study updated based on these plan revisions? Has the shadow study been submitted to the City?

A: Yes, the study was updated and we have offered to meet with Dr. Cooper and Mr. Steineger to review the changes. We will submit the shadow study to the UG tomorrow.

Q: Does the width of 46th Street change with the revised plan?

A: No. The new right-of-way remained the same and we ended up making the sidewalks wider and added more landscaping in the areas that grew in size when the parking was changed from angled to parallel parking.

Q: Who is going to regulate the parallel parking on W. 46th Avenue? Will be open to the general public? Will your residents be able to use this parking?

A: We have not discussed if we are going to restrict this parking. We plan on meeting with the City during final plan review if we are fortunate enough to get approved to better understand if the City has any regulations about this type of parking. Each unit includes one space in the garage in the base rent.

Q: Have you spoken with the dentist office about parking? They are already under-parked and use of the on-street parking that you are taking away with this project.

A: No, we have not had any discussions with the dentist office. It is our understanding that businesses are not allowed to use on-street parking to meet the City's parking requirements.

Q: Are you doing anything to address traffic on Eaton Street?

A: Yes, we are going to provide a gate on our property at the top of Eaton Street so that employees will be forced to come 47th Avenue to get to the parking field in this area.

Q: Have you prepared a perspective of what the properties to the East will see? What kind of fence are you building there to separate your property from this area?

A: There will be four ground floor units on the east side of the building that will have an exit from their unit along the east property line. There is a significant grade change in this area so we will have a 6-foot tall privacy fence along this property line. We are willing to create a perspective of this area if you would like to see one.

Q: What do you plan to do with the empty lots to the east of this property that you own?

A: We haven't discussed this area. This lots are located in KCK and cannot be made part of the Woodside Club.

Q: Are you providing any recreational areas on the rooftop that was created by the notch out?

A: No, we have not done anything to design that space at this time.

Q: Did you have a significant change in your mixture of unit ratios with these plan revisions?

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A: No, there were a few small changes but nothing significant.

Q: Do you still plan on seeking incentives for this project?

A: Yes.

Q: If you already own the land and you have a market study that tells you the need exists why do you need incentives for this project?

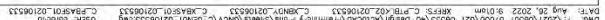
A: The structured parking is extremely expensive and a project like this can't be built without structured parking.

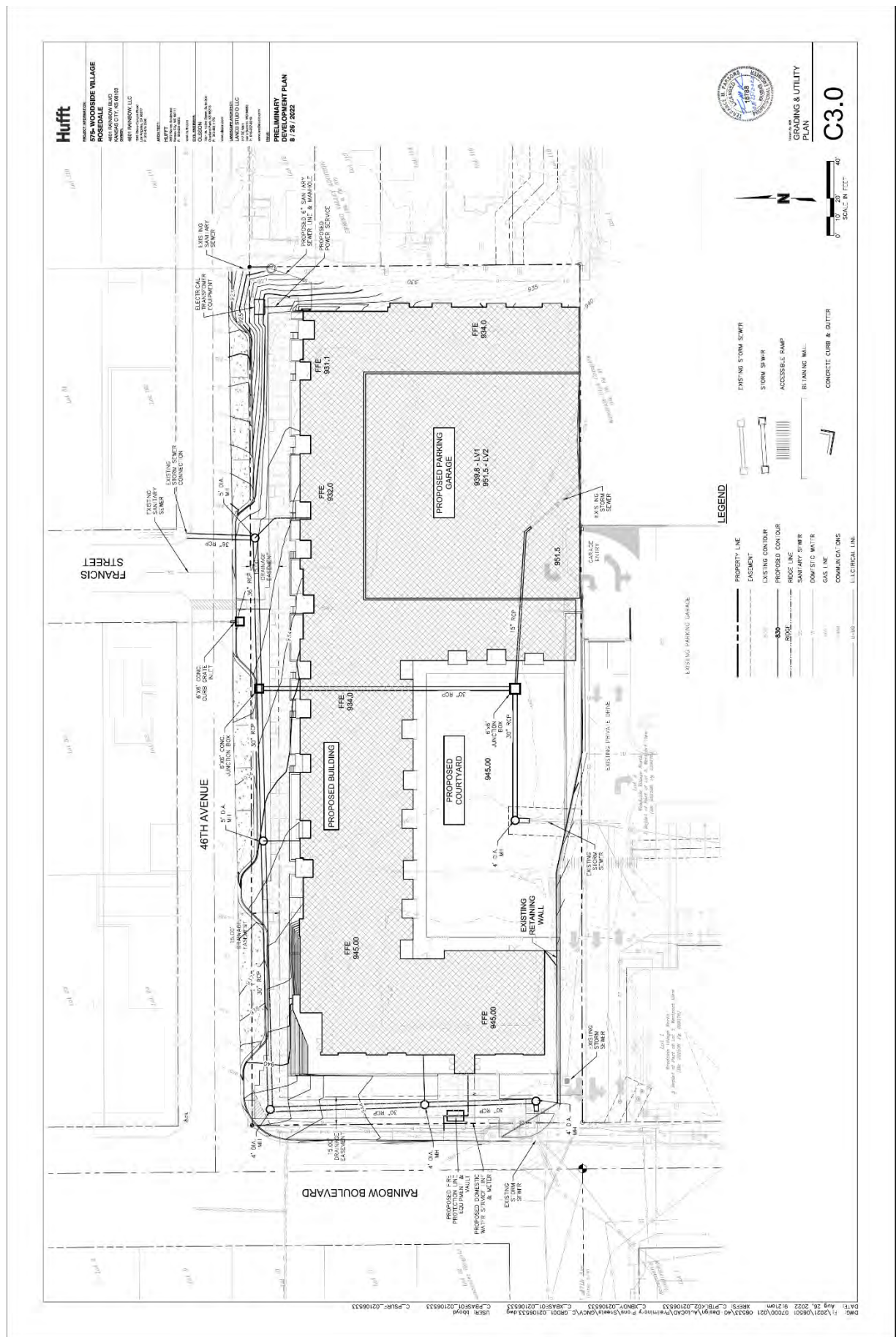
Q: Why can't you eliminate your amenity green space and put more units in that area to decrease the height of the building?

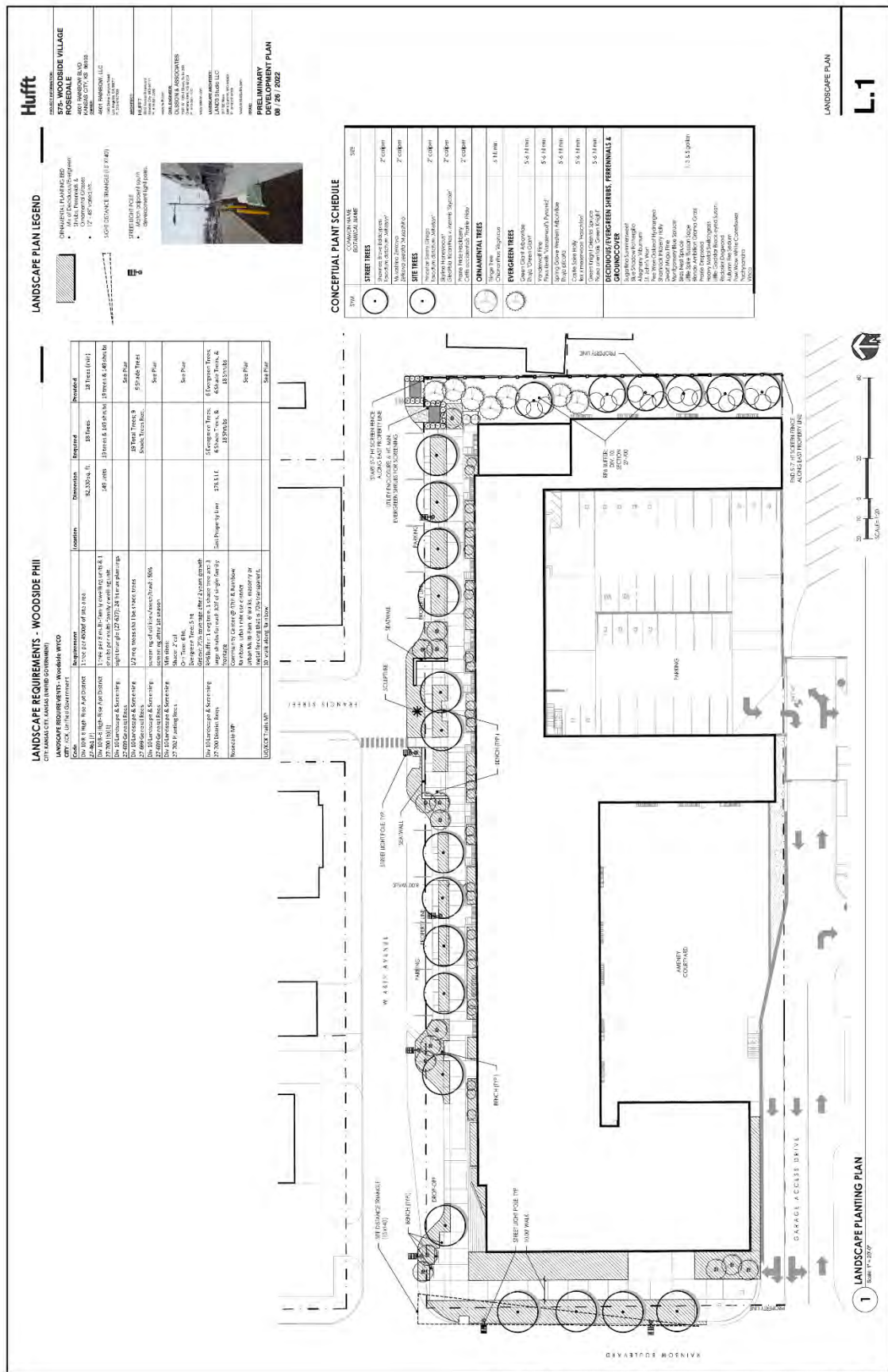
A: That simply does not work. Very thoughtful design was planned for this project and the amenity area is a key piece to the success of this project.

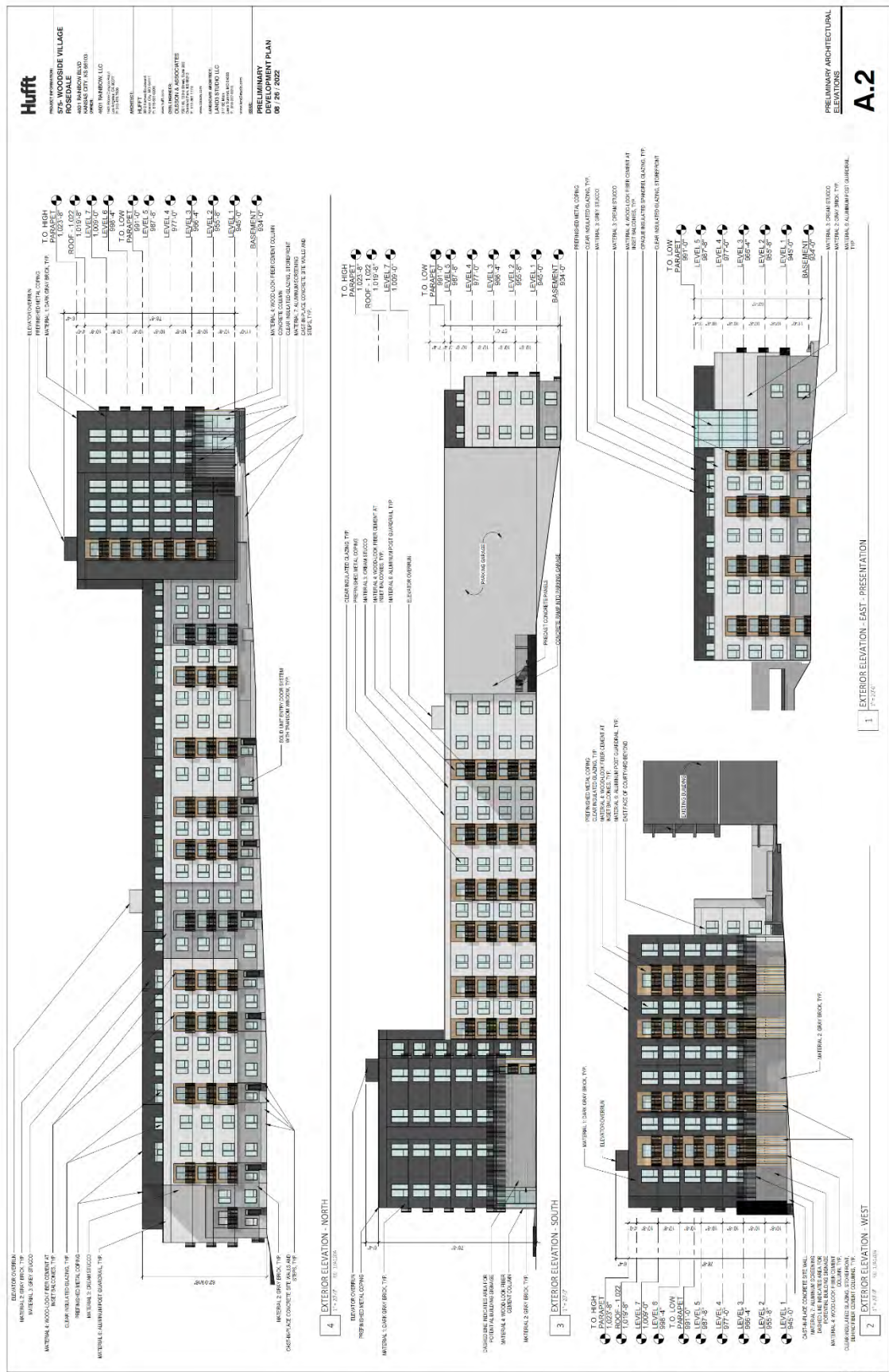
Comment: At the conclusion of the meeting there were a few neighbors present who indicated that they appreciated the changes made to the plan and felt that they could support the project.

85258235.1









Hufft

PROJECT INFORMATION

575 WOODSIDE VILLAGE
1000 WOODSIDE BLVD
KANSAS CITY, KS 64105

ARCHITECT

575 WOODSIDE VILLAGE

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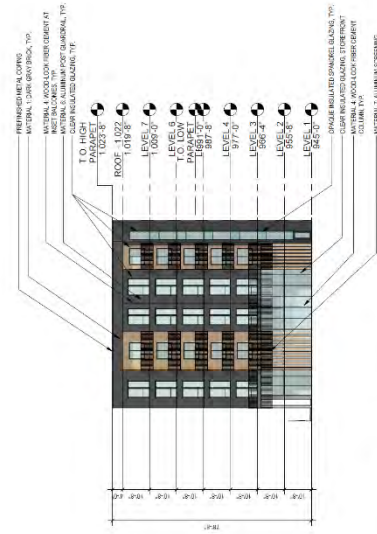
ARCHITECT

ARCHITECT

ARCHITECT

PRELIMINARY ARCHITECTURAL ELEVATIONS

A.3



1. EXTERIOR ELEVATION - COURTYARD WEST



2. EXTERIOR ELEVATION - COURTYARD EAST



Figure 4. Site Photograph of 4601 Rainbow Boulevard looking northeast from West 47th Avenue

(provided by Planning Staff).



Figure 5. Site Photograph of 4601 Rainbow Boulevard looking east from West 46th Avenue (provided by Planning Staff).



Figure 6. Site photograph looking south on Eaton Street towards West 46th Avenue (provided by Planning Staff).



Figure 7. Site photograph looking south on Eaton Street towards West 46th Avenue (provided by Planning Staff).



August 17, 2022

Ken Block
Block Real Estate Services
4622 Pennsylvania Avenue, Suite 700
Kansas City, MO 64112

Re: Traffic Impact Study Woodside Village Rosedale: Rainbow Boulevard (US-169) and 47th Avenue - Kansas City, Kansas

BHC has been asked to conduct a traffic impact study for a site at the northeast corner of Rainbow Boulevard (US-169) and 47th Avenue in Kansas City, Kansas. The site is currently a vacant commercial building and parking lot, with the lot being utilized for off-site parking for the nearby KU Medical Center Campus. The general site location and layout can be seen in Figure 1.



Figure 1: Project Location

The proposed improvements will redevelop the site into a mid-rise apartment building with 149 units. The primary building access will be from the existing driveway at the intersection of Rainbow Boulevard and 47th Avenue.

This study effort conducted traffic counts, a trip distribution/generation, and an intersection capacity and queuing analyses for three intersections: Rainbow Boulevard and 47th Place, Rainbow Boulevard and 47th Avenue, and Rainbow Boulevard and 46th Avenue.



EXISTING CONDITIONS

The entire site consists of approximately 1.85 acres, all of which are located in Kansas City, Kansas.

Rainbow Boulevard is a 35-mph 2-lane road that is directed north-south through the study area. It provides access to Shawnee Mission Parkway approximately 0.75 miles to the south, and I-35 approximately 2 miles to the north.

The intersection of Rainbow Boulevard and 47th Place is a signalized 3-leg intersection with permissive phasing for the southbound left turn Rainbow Boulevard movement. There are pedestrian crosswalks on the north and east legs of the intersection.

The intersection of Rainbow Boulevard and 47th Avenue is a signalized 4 leg intersection. The east and west 47th Avenue left turn movements have dedicated turn lanes and protected/permissive signal phasing. The north and south Rainbow Boulevard left turn movements have permissive phasing. Additionally, there is also a dedicated bike lane on the south side of 47th Avenue that becomes shared approximately 175 feet west of the intersection. There are pedestrian crosswalks on all legs of the intersection.

The intersection of Rainbow Boulevard and 46th Avenue is 3-leg intersection, with stop sign control for 46th Avenue. There is a pedestrian crosswalk across the east leg of the intersection.

The site currently has 1 access driveway, as shown in Figure 2.



Figure 2: Existing Site

EXISTING CONDITIONS (CONTINUED)

Existing 24-hour traffic counts were completed on July 14, 2022. The AM peak hour was identified as 7:30-8:30 AM, and the PM peak hour was identified as 4:30-5:30 PM. Figure 3 displays the peak hour results of the 24-hour traffic counts at the three study intersections.

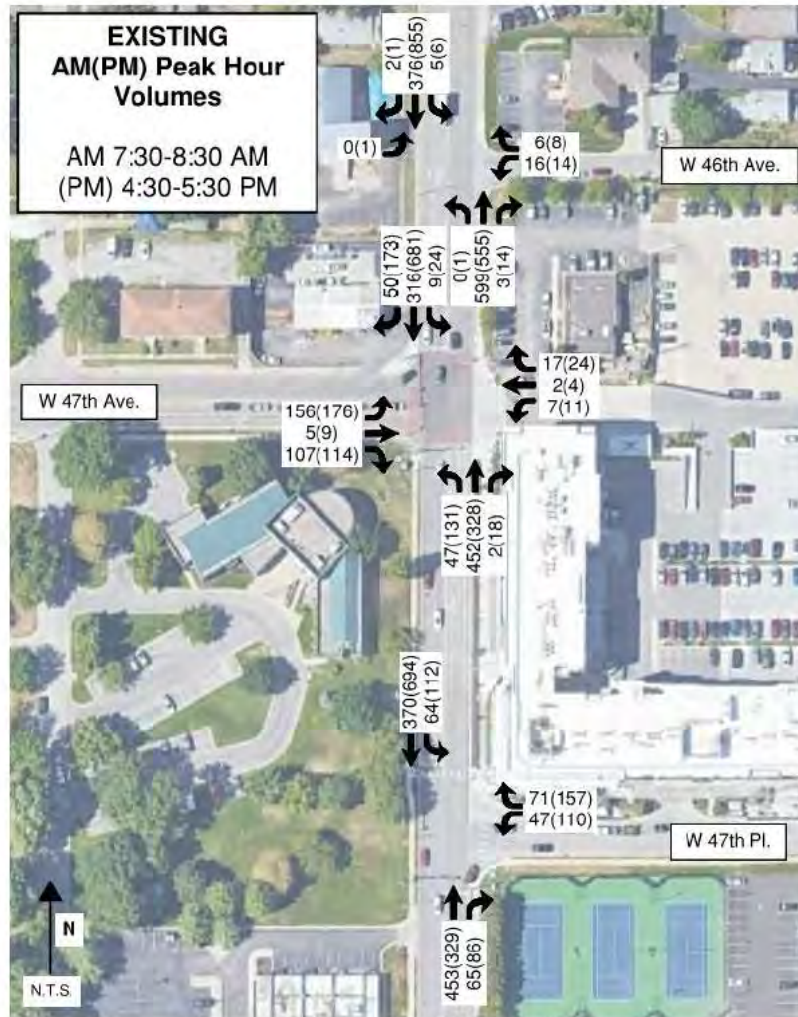


Figure 3: Existing AM(PM) Traffic Volumes

Figure 4 displays the trip distributions of each of the three intersections based on the results of the 24-hour traffic counts, with approximated distributions of vehicles entering the study site during the AM and PM peak hours.

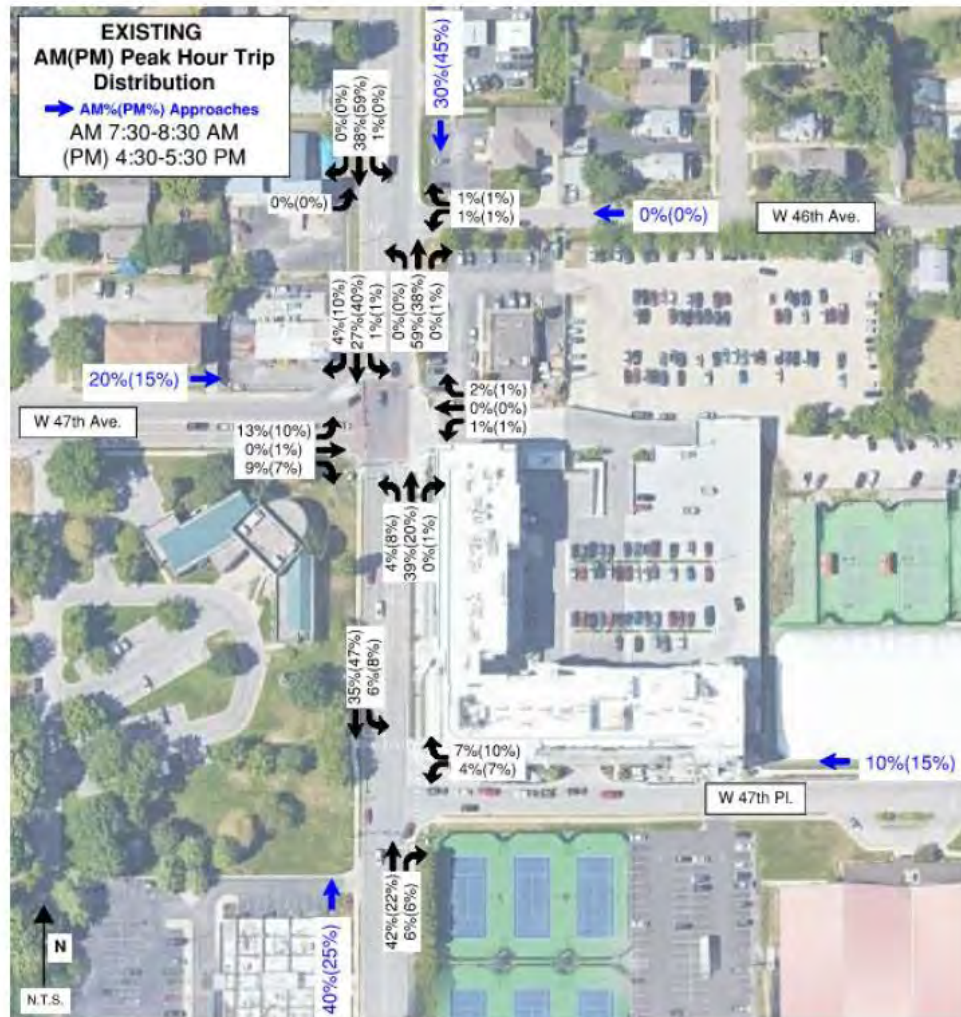


Figure 4: Existing AM(PM) Traffic Distribution

PROPOSED CONDITIONS

The proposed Woodside Village Rosedale development is a mid-rise apartment building with 149 units. The development does not require any additional access points, and will instead utilize the existing access point at the intersection of Rainbow Boulevard and 47th Avenue. The existing access driveway between 47th Avenue and 46th Avenue, as shown in Figure 2, would be removed during construction. Figure 5 shows an overall site map for the proposed Woodside Village Rosedale development.



Figure 5: Proposed Conditions for Woodside Village Rosedale

TRIP DISTRIBUTION

The existing traffic count data was used to identify a reasonable trip distribution for the project. AM and PM trip distributions from the existing access point were similar, and thus the same distributions were applied to both the AM and PM peak hour periods.

Figure 6 shows the proposed AM and PM peak hour trip distributions for the traffic generated by the development, with percentages based on the existing traffic count distributions, as shown in Figure 4.

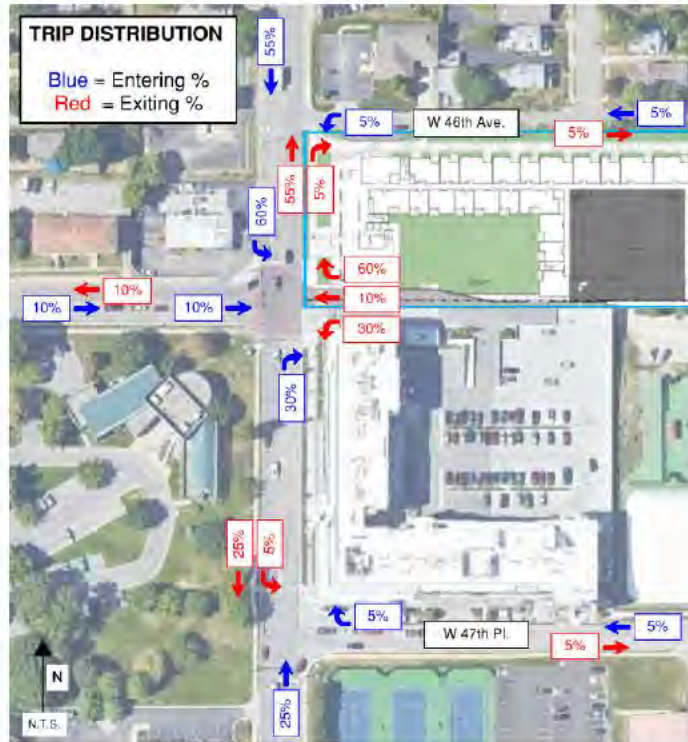


Figure 6: Trip Distribution Percentages

The percentages in Figure 6 are color coded blue and red to represent entering and exiting percentages. For the development, roughly 60% of site traffic exits to the north (Rainbow Boulevard northbound), 10% to 47th Avenue, and 30% to the south (Rainbow Boulevard southbound). The distributions outlined for exiting traffic are also similar to those of entering traffic, as outlined in Figure 6.

TRIP GENERATION

A trip generation analysis for the plan in Figure 6 was performed using the ITE TripGen web-based app. The 11th edition of the ITE Trip Generation Manual was used. The land use code utilized was 221 – Multifamily Housing (Mid-Rise). The number of trips generated may be seen in Table 2 for the AM peak hour, PM peak hour, and weekday total.

Table 2 – Proposed Trip Generation										
ITE Code	ITE Land Use	Value	Units	Daily	AM Peak Hour (7-9 AM)			PM Peak Hour (4-6 PM)		
					Total	Enter	Exit	Total	Enter	Exit
221	Multifamily Housing (Mid-Rise)	149	Units	676	55	13	42	58	35	23
Total				676	55	13	42	58	35	23

The trip generation analysis conducted in Table 2 was applied to AM and PM peak hour trip distributions in Figure 6 to create the proposed trip generation shown in Figure 7.

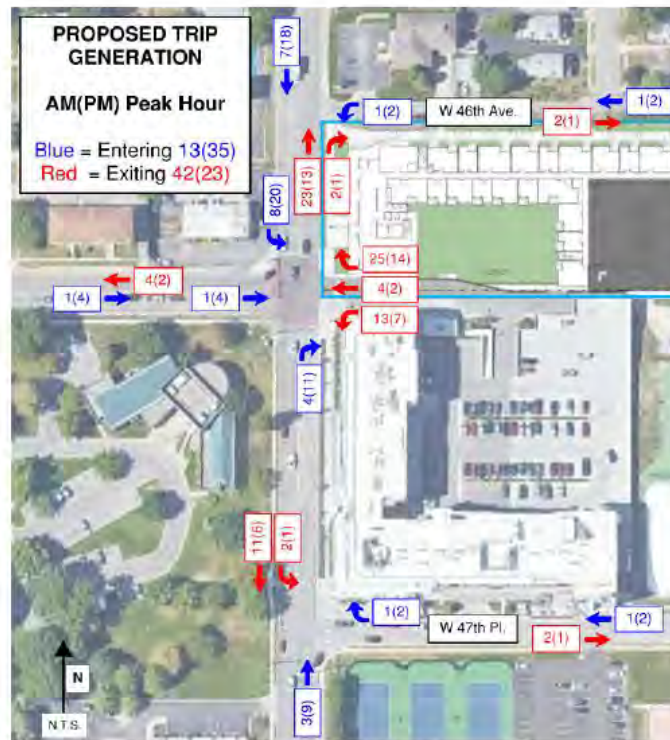


Figure 7: Proposed Trip Generation

EXISTING PLUS DEVELOPMENT TRAFFIC

The existing traffic volumes in Figure 3 were added to the proposed trip generation volumes in Figure 7 to determine the Existing + Proposed volumes in Figure 8. These volumes will be used in the intersection capacity analyses for Existing + Proposed conditions.



Figure 8: Existing + Proposed Traffic Volumes

FUTURE VOLUMES

It is customary in Kansas Department of Transportation (KDOT) roadway design to project traffic volumes for 20 years after construction (year 2042 was used for this project). KDOT's count histories dating back to 1990 indicate typical growth rates of -1.0% to 2.0%. A growth rate of 0.5%, an average of this typical range, was utilized for future volume projections.

When applied to the period ending in 2042, the growth rate assumption of 0.5% per year equates to a 10.5% increase in traffic between now and the year 2042. Figure 9 represents the existing traffic volumes of Figure 3 with a 0.5% growth factor ending in 2042.

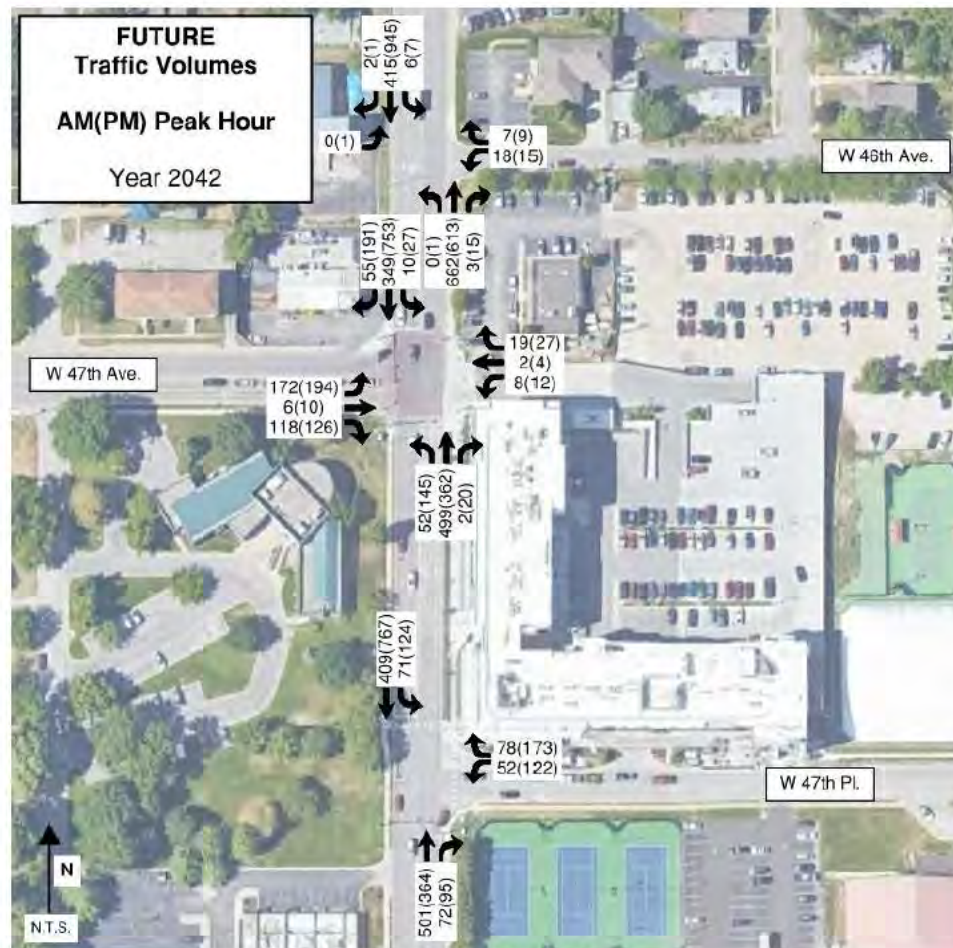


Figure 9: Future Traffic Volumes

FUTURE PLUS DEVELOPMENT TRAFFIC

The proposed traffic volumes in Figure 7 were added to the estimated future traffic volumes in Figure 9 to determine the Future + Proposed volumes in Figure 10. These volumes will be used in the intersection capacity analyses for Future + Proposed conditions.

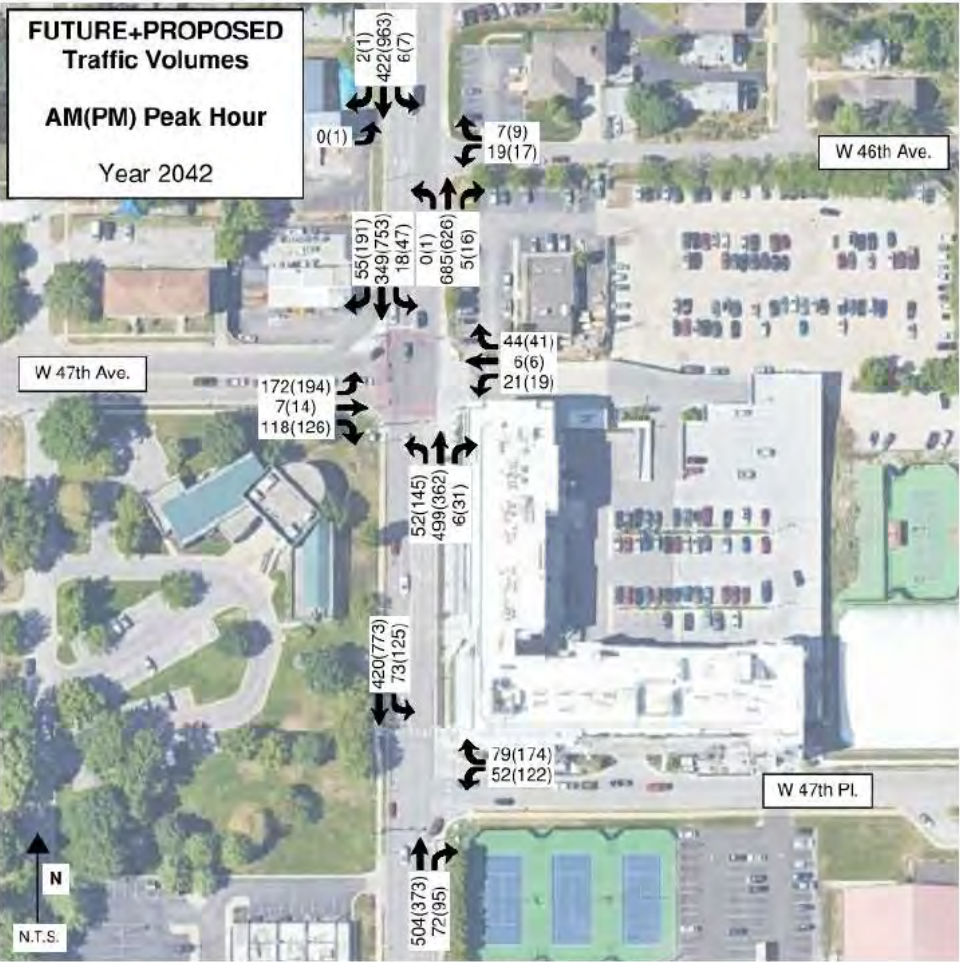


Figure 10: Future + Proposed Traffic Volumes

ACCESS MANAGEMENT

According to KDOT standards, Rainbow Boulevard is best classified as a Class C roadway, as it serves as a major roadway and is closely integrated with Class A and B routes. 47th Place, 47th Avenue, and 46th Avenue are best classified as Class D roadways, as they provide access to arterials and serve small urban areas.

On the existing site, there is a driveway onto Rainbow Boulevard located approximately 60' south of the intersection of Rainbow Boulevard and 46th Avenue, or 130' north of the intersection of Rainbow Boulevard and 47th Avenue. The existing driveway provides an additional access point to Rainbow Boulevard between 46th Avenue and 47th Avenue.

The proposed development removes the additional driveway by combining it with the existing access driveway at 47th Avenue. This eliminates conflict points on Rainbow Boulevard which experiences approximately 15,000 vehicles per day.

The proposed development provides a loading zone, and a few parallel parking spots along the south side of 46th Avenue. The proposed development can be seen in Figure 11.

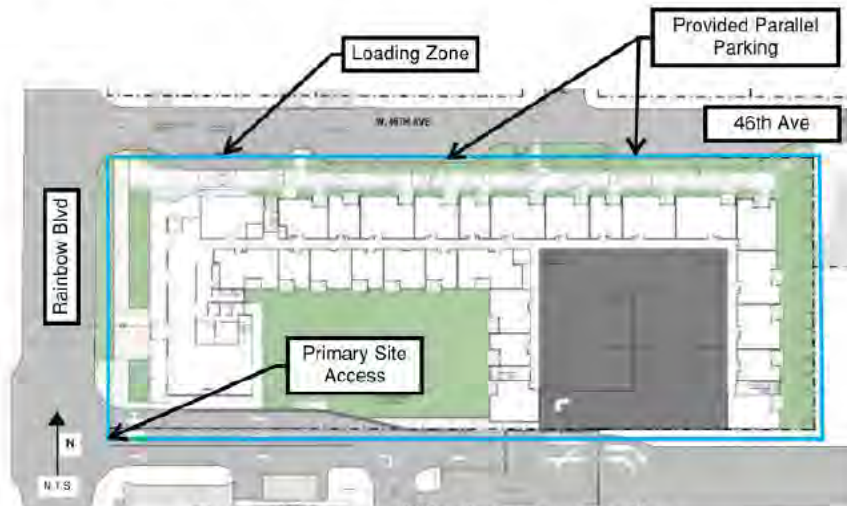


Figure 11: Proposed Site Access and Parking

There has been public opposition to on-street parking and a loading zone being shown along 46th Avenue. This led to a request to review the viability of moving them both from 46th Avenue to Rainbow Boulevard.

ACCESS MANAGEMENT (CONTINUED)

KDOT's Access Management Policy was consulted to assess the viability of moving the on-street parking and loading zone from 46th Street onto Rainbow Boulevard.

According to Section 4.6.3 of KDOT's policy, on-street parking is "incompatible with with high-speed, high-volume roadways". The policy indicates 'no parking allowed' on roadways with posted speeds greater than or equal to 35mph, or with traffic volumes greater than or equal to 20,000 vehicles per day. These criteria are summarized in Table 4-35 below.

Table 4-35. Criteria for allowing on-street parking

Parking Type	Criteria	
	Volume (ADT) ¹	Speed (mph)
No parking allowed	≥20,000	≥35
Parallel	≤15,000	≤30
Angle (including back-in)	≤10,000—multi-lane ≤5,000—one-lane	<20

Note: ADT's are total, two-way, except for the one-lane reference.

¹ This does not imply absolute conditions, but guides the successful application.

With Rainbow Boulevard having a 35mph speed limit and an estimated 15,000 vehicles per day, the KDOT Access Management Policy indicates no parking allowed.

A lower speed, lower volume road such as 46th Avenue is a better on-street parking alternative.

In addition to on-street parking guidelines, Section 4.3 of the KDOT Policy outlines requirements for site access locations. Table 4.4 from the Policy defines the intersection functional area based on a variety of street and development conditions. The downstream functional distance for a 35mph roadway has been highlighted (195'). This means that KDOT Policy would not be favorable to any loading zones or access drives within 195' of 47th Avenue.

Table 4.4. Distance travelled during driver's perception-reaction (d1), lateral movement and deceleration (d2), and downstream functional distance (d4)

Speed (mph)	d1—Undeveloped ¹ (feet)	d1—Developed/CBD ¹ (feet)	d2—Deceleration ² (feet)	d4—Undeveloped ³ (feet)	d4—Developed/CBD ² (feet)
20	75	45	70	155	85
25	95	55	115	155	120
30	110	65	160	200	155
35	130	80	220	250	195
40	145	90	275	305	245
45	165	100	350	360	295
50	185	110	425	425	355
55	205	125	515	495	415
60	220	135	605	570	480
65	240	145	715	645	550
70	255	155	820	730	625

¹ Source: d1: Modified version of FHWA Access Management Manual, 2003, Table B-4, p. 133

² Source: d2: Modified version of FHWA Access Management Manual, 2003, Table B-2, p. 172

³ Source: d4: Modified version of AKS/OTD's A Policy on Geometric Design of Highways and Streets, Table 3-2 (2013)

ACCESS MANAGEMENT (CONTINUED)

According to Table 4.4 on the previous page, the downstream intersection functional area of the Rainbow Boulevard and 47th Avenue intersection is 195'. Figure 12 shows the approximate length of this functional area on the site.

If the loading zone were moved onto Rainbow Boulevard, it would be in the downstream functional area of the Rainbow Boulevard and 47th Avenue intersection. In fact, the entire block of Rainbow Boulevard between 46th Avenue and 47th Avenue is within the functional area.

Section 4.3, 1, b states that it is KDOT's preference "not to locate access within the influence area of an intersection".

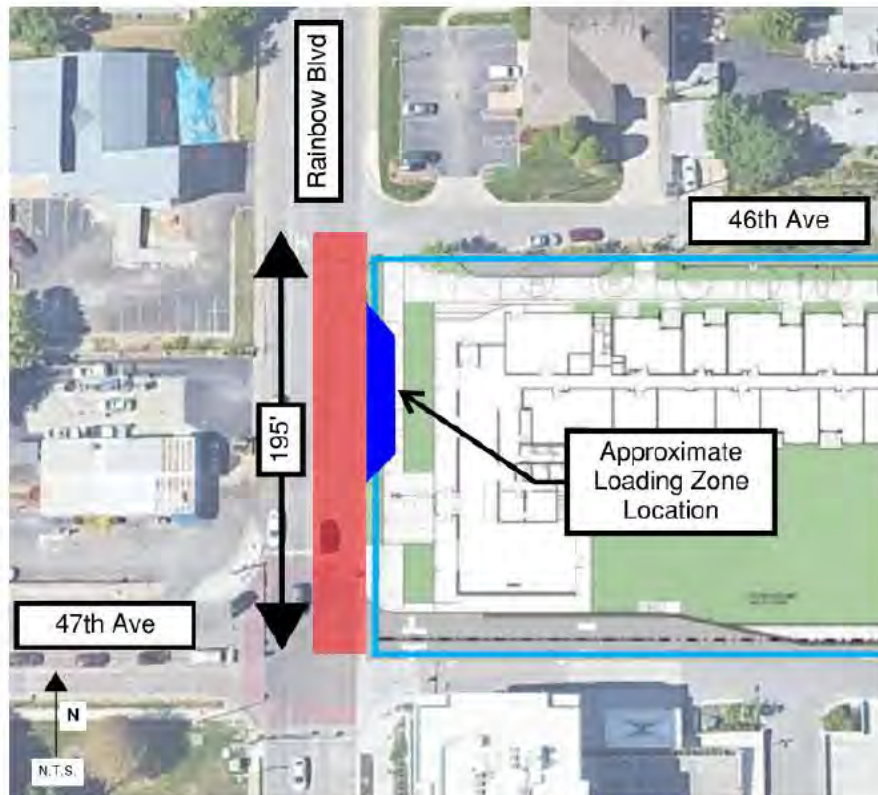


Figure 12: 47th Ave Downstream Functional Area

A lower speed, lower volume road such as 46th Avenue is a better loading zone location.

MAIN FINDINGS

This section provides a summary of the main findings of this study:

Existing Conditions

- The existing overall intersection peak hour LOS at Rainbow Boulevard and 47th Avenue is LOS B
- The existing overall intersection peak hour LOS at Rainbow Boulevard and 47th Place is LOS A or B
- The existing overall intersection peak hour LOS at Rainbow Boulevard and 46th Avenue is LOS C

Proposed Conditions

- The proposed development is expected to generate 55 AM peak hour, 58 PM peak hour, and 676 daily trips
- The proposed development will remove one existing driveway to Rainbow Boulevard

Existing + Proposed Conditions

- The existing + proposed overall intersection peak hour LOS at Rainbow Boulevard and 47th Avenue is LOS B
- The existing + proposed overall intersection peak hour LOS at Rainbow Boulevard and 47th Place is LOS A or B
- The existing + proposed overall intersection peak hour LOS at Rainbow Boulevard and 46th Avenue is LOS C
- The proposed development trips do not impact existing intersection peak hour LOS

KDOT Access Management

- On-street parking should not be permitted on roads with posted speeds of 35mph or greater
- If the proposed loading zone were relocated to Rainbow Boulevard, it would fall within the downstream functional distance of 47th Street and not be permitted
- The lower speed and lower traffic volumes found on 46th Avenue make it a better location for on-street parking and a loading zone

Future + Proposed Conditions

- The future + proposed overall intersection peak hour LOS at Rainbow Boulevard and 47th Avenue is LOS B
- The future + proposed overall intersection peak hour LOS at Rainbow Boulevard and 47th Place is LOS B
- The future + proposed overall intersection peak hour LOS at Rainbow Boulevard and 46th Avenue is LOS C or D
- The turn lane bay lengths on 47th Avenue and 47th Place are expected to be sufficient for future + proposed traffic volumes

CONCLUSION

The proposed Woodside Village Rosedale development is expected to generate an additional 55 AM peak hour, 58 PM peak hour, and 676 daily trips. The additional trips are relatively small increases compared to the existing peak hour and daily traffic.

Intersection capacity analyses were completed for existing and existing + proposed conditions for the intersections of Rainbow Boulevard with: 47th Avenue, 47th Place, and 46th Avenue. As can be viewed in Table 4 (Page 12), there was minimal increase in intersection delays and no decreases in overall intersection LOS (all remain LOS C or better). A 20-year future growth rate of 0.5% per year was applied to the existing traffic. Table 4 also indicates that the future + proposed condition also experienced minimal increases in intersection delays and overall intersection LOS.

A queueing analysis was performed for all conditions and approach lanes for the three study intersections in Table 5 (Page 13). In each case, anticipated queues were less than available vehicle storage with the exception of the southbound Rainbow Boulevard approach to 47th Avenue. For southbound Rainbow at 47th Avenue, the marked storage lane is 165'; however existing conditions indicate a 95% queue of 315'. The 95% queue is expected to increase by 13' (one vehicle) with the proposed development. It is important to recognize that the capacity analyses indicate the southbound approach operates at a LOS B which indicates the existing traffic signal timings are doing a good job clearing the intersection and providing gaps for side street movements.

KDOT Access Management Policy was consulted to review the suggestion that the proposed on-street parking and loading zone along 46th Avenue be relocated to Rainbow Boulevard. KDOT policy suggests no on-street parking should be allowed and that a loading zone would not be approved within the functional downstream intersection area of 47th Avenue. As a result, 46th Avenue is a better location for parking and loading.

This study has reviewed existing, proposed, and future traffic conditions for three intersections and found minimal change with regards to intersection delay and expected vehicle queueing. It has also reviewed the request for proposed on-street parking and a loading zone to be relocated from 46th Avenue to Rainbow Boulevard and determined that 46th Avenue is a better location. If there are any questions regarding this traffic study, please contact me at your convenience at 913-905-1527 or mark.sherfy@ibhc.com.

Sincerely,



Mark Sherfy, PE, PTOE
Vice-President | Development Group Director
BHC

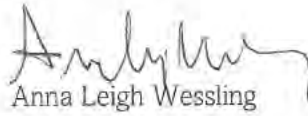
Dated: October 2, 2022

KCK City Planning Commissioners:

I live at 2109 W. 43rd KCK, and I want you to know I support the new apartment plan for Woodside. I walk in the area, and I believe this will be an upgrade to what there is now. It will really help 45th st and walking to Rainbow.

Please vote "yes" in support of moving the project forward.

Sincerely,



Anna Leigh Wessling

4320 439 John Golway
439 Lloyd, KC, KS 66103
09-29-2022

Dear local commissioners,

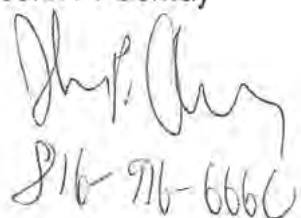
I fully support the expansion proposal to extend Woodside Village. I have heard many good things about how they run the club and apartments.

I think this last/latest version shows they listened to the local community and made changes accordingly. I do know other folks in the area that are okay with it but don't have the time to come out and support. I have encouraged them to do so.

As a representative of Rosedale, please vote yes.

Warm regards,

John P. Golway



816-716-6666

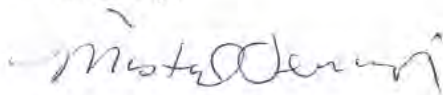
September 29, 2022

Dear Planning Committee and Commissioners:

I'm writing to you today in support of the Woodside Village Rosedale project. I own a business at 1813 Stateline. The overall development of Woodside Village has had a positive impact on the community and neighborhood.

For these reasons, I am asking you to support and vote YES for the Woodside Village Rosedale project! Quality multi-family apartment living options are needed in this area.

Sincerely,

A handwritten signature in dark ink, appearing to read "Misty Jennings". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Misty Jennings

816-214-8846

Date: 10/3/22

Name: Jackson Royle

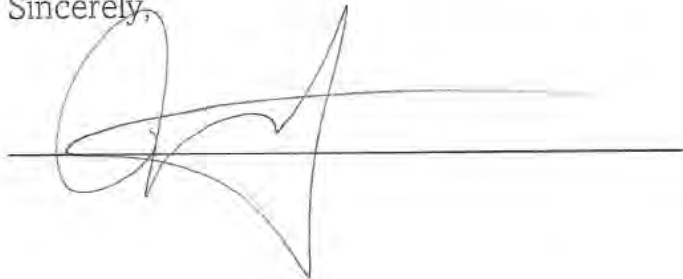
Address: 4506 Francis St Kansas City, KS, 66103

Dear Kansas City Planning Commissioner's and District
Representatives:

I live very close and support the Woodside Village Rosedale
Development. I feel it is in the best interest of the
neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

A handwritten signature in black ink, appearing to be 'Jackson Royle', written over a horizontal line.

Date: 10/3/22

Name: Michaela Russell

Address: 4506 Francis St Kansas City, KS 66103

Dear Kansas City Planning Commissioner's and District
Representatives:

I live very close and support the Woodside Village Rosedale
Development. I feel it is in the best interest of the
neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Michaela Russell

Date: 10/2/22

Name: STURM FRITZ

Address: 4203 Booth St KCR

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



Date: 10-3-22

Name: GERALD GREER

Address: 4503 FRANCIS ST.

Dear Kansas City Planning Commissioner's and District
Representatives:

I live very close and support the Woodside Village Rosedale
Development. I feel it is in the best interest of the
neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

A handwritten signature in dark ink, appearing to read "Gerald Greer", is written over a horizontal line.

Date: 10/3/22

Name: Anthony Null

Address: 4520 Francis Street KCKSleed3

Dear Kansas City Planning Commissioner's and District
Representatives:

I live very close and support the Woodside Village Rosedale
Development. I feel it is in the best interest of the
neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Anthony Null

Toy, Byron

From: PlanningInfo
Sent: Thursday, April 28, 2022 9:23 PM
To: Toy, Byron
Subject: FW: Woodside Village Rosedale Project

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](https://openforms.com/Planning&UrbanDesign/DepartmentFeedbackForm)

From: Dan Thompson <det66207@gmail.com>
Sent: Sunday, April 3, 2022 7:20 PM
To: PlanningInfo <Planninginfo@wycokck.org>; Board of Commissioner's Office <Commissioner@wycokck.org>; Ramirez, Christian <cramirez@wycokck.org>
Subject: Woodside Village Rosedale Project

Dear Planning Committee and Commissioners:

I'm writing to you today in support of the Woodside Village Rosedale project. I live down the street at 4514 Francis St, Kansas City, KS 66103. I can see the new development area from my front porch. I believe this project will benefit the neighborhood in several ways. Woodside development/improvements over the last years has helped Spring Valley property values increase and help keep the neighborhood moving upwards in the quality of our living/housing.

Blair Tanner and his team listened to the neighborhood and made changes to the plan to accommodate the needs/suggestions of Spring Valley. In my opinion, they have been very accommodating in listening and reacting accordingly.

For these reasons, and many more, I am asking you to support and vote YES for the Woodside Village Rosedale project! Quality multi-family apartment living options are needed in our area.

Please let me know if you have any questions about my view on the project..

Sincerely,
Dan thompson

Dan Thompson
Owner- Thompson Enterprise Group, LLC
913-579-2263
DanThompsonKC@gmail.com

Parker, Janet

From: Dan Thompson <det66207@gmail.com>
Sent: Tuesday, December 27, 2022 6:58 PM
To: Board of Commissioner's Office; Parker, Janet; Toy, Byron; Ramirez, Christian; Sparks, Monica; PlanningInfo
Subject: Rainbow Car Wash Supports Woodside Village Rosedale Project
Attachments: Rainbow Car Wash Owner Letter of Support Woodside Village Rosedale Project.pdf

Dear Wyandotte County Commissioners and Staff:

Hoping you're having a Wonderful Holiday Season.

I wanted to share the attached **LETTER IN SUPPORT** for the WOODSIDE VILLAGE ROSEDALE PROJECT from the **OWNER OF THE RAINBOW CAR WASH** located directly across the street from the project site.

Thank you so much for your service to our community. Please **SUPPORT** the Woodside Village Rosedale Project and **VOTE YES**.

Best -

Dan Thompson

4514 Francis St, Kansas City, KS 66103
913-579-2263
DanThompsonKC@gmail.com

Date: 12/10/2022

Name: Michael McKee

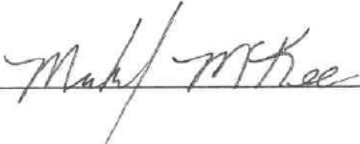
Address: 4604 Rainbow Blvd.

Dear WYCO Commissioners and Representatives:

My business is very close to the Woodside Village
Rosedale Development. I fully support the Woodside
Village Rosedale Development. I feel it is in the best
interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this
development/project!

Sincerely,



Toy, Byron

From: Jason Sadler <jasonlsadler@gmail.com>
Sent: Friday, April 29, 2022 9:21 AM
To: Parker, Janet; Toy, Byron
Subject: Support of COZ2021-048 - 4601 Rainbow Blvd.

Dear Planning Committee and Commissioners,

I am writing you today in support of the new Woodside Village Rosedale Project. This area is greatly in need of more housing, which this project will bring.

I live at 4507 Francis St. and also own 4506 Francis St., which is currently being totally renovated, and own 4523 Francis also, which will be torn down, and 2 new houses will be constructed. When we decided to tear down the blighted house and build 4507 Francis and 4509 Francis, one of the biggest things that drew us to this area was the development and future development of the Woodside Village properties.

I think the design of the new Woodside Village Rosedale project is the best in the City, and does a tremendous job providing a buffer transitioning from single family to multifamily. I would much rather see the beautifully landscaped buffer zone, and then the building, than a large parking lot, and then a building. It will help give the neighborhood a more intimate feeling when entering on 46th Ave. I do not see a problem with the angle in parking or loading zones, because overall that street will become much wider and be able to accept the current amount of traffic much easier. All the on street parking that is there now is a major safety hazard. During emergencies (which unfortunately we have had) firetrucks were not able to enter on 46th ave and make the turn onto Francis.

Perhaps the best part of this design that excites me the most, is finally being able to have a safe path to the woodside village shops and restaurants, and all of the other restaurants down 47th street. Currently there is no sidewalk on 46th ave. so making the turn onto Rainbow in the street, is extremely dangerous, because cars turning onto 46th ave. can not see us pushing a stroller in the street.

I can not think of a better use of that corner property, and I hope that you too support and vote YES for the Woodside Village Rosedale project. It is essential for this wonderful area of KCK to keep expanding and growing!

Thanks!
Jason Sadler
816-309-0945

Amy Grant

Subject: FW: Woodside Village Rosedale Project

----- Forwarded message -----

From: **Kevin Sadler** <kevindsadler@gmail.com>

Date: Thu, Apr 28, 2022 at 9:47 PM

Subject: Woodside Village Rosedale Project

To: <planninginfo@wycokck.org>, <commissioner@wycokck.org>

Dear Planning Committee and Commissioners.

I am writing in support of the Woodside Village Rosedale project. The new proposed Woodside development is a no-brainer and a must for this area of Wyandotte county. The opportunity to have this caliber of residential development in our neighborhood is a plus and is much needed to move spring valley in the right direction.

In 2019 I took a chance and purchased a run down house on Francis St. and built a new home for my family. I truly saw a vision of this neighborhood becoming a connector of Westwood and Rosedale. I believe Blair Tanner and his team have thoroughly thought out the design and build of the project and have made drastic changes to the original plan to address any traffic issues.

Widening 46th street at the corner of 46th and Rainbow is a must. It is dangerous to walk and drive at its present condition. The new development will allow for cars to move off of the street and into parking spots and allow walkers/bikers to use a safe sidewalk. I could go on and on about the positives that a development like this will have on this area. In the end KCK needs this to continue moving in the right direction.

Sincerely,

Kevin Sadler

816-797-8404

kevindsadler@gmail.com

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Amy Grant

Subject: FW: Woodside Village Rosedale Project

----- Forwarded message -----

From: **Greg LaRue** <laruegt@gmail.com>

Date: Tue, Apr 12, 2022 at 2:27 PM

Subject: Woodside Village Rosedale Project

To: <planninginfo@wycokck.org>, <Commissioner@wycokck.org>, <cramirez@wycokck.org>

Dear Planning Committee and Commissioners:

I'm writing to you today in support of the Woodside Village Rosedale project. Up until very recently, I lived in the neighborhood just down the street from this project site at 4600 Cambridge Street, and own several rentals nearby. Blair Tanner and his team listened to the neighborhood and made changes to the plan to accommodate the needs/suggestions of Spring Valley. In my opinion, they have been very accommodating in listening and reacting accordingly. I am writing to express my support of the project.

I believe density is important in creating a sustainable financial situation for a city. I am hopeful that the Woodside project will be built, and expect that having more retail and high quality residential in the neighborhood will be a boon to our property values and to county revenues. The southeast corner of the county is ripe for redevelopment, and in my opinion increasing density here should be a major focus of the county moving forward.

For these reasons, and many more, I am asking you to support and vote YES for the Woodside Village Rosedale project! Quality multi-family apartment living options are needed in our area.

Please let me know if you have any questions about my view on the project..

Sincerely,

Greg La Rue

Date: 10.14.22

Name: CARRIE MATHEWS

Address: ~~606103~~ RAINBOW BLVD. KC, KS.
4509 606103

Dear Kansas City Planning Commissioner's and District
Representatives:

I live close in approximately and I support the Woodside
Village Rosedale Development. I feel it is in the best interest of
the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

Carrie Mathews

Date: 10-14-22

Name: Jacob Nestell

Address: 2109 West 43rd KCK 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



Date: 10/15/22

Name: Jenae Haydu

Address: 4516 Francis St. Kansas City, KS 66203

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Jenae Haydu

Date: 10/15/2022

Name: Matt Hayden

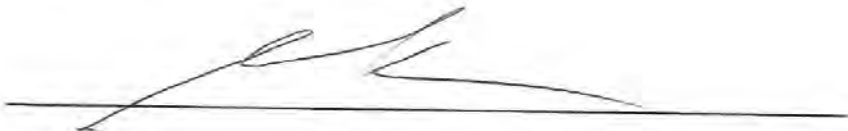
Address: 4516 Francis Kansas City KS 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

A handwritten signature in dark ink, appearing to be 'Matt Hayden', written over a horizontal line.



Subject: Support Our Community & Woodside Village Rosedale Project
To: planninginfo@wycokck.org; Commissioner@wycokck.org

Dear Planning Commission and Commissioners:

I currently own 4512 Rainbow Blvd as a rental property. I bought in the Rosedale area because of its proximity to KU Medical Center, the Plaza, and Downtown. Rosedale is an unknown gem in our city as a safe great place to live and raise a family. This new development will take a blighted, unsightly property that is currently devaluing the Rainbow Blvd. corridor and turn it into a first-class, livable community that will pull the value of all the surrounding properties higher. As an investor, I very much support this.

As someone who has been engaged in our area for many years on many fronts, I understand the importance of connectivity, relationships, strong community, and growing property values. I'm writing you today to support the next multi-family apartment development in Woodside.

I've known the developers for many years and have seen the commitment they have to designing and bringing to fruition a first-class product and experience. They listen to others, they engage with the community and they do what they say they are going to do. Blair Tanner and the Woodside team are trustworthy and put tremendous effort into their developments.

By progressing the Woodside Village Rosedale project forward, the city would show that they appreciate high-quality housing solutions in our area. KCK would demonstrate that smart growth, diverse housing options and reducing the negative impact of exclusionary zoning practices are important to them.

A strong multi-family component in Rosedale and Spring Valley is so critical to the future of our neighborhood and city.

For these reasons, I urge you to support and progress the Woodside Village Rosedale project in front of you throughout the approval process.

Thank you for your service to our community and its future.

Sincerely,

Topher Philgreen
President/Owner



3409 West 222nd Street
Bucyrus, KS 66013
(913) 915-6677

Amy Grant

Subject: FW: Support- Woodside Village Rosedale Project

From: Kimberly Coates/USA

Sent: Friday, May 6, 2022 3:50 PM

To: planninginfo@wycokck.org; commissioner@wycokck.org; cramirez@wycokck.org

Subject: Support- Woodside Village Rosedale Project

Good afternoon:

I'm writing you today in support of the Woodside Village Rosedale project. KCK needs many more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

I have represented and been involved with Multifamily Development in the Kansas City market for many years. These high- end developments are very beneficial for the community as a whole and promote a sense of pride in the community as well as bring an increase in value to the City and overall area.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping will be an amazing addition to the area!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely,

Kim Coates, CAM, CAPS, LEAD

Regional Property Manager, Multifamily

Asset Services – Multifamily, Americas

Direct: +1 952 563 1006

kimberly.coates@cushwake.com



5975 South Quebec Street, Suite 135

1

Amy Grant

Subject:

FW: New Woodside Village Project

----- Forwarded message -----

From: **Kit Stewart** <kitbstewart@gmail.com>

Date: Fri, May 6, 2022 at 12:28 PM

Subject: New Woodside Village Project

To: <planninginfo@wycokck.org>, <commissioner@wycokck.org>

Greetings!

As a former resident of Woodside Village, I am a supporter of the Rosedale expansion project. I would urge you to consider the positive merit of this addition to Kansas City, Kansas and to vote yes to the build.

While I was a resident of Woodside Village from 2019 to 2021, I enjoyed all that this property had to offer. Its location and walkability to shops and restaurants is extremely desirable. As an employee of a small business in Kansas, I love being able to support local entrepreneurs. With the upscale finishes in the apartments, luxury amenities and professional staff, Woodside Village attracts lots of professionals as well as new residents from other cities.

I am originally from Overland Park and never knew this part of the metropolitan area until I moved back from Florida. It's such a vibrant neighborhood and the addition of these well designed apartment homes further the enthusiasm of this little corner of KCK. I am proud to be a native of this state. As a member of the Leadership Lenexa class of 2020, I did gain tremendous appreciation for the work of our public servants. I think this city has an incredible opportunity to continue expansion in a way that shows as an example to the other municipalities that border it.

Please VOTE YES for the Woodside Village Rosedale project.

Thank you for your time and consideration of this matter.

My Sincerest Regards,

Kit Simmons

Amy Grant

Subject:

FW: Support of COZ2021-048 - 4601 Rainbow Blvd.

----- Forwarded message -----

From: **Jason Sadler** <jasonlsadler@gmail.com>

Date: Fri, Apr 29, 2022 at 9:20 AM

Subject: Support of COZ2021-048 - 4601 Rainbow Blvd.

To: Parker, Janet <jparker@wycokck.org>, Toy, Byron <btov@wycokck.org>

Dear Planning Committee and Commissioners,

I am writing you today in support of the new Woodside Village Rosedale Project. This area is greatly in need of more housing, which this project will bring.

I live at 4507 Francis St. and also own 4506 Francis St., which is currently being totally renovated, and own 4523 Francis also, which will be torn down, and 2 new houses will be constructed. When we decided to tear down the blighted house and build 4507 Francis and 4509 Francis, one of the biggest things that drew us to this area was the development and future development of the Woodside Village properties.

I think the design of the new Woodside Village Rosedale project is the best in the City, and does a tremendous job providing a buffer transitioning from single family to multifamily. I would much rather see the beautifully landscaped buffer zone, and then the building, than a large parking lot, and then a building. It will help give the neighborhood a more intimate feeling when entering on 46th Ave. I do not see a problem with the angle in parking or loading zones, because overall that street will become much wider and be able to accept the current amount of traffic much easier. All the on street parking that is there now is a major safety hazard. During emergencies (which unfortunately we have had) firetrucks were not able to enter on 46th ave and make the turn onto Francis.

Perhaps the best part of this design that excites me the most, is finally being able to have a safe path to the woodside village shops and restaurants, and all of the other restaurants down 47th street. Currently there is no sidewalk on 46th ave. so making the turn onto Rainbow in the street, is extremely dangerous, because cars turning onto 46th ave. can not see us pushing a stroller in the street.

I can not think of a better use of that corner property, and I hope that you too support and vote YES for the Woodside Village Rosedale project. It is essential for this wonderful area of KCK to keep expanding and growing!

Thanks!

Jason Sadler

816-309-0945

Amy Grant

Subject: FW: Support - Woodside Village Rosedale Project

----- Forwarded message -----

From: Dayna Brehm <dbrehm@aha-kc.com>

Date: Fri, May 6, 2022 at 11:52 AM

Subject: Support - Woodside Village Rosedale Project

To: <planninginfo@wycokck.org>, <Commissioner@wycokck.org>

Good morning,

I'm writing you today in support of the Woodside Village Rosedale project. KCK needs many more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

I currently manage a portfolio of 11 communities within 10 miles of this project. The improvement of housing opportunities in KCK would be greatly beneficial for everyone in the immediate and surrounding areas.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping excite me very much!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely,

Dayna Brehm CAM, LEAD
Regional Manager

(o)913.432 5247
(c)913 208 4932
www.athomeaptskc.com

Amy Grant

Subject: FW: Support - Woodside Village Rosedale Project

----- Forwarded message -----

From: **Jeannette Cox** <jcox@oddodev.com>

Date: Wed, May 4, 2022 at 7:04 PM

Subject: Support - Woodside Village Rosedale Project

To: planninginfo@wycokck.org <planninginfo@wycokck.org>, commissioner@wycokck.org <commissioner@wycokck.org>

Good Evening:

I'm writing you in support of the Woodside Village Rosedale project. KCK needs more first-class apartment options moving forward. The new Woodside project offers housing options our community needs right now. Not supporting this project will show that our city is averse to positive development and community growth.

I have personally been involved in high-end apartment housing developments in the Kansas City suburban markets and seen the impact it makes within the community. The lifestyle and housing options enhance the vibrancy of the neighborhood, promotes sense of pride in the community and brings economic value to the city and surrounding businesses.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping are impressive and look forward to them coming to life!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and prosperity not a city of the past, projects like this that include a strong multi-family apartment component are crucial!

Thank you for your public service and consideration.

Sincerely,

Jeannette Cox | Executive Vice President

ODDO Development

P: 913.894.6336 Ext. 276 | C: 913.314. 9184

15200 W. 105th Terrace

Lenexa, KS 66219

Toy, Byron

From: PlanningInfo
Sent: Thursday, April 28, 2022 9:25 PM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: Woodside Village Rosedale Project

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](#)

From: Megan Lovelace <meganlovelace@hotmail.com>
Sent: Monday, April 11, 2022 8:29 PM
To: PlanningInfo <Planninginfo@wycokck.org>; Board of Commissioner's Office <Commissioner@wycokck.org>
Subject: Woodside Village Rosedale Project

Dear Planning Committee and Commissioners,

I'm writing you today in support of the Woodside Village Rosedale project. The new Woodside project offers housing options our community needs. I see this to be an extremely positive development and will help our community grow in the right direction.

I just moved to the Rosedale/Spring Valley neighborhood two and half years ago (4458 Francis St). I love seeing this area evolve! I've been a member of Woodside Tennis Club for nearly eight years. I've seen first hand the changes made to better the community and it's surrounding neighborhood. I strongly believe the ownership has what it takes to accomplish its dream of a new apartment structure.

The updates and development at Woodside Village over the last decade have been a huge benefit for our region and the surrounding area. I have no doubt that this upcoming apartment project will build upon the success of Woodside Village. The quality of design, materials, walkability aspects and landscaping excite me very much!

For these reasons, and many more, I'm asking you to SUPPORT and VOTE YES for the Woodside Village Rosedale project. If KCK truly wants to be a city of growth and not a city of the past, projects like this are crucial!

Thank you for your public service and consideration.

Sincerely,
Megan Lovelace
meganlovelace@hotmail.com

Amy Grant

Subject: FW: Please Support Woodside Village Rosedale Project

----- Forwarded message -----

From: **Elizabeth Kennedy** <elizaken10@gmail.com>

Date: Wed, May 4, 2022 at 12:22 PM

Subject: Please Support Woodside Village Rosedale Project

To: <Commissioner@wycokck.org>, <planninginfo@wycokck.org>

Hello!

Hoping you're having a great day. I'm a supporter of the Woodside Village Rosedale project that is going through the Unified Government of Wyandotte County's approval process. I'm writing today to ask for your support of this project and to ask you to VOTE YES to move it forward.

I am a current resident of Woodside Village apartments and have lived there since 2018. I absolutely love living at Woodside. It has a downtown apartment feel in the heart of Westwood, is within walking distance to Westwood park as well as restaurants and shopping on the plaza. They have an excellent management team and a great community of residents. The shops, hair salon and restaurants in Woodside Village have made it even better!

I'm very excited about what this development will do for our community, neighborhood, and the future residents of Woodside Village Rosedale. This project allows for more smart growth and builds upon the success of Woodside that we've seen in the past. We need to keep integrating, connecting, and building our city.

Would the city rather have an abandoned building and a parking lot in a key location or a vibrant place that people of our community can be proud of? I choose the latter enthusiastically!

Embrace new Class A multi-family housing options in our community. Please VOTE YES for the Woodside Village Rosedale project.

Thank you for your time and consideration of this matter.

Best wishes -

Elizabeth Kennedy

Subject: Please Support Our Community by Approving the Woodside Village Rosedale Project
To: planninginfo@wycokck.org; commissioner@wycokck.org; cramirez@wycokck.org;
Cc: btoy@wycokck.org; gand@wycokck.org

Dear Planning Commission and Commissioners:

I'm writing to you as the President/CEO of Youthfront. For 46 years, I have worked at the 47th Street and Rainbow Boulevard corridor. For six years, I lived within blocks of this location. Our organization used to own the land that is now being developed. After the sale of that property, we temporarily relocated a few blocks away while we invested in developing a run-down property by remodeling and constructing our new Youthfront Headquarters at 4600 Rainbow Boulevard. This location is directly across the street from the proposed new development, Woodside Village Rosedale. Building our headquarters here was a \$2.5 million improvement to this corner of Wyandotte County. In fact, my office window actually faces the site of the proposed Woodside Village Rosedale project. I wholeheartedly support this project, which will add to the vibrancy of life and living in this wonderful area.

What has developed along the 47th Street and Rainbow Blvd. corridor over the last several years should be viewed as a great accomplishment by Wyandotte County. As an organization, Youthfront is very active in community development throughout Wyandotte County. Two weekends ago we had teams of teenagers, college students and adults working throughout Wyandotte County on community improvement projects, cleaning, planting trees, clearing abandoned lots, etc. We believe that working for human flourishing is important for our community. For that reason, I am 100% behind the positive impact Woodside Village Rosedale will have in our neighborhood.

Please support this incredible multi-family apartment development in Woodside. Even though it has been years since we sold the property to Blair Tanner and his development team, we have continued a friendship around a mutual desire to see this part of our city become something truly special and life-giving for all. I have come to deeply trust the integrity of Blair Tanner and his team. I know their hearts and desires to improve the quality of living through their developments in our area. What they say they will do.

Approving the Woodside Village Rosedale project shows that our city leaders value high-quality housing solutions. Kansas City, Ks. will prove the importance of sustainable growth, through offering a variety of housing options. Approving this project also reduces the negative impact of exclusionary zoning practices.

This project is critical to the trajectory of creating one of the most desirable areas of Wyandotte County to live in. I urge you to support the Woodside Village Rosedale project through this approval process. Together, let's get this done for the good of our people and our city. Thank you for serving our community now and for your commitment to its bright future.

Sincerely,
Mike King = President/CEO, Youthfront

Amy Grant

Subject: FW: Followup Re: FW: Woodside Village Rosedale

Subject: Please Progress the Woodside Village Rosedale Project
To: planninginfo@wycokek.org; Commissioner@wycokek.org

Dear Planning Commission and Commissioners:

Hope you're having a great day. I'm writing to you today in support of the Woodside Village Rosedale project.

I live down the street from Woodside at 4514 Francis St, Kansas City, KS 66103. I can see the development project area from my front porch. I truly believe this project will benefit our neighborhood in several ways.

The Woodside development and continued improvements, over the last few years, has helped Spring Valley property values increase and have helped keep our neighborhood moving upwards in quality of life. It has made our area more desirable in many facets including housing.

Blair Tanner and his Woodside team listened to me and our neighborhood and made changes to the plan to accommodate the needs/suggestions of Spring Valley. In my opinion, they have been very accommodating in listening and reacting accordingly.

For these reasons, and many more, I am asking you to support and vote YES for the Woodside Village Rosedale Project! Quality multi-family apartment living options are needed in our area.

Thank you so much for your public service, time and consideration. Please let me know if you have any questions about my opinion on the project.

Sincerely,

Dan Thompson

Dan Thompson
Owner- Thompson Enterprise Group, LLC
913-579-2263
DanThompsonKC@gmail.com

Please Support Quality Multi-family Apartments at the Woodside Village Rosedale Project



Jason Grill <jgrillmedia@gmail.com>

Mon, May 9, 12:44 PM



to PlanningInfo, commissioner, bcc: Blair, bcc: Amy, bcc: Bob

Dear Planning Commission and Commissioners:

Good afternoon. Hope you're doing well!

I'm reaching out today to urge you to please support multi-family housing options in Wyandotte County. One way you can do this is by progressing the Woodside Village Rosedale project forward.

The project creates quality, first class multi-family apartments at the entryway to Wyandotte County coming from Johnson County. This project will continue to advance the community and our region moving forward.

Supporting desirable multi-family apartments in Wyandotte County will build a diversity of housing options in the community and show that Wyandotte County is a city of the future and not the past. Demonstrating smart growth and reducing the negative impact of exclusionary zoning practices are important.

For these reasons, I urge you to support and progress the Woodside Village Rosedale project in front of you throughout the approval process.

Thank you for your service to this community and its future.

Have a great week!

Best -

Jason Grill

Consultant - [Apartment Association of Kansas City](#)

Support of Woodside Village Rosedale - Vote YES Inbox x



Kenny Cohrs <kennycohrs@gmail.com>
to planninginfo, Commissioner, jparker, btoy, bcc: me ▾

Dear WYCO Commissioners and Representatives:

Hope you're having a great day.

As a nearby resident in the neighborhood of the potential Woodside Village Rosedale project, I am voicing my **SUPPORT** of the project.

Please VOTE YES in support of Woodside Village Rosedale.

Thank you for your consideration.

--

Sincerely,
Kenny Cohrs, MBA
Co-founding Managing Partner
Liquid Minded Concepts
816.739.2177
kennycohrs@gmail.com

Date: 10/6/2022

Name: GRSG Arnold

Address: 4524 Francis

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



KANSASGA@gmail.com

Date: 10/4/2022

Name: Sarah Sadler

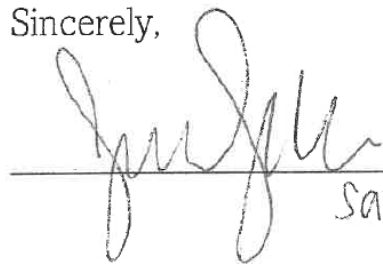
Address: 4509 Francis St. KC, KS

Dear Kansas City Planning Commissioner's and District
Representatives:

I live very close and support the Woodside Village Rosedale
Development. I feel it is in the best interest of the
neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sarah Sadler', written over a horizontal line.

Sarah Sadler, home owner in KC, KS.

Date: 10/5/2022

Name: Sophie Sadler

Address: 4507 Francis St, Kansas City, KS 66103

Dear Kansas City Planning Commissioner and District
Representatives:

I support the Woodside Village Rosedale Development. I feel it
is in the best interest of the neighborhood to move this project
forward.

Please vote YES on the approval of this development/project!

Sincerely,



Date: 10/6/22

Name: Mark Dickenson

Address: 4458 Francis St. KCKS 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



juliannvanlien@4@gmail.com

Date: 10/5/22

Name: Julianne VanLien

Address: 4445 Francis St. Kansas City, KS
66103

Dear Kansas City Planning Commissioner's and District
Representatives:

I live very close and support the Woodside Village Rosedale
Development. I feel it is in the best interest of the
neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

Julianne VanLien

Date: 10/6/22

Name: BETH CIPERSON

Address: 4535 CAMBRIDGE ST KCKS 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Beth Ciperson

Date: 10/5/21

Name: Amber Turner

Address: 4521 Eaton St KC KS

Dear Kansas City Planning Commissioner's and District
Representatives:

I live close in approximately and I support the Woodside
Village Rosedale Development. I feel it is in the best interest of
the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Amber L Turner

Date: 10/6/22

Name: Colt McArthur

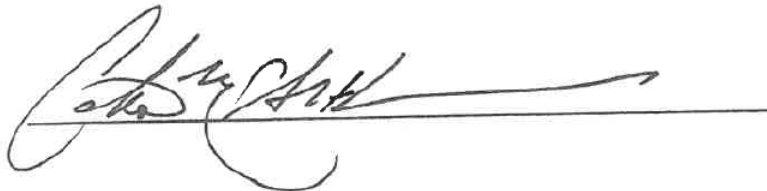
Address: 4836 Booth

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

A handwritten signature in cursive script, appearing to read "Colt McArthur", is written over a horizontal line.

Date: 6 October 2022

Name: Jeff Wells

Address: 4505 EATON ST

Dear Kansas City Planning Commissioner's and District
Representatives:

I live very close and support the Woodside Village Rosedale
Development. I feel it is in the best interest of the
neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Jeff Wells

Date: 6 October 2022

Name: Pascale Simunich

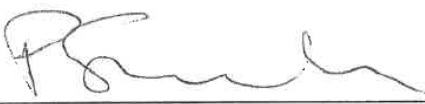
Address: 4505 EATON ST

Dear Kansas City Planning Commissioner's and District
Representatives:

I live close in approximately and I support the Woodside
Village Rosedale Development. I feel it is in the best interest of
the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



Date: 10/5/2022

Name: Amy REARDON

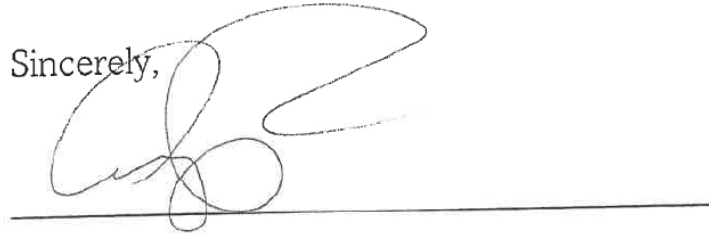
Address: 4501 EATON ST KC KS 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

A handwritten signature in dark ink, appearing to be 'Amy Reardon', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

summer meditation market

Date: 10/6/22

Name: Mohamed Almojmed

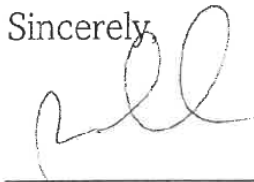
Address: 1404 Westport Rd kc mo 64111

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



Owns: Rainbow Cleaners & KC Car
Gallery

Date: 10-6-22

Name: John Chung Ji Hyun

Address: 4511 Rainbow Blvd.

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "John Chung Ji Hyun", written over a horizontal line.

Date: 10/5/22

Name: Tim Akhmedov

Address: 1903 W. 43rd Place, Kansas City, KS

Dear Kansas City Planning Commissioner's and District
Representatives:

I live close in approximately and I support the Woodside
Village Rosedale Development. I feel it is in the best interest of
the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



Date: 10-5-22

Name: Siara Stahl

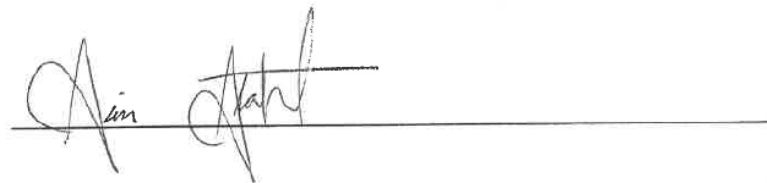
Address: 1903 W. 43rd Place, Kansas City, KS, 66103

Dear Kansas City Planning Commissioner's and District
Representatives:

I live close in approximately and I support the Woodside
Village Rosedale Development. I feel it is in the best interest of
the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

A handwritten signature in dark ink, appearing to read "Siara Stahl", is written over a horizontal line.

Date: 10/18/22
Name: Gayle Bergman
Address: 4520 Francis Street
Email: gayle.bergman@yahoo.com

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

Gayle B

Date: 10-15-22

Name: Claire Butcher

Address: 7508 Francis St

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,



Date: 10-15-2022

Name: Kaleb Cote

Address: 4508 Francis St KCK 66103

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Kaleb Cote

Date: 10/19/2022

Name: Ryan Moore & Amanda Briss

Address: 4522 Francis Street, KC KS 66103

Email: moorwork132@gmail.com

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,

Ryan Moore & Amanda Briss

Date: 10/19/2022

Name: Ryan Morris

Address: 4522 Francis Street KC KS 66103

Email: morrisr40@k1232@gmail.com

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Ryan Morris

Date: 10-18-2022

Name: Jason Sadler

Address: 4523 Francis St.

Email: House2HomeKLLC@gmail.com

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Sadler", is written over a horizontal line.

Date: 10-19-2022

Name: Kevin Sadler

Address: 4523 Francis St.

Email: Kevin.d.sadler@gmail.com

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin Sadler", is written over a horizontal line.

Date: 11/6/2022

Name: James Hennahane

Address: 2009 W 46 AVE

Email: James@hennahane.com

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

A handwritten signature in black ink, appearing to read 'James Hennahane', written over a horizontal line.

Date: 11-6-22

Name: Jasmine Garmo

Address: 2009^{W.} 46th Ave

Email: jasminepgarmo@gmail.com

Dear WYCO Commissioners and Representatives:

I live close in approximately and I support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote YES on the approval of this development/project!

Sincerely,

Jasmine Garmo

Date: 12/10/2022

Name: Michael McKee

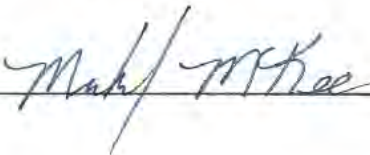
Address: 4604 Rainbow Blvd.

Dear WYCO Commissioners and Representatives:

My business is very close to the Woodside Village Rosedale Development. I fully support the Woodside Village Rosedale Development. I feel it is in the best interest of the neighborhood to move this project forward.

Please vote **YES** on the approval of this development/project!

Sincerely,



Parker, Janet

From: Kenny Cohrs <kennycohrs@gmail.com>
Sent: Monday, October 10, 2022 10:35 AM
To: PlanningInfo; Board of Commissioner's Office; Parker, Janet; Toy, Byron
Subject: Support of Woodside Village Rosedale - Vote YES

Dear WYCO Commissioners and Representatives:

Hope you're having a great day.

As a nearby resident in the neighborhood of the potential Woodside Village Rosedale project, I am voicing my SUPPORT of the project.

Please VOTE YES in support of Woodside Village Rosedale.

Thank you for your consideration.

--
Sincerely,
Kenny Cohrs, MBA
Co-founding Managing Partner
Liquid Minded Concepts
816.739.2177
kennycohrs@gmail.com

Dear WYCO Commissioners and Representatives,

I work and live close to the proposed Village Rosedale Development.

Often I assist with the relocation of Radiologic professionals to work at TUKHS and it is hard to find appropriate housing for them within the area. I also live in neighboring Argentine and feel it is in the best interest of the neighborhood to move forward with this project.

Please vote YES on the approval of this development/project.

Thank you,

Jennifer Polo

Administrative Assistant to the Senior Director, supporting:
Senior Radiology Director Victor A. Sarro MPS, RT(R),
Assistant Radiology Director Tina Crain, CRA, MS, RT(R)(N)(QM),
and the Department of Radiology
The University of Kansas Health System
Radiology Department
Phone 913-588-1814 | Fax 913-588-8393 | JPolo@kumc.edu
4000 Cambridge St., Mailstop 4032, Kansas City, KS 66160

Dear Wyandotte County Commissioners:

I hope you're having a wonderful week. First off, thank you for your public service.

Second, I wanted to share **SUPPORT for the Woodside Village Rosedale** development on behalf of the owner addresses and entities listed below (all within a close radius of the project).

4604 EATON ST, KANSAS CITY, KS 66103

4606 EATON ST, KANSAS CITY, KS 66103

4607 EATON ST, KANSAS CITY, KS 66103

4608 EATON ST, KANSAS CITY, KS 66103

WOODSIDE RACQUET CLUB MANAGEMENT, INC 2000 W 47TH PL, WESTWOOD, KS 66205

WOODSIDE RACQUET CLUB MANGT INC 2000 W 47TH PL, SHAWNEE MISSION, KS 66205

WOODSIDE RACQUET CLUB MANAGEMENT, INC 2000 W 47TH PL, WESTWOOD, KS 66205

I appreciate your consideration of a positive **YES VOTE** to approve Woodside Village Rosedale on October 27th. Thank you!

Sincerely,



KATIE SWETALA

WOODSIDE

General Manager

913.275.5939 | clubwoodside.com

2000 W. 47th Place, Westwood, KS 66205



October 19, 2022

Dear Commissioners:

I hope you are all doing well. I am writing on behalf of Argentine Betterment Corporation in support of The Rosedale Woodside Village Proposal.

ABC feels that this proposal is great for our community and is not a project that Wyandotte County can afford to pass on. This project is a phenomenal economic opportunity for our county to generate a great deal of tax revenue while also providing housing we so badly need in the area. Our organization has spoken with KU and even UMKC, the students and staff have encountered a massive struggle finding available housing in the area. This project would be a great opportunity to gain new residents, increasing our tax base while also keeping current residents in Wyandotte County.

The Woodside development has already shown to be a very successful development over the last several years and this project will only make it more lucrative for our county.

I ask that you please vote yes on this important project.

Thanks for your consideration,

Micah King

Argentine Betterment Corporation

Toy, Byron

From: Parker, Janet
Sent: Friday, April 29, 2022 10:23 AM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: COZ2021-048 4601 Rainbow Blvd Proposed development

FYI

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](https://openforms.com/Planning&UrbanDesign/DepartmentFeedbackForm)

From: Natalie F <nf6868@gmail.com>
Sent: Friday, April 29, 2022 10:03 AM
To: Parker, Janet <jparker@wycokck.org>
Subject: COZ2021-048 4601 Rainbow Blvd Proposed development

I regrettably oppose the Woodside Phase two project at 46th and Rainbow Blvd. After attending the meetings with Woodside and the developer, I find 2 main areas completely objectionable.

First, use of 46th St. and Eaton St (hill). We (the neighborhood) have consistently expressed our opposition to the use of 46th street as well as Eaton St. for use by this project. The most current iteration of this project's plan, which I oppose is:

- Dumpster/Trash pick up for the entire 171 apartments on 46th street. This means the garbage truck will come several times a week with a lot of noise, possibly early in the morning several times a week to pick up trash.

- Drop off Zone for deliveries to this apartment complex. This means FedEx/UPS etc. trucks will be using 46th street multiple times a day to drop off and pick up packages using our neighborhood to enter and exit for apartments.

- Angle in parking for residents and overflow from workers, patrons, etc. This is terrible parking and dangerous in terms of being able to see. The road is currently not very wide and this increases traffic and hazards. This is born out by my experiences with the angle in parking at Woodside Village (on a much wider road) It is very hard to see to back out. I often have my passenger stand outside the vehicle and help me back out b/c of the sightlines. In addition, vehicles that

are too large (pickup trucks & large SUVs) consistently park at the angle in parking and their rear ends stick out into the road. This causes drivers to have to veer into the oncoming traffic lane to get around them. The road is much wider than 46th and it is a problem there.

- There is not enough parking slotted for this project its tenants, employees, and visitors to Woodside village. For example, the employees at Woodside Tennis and Racquet currently park in the gravel lot at the top of the Eaton St. Hill which will no longer be available once construction starts. Already, these workers park in our neighborhood when they are unable to ascend the Eaton st hill to park during inclement weather. Where will they park once construction starts?

Second, the mass and height of the structure will cause several houses in our neighborhood to be in a permanent shadow in the winter months. There is no need to create this in our neighborhood when the solution is to scale the building back to a reasonable size much like the original apartments (91 units as opposed to the proposed 171). Blair Tanner has the ability to build a bigger more massive building on property he owns to the south of the current Woodside village which is a much more appropriate place for something of that size. Not only do I oppose the mass and height of this project because it is detrimental to our neighborhood and the quality of the neighborhood, but it also goes against the Rosedale master plan.

Solutions:

- Completely close 46th street after the Dentist's offices driveway (like Hanover Heights by McDonald's)
- Permanently close the Eaton St. Hill beyond Shanda and Matthew Shoaf's driveway
- Eliminate apartments front doors on 46th street - thus eliminating any need for parking on 46th street
- All traffic using the new apartments must access from Rainbow using the existing large driveway which aligns with 47th. This would include delivery trucks, garbage trucks, etc.
- Eliminate the trash door, trash pick up and deliveries from 46th street altogether.
- All parking for employees, patrons, and tenants would be in any of the already established and owned by Blair Tanner parking lots on either side of 47th Place.
- Scale the building size to fit the Rosedale Masterplan and be an addition to our neighborhood and not a detriment.

One additional note, I want the UG to insist that when and if construction begins that no construction workers, their vehicles, construction equipment, etc. be parked in our neighborhood or used as a "storage place". We must insist that the Spring Valley Neighborhood and its residents be respected.

Finally, I am not opposed to this developer and the development of this area. However, we the Spring Valley neighborhood residents and homeowners must be partnered with and listened to. I hope the planning commission supports us and helps us partner with this developer in a way that supports our established, growing, and active neighborhood.

Sincerely,
Natalie L Fox
4525 Eaton St
KC KS 66103

Toy, Byron

From: Parker, Janet
Sent: Thursday, April 28, 2022 7:50 PM
To: Toy, Byron
Cc: Parker, Janet
Subject: FW: Woodside Rosedale Project

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

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Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](https://openforms.com/Planning&UrbanDesign)

From: Valorie J Wells PhD <valoriejwells@gmail.com>
Sent: Wednesday, April 27, 2022 12:08 PM
To: Parker, Janet <jparker@wycokck.org>
Subject: Fwd: Woodside Rosedale Project

Please add my comments to next UG Planning Commission regarding the Woodside Rosedale Development proposal. Thank you.

Valorie J Wells Fenton
Sent from my iPhone

Begin forwarded message:

From: Valorie Wells Fenton <valoriejwells@gmail.com>
Date: April 25, 2022 at 8:44:33 PM PDT
To: cramirez@wycokck.org
Cc: Erin Stryka <erin@rosedale.org>, mbynum@wycokck.org, Kelly White <kwjco@hotmail.com>
Subject: Woodside Rosedale Project

Dear Commissioner Ramirez,

Please accept this message as our protest against the Tanner & White proposal to build the Woodside Rosedale Project in Wyandotte County.

Our concerns are:

16 diagonal parking spots on 46th Ave...where there is currently No Parking.

Code variances to Rosedale Master Plan specific to height, length and neighborhood integrity

TIF allowances for building in Wyandotte County to fund expansion in Johnson County

And worst of all, all these "allowances" will only provide housing for people who can afford an average of \$2,400./month in Wyandotte County

None of this is in keeping with the Rosedale Master Plan which our neighbors worked on for a long time.

We agree that multi-family housing is needed in Rosedale and, as you pointed out at the meeting, we need to provide affordable housing, as well as luxury apartments.

We would like to see a new proposal to build a two or three story complex in the same area with a more equitable mixed use.

If Tanner & White will not modify their proposal, we ask that the UG Planning Commission deny their requested code variances and certainly do not allow them a TIF.

Kenneth & Valorie Fenton

Toy, Byron

From: Kelly White <kwjco@hotmail.com>
Sent: Friday, April 29, 2022 1:23 PM
To: Parker, Janet; Toy, Byron
Subject: Comments for COZ2021-048

Below is my statement of opposition to the change of zone request, COZ2021-048, located at 4601 Rainbow Blvd. Please include my comments to the file for staff review for the May meeting.

It is evident when you read the 2016 Rosedale Master Plan an extensive amount of research, planning, and community engagement was put into creating a blueprint for Rosedale. It clearly defines why planning is necessary for a city, what is important to Rosedale residents, where our weaknesses are, and where we have opportunities to improve. The project being proposed by developer, Tanner & White Properties, is in many ways a complete contrast to the Rosedale Master Plan.

The developer has submitted an "update" to a traffic study that was completed in **2011**. It cannot be overstated how much the surrounding area of 47th and Rainbow has changed in the past 11 years. For example, the developer's current apartment complex and retail units located at 47th and Rainbow was not even constructed until 2015. There are three neighborhoods that will be directly impacted by an increase in traffic these apartments will create. They are Spring Valley, Westwood, and Frank Rushton. For the sake of safety to these residents and others passing through here, a new and complete traffic analysis should be conducted before 171 units and over 200 parking spots should ever be considered.

Not only does the Master Plan provide us with information on our weaknesses and opportunities, it also defines areas of threat to our community. One of those threats is decreasing affordability in housing. The developer is planning an apartment building with an average rent around \$2,100.00 per month for studio and 1-bedroom apartments and 2 or 3 bedrooms going as high as \$2,400.00 per month. That is by no means affordable housing.

It was stated on their change of zone application "the complex will promote a diverse population to make use of the nearby employment center, shopping, entertainment and transit." The cost of rent at this complex will promote the opposite of a diverse population. What the complex will do is "indirectly drive business to their club and retail area so they can then build the third apartment complex next to the club." What makes that statement, made by their representative, even more egregious is the developer can request, and most likely receive, incentives to create unaffordable housing. While this is of course is the current policy and they have every right to request some sort of abatement, there are areas throughout Wyandotte County where incentive money could be put to much better use than to be given to Tanner & White Properties to build luxury apartments.

Another threat to the adjacent neighborhood, Spring Valley, is the encroachment of parking along 46th ave. The addition of 16-20 parking spaces along there will add to cars pulling in and out throughout the day. There will be more traffic along 46th Ave. even if the garage access to the complex is removed from this street. This street will be a popular shortcut for residents and visitors of the complex to use to avoid the already heavily congested Rainbow Blvd.

Finally, the height and length of this project is just too large and allowing it to be constructed will set a precedent that may not be in the best interest of the neighborhoods directly impacted by such density.

It is safe to say most Spring Valley residents are strongly opposed to this project as are some residents of nearby neighborhoods. I respectfully request this project be denied for all the reasons I have outlined and for reasons other residents will bring to your attention.

Sincerely,

Kelly White
President, Spring Valley Neighborhood



HANOVER HEIGHTS

A National Historic Neighborhood in Kansas City, KS

tucked between State Line and Rainbow & 43rd and Olathe Blvd

April 27, 2022

Gunnar H Hand
Director of Planning

Rob Richardson
Department Coordination

UG Planning Commissioners
Kansas City, KS 66101

Re: Change of Zone – 2021-048
Blair Tanner - Woodside Village Rosedale

Gentlepeople:

On Monday April 25th we met with the applicant of the above rezoning application at Westwood City Hall and his team presented their projects plan revisions. You should have a written summary of this neighborhood meeting for your review. The applicant clarified that he had revised his plans pursuant to Community concerns. We likewise afterwards expressed our concerns of these new plan revisions.

Very simply, we see this application as having a clear disregard of many provisions contained in the adopted Rosedale and the overall Community master plan. Approval of this submittal will be of a precedent setting nature for urban design along Rainbow Blvd. Our opposition not only includes non-compliance with these UG provisions but includes the need of traffic intersection improvements for safety, building massing considerations when adjacent to residential, and community dialogue/participation of future UG tax incentives for a project in this state of non-compliance and lack of community support. While we know this is currently the developers right to ask, this may change in the future. More specifically, we:

Oppose: Any deviations required for approval for this proposal until closer compliance with the Requirements and Guidelines contained in the UG Code and Rosedale Master Plan are met.

The building and site design functions could be altered to address lessening impacts and giving protections to the Spring Valley neighborhood and surrounding neighborhoods. As an example this 'design protection' was incorporated with the LaneFour development of 39/Rainbow complex. To accomplish this it would involve a design having denser building mass fronting Rainbow and lowering building mass as it transitions to the residential neighborhood along 46th street. Additionally, the Rainbow Blvd streetscape currently has no buildings taller than four stories, with the exception of the Public building facilities on the KUMed Campus. Even the existing Woodside Village development has only three stories of apartments with one level of retail. This current proposal will be taller. (See Design Example of 39/Rainbow attached) having lower heights of parking garage fronting residential and transitioning building mass toward Rainbow with four stories. Similar building density for this project should be along Rainbow with protection of adjacent inward residential uses.

Oppose: Any additional, new development without the inclusion of dedicated/separate turn lanes at 47th and Rainbow intersection given current uses (unrestricted car wash and other adjacent uses access) to ensure traffic safety.

There are currently dedicated turn lanes and access limitations with new development at both 39th and 43rd streets along Rainbow Blvd. As anyone who travels Rainbow Blvd knows they will tell you that the existing uses in both Westwood and KCKS are presently impacting the movement of thru traffic. This is exacerbated further with the closeness of 46th streets access. Without directional traffic improvements conflicts will worsen and this should be acknowledged by the applicant and addressed with any future development.

Oppose: Any developer related incentives of this proposal without much closer Master Plan and Code compliance with involvement of the Rosedale Community of current UG Policy.

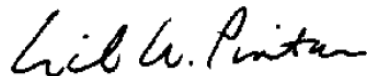
While we understand that this topic is for the UG governing body's purview, incentives need to be closely weighed to ensure there is direct benefit to the Community. Additional public school students generated with this proposal will place a burden on the current Rosedale and School District funding. Impacts of the proposal on the existing and 'dated' Public Infrastructure will mandate funding of future UG funded public improvements also.

Finally, we support other development related concerns expressed at our meeting on Monday by the Spring Valley neighborhood. We would welcome the opportunity to work with the UG Planning staff and applicant on future development plans at this location. We believe there is no reason why collaboration cannot be accomplished in good faith with the community, the developer and the City. However, collaboration is a two way street and should not be at the expense of the community.

In summary, we cannot support the current application and short of withdrawal by the applicant, we recommend DENIAL of this rezoning request based on the following:

- Noncompliance with the Rosedale and overall master plan provisions that are meant to protect existing neighborhoods,
- Acknowledgement and addressing traffic safety concerns and reality for needed traffic improvements (contrary to any traffic study, updated or not) with any future more intensive development of this kind, and separately,
- Rosedale Community involvement of any requests of UG development incentives for this project without Master plan compliance and support from the Community at large.

Sincerely,



Gilbert A. Pintar,
President Hanover Heights

ec.
attachmts

I regrettably oppose the Woodside phase two project at 46th & Rainbow Blvd.

The two main problems are: **TRAFFIC** and **MASS/ HEIGHT**

1. **TRAFFIC:** I oppose any usage of 46th St by the project. NO parking, No dumpster.

*46th St is a narrow 22ft wide, and already is used as a "commuter/ connector" street with lots of cars passing through during rush hours, and also dump trucks, cement trucks and occasional semi-trucks.

*The developer wants to add "angle-in" parking which is the worst form, as its difficult to see when a car is coming.

*Developer wants a "drop-off zone" on 46th which means all the UPS/ Fed Ex trucks then using our neighborhood as their exit.

*Developer wants the main dumpster site for 171 apts to be on 46th st, which means the garbage dumpster truck comes several times/week with a lot of noise.

*the Dental office at 46th & Rainbow currently uses 46th for guest and employee parking.

Woodside project will use up all their parking...

*developer has made no improvement to existing inadequate delivery access a

***Employee parking:** The "Eaton Street hill" access to north side (back side) "loading dock"/ gravel parking lot of Woodside Club **must be closed**. The new project **MUST INCLUDE** access from Rainbow to backside of the Club and also parking for employees of Club and the retail tenants of existing development. The existing big driveway from Rainbow must be extended to backside of the club. Currently, some Club employees use the gravel lot, and the retail/ restaurant employees use the front area of 4601 Rainbow..... but these will be lost with the new construction. Where will the employees now park ? The Eaton St hill is notoriously steep and unuseable in snow/ ice conditions..... Owner needs access to backside of the Club and there is room for limited employee parking. **Eaton st. hill must be closed permanently.**

SUMMARY: 46th st. is much too small to handle increased parking, delivery trucks, etc. The neighborhood gathered signatures and prefers that 46th st be closed permanently at Rainbow

SOLUTIONS:

1.) ALL TRAFFIC using the new apartments **MUST access from Rainbow** using the existing big driveway which aligns with 47th. This to include delivery trucks, dumpster trucks. The existing BIG driveway is more than adequate to handle the traffic. No use of 46th st at all for parking, deliveries, dumpsters, etc. And, No further access via **Eaton st.** No apartment front doors onto 46th !

2.) 47th Place in Westwood can be widened to accommodate parking 47th Place already is MUCH WIDER than 46th, AND has double the amount width of right of way, AND and Blair Tanner controls all the property along both sides. 47th Place. We suggest he increase parking on the Westwood side of the development. City of Westwood is currently considering to redo 47th, so timing is appropriate.

MASS/ HEIGHT:

Its too large. The existing Woodside phase one is only 91 units and on a smaller parcel.

Phase two at 173 units, stacked six or even four stories creates a canyon effect for the homes along 46th. Developer acknowledged in our neighborhood meeting that several homes will be in permanent shadow during winter months, when we need the sun the most !

The 4601 Rainbow parcel is much larger, the size of Chiefs football field ! Developer could easily reduce number of units to 91 and build without needing any variances ! Developers design is premised upon a clumsy, inefficient multi-level parking garage which wastes space. If they would

use the ground level of their site as a “basement” parking garage, it would hold 180 cars, and also allow the building to be several stories shorter.

Developer owns three tiny vacant lots 4604, 4606, 4608 Eaton St at top of hill and directly adjacent to project site. This area is currently used for unimproved parking for employees of Woodside Club, in fact there is an “impromptu” gravel driveway from Phase 2 site into this parking area. This parking area must be included in the redevelopment project and needs landscaping and fencing which screens it from the neighborhood.

Chris Steiniger
4529 Francis St
KCKS 66103



HANOVER HEIGHTS

A National Historic Neighborhood in Kansas City, KS

tucked between State Line and Rainbow & 43rd and Olathe Blvd

Gunnar H Hand
Director of Planning

October 18, 2022

UG Board of Commissioners
Kansas City, KS 66101

Re: Change of Zone – 2021-048 Blair Tanner - Woodside Village Rosedale

Dear Commissioners:

The above rezoning will come before you at your next meeting.

Respectfully we ask all of you who will hold the Developer accountable to comply with the adopted Rosedale Master Plan? Evidently not the Planning Staff who seemingly has no stake in being an advocate for the Community they serve. How can they support a project that would be so divisive to the Community? Ask the Developer if he came to any of the numerous public meetings and workshops on the Master Plan process or if he provided comments as a true stakeholder? The answer is he did not. RDA, KUMed Center and both resident and non-resident business stakeholders of Rosedale were present and engaged in this Community driven plan. We knew that Rainbow in particular was being looked at by many investors and that it was timely for us to have a current plan in place to guide land uses and the future built environment to limit impacts on adjacent neighborhoods.

The best example of "true Community engagement and collaboration" was on Lane 4's 39th Rainbow development fronting Rainbow across the street from KUMed with their FOUR story structure and its placement NOT impacting the adjacent Adams street residential neighborhood. This design was part of a 'cooperative plan' spearheaded by the RDA, the Developer and Rosedale Community.

In our view this rezoning application is a Developer driven proposal. There has been little support by the Developer and his team to embrace the spirit and intent of our Master Plan. It is somewhat puzzling and totally contrary to their early web site outreach statement (since taken down), see the attached screenshot stating that the "*number one priority* throughout this process and project are discussions with neighbors of the Rosedale and Spring Valley Community". No, not the case.

What you have before you is a project that's taller than what was envisioned by the Master Plan and one having direct impacts on the adjacent residents as proven by their own shadow study and will undeniably increase traffic thru the Spring Valley neighborhood, let alone impacting the intersection at Rainbow and 47th street, especially without dedicated turn an thru lanes that were a part of the Community supported Lane 4 development on the corner of 39th and Rainbow. This is a Developer driven plan and is shortsighted. In the near future City officials should collaborate with the City of Westwood and the State to promote a safe Rosedale Corridor along its entire length.

Please hold the Developer accountable and deny this application as it will set a huge precedent for future development along Rainbow. It does not embrace the Community Master Plan and does require deviations from City regulations. Please advocate for the Master Planning process.

Sincerely,

Gilbert A. Pinter, President Hanover Heights



What is the neighborhood outreach plan?

Woodside Village Rosedale's number one priority throughout this process and project are discussions with neighbors of the Rosedale and Spring Valley community, HOA representatives and UG of Wyandotte County and Kansas City, KS leaders.

Leaders of Woodside Village Rosedale project are meeting and discussing the overall project with neighborhood leadership and residents from the Rosedale and Spring Valley community on an ongoing basis.

Throughout the upcoming process with UG of Wyandotte County and KCK, the leaders of Woodside Village Rosedale project look forward to talking and listening to neighbors and residents of the Rosedale and Spring Valley community and answering questions they might have regarding the project.

<https://www.rosedale.woodsidevillage.com/>

Ms. Parker:

Please accept these as my written comments indicating my opposition to the proposed development at Woodside. I oppose this development for the following three reasons. First, the development will impact the neighboring homeowners in permanent and adverse ways. I refuse to prioritize the convenience of Blair Turner's business plans over the experience of my neighbors who are hardworking citizens, committed to living in Wyandotte County. These neighbors bought their property and made improvements, including installing solar panels, only to be told that their ownership will be compromised solely because we value commercial development over individual homeownership.

Second, I oppose the development because it is not in accordance with the Rosedale Master Plan. The Plan was developed after hours of hard work by committed community members. It represents the spirit of the community. Allowing a deviation from the master plan for a large corporation should not be taken lightly. Rosedale Development Association and Hanover Heights both oppose the development based upon the best interests of the neighborhood residents. This opposition should mean something to our Government leaders. Mr. Turner can comply with the master plan and still make a very healthy profit. Setting a precedent that allows businesses to skirt the Master Plan will have devastating consequences. We should not put the selfish interests of a business over the well-being of our community members. There is no reason not to demand that a business comply with the Master Plan. If Mr. Turner can not do that, another developer will.

We are not a desperate community in Wyandotte County and we need to quit acting like we are. Pointedly, Mr. Turner is the actor responsible for the current, unattractive state of the property -- which is the most cited reason his supporters are championing the project. Does it make any rational sense that our government and constituents are expected to reward Mr. Turner's negligence of this property?

Finally, this project does not reflect the values of Wyandotte County. Mayor Garner campaigned on housing security and equality for all Wyandotte County residents. These apartments will rent at a minimum of \$2,000 per month. That is not affordable housing for a Wyandotte County family. The development will lead to impermanence in the community. The quality and price of the apartments will not encourage residents to become active stake-holders in our community. Instead, the apartments will consist of residents who are passing through Wyandotte, with no intent to invest into the community -- a phenomenon we've seen happen time and time again, just look at our neighbors around Troost in Kansas City. It is hard for me to see how anyone but Mr. Turner gets any benefit from this project. I am not development adverse, but this is not the right development for *this* neighborhood. Please note my well considered opposition..

Sincerely,

Jennifer Tatum
4455 Francis
Kansas City, KS

I think it would be a mistake to offer any tax incentives to this development. This plan offers only luxury apartments with no provision for affordable housing which is part of the Rosedale master plan and which is needed in our area. Also, the development does not fit in with the neighborhood because of its size and scope.

Karen Kawa

I'm in opposition to the Woodside project as currently proposed. Although the developer has made changes to decrease the mass and size of the building, and lowered the number of apts, the **TRAFFIC IMPACT problem is not yet resolved**. This problem CAN BE SOLVED with a little more effort.

TRAFFIC PROBLEM has TWO COMPONENTS:

- 1.)access to 46th st, a very narrow neighborhood street
- 2.)the Eaton St hill access to the "behind/ north side" parking lot/dumpster area for Woodside Club

Regards #1, I called Kansas Dept of Transportation Oct. 18 & 19 to inquire possibility of adding a "drop offs/ pick ups" lane to Rainbow. (KDOT calls these "parking lanes) Such an additional lane would allow for: public bus, UPS, Fed Ex, Uber, pizza deliveries all to park directly in front of the building on Rainbow, and then exit back onto Rainbow, WITHOUT DRIVING INTO OUR QUIET NEIGHBORHOOD. Oct 18 &19, I spoke directly with:

- Scott King, Topeka, Director of Engineering & Design
- Ryan Barrett, Bonner Springs office, Engineer/manager for Wyandotte
- Mike Rinehart, Olathe office, Engineer/manager for JoCo and also Rainbow Blvd corridor
- David Seitz, Topeka, Director for Access Management

- a) All of these individuals agree its possible to establish a "parking lane" in front of the project. They just ask to be included, and have time to study the request
- b) NONE OF THESE INDIVIDUALS were aware of the Woodside project, not had any conversations with the developer previously. **This goes against developers PUBLIC CLAIMS that they had asked KDOT for permission and been denied.....**

Second, closing 46th st just behind, (east property line) of the Dental office at 46th & Rainbow, will also help keep traffic out of our quiet residential neighborhood. In fact, the truncated portion of 46th, adjacent to Rainbow and the Dental office, would then become a "mini-cul de sac" which would be devoted to Woodside and

the Dental office. The Win-Win result is that the neighborhood gains traffic calming, and becomes more walkable; the two business gain space for their own customers to access the properties directly from Rainbow; the Public Bus gains a safer place for a new stop; Woodside phase two gains a more calm, tranquil north side.

Summary: CLOSING 46TH St combined with establishing a “parking lane” along Rainbow Blvd solves most remaining problems.

Regards #2, EATON STREET HILL and access to Woodside Club dumpster and employee parking-

Developer claims they will arrange access to Clubs north side for employees of the Club and also the restaurants in existing phase one, from their existing “big driveway”. However, Developer also has long term plans to expand the Club onto the area now used for employee parking..... Where will the Club and restaurant employees park then? We need a detailed plan for permanent solution for access to north side of the Club, the dumpsters there, and employee parking.

A minor point, is that the SIDEWALK along 46th which developer offers as enticement, is proposed only along his property frontage, NOT continuing through even as far as Eaton st. Furthermore, proposed sidewalk terminates at east end of frontage where the topography is 10-12 ft ABOVE 46th ---- Suggest Developer be required to construct sidewalk along street grade level all the way to Eaton. Pedestrians will still endure walking on 46th eastwards from Eaton towards State Line.

Chris Steineger
4529 Francis St
KCKS 66103

Areas of concern with the Woodside Village Rosedale Project at 4601 Rainbow Blvd.

My Vote is to “**OPPOSE the Construction and Deny the Building Permit & DENY ANY TIFF/CID Funds**” based on evidence, refusal to meet requirements of the Rosedale Master Plan and discussions with Blair Tanner and Block Construction.

1. Mr. Tanner stated he knew the size of the building was an issue and especially the height yet he did not intend to fully comply with the Rosedale Master Plan and that even after concerns were raised during the Spring Valley discussions. Even with **the latest changes** nearly a “YEAR” after initial reviews it still **exceeds** “The Height Maximum of the Rosedale Masterplan and Planning Standards by multiple stories based on requirements of the adjacent residential housing. Also the Length of the complex still **“Exceeds” the Masterplan maximum by over 100 ft. in length” and Multiple Stories in Height and Still includes the 46th Street Drop Off Zone for all Deliveries running Semi, and Regular Delivery Vehicles onto 46th Street (all Tenants must use this spot to offload their belongings to move into and out of the complex) all 159 Units Worth.**
2. The “2nd phase of Woodside Village” was slated to begin construction within 3 years of the completion of Phase 1. Westwood promised to provide Tanner Properties/Woodside 4.7 acres of Westwood Property free and clear for use to build the 2nd stage. Along with that Free 4.7 Acres, Westwood was going to provide an Additional Twenty-Two Million Dollars (\$22,000,000) in TIFF/CID incentives. Westwood Set Mandates to get these benefits:
Phase 1 had to meet the following requirements:
A. Phase 1 Complex **MUST** maintain 90% Occupancy for 1 year
B. Phase 1 Must Maintain Sound Financials
Westwood after lengthy review “**CANCELLED**” their agreement with Tanner Properties for Failure to Meet Those Requirements. They Did Not Maintain 90% Occupancy in Phase 1, and as

discussed and Voiced by Blair Tanner, three times in the November 16, 2021 Neighborhood Meeting Woodside Racquetball Club / Phase 1 were ailing financially.

3. During that Nov. 16, 2021 meeting Mr. Tanner stated no less than **three** times he was driving all new tenant money toward financially beefing up his financially ailing Woodside Racquetball Club as it was in dire straits. This issue and Mr. Tanners comments about funneling money to prop up Woodside was questioned specifically by the Spring Valley Neighborhood Association President and others who asked why we should agree to Mr. Tanners request to build.

After this last admission and once being questioned about his use of all funds to enhance his Woodside Projects Mr. Tanner noticed UG Council member Christian Ramirez was in the room. Mr. Tanner then rushed to walk back the comments and cover them up. It was again asked why SVN should make all these concessions only to financially support Woodside, Westwood and Johnson County. It was then asked how much money Mr. Tanner planned to ask for in TIFF/ CID funds. Mr. Tanner became very upset and defensive as he knew he had already outed his intentions at which point the UG Council Member stated this gave him major reservations. (Again this Whole Meeting was Audio Recorded and is available per request).

The follow up meeting held April 25th, 2022 confirmed these very issues once again as Mr. Tanner made similar comments yet also stated that he fully expects the UG to provide substantial TIFF/CID Funds to fund this project and to offset construction costs.

All this said, here are my issues and requirements for construction summed up.

1. The Woodside Village Complex plan must be downsized to meet the exacting details labored over for years in the Rosedale Master Plan. No Concessions will be approved by the residents of Spring Valley Neighborhood.

2. No TIFF / CID Funds should be allocated to this project. The UG MUST LEARN from Westwood who **Cancelled** Tanner Development for Phase Two as he did not meet their contractual mandates even when being offered Free Land, and \$22 Million Dollars in Incentives, he couldn't make it work. This is a High End Development with Avg. Rents "Exceeding \$2400" per Unit and the Owner stated multiple times all funding (especially incentives) will be to prop up his failing Johnson County Business and Developments. This will NOT Benefit Wyandotte County or the UG to provide tax incentives to a group who's stated goal is to funnel those funds into Johnson County! Again this will be easily confirmed by UG Council person Mr. Ramirez who was in attendance for the meeting. This can also be proven if requested as I will gladly provide an audio copy of the meeting.

Conclusion: Allowing this project to continue and handing Blair Tanner TIFF/CID funding to build Luxury Apartments Provide no benefit to the local neighborhood nor Unified Government other than Bilking Taxpayers for the Operators ALREADY FAILED construction project in Phase 1. This will also cause massive rent increases to local residents within SVN which further decimates affordability and degrades the Single Family atmosphere in our neighborhood.

The UG MUST Fully Recognize how Westwood cancelled their deal with Blair Tanner as a Notice to Not provide him any funds as his projects have failed to meet previous requirements and the Financial Viability of the Owner and his Woodside Business is in question.

VOTE NO, Please!

Very Respectfully,

Bill

William Siggins
Surface Operations / Lead Pipeline Security Assessment Team Member
DHS/TSA – Region 3
816-783-3521 (Work-Cell)
William.Siggins@tsa.dhs.gov

Parker, Janet

From: Marisa Butler <marisabutler@gmail.com>
Sent: Friday, October 7, 2022 8:07 AM
To: PlanningInfo
Subject: 4601 Rainbow comments

I am Expressing my Concern about the Proposed Development by Woodside Development, application number COZ2021-48 Woodside Village Rosedale, 4601 Rainbow Blv.

I see that the planners have attempted to just barely meet the criteria for the master plan design guidelines by cutting out a section of their building at the back. Though this does technically meet the guidelines, I still struggle to see the beneficiaries of the plan outside of Woodside owners, they certainly aren't for the houses on 46th street that will be in shadows for multiple hours a day after the building is completed, according to the shadow study that was completed on the revised project. They aren't for the residents on 46th street, who will see an increase of delivery trucks and traffic as more than 100 units are added. The traffic study was done predicated on an assumption for already increased traffic to the area, so their numbers given for increased traffic are in addition to an assumed increase and they seem artificially low to someone who drives in the neighborhood. Our current neighborhood streets are not passable by two vehicles at the same time and are routinely clogged when two opposing cars meet or when an Amazon or UPS truck comes down the street.

To add, this building and the developers have not committed to add any affordable units in a neighborhood that has become increasingly unaffordable. One of the greatest strengths of WYCO in my opinion is its affordability and diversity which is at risk when people become priced out. I don't have a problem with adding additional units or density to an area to create overall affordability, but this project does not do that in any way. In fact, the \$2400 price tag seems as it will only encourage increased rents in the area.

I can say personally that Woodside has not been trustworthy or a good neighbor to Spring Valley. We've put up with construction runoff and their attempts to route large trucks through our neighborhood. These trucks would routinely get stuck and block residential driveways for hours. They didn't stop until neighborhood opposition rose and the city stepped in with signage to make them stop. I also want to add that Woodside's previous phases were built cheaply and had severe mold issues, so I am not trusting current promises to do right by neighbors.

I would also ask what community value does Woodside provide? They don't provide any discount to residents in our neighborhood to make their facility more affordable or attractive to Wyco residents, in an area that doesn't have its own community fitness facility or public pool. Again, the proposed units are not affordable in any way to people already living in the area. I am still strongly opposed to this project despite the changes the developer has made. I also oppose any use of incentives or financing for this project, as we need them to incentivize projects that actually benefit Wyco residents.

Marisa Butler
4462 Cambridge Street
Kansas City, KS 66103

Parker, Janet

From: Valorie J Wells PhD <valoriejwells@gmail.com>
Sent: Friday, October 7, 2022 10:57 AM
To: PlanningInfo
Subject: Woodside Rosedale Proposal

Dear Planning Commission,

As a long-time resident of Spring Valley neighborhood and a member of the RDA Board of Directors with a seat on the Rosedale Master Plan Implementation Committee, I must express my opposition to the Woodside Rosedale Proposal.

In addition to the specific objections outlined in Executive Director of RDA, Erin Stryka's letter, I want to draw the Commission's attention to the Rosedale Master Plan's focus on:

-respect for and preservation of historic and unique neighborhoods -maintaining equitable and affordable housing options for diversity and inclusion.

The majority of Spring Valley homes were built in the early 1900's. This is now, as it was almost 100 years ago, a diverse and inclusive blue-collar neighborhood. There are more single family, owner-occupied homes than rentals. We walk our kids to the nearby school, walk our dogs before/after work, jog and garden just like any suburban neighborhood. We let our dogs greet and sniff while we chat. We stop to compliment the efforts of our neighbors' veggie and flowerbeds even on the smallest city lots. We keep up with who's on vacation or in hospital and watch the house for them. We know our Community Police Officer and the President of our neighborhood.

And we also know almost every resident's vehicles. You see, in addition to our quaint bungalows and shirtwaist turn of the century homes, Spring Valley was built with streets for Model Ts.

This megaplex of 149 luxury apartments will not only add approximately 225 more residents' vehicles but also their guests. On-street parking on 46th St is already restricted, as it is in much of Spring Valley. There just isn't enough street space left to add all the Woodside vehicles which do not merit a garage space.

Most importantly, as a Spring Valley taxpayer, I do not support any incentives for developments which do not provide at least a reasonable portion of affordable rents. This proposed luxury megaplex is contrary to the distinct and desirable flavor of this neighborhood. The Rosedale Master Plan accurately reflects the values and goals of the people who choose to make Spring Valley their home. Affordable, reasonable, proportionate and complementary developments, such as townhomes on Rainbow Blvd at 45th St, are welcomed.

Please respect the Rosedale Master Plan which so succinctly states the intentions of a number of diverse, inclusive and unique residential areas.

I ask that the Planning Commission insist on no more than 3 floors on 46th St, no street parking and some portion of affordable rents for a more diverse, inclusive and equitable use of Rosedale property.

Respectfully,
Valorie Wells Fenton

Valorie J Wells Fenton
Sent from my iPhone

Parker, Janet

From: Shari Wilson <sharilea51@gmail.com>
Sent: Thursday, October 6, 2022 8:32 PM
To: Parker, Janet
Subject: Letter in Opposition to COZ2021-048 and BZA2022-046

Dear Janet,

This letter is in opposition to the above-referenced development plans and variance application. As a homeowner adversely affected by these proposals, I would like to raise four issues:

1. The shade study conducted by the developer still keeps my home in total shade for an unacceptable portion of the day during the winter months.
2. The mass and height of the development are still not in compliance with the Rosedale Master Plan. Developers are in total violation of 40' 1 1/2" at the 5-story height on 46th Avenue and 78' 8" on Rainbow Boulevard. These are significant violations and the development does not integrate well with our neighborhood. The development needs to be further downsized, especially along 46th Avenue.
3. The proposal for delivery trucks to enter off Rainbow and exit onto 46th Avenue into our neighborhood's narrow streets will cause considerable additional traffic. Statements that delivery companies will coordinate deliveries to the entire neighborhood so as not to increase truck traffic are not borne out by current delivery truck traffic of two and three trucks per day from the same delivery companies on our streets; these numbers will increase significantly with the number of residents proposed in this development.
4. Parking on side streets in our neighborhood will increase due to lack of parking availability for employees and patients of the dentist's office at Rainbow and 46th Avenue. Our streets are so narrow that vehicles such as fire trucks, ambulances, and trash trucks will not be able to pass if parking increases on side streets. This is already an issue when vehicles are parked on both sides of the street.

I am in opposition to this development as proposed.

Best,
Shari

Shari L. Wilson, M.A.
sharilea51@gmail.com
4529 Francis St.
Kansas City, KS 66103



Working in partnership with residents, businesses, and institutions to build a strong and healthy community and to improve the quality of life for those who live, work, and play in Rosedale.

October 10th, 2022

City Planning Commission
701 N. 7th St. Trfwy
Kansas City, KS 66101

Re: 4601 Rainbow

Dear Planning Commissioners,

After a great deal of discussion and consideration, RDA's Master Plan Implementation Committee has concluded that while this version of the proposal more closely adheres to the Master Plan's multi-family residential design guidelines, it still falls short of the standard the neighborhood has set out. RDA opposes the proposal due to the results of the shadow study and to the failure of the proposal to meet the overall housing goals of the Master Plan.

During the May Planning Commission meeting when this was originally heard, another member of the RDA team stated, "During the neighborhood meeting, the developers shared that they didn't want to follow the height transition guidelines because it would look odd, like tetris pieces carved out of a building. I would suggest that that's because stepping back the northeast corner of the building is a minimum— it's actually much more appropriate to reduce the height of the whole section along 46th to 3 stories from 5 stories, to make a more gradual transition in height and from single family to dense multifamily. This would also preserve some sunlight during the winter months for neighbors to the north, who would otherwise be in total shadow for 3 months out of the year."

This version of the proposal has taken the bare minimum approach, carving out the tetris piece on the end of the building and reducing the overall height one story instead of by two. Unfortunately, as the shadow study shows, the bare minimum approach still leaves the neighbors immediately to the north in shadow for most of the day during the winter months.

That's unfair to those neighbors and a valid reason to oppose this proposal, but the fact is there's a larger issue at stake. The goal for housing in the Master Plan is to "Protect historic and single family neighborhoods with strong home ownership while increasing housing options

 913 677 5097 Office ■ 913 677 3437 Fax ■ 1403 Southwest Blvd. ■ Kansas City, KS 66103 ■ info@rosedale.org



Working in partnership with residents, businesses, and institutions to build a strong and healthy community and to improve the quality of life for those who live, work, and play in Rosedale.

and density with quality, well-designed apartments and townhouses on major streets and redevelopment districts. Maintain affordability, inclusion, diversity, and neighborhood stability. Provide housing opportunities for all incomes and include housing in Rosedale for seniors, students, area employees, and families.”

As proposed, this development does not maintain, and in fact poses a major threat to, affordability, inclusion, diversity and neighborhood stability. At an average rent of \$2,400/month, this housing is not accessible to most people who currently live in Rosedale, including most students. We are very concerned about the effect adding 149 apartments at this price point will have on other rents in the area, as other developers and landlords look at nearby properties to set their own rates. When rent rises steeply, we begin to see low and middle income residents pushed out of the neighborhood that they have worked hard to build into a thriving community. This destabilizes the neighborhood and means that the major investments the community, the hospital and medical center, and the UG have made in Rosedale's parks, trails, sidewalks, streets, and businesses end up being inaccessible to the people who worked for them. The highly amenitized, market-rate development recently approved (with RDA support) for 36th and Rainbow will provide ample housing options for the upper end of the income bracket without compromising neighborhood affordability and stability in the same way.

We're glad to see that this version of the proposal better meets the urban design guidelines laid out in the Master Plan. However, as long as the proposal works against the core goals of the Master Plan by threatening affordability and neighborhood stability, we're not able to support it.

Thank you,

Erin Stryka
Executive Director
Rosedale Development Association

913 677 5097 Office ■ 913 677 3437 Fax ■ 1403 Southwest Blvd. ■ Kansas City, KS 66103 ■ info@rosedale.org

Many of you are aware of Woodside's proposed apartment complex located at 4601 Rainbow Blvd. Over the past 15 months there have been several meetings between the developer and residents of Spring Valley neighborhood. As you would expect, some businesses and area residents are in favor of the project, while many are in opposition.

The developer has stated the project will provide much needed housing in the area. They plan to widen 46th Ave. to allow for additional parking at the complex, and to create a safer sidewalk that will run along the side and the front of the building.

The following points are a few reasons that many are opposed:

- Lack of affordability; the average monthly rent is \$2,100.00
- Rent price impacts market rate data
- 7 Stories is out of scale and its height will cast shadow to nearby residential homes and traffic will increase through the neighborhood
- The length of the building exceeds what is outlined in the Rosedale Master Plan
- The developer has stated they plan to request incentives from Wyandotte County

The application goes before the Planning and Zoning Board on January 9th, 2023, then on to the Full Commission for their vote. If you are opposed to this apartment complex, we ask that you please sign below stating you are OPPOSED to this project.

DATE	PRINTED NAME	SIGNATURE	ADDRESS
1-8-23	Jean Flaherty	Jean Flaherty	4515 Cambridge St
1-8-23	Virginia Stoker	Virginia Stoker	4519 Cambridge St
1-8-23	Chris Steinger	Chris Steinger	4529 Francis
1-8-23	Shari Wilson	Shari Wilson	
1-8-23	Rebecca A. Paulsen	Rebecca A. Paulsen	4418 Francis St - KCK
1-8-23	Valerie Nelson	Valerie Nelson	
1-8-23	Valerie Nelson	Valerie Nelson	4430 State Line St. KCK
1-8-23	Kenny J. Fenton	Kenny J. Fenton	4430 State Line Rd. KCK
1/8/23	Kelly Whit	Kelly Whit	4410 Francis, 66103
1/8/23	RACHEL FLORES	Rachel Flores	4412 FRANCIS KCK 66103
1/9/23	GERALD KAWA	Gerald Kawa	4414 FRANCIS KCK 66103
1/8/23	Karen Kawa	Karen Kawa	4414 FRANCIS KCK 66103
1/8/23	Robert Olson	Robert Olson	4444 FRANCIS 66103
1/8/23	Valerie Olson	Valerie Olson	4444 Francis 66103
1/8/23	David Mathews	David Mathews	4406 Francis St 66103
1/8/23	Jill Folsom	Jill Folsom	4446 Francis 66103
1/8/23	MICHAEL Folsom	Michael Folsom	4446 FRANCIS ST KCK 66103
1/8/23	DARREN GOTHAM	Darren H. Gotham	4320 EATON ST KCK 66103
1/8/23	Cori Stites	Cori Stites	4310 Fenton St. KCK 66103
1-8-2023	Ronnit Heck	Ronnit Heck	4319 EATON ST KCK 66103
1/8/2023	Joyce McLean	Joyce McLean	4400 Cambridge KCK
1/8/2023	ERIC COLEMAN	Eric Coleman	4520 EATON KCK 66103
1/8/2023	Myra Coleman	Myra Coleman	4520 Eaton KCK 66103
1/8/2023	Anneliese Paulsen	Anneliese Paulsen	4418 Francis St. KCK 66103
1/8/2023	Lydia Paulsen	Lydia Paulsen	4418 Francis St. KCK 66103
1/8/23	MARIE DWALD	Marie Dwald	4415 Francis St KCK 66103
1/8/23	Stuart Paulsen	Stuart Paulsen	4418 Francis St. KCK 66103
1/8/23	William Higgins	William Higgins	4410 State Line Rd KCK 66103
1/12/23	Lydia Schwantes	Lydia Schwantes	2309 W. 46th Ave KCK 66103

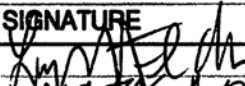
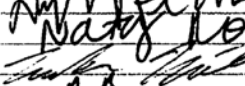
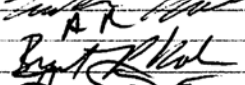
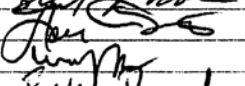
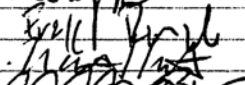
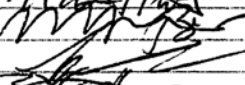
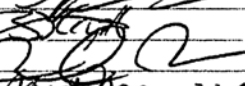
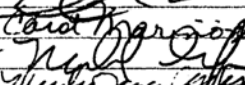
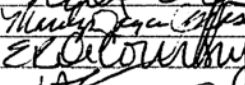
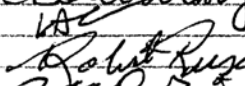
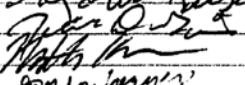
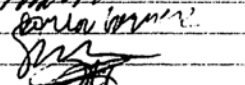
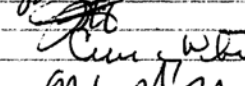
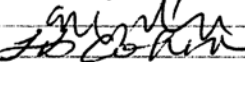
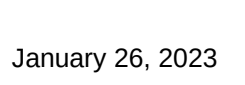
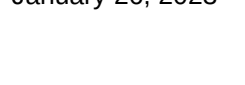
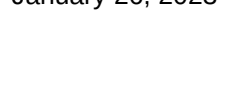
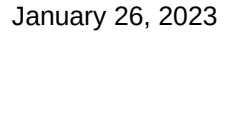
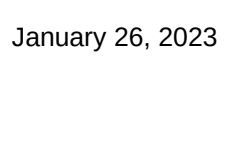
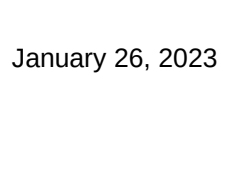
Many of you are aware of Woodside's proposed apartment complex located at 4601 Rainbow Blvd. Over the past 15 months there have been several meetings between the developer and residents of Spring Valley neighborhood. As you would expect, some businesses and area residents are in favor of the project, while many are in opposition.

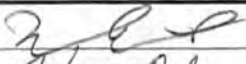
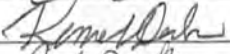
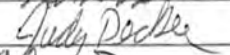
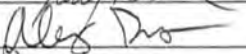
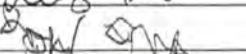
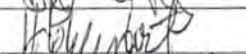
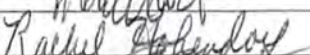
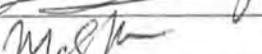
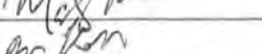
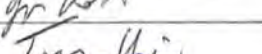
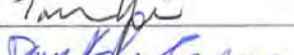
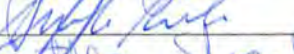
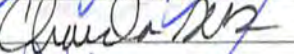
The developer has stated the project will provide much needed housing in the area. They plan to widen 46th Ave. to allow for additional parking at the complex, and to create a safer sidewalk that will run along the side and the front of the building.

The following points are a few reasons that many are opposed:

- Lack of affordability; the average monthly rent is \$2,100.00
- Rent price impacts market rate data
- 7 Stories is out of scale and its height will cast shadow to nearby residential homes and traffic will increase through the neighborhood
- The length of the building exceeds what is outlined in the Rosedale Master Plan
- The developer has stated they plan to request incentives from Wyandotte County

The application goes before the Planning and Zoning Board on January 9th, 2023, then on to the Full Commission for their vote. If you are opposed to the apartment complex, we ask that you please sign below stating you are OPPOSED to this project.

DATE	PRINTED NAME	SIGNATURE	ADDRESS
1/10/2023	AMIE A. FEUDMAN		4174 Cambridge St KCKS
	NATHALIE NOBVILLE		4200 Cambridge St KCKS 66103
	Luke Norville		4175 Cambridge St 66103
1/10/23	AL ODD		1964 W 42nd Ave KCKS 66103
1/10/23	Brent Hale		1905 W 42nd Ave KCKS 66103
1/10/23	Flaron Jones		1905 W 42nd Ave 66103
1/10/23	Bill Belzer		2007 W 42nd KCKS
1/10/23	Frank Thynell		2011 W 42nd Ave KCKS 66103
1/8/23	Martine Thynell		2045 W 42nd Ave
1/8/23	Morgan Bene		4104 W State Lane 66103
1/8/23	Lauree Fuchs		4174 State St.
1/8/23	Ben Huggins		844 W 72nd St Kansas City MO
1/8/23	Daniel Dunn		4163 Eaton St KCK 66103
1/8/23	CARA MARLOWE		4166 E 11th KCK 66103
1-8-23	Michael G. Haroff		4164 Eaton St. KCK 66103
1-8-23	Mickie Jones		4142 Eaton St KCKS 66103
01/08/23	Elisabeth DeCoursey		1300 W. 38th St KCMO 64111
1-8-23	Beth Houghton		4110 Eaton KCK 66103
1/8/23	Robert Ruzich		2660 W 88th St KCMO
1/8/23	Tara Dussan		4134 Eaton St. Kansas City KS 66103
1/8/23	Matt Kanner		4132 Eaton St KCK 66103
1/8/23	Carlos Corral		4124 Eaton St. KCKS 66103
1-8-23	Joseph Rowe		4163 Eaton St. KCK KS
1-8-23	Lorena Vitrin		4143 Eaton St KCKS
1-8-23	Craig Whitney		4175 Eaton St KCKS
1-8-23	Emily Wold		
1-8-23	Beth Cohen		

DATE	PRINTED NAME	SIGNATURE	ADDRESS
1-13-23	Noah Schwantes		4501 Booth LK KS 66103
1-15-23	KENNETH DECKER		2812 W 50TH WESTWOOD KS 66203
1-15-23	JUDY DECKER		2812 W 50TH WESTWOOD KS 66203
1-15-23	Alex Frogge		4400 Eaton St, KCKS 66103
1-15-23	Soey Frogge		" "
1-15-23	JOE Hollendorf		4314 Eaton St. KCKS 66103
01/15/23	Rachel Hollendorf		4314 Eaton St KCKS 66103
1/15/23	London Griffith		4401 Cambridge St, KCKS
1/15/23	Marisa Butler		4462 Cambridge St KCKS
1/15/23	Jessie Howell Jesse David		446 Cambridge St KCKS
1/15/23	Tim Yori Tanner		4457 Francis Street
1/19/23	DAVID PHILSEN		4418 FRANCIS ST. KCK
1/19/23	JOAN A FLORES		4412 FRANCIS
1/19/23	Mark Aust.		4411 FRANCIS ST KCK
1-19-23	Cathleen Shive		4422 Francis KCKS
1-19-23	Steve Shive		4422 Francis St. KCMO
1-19-22	Chandra DeBuse		4452 Francis St. KCMO
1-19	Bill Hill		4472 BOOTH K.C.M.O.



HANOVER HEIGHTS

A National Historic Neighborhood in Kansas City, KS

tucked between State Line and Rainbow & 43rd and Olathe Blvd

January 19, 2023

UG Board of Commissioners
Kansas City, KS 66101

Re: Change of Zone – 2021-048
Blair Tanner - Woodside Village Rosedale

Gentlepeople:

At the start of this 15 month long process the applicants 'team' submitted what is called a 'trial site and massing study' in architecture. It's not a real design but a starting point. This is a classic developer negotiation tactic. Propose the maximum building envelope possible (which will be hated), and then dial it back 20% and become a hero. City planning staff fell for this most divisive and short sighted approach early on. Time and time again you will hear the applicant state that they have the 'unbiased planning staffs' support. This current planning staff has shown it will not advocate for Rosedale neighborhoods and only review projects on a black and white basis of the code versus the appropriateness of the RP6 zoning at this location. With this staff support, the applicant must now discredit any opposition and counter with a manipulated show of project support.

If this isn't obvious, just look at the north east building façade and how the design was changed by taking a chunk of the building out just to comply with the RP-6 zoning codes. Does that make sense to anyone? Along every step this design has been modified and driven to maximize the building density and footprint in the RP-6 zoning. They then scale it back a story, minimally offset the top floor and state they listened to the neighborhood. Knowing full well that they can live with a reduced density, and show compromise, when they knew all along that they would have to address opposition to some extent. That's why at the very start they hired attorneys to request variances and deviations of the Code.

Because they have held their required meetings with the neighborhood, they can move forward and ignore the neighborhoods major objections that the building is too tall (proven by the shade study) and too dense, maximizing their profit at the expense of the adjacent neighborhood. It doesn't look good on them to say they haven't done anything, and remember they already have staff support.

Suffice it to say that the majority of current RP-6 zoning in KCKS are the decades old high-rise towers built by the KCK Housing Authority with most having ample open space in their locations. RP-6 zoning at this location is not appropriate and a proactive community minded planning staff should have expressed that to the applicant at pre-application. The zoning Code does provide for an urban TND district that should have been professionally encouraged and suggested. The TND district was used successfully at the Lane4 Rainbow 39 project across from KUMed Center.

As a neighborhood we are excited for and hope for redevelopment along Rainbow. We have some very tired properties in Rosedale that need upgrades. That said, the how and what is obviously what matters. Will the Commission listen to reason or let an inappropriate development pull the rug over the decision makers' eyes to set the tone? So let's all be mindful of how this sets a longer vision for the street. Don't get focused on bike racks, new sidewalks and parking garages (though the neighborhood likes both however they are required by Code regardless).

What is certain is that whatever happens here will set a template for all the properties along Rainbow Blvd for the next couple decades. Also don't let the current conditions of some properties along Rainbow color your view of the commercial real estate market. We have had and continue to have some subpar property owners in our area for years. They don't make their properties attractive to lease, don't upgrade them, and just generally do a minimal job. If we had better landowners, those properties would all be upgraded. For example, how long has the applicants illegal nonconforming parking lot use (zoned R-1) been putting profits into his account with little to no upgrades or code compliance due to lack of code enforcement by the City? Approval to RP-6 only rewards the owners' long desire in turning its backs to the neighborhood until he can discredit the neighborhood and have the City support his perfectly designed and costly proposal that is undeniably better than an empty building and illegal parking lot.

The question to our elected officials is how does this application fit the longer vision for Rainbow and support of the adjacent single-family neighborhoods? We contend it harms the adjacent neighborhood with this design. The Commission should also be guided by the Statutory Golden criteria in all rezoning cases. Approval of RP-6 zoning should be supported by realistic and detailed assessments of the statues and affects to adjacent property owners.

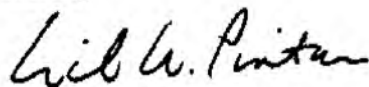
We trust the Master Plan process by showing that our residents care deeply about their neighborhoods. There is a planning process designed to shape what could come for our area over the next decades. We attend the meetings, the charrettes, read the draft documents, mark up the posters, affix the Post-It notes, and talk with other neighbors, our neighborhood representatives, the consultant, City staff, and Commissioners. Maybe not everything in the plan is just how we'd like it, but at least the terrible things you don't want aren't in there. The plan seeks to serve those living there and not those driving in or through from elsewhere. It seeks a walkable urban form in new development. It prioritizes people over cars. You walk away relieved that you and your neighbors hard work, values, and vision for your place are codified in the plan and especially that your place will be protected from what you don't want. You can pay less attention, because why worry? That negative stuff isn't going to happen.

But then you hear that a proposal like Woodsides' RP-6 zoning is afoot that contradicts the plan you all worked on. It feels inevitable. Again as community partners we have trust in the Master Plan process.

Many have said they felt misled by the City staff and aren't at all happy with this proposal. These are single-family one and two story neighborhoods. Seven and five story buildings will block the sun and are out of proportion to the area. The proposed trees will be dwarfed by these buildings. If you really want to get input from the neighborhood, listen to what the neighbors are saying. This is not downtown KCKS. Finally, must we become like other communities and make it so expensive so that people have to leave? We're talking about people who have lived in Rosedale neighborhoods like this all their lives, elderly people. They don't have that kind of money. We hope that you're hearing this because what we've heard so far is not building trust with the Community you represent.

We respectfully ask that you deny the RP-6 zoning and seek withdrawal of plans in hopes of a true community-oriented solution.

Sincerely,



Gil Pintar
Hanover Heights

We have attached five architectural 'massing views' that accurately depicts the bulk and size of the applicants' proposal in relationship to the character and scale of our adjacent Community. Something that their power point views failed to show.









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 26, 2023

Re: Special Use Petition SP2022-113

GENERAL INFORMATION

Applicant:

Lynne Beaver

Status of Applicant:

Owner

2951 South 34th Street
Kansas City, Kansas 66106

Requested Action:

Approval of a Special Use Permit.

Date of Application:

November 28, 2022

Purpose:

To approve a Special Use Permit
to operate an event space.

Property Location:

2951 South 34th Street
Kansas City, Kansas 66106

Commission Districts:

Commissioner At-Large, District #2:

Tom Burroughs

District #6 Commissioner:

Angela Markley



Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: R-1 Single-Family District South: R-1 Single-Family District East: R-1 Single-Family District West: R-1 Single-Family District
Adjacent Uses:	North: Single family residence South: Single family residence East: Single family residences West: Single family residences
Total Tract Size:	9.59 Acres
Master Plan Designation:	The City-Wide Master Plan designates the subject property as Low-Density Residential, which allows for single-family homes.
Major Street Plan:	The Major Street Plan designates 34 th Street Class C Thoroughfare.
Parking Requirement:	Section 27-668(a)(11) requires one (1) space for each four (4) seats in a place of assembly, auditoriums, theatres, and concert halls. There are approximately 120 seats, which requires 30 parking spaces to be provided. The applicants site plan provides 60 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – December 15, 2022 Letters to Property Owner – December 16, 2022
Public Hearings:	January 9, 2023 and January 26, 2023
Public Support:	None to date.
Public Opposition:	There were eight (8) people present in opposition at the January 9, 2023 City Planning Commission meeting. A protest petition has been submitted that is being reviewed and calculated by Staff.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Lynne Beaver, is requesting a Special Use Permit to operate an agriculturally oriented event space at 2951 South 34th Street.

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 at 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. There are no outstanding or related permits and cases on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Argentine Statistical Neighborhood. The neighborhood consists of primarily single-family residences, most of which are on wide and shallow medium-sized lots with generous setbacks. The property is located along 34th Street, which runs north to Argentine and south to Turkey Creek.

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 use may not be compatible with nearby uses, as an agriculturally oriented event center may create issues such as noise, illumination, and dust that would impact adjacent residences. If managed properly, however, the issues should not create a compatibility concern.

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 a large lot, agriculturally zoned property with multiple accessory structures, which had been utilized for agricultural purposes. The property may be suitable to be used for an agriculturally oriented event center, as long as the event center elements are managed properly and impacts on nearby property are limited.

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

The property is not vacant and has been utilized as a residence for the property owner and their family.

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 the subject property as Low-Density Residential, which allows for single-family homes. While the proposed use does not conform to the Master Plan designation, Staff contends that the designation should be kept in place to address future uses and maintain conformance to the existing character of the neighborhood.

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

The proposed use will inherently result in an increase of traffic, as it is a new, more intense use on the subject property. The increase in traffic could be a concern depending on the number of guests, or the mode of transportation the guests utilize.

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 the proposed use is for the convenience of the property owner, rather than use for the public. The proposed use may injure the use, quality, and marketability of adjoining properties if the proposed use is not managed properly. The proposed use, however, also has the potential to enhance the use, quality, or marketability of nearby property as it could enhance the rural character of the 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, vibration, dust, and illumination are typical issues with this kind of use, however, the property provides ample screening, which mitigates the impact of dust and illumination. If the applicant takes steps to mitigate impacts, these issues should be a problem.

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 located within an existing, built-out single-family neighborhood.

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 located in an existing, built-out 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.*

The relative gain to public health, safety, and welfare is minimal. If the application is denied, the applicant would have to find a new location for the proposed use and an alternative use for the property.

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

The proposed use should not result in the overcrowding of land or cause undue concentrations of population as the property is 9.59 acres, much of which is open space.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP-2013-46) for two (2) years in 2014 to operate an event space.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on December 21, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Illumination
Vibration
Dust
Parking
Driveway
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 4 to 2 to recommend **APPROVAL** of Special Use Permit Application **SP2022-113, for one (1) year**, subject to:

- 1. All entertainment must cease by at least 1:00AM;**
- 2. No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;**
- 3. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**

4. All trash and debris from any event shall be picked up the day/night of the event and disposed of properly;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. The applicant shall file a Final Development Plan within 60 days of approval of the Special Use Permit, otherwise this petition is null and void;
7. The proposed parking lot must be paved according to Section 27-675(a);
8. The two (2) shipping containers on the property shall be removed or must receive a Special Use Permit;
9. The applicant must maintain all existing trees, as well as add trees as demonstrated in their site concept;
10. 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;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. 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;
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. 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;

- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and**
- 21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**
- 22. No fireworks shall be shot off or displayed unless it is in compliance with the fireworks ordinance.**
- 23. This permit could be brought before the Board of Commissioners if there are violations of any of the conditions of approval for revocation.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

Applicant has notified Staff that they will request this application be continued until the March 2, 2023 Board of Commissioners Planning & Zoning meeting.

A protest petition has been submitted and Staff will determine its validity prior to the January 26, 2023 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 **SP2022-113** subject to all comments and suggestions outlined in this staff report, summarized by the following conditions:

ATTACHMENTS

January 9, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Site Circulation
Site Renderings
Site Photos, Taken by Staff, Dated December 8, 2022
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	January 9, 2023	January 26, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-113** to the as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-113**, 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.

January 9, 2023 City Planning Commission Minutes:

Hearing starts at 2:54:00:

SPECIAL USE PERMIT APPLICATION SP2022-113 – LYNNE BEAVER -

SYNOPSIS: Special Use Permit to operate an event space at 2651 South 34th Street.

Detailed Outline of Requested Action: The applicant, Lynne Beaver, is requesting a Special Use Permit to operate an agriculturally oriented event space at 2951 South 34th 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 January 9, 2023;
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:

- Bill Hutton, attorney representing the applicant, 509 Armstrong Avenue, Kansas City, Kansas 66101

Present in Opposition:

- Fred Harmon, 3303 Forest Avenue, Kansas City, Kansas 66106
- Jason Winfrey, 2905 South 34th Street, Kansas City, Kansas 66106 (appeared with questions)
- Mark Monnington, 3211 Forest Avenue, Kansas City, Kansas 66106
- Mary Dickerson, 3035 North 33rd Street, Kansas City, Kansas 66106

- Hannah Monnington, 3211 Forest Avenue, Kansas City, Kansas 66106
- Joshua Monnington, 1935 High Drive, Leavenworth, Kansas and until recently at 3211 Forest Avenue, Kansas City, Kansas 66106
- Daciela Andradee, 3010 South 32nd Street, Kansas City, Kansas 66106
- Cindy Fuller, 3307 Forest Avenue, Kansas City, Kansas 66106

The Commission and Staff directed questions to the applicant's representative.

Staff Recommendation starts at 3:30: Planner Toy stated that he understands the concerns by the neighbors with the commercial type use of this property and how it is being used now and how it could be used in the future. The agricultural use of the property such as classes, etc. needs to be separated from the event space itself, which will have events such as weddings, birthday parties, and bridal showers. Staff would add a Condition 22 that no fireworks shall be shot off or displayed unless it is in compliance with the fireworks ordinance. Condition 23 would state that this permit could be brought before the Board of Commissioners for revocation if there are violations of any of the conditions of approval. Staff would also like to amend Condition 20 from approval for two (2) years to one (1) year. Staff recommends approval subject to the revised conditions in the staff report.

The Planning Commission directed questions regarding noise and past applications for live entertainment that have been approved previously to Staff.

Motion starts at 3:37:25:

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

SP2022-113 for one (1) year:

Carson	Aye
Straws	No
Ward	Aye
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Ernst	No
Jones	Aye
Miller	Not Present
Mohler	Not Present
Pauley	Not Present

Motion to recommend **APPROVAL** Passed: 4 to 2

Subject to:

1. **All entertainment must cease by at least 1:00AM;**
2. **No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;**
3. **Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**

4. All trash and debris from any event shall be picked up the day/night of the event and disposed of properly;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. The applicant shall file a Final Development Plan within 60 days of approval of the Special Use Permit, otherwise this petition is null and void;
7. The proposed parking lot must be paved according to Section 27-675(a);
8. The two (2) shipping containers on the property shall be removed or must receive a Special Use Permit;
9. The applicant must maintain all existing trees, as well as add trees as demonstrated in their site concept;
10. 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;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by 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;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. 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;
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. 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;

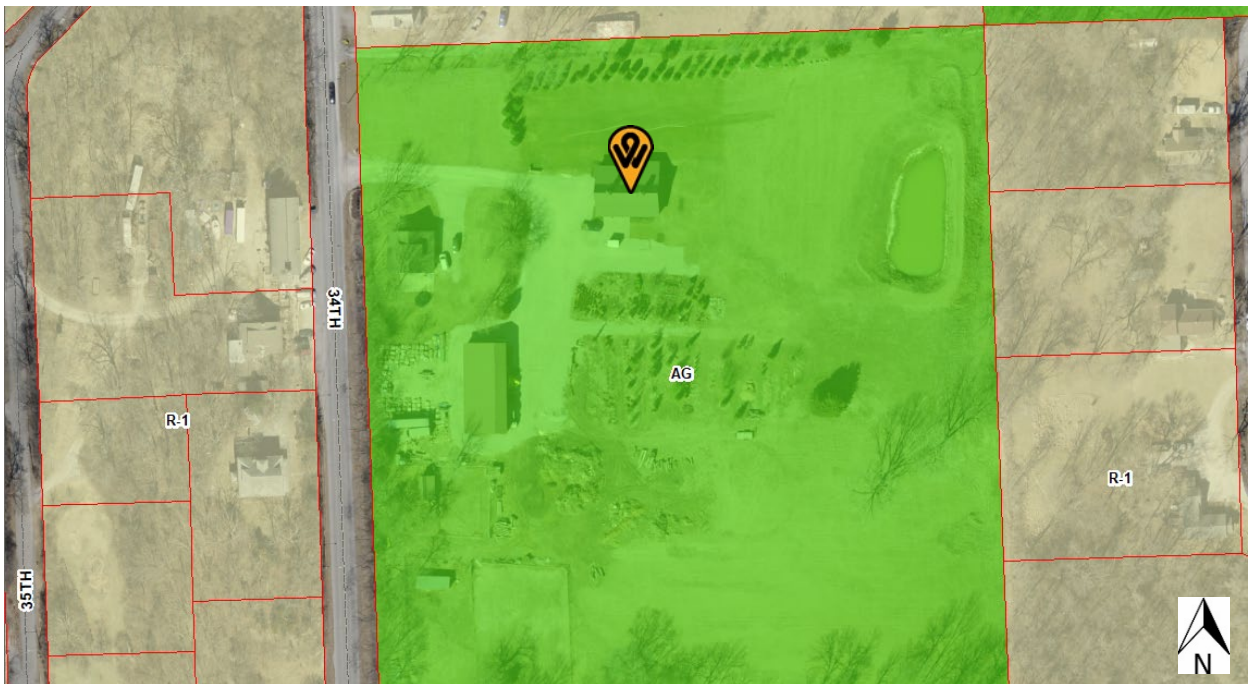
- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
- 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and**
- 21. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**
- 22. No fireworks shall be shot off or displayed unless it is in compliance with the fireworks ordinance.**
- 23. This permit could be brought before the Board of Commissioners if there are violations of any of the conditions of approval for revocation.**

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



LAND USE MAP

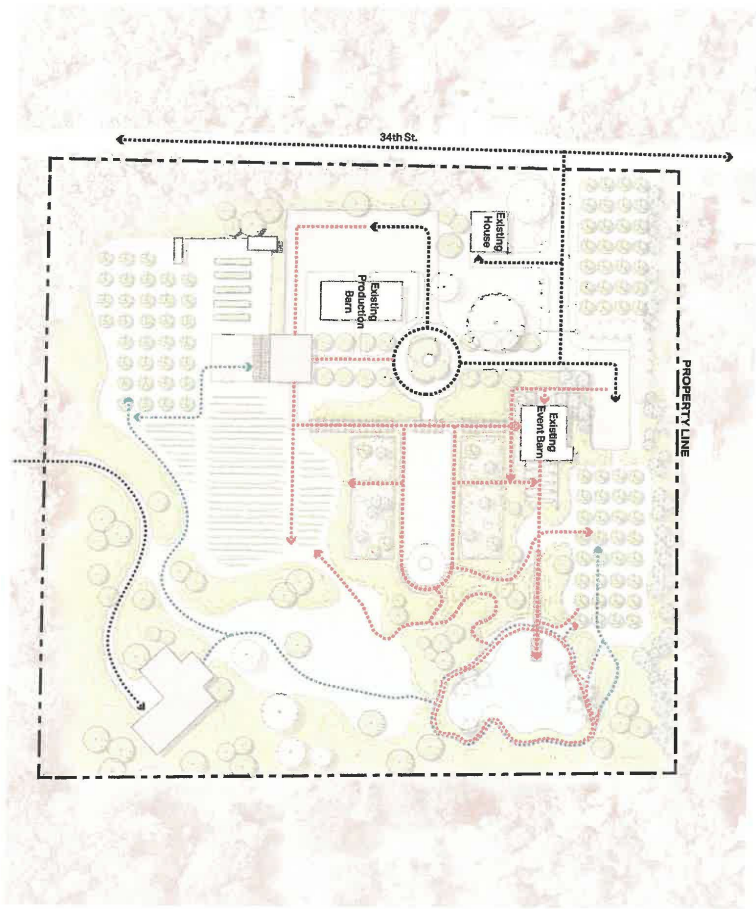


15

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- 0' 50' 100' 200'
- Scale 1" = 100'
- N



Connectivity Diagram

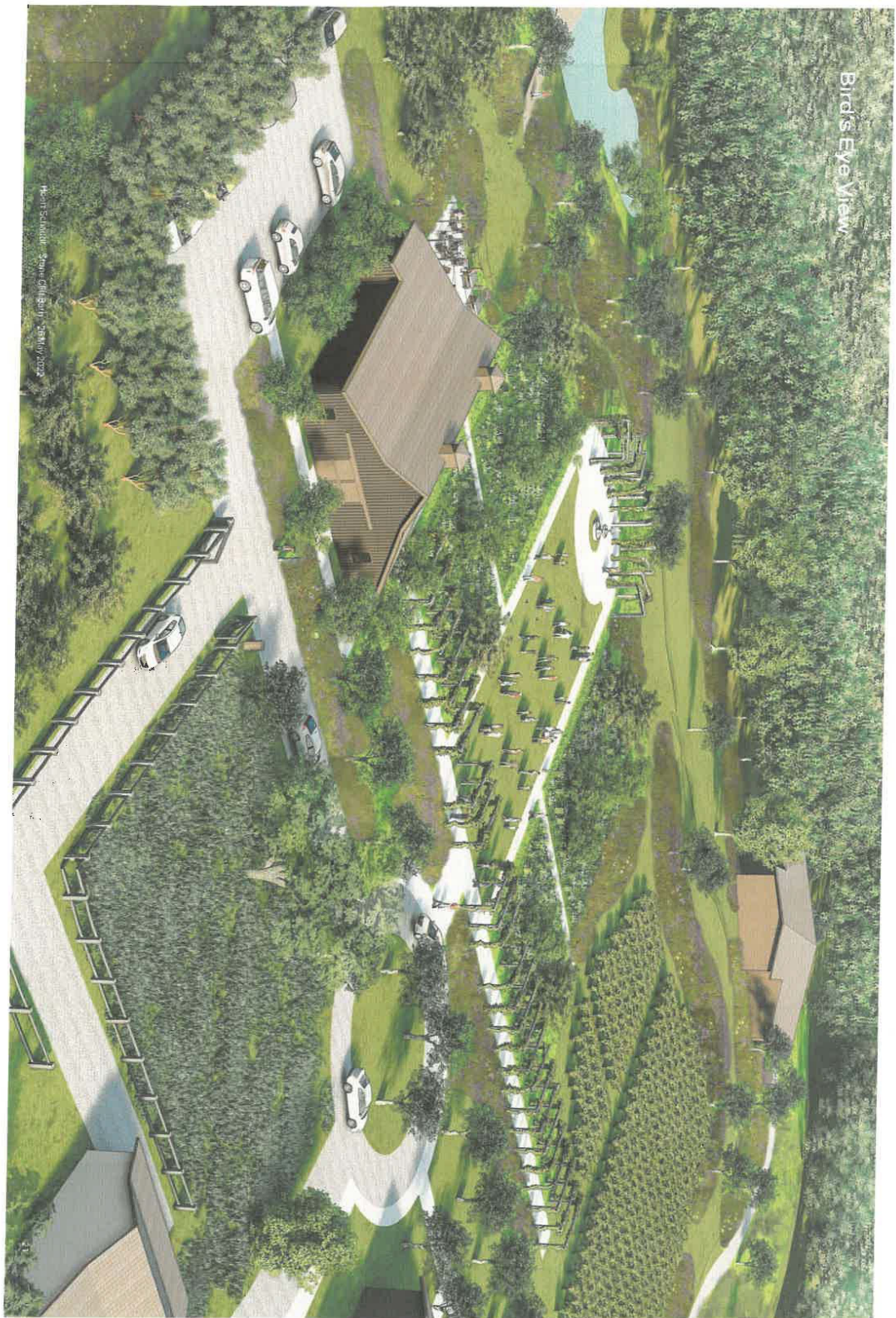


LEGEND:

- GUEST CIRCULATION
- VEHICULAR CIRCULATION
- PRIVATE/RESIDENTIAL CIRCULATION

Hoerr Schaudt Stone Cliff Barn 28 May 2022





Existing Event Barn Night View



Horst Spohnert - Silver Creek Farm - 26 May 2022

SITE PHOTOS, TAKEN BY STAFF, DATED DECEMBER 8, 2022







NEIGHBORHOOD MEETING MATERIALS

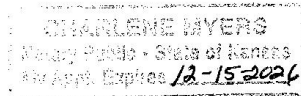
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now Thomas W. Stibal, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am an attorney for petitioner for Petition #2022-113.
2. That I conducted a neighborhood meeting on December 21, 2022.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Thomas W. Stibal
Affiant

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

My commission expires 15 of December, 2026.

Charlene Myers
Notary Public

MINUTES OF NEIGHBORHOOD MEETING

2951 s. 34TH St. Kansas City, Ks.

December 21, 2022

Meeting Called to order at 5:01pm

Names of Applicant and Representatives: Lynne Beaver, Thomas W. Stibal

William Hutton, five members of the neighborhood, the State Senator Pat Pettey, Alicia Ellingsworth, an urban agriculturalist, and Jon Beaver, the husband of the applicant. Eleven persons came to the meeting. None of the 11 neighbors who own property with a common border to the subject property attended. Mr. Breve does own a piece of property that has a corner of his property meet a corner of the subject property.

Mr. Hutton and Ms. Beaver made a brief opening statement about the proposed use of the property. The meeting was then open to questions. Nearly all of the comments and questions were made by Fred Harmon, Mark Monnington, and Cindy Fuller. Mr. Breve and Mr. DeWitt listened and attended the entire meeting but let the other three carry the bulk of the conversation.

Those three seemed to be opposed to the proposed use from the beginning. They initially commented about the property owner's daughter who had a wedding on the family property three years ago. There were no complaints about anything since.

And they indicated that they were opposed to a special use permit application which was submitted to the city in 2013 (and withdrawn by the petitioner) and are opposed to this one. They indicated that they did not believe that any "commercial use" was compatible with the neighborhood.

They voiced concerns about noise. The applicant indicated that no amplified music would be allowed outside, and that evening events would end earlier during the week than on weekends-and that weekend events would end at midnight, and that agritourism events would usually be daytime events. They, never the less, thought

that noise would be a problem. Their reasoning was that they had noise pollution from the NASCAR track, the railroad, and a neighbor that had a garage band.

They asked about alcohol consumption and expressed concern about impeded drivers leaving the venue. The applicant explained that this was not intended to be a party venue, but an event center for family, corporate, and an agritourism site that had an educational purpose. Despite explanations that many of the events are expected to be during the workday hours, the concern remained alcohol abuse. The applicant stated that she had no intent to apply for a liquor license. But if caterers that are hired for events have liquor licenses alcohol may be served.

The question was raised about the number of attendees at events. The applicant stated that she thought the event barn could only accommodate one hundred. They then asked about parking and expressed a belief that this many persons attending an event would create traffic issues for the neighborhood. They said that S. 34th St. already had issues with traffic and an additional 50 to 100 cars on event days would be problematic.

The discussion turned to the agritourism use of the property, specifically the use as a native grassland educational experience. The residents complained that the native grassland use would endanger air quality and indicated that the burning of pastures in the Flint Hills west of Emporia was impacting their quality of life, and that if the native grasses planted on the property were burned, as is done on tens of thousands of acres in central and western Kansas, their quality of life would be negatively impacted.

There was a brief discussion regarding the time it would take to stabilize the event business, about three years according to the business plan. The applicant stated that she believed that it would take three years to reach two events per week, the number needed to be reached to justify the financial commitment. The neighbors then complained that the business would grow over the three year period.

Meeting adjourned at _6:00p.m.

Minutes taken by Thomas W. Stibal

December 7, 2022

Name

Address

Kansas City, Ks, 6610

SUBJECT: Neighborhood meeting

We have filed an application, number SP2022-113, with the Department of Urban Planning and Land Use. The purpose of the Special Use Permit Application is for an agricultural based tourist event center at the following address: 2951 South 34th Street, Kansas City, Kansas.

We are having a neighborhood meeting at the proposed event barn at:
2951 S. 34th St. Kansas City, Ks. on December 21, 2022 at 5:00 pm.

The purpose of the meeting is to explain the proposal and to address any questions or concerns that you may have. The proposed use will be for a corporate event center, wedding destination, and a combination of various agricultural uses such as natural grassland prairie, vineyard, orchard, and farm to table vegetable gardening.

We look forward to seeing you at the meeting. If you are unable to attend, please send written questions or comments to the address, email address, or fax number listed below by December 21, 2022, and your questions or comments will be responded to in writing. Phone calls will also be responded to verbally in that time frame.

Kindest Regards,

Thomas W. Stibal

stibalthomas@gmail.com

509 Armstrong Ave.

Kansas City, Kansas 66101

913.449.2189, fax 913,281.1320



PROCLAMATION

- WHEREAS,** the Golden Royalties Chapters of the American Business Women's Association has worked hard to collect monies to aid deserving young women in our community to further their educational pursuits and go to college; and
- WHEREAS,** the Golden Royalties Chapter of the American Business Women's Association was chartered on May 8, 1993 with Charlotte Collins, Founder in Wyandotte County of Kansas City, Kansas; and
- WHEREAS,** the mission of the American Business Women's Association is to bring together businesswomen of diverse occupations and to provide opportunities for them to help themselves and others grow personally and professionally through leadership, education, networking support, and national recognition; and
- WHEREAS,** the Golden Royalties Chapter has hosted an annual educational and scholarship event honoring the life and legacy of the late Dr. King, Jr. and giving homage to his wife, the late Coretta Scott King for the last 30 years; and
- WHEREAS,** they have awarded over \$30,000 in scholarships and grants through ABWA's National Scholarship Program, Stephen Bufton Memorial Education Fund (SBMEF) to young women in our community to further their educational pursuits; and
- WHEREAS,** the 2023 Educational and Scholarship Event honor individuals in the greater Kansas City community who are keeping the late Dr. King's DREAM alive through their outstanding community service at the "Keeping the Dream Alive" awards ceremony; and
- WHEREAS,** the 2023 MLK Honorees are fully deserving of this award.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim Saturday January 14, 2023, as:

"Golden Royalties Chapter Day"

in Wyandotte County/Kansas City, Kansas. 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



PROCLAMATION

- WHEREAS,** Dr. Martin Luther King Jr. devoted his life to advancing equal opportunity, social justice, and opportunity for all, and challenged all Americans to participate in the never-ending work of building a more perfect union; and
- WHEREAS,** Dr. King's teachings can continue to guide and inspire us in addressing challenges and inequities within our local community; and
- WHEREAS,** serving on the King Holiday is an appropriate way to honor Dr. King, meet local needs, bring our citizens together, and strengthen our communities and nation; and
- WHEREAS,** the King Day of Service is the only federal holiday commemorated as a National Day of Service, and offers an opportunity for Americans to give back to their communities on the holiday and make an ongoing commitment to service throughout the year; and
- WHEREAS,** each of us can and must contribute to making our communities better with increased opportunity for all our citizens, and
- WHEREAS,** as a collective, the Martin Luther King, Jr. Day Committee reaffirms the commitment of the community to advance the values and principles of Dr. King's work through service, collaboration, and kindness.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim, January 16, 2023:

“Martin Luther King Jr. Committee Day”

in Wyandotte County/Kansas City, Kansas. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County / Kansas City, Kansas, this 16th day of January 2023.

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** the Falun Dafa Association of Kansas City is dedicated to the revitalization of 5,000 years of genuine Chinese culture; and
- WHEREAS,** the Falun Dafa Association of Kansas City is devoted to promoting a higher standard of ethical and moral behavior; and
- WHEREAS,** the Falun Dafa Association of Kansas City is determined to preserve the very best of art, in all of its forms; and
- WHEREAS,** the Falun Dafa Association of Kansas City has brought Shen Yun Performing Arts to the Kansas City area nearly every year since 2008; and
- WHEREAS,** Shen Yun Performing Arts not only entertains, but also deeply educates, enriches, and inspires, offering audiences of all ages a rare experience of consummate beauty and goodness; and
- WHEREAS,** through the universal language of dance and music, Shen Yun Performing Arts weaves stories of heavenly realms, ancient heroic legends, and modern-day epics; and
- WHEREAS,** evoking themes of virtue, compassion, and courage, Shen Yun Performing Arts leaves millions of viewers from all cultural backgrounds filled with joy, energy, hope, and peace in the most prestigious venues of the world.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the days of January 27-29 on 2023 as:

“Shen Yun Performing Arts Days”

in Wyandotte County/Kansas City, Kansas, and call upon all residents to recognize Shen Yun performing arts days. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 212186

Full Commission Meeting Date: 1/26/2023

Committee:

Date of Standing Committee Action: 11/6/2022

(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>
01/19/2023	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:

Recommend submission of the Downtown KCK Commercial Historic District nomination to the National Park Service for consideration, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Commissioners packet

Downtown KCK Commercial Historic District Economic Benefits

Randy Greeves
Historic Preservationist



Today's Agenda

- Downtown Kansas City, KS Historic District Timeline
- Criteria & Levels of Historic Designation
- Project Area & Proposed District Boundary
- District Summary
- Economic Opportunity & Data
- Summary

C. 1951 Townhouse Hotel



Timeline for the Proposed Historic Commercial District

- May 2021 Board of Commissioners approves application submittal for grant
- Fall 2021 Grant award announced and the Request for Proposals (RFP) launched
- Early 2022 Department of Planning & Urban Design hires Polis: Cultural Planning
- September 2022 First Draft submitted to State Historic Preservation Office (SHPO)

Public engagement efforts begin in earnest
- Spring/Fall 2023 Anticipated National Park Service (NPS) determination



Historic Designation

- National Register of Historic Places (Federal)
- Kansas Register of Historic Places (State)
- Kansas City, Kansas Historic Landmarks and Districts (Local)
- Registers include Buildings, Sties, Structures, Districts, Objects
 - Criteria for listing
 - Must retain enough “historical integrity” to convey significance

SECRETARY OF INTERIOR

STANDARDS FOR HISTORIC REHABILITATION

Deciding if a building retains these aspects of its historical character is what allows preservationists to determine if it has integrity. If a building is found to have enough integrity to convey its significance than it is eligible for placement on the National Register of Historic Places and all its benefits.

To remember the standards, historic preservationists use the acronym: **MAD FLAWS** (the second A is just for the cool word choice).



MATERIAL

What is it made of?
What are the physical elements used during a particular time period to create a historic property?



ASSOCIATION

Who was here?
What happened?
What is the direct link to an important historic event or person?



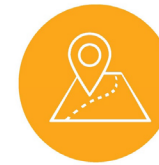
DESIGN

How does it look?
How does the combination of elements work together to create form, plan, space, structure and style?



FEELING

How does it make you feel?
How does a property express a particular aesthetic or historic sense of a particular time period?



LOCATION

Where is it?
Where is the particular property?



WORKMANSHIP

How skilled was the person who built it?
Is there physical evidence of a particular craft, culture or people during the period in history?



SETTING

What are the surroundings like?
What is the character of the place where the historic resource is located? What are the natural and manmade features and how do they relate to the property?



2022 Downtown KCK Survey

UNIFIED GOVERNMENT DEPARTMENT OF PLANNING AND URBAN DESIGN
SEPTEMBER 2022



The Review Process

- State and Federal
 - SHPO Review
 - Will this permit allow the destruction of historically significant features?
- Local
 - Letter of Exemption, Environs Review, Certificate of Appropriateness
 - Appeal process at local level
 - Landmarks Commission
 - Board of Commission has final say in all cases, even state and federal



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

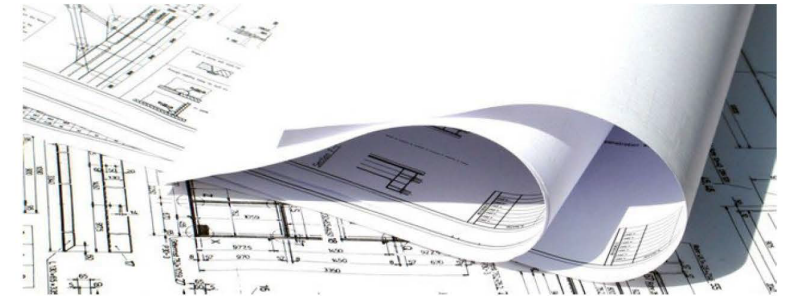
701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

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

Welcome to the Unified Government's land entitlement process. We look forward to working in collaboration with you on your proposed project.

Prior to submitting your application, you must schedule a pre-application meeting with a member of Planning + Urban Design staff:

Call: (913) 573-5750 **Email:** planninginfo@wycokck.org to set up a pre-application meeting.



You may submit a completed application in one of three ways:

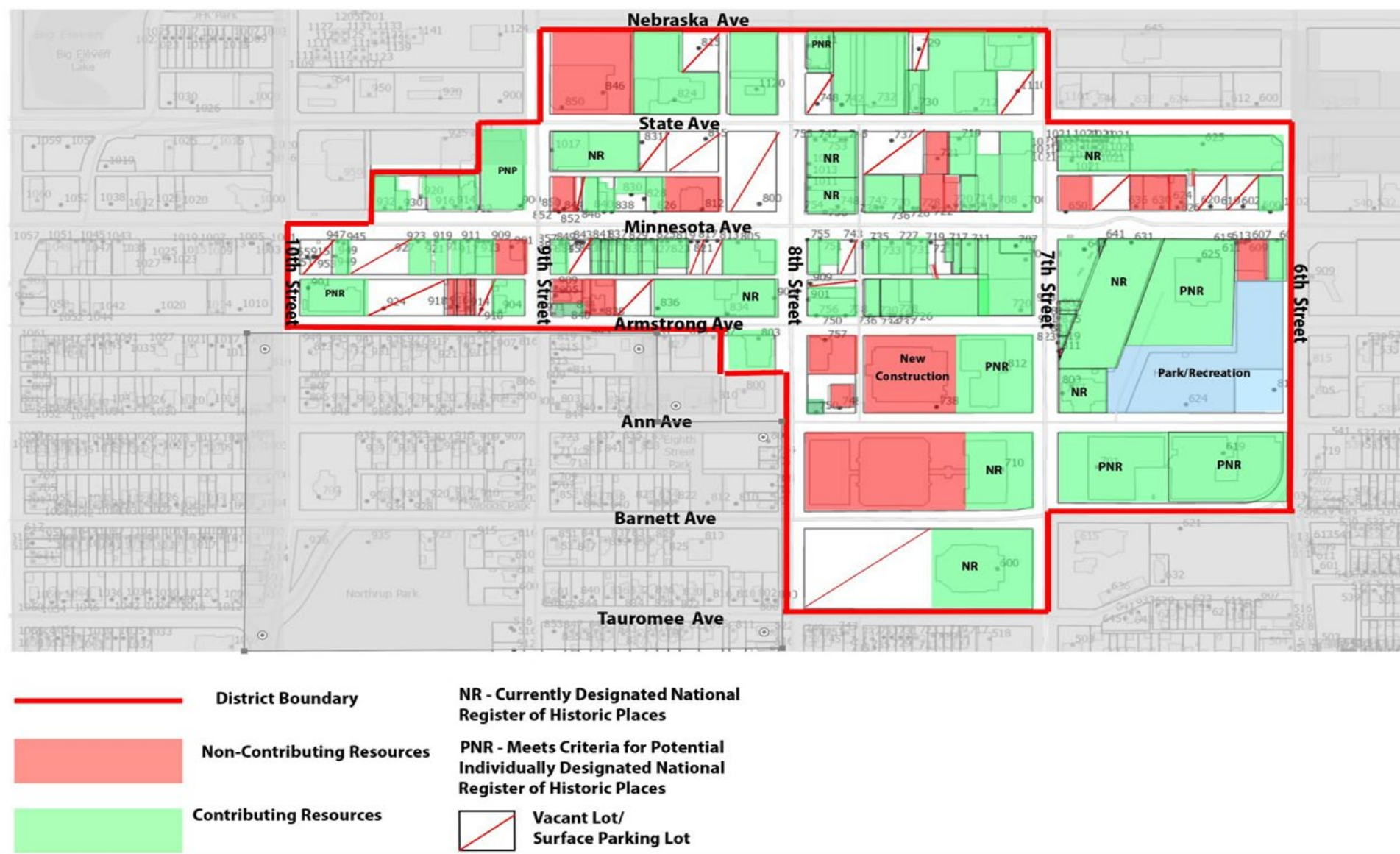
1. **Electronically** through the Accela Citizen Access Portal at <https://mauwi.wycokck.org/CitizenAccess/Default.aspx>
2. **Electronically** by email, at EDR@wycokck.org
3. **In person** at the Planning and Urban Design Annex, located at the Neighborhood Resource Center at 4953 State Avenue, Kansas City, Kansas 66102

NOTE: Your plans must be submitted prior to the monthly submittal deadline. All engineering drawings shall be signed and sealed by a Kansas Licensed Professional Engineer. All drawings shall comply with the Kansas City, Kansas Code of Ordinances. ALL incomplete applications will not be processed

If you have any questions or need assistance, please reach out to (913) 573-5750 or PlanningInfo@wycokck.org.



Proposed Downtown KCK Historic Commercial District Boundaries



101

Total Buildings/Sites

75

Contributing

9

**Existing Historic
Designations**

26

Non-Contributing



Summary Paragraph for Designation

The Downtown Kansas City, Kansas Commercial District is eligible for listing in the National Register of Historic Places under Criteria A for COMMERCE and COMMUNITY PLANNING AND DEVELOPMENT. **The district is locally significant for its association with as the center of commerce, religious, and government functions that are essential to a metropolitan area. Within the national context of COMMERCE and COMMUNITY PLANNING AND DEVELOPMENT the Downtown Kansas City, Kansas Commercial District exemplifies the evolution of the American city in the Midwest.** The period of significance for the Downtown Kansas City, Kansas Commercial District begins in 1882, with the date of construction of the earliest building in the district and ends in 1973 with the fifty-year cut off, as determined by the National Park Service. The district and its contributing resources have evolved with the ebbs and flows of the American economy and the district is representative of the evolutionary architectural and urban planning policies that have sought to address changes over time due to technological, sociological, or economic advances.



New Financial Tools

Federal

- National Park Service, National Endowment for the Humanities, FEMA, HUD, Tax Credits (20%)

Philanthropic

- National Trust for Historic Preservation, Corporate Philanthropy

State of Kansas

- Heritage Trust Fund, Historic Preservation Fund, State Tax Credits (25%, Non-Profit 30%)

Possibility of Local Funding

- Kansas Main Street Program
- Façade improvement grants



Heritage Trust Fund

A State grant program that helps to offset the costs of preservation related projects. Only properties that are listed on the state or National Register of Historic Places are eligible. These grants are highly competitive, but the Kansas State Historical Society hosts workshops to support applicants in the submission of their applications. More information can be found at <https://www.kshs.org/14617>

Matching funds up to
\$100,000
for professional and
construction expenses

Source: Kansas Historical Society

Tax Credits

More readily available are Historic Rehabilitation Tax Credits that can reduce your federal and state income tax bills. Twenty percent (20%) of qualifying expenditures can be returned to you through federal tax credits. An additional 25% of a project's qualifying expenditures is offered through the State. For example, if you spend \$100,000 on a rehabilitation project, you can have \$20,000 reduced from your federal income tax bill and \$25,000 reduced from your state income tax bill. Non-profit entities have the ability to sell certain tax credits to tax-paying enterprises, and thereby take advantage of the tax credit program as well. More information for both programs can be found at <https://www.kshs.org/14666>

25% of project cost
reduced from
state income tax

20% of project cost
reduced from
federal income tax

Source: Kansas Historical Society



Historic District Economic Impact

Fiscal Year 2021 Highlights

\$8.0 billion

Total in rehabilitation investment

2021 POSITIVE IMPACTS
on the national economy:

\$15.0 billion in output,
\$7.7 billion in GDP,
\$5.6 billion in income, and
\$2.1 billion in taxes, including
\$1.3 billion in Federal tax receipts.

135,000

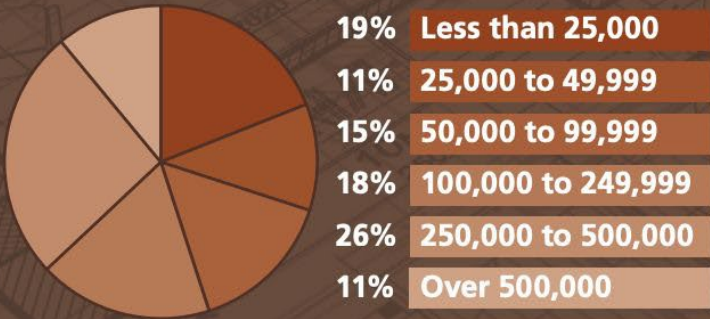
NEW JOBS created and billions
of dollars in total (**direct and**
secondary) economic gains

44% Projects in **low- and moderate-**
income census tracts*

78% Projects in **economically**
distressed areas*

30% Projects in **communities of**
less than 50,000 people*

Projects by Community Size (Population)*



*Courtesy of PolicyMap (Count of Population, 2020. United States Census Bureau Decennial Redistricting File (PL 94-171). New Markets Tax Credit (NMTC) Eligibility Status for 2019 using 2011-2015 eligibility data. United States Department of the Treasury, CDFI Fund)



Renovation Costs Case Study: Downtown Wichita, KS

8,593 Sq. Ft. of tenant improvement

Project QRE Costs: \$455K

HTC Benefit: \$113,750

\$52/sq.ft after HTC = \$39/sq.ft.



Preliminary Schedule to K-35
Historic Preservation Credit

Project Number: man
Property Name:
Property Address:
SS # or EIN #:
Project Start Date: **Aug-21**

KANSAS DEPARTMENT OF REVENUE
Schedule of Detailed Historic Preservation Costs
Schedule II

Name of Taxpayer(s):
Project Completion Date: **Dec-21**

45,300 Sq.Ft.
Project

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	
Enter Box Number from Part 2 Application	Enter Item # from Schedule of Project Development Costs (Schedule I)	Invoice Date	Invoice #	Vendor Name	Description of Items Purchased	Check #	Date Paid	Total Costs	Ineligible Development Costs or Paid for with Grant or Other Nontaxable Income	Qualified Expenditures
4	8	9/30/2021	R21062A		Roof	12919	11/18/2021	\$187,130.56		\$187,130.56
4	8	10/31/2021	R21062B		Roof	12919	11/18/2021	\$80,198.81		\$80,198.81
4	8	11/24/2021	R21087A		Roof	12973	12/27/2021	\$91,997.07	\$60,696.70	\$31,300.37
4	8	9/13/2021	20215518		Roof, move AC units	12917	11/18/2021	\$4,180.00		\$4,180.00
2 & 3	8	4/11/2021	CONTRACTORS INVOICE		Drone for Repair Assessment	12532	4/26/2021	\$3,830.00		\$3,830.00
8	8	9/25/2021	5867		Windows	12918	11/23/2021	\$21,700.00		\$21,700.00
8	8	10/25/2021	5868		Windows	12918	11/23/2021	\$87,030.00		\$87,030.00
2 & 3	8	9/23/2021	1427		Tuckpointing (Work)	12810	10/4/2021	\$113,300.00		\$113,300.00
2 & 3	8	9/23/2021	1449		Tuckpointing (Work)	12974	12/23/2021	\$19,700.00		\$19,700.00
2 & 3	53	8/2/2021	F38551-01		Tuckpointing (Boom Lift)	12816	10/1/2021	\$5,290.19		\$5,290.19
2 & 3	53	8/6/2021	F39402-01		Tuckpointing (Scissor Lift)	12816	10/1/2021	\$1,056.08		\$1,056.08
2 & 3	53	8/9/2021	R09740-01		Tuckpointing (Equipment)	12816	10/1/2021	\$3,223.50		\$3,223.50
2 & 3	53	8/30/2021	F38551-02		Tuckpointing (lift)	12816	10/1/2021	\$5,171.94		\$5,171.94
2 & 3	53	8/30/2021	F38551-03		Tuckpointing (lift)	12816	10/1/2021	\$118.25		\$118.25
7	8	9/28/2021	1432		Storefront	13012	1/3/2022	\$20,000.00		\$20,000.00
7	8	9/13/2021	10/24/1929		Awning	12886	11/6/2021	\$2,089.26		\$2,089.26
7	8	9/13/2021	10/24/1929		Awning	12788	9/7/2021	\$2,089.27		\$2,089.27
5, 6 & Amendment	8	8/19/2021	2/22/2145		Electrical/lobby sconces	12812	10/1/2021	\$2,653.64		\$2,653.64
5, 6 & Amendment	8	8/19/2021	11/15/2144		Electrical/lobby sconces	12812	10/1/2021	\$2,687.50		\$2,687.50
6	8	7/23/2021	K025454		Lobby Lighting	12752	8/24/2021	\$13,257.98		\$13,257.98
5, 6 & Amendment	8	6/29/2021	49772		Hallway painting (floor 2,3,4,5)	12570	8/31/2021	\$25,000.00		\$25,000.00
5, 6	8	8/27/2021	47152		Lobby Carpet & Install	12814	10/8/2021	\$31,820.20	\$15,000.00	\$16,820.20
5, 6 & Amendment	8	6/25/2021	1299229		Paint	12650	7/6/2021	\$197.05		\$197.05
5, 6 & Amendment	8	6/23/2021	522542		Paint	12650	7/6/2021	\$1,093.71		\$1,093.71
5, 6 & Amendment	8	Jul-21	4819-0		Paint	12650	7/6/2021	\$297.56		\$297.56
Soft Cost	63	11/17/2021	M58159		Project management fee	12972	12/17/2021	\$50,000.00		\$50,000.00
Soft Cost	54	6/10/2021	21517-1		Historic Preservation Consultant	2202	6/14/2021	\$2,500.00		\$2,500.00
Soft Cost	54	7/1/2021	21517-2		Historic Preservation Consultant	2218	7/26/2021	\$10,000.00		\$10,000.00
Soft Cost	54	12/13/2021	21517-3		Historic Preservation Consultant	2275	12/17/2021	\$5,000.00		\$5,000.00
Soft Cost	19	6/29/2021	262-00A		Historic Architect Site Visit/Drawings	2209	07/06/2021	\$1,684.90		\$1,684.90
Soft Cost	19	7/12/2021	DS21530.1		Interior design for lobby	12714	7/16/2021	\$2,585.00		\$2,585.00
Soft Cost	52	7/16/2021			KS HTC Application Fee	2214	7/16/2021	\$1,500.00		\$1,500.00
Interest	28		Statements		Interest			\$4,323.13		\$4,323.13
TOTAL AMOUNT PAID								\$802,705.60	\$75,696.70	\$727,008.90

I declare under the penalties of perjury that to the best of my knowledge the above information is true and correct.

Signature of Officer / Owner _____

Title _____

Date _____

Subtract headings (h) and (i) for total in heading (j).

The Kansas Department of Revenue will allow only those qualified expenditures that have been paid. The total amount paid in heading (h) should equal the amount entered on Schedule I heading (c) Total Costs.

\$16.00/sq.ft.

HTC \$12.00/sq.ft

\$181K Credits

Example of Savings

Cost to repair concrete around City Hall:

\$4,742,021

As a non-profit institution, qualifies for the 30% State Historic Tax Credit (HTC), and possibly others

The State HTC results in a savings of \$1,424,406.30

If obtained and sold for \$0.90 per \$1.00, the Federal HTC would result in a further \$853,563.78

Combined this results in a total savings of

\$2,277,970.08 or 48% of the money spent



Historic District Economic Impact Case Studies

1. “The Political Economy of Historic Districts: The Private, the Public, and the Collective” Academic Study Yang Zhou, 2019, West Virginia University

- ‘Public’ initiated historic districts with publicly accessible buildings located within the district tend to have greater economic ‘spillover’ benefits than private districts with only private assets [Public & Private is Essential]
 - The proposed KCK Downtown Historic District would include Multi-family Housing (Townhouse Senior Apartments), City Halls, Libraries, Court Buildings and Banks

2. Economist Donovan Rypkema writes in “Historic Preservation: Good for Your Business, Good for Your Community”

- “There is a concept in economics called “revealed preference” – consumers reveal their preference, not by answering a poll, but through their economic decisions. In cities large and small, consumers have revealed their preference for living, shopping, visiting, and locating their businesses in historic neighborhoods. That built history in your community is not nostalgia – it is an economic asset.”



Summary: Benefits of Historic Preservation

- Historic preservation:
 - Is multi-tiered economic development (increase in tax revenue, tourism \$, jobs)
 - Preserves what makes the community authentic and encourages heritage tourism
- Historic districts:
 - Are both more economically and racially diverse
 - Reduce crime
 - Decrease in vacancies and reduction in blight
 - Expand a property owners economic incentive base, especially for small projects under \$1 million and as small as \$5,000
- 66 new properties will have increased access to incentives for redevelopment





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Kansas City, Kansas 66101
www.wycokck.org/planning

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

1/6/2022

Proposed Downtown Kansas City, Kansas Commercial Historic District Outreach Summary

Public Meetings and Process

(In chronological order. This is a living document that is subject to change as meetings occur)

May 2021: The Planning and Urban Design Department petitioned the Board of Commissioners for approval to seek a grant to establish the Downtown Kansas City, Kansas Historic Commercial District.

Fall 2021: Conducted a public Request for Proposals (RFP) procurement process that resulted in the selection of a consultant, Polis Cultural Planning, to complete the draft nomination for the proposed Downtown Kansas City, Kansas Historic Commercial District.

August 23, 2022: At the Downtown Shareholders monthly meeting, provided a general project update and informed the group about the scheduled Public Open House meeting to be held at the KCK Public Library on September 20. Approx. 12 attendees

September 2, 2022: Information about the proposed Downtown KCK Historic Commercial District was circulated through the Livable Neighborhoods newsletter to inform the public about the Public Open House on September 20. The information was also posted to their Facebook page.

Week of September 5, 2022: Canvassed the area of the proposed Downtown KCK Historic Commercial District and its environs handing out flyers and information about the proposed district and the public meeting scheduled for September 20. Approx. 150 flyers given to businesses in the area and communal gathering places (i.e., the Merc Co-op, churches, coffee shops, etc....)

September 6, 2022: Mailed a notice letter to all property owners within the boundaries of the proposed Downtown KCK Historic Commercial District with information about the Public Open House to be held on September 20. Approx. 121 properties were involved.

September 20, 2022: Staff historic preservationist, Mr. Randy Greeves, hosted a Facebook Live even in collaboration with the UG's Strategic Communications Division to discuss and promote the proposed district and the public meeting held later that evening. Approx. 130 people viewed and/or interacted with the video.

September 20, 2022: Public Open House at Downtown KCK public library, presenting the proposed Downtown KCK Historic Commercial District. 26 attendees

September 28, 2022: Presentation at the KCK Chamber of Commerce Board meeting to review the proposed Downtown KCK Historic Commercial District. A follow-up meeting was scheduled in order to spend more time on the subject with their broader membership. Approx. 15 attendees

October 4, 2022: Attended the Townhouse Apartments Open House and spoke to residents, developers, and business owners about the proposed Downtown Kansas City, Kansas Historic Commercial District. Approx. 5 engagements

October 7, 2022: Spoke with Paul Helmer from Friends of Sacred Structures and received a Letter of Support in favor of the Downtown KCK Historic Commercial District.

October 7, 2022: Spoke to Kelley Hrabe, Managing Members of the Y Lofts redevelopment project that is rehabilitating the historic YMCA building at 900 North 8th Street and received a Letter of Support in favor of the Downtown KCK Historic Commercial District.

October 7, 2022: Spoke to Myria Farnsworth, Director of Integration and Finance for My Smart Plans, which operates at 803 Armstrong Avenue in the proposed Downtown KCK Historic Commercial District and received a Letter of Support in favor of the district.

October 10, 2022: Spoke to Travis Willson, the owner of Veritas Architecture and Design, who is in working with the developer that is rehabilitating the UMB Bank Tower at 601 Minnesota Avenue, which is within the boundaries of the proposed Downtown Kansas City, Kansas Historic Commercial District. Veritas submitted a Letter of Support in favor of the proposed Historic District.

October 12, 2022: Interviewed a local historic preservationist, Ms. Cydney Millstein, about the proposed Downtown Kansas City, Kansas Historic Commercial district, and her previous work on the 1996 survey of Downtown Kansas City, Kansas which the Historic District is based upon.

October 19, 2022: KCK Chamber of Commerce special meeting and presentation of the proposed Downtown Kansas City, Kansas Historic Commercial District. This longer form meeting dedicated to the proposed Historic District allowed for much more information to be shared, questions answered and subsequent discussion. Approx. 30 attendees

October 19, 2022: At the Rosedale Development Association (RDA) Leadership Council Meeting, discussed the proposed Downtown KCK Historic Commercial District, historic tax credits, and distributed informational pamphlets. Approx. 15 attendees

October 21, 2022: Set up an informational booth at a popular local event known as Third Friday in Downtown KCK. Approx. 70 engagements

October 25, 2022: Attended a meeting of the Downtown Shareholders and gave a short presentation on the proposed Downtown KCK Historic Commercial District. Approx. 15 attendees

October 25, 2022: Attended a meeting of the Wyandotte County Historical Society and presented on the proposed Downtown KCK Historic Commercial District. Approx. 15 attendees

November 1, 2022: Spoke to Susan Crain Lewis, President/CEO of Mental Health American of the Heartland that owns the Tucker Building at 701 Minnesota Avenue and received a Letter of Support in favor of the Downtown KCK Historic Commercial District.

November 1, 2022: Spoke to Bill Hutton, President of the Wyandotte County Historical Society, and received a Letter of Support in favor of the Downtown KCK Historic Commercial District.

November 7, 2022: Presented to the Unified Government of Wyandotte County and Kansas City, Kansas (UG) Neighborhood and Community Development Standing Committee about the proposed Downtown KCK Historic Commercial District and voted unanimously to recommend approval to the full Board of Commissioners to allow Staff to submit the nomination to the National Park Service for their consideration.

November 8, 2022: Presented to the Downtown Shareholders about the proposed Downtown KCK Historic Commercial District. Approx. 7 attendees

November 15, 2022: Attended an event with the County Historical Society and spoke to other attendees about the proposed Downtown KCK Historic Commercial District. Approx. 20 attendees

November 15, 2022: Attended the Strawberry Hill Neighborhood Association meeting and presented about the proposed Downtown KCK Historic Commercial District nomination. Approx. 13 attendees

November 20, 2022: Presented to the Wyandotte County Historical Society regarding the proposed Downtown KCK Historic Commercial District. Approx. 50 attendees

November 22, 2022: Attended the Downtown Shareholders monthly meeting and updated them on the status of the proposed Downtown Kansas City, Kansas Historic Commercial District. Approx 7 attendees

December 2, 2022: Mayor moved the recommendation to submit the proposed Downtown Kansas City, Kansas Historic Commercial District to the National Park Service for their consideration back to Standing Committee to allow for additional outreach and discussion.

Week of December 12, 2022: Canvassed the area of the proposed Downtown KCK Historic Commercial District, handing out flyers and other relevant information. Approx. 23 businesses and 44 people

December 14, 2022: Attended the Rosedale Development Association's (RDA) annual public meeting and spoke about the proposed Downtown Kansas City, Kansas Historic Commercial District. Approx. 10 attendees

December 27, 2022: Met with local business owner, Frank Aguilar, about the status of his property at 726 Minnesota Avenue on the National Register, and subsequently received a Letter of Support.

Week of December 26, 2022: Conducted several phone calls with Tom Prudden, Vice President of Facility Operations for Foster Adopt who owns the Kansan Newspaper building, about the impact Historic Tax Credits from the proposed Downtown Kansas City, Kansas Historic Commercial District nomination would have on his plans for the building.

May 2021-Present: Updated the Landmarks Commission monthly on the status of the proposed Downtown KCK Historic Commercial District.

January 9, 2023: Received Letters of Support from Crossline Towers at 1021 North 7th Street Trafficway and Security Bank at 701 Minnesota Avenue.

January 9, 2023: Presented to the Unified Government of Wyandotte County and Kansas City, Kansas (UG) Neighborhood and Community Development Standing Committee about the proposed Downtown KCK Historic Commercial District and voted unanimously to recommend approval to the full Board of Commissioners to allow Staff to submit the nomination to the National Park Service for their consideration. Several members of the public spoke in support of the Historic District, and some in opposition.

January 17, 2023: Received a Letter of Support from Community Housing of Wyandotte County.

January 18, 2023: Received a Letter of Support from RG Capital Partners, who are working to rehabilitate the UMB Bank Tower building at 615 Minnesota Avenue.

April 2021- Present: A total of 11 Friday notes were sent to the Board of Commissioners updating them on the status of the proposed Downtown Kansas City, Kansas Historic Commercial District project and process.

One on One Meetings with Stakeholders

(Phone calls, letters, emails, and other small meetings)

September 29, 2022: Gunnar Hand, Director of Planning and Urban Design, met with Travis Willson of Veritas Architecture and Design, and his development partners about their rehabilitation project and its synergy with the proposed Downtown Kansas City, Kansas Historic Commercial District.

October 11, 2022: Gunnar Hand met with Dr. Greg Mosier, President of the Kansas City Kansas Community College, about the impact of the proposed Downtown Kansas City, Kansas Historic Commercial District, and its proposed boundaries in relation to the proposed Downtown KCK Community College campus.

October 24, 2022: Gunnar Hand and Cynthia Ammerman met with the Mayor and his staff about the proposed Downtown Kansas City, Kansas Historic Commercial District.

November 4, 2022: Gunnar Hand met with Patrick and Keith Kearns about the proposed Downtown Kansas City, Kansas Historic Commercial District, and their plans for Downtown KCK, including the Brotherhood Bank building project.

November 8, 2022: Gunnar Hand met with the head of Security Bank and their senior leadership about the proposed Downtown Kansas City, Kansas Historic Commercial District.

November 28, 2022: Meeting between Randy Greeves and Gunnar Hand with Greg Kindle, President of the Wyandotte Economic Development Council, about the impact of the proposed Downtown Kansas City, Kansas Historic Commercial District on businesses in the Downtown KCK area.

November 29, 2022: Gunnar Hand met with Elnora Jefferson of the Northeast KCK community about the proposed Downtown Kansas City, Kansas Historic Commercial District.

November 30, 2022: Meeting between Randy Greeves and Patrick and Keith Kearns, Brotherhood Bank building, about the impact the proposed Downtown Kansas City, Kansas Historic Commercial District might have on their future development plans in Downtown KCK.

December 1, 2022: Randy Greeves and James Molloy, Planner, spoke to a local business owner in the proposed Downtown Kansas City, Kansas Historic Commercial District about the effects it would have on local businesses while surveying the neighborhood.

December 3, 2022: Randy Greeves spoke to two (2) members of the public about the proposed Downtown Kansas City, Kansas Historic Commercial District while surveying the neighborhood.

December 4, 2022: Randy Greeves spoke to one (1) member of the public about the proposed Downtown Kansas City, Kansas Historic Commercial District and its effects via telephone.

May 2021-Present: Gunnar Hand has had multiple one on one conversations with all the Board of Commissioners regarding the proposed Downtown Kansas City, Kansas Historic Commercial District.

Letters in Support/Opposition

As of January 17, 2023, Staff has received 12 letters of support, including from Downtown Shareholders, Community Housing of Wyandotte County, Security Bank, Crossline Towers, Frank Aguilar owner of Sol's Jewelry, Friends of Sacred Structures, The Y Lofts, Mental Health America of the Heartland, The Wyandotte County Historical Society and Museum, Myria Farnsworth a local property owner, RG Capital Partners and Veritas Architecture and Design.

As of January 17, 2023, Staff has received one (1) letters in opposition from Patrick Kearns of the Brotherhood Bank Building.

January 18, 2023

Mayor Tyrone Garner
Members of the Commission of the Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street
Kansas, Kansas, 66101

RE: Proposed Downtown Kansas City Kansas Historic Commercial District

Dear Mr. Garner,

It is my pleasure to write a letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

We will be closing on a building within the proposed district in the next month (601 Minnesota Ave). I look forward to seeing the history of these buildings gain the recognition they deserve and for the opportunity to access government tax credits that can be used to preserve those buildings indefinitely.

The potential State and Federal tax credits will allow for myself and other business owners to modernize our buildings and ensure access for all customers, while setting a system of review to preserve the historical features unique to my building, as well as those around me. Whereas opportunities for grants will ensure continued successes.

My hope is that my team and I can revitalize the old UMB Bank building, bringing it back to life as a historical and renovated asset. With class A amenities and cutting-edge equipment, we will be able to make the Downtown sector shine with this project.

I must emphasize, however, that our project can only move forward with the Historic District in place. Without the historic tax credits, this project would not be able to move forward.

I fully support the efforts of the Planning and Urban Design Department as they seek to obtain listing for the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City Kansas. This proposed Historic District continues the precedent that Kansas City respects its history and the city government will continue to do what it can to ensure it endures for future generations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alfredo Garcia", with a stylized flourish at the end.

Alfredo Garcia
Principal
RG Capital Partners

BOARD OF DIRECTORS

Ben McAnany

Board Chair

Sandra Olivas

Board Vice-Chair

RJ Gildea*

Treasurer

Finance

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Alayna Chipman*

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Jim Schraeder

Joseph Keller*

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Mary Collins*

Neighborhood Engagement

Sam Lewis

Sr. Therese Bangert

Tim Quigley*

Project Development

Advisory Council

Craig Gaffney

Joe Reardon

John Tiszka

Msgr. Tom Tank

Susan Carroll

William Hutton

**Committee Moderators*

January 17, 2023

Dear Mr. Greeves,

I write today to voice CHWC's support for the proposed creation of a historic district in Downtown KCK.

While CHWC does not currently have an existing project that will benefit from the district, we are supportive of any effort that creates access to resources for the development of our core neighborhoods, situates decision-making processes at the local level as opposed to at the state level, and ensures that the rich historic character of our neighborhoods is preserved.

Sincerely,



Brennan Crawford
Executive Director & CEO

TOWN HOUSE COMMUNITY DEVELOPMENT CORPORATION

1021 NORTH 7TH STREET – SUITE 106 – KANSAS CITY KANSAS 66101 913.321.2262



January 6, 2023

Mr. Gunnar Hand, AICP
Director of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas
701 N 7th Street Trafficway
Kansas City, KS 66101

RE: Proposed Downtown Historic Commercial District

Dear Mr. Hand:

On behalf of the Town House Community Development Corporation Board, it is my pleasure to write a letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

As owners of a building within the proposed district, we look forward to seeing the history of downtown buildings preserved, and we recognize the related benefit of access to tax credits that can be used to preserve and renovate area buildings.

We fully support the efforts of the Planning and Urban Design Department in seeking to obtain designation of the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City Kansas.

Sincerely,

DocuSigned by:

Patricia A. Jordan

BD140157CA704A5...

Pat Jordan
President
Town House Community Development Corporation



Friends of Sacred Structures is dedicated to the preservation and renovation of religious structures, especially those that support vital neighborhood needs.

4131 Oak Street, Kansas City, Missouri 64111

Oct. 10, 2022

October 7, 2022

Mayor Tyrone Garner
Members of the Commission of the Unified Government of Wyandotte County/Kansas
City, Kansas
701 North 7th Street
Kansas, Kansas, 66101

RE: Proposed Downtown Kansas City Kansas Historic Commercial District

To Whom It May Concern:

It is my pleasure to write a letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

As an architect and current president of Friends of Sacred Structures FOSS the significance of the built environment which needs protection. I know that Historic District designation will help preserve and gain the recognition these buildings deserve. They also will be able to access government tax credits that can be used to preserve buildings indefinitely. The potential State and Federal tax credits will allow for business owners to modernize buildings and ensure access for all customers, while setting a system of review to preserve the historical features. Whereas opportunities for grants will ensure continued successes. My hope is that you again will consider the importance of this designation process and the protection that it will bring about.

In conclusion, I fully support the efforts of the Planning and Urban Design Department as they seek to obtain listing for the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City Kansas. This proposed Historic District continues the precedent that Kansas City respects its history, and the city government will continue to do what it can to ensure it endures for future generations.

Sincerely,

Paul R. Helmer
President

Friends of Sacred Structures

Y Lofts
The Historic YMCA of Downtown KCK

October 7, 2022

Mr. Gunnar Hand, AICP
Director of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas
701 N 7th Street Trafficway
Kansas City, KS 66101

RE: Proposed Downtown Historic Commercial District

Dear Mr. Hand,

It is my pleasure to write a letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

As a historic building owner within the proposed district, I look forward to seeing the history of these buildings gain the recognition they deserve, and for the opportunity to access government tax credits that can be used to preserve those buildings indefinitely. The tax credits will allow for myself and other business owners to modernize our buildings and ensure access for all customers, while setting a system of review to preserve the historical features unique to my building, as well as those around me. It is also a way to promote preservation of our heritage, blight removal and promotion of economic development within the downtown area.

In conclusion, I fully support the efforts of the Planning and Urban Design Department as they seek to obtain listing for the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City Kansas.

Sincerely,



Kelley Hrabe
Managing Member, Y Lofts, LP

**Board of
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Delois Tucker

Gail Vertz

Linda Ward

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Phil Witt

November 1, 2022

Mayor Tyrone Garner

Members of the Commission of the Unified Government of Wyandotte County/Kansas
City, Kansas

701 North 7th Street

Kansas, Kansas, 66101

RE: Proposed Downtown Kansas City Kansas Historic Commercial District

Dear Mayor Garner and Members of the Commission,

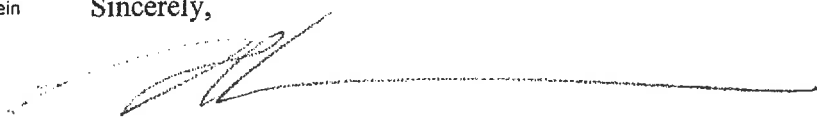
It is my pleasure to write a letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

As the President/CEO of Mental Health America of the Heartland, a non-profit advocacy organization which owns a building and parking lot within the proposed district I look forward to seeing the history of these buildings gain the recognition they deserve, and for the opportunity to access government tax credits that can be used to preserve those buildings indefinitely.

The potential State and Federal tax credits will allow for my organization and other business owners to modernize our buildings and ensure access for all customers, while setting a system of review to preserve the historical features unique to our building, as well as those around me. The additional opportunities for grants will ensure continued successes in maintaining, preserving, upgrading and maximizing the use of our buildings. My hope is that Downtown KCK, which I have had the good fortune to work in for 25 years, will be restored to the vibrant area I have heard it once was.

In conclusion, I fully support the efforts of the Planning and Urban Design Department as they seek to obtain listing for the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City Kansas. This proposed Historic District continues the precedent that Kansas City respects its history and the city government will continue to do what it can to ensure it endures for future generations.

Sincerely,



Susan Crain Lewis, President/CEO



WYANDOTTE COUNTY HISTORICAL SOCIETY & MUSEUM

631 NORTH 126TH STREET • BONNER SPRINGS, KANSAS 66012 • 913/573-5002

WWW.WYCOMUSEUM.ORG • FACEBOOK: WYCOMUSEUM

November 1, 2022

Mayor Tyrone Garner
Members of the Commission of the Unified Government of Wyandotte County/Kansas
City, Kansas
701 North 7th Street
Kansas, Kansas, 66101

RE: Proposed Downtown Kansas City Kansas Historic Commercial District

Dear Mayor Garner

It is my pleasure to write a letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

As the President of the Wyandotte County Historical Society and owner of a building adjacent to the proposed district I look forward to seeing the history of these buildings gain the recognition they deserve. Our Board also recognizes the opportunity to access government tax credits that can be used to preserve those buildings indefinitely. The potential State and Federal tax credits will allow for business owners to modernize their buildings and ensure access for all customers. This District will set up a system of review to preserve the historical features unique to the downtown buildings in KCK. It is the belief of our Board that significant grant opportunities will be available to assist in the preservation of these building with the designation of a Historic Commercial District.

The Wyandotte County Historical Society fully support the efforts of the Planning and Urban Design Department as they seek to obtain listing for the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City Kansas. This proposed Historic District will be a benefit that shows Kansas City Kansas respects its history. It further shows that the Unified Government will continue to do what it can to ensure it endures for future generations.

Sincerely,

Bill Hutton

President of the Wyandotte County Historical Society

Business Office Address 509 Armstrong Avenue, Kansas City Kansas 66101

Mission: To identify, collect, preserve, interpret and disseminate material and information pertaining to Wyandotte County history in order to assist the public in understanding, appreciating and assisting in the preservation of the heritage of this county.

October 7, 2022

Mayor Tyrone Garner
Members of the Commission of the Unified Government of Wyandotte County/Kansas
City, Kansas
701 North 7th Street
Kansas, Kansas, 66101

RE: Proposed Downtown Kansas City Kansas Historic Commercial District

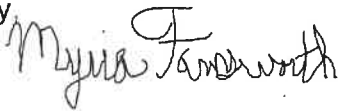
Dear Mr. Hand,

It is my pleasure to write a letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

As a building employee within the proposed district I look forward to seeing the history of these buildings gain the recognition they deserve, and for the opportunity to access government tax credits that can be used to preserve those buildings indefinitely. The potential State and Federal tax credits will allow for myself and other business owners to modernize our buildings and ensure access for all customers, while setting a system of review to preserve the historical features unique to my building, as well as those around me. Whereas opportunities for grants will ensure continued successes. My hope is that this business district will thrive even more with support and recognition.

In conclusion, I fully support the efforts of the Planning and Urban Design Department as they seek to obtain listing for the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City Kansas. This proposed Historic District continues the precedent that Kansas City respects its history and the city government will continue to do what it can to ensure it endures for future generations.

Sincerely,

A handwritten signature in cursive script that reads "Myria Farnsworth".

Myria Farnsworth | Director of Integration and Finance

Office 816.221.7881 | 913-326-4759

803 Armstrong Avenue, Kansas City, KS 66101

www.mysmartplans.com | www.mysmartcost.com



Veritas Architecture + Design
707 N. 6th St.
Kansas City, KS 66101
913.624.1610
travis@veritas-ad.com

October 10, 2022

Mr. Gunnar Hand, AICP
Director of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas
701 N 7th Street Trafficway
Kansas City, KS 66101

RE: Proposed Downtown Historic Commercial District

Mr. Hand:

It is my pleasure to write a letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

As a potential building owner and stakeholder within the proposed district I look forward to seeing the history of these buildings gain the recognition they deserve, and for the opportunity to access government tax credits that can be used to preserve those buildings indefinitely. We have invested and are continuing to invest in the revitalization of several buildings within historic downtown Kansas City, Kansas. The revitalization of these abandoned and neglected buildings is essential to a safe, thriving downtown. After years of neglect, these buildings are difficult and expensive to return to use. The tax credits are the only way that renovation is financially viable for these buildings to become once again useful.

In conclusion, I fully support the efforts of the Planning and Urban Design Department as they seek to obtain listing for the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City Kansas.

Sincerely,

A handwritten signature in black ink, appearing to read 'TJ Willson', written over a horizontal line.

Travis J. Willson, AIA



January 9, 2023

Mr. Gunnar Hand, AICP
Director of Planning + Urban Design
Unified Government of Wyandotte County and Kansas City, Kansas
701 N. 7th Street Trafficway
Kansas City, KS 66101

RE: Proposed Downtown Historic Commercial District

Dear Mr. Hand:

It is my pleasure to write this letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

As a commercial building owner within the proposed district, we welcome this proposal and encourage any opportunity to recognize our surrounding architecturally historic buildings. These tax credits will allow our bank and other surrounding business owners to invest in the downtown area by modernizing our buildings, increasing ease of access, and incorporating architectural importance to our design. In turn, this investment will draw potential employees, tenants, and customers to a more welcoming and hopefully bustling downtown.

We are encouraged that Kansas City, Kansas recognizes the need for major capital investments within the downtown area and we appreciate and welcome the vision of an active downtown. This proposal may also encourage local business owners to stay and invest rather than vacating and moving out.

In conclusion, our institution supports the efforts of the Planning and Urban Design Department as they seek to obtain listing for the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City, Kansas.

Together we can improve downtown into a thriving destination for all to enjoy.

Sincerely,

A handwritten signature in blue ink, appearing to read "James S. Lewis".

James S. Lewis
President and CEO
Security Bank of Kansas City

January 9, 2023

Mayor Tyrone Garner
Members of the Commission of the Unified Government of Wyandotte County/Kansas
City, Kansas
701 North 7th Street
Kansas, Kansas, 66101

RE: Proposed Downtown Kansas City Kansas Historic Commercial District

Dear Mr. Garner,

It is my pleasure to write a letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

As a building owner within the proposed district I look forward to seeing the history of these buildings gain the recognition they deserve, and for the opportunity to access government tax credits that can be used to preserve those buildings indefinitely. The potential State and Federal tax credits will allow for myself and other business owners to modernize our buildings and ensure access for all customers, while setting a system of review to preserve the historical features unique to my building, as well as those around me. Whereas opportunities for grants will ensure continued successes. My hope is that these grants and tax credits will offset the growing taxes and costs of owning an aging property. As well as fostering an environment for increased commerce in the downtown area.

In conclusion, as a building owner with designated "contributing" property status, I support the efforts of the Planning and Urban Design Department as they seek to obtain listing for the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City Kansas. This proposed Historic District continues the precedent that Kansas City respects its history and the city government will continue to do what it can to ensure it endures for future generations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Frank Aguilar', with a long horizontal flourish extending to the right.

Frank Aguilar

Property owner 726 Minnesota/721 State Ave.

721 State Ave.

Kansas City, KS 66101

(816) 835-3535



**DOWNTOWN
SHAREHOLDERS**
OF
KANSAS CITY, KS, INC.

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UG Commissioners

Brian McKiernan

Melissa Bynum

Tom Burroughs

Gunnar Hand

Greg Kindle

STAFF

Jason Norbury

October 13, 2022

Mayor Tyrone Garner

Members of the Commission of the Unified Government of Wyandotte County/Kansas
City, Kansas

701 North 7th Street

Kansas, Kansas, 66101

RE: Proposed Downtown Kansas City Kansas Historic Commercial District

Dear Mayor Garner and Commissioners,

It is my pleasure to write a letter in support of the proposed Downtown Historic Commercial District being submitted to the National Park Service.

As the Neighborhood Business Revitalization organization within the proposed district, Downtown Shareholders looks forward to seeing the history of these buildings gain the recognition they deserve, and for the opportunity to access government tax credits that can be used to preserve those buildings indefinitely. The potential State and Federal tax credits will allow for building and other business owners to modernize Downtown KCK's buildings and ensure access for all customers, while setting a system of review to preserve the historical features unique to each building in our diverse and historic downtown. Opportunities for grants will ensure continued successes. Our hope is that access to tax credits and other benefits will continue to spur the revitalization of Downtown KCK.

In conclusion, Downtown Shareholders supports the efforts of the Planning and Urban Design Department as they seek to obtain listing for the proposed Downtown Historic Commercial District designed to bring recognition and preservation to Downtown Kansas City Kansas. This proposed Historic District continues the precedent that Kansas City respects its history and the city government will continue to do what it can to ensure it endures for future generations.

Sincerely,

Jason Norbury

Executive Director

Greeves, Randy L

From: Hand, Gunnar
Sent: Friday, January 6, 2023 11:35 AM
To: Greeves, Randy L
Cc: Parker, Janet
Subject: FW: Downtown Historic District

See Letter in Opposition from Kearns brothers. Thanks,

Gunnar Hand, AICP

Director of Planning + Urban Design

913.573.5750

ghand@wycokck.org



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard in-person at the City Hall Commission Chambers (701 North 7th Street, Kansas City, KS 66101) with a hybrid option. All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](https://openforms.com/Planning&UrbanDesign/FeedbackForm)

From: McKiernan, Brian <bmckiernan@wycokck.org>
Sent: Friday, January 6, 2023 11:34 AM
To: Hand, Gunnar <ghand@wycokck.org>; Porter, Alley <aporter@wycokck.org>
Subject: FW: Downtown Historic District

FYI. Not sure if you also received this.

I believe he sent it to Brett as a means to have it included in the record at Monday's meeting.

From: Kevin Kearns <kevinkearnsdevelopment@gmail.com>
Date: Thursday, January 5, 2023 at 2:21 PM
To: Deichler, Brett <bdeichler@wycokck.org>, McKiernan, Brian <bmckiernan@wycokck.org>, Patrick Kearns <pkearns@brotherhoodbuilding.com>
Subject: Downtown Historic District

Dear Brett and Commissioner McKiernan,

We at KDG, while being the largest property owners in downtown KCKS, are writing to express concerns with an Historic District being placed on the downtown prematurely.

We're concerned this movement by the UG to create a huge downtown historic district is overkill, and possibly kills future downtown redevelopment.

I understand the UG is seeking to find funding sources for redevelopment, e.g. historic tax credits. But, an historic district preserves and “fossilizes” everything as is, in place. By putting the entire downtown under a historic district, you freeze the entire downtown building structures, each one, as is, where it is. Every building, old and new, is now reviewed by UG council members, multiple historic reviews and multiple advocacy groups who fight for anything “historic”.

I’ll point out that Overland Park’s old downtown does NOT have an historic district. Lee’s Summit’s downtown has multiple small historic districts of a block or so, but the overall downtown does not. Both have been successfully revitalized. Both are a mix of old and new. Independence downtown has the Truman historic district, and is dead after 5 o’clock.

What downtown doesn't need is anything more restrictive when it's trying to come back. Should some of the properties be saved, sure, and they will be by default, just as we did with the Brotherhood Block. If the UG mandates across the entire downtown you will hear the sound of every developer's exodus from downtown KCKS.

KDG has experience in Historic districts before and the issue is modification.

We spent 18 months and \$100,000 getting a simple bureaucratic mistake changed at the Federal level. We were successful, but by the time we got it done we were onto other things in other places. We still haven't been back to that project.

It seems everyone who is making these decisions won't have any money invested after they have deemed what it's supposed to be to those that do. While well intentioned, people are creating barriers to entry. Developers will go where it is the easiest barrier of entry. Adding another layer of an Historic District is seen as a government mandate that does not equal easier.

Our suggestion is to hold off on the Historic District. The UG needs a downtown development plan first that incorporates an historical component. Doing the historical district before you have a plan is somewhat backwards and stifles future growth and easement of development, We need a downtown that makes liveable and economical sense for the future while honoring the past and while encouraging investment. As part of that redevelopment plan an historic district can be a tool to help in the redevelopment but should not be an overlay that controls the situation.

If the building is worth saving and makes sense to do so a developer will do what we did to the Bank of Labor building. We own several properties downtown and we know the ones we will go through the process with and will do so without a mandated overlay.

Call me if you would like to discuss but at this time KDG is not in favor of the Historic District as it is currently proposed and if passed. may affect future decisions on our behalf as well.

--

Thank you,

Kevin Kearns

573-424-5930

kevinkearnsdevelopment@gmail.com



The Economic Benefits of Historic Designation

There are many benefits of historic designation for property and business owners. The expense of responsible preservation efforts can be offset through various available programs if the property is on either the State or National Register of Historic Places. For instance, structures noted as “contributing” within a historic district can qualify for specific incentives even without going through the process of being individually designated. No incentives exist for properties with only local landmark status.

Heritage Trust Fund

A State grant program that helps to offset the costs of preservation related projects. Only properties that are listed on the state or National Register of Historic Places are eligible. These grants are highly competitive, but the Kansas State Historical Society hosts workshops to support applicants in the submission of their applications. More information can be found at <https://www.kshs.org/14617>

Matching funds up to
\$90,000
for professional and
construction expenses

Source: Kansas Historical Society

Tax Credits

More readily available are Historic Rehabilitation Tax Credits that can reduce your federal and state income tax bills. Twenty percent of qualifying expenditures can be returned to you through federal tax credits. An additional 25% of a project’s qualifying expenditures is offered through the State. For example, if you spend \$100,000 on a rehabilitation project, you can have \$20,000 reduced from your federal income tax bill and \$25,000 reduced from your state income tax bill. Non-profit entities have the ability to sell certain tax credits to tax-paying enterprises, and thereby take advantage of the tax credit program as well. More information for both programs can be found at <https://www.kshs.org/14666>

25% of project cost
reduced from
state income tax

20% of project cost
reduced from
federal income tax

Source: Kansas Historical Society

“...if you’re not using historic tax credits and you own a historic building, you’re leaving money on the table.”

- Jan Miller, owner of the Orville Huntress Building in downtown Manhattan, KS

Economic Success

Studies of historic districts across the country have shown that protecting historic resources is good for business. Measures such as property value, tenant demand, and resident populations have seen sustained, positive growth within historic districts. Additionally, historic districts have shown greater resiliency when faced with tough economic times; often retaining more value and recovering more quickly than non-historically designated areas. A Downtown Historic District could help drive prosperity to the UG’s central business area.

Chesnut Street Historic District - Hays, Kansas

Number of Projects	11 commercial rehabs
Appraised Values	+122.5%
New Investments	+\$5 million (since 2002)
New Businesses	+25 (net)
New Jobs	+130 full time, 186 part time
Sale Tax Collection	+135%

Source: Kansas Preservation Alliance, 2010

https://www.kshs.org/preserve/pdfs/kansas_40_page_report.pdf



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas



Historic Designation in the Unified Government

Historic designation is the official recognition of a building, site or neighborhood for its significant value to a community. These designations may occur at the local, state, and/or national level and are accompanied by regulations designed to preserve the historic integrity of a place. In Wyandotte County, proposed designations are considered by the City Landmarks Commission. This body hears cases regarding historic preservation and makes recommendations to the Unified Government (UG) Board of Commissioners.

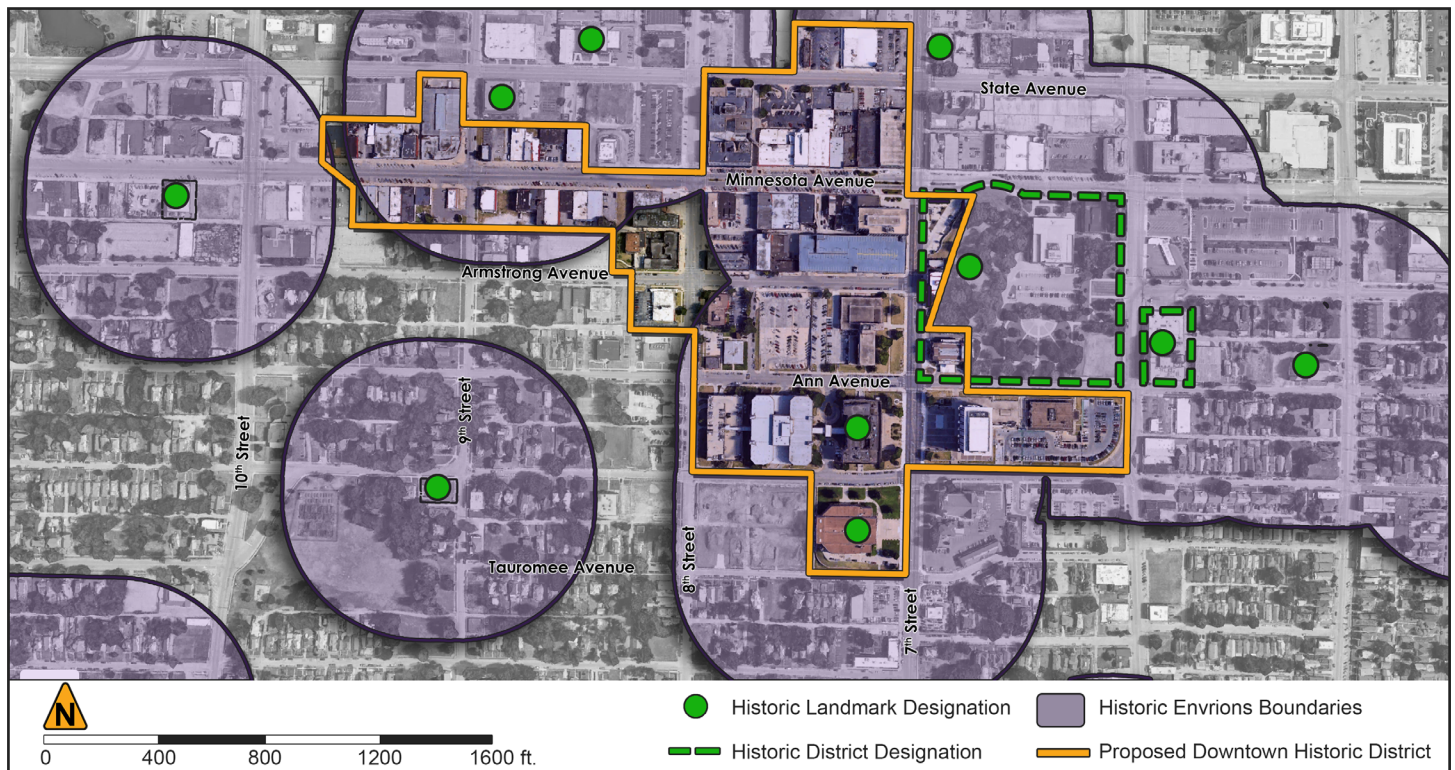
Districts + Landmarks

Through the Historic District and Landmarks designation process, the UG Board of Commissioners can provide local protections that require review and notification for any proposed change or demolition of a building or its character defining features that have particular historic, cultural and/or architectural significance. Landmarks are a single site, building, structure, or object that meet that criteria. Historic Districts are geographically definable and contiguous areas possessing a substantial concentration, or continuity of sites, buildings, structures, or objects united by historic events or by historic plan, design, or development. A property must be designated on the State and/or Federal Historic register to gain access to the economic benefits listed on the reverse of this page.

Environs

Any action requiring a building permit within 500 feet of a property or district with local historic designation is required to undergo an administrative review. This ensures that character-defining features or spatial relationships near the historically designated property or district are not destroyed. While anything within a historic environs goes through an administrative review, **there are no benefits for properties without landmark status.**

The map below shows existing Local Historic Designations (green) along with their corresponding environs boundaries (purple shading) in downtown KCK. Properties within these boundaries must abide by environs requirements but are unable to access the resources associated with an official historic designation. If the proposed Downtown Historic District (yellow line) is adopted, properties within the boundary will have access to critical tax incentives.





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

Downtown KCK Historic Commercial District Fact Sheet

Proposed District

- 101 properties (74 contributing, 27 non-contributing, and 14 surface lots) are within the proposed boundaries of the historic district.
 - Today, 30% require historic reviews and only 7% are eligible for benefits
 - If approved, 100% would require historic reviews and 73% would be eligible for benefits
- All the non-contributing structures in the proposed district could be rehabilitated to contributing status
- Kansas State Historic Preservation Office (SHPO) review takes an average of 30 days, and can be aligned with historic tax credit requests
- Benefits of a state and federally designated districts include 25% state (up to 30% for non-profits) tax rebates and 20% for federal tax rebates
- Grants for Historic Districts include:
 - Heritage Trust Fund Grant Program- \$5,000-\$90,000 with 20% match for properties on the State or National Registers
 - The Historic Preservation Fund has spent \$2 Billion since the early 1970's through a myriad of grant programs
<https://www.nps.gov/subjects/historicpreservation/historic-preservation-fund.htm>

Some of the Economic benefits of Historic Districts include

- “Numerous studies conducted by Rutgers University have shown that in many parts of the country, a \$1 million investment in historic rehabilitation yields markedly better effects on employment, income, GSP, and state and local taxes than an equal investment in new construction or many other economic activities”
- Properties in Historic Districts typically perform better with property value growth than those in a non-historic area. 74% of properties in Historic Districts typically see an increase in property value of 5% to 20% over the average increase for all properties
- A major commercial rehabilitation will cost from 12 percent less to 9 percent more than the cost of comparable demolition/new construction

Case Studies

- In Hays, Kansas reported 11 new commercial rehabs that resulted in an increase of 122.5% appraisal values of the properties, \$5 Million in new investments, 25 new businesses, 130 new full-time jobs and 186 new part-time jobs, and a 135% increase in sales tax after the creation of the Chestnut Street Historic District
- In Buffalo, New York nearly half of all new job growth was in Historic Districts



Staff Request for Commission Action

Tracking No. 212197

Full Commission Meeting Date:

Committee: Economic Development & Finance

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/19/2023	<u>Contact Name:</u> Andrea Vinyard	<u>Contact Phone:</u> x8226	<u>Contact Email:</u> avinyard@wycokck.org	<u>Department/Division:</u> Treasurer
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Item Description:

Resolution: Cash and Investment Policy

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Cash Investment Policy Final 2022-2023 ED&F 1-9-23, Resolution Adopting 2023 Cash Management Policy - final



Unified Government of Wyandotte County and Kansas City, Kansas

Cash and Investment Policy

Commission Resolution:
R-XX-20

Last Adopted: XX/XX/20XX

Section 1. General Purpose Statement

The Board of Commissioners has authority to invest all funds held by or belonging to Wyandotte County/Kansas City, Kansas ("Unified Government" or "UG"). The purpose of this Cash Management and Investment Policy is to identify the policies and statements of the Unified Government regarding the safe and responsible management of the Unified Government funds; and to authorize and establish procedures for the management and investment of Unified Government funds to achieve the Policy objectives.

Section 2. Legal Authority

The Unified Government Board of Commissioners is granted the authority to invest temporarily idle funds, i.e. those funds which are not immediately required for the purposes for which the moneys were collected or received and the investment of which is not subject to or regulated by any other statute, under K.S.A. 12-1675 and 12-1677b which also identifies the types of investments the Unified Government may purchase.

Section 3. Policy Statement

The policy of the Unified Government is to invest its funds in a manner which will provide a reasonable rate of return with the maximum security while meeting the daily cash flow demands of the Unified Government and conforming to all statutes governing the investment of such funds.

Section 4. Scope

This Cash Management and Investment Policy shall apply uniformly to all officials, employees, departments, agencies, representatives and authorized agents in the performance of their official duties and to the processing and management of all investment transactions of the Unified Government's idle funds. All participants in the investment process shall act responsibly as custodians of the public trust. Investment officials will conduct themselves as good stewards of public funds that will promote public confidence in the Unified Government's ability to govern effectively.

This Cash Management and Investment Policy applies to the Unified Government's cash management and investment activities primarily focused on idle funds and general obligation bond proceeds held by or under the control of the Unified Government. Debt service funds, reserve funds, and other financial assets held by various fiscal agents and trustees as provided under various bond ordinances are invested at the direction of the Unified Government but are not held by the UG nor under the direct control of the Director of Revenue/County Treasurer.

Section 5. Adoption and Annual Review

This Cash Management and Investment Policy shall be adopted by resolution of the Board of Commissioners. The Policy shall be reviewed on an annual basis by the Cash Management Committee

and shall be reviewed and approved annually by the Board of Commissioners. If it deems it necessary, the Cash Management Committee will recommend changes to this Policy to the Board of Commissioners. Any recommended modifications to the Policy must be reviewed and approved by the Board of Commissioners.

Section 6. Cash Management Committee; Delegation of Authority

A Cash Management Committee shall be established. The Cash Management Committee (CMC) shall consist of the following voting members: Unified Government's Chief Financial Officer, the Clerk, the Director of Revenue/County Treasurer, the Chief Counsel or designee and the following non-voting members: the Legislative Auditor or designee, Accounting Manager, Cash Manager and one member from the municipal advisory firm of the Unified Government. The Chief Financial Officer shall serve as the Chairperson of the CMC.

Responsibility for the operation of the investment program is delegated to the CMC which shall establish procedures and internal controls for the operation of the investment program consistent with this Policy.

Daily and routine investments of Unified Government idle funds will be made by the Chief Financial Officer or designee, under the guidelines set forth in this Policy and as recommended by the CMC.

Section 7. Investment Procedures

This Policy is administered through a separate set of written Investment Procedures, which should be referred to in conjunction with this Policy. The Cash Management Committee is hereby authorized to adopt written Investment Procedures consistent with this Cash Management and Investment Policy. Such Procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the Procedures adopted by the Cash Management Committee. The Director of Revenue/County Treasurer shall be responsible for all transactions undertaken and shall establish a system of internal controls to regulate the activities of subordinate officials.

In the development of the system of internal controls, consideration shall be given to documentation of strategies and transactions, techniques for avoiding collusion, separation of functions, delegation of authority, limitations of authority, and custodial safekeeping.

Section 8. Staff Qualifications

- A. The Unified Government shall hire a Cash Manager or shall retain an outside manager to manage investments. The Cash Manager will have the necessary qualifications to perform investment duties as outlined in the Cash Management and Investment Policy and the Cash Management and Investment Procedures and will be supervised by the Chief Financial Officer or designee.
- B. Duties of the Cash Manager position include the following:
 - 1. Management of the short-term and long-term investment portfolios in accordance with K.S.A. 12-1675 and 12-1677b and amendments thereto, with any other applicable statutes or ordinances or resolutions, and with this Cash Management and Investment Policy and the Cash Management and Investment Procedures and amendments thereto;
 - 2. Tracking investment transactions; ensuring accuracy and security of investments, monitoring record keeping of investments;

3. Performing inspections on safekeeping receipts held as collateral to cover investments; alerting banks regarding insufficient collateral;
 4. Prepare cash flow forecasts;
 5. Generate investment performance statistics and activity reports; and
 6. Other duties as assigned by the Chief Financial Officer or the Director of Revenue/Treasurer.
- C. Specific qualifications include a bachelor's degree in Finance, Accounting, Economics, Business, or Public Administration and two years of progressively responsible investing or accounting experience, or any equivalent combination of education and experience sufficient to successfully perform the essential duties of the job. If the individual appointed to the Cash Manager position does not possess the requisite investment experience, the individual will attend government investment training approved by the Chief Financial Officer within one year of appointment.

Section 9. Investment Advisor

The Chief Financial Officer, with the approval of the Cash Management Committee, may appoint an independent Investment Advisor registered with the Securities and Exchange Commission pursuant to the Investment Advisers Act of 1940 and the rules adopted thereunder, or a "Municipal Advisor" as defined by Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, amending Section 15B of the Securities Exchange Act of 1934, and interpreted by the Securities and Exchange Commission in its final rules adopted September 10, 2013, to advise the Unified Government on investment activities. The Investment Advisor will be selected through a competitive process under the Unified Government's Procurement Code. The terms and conditions of such relationship shall be set out in a contract. The duties and responsibilities of the Investment Advisor at a minimum shall include the following.

1. Providing advice and analysis on the Unified Government's Investment Policy, portfolio management techniques, portfolio structures, and new investment securities and products;
2. Assistance in developing or improving and implementing cash flow modeling;
3. Providing advice on investment benchmarking and performance reporting;
4. Evaluation of the capabilities and usage of software utilized in management of and accounting for the investments;
5. Assisting in any investment related presentations to the Cash Management Committee or Board of Commissioners; and
6. Providing analysis, advice, and assistance on other investment-related matters, including investment of bond proceeds.

Section 10. Standards of Care

A. Prudence

The standard of prudence to be used by investment officials shall be the "prudent person standard" and shall be applied in the context of managing an overall portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence would exercise in the management of their own affairs, not for speculation, but for investment, considering first the safety and liquidity of their capital

and next the probable income to be derived. If outside investment professionals are retained, they shall be held to the “prudent expert standard,” that is, they shall exercise the judgment, care, skill, prudence and diligence, under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments so as to minimize the risk of large losses, unless, under the circumstances, it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar funds, considering the probable income as well as the probable safety of their capital.

The Chief Financial Officer, other investment officials, and the members of the CMC, when acting in accordance with the written Investment Procedures and the Cash Management and Investment Policy, and when exercising due diligence, shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

B. *Ethics and Conflict of Interest*

Unified Government officers and employees authorized to perform investment duties shall refrain from personal business activity that could conflict with proper execution and management of the investment program, or that could impair their ability to make impartial decisions. For purposes of this Policy, “officers and employees” means voting members of the Cash Management Committee and the Cash Manager; it shall not mean elected officials.

No officer or employee shall use his or her official position or office to obtain direct or indirect personal financial gain for himself or herself, his or her family, or any business in which the officer or employee has a financial interest. Officers and employees are governed by this Policy, the Unified Government Code of Ethics, and any applicable state laws.

Investment staff shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Unified Government.

Officers and employees shall disclose annually to the Legislative Auditor and to the Ethics Administrator any financial interest in financial institutions with which the Unified Government conducts business or any benefit which the officer or employee obtains from any Unified Government contract or from placement of an investment of Unified Government funds. For purposes of this Policy, “financial institution” means banks, savings banks, or savings and loan associations as defined in K.S.A. 12-1675a and amendments thereto. For purposes of this Policy, “financial interest” means (a) ownership or any interest or involvement in any relationship from which, or as a result of which, a person within the past year has received, or is presently or in the future entitled to receive, more than \$5,000 per year, or its equivalent; (b) ownership of such interest in any property or any business as may be specified by the Ethics Commission; or (c) holding a position in a business such as an officer, director, trustee, partner, employee, or the like or holding any position of management. Financial interest does not include household operating accounts or a depository relationship with a financial institution.

Each financial institution in which the Unified Government deposits funds and each investment manager and each consultant retained by the Unified Government shall be notified of this

section of the Policy and shall conform to its provisions and shall not participate in any violation of this section or in any effort to influence any officer or employee to breach the standards of ethical conduct set forth in this section.

Section 11. Objectives

The primary objectives of the Unified Government investment activities, in priority order, shall be:

- A. *Safety.*** Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio. The objective will be to mitigate credit and interest rate risk.

1. Credit Risk

Credit risk, the risk of loss due to the failure of the security issuer or backer, will be minimized by:

- a. Limiting investment to the safest types of securities;
- b. Pre-qualifying financial institutions, broker/dealers, intermediaries, and advisors with whom the UG will do business; and
- c. Diversifying the investment portfolio so that potential loss on individual securities will be minimized.

2. Interest Rate Risk

Interest rate risk, the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, will be minimized by:

- a. Structuring the investment portfolio so that the securities mature to meet cash requirements of the general operating fund, thereby avoiding the need to sell securities prior to maturity; and
- b. Investing general operating funds primarily in shorter-term securities.

B. *Diversification.*

1. In General

It is the policy of the Unified Government to diversify its investment portfolio so as to protect its funds from material losses due to issuer defaults, market price changes, technical complications leading to temporary lack of liquidity, or other risks resulting from an over-concentration of assets in a specific maturity, a specific issuer, or a specific class of securities.

2. By Institution

Investments will be diversified so that reliance on any one issuer or financial institution will not place an undue financial burden on the Unified Government in the event of default. Accordingly, no more than 25% of the total investment portfolio shall be with the same financial institution or issuer, except US treasuries, unless it would be prudent to do so under prevailing circumstances. If the above limit is exceeded, the Chief Financial Officer will notify the CMC.

3. *By Instrument Type*

Market and credit risk will be minimized by diversification among investment types. The following are maximum limits for the percentage of Unified Government investable funds to be invested in each investment type.

a.	Certificates of deposit	100%
b.	U. S. Treasury bills, notes or bonds	100%
c.	U. S. Government agency obligations	50%
d.	Kansas Municipal Investment Pool	50%
e.	Repurchase agreements	25/100%*
f.	Bank trust department municipal pools	25%
g.	Temporary notes or no-fund warrants	10%

Because of distortion created by deposit of proceeds from the sale of temporary notes issued by the Unified Government, measurement of the maximum limits on investments by institution and by instrument type for purposes of this subsection 11.B. shall occur at least one week after the deposit of such proceeds.

* NOTE: Investments in short term securities shall be limited to 10% of investable funds, and investments in repurchase agreements shall be limited to 25% of investable funds, except as set out below. While it is not the goal to invest 100% of investable funds in either short term securities or repurchase agreements, the ability to invest the maximum limit in these two investment types is recognized as an option in certain market circumstances when these investments offer higher returns than other investment types at minimal risk. The option to invest more than the 10% or 25% limit respectively will be used only when the Cash Manager determines, with the concurrence of the Chief Financial Officer and the Unified Government's municipal advisory firm, that it is advantageous and prudent to do so.

C. *Liquidity.*

1. The Unified Government's investment portfolio will remain sufficiently liquid to enable it to meet all operating requirements that might be reasonably anticipated without incurring material losses by structuring the portfolio so that securities mature concurrent with anticipated cash needs. Since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets.
2. The Unified Government understands the importance of having sufficient funds invested in overnight sweep accounts to meet weekly payrolls, accounts payable, scheduled debt service, and extraordinary expenses that may occur, which may range from 10% to 25% of available investment funds.
3. It is important for a county government to have the necessary funds for the scheduled tax distributions to other governmental entities. In particular, liquidity is essential for the January and June tax distributions. Therefore, it is the policy of the Unified Government that such funds be held liquid to provide assurance as to the availability and

safety of these funds held on behalf of the other governmental entities under the Unified Government's trust.

D. Maturity.

1. All investments shall be made to mature in accordance with cash needs identified in regularly prepared and updated cash flow forecasts. The Unified Government recognizes that the laddering of investments is a sound approach to mitigate short-term interest rate fluctuations. Additional considerations in the structuring of investments shall include:
 - a. Review of economic and financial indicators, such as Federal Reserve monetary policy position statements and the U.S. Treasury yield curve; and
 - b. Input from the Unified Government's municipal advisory firm.
2. The Unified Government has adopted the following maturity target ranges for its core investment portfolio. Core investments include all operating funds of the Unified Government and exclude bond proceed funds held by a bond trustee for the purpose of project construction, debt service payments, debt reserves or other escrow requirements.

a.	0 – 12 months	30% to 60%
b.	12 – 24 months	20% to 40%
c.	24 – 36 months	15% to 30%
d.	36 – 48 months	10% to 20%

The maturity targets are provided as a guideline. Notwithstanding the above maturity target ranges, cash flow requirements and existing interest rate markets may dictate the need to adjust the timing of investment maturities.

4. The sale of securities before maturity shall require the prior approval of the Chief Financial Officer based on the following reasons:
 - a. A security with declining credit quality may be sold early to minimize loss of principal.
 - b. Liquidity needs require a security to be sold.
 - c. It is advantageous to the portfolio to sell such securities.
 - d. Financial failure of the issuer is likely.
5. As long as this Policy continues to be approved by the State Pooled Money Investment Board, the maximum maturity for investments shall be four years. Otherwise the maximum maturity for investments shall be two years.

E. Return on Investment. The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the UG's investment risk constraints, state statutes, cash flow characteristics of the portfolio, and

prudent investment principles. As a benchmark for risk-free investment transactions, the U.S. Treasury Bill rate for the Unified Government's total portfolio weighted average maturity term will be the minimum standard for the portfolio's rate of return. Return on investment is the last in importance compared to the safety, diversification, liquidity and maturity objectives described above.

Section 12. Performance Evaluation and Reporting

Investment performance shall be continually monitored and evaluated by the CMC. Investment performance statistics and activity reports will be generated by the Cash Manager. Summary investment reports will be provided quarterly to the Economic Development and Finance Standing Committee of the Unified Government Board of Commissioners, with copies to the County Administrator, the Unified Government Commission, and the Cash Management Committee.

Reports shall include but not be limited to information on interest received, interest earned, investment yield, types of investments, distribution by type of investments, maturity schedule by month, weighted average days to maturity, evaluation of portfolio to selected benchmark, and any other information deemed necessary by the Chief Financial Officer or requested by the County Administrator or the Board of Commissioners.

Section 13: Eligible Financial Institutions

A. *Minimum Qualifications for Depositories*

1. In order to ensure the safety of principal, the Unified Government shall deposit funds, including those designated for investment purposes, only in eligible financial institutions which meet the minimum criteria set forth below. Financial institutions failing to meet the minimum criteria shall not be considered eligible.
2. Financial institutions must meet the following minimum qualifications:
 - a. The deposits of the financial institution are insured by the Federal Deposit Insurance Corporation (FDIC).
 - b. The financial institution meets the criteria for eligibility under state law for active or idle funds as appropriate.
3. If a financial institution loses its eligibility under state law after Unified Government funds are deposited or invested, no additional funds shall be deposited in such institution. Funds shall be removed as quickly as is prudent under the circumstances, but funds invested with a prescribed time for maturity need not be withdrawn before such maturity.

B. *Depositories for Active Funds*

1. *Security Required.* If a financial institution is designated as an official depository for active funds, before any Unified Government funds are deposited, satisfactory security must be obtained for such deposits. Satisfactory security is as described in K.S.A. 9-1402, as amended, and this Policy.

2. *Selection Criteria.* In addition to the required criteria listed above, the Unified Government may also consider the following when selecting a financial institution as a depository for active funds:
 - a. Full service capabilities
 - b. Submission of financial statements and availability schedules
 - c. Acceptable staff experience
 - d. Statement of equal opportunity employment practices
 - e. Extent of reinvestment of deposits in Wyandotte County.
3. *Competitive Selection.* The Chief Financial Officer shall solicit proposals prior to the designation of one or more depositories. The Unified Government's purchasing policies shall be followed when obtaining proposals on the Unified Government's depository specifications. Selection of the depositories shall be based on the capacity of an institution to perform the services required and on the most favorable terms and conditions for handling of Unified Government funds.
4. *Governing Body Designation.* K.S.A. 9-1401, as amended, requires the governing body of the Unified Government to designate by official action the financial institution or institutions, which shall serve as depositories of its active funds.

C. *Idle Funds*

1. *In General.* Idle funds shall be invested only in the manner set out in K.S.A. 12-1675 and 12-1677b, and amendments thereto, and in this Policy. Investment transactions shall only be conducted with:
 - a. Qualified financial institutions which meet the minimum requirements contained in this Section 13 and the criteria for eligibility under state law; or
 - b. Qualified primary government security dealers and broker/dealers as set out below.
2. *Certification.* In order to be qualified for investment of Unified Government idle funds, a financial institution, securities dealer, or broker/dealer must certify in writing that the person responsible for the investment has read and understood and agreed to comply with this Policy.
3. *Competitive Selection.* Investments of idle funds will be offered to all approved institutions and dealers who have requested to be on the list of interested bidders. Investments will be awarded through a competitive process involving solicitation of bids from qualified institutions and dealers.

A list will be maintained of financial institutions authorized to provide investment services. In addition, a list will be maintained of approved primary government security dealers and broker/ dealers.

4. *Primary Government Securities Dealers and Broker/Dealers.*

Investment transactions may be conducted with primary government securities dealers which report to the market report division of the Federal Reserve Bank of New York or any broker-dealer which is registered in compliance with the requirements of Section 15 or 15C of the Securities Exchange Act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto.

In order to be qualified to conduct investment transactions with the Unified Government, broker/dealers must meet the minimum requirements for credit worthiness established by the Kansas Pooled Money Investment Board, including minimum capital requirements and years of operation, and must be approved by the Cash Management Committee.

All broker/dealers who wish to become qualified for investment transactions must supply to the Chief Financial Officer on an annual basis the following items as appropriate:

- a. A copy of the most recent audited annual financial statement;
- b. If requested by the Unified Government, a copy of the most recent, unaudited annual financial statement;
- c. Proof of Financial Industry Regulatory Authority (FINRA) certification;
- d. Proof of state registration with the Kansas Securities Commission;
- e. Completed broker/dealer questionnaire (non-primary dealers only);
- f. Business resume of individual assigned to UG account; and
- g. Notice of any regulatory action taken against the broker/dealer.

5. *Safekeeping and Custody.*

All security transactions, including collateral for repurchase agreements, shall occur on a delivery versus payment basis. This ensures that securities are deposited in the eligible financial institutions prior to the release of funds. Safekeeping and custody agreements will be maintained with third-party financial institutions. All securities, including those acquired by repurchase agreements, shall be perfected in the name of the Unified Government and shall be delivered to a third-party custodian designated by the Unified Government and evidenced by safekeeping receipts.

Section 14. Authorized Investments

A. *Idle Funds*

The investments authorized for the idle funds (those funds not immediately required for the purposes for which the moneys were collected) under this Policy shall be in conformance with K.S.A. 12-1675, K.S.A. 12-1677b, and amendments thereto, and any other applicable statutes or ordinances or resolutions and amendments thereto. As long as this Policy continues to be approved by the Kansas Pooled Money Investment Board, the investments permitted by K.S.A. 12-1677b shall be authorized investments under this Policy. For purposes of this Policy, "investment rate" means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The 0-90 day rate shall be computed on the average effective federal funds rate as published by the Federal Reserve system for the previous week.

If for any reason this Policy is not approved by the Kansas Pooled Money Investment Board, the investments permitted by K.S.A. 12-1675 shall be the only authorized investments under this Policy until such time as this Policy obtains the approval of the Kansas Pooled Money Investment Board.

As long as this policy continues to be approved by the Kansas Pooled Money Investment Board, the following are authorized investments, pursuant to K.S.A. 12-1675 and 12-1677b. The maximum maturity for investments under this subsection shall be four years.

1. *United States Treasury and Agency Securities.* Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of United States-sponsored enterprises which under federal law may be accepted as security for public funds, except that such investments shall not be in mortgage-backed securities. Investments under this paragraph shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.
2. *Interest-bearing Time Deposits.* In any banks, savings and loan associations, and savings banks which have a main or branch office in Kansas.
3. *Repurchase Agreements.* With banks, savings and loan associations, and savings banks which have a main or branch office in Kansas or with a primary government securities dealer which reports to the market reports division of the Federal Reserve Bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government-sponsored enterprises which under federal law may be accepted as security for public funds.
4. *Temporary Notes Issued by the Unified Government.*
5. *Municipal Investment Pool Fund.* The fund established in K.S.A. 12-1677a and amendments thereto and managed by the Kansas Pooled Money Investment Board.
6. *Multiple Municipal Client Investment Pools.* Managed by the trust departments of banks which have offices located in Wyandotte County or with trust companies incorporated under the laws of Kansas which have contracted to provide trust services under K.S.A. 9-2107, and amendments thereto. Moneys invested under this paragraph shall be secured as provided in K.S.A. 9-1402, and amendments thereto, and this Policy.

B. *Local Emphasis*

1. Subject to the other requirements of this Policy, funds available for investment under this section will be offered first to eligible financial institutions with a main or branch office located in Wyandotte County. If such financial institutions cannot or will not make the investments available at interest rates equal to or greater than the investment rate as defined in K.S.A. 12-1675a, and amendments thereto, or if such financial institutions are limited from bidding on the investment by the diversification requirements of this Policy,

then the funds may be offered to other eligible financial institutions or entities permitted under this Policy.

2. Notwithstanding any other requirements of this Policy, the Unified Government will offer \$235,000 to every financial institution with a main or branch office located in Wyandotte County if such financial institutions will make the investment at interest rates equal to or greater than the investment rate as defined in K.S.A. 12-1675a, and amendments thereto, at a maturity term to be determined by the Unified Government.

C. *Investment of Bond Proceeds*

The Unified Government will invest proceeds of bonds (other than industrial revenue bonds for which the Unified Government is merely a conduit issuer) and temporary notes in conformance with K.S.A.10-131, and amendments thereto. The following lists the investments, which the Unified Government will consider, and which shall be authorized for the investment of bond proceeds:

1. Investments authorized for idle funds by K.S.A. 12-1675 and this Policy.
2. The municipal investment pool established pursuant to K.S.A. 12-1677a.
3. Direct obligations of the United States government or any agency thereof;
4. Temporary notes issued by the Unified Government.
5. Interest-bearing time deposits in commercial banks located in Wyandotte County.
6. Obligations of the Federal National Mortgage Association, Federal Home Loan banks and Federal Home Loan Mortgage Corporation.
7. Repurchase agreements collateralized by direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or the Federal Home Loan Mortgage Corporation.
8. Investment agreements with or other obligations of a financial institution, the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's Investors Service or Standard and Poor's Corporation;
9. Investments in shares of units of a money market fund or trust, the portfolio of which is comprised entirely of direct obligations of the U.S. government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.
10. Receipts evidencing ownership interest in securities or portions thereof in direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.

11. Municipal bonds or other obligations issued by any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.
12. Bonds of any municipality of the State of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of the United States government or any agency thereof or obligations of the Federal National Mortgage Association, Federal Home Loan Banks or Federal Home Loan Mortgage Corporation.
13. No moneys shall be invested in a derivative as that term is defined in K.S.A. 10-131, and amendments thereto.

D. *Arbitrage*

The Internal Revenue Code provides that on a periodic basis the Unified Government is required to compute rebate on each bond issue. Rebate is the calculated dollar amount representing the difference between what the issuer actually earned from the investment of certain funds related to the bond issue and the amount the issuer would have earned had those same funds been invested at an interest rate equal to the yield on the bond issue. Absent an exception to rebate, the Unified Government is required to pay or “rebate” to the United States the dollar amount representing these excess earnings.

For each bond issue, rebate must be calculated and paid at least once every five years and within 60 days after the last bond of the issue is paid. Payment of rebate is a condition to maintaining the tax-exempt status of each bond issue, and failure by the Unified Government to comply with the rebate requirements may cause the interest on an issue of bonds to become taxable, retroactive to their date of issuance.

The Unified Government’s investment position is to pursue the maximum yield on investments without jeopardizing the tax-exempt status of the bonds. To the extent possible, the Unified Government will seek to comply with applicable exceptions to rebate and when necessary rebate any excess earnings to the United States. The potential rebate of excess earnings will not influence the Unified Government’s investment policies.

Section 15. Collateral Requirements

- A. *Full Collateralization Required.*** All Unified Government deposits shall be fully insured or collateralized at all times.
- B. *Initial Placement.*** Moneys to be deposited in financial institutions shall not be released until the financial institution has executed and adopted a security agreement and required custodial agreements.

- C. Allowable Collateral.** Acceptable collateral for Unified Government deposits, including idle fund investments, as permitted by K.S.A. 9-1402, and amendments thereto, shall be limited to:
1. Except as otherwise set out in this subsection C.1., the financial institution may pledge or assign securities owned directly or indirectly by it, the market value of which is equal to 105% of the total deposits at any given time. The following are allowable securities:
 - a. Direct obligations of or obligations that are insured as to principal and interest by, the United States or any agency thereof.
 - b. Obligations including letters of credit and securities of United States-sponsored corporations which under federal law may be accepted as security for public funds, subject to the following restrictions:
 - (1) The letter of credit must be in the format acceptable to the Director of Revenue.
 - (2) The Unified Government must be designated as the irrevocable and unconditional beneficiary of the letter of credit.
 - (3) The issuer and the depository bank must notify the Director of Revenue by certified or registered mail at least 45 days prior to the cancellation or the non-renewal of a letter of credit.
 - (4) The issuer may not provide letters of credit for any one depository bank in an amount which exceeds ten percent of the issuer's capital and surplus.
 - (5) If a letter of credit issued by the Federal Home Loan Bank is to be pledged as collateral, the amount of the letter of credit shall be equal to 100% of the deposits to be collateralized plus the interest expected to be received by the Unified Government upon maturity of the investment.
 2. The following securities may be used as collateral only if the financial institution pledges or assigns them in an amount, the market value of which is equal to 125% of the Unified Government deposits. Not more than 5% of the Unified Government's total idle funds portfolio may be collateralized by the following securities:
 - a. Bonds of any Kansas municipality which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a

bank, of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by the United States.

- b. Bonds of the State of Kansas.
 - c. General obligation bonds of any Kansas municipality.
 - d. Revenue bonds of any Kansas municipality if approved by the state bank (or savings and loan) commissioner and which are rated at least Aa by Moody's Investors Service or AA by Standard and Poor's Corporation Bonds secured by revenues of a utility which has been in operation for less than three years will not be accepted as collateral.
 - e. Temporary notes of any Kansas municipality which are general obligations of the municipality issuing the same.
 - f. Warrants of any Kansas municipality, the issuance of which is authorized by the State Court of Tax Appeals and which are payable from the proceeds of a mandatory tax levy.
 - g. Commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm.
3. For overnight repurchase agreements in which the Unified Government is the buyer, the seller shall deliver the following securities to the custodian for the Unified Government in the amount of 102% of the market value of the securities on the purchase date:
- a. Direct obligations of or obligations that are insured as to principal and interest by the United States or any agency thereof, or
 - b. Obligations and securities of U.S. government-sponsored corporations which under federal law may be accepted as security for public funds, subject to any restrictions contained in Section C.1.b. above.
- D. *Peak Period Agreements.*** Peak-period agreements permitted under K.S.A. 9-1403 are not permitted under this Policy.
- E. *Collateral Substitution.*** Collateralized investments often require substitution, additions and/or deletions of collateral. Any financial institution requesting these actions must contact the Chief Financial Officer or the Director of Revenue/County Treasurer. Substitution of collateral shall be required whenever, in the opinion of the Unified Government Chief Financial Officer, the collateral no longer satisfies or complies with the security requirements established under this Policy.
- F. *Valuation of Collateral.*** For purposes of compliance with this section, all collateral shall be priced on a market value basis no less than monthly. Collateral requirement is

defined as the outstanding amount of Unified Government funds deposited plus accrued interest thereon less federal deposit insurance coverage.

- G. *Collateral Compliance Report.*** Each financial institution with Unified Government deposits shall submit monthly to the Chief Financial Officer or the Director of Revenue/County Treasurer, or more frequently if requested, a report documenting the institution's compliance with the collateral requirements of this Policy.
- H. *Custodial Agreement.*** Each depository bank depositing securities with a custodial bank shall enter into a written custodial agreement with the custodial bank and the Unified Government for the safekeeping of the securities.
- I. *Failure to Meet Collateral Requirements.*** If a depository bank fails to meet requirements established by this Policy, the depository bank shall be offered the following options:

 - 1. Close the account and return to the Unified Government all principal and accrued interest without penalty; or
 - 2. Convert the deposit to a repurchase agreement under terms acceptable to the Unified Government.

RESOLUTION NO. R-_____-23

**A RESOLUTION ADOPTING THE UNIFIED
GOVERNMENT'S CASH MANAGEMENT POLICY FOR 2023.**

WHEREAS, the purpose of the Cash Management and Investment Policy (the "Policy") is to identify the policies and statements of the Unified Government regarding the safe and responsible management of Unified Government funds and to authorize and establish procedures for the management and investment of Unified Government funds to achieve the Policy objectives.

WHEREAS, the Policy shall be reviewed on an annual basis by the Cash Management Committee and shall be reviewed and approved annually by the Board of Commissioners. If it deems it necessary, the Cash Management Committee will recommend changes to the Policy to the Board of Commissioners. Any recommended modifications to the Policy must be reviewed and approved by the Board of Commissioners.

WHEREAS, the Cash Management Committee reviewed the previous Policy for 2022 and had no recommended changes to make for 2023.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
COMMISSIONERS OF THE UNIFIED GOVERNMENT:**

SECTION 1. Adoption of Cash Management and Investment Policy. The Board of Commissioners of the Unified Government hereby approves and adopts the Policy, as set forth in Exhibit A, attached hereto. The Board of Commissioners finds that the attached Policy sets forth procedures which will allow the Unified Government to invest funds in a manner that will meet daily cash flow demands while providing a reasonable rate of return with the maximum security in conformity with all Kansas statutes governing the investment of public funds.

SECTION 2. Authorizations. That the County Administrator and all other employees and agents of the Unified Government are authorized to take all actions and to approve all instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

SECTION 3. Effective Date. This Resolution shall be effective upon adoption by the Unified Government Board of Commissioners.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT THIS 26th DAY OF JANUARY, 2023.**

Unified Government Clerk

Approved as to Form:

Chief Counsel



Staff Request for Commission Action

Tracking No. 212152

Full Commission Meeting Date:

Committee: Economic Development & Finance

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/19/2023	<u>Contact Name:</u> Debbie Jonscher, Alyse Villarreal	<u>Contact Phone:</u> x5847, x5273	<u>Contact Email:</u> djonscher@wycokck.org, avillarreal@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

A Home Rule resolution authorizing and implementing certain public safety communication equipment to serve the county and authorizing the issuance of general obligation bonds to finance the cost of the same, submitted by Debbie Jonscher, Acting Chief Financial Officer.

Action Requested:

Approval

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Home Rule Resolution - APX Radio (UG)

(Published in the Wyandotte Echo on January __, 2023)

RESOLUTION NO. R-__-23

A HOME RULE RESOLUTION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AUTHORIZING THE ACQUISITION AND IMPLEMENTATION OF CERTAIN PUBLIC SAFETY COMMUNICATION EQUIPMENT TO SERVE THE COUNTY AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE SAME.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) pursuant to K.S.A. 12-345(l), has all the powers, functions and duties of a county and may exercise home rule powers in the manner and subject to the limitations provided by K.S.A. 19-101a, and amendments thereto, and other laws of the State of Kansas; and

WHEREAS, the Unified Government is acting as a county in the exercise of its powers in this Resolution; and

WHEREAS, the Unified Government has determined that it is necessary and advisable and in the interest of public safety, health and welfare and other public purposes to acquire and implement certain public safety communication equipment to serve the county and its environs (the “Equipment”) and to issue general obligation bonds of the Unified Government to pay a portion of the costs of acquiring and implementing the Equipment; and

WHEREAS, K.S.A. 19-101a (the “County Home Rule Act”) empowers counties to transact all county business and perform all powers of local legislation and administration it deems appropriate subject only to the limitations, restrictions or prohibitions set forth therein; and

WHEREAS, the governing body of the Unified Government now further finds and determines that (i) there are no enactments of the Kansas legislature of statewide concern applicable to the Unified Government, acting as a county, relating to the issuance of general obligation bonds to pay the costs of acquiring and implementing the Equipment to serve the Unified Government and its environs other than that set forth in K.S.A. 19-101a(a), (ii) nothing in K.S.A. 19-101a limits, restricts or prohibits the Unified Government, acting as a county, from issuing general obligation bonds to pay the costs of acquiring and implementing the Equipment, and (iii) it is not contrary to any enactments of the Kansas legislature relating to the issuance of general obligation bonds to pay the costs of acquiring and implementing the Equipment to serve the Unified Government and its environs; and

WHEREAS, it is necessary and advisable to issue general obligation bonds of the Unified Government, acting as a county, under the County Home Rule Act to pay the costs of acquiring and implementing the Equipment to serve the Unified Government and its environs.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. Acquisition of Equipment. The acquisition and implementation of the Equipment, at an estimated cost of \$5,300,000, is hereby authorized.

Section 2. Authorization of Bonds. The costs of the Equipment are authorized to be paid from the proceeds of the sale of general obligation bonds of the Unified Government (the “Bonds”), which are

authorized to be issued for such purposes pursuant to the authority of the County Home Rule Act in an amount not to exceed \$5,300,000, plus costs of issuance and interest on any temporary financing, and which may be issued in one or more series, in such principal amounts as are determined by subsequently enacted resolutions of the governing body of the Unified Government.

Section 3. Reimbursement Authority. The Bonds authorized herein may be issued to reimburse expenditures made on or after the date that is 60 days before the date of this Resolution pursuant to Treasury Regulation §1.150-2.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its adoption by a majority of the governing body of the Unified Government, its signature by the Mayor/CEO, and its publication in the official newspaper of the Unified Government.

[Balance of page intentionally left blank]

ADOPTED and APPROVED by a majority of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas and **SIGNED** by the Mayor this 12th day of January, 2023.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

[SEAL]

Mayor/CEO

ATTEST:

Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

**EXCERPT OF MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
HELD ON JANUARY 12, 2023**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____

Absent: _____.

The Mayor/CEO declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

There was presented a Resolution entitled:

**A HOME RULE RESOLUTION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AUTHORIZING THE
ACQUISITION AND IMPLEMENTATION OF CERTAIN PUBLIC SAFETY
COMMUNICATION EQUIPMENT TO SERVE THE COUNTY AND
AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS TO
FINANCE THE COSTS OF THE SAME.**

Commissioner _____ moved that said Resolution be adopted. The motion was seconded by Commissioner _____. Said Resolution was duly read and considered, and upon being put, the motion for the passage of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: _____

Nay: _____.

The Mayor/CEO declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. R-_____-23 and was signed by the Mayor/CEO and attested by the Unified Government Clerk, and the Resolution was directed to be published one time in the official newspaper of the Unified Government.

* * * * *

(Other Proceedings)

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(Seal)

Unified Government Clerk



**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 16, 2023

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

Re: Subdivision Plat Approval for 55TH - OSAGE ADDITION

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of 55TH - OSAGE ADDITION located at 705 S. 55TH Street being developed by First Baptist Church of Turner.

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

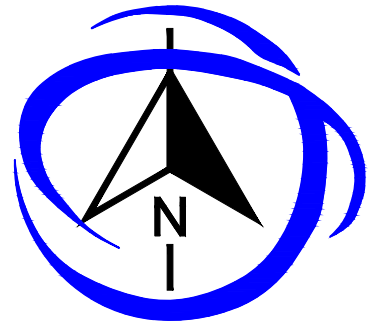
Digitally signed by Troy
Shaw
Date: 2023.01.17
06:49:22 -06'00'

Troy Shaw, P.E.
County Engineer

Attachments

55TH'S OSAGE ADDITION

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS





KS ENG COA #3315
KS SUR COA #983
MO ENG COA #302301484
MO SUR COA #302301431

ALC

ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5075
606 Jefferson Hills Court, Lawrence, Kansas 66044
ANDREA@ALCONSULT-LLC.COM

FINAL PLAT

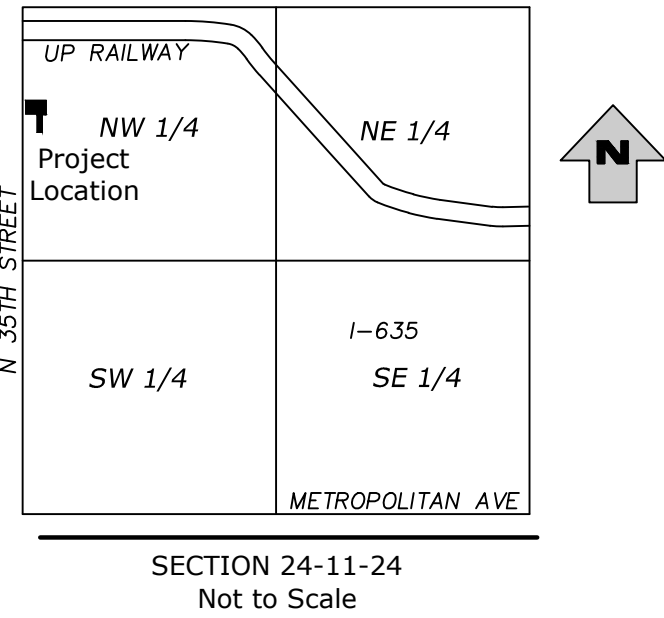
LEGEND

- △ 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

- THE BASIS FOR THE BEARING SYSTEM FOR THIS PLAT IS THE KANSAS NORTH ZONE U.S. STATE PLANE 1983.
- ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN U.S. SURVEY FEET.
- FLOODPLAIN NOTE: ACCORDING TO "FIRM" MAP COMMUNITY PANEL NUMBERS 20209C0154E EFFECTIVE FEBRUARY 5, 2014, AREA ZONE X " AREA OF MINIMAL FLOOD HAZARD"
- KS ONE CALL WAS NOT CALLED.
- CURRENT ZONING - R-1
- CLOSURE PRECISION: 1 PART IN 615,928,899
- REFERENCED SURVEY - CERTIFICATE OF SURVEY COMPLETED BY RHODES SURVEYORS ON 01/22/1997

VICINITY MAP

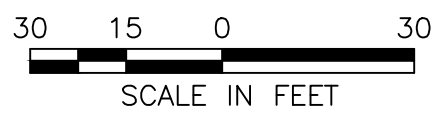


This is to certify on this 7TH day of OCTOBER, 2022 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys pursuant to K.S.A. 74-7037.

ROGER B. DILL LS 1408

JOB NO:22-1136

SCALE



SCALE IN FEET

PREPARED FOR

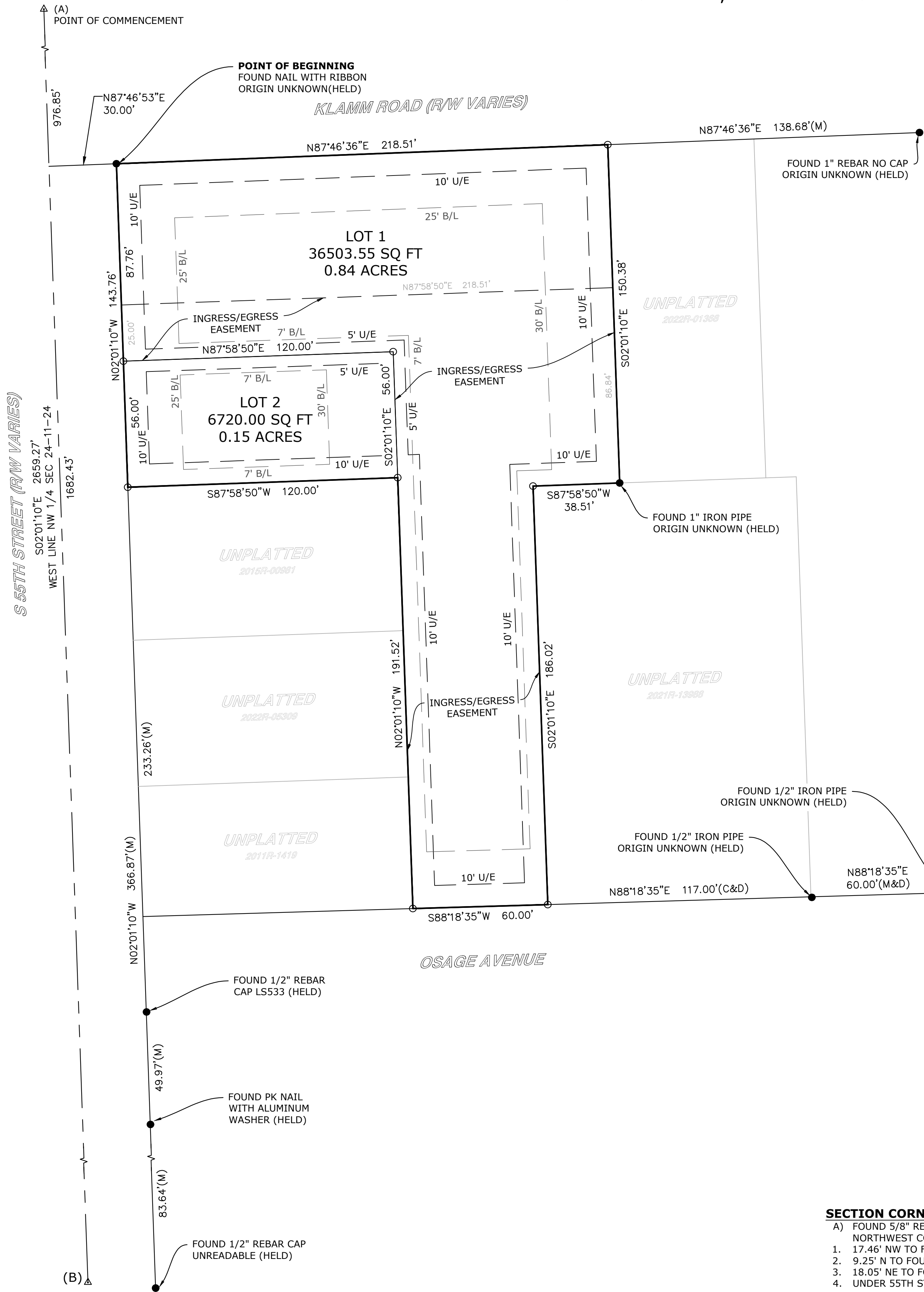
SEC-TWN-RNG

24-11-24

FIRST BAPTIST CHURCH OF TURNER
ADDRESS: 705 S 55TH ST
KANSAS CITY, KS 66106

DATE

OCTOBER 10, 2022



DESCRIPTION PER RECORDED DEED BOOK 989 PAGE 300
BEGINNING AT A POINT 940.5 FEET SOUTH AND 427 FEET EAST OF THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 11 AND RANGE 24, THENCE SOUTH TWO HUNDRED (200) FEET; THENCE EAST EIGHT FIVE (85) FEET; THENCE NORTH TWO HUNDRED (200) FEET; THENCE WEST EIGHT FIVE (85) FEET TO BEGINNING. (RECORDED DESCRIPTION DOES NOT REPRESENT ACCURATE PROPERTY LOCATION)

DESCRIPTION:
A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE 6TH P.M., IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY ROGER B. DILL PS 1408, ON OCTOBER 10TH, 2022, AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 24; THENCE S02°01'10"E, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 976.85 FEET; THENCE N87°46'53"E, A DISTANCE OF 30.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF S 55TH STREET AS IT NOW EXISTS AND A POINT ON THE SOUTH RIGHT OF WAY LINE OF KLAMM ROAD AS IT NOW EXISTS; ALSO KNOWN TO BE THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE N87°46'36"E, ALONG THE SOUTH RIGHT OF WAY LINE OF KLAMM ROAD, A DISTANCE OF 218.51 FEET; THENCE S02°01'10"E, A DISTANCE OF 150.38 FEET; THENCE S87°58'50"W, A DISTANCE OF 38.51 FEET; THENCE S02°01'10"E, A DISTANCE OF 186.02 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF OSAGE AVENUE AS IT NOW EXISTS; THENCE S88°18'35"W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 60.00 FEET; THENCE N02°01'10"W, A DISTANCE OF 191.52 FEET; THENCE S87°58'50"W, A DISTANCE OF 120.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID S 55TH STREET; THENCE N02°01'10"W, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 143.76 FEET TO THE POINT OF BEGINNING.
CONTAINING 43221.58 SQUARE FEET MORE OR LESS OR 0.99 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 HEREAFTER BE KNOWN AS "55TH'S OSAGE ADDITION"

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 55TH'S OSAGE ADDITION have set our hands this _____ day of _____, 2022.

FIRST BAPTIST CHURCH OF TURNER, MANAGING MEMBER, STEVE NEAL

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 FIRST BAPTIST CHURCH OF TURNER, MANAGING MEMBER, STEVE NEAL, 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 PADILLA ADDITION 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)
COUNTY OF _____ (JSS)

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

SECTION CORNER REFERENCES:

- A) FOUND 5/8" REBAR WITH CLS 175 ALUMINUM CAP
NORTHWEST CORNER SECTION 24-11-24
- 17.46' NW TO FOUND ARROW CUT ON CONCRETE PILLAR
 - 9.25' N TO FOUND ARROW CUT ON CONCRETE PILLAR
 - 18.05' NE TO FOUND ARROW CUT ON CONCRETE PILLAR
 - UNDER 55TH STREET OVERPASS
- B) FOUND 1-1/2" ALUMN DISK
WEST QUARTER CORNER SECTION 24-11-24
- 63.78' NE TO FOUND NAIL & WASHER IN NORTHWEST FACE OF POWER POLE
 - 60.14' NW TO TOP CENTER OF FIRE HYDRANT
 - 40.86' SE TO NAIL & SHINER IN POWER POLE
 - 43.59' NW TO NAIL & SHINER IN POWER POLE
 - INTERSECTION OF SWARTZ ROAD & 55TH STREET

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

REGULAR SESSION
THURSDAY, MAY 12, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, May 12, 2022, with nine members present via Zoom and/or onsite: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Ramirez, Commissioner Third District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Misty Brown, Chief Legal Counsel; Jeff Conway, Assistant Counsel; Bridgette Cobbins and Emerick Cross, Assistant County Administrators; Brett Deichler, Interim County Administrator; Tayler Wash, Organization Effectiveness Coordinator in County Administrator's Office; Becky Berger, Administrative Coordinator in County Administrator's Office; Rocki Mayes, Office Manager, County Administrator's Office; Andrea Vinyard, Deputy Treasurer; Kathleen VonAchen, Chief Financial Officer; Ashley Hand, Director of Strategic Communication; Alley Porter, Communication Liaison; Juliann VanLiew, Director of Public Health Department; Wesley McKain, Manager, Health Department; Elizabeth Groenweghe, Chief Epidemiologist, Health Department; Monica Sparks, Acting UG Clerk; and Terri Kimble, UG Clerk's Office.

Mayor Garner said before I call the meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely by Zoom, by phone, or onsite. 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 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.

I will now call this meeting to order.

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

Mayor Garner said the invocation is being given tonight by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ, 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, Mr. Mayor. We have a blue sheet that was issued adding three new items under the Mayor's Agenda and revising the Order of Business and also adding one item under the Administrator's Agenda.

MAYOR'S AGENDA

Item No. 1 – 211596...UPDATE: ORGANIZATIONAL UPDATE

Synopsis: Organizational update, submitted by Mayor Garner.

Mayor Garner said we have several items on the Mayor's Agenda this evening. I'll ask the Clerk to announce the order of business, and I believe that's been notated.

The first item is an organizational update. I'd like to formally let our Commission and our staff, and the great people of Wyandotte County know that our Interim County Administrator has approached me and she has noted that she will not be desiring to be included in a national search. She has also notified me that she recommends that I start a national search for an Administrator for the Unified Government of Wyandotte County expeditiously.

I can announce that I'll be working with our Administrator who has volunteered to help in this process as well as our Legal team. The hope is that we can have a thorough, transparent, and inclusive process that will start as soon as we can get things in order. I just wanted to let everybody know that I will be working with our commissioners to get their feedback as we put out this information on a national notice. Working with our commissioners in this regard is really important as well as getting feedback from the community. Again, I wanted to be thorough, inclusive, and transparent. We can expect that moving forward. That was the first announcement I wanted to make.

Action: **For information only.**

Item No. 2 – 211551...CODE REVIEW

Synopsis: Reading of specific sections of the Municipal Code and updates on commission retreat, submitted by the Mayor's Office.

Mayor Garner said I'll ask the Clerk to read this. This is in line with several members of the community who have asked me, several times, what the Unified Government—how the process works. When you talk about mayor, commissioner, administrator, and staff; what are our responsibilities and what are we obligated to by charter ordinance? This is really for the community; everybody knows and can have a better idea of how this Unified Government is structured and how it works. The review is really for our community. I'll ask the Clerk to read those duties as it applies to the administrator, the mayor, and the commissioners.

Monica Sparks, Acting UG Clerk, read the following:

Section 2-56. General Powers and Duties of the Commission.

- (a) All powers inherent in the county and city shall be vested in the commission except as the constitution and statutes of the State of Kansas, the Charter or the Charter ordinances and Charter resolutions, of the Unified Government may provide otherwise.
- (b) The Commission shall provide for the performance of all duties and obligations imposed upon the county and city by law. The commissioners shall have the power to adopt codes, ordinances, resolutions, and approve and adopt a budget. The Commission shall adopt such codes and rules and regulations as may be necessary for the establishment of proper authority and direction for the administration of the affairs of the Unified Government. The Commission shall set priorities for budget preparation and adopt the annual budget of the Unified Government.

Section 2-81. Powers and Authority.

The Chief Executive/Mayor shall:

- (1) Be the Chief Elective Officer of the Unified Government and shall officiate and preside at all official functions and events and serve as the governing officer for the Unified Government for purposes of military law;
- (2) Represent or designate a representative of the Unified Government at all meetings, conferences, and negotiations relating to policy matters involving other units of government and legislative bodies;
- (3) Receive the reports of the County Administrator;
- (4) Appoint and dismiss with the consent of the Unified Board of Commissioners, the County Administrator;

- (5) Appoint all members of all standing committees, except the chairperson, and appoint all members to serve on ad hoc committees created by the Unified Government and serve as an ex-officio member of all committees;
- (6) Recommend to the Unified Government all such actions and adoptions of ordinances, resolutions, rules, regulations, and policies as deemed necessary or expedient; provide leadership in the communication and interpretation of policy to the public; have all rights and privileges of any in-district and at-large commission member except as provided by law or by the Charter;
- (7) Have the authority to exercise a veto of legislative policies enacted by the Unified Government;
- (8) Be considered a member of the Commission and may vote as provided by law;
- (9) Provide leadership to the Unified Government in the development of long-range plans and policies and the development of priorities for actions and in planning for economic growth and stability of the Unified Government;
- (10) Recruit, screen, and evaluate appropriate candidates for County Administrator and conduct interviews with said candidates;
- (11) Call special meetings of the commission as deemed necessary and in such manner as may be required by rules of the Commission;
- (12) Prepare, at least annually, a written message to the Commission and citizens detailing such information as determined appropriate concerning the economic, physical, and social conditions and needs of the Unified Government;
- (13) Sign, if authorized by the Commission and if necessary, all contracts and other documents of the Unified Government; and
- (14) Appoint, supervise, direct, promote, transfer, assign, discipline, suspend, discharge, or remove with or without cause such appointive staff as the Commission may authorize to aid in the performance of the duties of the Mayor described herein and otherwise determined by action of the Commission and continue to maintain all appointive staff and positions authorized by the City Council of Kansas City, Kansas, in the budget approved in August 1997, for calendar year 1998.

The Mayor shall have in addition to all other powers granted by the Charter, the Commission and applicable state law.

Section 2-103. Powers and Duties of the County Administrator

The County Administrator shall be the Chief Administrative Officer of the Unified Government and shall be responsible to the Commission for administration of all Unified Government affairs placed in his or her charge by or under the authority of the Commission. The County Administrator shall:

- (1) Be directly responsible for the daily functions of the Unified Government administration;
- (2) Organize the unified administration and direct and supervise the organizational structure of all offices and appointive officers and employees of the Unified Government except as otherwise provided by Kansas law;

- (3) Have the responsibility to execute the policies of the Unified Board of Commissioners through the functional divisions and departments of administration;
- (4) After appropriate consultation with the Commission prepare and submit a recommended annual budget including all revenue sources to the Commission for final adoption and be responsible for the administration of the budget after the effective date;
- (5) Report to, confer with, assist and advise the Mayor and make recommendations to the Commission on all matters concerning the welfare of the Unified Government;
- (6) Insure that all ordinances, resolutions, codes, regulations, rules, policies, directions, and actions of the Commission are faithfully enforced, administered, and executed;
- (7) Direct and supervise the administration of all appointive officers and employees of the Unified Government except as provided by Kansas law, attend all Commission meetings, have the right to take part in discussion, and attend all regular, special, and executive meetings except those in which the continued employment of the County Administrator is the business under consideration;
- (8) Assist the Mayor and Commission in the preparation of meeting agendas, ordinances, resolutions, rules, regulations, and policies and all such other matters as may be requested by the Commission;
- (9) Submit to the Commission and make available to the public periodic and annual reports of the financial administrative affairs of the Unified Government and keep the Commission advised of the financial conditions and needs of the Unified Government;
- (10) Prepare and submit to the Commission annually before July 15th, recommendations for a Capital Improvement and Financing Program for the Unified Government;
- (11) Appoint and dismiss employees designated as key division heads;
- (12) Prepare for adoption by the Commission a personnel classification and compensation system and policies relating to the selection, discipline, dismissal, and all other personnel-related matters applicable to all employees of the Unified Government;
- (13) Develop a compensation and qualification system for all personnel of the Unified Government which systematically and fairly compensates employees of the Unified Government and also identifies and selects individuals with a proper level of skills, abilities, and knowledge associated with each position that is required for the Unified Government and;
- (14) Sign all contracts, deeds, and other documents other than those authorized by the Commission to be signed by the Mayor or those which state or other law requires the signature of the Chief Executive/Mayor.

The County Administrator shall have all other powers and duties conferred upon the position by the Charter, Kansas law, actions of the Commission or that may be inherent in the administration of the Unified Government.

Mayor Garner asked, do any members of the Commission have any questions or comments?

Action: For information only.

Item No. 3 – 211531...COMMUNITY INPUT AND RECOMMENDATIONS

Synopsis: Public forum to allow citizens to express concerns and present solutions relating specifically and solely to the Unified Government's span of interest and control. Participants will be limited to two minutes in duration. Citizens appearing in the Municipal Office Building Commission Chambers will be given priority, followed by a limited number of participants who have registered online through the Unified Government Clerk's Office. Those who have registered online may not be given an immediate opportunity to participate due to time constraints to be determined by the Mayor/CEO. If time allows, persons listening online who wish to make comments will be recognized. All interested participants should know that Mayor/CEO Garner has also placed a maximum time limit of 45 minutes to host and conclude these discussions. In the interest of time, there should be no expectation for requested participants guaranteed inclusion to be recognized for comment and participation.

Mayor Garner said this a public forum to allow citizens to express concerns and present solutions relating specifically to the Unified Government span of interest and control. I've allotted no less than 45 minutes to host and conclude. Citizens appearing in the Chambers who have signed in to speak will be given priority followed by citizens registered online. Participants will be limited to two minutes in duration. I'll now ask the Clerk to announce those speakers.

Shirley Walton said I'm just going to run through some of my concerns real quick since I'm on a time limit. My first and number one concern, of course, as we all know, is the Parkwood Swimming Pool. I do have a little feedback on this so I'm aware of that. Also, about the markers in the streets. Even during the summer, considering we're an all-season state, during the summer and winter, during the rain, you are unable to see the markers in the streets, especially during the snow. The next thing I have is what are we doing about the homeless situation in Kansas? The next is, what is being done about the BPU taxes when we are being charged? Next, for the next school year, are we planning on bringing back the alternative schools, whether or not we're going to do that? Also, growing up on the north end, when I was growing up, we had police officers that

patrolled the neighborhood who were familiar with the people in the area. **Ms. Sparks** said one minute.

Ms. Walton said who were familiar with the people in the area, and I was wondering if there was some way you all could kind of go back to some of that systems, that way, you're familiar with the strangers that come in. You're familiar if something's going on with one of the residents, then you know hey, that's somebody from this area. Also, is there any way that we can be removed as a Unified Government and return to Wyandotte County? To me, for some reason, we keep coming up on the short end of the stick. I go through and I look at the other areas that are part of Unified Government, they are constantly building up. I mean, we don't even have uptown, downtown, or nothing else. So those are my things. Thank you.

Lisa Yeager said some things I wanted to say. I'm so sorry to hear that you're leaving us, Ms. Harrison. A lot of people don't know what you have done in the Kansas City, Missouri, area. I'm from the 18th, I'm from Wyandotte County but I have property in 18th and Vine Street district in a blighted neighborhood, that has been blighted for over 30 years. That is one of the most prominent areas, just like Wyandotte County, First District. I'm here to let you know as a citizen that I'm very hurt to the point I'm almost in tears that she's leaving because she brings so much to the table that you all don't even know. Not only does she bring to the table, she knows how to take away the blight and help the small businesses build without having the opportunity zones come in and allow them to be able to become opportunities... **Ms. Sparks** said one minute.

Ms. Yeager said with this, as a City Administrator, not only does it come with the fact of each new administrator, even Doug Bach, it comes with some type of two reasons—accountability, justice, and transparency. Our community needs transparency, because the First District doesn't look like way out south, or west, or whatever. You know exactly what I'm saying. The fact that not only does—each new administrator, they should be doing the audit. Why are you all in your seats for? You tell me why you're in your seats because our community is asking for an audit. We elected you. You work for us. **Ms. Sparks** said your time has expired.

Ms. Yeager said we need you to have a voice for us. **Ms. Sparks** said, ma'am, your time has expired.

Carolyn Wyatt said I agree with her. You shouldn't be leaving. Finish that audit first then everything will work out. Anyway, the budget proposal that was brought forth by Ms. VonAchen, it's not the Mayor's proposal. The recommendations for review concerning the budget, if the commissioners object to the recommendation brought forth, the community would like to know where is your budget? Where's your budget? Where is your review for the Commission? This is for the commissioners. If you object to the ones in front of you, then you need to come up with something. You need to have something. The second thing is that the Park and Rec Director, Angel, she goes to the subcommittee. We know we got Commission on the subcommittee. She goes to the subcommittee for funds for the community centers for Parks and Recreation. She can't continue to be turned down. **Ms. Sparks** said one minute.

Ms. Wyatt said as she puts a proposal in front of them. What more important for our communities, recreation centers, and parks, but they want trails. They'll fund trails. That is not what we need, trails. Now if you're going to fix holes, things in the ground like that, you know, like potholes, that's different. But trails, we don't need trails. We need money for centers, for youth, for the seniors, that's where our money should be going. But these trails, I don't know who's over that, but that needs to be looked at and just set it to the side. That's basically what I wanted to say. I hope you change your mind.

Reginald Jones said I'd like to say good evening to everyone that's here. I'm not here to find fault in anyway whatsoever. Basically, I'm here to meet the needs of others in our community. That means I have to—sometimes you've got to be the eyes and you have to be their ears. I just want to let you know some of the things that I do. I've been here since 1963. I'm a retired carpenter, substitute teacher. I just got qualified to be a lifeguard. I'm a mentor in the middle schools and the high schools. I just want to let you know that I'm very visible in the community, but there's one thing that we all miss. We need to have our commissioners visible in our community. I do a lot of things. **Ms. Sparks** said one minute.

Mr. Jones said I'm also a contractor. I get a chance to visit and see everything that goes in our community. I have not once seen a commissioner in the First District, in the Fourth District, because you got to be involved with the people. You have not been involved in the people because I'm out there. I am, again, I'm retired. I've been retired since 2015, so I get a chance to get involved. That's what we're missing from our commissioners. They're not involved. You're in

the community. You need to be our voice. You are our voice. We don't hear you loud enough. You might be saying something, but we don't hear you loud enough. We need representation in our community, you all know that. You know that I've been involved in everything, especially mentoring our young boys. We need that. We need more of that, especially from our commissioner in the First District. Our young ladies need mentoring. Like I say, I'm not here to find fault, but I just appreciate the opportunity. **Ms. Sparks** said your time has expired.

Reece Towers said good evening, Mayor, Commissioners, Ms. Cheryl Harrison-Lee. We know you're not going nowhere. We're going to pray you stay. We complain, and complain, and complain, and nothing ever gets done. We have the power to change things. The power is in the vote. The power is in the vote. Your taxes is their salary. You have the power to change things. You have the power to change things, and it's sad because I pay attention to the media. I pay attention to everything that's going on. The attacks against Ms. Cheryl Lee-Harrison, the attacks against our Mayor, the attacks against our staff, it's sad. We know that it's sent and set up by design to make them look crazy, to make them look uneducated, to make them look a certain type of way. **Ms. Sparks** said one minute.

Ms. Towers said that's the problem. Like this young man said here, we don't see any type of commissioners anywhere in the First District or the Fourth District. You all send people that are not aware of the issues in our district to conversate with us. We're not paying them; we're paying you and that's a problem. So, let's stop talking as a community and start voting them out. The power is in the vote, and you don't even have to wait four years. Recall some of these positions because if you stand against the Mayor and Ms. Cheryl Lee-Harrison, you stand against the community. They go out and see what we want. They go out and hear our voice. He's talked to you, and she's talked to you about some of the things that we need in our community. I've sat and watched every last commissioner meeting, and you all know, one commissioner sitting up acting, hollering, screaming. We need to hold that commissioner accountable. It's not okay. **Ms. Sparks** said your time has expired.

Ms. Towers said he can be recalled. Vote them out.

Ms. Sparks said we have no other participants in the audience. We do have some participants online. **Mayor Garner** said you can proceed online.

Tscher Manck said I live here in Wyandotte County. People call me Cece. The first thing I want to say is, Mayor Garner, please make sure that Ms. Harrison-Lee stays and completes the audit, at least of everything. The residents of Wyandotte County would like to know where and what our money is being spent on and whose family and friends have benefited from it. In 2019 and 2020, Mr. Kane, Ms. Markley, Ms. Bynum, Ms. Townsend, Mr. Johnson, Mr. Burroughs, Mr. McKiernan, Mr. Walters, Mr. Alvey, and Ms. Murguia were asked by several community members, including myself, who called, emailed, and attended the full commission meeting asking for the commissioners to give Doug Bach a bad review and to find somebody worthy of Wyandotte County. Yet they stood with him. Now that Doug Bach is gone, and our interim is completing an audit and a survey into Doug Bach's actions and the Board's neglect to stop him, you want to get rid of her. Don't leave, Ms. Harrison. We need you. **Ms. Sparks** said one minute.

Ms. Manck said the only people in Wyandotte County who wouldn't want this audit completed are the ones who have something to lose. I heard some of you all saying that your constituents don't want, I mean want a city commissioner or a city administrator, but I know reasons why every district would want it for one, illegal eminent domain practices in Districts One, Five, Three, Six, and Eight. All the districts should be audited. Illegal tax collection on our utility bills, back door real estate deals with friends and family, backdoor development deals with friends and family, and unethical and illegal payroll procedures as it pertains to the top-paid employees at BPU and the Unified Government. Then lastly, please open the gyms for our kids.

Thomas Gordon said thank you and good evening, commissioners and other constituents. I want to voice my opinion and my concern about the activities and the actions of certain commissioners and one in particular, District 8, Mr. Davis. I, along with many other constituents, heard of multiple televised and public meetings, and the contentious behavior of several other members of the Commission. I personally observed one of the most antagonistic and disturbing behavior by a new commissioner on April 28, 2022, at a full commission meeting in which there was a great gregarious display of out-of-order and disrespect for the public televised meeting of the full commission. The importance of bringing this to light, Mr. Davis, was that you were sworn in on December 13, 2021, as the District 8 commissioner. Your primary responsibility... **Ms. Sparks** said one minute.

Mr. Thomas said was to represent District 8, which has a lot of notable entities in it, which we are looking at you, and not to publicly display your displeasure about the way the meeting is conducted. You should be taking care of commissioner's duties and not to talk about procedural things. You need to respect the Mayor and present yourself as a representative of the Unified Government. I just want to let the entire Commission know that we are watching your behavior and that you are currently in the status of T B D B Y C and E, in other words, to be determined by your constituents at next election. Please conduct yourself in a professional manner. You represent us, and we want to see you act in a responsible manner. Thank you very much for your time.

Melvin Williams said somebody asked me the other day, was I going to attend the meeting. I tell people I do it from Zoom. I said I don't know if I wanted to come to this meeting. They said why? I said because if I wanted to see people argue over petty stuff, I can go up in my living room and watch my two children fight over the remote to the TV. What we're looking for is communication between the Mayor and our commissioners. When Doug Bach was in Ms. Harrison-Lee's seat, nobody questioned him. Nobody ever said publicly, when are we going to find a new administrator? Yes, she's an interim. We all know that, but at the same time, what more can you do in four months than this man has? What can you do in four months when this man had eight years to destroy Wyandotte County? **Ms. Sparks** said one minute.

Mr. Williams said he sold us out. Didn't nobody yell at him or bring up anything in front of him. They were scared. Y'all were scared. Y'all were scared of the dictator. Let this woman do her job. Yes, she does have contracts over in Missouri, and that's a concern of mine. I make no bones about it, but at the same time, I'm pretty sure y'all knew this when she came through the door. But give Ms. Harrison-Lee her respect. Let her do her job, then when the contract is almost up, ask is she going to stay or are we going to find somebody else. That's all I ask. Give her, her respect. Y'all didn't do this to Doug Bach; don't do this to her. Thank you.

Ms. Sparks said those are all the individuals we have online. We do have a latecomer that has come into the Commission Chambers.

Jyan Harris said good evening, everybody. Most people know me by now. I have different things to say, but in two minutes, I think I'll say this. I'll start with I heard somebody ask do we need to ask questions and for answers. Well, we got all this going on here. I didn't come to talk about all these guys. I'm a fireman that was fired by the top brass around here, Doug Bach, junior administrator, HR director who's still employed, who hasn't been disciplined, and Fire Chief. Everybody's gone except me. A year ago, a jury told you to pay me \$2.4M. I've yet to be able to buy milk or gas like everyone else around here because I'm still unpaid. I definitely need you to stay, Ms. Harrison-Lee, because I need this resolved for me. Secondly, I've been told by my attorney that it's properly within my right... **Ms. Sparks** said one minute.

Mr. Harris said to discuss this with you guys and for it to come to a resolution. While we're trying to get people out of here, I mean this is not what I wanted to say today, guys. We need to let people finish and do their jobs because my job ain't finished. I mean, you haven't finished with me. When am I going to get finished? You got a lawyer bullying me around now wanting me to take pennies on the dollar and bragging about it. You got a person in Ms. Harrison-Lee's office that said in a public forum that he didn't feel like I did anything wrong. The Deputy Administrator, and he said to my face, that I could have went and worked at McDonald's, and he said it to a fireman working on this job 20 years. Before that, I worked in the Sheriff's Department and guarded inmates for you. This is how I get treated, so I can imagine how she's being treated. So, I mean, you know what the jury said a year ago, and now it's been a year that I'm supposed to be negotiating. Ryan Denk, the attorney you've had bullying me around hasn't said anything because he was waiting on the Mayor election, which Mr. Garner won... **Ms. Sparks** said your time has expired.

Mr. Harris said yes, ma'am. Then he wanted to talk until the new administrator came, and now she's leaving, and I'm still without. Thank you.

Ms. Sparks said, Mayor, those are all the individuals who've asked to speak.

Mayor Garner said thank you. Again, these open input and recommendation sessions—for those watching and anybody that wants to know, these are open for the public. If you have something, a concern that you may have with me, please bring it forward. I have thick skin. That's how I get better. I want to serve this community in a way that's community-driven, just like I ran on. That's

how we get better. I encourage the public to use these opportunities once a month. If you have a complaint, the reminder is that you bring about a recommendation for a solution. That's what this is predicated on. It's just not to complain. It's to bring recommendations that this Commission and staff and our Administrator can take into consideration to improve how we do business, and to make sure that we're meeting and exceeding the expectations this community has for us.

Commissioner Townsend said I agree that it is important to hear from constituents. But for the benefit of all those in the room who raised issues and all those who at home may be confused, I want them to know that for any of us up here, if you have not been a commissioner, you have no idea of what it takes to do so. Monday night we were in a meeting, some of us on a standing committee, began at 5:00 and ended at a quarter to midnight. The week before that, I was at least three community events, including neighborhood meetings. I encourage anybody in District 1 to come to those meetings to attend, as you're doing, so you can get a clearer understanding of what is going on and what has been going on. This is the largest number of constituents that I've seen in almost eight years at any of these meetings. There is responsibility on the constituents' part as well as the commissioners' part. You have no idea what technology has opened up that requires us to reply by email and calls to constituents. I encourage you to do that.

I didn't want to say anything about what's coming up with Parkwood but keep your eyes and ears open the early part of next week. Out of respect for plans already made, I'm not going to say anything further.

Looks like Mr. Jones, congratulations, again, for certifying. I saw you at a community event March 26th. I don't want anyone outside here or outside listening to get a misapprehension about participation of me or anyone else up here. Thank you.

Commissioner Stites said I wanted to ask, with the news that was brought forth this evening, Ms. Lee, that doesn't mean that the audit will end, does it? I mean, I haven't heard that it will, and I'm hopeful that it won't and that you will be still performing your duties while this is still going on. Is that correct? And still has the opportunity, if I'm not mistaken—I had said this at our last meeting that she would still have the opportunity to apply for this position. Is that correct?

Mayor Garner said, Commissioner Stites, on the Administrator's Agenda, she'll address all those questions for you. We can remain in order. Thank you.

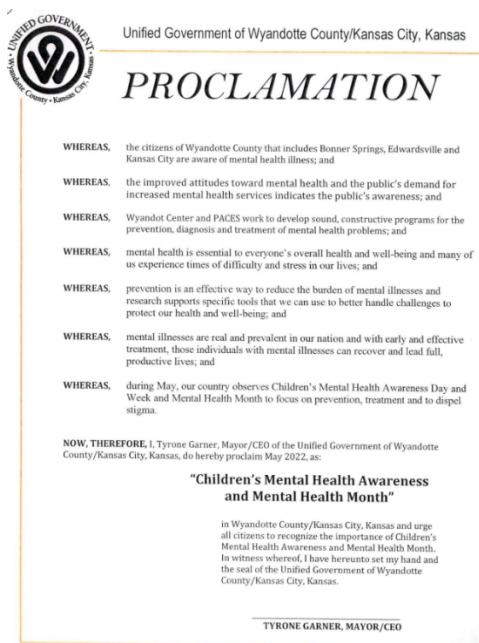
Action: Public input received.

Item No. 4 – 211589...PROCLAMATION: CHILDREN'S MENTAL HEALTH AWARENESS AND MENTAL HEALTH MONTH 2022

Synopsis: A proclamation proclaiming May 2022 as Children's Mental Health Awareness and Mental Health Month, submitted by Mayor Garner.

Mayor Garner said I'll ask the Clerk to read the proclamation, please.

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



Action: The proclamation was read.

Mayor Garner said thank you, Clerk. We'll now have a presentation from Mr. Randy Callstrom, with Wyandotte Behavioral Health.

May 12, 2022



Randy Callstrom, Wyandot Behavioral Health, said thank you for this opportunity to be here this evening. I just want to share a little bit of updates from the Community Mental Health Center here in Wyandotte County. As many of you know, we've been the designated Wyandotte County Community Mental Health Center since somewhere around the mid-1960s, after President Kennedy signed the Community Mental Health Center Act. It is in Kansas Statutes, KSA19-4001, Kansas Statute requires every county, all 105, to designate a communal mental health center to serve their respective communities. We have served in this community for almost about 60 years. I share the following just for informational purposes.

Also, that statute requires funding through a mental health mill levy. I just want to give you a little bit of comparison to how Wyandotte County funds community mental health compared to some of the other more urban areas in the state. Again, this is simply informational. Douglas County's per mill levy has a \$22.52 mill levy. Johnson County, which is the anomaly to all other 104 counties in the state has a mill levy of \$34.66 for mental health. Shawnee County, which is Topeka, is \$11.19. Sedgwick County, which is Wichita, is \$7.46, and Saline County, which is Salina is \$5.41. Like many other needs in this community, the Wyandotte County mill levy is at \$4.13. Those are all 2021 statistics.

We are a family of organizations addressing both adult and children's mental health, also housing here in Wyandotte County, particularly those that are living unsheltered or on the streets. Each year we serve about 8,000 residents here in Wyandotte County: children, adults, and families.

This year, May 1—thank you to Representative Burroughs and his colleagues in Topeka—a year ago they passed the Certified Community Behavior Health Care Clinic Act. We were one of the first six Community Certified Community Behavior Health Clinics or CCBHCS in the State of Kansas, effective 12 days ago. What that means is that we have new opportunities to enhance and expand services to the community.

A couple particular enhancements is expanding our mobile crisis response so that we can respond in real time when someone in the community is experiencing a psychiatric crisis, including adding an additional Kansas City, Kansas Police Department co-responder to go with officers when they are called to a mental health crisis. An assertive community treatment team to serve the hardest and most challenging individuals to help them stay out of jail, to help them stay out of institutional care in the state psychiatric hospitals and adding additional substance abuse services, including opioid medicated assistant treatment.

We've had a long record of working in the justice and mental health intersections. Over a decade ago, we started doing this work in collaboration with a number of community partners including the Police Department, Sheriff's Department, and the Courts. Some of the impacts that has had is the development of a Behavioral Health Court; the co-responder that we have embedded in the Police Department Crisis Intervention Training where we have provided mental health intervention; training to over 90% of law enforcement in Wyandotte County; and a court and jail liaison.

Some of the impacts of that, in 2014 we opened our Crisis Stabilization RSI, which is a diversion from jail, a diversion from hospitalizations, and institutional care. In those eight years, we have served over 3,000 residents here in Wyandotte County. 24% which are brought to RSI in lieu of taking them to jail. The jail liaison work, and the Behavior Health Court Co-responder, those things have been in place since 2014. In that time, based on the jail diversion rate of \$92.00 a day, we have saved the Unified Government in Wyandotte County \$1.5M. In 2014, we had about 820 active members or clients of the center that were incarcerated in the Wyandotte County jail. In 2021, we had 439. So, the initiatives that I'm describing to you have seen a decrease of 46% of people in acute psychiatric crisis, having to go to jail for no other reason than their mental illness.

We also operate the Children's Crisis and Emergency Shelter here in Wyandotte County for those children that are placed in police protective custody. Each year, we serve about 450 children in Wyandotte County again, keeping them safe in their moments of crisis. We also work with the foster care agencies here in Wyandotte County as well as our Homeless Outreach Center, Frank Williams at 7th and Nebraska.

In 2019, I'm wrapping up, in 2019 we were asked by the Health Department from an initiative that was started in Healthy Communities Wyandotte to assume leadership for Alive and

Thrive, which is our community initiative to create a trauma-informed and resilient community. With that, I will stop my comments, but invite any questions that the Mayor or commissioners may have.

Commissioner Davis said it's good to see you Mr. Callstrom. I know we've met in your facilities. One of them is in my district. Can you restate that one statistic about how many folks were diverted from the jails that did have some sort of mental illness, because that's a pretty big deal, if you don't mind doing that.

Mr. Callstrom said absolutely. I think you're referring to the 46% reduction. **Commissioner Davis** said yes, the reduction.

Mr. Callstrom said it's the number of individuals that were booked into jail here in Wyandotte County in 2014 compared to the number of individuals booked into the jail in 2021 who were involved in mental health services and living with a mental illness.

Commissioner Davis said that's a very, very big deal. So, just kudos to you and your organization for the great work that you all do. I'm a big advocate for criminal justice reform because I do not believe that—well, I think we have way too many people in our jail. I've visited the jail and I've seen it for myself. It's overwhelming for our Sheriff's Department. The work that you all do is actually preventative in nature, and it also does add much-needed treatment. So, thank you so much to you and your staff for the awesome work that y'all do. Thank you.

Commissioner Burroughs said Mr. Callstrom, I just want to say thank you for your commitment. I see you at the Capitol quite a bit advocating for the services for our community, and that's not an easy thing to do. But if COVID has shown us anything, is how important mental health services and needs are in our community. You are a stalwart, sir. I respect and appreciate the work you do on behalf of many in this community; lot of time that goes unseen. Those that do see it, respect it and appreciate it, and I just want to say thank you for the advocacy you provide both at the Capitol, and here at home.

Mr. Callstrom said thank you, and I would say this is a wonderful community to work in, the collaboration and the support from the community, and organizations. I mean it's a team effort

and it's been a great partnership with the Police Department, the Sheriff's Department, and the Courts. I mentioned the Behavioral Health Court, that's the first Behavioral Health Court in Kansas, which started right here in Wyandotte County.

Commissioner Stites said when I say Randy, I don't mean that by disrespect. I've known Randy for a long time, Mr. Callstrom, during my time at the Police Department and then at the Sheriff's Department, also. I know firsthand how important the work is that they perform. I've seen it. I've seen it in action, and I've seen it help folks in Wyandotte County from 3rd Street to I-635. I've been involved in many cases throughout my years with the Police Department and Sheriff's Department, and I hope that we can continue to support you in the good work that you do, and I thank you very much. **Mr. Callstrom** said I hope you can continue to support us as well.

Mayor Garner said thank you, Mr. Callstrom. I can come back with the same sentiment from our commissioners, that the partnership that we've had with the organization has really been good. The time I had on the Police Department and all the good things you've done in partnering with our Sheriff's Department and our Police Department, really helping those most needed in Wyandotte County. I mean, it's just understated the things that you all have done to improve people's lives. So, I just want to say thank you to you, and your staff. **Mr. Callstrom** said thank you very much. We appreciate the support the Commission has provided to us, it's our honor, thank you.

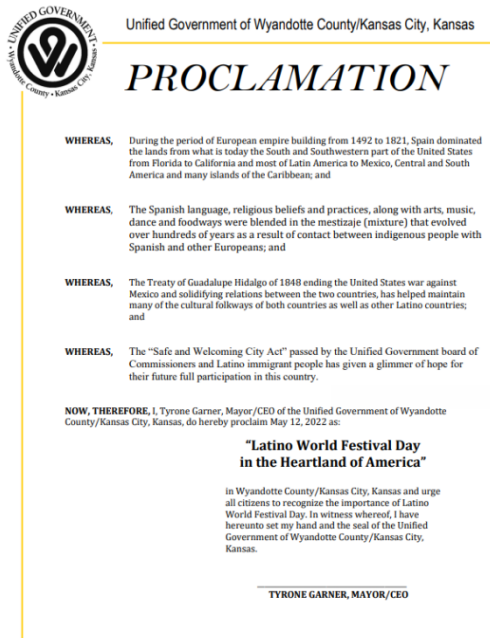
Action: **The proclamation was read.**

Item No. 5 – 211567...PROCLAMATION: LATINO WORLD FESTIVAL DAY

Synopsis: Proclamation proclaiming May 12, 2022, as Latino World Festival Day, submitted by the Mayor's Office.

Mayor Garner said I'll ask the Clerk to read the proclamation.

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



Action: **The proclamation was read.**

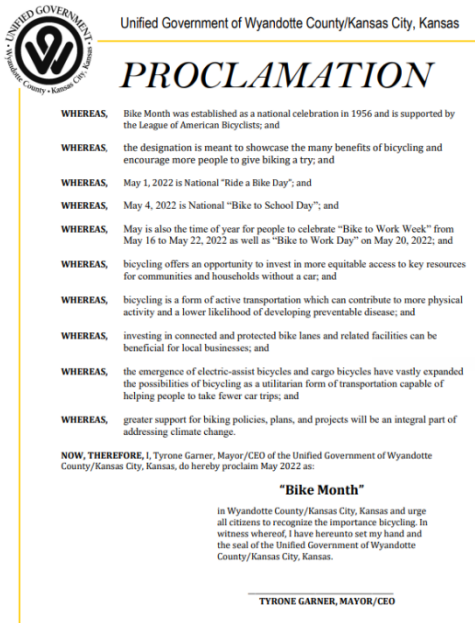
Item No. 6 – 211568...PROCLAMATION: BIKE MONTH

Synopsis: Proclamation proclaiming May 2022 as Bike Month, submitted by the Mayor's Office.

Mayor Garner asked, Clerk, can you read that, please?

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

May 12, 2022



Action: **The proclamation was read.**

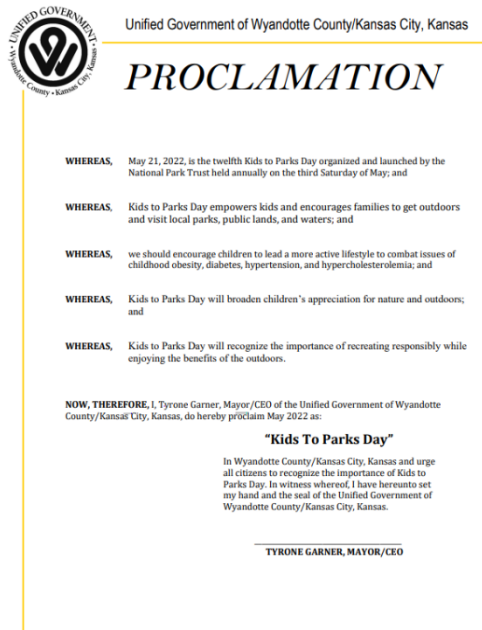
Item No. 7 – 211569...PROCLAMATION: KIDS TO PARKS DAY MONTH

Synopsis: Proclamation proclaiming May 2022 as Kids to Parks Day Month, submitted by the Mayor's Office.

Mayor Garner said I'll ask the Clerk to read the proclamation.

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

May 12, 2022



Action: **The proclamation was read.**

Item No. 8 – 211570...PROCLAMATION: OLDER AMERICANS MONTH

Synopsis: Proclamation proclaiming May 2022 as Older Americans Month, submitted by the Mayor's Office.

Mayor Garner asked, can you read that, Clerk?

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

May 12, 2022



Action: The proclamation was read.

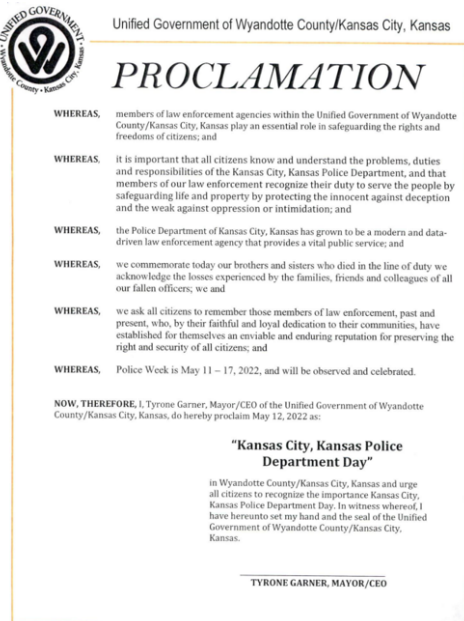
**Item No. 9 – 211592...PROCLAMATION: MAY 12, 2022, KANSAS CITY, KANSAS
POLICE DEPARTMENT DAY**

Synopsis: Proclamation proclaiming May 12, 2022, as Kansas City, Kansas Police Department Day, submitted by Mayor Garner.

Mayor Garner said I just want to send out a sincere apology to the men and women of the Kansas City, Kansas Police Department. They had a memorial yesterday that was attended, and I was unable to read the proclamation at that time. The information just didn't make it through channels to my office, and so I just want to send a formal apology from this Mayor to the men and women of the Police Department as well as Chief Oakman and his command staff. I think I speak with confidence in saying that this Commission and this Mayor support our Police Department. We support the good work that they do. We support the good police officers that are out here every day sacrificing and putting service above self, keeping this community safe. As a Police Officer that served and started as a cadet in 1987, I know what it means when you say service above self and the sacrifices that so many officers have made.

They recognized yesterday several fallen officers over the years here in Kansas City, Kansas, so I'm going to read this proclamation.

May 12, 2022



Action: The proclamation was read.

CONSENT AGENDA

Mayor Garner asked, do any members of the Commission or County Administrator wish to set aside any items 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 Stites made a motion, seconded by Commissioner Markley, to approve.

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

Roll call was taken and there were eight “Ayes,” Townsend, McKiernan, Johnson, Markley, Stites, Davis, Bynum, Burroughs.

Item No. 1 - MINUTES

Synopsis: Minutes from regular session of June 10, 2021.

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

Item No. 2 - WEEKLY BUSINESS MATERIAL

Synopsis: Weekly Business Material dated April 21 and 28, 2022.

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

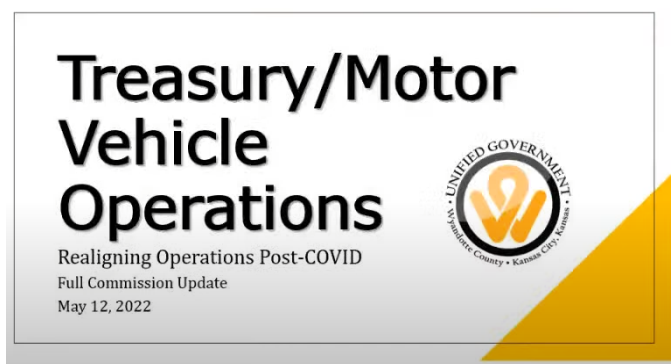
ADMINISTRATOR'S AGENDA

Mayor Garner said that takes us to the Administrator’s Agenda. We have four items under the Administrator’s Agenda. Item #1 is the update for the Treasury/Motor Vehicle Operations. I believe I’ll turn it over to our Administrator to lead into that.

Item No. 1 – 211562...UPDATE: TREASURY/MOTOR VEHICLE OPERATIONS

Synopsis: Update on the Treasury/Motor Vehicle Operations, submitted by Andrea Vinyard, Deputy County Treasurer.

Cheryl Harrison-Lee, Interim County Administrator, said good afternoon, Mayor, members of the Commission. Part of the work that I started during the first 100 days was just to kind of assess some of our departments and look at areas where we might be able to improve. We're very happy to have our new Treasurer here, Ms. Berger. This is one of the areas where we transitioned someone from the Administrator's Office to be an Organizational Efficiencies Manager in that area who's been working with Ms. Berger to look at some efficiencies and how we might be able to better serve the public. With that, I’ll have Ms. Berger talk about some of the changes that we're making in that department.



Becky Berger, County Treasurer, said good evening Mr. Mayor and commissioners. I appreciate you taking the time to let me present this information to you. As Ms. Harrison-Lee said, she did bring some additional resources over to Treasury. I took over as County Treasurer about four months ago in January. I knew going into it that we had a kind of daunting task to kind of pull ourselves out of COVID operations and kind of realign to better customer service and try to be in a better position than we were prior to the pandemic. We weren't in a great position prior to the pandemic.

Where We Were

Operations Difficult to Manage Prior to COVID

- State System Challenges
 - Slow
 - Not User-Friendly
 - Not Customer Focused
- Extensive Wait Times, Lines out of the Courthouse & Annex Doors
- Walk-in Traffic Managed Via Queuing Ticket System
- No Appointment System

COVID hit; Closed for 11 Weeks

- Another 6-week Closure Due to UG Furloughs, Staff Absences, & Turnover; Inability to Allow Customers to Sit in Lobby
- Unable to Timely Process Transactions, Respond to Customer Inquiries
- Shut Off the Queuing Ticket System some days at 8:05AM
- Residents Were Selling Queue Tickets for Cash
- Appointment System Implemented in December 2020

I wanted to talk a little bit about where we were. So, prior to COVID, we really were challenged by two primary things. One is that we have to operate within the State of Kansas system. It's slow, it's not user-friendly, and it's not customer focused in any way. So, our challenge is we take the system that the state gives us, operate within, and then we are trying to figure out ways to bring that to the customer in a more customer-friendly manner than it's kind of given to us.

The second major challenge that I think we face that's special to our community, to our county, is we have a very high volume or previously had a very high volume of our customers that

did walk-in transactions, much higher than any of our peer counties. We would have extensive wait times, just lines out the door of the Courthouse, and the Annex literally daily.

So, we kind of went into COVID in a difficult situation and it was just kind of like the perfect storm. So, then COVID hits. We're closed for 11 weeks. We get incredibly behind, just a massive backlog of work. Nobody can keep up. It was just a really, really difficult time for everyone. We're not able to timely process our transactions. We're not even able to respond to customer inquiries in what would be considered a reasonable amount of time.

We operated like we reopened in June after the closure. We opened the queue system, which was our walk-in ticketing system. We would open it at 7:50 a.m. There were days it would close at 8:05 a.m., and 8:03 a.m., literally open for 13 to 15 minutes. We've got an entire day's worth of work within that. So, obviously, customers were not very happy, and we weren't happy with the way that was going. Also, when we opened the queue that was only open to new vehicle title registration. Previously walk-in tracking traffic could be conducted for any business, and now the only walk-in traffic we're allowing is for a new vehicle title registration, because that's literally all we can handle, and we're not even able to handle that at that point.

We had residents that were even selling queue tickets outside of our offices for people that were desperate to get in to get their vehicles registered. It was a really difficult situation. We operated like that for about six months. Then we also had additional challenges with additional closures, furloughs, extreme employee turnover that we went from about eight-year average turnover in motor vehicle department to one year, where we are today. That's a huge challenge, obviously, that we're facing.

Where We Are Now

Open by Appointment Only

- For New Vehicle Title/Registration Only
- All Other Transactions via Mail, Drop Box, or Online
- COVID Backlog is Caught Up
- Queuing System Not Operational
- Same Day Appointments are Available
- Working to Improve Resident Communications
- Cyber-Attack Cleanup
- Process Analysis and Improvement



We got our appointment system that was also only for new vehicle titles and registrations. Really great news is that our backlog, our COVID backlog is completely caught up and that wasn't the

case when I started in January. They were still working through some of the really difficult ones that they had to manage, but we are completely caught up in that. We are working on getting kind of caught up from the cyber-attack. It did impact us, we had to shut down for six business days, I believe. That put us back quite a bit, but we are currently able to do same-day appointments for new title registrations. We don't have a whole lot of back work in the office and we're in a really good position. That's really given us an opportunity to look at how can we get to where we want to be, which is to provide a higher level of service than what we were able to provide pre-pandemic, and obviously move away from where we're at now because we know that it's not a good experience for customers, it's not a good experience for our employees either.

Where We Want to Be

- Fully Re-Opened to Customers for All Services, Walk-ins, and Appointments
- Provide the Ultimate Customer Service Experience



So, where we want to be - we want to be fully reopened to customers for all transactions via both queue walk-in system and appointment system. We think that's the best experience for customers. We think we can do it in looking at best practices of other peer counties. The question is how do we get there?

Proposal – Phased Approach



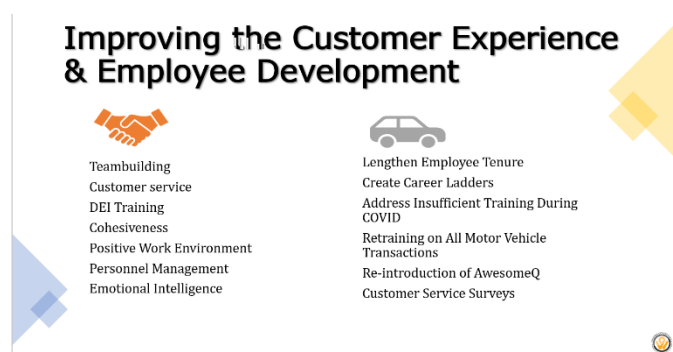
So, what we're proposing is that we do kind of a phased approach to get there. Phase I, we would start on June 2nd, which would be a Thursday, and we would expand our new title vehicle registrations to allow not just by appointment but also by walk-in. We would also allow renewals

and other miscellaneous services to come in and walk in as well. That'd be the first time that they're actually coming in two years, basically.

In order to accomplish that, we've got a lot of work to do with building up our employees, training our employees, working on office morale, just making it a more cohesive teamwork environment in our office. That's something that I think motor vehicle has often struggled with and it's definitely got more challenging throughout COVID.

We would be proposing that we would temporarily close on Wednesdays so that we can do all staff training on Wednesdays and that would be on June 1st, the day before we open the queue. So, definitely, we will have to get that training done for the queue prior to that June 2nd opening because then it'll be a big change for everyone. The majority of the employees were not here previously when we had the queue. It's going to be a big adjustment that we really need to prepare them for.

Phase II would start July 5th. We would then, at that point you can have all transactions by appointment or walk-in, so even all the renewals and all the other miscellaneous stuff, appointment or walk-in, which would be an enhancement obviously from pre-COVID operations because we didn't have the appointment process at all prior to that.

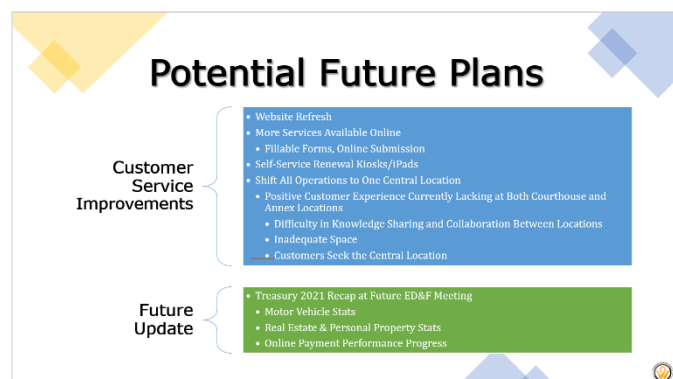


Some of the things that we would like to do with our team while we do these training things. The first basic one is just retraining everyone on basic motor vehicle transactions. That's something that has been a struggle because training employees in general during COVID was a big struggle when we had the massive turnover. We're in a place where we just really need to invest in our employees and get them to a place where they have the resources they need so that they can be successful because they don't feel like they're there right now, and neither do we, quite honestly.

Really work on some team building. We did get a chance when we were shut down for KDOR to do a half-day team building and it was really well received. I think our employees really

enjoyed it and that was really the first time that they've been able to do anything like that in a very long time. We want to do some more of that. We found a lot of great resources for customer service, DEI training, creating a positive work environment.

The other big focus for us is going to be supervisors/managers. They've never had the opportunity to really do any sort of personnel management training or just basic, how-to-supervise-people training. They need it and they want it. So, we want to make sure that they get that as well.



Potential future plans. One thing that we're really focused on right now is a website refresh. With the cyber-attack, that kind of put it a little bit on the back burner. We had made some pretty good progress on getting our website to a place we felt like it was much more user-friendly, much more intuitive for users. That's not really what we have on there right now. It's kind of overwhelming when you get on the motor vehicle side. We're hoping to clean that up quite a bit, we've made some progress on it. Also have more services available online, have fillable forms, online submission. Just make it as easy as possible for customers to conduct their business in whatever form they prefer and that's not really what we have available to them today.

We've also been working with what they call the big five counties, we are part of that, on self-service renewal kiosks. This is something that Johnson County has in their offices but no other counties have actually implemented them yet, because the kiosks are a sole source vendor with KDOR and so KDOR won't allow any other kiosk providers to work with them. So, we've been slowly trying to work through making these kiosks what we would need for them to actually be advantageous for us to have.

So, that's something potentially in the future. Again, these things move slower just at the state level so we're not sure with when, or if, that's something that we'd be able to offer but certainly we'd like to. Other discussions have been having iPads available with wi-fi and key places so that

folks can go through and if they don't have wi-fi at home, they have a place where they can go online and do their renewal and not have to come into our office.

One of the big things that we've talked about, and I believe has just been really a conversation within the Treasury Department for years and years, is just the challenges of managing the two locations. There are a lot of counties that do have two locations. I think what we struggle with is just, ours are not in the right places and they're not at the right level of accessibility. So, it's a big challenge for us. The annex is where it seems that customers prefer to go. That's certainly where we have the heavier appointments, where we're anticipating when we open up the queue, we're going to have more customers going there because it's much more accessible. It's easy to get to, so we're trying to figure out how we're going to manage that flow because we know that's going to be difficult once we reopen.

The Courthouse, that's where we have room for the staff. I mean everyone's sitting on top of each other in both locations, quite honestly, and that makes for obviously a poor experience not just for our employees but for our customers. There's a lot of asking them to repeat things or them asking you to repeat things because they're just in such close quarters. So, that's a struggle at both locations. We are able to better staff the Courthouse than we are the Annex, but that's not where our customers want to go. So, that's something that we're really challenged with.

Ideally, we would love to have one central location that our entire office can be in. It makes for much better communication among our department, and better collaboration but we know that's not something that's going to happen anytime real soon. We really are trying to find some ways to make our existing space better for us right now.

That's really all I had as far as our upcoming changes to our operations. I just wanted to note that we will be doing our 2021 recap at a future ED&F committee meeting. We haven't done that yet. I think it's typically done in the spring and then separately from the real estate side of things, so we're planning on just doing the two together in a future meeting, so look for that. That's really all I have.



If anyone has any questions or comments, I would be happy to try to address them.

Commissioner Bynum said welcome to the job and here to the Commission. I appreciate all the information. I'm curious, and you may not have this answer right now, are we still charging every person, well this is probably not even true because you are only doing title applications. At the point at which we were still doing renewals in person, we were still charging every person who chose to do that in person an extra five dollars.

Ms. Berger said correct, yes, that is my understanding. No, we haven't been charging that obviously now, and there have been times that folks have come in and we weren't completely booked up with appointments and so we've taken their renewal and no, we haven't charged them anything. I would say I know that is like a pain point and when you're looking at customer service—doesn't feel like the best customer service. I would also say that is what the other counties do as well, and that's not just the larger counties. It's pretty much across the board and really that comes from if we had unlimited resources to provide the ultimate customer service experience then that would be wonderful.

The problem is motor vehicles delegated to us by the state, they don't provide us with the resources that we need to actually operate it, and to operate it in a way that is actually customer friendly. There is a bill in the legislature right now to do a fee increase that would really help cover some of those costs, but it's not like motor vehicle operates independently. I mean the UG is paying for these services as well. That's kind of the reasoning behind that \$5.00 fee. I mean if you all want to not have the fee, and fund more of it out of General Fund, that would be certainly in your purview to make that decision.

Commissioner Bynum said you have a plan by July that folks could walk in and not walk in because it looks like appointment only. **Ms. Berger** said nope. I think it's June 2nd, we would

go live with the queue June 2nd. Then we would be able to take in walk-ins, and we'd still do appointments for new title vehicle registrations, but we would also allow for walk-in, new title vehicle registrations.

I would say the one caveat to that is that we can't allow same-day appointments at that point, because then it will really jam up our queue because folks might come in, they don't have an appointment, so they get in the queue. But then they find an appointment and then you know. We actually went to Shawnee County to see how they operate, and that's one of their processes that they have in place to make their operations run more smoothly.

Commissioner Bynum said if we take the walk-in renewal then we will resume the \$5.00 fee per vehicle. During COVID have you been processing just regular mail-in renewals? Like not folks who went online, just folks who put a stamp on the envelope and mailed it? **Ms. Berger** said oh yes, we have quite a few of those.

Commissioner Bynum said and those are really the only people who aside from the stamp and I think the little mailing fee are not paying extra money. I don't want to speak out of turn, but if I walk in, I'm paying more. I'm definitely paying more if I use the online system because the state is taking fees and then if I use a credit card, there's a fee. So really the only way to pay only what I owe in personal tax and motor vehicle registration is to use the U.S. Postal Service. Would that be a fair statement? **Ms. Berger** said yes, or the drop box.

Commissioner Stites said I think it might have gotten to where you might have answered it. So, somebody coming in is going to pay \$5.00 more than somebody that's using an online service.

Ms. Berger said they wouldn't pay \$5.00 more than the online service because when you go online the state actually charges a fee, but they would pay \$5.00 more than anyone that mails in or drops their renewal in the drop box. **Commissioner Stites** said that \$5.00 is going to whom. **Ms. Berger** said goes to the General Fund.

Commissioner Stites said to the county? **Ms. Berger** said yes. **Commissioner Stites** said and if you do it online that fee... **Ms. Berger** said goes to the state. **Commissioner Stites** said and there's no \$5.00 fee? **Ms. Berger** said no, but it's, I think, it's a percentage of what you—if you use a credit card then it's a charge of your percentage of that, and if you don't, I think it's like \$2.75 or something like that.

Commissioner Stites said so the amount of high county taxes that we're paying right now, we're asking citizens to pay an additional \$5.00 to go pay their high taxes—in person? You pay high taxes but we're going ask for more money because you're coming in to pay your high taxes? I think we should revisit that and think about not charging that fee. **Ms. Berger** said I mean from our employees' perspective, yeah, we would love that. **Commissioner Stites** said because from this commissioner, I think we should not be charging that fee.

Mayor Garner said any more questions? I'd like to just follow up behind Commissioner Stites. I agree. What's the name of that fee again? **Ms. Berger** said I actually don't know because it hasn't been there as long as I've been there, but I would assume it's like a convenience fee or something like that.

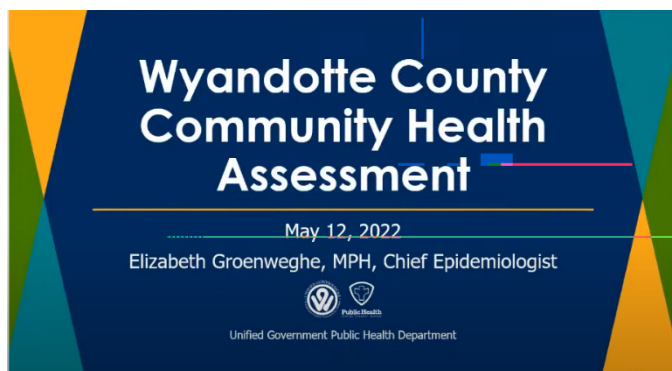
Mayor Garner said I'd like to call it an inconvenience fee, because you're charging people to come in and inconvenience themselves—time, gas, and to have to wait in line, and you're charging them to do all that. So, I kind of agree that with Commissioner Stites that's something we need to look at. I've said this before, I believe that when you look at our Unified Government fee schedules we are literally taxing and feeing our constituents to the point of just beyond reason. I would ask, and I concur with Commissioner Stites, that I would really implore that our Administrator and this Commission revisit some of these fees and release at least some of the pressure and some of the fee and tax burden on our residents. Thank you.

Action: **For information only.**

Item No. 2 – 211565...UPDATE: COMMUNITY HEALTH ASSESSMENT (CHA)

Synopsis: Update to include a plan for the data collection, community engagement, analysis, and timeline, submitted by Juliann VanLiew, Director of the Public Health Department.

Mayor Garner said that takes us to Item #2, Update on Community Health Assessment. It's a presentation from our Health Department and provides an update on our Community Health Assessment. I believe Elizabeth—okay, you're not Elizabeth, but we'll have you come forward with that presentation.



Wesley McKain, Manager, Health Department, said I'm here to introduce Elizabeth. You all put a green booklet on your dais there, hot off the presses. This is the fourth edition of our current Community Health Improvement Plan. The Health Department does this every five years. We're both mandated to do it, and it's our pleasure to do it. It really has a robust data collection and resident input component to it. In order to put the plan together, we first have to understand the health of the community, and we take that very seriously into a very thorough and robust process to do that.

So, next Elizabeth's going to come up here and describe what that process is going to look like for the plan that's going to replace this one. We're currently on our fourth year. There's going to be the fifth year after this, and then after that is done, we're going to enter into our new CHIP, is what we call it. So, Elizabeth's going to come to talk about the Community Health Assessment, which will then inform the new CHIP. Without further ado, Elizabeth Groenweghe, our Chief Epidemiologist.

Elizabeth Groenweghe, Chief Epidemiologist, Health Department, said hi everyone, I'm Elizabeth. I'm the Chief Epidemiologist for the Health Department. Some of you may know me from some of the COVID work that we've been doing and some of the presentations for COVID. But I'm here to talk to you about something besides COVID which is really exciting for me. I'm involved in a lot of other health data-related projects as an epidemiologist for the county and including our community health assessment, which is what I'm here to talk to you about today.

What is a Community Health Assessment (CHA)?



- A comprehensive assessment of the health of the county that:
 - Collects data from a variety of sources
 - National data (census, BRFSS, etc.)
 - Community members
 - Partners
 - Gains input from community members and partners to better understand the community's health
- Conducted every five years, required for PHAB accreditation

First of all, what is a Community Health Assessment? We call it CHA for short because we really like acronyms in public health. A CHA is basically a comprehensive evaluation of the health in the county. We look at a variety of different data sources, which I'll talk about more in my presentation. We gain input from the community, from partners, other organizations within the county to try to get an idea of the overall health status of the county. We do our CHA every five years and I'll talk a bit more about kind of that cycle, but one of the important things to know about the CHA as well is that it's a requirement to be an accredited Health Department.

Hopefully, you all know that we are a PHAB-accredited Health Department. The Public Health Accreditation Board, I mean it's actually a pretty big deal, not every county health department or even most county health departments are accredited by PHAB. There's only a small handful in the state of Kansas that are. Part of being an accredited Health Department means that we conduct our Community Health Assessment every five years.

What is the purpose of a CHA



- Hear from residents:
 - Gather context & differing perspectives on health issues
- Better understand the status, challenges, and assets of the community in relation to health
 - Including changes since last CHA
- Guide work of the health department, community partners, and local government:
 - Provide information to inform work done by Parks, Planning & Urban Development, Aging, Human Services, EMS, etc.

So, what is the purpose of the CHA? There are a few different purposes. One of the big ones is just to hear from our residents. We want to know from our residents are we addressing the health needs of the community. What kind of needs are being unmet, and what kind of challenges do people have to be healthy in Wyandotte County? What kind of assets do we have in the community to better promote health within the county for our citizens? Then it also helps to guide the work

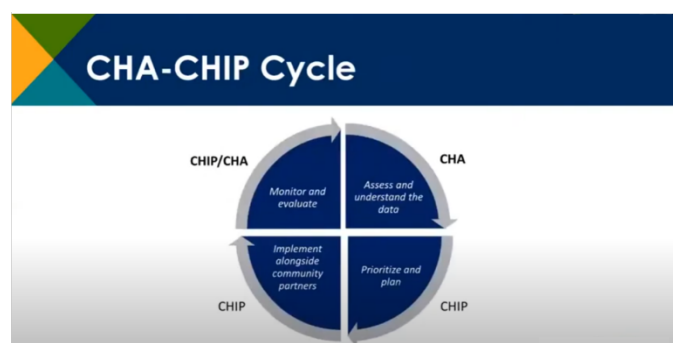
of the Health Department, so that comes in the form of the CHIP which I'll talk about in the next slide, but also just guiding the Health Department, in terms of funding and what we prioritize.

Then internally within the Unified Government other departments can use the CHA as well, like EMS or Parks and Recreation can use that data to make decisions. Externally our partners in the community can also use it to guide their work. For example, Wyandotte County Behavioral Health, who presented earlier, can use some of the CHA data to better address their community and serve their community as well.

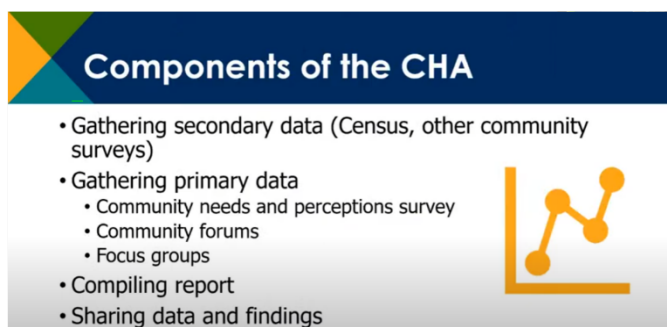
How is CHA data used?

- **Data and community feedback** collected from the CHA informs the **Community Health Improvement Plan (CHIP)** process:
 - Identify priority health concerns
 - Develop strategies for action
 - Establish accountability to measure progress
 - Determine how and where resources should be allocated

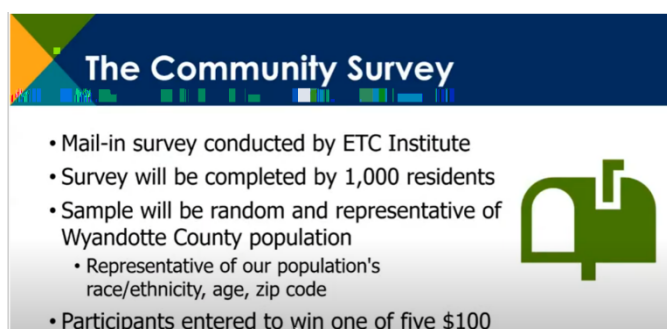
The biggest way that the CHA is used is to create our Community Health Improvement Plan, or CHIP. Hopefully, you all are somewhat familiar with our CHIP. Wesley mentioned that we have these books here that kind of summarize where the CHIP is going into year four. We have four priority areas that are in our current CHIP, which are housing, jobs and education, and access to health care. There's a summary here of all the activities in this booklet that Wesley handed out, but those four areas that we decided for our current CHIP were based on the CHA, or Community Health Assessment, that was done previously. The CHA that we're working on now will help us to define what areas we're going to focus on for our next Community Health Improvement Plan.



This image here just kind of shows how it's a cycle that we go through every five years. We start with the data, which is the CHA, and look at all that data to decide what it shows us and what areas we should prioritize. Then, using that we prioritize and plan for the CHIP. We implement the CHIP which is kind of where we are right now in that process going into year four of implementing the CHIP. Then we'll conduct another CHA, look at that data and that will lead us into our next CHIP.

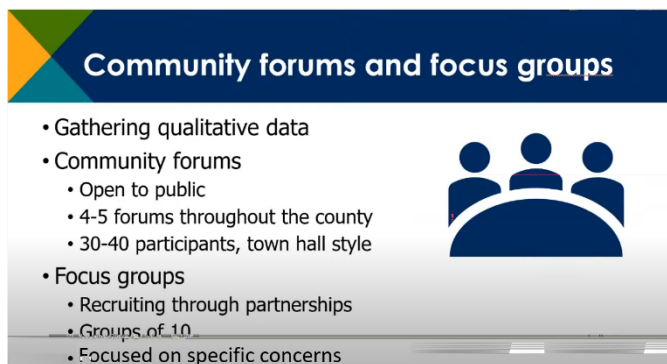


I wanted to briefly give you an overview of the components of the CHA and then I'll delve a bit more deeply into some of them. We look at both primary and secondary data. Primary data is the data collected by the organization to use for the organization, so that would be data that the Health Department is collecting. Secondary data is data that's collected by other organizations that we'll be utilizing for the CHA. An example of that would be the U.S. Census Bureau's data. We'll also be collecting our own primary data in the form of survey, focus groups, and community forums, and then from there we'll compile all that data into a summary report, and then publish and share that data.



I wanted to touch first on the community survey and what that looks like. It's being conducted in the form of a mail-out survey through ETC Institute, which you all should be familiar with because they've also done the county-wide survey recently. We'll be utilizing them as well to send out

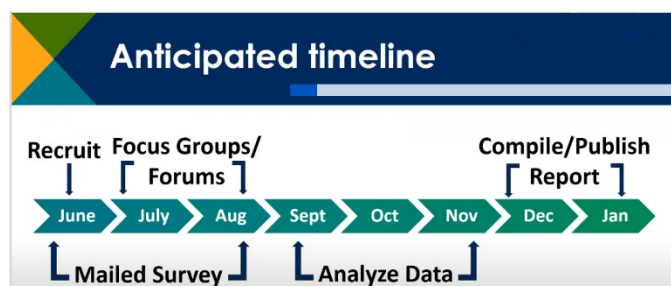
about a thousand mail-out surveys to the county, and just like the community survey, it is a random sample of residents that get the survey mailed to them. It's also a representative sample which means that it represents the diversity of Wyandotte County. It's representative of race, ethnicity, age, and zip code in Wyandotte County so we can make sure that we hear from everyone in our community and get a good representative sample. Then participants that do fill out the survey are also entered to win one of five \$100 gift cards, just as kind of an incentive to help encourage participants to fill out that survey because the data is really important to us.



Community forums and focus groups

- Gathering qualitative data
- Community forums
 - Open to public
 - 4-5 forums throughout the county
 - 30-40 participants, town hall style
- Focus groups
 - Recruiting through partnerships
 - Groups of 10
 - Focused on specific concerns

In addition, we'll also be doing some community forums and focus groups. The community forums are going to be open to the public. We'll have four or five of them throughout Wyandotte County in different locations, including out west like Bonner Springs and Piper, also out east, and then the central parts of the county, trying to hit on all of our different areas within the county. Those are going to be kind of a public forum style, open to the public to come to express their opinions. We'll also be doing some focus groups which are smaller groups of about 10 people that we'll be recruiting through partners within the county. Those smaller focus groups are going to be more focused on specific areas of concern or specific populations that we really want to hear from in the county. For example, youth or minority communities or local business owners, or just other community members that maybe we wouldn't traditionally hear from. We want to make sure we get their opinions as well.



Here is just an image of where our timeline is. We're really just getting started in this process. So, in June we're going to be using the recruit for our focus groups and community forums, and then we'll also begin mailing out the survey with ETC Institute throughout the summer months. We'll be conducting focus groups and community forums throughout the months of July and August. Then throughout the fall is when we'll be doing the data analysis. It does take time to analyze data, clean data, all that good stuff. It does take a few months to get that done. Then in December and January, we're going to be working on data, putting together the report, and then hopefully publishing it by January 2023.

How can you help?

- Assist us in encouraging residents to participate
 - Understand and share the importance of a CHA
 - Encourage completion of mailed survey
 - Share information about focus groups/community forums with residents
 - UGPHD will provide flyers with details
- Get excited to hear results next winter!

What can you do to help get involved in this process? A big one is encouraging participation, especially among the community members. Help them understand the purpose of the trial, why we're doing it. Encourage those who get the survey mailed to their houses to complete it and send it back. Then help us spread the word about the community forums and focus groups. We don't yet have them scheduled, but we should have them scheduled within the next month or so. We'll follow up with the schedule of how people can sign up for the focus groups and when the community forums are with flyers and things like that. If you can help us spread the word for that. Otherwise, just kind of wait for the process to happen, and then we'll be presenting the data later whenever we have it at another Commission meeting.



That's all I have and I can take any questions about the CHA or CHIP.

Commissioner McKiernan said I'd really like to just take a moment to thank Elizabeth, Wesley, Juliann, and everyone else from the Health Department for all the work that you have done and are continuing to do with both the Health Assessment and the Community Health Improvement Plan. You really have given all of us a model to follow in terms of community engagement and data gathering that informs a plan. One of the things that we all know, after gathering the data and creating the plan is, despite the fact that that's a lot of work, it's really easy compared to executing and meeting the goals we set as a part of a plan. Meeting those goals will take all of us. It'll take all of us in terms of our effort. It'll take all of us in terms of funding. It'll take all of us in terms of the policy.

One thing that I want to just throw out to my fellow commissioners especially, but to everyone, is that maybe we think about on a more intentional basis, the effect of any policy that we execute on health and that we begin to encourage a model of health in all of our policies because certainly the policies that we set can drive, to some extent, health outcomes. We want to drive them positively, so I think that that's one of the things that we should strive to do. But, again, thank you to all of you for your work. You are leading us to a very good place.

Commissioner Davis said I echo everything the doctor just said. Y'all are doing amazing and it's not just the opinion of this Commission, it's the opinion of our community. The results of the community survey highlighted the work of your department. That speaks volumes to the quality of work that you all are doing. Your work matters and the public knows it and the public appreciates it. I just want to commend you all for your efforts. I love the fact that we are moving and shifting and continuing to think about violence prevention and violence overall as a public

health crisis because we cannot burden public safety alone to prevent violence. We need you all in that work. We need everyone in the Unified Government in our network.

The last thing that I would say is, I love that structural racism is mentioned explicitly in the plan. It is sometimes an uncomfortable conversation to have, but looking at how we do business as a government and how it impacts marginalized identities is huge. I just want to thank you all for that.

There's one more thing that I'll say and it's similar to what Commissioner McKiernan had mentioned, I want us to move to a point, where as a government we are not contradicting the work that you all do, that we get Planning involved, we get our Economic Development Department involved, we get Public Safety involved, because what I would hate to do is have you all do this great work and then through development or through the environment, or through other things, we are contradicting this great work that you all do.

So, thank you all so much. I'm on record of wanting to work with your department to see if we can permanently fund some of these ARPA positions that are within your department because we can say all these good things, but if the money is not there then all we have are just plans. I don't want to just have plans. I want action. I want to see things change for Wyandotte County. Thank you y'all so much.

Mayor Garner said I just like to commend you as well. What really stands out to me coincides with all our commissioners is the collaboration. You look at the people that you've partnered with. That's just - really says a lot about the work you're doing, not just internally as a Health Department, but with the community. So, thank you and we commend you for your work.

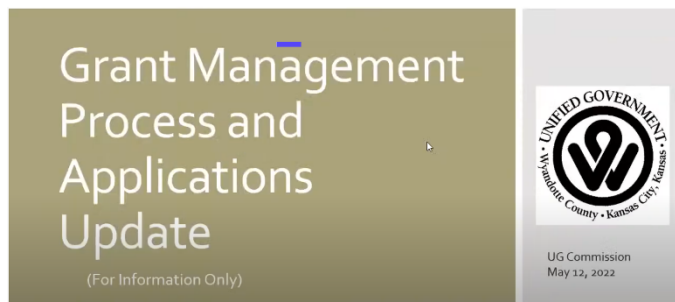
Action: **For information only.**

Item No. 3 – 211566...UPDATE: GRANTS AND GRANT PROCESS

Synopsis: Update on grants and grant process, submitted by the County Administrator's Office.

Mayor Garner said that takes us to Item #3 on the Administrator's Agenda. It's a presentation from the Interim County Administrator on grants and grant process. I'll ask Ms. Cheryl Harrison-Lee to make some remarks.

Cheryl Harrison-Lee, Interim County Administrator, said we have many grant opportunities with the infrastructure bill post-COVID, ARPA dollars. We put this item on the agenda so that we provide a consistent opportunity for the commission to be informed about the grant opportunities that we are looking at and those that are coming ahead. With that, I'll turn it over to our CFO to provide a more detailed presentation.

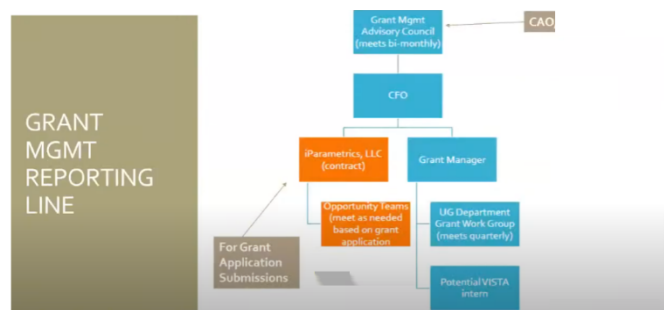


Kathleen VonAchen, Chief Financial Operator, said I'm very excited to give you an update on the status of all our grant applications. But before I do, I do want to point out one thing. We have an ARPA, American Rescue Plan, a web portal where non-profit agencies and various UG departments can submit proposals for programs. This afternoon we decided to extend the deadline to the end of June so that we can collect more applications. Those of you that are interested in applying, have an idea or concept for a program and if it's eligible under the ARPA federal requirements, we want you to submit that application so we can review it and consider it. Just go to www.wycokck.org/ARPA. So don't forget that.

Moving on to grant applications. What we're talking about here are applications we're writing and submitting to other federal agencies.



Just to recap, we do have a new Grants Management Division. This division is under the Finance Department, and it has one whole FTE.



So, not a lot of people but we do have the help of our Assistant County Administrators, our Interim County Administrator, and the iParameters, LLC Grants Management Consulting Firm who's helping us greatly.

How this works is a notice of funding opportunity comes out from a federal agency. We take notice of that and we decide which department staff would best form a work group. Then from there, we proceed with determining what projects can be included in that grant. We provide that list of prioritized projects to the Commission through the subcommittees. There's a discussion on that, certainly if there's enough time before the deadline, and then we proceed with writing these grants. Some of these grants are over 100 pages so it's very time-intensive, but the exciting thing is that we actually can get additional dollars to support our community from the federal government.

Submitted But
Not Selected

Grant
Applications

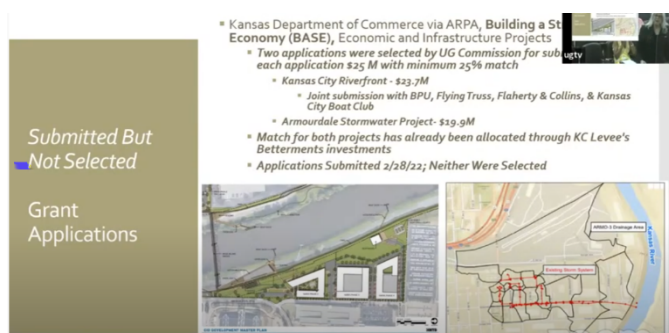
- US Department of Commerce, Economic Development Administration (EDA), Build by Better Grant
 - "The Collider for Intelligent and Resilient Communities" project
 - Status: Applications submitted 10/19/21; Not Selected
- US Department of Commerce, Economic Development Administration (EDA), Travel, Tourism and Outdoor Recreation Grants
 - "Tale of Two Rivers" proposed \$2 M
 - Status: Application submitted 1/31/22; Not selected



The first couple of slides I'm going to show you are grants that we submitted that, unfortunately, we did not get. I think it's important to kind of keep a tally because we've talked about these bad applications previously. Right now, we're zero for three. Sorry.

The first one is the U.S. Department of Commerce EDA Build a Better Grant. It was for \$100M and had the title The Collider for Intelligent and Resilient Communities. We submitted that back in the fall and we were not selected. From what I remember, the reason behind that was there was a number, and it was very competitive. There were a number of other applicants that had better economic development plans or stronger cases.

The second item was only for \$2M. We called it Tale of Two Rivers put out by EDA. It's the Travel, Tourism and Outdoor Recreation Grants and we did not get that, although our grant team is working with EDA to determine if there are other grant opportunities that would meet that riverfront project name.



This is a summary of two grant applications, both under the Base Grant Program. One was for the Kansas City Riverfront in the amount of \$23.7M. That was a grant application submitted jointly with the BPU, Flying Truss, Flaherty & Collins, and Kansas City Boat Club. This was a terrific project. Sadly, we did not get that one. I'll talk about that in a minute. Armourdale Stormwater Project, that one was for \$20M. We also were not selected for that.

Our two base applications were not awarded in the initial round of funding. Our Grant Team was able to have a debriefing with the Director of Economic Recovery, the Kansas Department of Commerce, who informed us that our Riverfront Application received a perfect score; however, it was not selected by the committee.

The Riverfront Project was \$23.7M and added infrastructure to support growth, water, electric, sanitary sewer, and storm, and to finish the public crossing space over the Rock Island Bridge.

The Armourdale application was for \$19.9M for improving stormwater infrastructure to prevent flooding in the residential areas, as well as the adjacent commercial and industrial areas.

It did not score as well, meaning it didn't get 100%, but let's see, due to there wasn't a direct economic benefit impact demonstrated in the application.

There is a possibility that we'll get additional funding under this program and that the SPARK Subcommittee, the State Governor's Task Force, came up with some additional money. They're still looking at all the outstanding applications and those applications that scored very well. There may be a chance we get some money, especially for the Riverfront Project.

Submitted Grant Applications	▪ Kansas SPARK Committee, Investment Ideas Grant Prog ▪ "MicroTransit-State Avenue Bistate Corridor " proposed \$2 M ▪ "West Patrol Police Station and Community Center" proposed \$4 M ▪ Filtration system for the Detention Center & Sheriff retention bonus for all sworn/civilian employees" proposed \$1.6 M ▪ Status: Submitted 2/16/22; Award date was 4/29/22 (Still waiting on news) ▪ Kansas Department for Aging and Disability Services (KDADS) via ARPA, Older American Act (OAA), Supportive Services, Congregate, Home-Delivered, Wellness/Fitness, and Family Caregiver Programs ▪ \$998k Federal; \$200k KDADS Match; no UG match requirement ▪ STATUS: Application Submitted 3/31/22
	▪ Mid-America Regional Council (MARC), CMAQ, STBG, STBG Set-aside ▪ Proposal is \$56 M for various street improvement or reconstruction projects ▪ Match identified \$9.1 M ▪ Status: Submitted April 1, 2022

Now we're talking about a couple of grants that we submitted that we're still waiting to hear about. So, under the SPARK Committee Investment Ideas Grant, there are three grants that were submitted by various public safety departments. There's the Micro Transit State Avenue-Bi-State Corridor for \$2M; the West Patrol Police Station and Community Center for \$4M; and a variety of needs identified by the Sheriff's Department for \$1.6M. We're still waiting to hear back on whether we got those funded. There was an application submitted by our Area Agency on Aging, which was submitted on March 31st. There was the Mid-America Regional Council application, the proposal totaled \$56M in total projects of which some will be selected. This application was submitted on April 1st, and we did identify about \$9.1M in match.

Submitted Grant Applications	▪ US Department of Transportation, Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program (via ARPA) ▪ Proposed \$25 M for multimodal planning grant, no required match ▪ Planning projects identified from GoDotte study that meet RAISE grant requirements (see next slide for graphic of project area) ▪ Status: Submitted 4/14/22
	▪ Kansas Department of Transportation, Intersection Safety Improvements ▪ Proposed \$4.8 million for intersections that provide the largest safety benefit to the community based on the engineering analysis and amount of local funding ▪ 30% matching requirement ▪ Status: Submitted May 1, 2022

Two others that we have submitted are the U.S. Department of Transportation's Rebuilding America Infrastructure with Sustainability and Equity, which is an acronym for RAISE. It's a Discretionary Grant Program and the amount applied for was \$25M for multimodal planning

grants. There was no required match, and the planning projects identified where it came from the Go Dotte Study and those all meet the RAISE grant requirements. We submitted those on April 14th.

We also submitted on May 1st to the Kansas Department of Transportation, the Intersection Safety Improvements Grant for \$4.8M. They identified two intersections of note but they're basically to improve the safety of the community. There was a match requirement that was met and so we're waiting on that. That was submitted several weeks ago.

<i>Under Development or Expected in the Future</i> Grant Applications	▪ US Department of Transportation, Multimodal Project Discretionary Grant Opportunity (MPDG), MEGA/INFRA Grant ▪ Proposed \$100M for Kansas Ave/Cesar Chavez Bridge Replacement and rehabilitation project ▪ Matching: to be determined ▪ Status: Being reviewed in collaboration with contributing stakeholders ▪ Deadline: May 23, 2022 ▪ U.S. Department of Housing and Urban Development, HOME-ARPA ▪ Allocated \$3,297,903, no required match ▪ Status: Pending submission of HOME-ARPA Allocation Plan to HUD; no deadline. Period of Performance ends September 30, 2030
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A couple more are currently being written or are expected to submit in the future. There was the U.S. Department of Transportation's Multimodal Project Discretionary Grant Opportunity or MEGA/INFRA Grant. What they're proposing is potentially \$100M for Kansas Avenue and the Cesar Chavez Bridge Replacement and Rehab Project. The match is still being determined. The status is that it's being reviewed in collaboration with contributing stakeholders. The deadline is next week. The Public Works Department entered this potential grant application just this afternoon.

The second one is the U.S. Department of Housing & Urban Development HOME-ARPA Grant, which I think you all have heard about. We've been allocated \$3.2M. There's no required match. The status is that it's pending submission of our ARPA Allocation Plan to HUD. There's no deadline and our Community Development Department is working on that. The period of performance ends the end of September.

<i>Expected in the Future</i> Grant Applications	▪ US Department of Energy, Energy Efficiency & Conservation Block Grants ▪ Concept Proposal amt to be determined ▪ Streetlight Modernization, matching requirement to be determined ▪ Status: Application due in late Fall 2022 ▪ US Department of Transportation, Safe Streets & Roads for All Grants ▪ Concept Proposal amt to be determined ▪ Implementing the Complete Street and Streetlight Modernization, matching requirement to be determined ▪ Status: Awaiting the Notice of Funding Opportunity
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Another two grants that we're expecting in the future. The first one's to the U.S. Department of Energy called the Energy Efficiency and Conservation Block Grant and right now it's under development. The concept of what we're going to propose is being discussed. One of the things or at least the amounts are still being worked on. One of the things they are contemplating is proposing a Streetlight Modernization Project with this grant, and the status is that the application wouldn't be due until the end of or sometime in the fall.

Then there is the U.S. Department of Transportation Safe Streets and Roads for All Grants. The concept or the amount is still being determined. The purpose would be for implementing the Complete Streets Plan and potentially Streetlight Modernization. The match requirements are still being determined because the guidelines haven't been released yet. We are anticipating the notice of funding opportunity to come out soon.

Recently Awarded Grant Applications

- Kansas Department of Transportation, Access, Innovation & Collaboration Grant
- Total project cost, 6 total projects: \$1,452,623
- Total KDOT ask : \$1,253,389
- Match requirement: ranges 10%-20%
 - Total \$199,235
- Status: Award April 7, 2022

I just thought I would start, well finish off. Usually, we just talk about some good news. Usually, we just talk about grants related to ARPA or the infrastructure, but this is a grant that we just got awarded. Public Works wanted me to let you all know. They applied for this last year, and they just learned that they got it. It's for \$1.4M and it totals six different projects called the Kansas Department of Transportation Access Innovation and Collaboration Grant and the match requirement is about \$200K. It was awarded on April 7th.

One of the key things I did want to point out is the goal of the Grants Management Division. I don't know if we're going to get that achieved in 2022, but overall, we typically only collect about \$9M in federal grants every year. So, what we want to do is get back to about 10 years ago when we collected half or twice that amount. We want to get our numbers for the amount of grants we collect, back up to, let's say, \$18M or \$20M a year. Grants like this, one by one, will really help get us to that goal. That's all I have.

Commissioner Johnson said thank you for this presentation Ms. VonAchen. It started out kind of slow, but you ended on the right track—\$1.4M. I was wondering if the ones that were declined,

were those applications made under this new position or were those done before this new position was filled?

Ms. VonAchen said all the grant applications were written by these work groups, which include staff, and were led and also facilitated and written together, collaboratively, by the consulting firm iParametrics. The one position that is in our Grants Management is helping me with other Grants Management activities.

Commissioner Johnson said when we talk about getting to that level that we were years ago, have you been able to calculate the number of FTEs that we would need in order to get to that point? **Ms. VonAchen** said not specifically, but I certainly could look into that.

Commissioner Johnson said okay that would be great. I mean there's a lot of money and we heard, Ms. Walton talks about we need money in Parks and Rec, and that would be one area that we probably haven't done a good enough job to get money from different sources, whether it be government, state or whatever the case may be, or just philanthropic. I do look forward to seeing some success with regard to that so that we can leverage that along with the money that we should be putting in from the Unified Government itself. I'm very encouraged by this presentation, so, thank you.

Commissioner Stites said just real quick. The one that we scored a 100% on and we didn't get, who got that? **Ms. VonAchen** said I believe it was a group that is involved with the American Royal.

Mayor Garner said I have a question for you Ms. VonAchen. Can you explain to the Commission and to the public who decides which grants we apply for? Is it community driven and do these grant recommendations that you all apply for, do they run through the Commission? Any standing committees? How do we get to the point of staff deciding which grants we're going to apply for? I'm glad we have a grant writer, that's great. But who decides what the priorities are for Wyandotte County when these grants are written? **Ms. VonAchen** said typically departments see grants and they just apply for them. That's typically how it's always been. When they apply for a grant, if it's over \$50K, the policy is they have to bring it to the committee or the subcommittee, usually Public Works, but maybe EDF or Administration, depends on the subject. Then the committee approves it and sees it and then they pass it on to the Commission. The Commission approves it usually as

part of the Consent Agenda. So, now that we're getting an influx of more grant applications because of the ARPA legislation and the infrastructure legislation, some of these deadlines have come very, very suddenly. We still want to follow that same procedure, and so that's what has been happening for the past three or four months where the grants are being brought before the subcommittees and being discussed, and then the elected body brings them to and puts them on the Commission Agenda.

Mayor Garner said prior to this, is there any discussion with the Commission as opposed to just bringing it forward from staff? Are you having those conversations prior to, to say these grant opportunities are here, Commission or standing committee, is that even set up that way? These are some things that the staff would like to bring forward. Is this something that the Commission has an interest in, and do we touch—we leave a footprint in the community to let them know what grant opportunities are there, so we get their input. Really, I'm just curious about where these grant funds are allocated because you had a slide there that I believe is the last one you said that there were six identified places where that \$1M plus—where is that? **Ms. VonAchen** said I didn't say because I didn't want to talk too long, but I have it here.

Mayor Garner said that'd be great. I'd just like to know; I mean I'd really like to get a better handle and make sure that our Commission is involved on the front end as opposed to telling when we get these grants because there's a lot of money out there and the Commission is the voice of the people. I really want them to be on the front end of this to make sure that the constituents' concerns and needs are being met as opposed to what staff believes needs to be delivered to the Commission. I've said this before, it seems like a lot of things are staff driven. We need to have things being elected body and Commission driven. **Ms. VonAchen** said that's fine, we welcome input from the community on these grant applications. When they come out, that's when we present them to the subcommittees.

Action: **For information only.**

Mayor Garner said that takes us to Item #4. I'm sorry but before I do, do we have any more questions for Ms. VonAchen?

Commissioner Markley said I was just going to say we do hear these grant applications frequently before our standing committee. It depends, I think, a lot on the deadline and how quickly it's coming, how much input we're able to have. If there's time before the grant is due staff has always been good about asking what they think are the projects that could meet the requirements of that grant and taking our input. I will say sometimes the deadlines don't allow for that discussion really to happen because they're like we got a grant and the application's due on this day we're either going to turn it in or we're not.

Item No. 4 – 211590...UPDATE: UPDATE ON ORGANIZATIONAL ASSESSMENT

Synopsis: An update on the organizational assessment, submitted by Cheryl Harrison-Lee. (New Item per blue sheet.)

Mayor Garner said that takes us, again, to Item #4, an update on the organization assessment. This is the last item on the County Administrator's Agenda regarding an organizational assessment. I'll ask Ms. Harrison-Lee, our Interim County Administrator, to open with her remarks.

Cheryl Harrison-Lee, Interim County Administrator, said during my first 100 days I had an opportunity to meet with members of the governing body, UG staff, and external stakeholders. As a follow-up and taking the feedback as well as my insight into consideration, we are embarking upon three organizational assessments, or audits, of the UG. The first one is an overall of the entire Unified Government. The second one is Human Resources and then the third is Finance. In doing my opening comments in January when I was introduced, I talked about transformation through collaboration based on four components that I call DEIF.

First D for discovering new ways to strengthen engagement with the community, businesses, and stakeholders. During the first quarter, the UG launched several successful outreach and engagement initiatives. For example, DOTTE Talks which was an opportunity for the community to talk about and provide their input into our budget process. The other initiatives are identified in the Quarterly Report that was previously provided to the Commission. Residents, you are able to view that on the website or you may have seen it through the e-Newsletter that came out.

E for evaluate. This is where we look at the audits, where we are looking at what we do well as an organization and we're looking at those areas that we need to improve which will allow us to increase our service delivery. So, in addition to talking with the commissioners and talking with external stakeholders and my observations, we are talking to senior staff, and we are also asking staff for their input. This effort will allow us to ensure that the UG is well-positioned to provide the best service, impactful programs, and that we're supported by a strong competitive well-compensated workforce.

We're currently focused on the workforce through the audit of HR and our finances through the assessment of the Finance Department along with the overall organization. Next month we will start to present some of the results from the consultants to give you an update on those findings.

I for identify. Identify economic development opportunities that create access, equity, and shared prosperity, especially in those areas that are not traditionally served. This will involve taking a holistic look at our development policies and processes in addition to looking at how we can be more strategic and intentional for long-term economic sustainability. This includes, but not limited to, those items such as affordable housing, code enforcement and beautification as evidenced in the survey, neighborhoods, and public safety.

Finally, if the DEIF, F for focus. Focusing on customer service, improving how we work with those internally as well as how we serve our customers. I'll be working to align these priorities with the efforts, your efforts, and your priorities, through the budget. Your feedback is important. We've had an opportunity for Mr. Ed O'Malley with the Kansas Leadership Center to come as well as to have follow-up interviews with you. We'll be using that and also we have the budget simulator. I encourage you if you haven't had an opportunity to do that to please go on to the website and participate in the budget simulator.

Also, I look forward to assisting the Mayor as he searches for a permanent Administrator and helping him facilitate that process in any way that I can. I look forward to continuing to work with the governing body and the residents, businesses, and staff to make sure that Wyandotte County is a place that residents are proud to call home, and visitors continue to seek to return. Mayor, that completes my comments.

Mayor Garner asked, do any members of the Commission have any comments or questions for the Administrator?

Commissioner Bynum said just to make sure I heard correctly. The general audit, if you will, HR, and then Finance. **Ms. Harrison-Lee** said yes, those are the ones we started with.

Commission Bynum said okay and so when do you think you'll have those completed products? **Ms. Harrison-Lee** said next month we're going to start with the presentation of the overall organizational audit. We'll start with that one next month. **Commissioner Bynum** said okay sure I wasn't sure I heard you correctly. So next month we'll start with the general. **Ms. Harrison-Lee** said we'll start with the general. **Commissioner Bynum** said all right, okay. Then the other two will come. **Ms. Harrison-Lee** said and the other two will follow.

Mayor Garner said the audits are really important. We need to know where we're at so we can have a better idea of how we need to move forward as an organization. How do we provide the best level of governance and quality service to our residents? We're also taking care of our employees but operating in a manner that's efficient, hopefully, to find cost savings that can be translated to our taxpayers. So, thank you, Ms. Lee. We will continue to support the work that she has been doing. Again, this was for information only. This concludes our meeting for tonight. Thank you all for coming.

Action: For Information only.

ADJOURN

Mayor Garner said I will move to adjourn.

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

MAYOR GARNER
ADJOURNED THE MEETING AT 9:00 P.M.
May 12, 2022

Monica Sparks
Acting Unified Government Clerk

am

May 12, 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

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

MAYORAL WORKSHOP, THURSDAY, DECEMBER 15, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, convened in a Mayoral Workshop , Thursday, December 15, 2022, with seven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Markley, Commissioner Sixth District; Davis, Commissioner Eighth District (arrived at 5:20 p.m.); and Garner, Mayor/CEO, presiding. Townsend, Commissioner First District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; and Stites, Commissioner Seventh District; were absent. The following officials were also in attendance: Alan Howze and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Legal Counsel; Brett Deichler, Unified Government Clerk; Monica Sparks, Deputy Unified Government Clerk; LaVert Murray, Economic Development Advisor in Mayor’s Office; and Alley Porter, Commission Liaison.

NOTICE OF MAYORAL WORKSHOP for the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, December 15, 2022, at 4:30 p.m. in the fifth floor conference room of the Municipal Office Building regarding a presentation by Health Equity Action Transformation (HEAT) followed by a Board of Health semi-annual update.

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

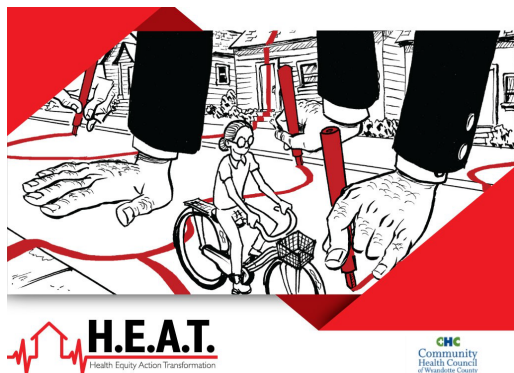
MAYOR GARNER said this is a Special Meeting of the Unified Government Commission. We are going to start our meeting at this time and I believe we are going to move the meeting to the full commission chambers, so we will take a quick break and reconvene there.

Mayor Garner said tonight we're conducting a Mayoral Workshop regarding a presentation by Health Equity Action Transformation, also referred to as H.E.A.T. Since this is a workshop, we will not be conducting meeting protocols, nor taking a roll call. I do want to announce 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. When speaking, 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. Please make sure that when you speak you speak clearly into the microphone to ensure that all can hear the comments and the dictations that are being made and it also helps us memorialize for the record.

I'll recognize opening remarks from our presenters at this time who are here if they would like. If someone could please come to the podium, let us know who you are and I will let you all take the presentation from here. If you're more comfortable doing from the table, that's fine.

Kim Weaver, she/her pronouns, said I am the Co-Founder of WYCO Mutual Aid and a Wyandotte County resident.

Donna Young, Executive Director for the Community Health Council of Wyandotte County, said I also acted as the Program Manager for this H.E.A.T report when it was implemented in 2016. My pronoun is she/her and we want to extend a thank you to the commissioners and the Mayor for the invitation to come and present the H.E.A.T. report. For some of you this may be a review of information, but we're coming to you with some updated data sets that were updated in 2020, so we're pleased to bring some new information forward. This is a wonderful opportunity, so thank you very much.



INTRODUCTION

Who are we and what do we do?

H.E.A.T. Supporting Partners:



Ms. Young said we'll start off with a little bit of an introduction. I want to just highlight some of our H.E.A.T. supporting partners. These are foundational partners that have supported with funding, the report itself, and the work that's happened over the last six years since the report was released along with a number of our community-based partners, academic partners who've supported the work of H.E.A.T. over the last six years.

HEAT Support Team



- Community Health Council of Wyandotte County (CHC)
- NBC Community Development Corporation (NBCCDC)
- Groundwork NRG (GNRG) – formerly Historic Northeast Midtown Association (HNMA)
- HEAT Community Action Board (HEAT CAB)
- WyCo Mutual Aid



Ms. Weaver said a little about our H.E.A.T. support team. **Ms. Weaver** said the Community Health Council has been here for about 20 years. There's four main programs. The Kansas

Assistance Network, which helps people get insurance through like Medicaid, Medicare and the Marketplace. The Community Health Worker Program, which you all just funded, so thank you for that. They do things like help people navigate social determinants of health, which we'll discuss more later on. Cradle KC, which deals with infant mortality and maternal mortality rates and helps people have a system where they can work together and improve those and the H.E.A.T report, which is what we'll be talking about today.

NBCCDC is one of our partners. A faith-based organization that works on a wide range of projects to empower and provide services for Wyandotte County residents and Groundwork NRG, a not-for-profit organization working to sustain and revitalize the northeast Kansas City, Kansas community.

The HEAT Community Action Board works with WyCo Mutual Aid and was birthed out of what I co-founded and it's a group of people that get together monthly to try to work on the problems that they see in Wyandotte County and see how we can best resolve them and WyCo Mutual Aid.

I do want to take time to acknowledge Broderick right there. He was NBCCDC. I actually stepped in during his absence, so please forgive me, I'm new to this. I haven't been doing it for that long so be patient with me.

Ms. Young said we've presented the H.E.A.T. report now over about 300 times with our academic partners, community-based organizations, a number of community facing presentations, and a number of the high schools here locally in Wyandotte County. We've been doing this for a while. We've had a lot of great partners in the process and you'll see Rachel in some of the videos and things on the webpage as well from Groundwork NRG.



First Things First

- Parts of this presentation just aren't fun...
- Language & Race
- Original Dotte
- Empathy
- Inclusivity



December 15, 2022

Ms. Weaver said we like to start with First Things First. This isn't a fun thing to tell, but we do have to tell it. We are aware that it can get hard, but if it was a fun story to tell we wouldn't be here because we wouldn't have to tell it. We will be talking about using language that includes race; White, Black, Indigenous, Bipod, Hispanic, Disabled. That can get uncomfortable and I just want you to know that.

It does say Original Dotte there, that's because of me. I am very proud to be from Wyandotte County, born and raised, and I guess that's because of Donna too because (inaudible). I have a pride in Wyandotte County and I know there's problems in it, but I'm also very sensitive about it because I love Wyandotte County. I do ask for people to use empathy when they listen to the story. Generally when we're talking to students we ask for them to have empathy when we listen to the story and that we do know that this is our story. We're in it together. Knowledge is the first step towards empowerment and we try to be inclusive in all of this.

Ms. Young said in the way that we speak about the data, in the way that we are reflecting on the fact that what we're presenting today is not just a set of statistics about the health of our county, but it's also representative of real life experiences in the lives of the people that we love and care about as two individuals that were born and raised in this community and very much deeply care and wants to take that strength (inaudible) approach when we talk about what's happening in our county, so we ask for that across the board.



What **factors** contribute to **health**?



Ms. Young said we're going to talk about factors that contribute to health.



Ms. Weaver said normally that part we would ask what they think contribute to health, but we're not going to do that today because we're going to slide right through that. Also, we do know that this presentation is being done for you all, the Mayor and commissioners, please be patient with us. This is meant to be informational for everybody in the community, not just for us that are here in the room today.

When we think about social determinants of health, another phrase that's not as commonly used as social and political influences of health, but we're going to use this one, which is the most common descriptor, and we can just pull some of those out. Things that affect people in their health are like health care access, control of resources, language, school, early childhood education, family housing; those are just some of the things that are considered social determinants of health.

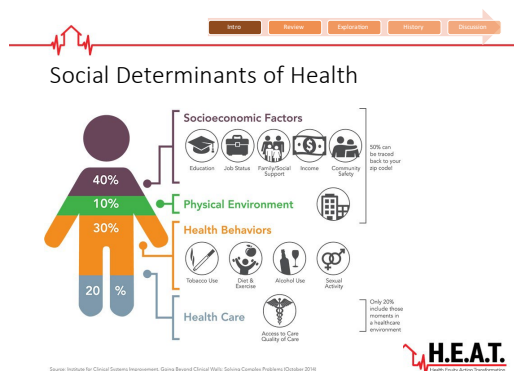
Social Determinants of Health

The World Health Organization (WHO) definition:

"The conditions in which people are born, grow, work, live, and age, and the wider set of forces and systems shaping the conditions of daily life. These forces and systems include economic policies and systems, development agendas, social norms, social policies and political systems."

H.E.A.T.
Health Equity Action Team

This is the definition according to the World Health Organization. We're all able to read it, but to simplify it, it is everything that makes up your day-to-day living, where you live, work and play.



We use this slide to understand how much healthcare really plays a part, so approximately 20% is healthcare. I said 20% one time and got beat up because I didn't use approximately, so it is approximately 20% of them is healthcare. The other 80% per person is the social determinants of health. The majority of what shapes our outcome is related to our social economic factors, our environment, and our health behaviors.

Ms. Young said so, these are all influencers of our overall health perspective and when we are doing work in the community and addressing the needs of the community, we also recognize that even when we're talking about health behaviors there are environmental influencers that are acting on our decision-making processes and influencing how we move about the world. When we talk about social determinants of health, we recognize, again, 80% of a person's total health has been influenced by those factors that are listed there.

Ms. Weaver said while we're on this, I want to point out that 50% of it can be traced back to your zip code, so it goes beyond just the choices that you're using like to use alcohol or use of tobacco, marketing, advertising, the neighborhoods that you're in. Everything has an effect on it like for me, personally, me having a vehicle, I notice less liquor stores when I go to Johnson County than I do in Wyandotte County in the areas.



H.E.A.T. Report – Purpose

- Identify populations that are affected by inequitable distribution of power and resources
- Identify health injustice “hotspots”
- Explore origins of health injustice in Wyandotte County
- Inform community conversations
 - Report, Comic, Videos



Ms. Young said just a little bit of background about the H.E.A.T. report. Initially when we started the process, the report—the data gathering process began in 2012. We were identifying populations that were affected by inequitable distributions of power and resources. We started with about 45,000 patient cases, information that was received from Children’s Mercy Hospital and KU is two major providers for our community and those 45,000 patient cases were laid out, sort of plotted on a map that became our hotspot map to identify health injustice. That hotspot map is in the report. You’re welcome to review it. We’re not going to view it today for the sake of time, but what we’ll find is that as we go through the process of reviewing the data in the maps that we have on deck today, you’ll find that we’re visiting those same hotspot locations when we start looking at the social determinants of health and the way things are plotted in relationship to how space is outlined within our community.

The report was really meant to explore origins of health injustice in Wyandotte County. We wanted to inform community conversations and recognizing that our community is quite diverse, different levels of information and background and foundational understanding about health, about different topics that we cover in this process. We wanted to make it very accessible and so the report is printed, 65-page monster report, free to download and we’ll provide print copies if you’re interested, but we also brought forward a series of comics that don’t have words to make it very accessible to have those conversations and a series of videos from our spokespersons and partners that are involved that help to summarize what’s in the report for individuals that would like to have that available as well. Those are all available for free, a downloader view, on www.wearewyandotte.com.



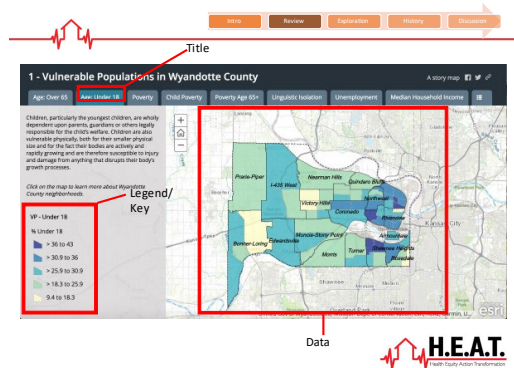
What do maps tell us?

- Where people and situations are located on Earth
- Spatial relationships of knowledge & power

* It is important to remember that maps are NOT neutral images of reality, but strategic weapons that describe power



What do maps tell us and why do we look at them. Well, maps are really about helping us understand how people in situations are located when we think about a specific location like Wyandotte County or Kansas or the United States, etc. and it helps us understand the relationships between what's happening in those spaces. Relationships that relate to knowledge and power and helping us remember that these are not neutral images of reality, but they're really reflective of what's happening in our community and that it is a reflection of the real life experiences of those that are living in our community.



We're going to look through a series of maps and I think Kim is going to start us off with this one.

Ms. Weaver said in case you haven't read a map, you know that's something that people aren't doing anymore, there are titles at the top that tell you what the maps are about. There's a key with the colors on the side that give you an idea what the colors are, I mean what the numbers are. Like for example, the dark purple is 36 to 43, so people who are looking at it online, you'll be able to go through under the different topics like over 65, under 18, poverty, child poverty, poverty over 65, linguistic isolation; all of those. Those are tabs that you can go through on WeAreWyandotte,

But for this match specifically, I want to make sure that people understood what Wyandotte County looked like. So, Wyandotte County is the smallest county in Kansas. It's 156 square miles. The northeast loop, so the loop on the right, but kind of at the top, thank you for highlighting that Donna, that is the Fairfax loop which is industrial. It's a gray space under—well, it's the gray space right there. If you look under Coronado and next to Armourdale, that is the green space right there and is the third largest train intermodal in the nation, so we have three major railroads that go there. Both of these contribute to the level of pollution in Wyandotte County.

There are five major highways; I-70, 35, 635, 670 and 435. I went through those quick for you. **Ms. Young** said I wasn't able to point those out. **Ms. Weaver** said okay, I'm sorry. It's 35, 70, yep the turnpike, 435, 635 and then 670 which is a little offshoot of 70, right here and then there are three state highways that I won't ask you to find Donna, which is K-5, K-7, and K-32. I point these all out because one out of three households in Wyandotte County don't have access to a vehicle, so they don't have ways to go through or navigate all of these different challenges in Wyandotte County.



EXPLORATION

What do our **mapss** say about **health** in
Wyandotte County



Ms. Young said we're going to look through a series of maps today and really look at what this is telling us about our health in Wyandotte County and this is where we're—it's going to get interesting because we're going to go out of PowerPoint. We're going to navigate straight from the WeAreWyandotte webpage, which should be pulled up and there it is.

(Webpage was displayed in Chambers)

As Kim mentioned, the titles are located across the top and so individuals that are following at home or want to review this later, you can click through the top. These are interactive maps so you can scroll in and out. They're quite detailed so you can find your census tract location, your neighborhood, your address, and as you click on each of these it will bring up a pop-up box that gives you an overview for that census tract that includes the data that we're covering today. So, very interactive and accessible.

This particular map takes a look at—so as we're looking at what we view to be vulnerable or oppressed populations and communities that are facing barriers to accessing basic needs. What we find is we look for those populations of individuals that have a higher rate of carrying that burden and limited access for various reasons.

Children under the age of 18 are often at the whim of what is accessible and don't have the resources as young people to go and grab what they need on their own and so we view them to be individuals that are limited. So, our children, the populations of what we see here, this is data updated through 2020 so it goes from 2016 through 2019. Based off this information, when you look at the percentage of children under 18 by census tract, we see quite a large population of children 35 to—I'm going to not see that number. Kim, if you can help me—**Ms. Weaver** said 51. **Ms. Young** said 51% in the dark blue portions here and here and along this area and then the second gradation of blue, the brighter blue if you will, still a large population of children in those census tracts, about 30% of those census tracts are children to the age of 18. That green is still 25 to 30% and then 14 to 23% in the lightest color that is there, so a large population of children living in these communities.

Ms. Weaver said before Donna moves on I want to point out that little purple area that looks like a bow, those numbers are a little off because there's not as many houses there, so they're going to look different in every one of these, so I just want to acknowledge that now. **Ms. Young** said yeah, you have a lot of kids in a tiny population and it looks really big on the map, so that's an area that's not densely populated, so we usually just disregard that one.

We look at our older adult population, so these are older adults over age 65. That dark purple color, we're looking at 17 to 25% so in some cases almost a quarter of that population being over age 65. The blue 12 to 17%, the green 8 to 12% in those neighborhoods and in those census tracts.

The next map takes a look at the percentage of individuals who are under the poverty income guideline and so we understand there's a large population here along the eastern half of the county where we start to see that income level at 36 to 64%, the population that's below the federal poverty line. The blue is 23 to 36%, the green is 12 to 23%, and then we start to see that go down in the lighter colors there at—I can't quite read it—4 to 12% I think is what that says.

In the report on page 15 we have a chart that outlines the living wage for Wyandotte County residents and it's based off the living wage calculator that MIT puts out annually. I just went back today, out of curiosity, to look at the data from 2016. In 2016 two working adults with two children, let's say, the hourly rate in order to have a livable wage that would sustain the household for all of the needs was about \$14 if both parents were working full-time. As of today when I went back to check that wage calculator, the same two working adults, both working full-time with two children would each need to make \$23.93 per hour in order to be able to sustain the basic needs of the household.

Commissioner Bynum said I'm sorry, 2016 was what? **Ms. Young** said 2016, two working parents, two children, each parent would need to make \$14.07 per hour. 2022, two parents both working full-time with two children would each need to make \$23.93 per hour. So, it's the cost-of-living to sustain a household with some of just your basic needs overall has more than doubled.

Commissioner Burroughs said I believe if you're saying \$23 an hour, that's \$46,000 a year roughly for a family of four, but the average income in Wyandotte County doesn't come close to that. **Ms. Young** said that is per person, so you need to double that number. Two parents both working at \$23.93 per hour, so that—**Commissioner Burroughs** said that would be \$80,000 some as a year—**Ms. Young** said that's correct. **Commissioner Burroughs** said but my point being, the average income in our community is nowhere near that. **Ms. Young** said it is not currently. Actually I pulled that statistic as well before we came in today. Average median household income per Kansas Health Matters 2022 is \$48,093 per household in Wyandotte County, so this is hugely impactful. Income is hugely impactful in accessing vital resources and improving our health overall and we have quite a portion of the population that's below that federal poverty level not to mention not making enough quite to sustain that household.

Children that are living in the households that are below poverty level, in some census tracts we're looking at a half to almost 75% who are in that category. Again, that's hugely vulnerable when it comes to not having access to vital resources; food, childcare opportunities, medical services, not to mention all of the other things that we need to survive especially right now when it's cold.

This is the hard part, I'm so sorry. This is the hard part of what we do. It becomes very challenging to communicate this information, and again, recognizing that health is impacted and that these are real people and their lives are being impacted.

Language Isolation, anytime that we add an additional barrier to accessing health, it has to do with having individuals that can communicate in the same way that you communicate becomes a barrier. There are census tracts here, highlighted in the dark purple, where you have 18 to 46% who have some linguistic isolation making it more challenging to access vital resources. In the lighter blue color, we're still looking at almost 10 to 20%, and then gradations from there. You may start to notice as we work through these maps that we continue to go back to the same portion of the map and the same portion of the county kind of repetitively here with these. These are communities that are experiencing multiple barriers at one time, so hugely impactful.

This map takes a look at unemployment rate from 2015 to 2019, so this is prior to the pandemic and it looks a little different overall for the county today, post pandemic. I think at the height of the pandemic we were somewhere close to 15% unemployment rate overall for the county and according to this data we have census tracts that have experienced that rate continuously over the years, so 15 to 23% in some census tracts unemployment rate. This was in 2019 so this number would look a little bit different post pandemic as we've all experienced those challenges.

We talked already about median household income. This is the map from 2015 to 2019. It takes a look at that median household income by census tract. You can see the dark purple in this one represents \$75,000 to \$113,000 for median household income in the way that that gradation occurs based off income levels moving here into the eastern portion of the county. These lighter colors are \$12,000 to \$26,000 median household income. This predominant one step up lighter blue color \$26,000 to 30 almost \$40,000 in those census tracts on average, which is between—this and this lighter blue is right around where the median income level is for the entirety of the county. That deeper blue there is \$38,000 to \$51,000 median household income.

Individuals who are experiencing any sort of event that would cause them to be unable to work or experiencing a disability, we see the concentration in three main census tracts. We do know that there are some multi-family units in those census tracts that are—you know, units that house quite a lot of people that are experiencing a disability and then those areas that ranges from, I think that's 25 to 29%. The orange 17 to 23% and then the gradation going down from there in individuals living with a disability.

What happens in a clinical setting may only represent approximately 20% of what influences a person's health overall. Individuals in our community are often experiencing multiple chronic disease events at one time and what we understand from a lot of community listening in the last six years is that individuals are often delaying care and treatment for chronic diseases. Sometimes they are undiagnosed and/or uninsured and lack the means to address those chronic diseases.

This map takes a look at the percentage of uninsured in our county. This is 2015 through 2019, so some changes post pandemic. There is not an updated number for this as of yet, but the darker color that you see there on the map is about 30 to 42% that do not have healthcare insurance coverage, adults, and then 22 to 30% and the next gradation of color still 15 to 22% in that broader mid-range tone and moving down the gradation from there. So, these individuals are relying on our safety net partners and/or oftentimes emergency remutualization to address chronic disease needs.

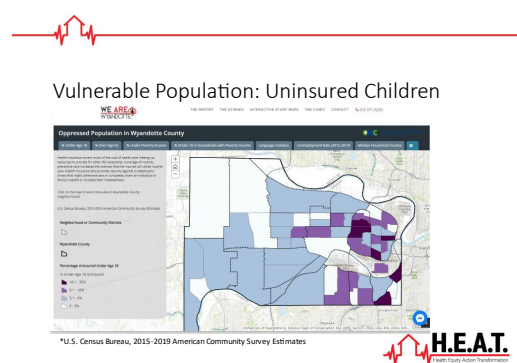
I don't know if you've ever spent any time in an emergency room lately, but you're going to get an immediate fix, but you might not have a solution long-term and that becomes a challenge and we see people going back and back and back to the emergency room to address their chronic disease needs.

Commissioner Bynum said, Donna, I know you and your team did a lot of work when the ACA rolled out Enrolling Wyandotte. **Ms. Young** said yes. **Commissioner Bynum** said the number of folks that you and others were able to enroll was significant, but we knew the number of uninsured and we dropped it significantly through ACA, but do you know from then to now how many have been able to stay insured because of that or have some of them lost coverage or not renewed or what have you? Do you have that? **Ms. Young** said there's a couple of pieces at play. Community Health Council in partnership with the UG Public Health Department rolled out the

Enrolled Wyandotte Initiative with the ACA. Over the five years of that initiative, we were able to reduce that uninsured rate in the county by about 50%, which was fantastic. There are multiple factors that are contributing to individuals that remain uninsured. We have a lot of people that fall in the Medicaid gap because Kansas has not expanded Medicaid coverage for adults. There are a lot of individuals that don't make enough money to get a discount through the marketplace and so the cost of healthcare insurance remains out of range, out of reach because they're in a gap space that makes them ineligible. There are other factors that have to do with status and documentation that would also make individuals ineligible.

Commissioner Bynum said so you're giving those examples as reasons why someone may have originally enrolled in that 50% drop we experienced, but maybe today don't have coverage and do not and did not qualify at that time as well. There may be individuals still that did not qualify.

Commissioner Bynum said I'm sorry, the number of individuals or percentage that don't have current health coverage right now, is that in this map? **Ms. Young** said this is by census tract and it gives you the rate by census tract. The overall rate per Kansas Health Matters for 2019, so pre-pandemic is 27.9%, so nearly one in three adults in our county as being uninsured prior to the pandemic. **Commissioner Bynum** said one in three and that was after Enroll Wyandotte. **Ms. Young** said that's after Enroll Wyandotte. **Commissioner Bynum** said okay, fair enough.



Ms. Young said this map takes a look at our children who are also uninsured, so sort of a dark purple or dark navy color 18 to 35%, so almost one in three children in those census tracts who do not have healthcare coverage. The purpose that you see here, 9 to 18% that are children that are uninsured and then the gradation colors that go from there. Factors that contribute to this also have in some cases can do with status. The child may be eligible, but the parents are not in fear they

may push someone to not seek to enroll their child. We also have—there's a lot of administrative burden in play that a child that may be enrolled may go beyond their period of enrollment and not get a renewal notice. The family has relocated, parents didn't go through the process to renew the child through Medicaid coverage and so children are dropped off of Medicaid and often it takes some time to re-enroll them, so we see all of that, all those things that play in that as well.

We're going to go back into the PowerPoint for just a little bit.



What do these maps tell us about **opportunity** in Wyandotte County?



Everything we reviewed is population level data. It's all accessible through a variety of resources. The majority of the information that we're sharing today is coming from the census information and/or from Kansas Health Matters.



Kirwan Institute Comprehensive Opportunity Index

19 Indicators in the Kirwan Opportunity Index

Educational Opportunity	
101	Student poverty rates in neighborhood schools (Free/Reduced Price Lunch Eligibility)
102	Student reading proficiency scores
103	Early childhood education (ECE) indicators
104	• Proximity to licensed ECE centers and high-quality ECE centers
105	• Participation Rates
106	High school graduation rates
Adult Education attainment	
107	Adult education attainment
Environmental Opportunity	
108	Proximity to health facilities
109	Retail healthy food environment index
110	Proximity to fast-food restaurants
111	Volume of empty home releases
112	Proximity to parks and open spaces
113	Housing Vacancy Rates
Social & Economic Opportunity	
114	Foodbank Rates
115	Poverty Rates
116	Unemployment Rates
117	Public Assistance rates
118	Proximity to employment



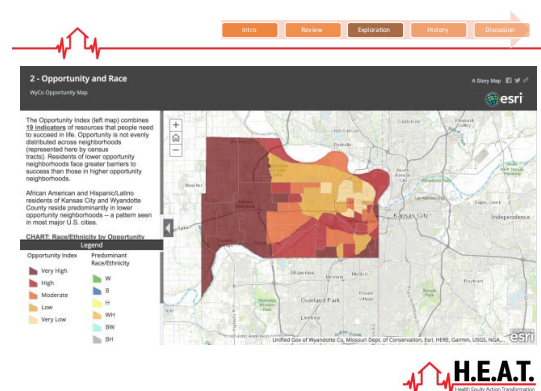
One of the things that came out of our partnership with the Kirwan Institute for the study of race and ethnicity from the Ohio State University is that Kirwan Institute does a Comprehensive Opportunity Index. It says all of that map data individually is compelling, but what does it look like for the live experience, the people that are living in these communities and for our friends and neighbors. They look at 19 different indicators that help to create a full picture of what that burden

looks like. That burden of either having no or limited access to resources and opportunities for health or being more proximate to those opportunities and having fewer barriers and so we look at Education, 19 different indicators.

So Educational Opportunity looking at, again, talking about poverty rates in neighborhood schools, math reading proficiency levels, access to high quality early childhood education, high school graduation rates, adult education attainment, taking a look at what's happening with the health and the environment in the areas and the census tracts where people live, so how proximate are they to having access to doctors and physicians and healthcare facilities. How much access is there to healthy food in the environment, so approximated grocery stores, approximated to toxic waste release sites, the volume of nearby toxic release, approximated parks and open spaces which is a protective factor and then housing vacancy rates. We also look at social and economic opportunities, so things like unemployment, poverty, public assistance rates, approximate to employment and foreclosure rates and those 19 different indicators are all brought together overlaid to create one community opportunity or comprehensive opportunity index.

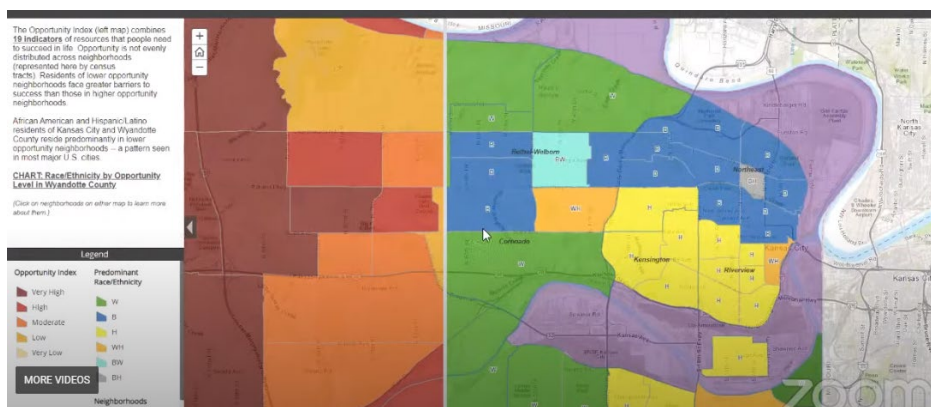
Ms. Weaver said before she moves on, I just want to point out that only three of those indicators are related to like food and exercise. The other 16 are related to things that are their environmental issues or concerns.

Ms. Young said so we're going to go back to the interactive version of that map. We leave those 19 factors that we just talked about all together and take a look at the opportunity index.

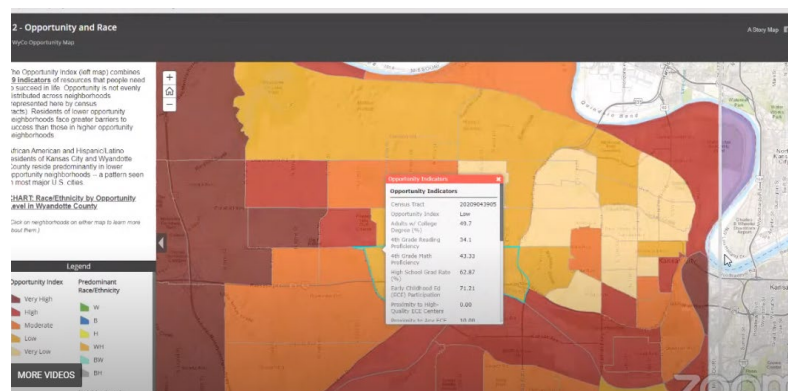


We look at areas of high opportunity and the areas of low opportunity. The very high areas of opportunity are in the darker brown or red, however it shows on your screen. This area portion here which is western Wyandotte County, Edwardsville and Bonner. We have areas around KU in Rosedale that are high areas of opportunity based off those 19 factors and then this area just south near the Turner area.

As we look at the gradation of colors and we start to look at those areas of lower opportunity where we find significant portions of our population that are experiencing health challenges, then we start to see those lower areas of opportunity. We started to ask ourselves who is carrying the burden, the largest burden when it comes to low access to opportunities and what we did is we overlaid the Kirwan Institute opportunity index map over the predominant race by each of the census tracts.



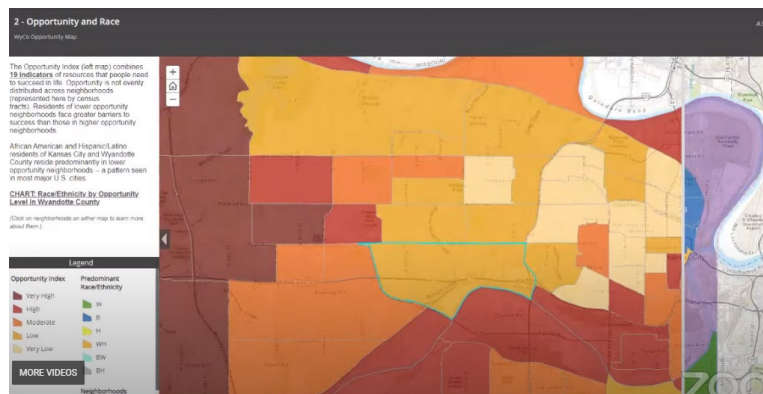
When we take a look at that information, we start to see which portions of our population are really carrying the largest burden of low opportunity in this space. Then we look at this information we have our African American and Black population here in blue, Hispanic population, Latino population in yellow. We have some that are closely White Hispanic or White Latino and then populations where we have a split between African American and Caucasian here in this area.



You can see that those areas where we have the lowest access, greatest burden of low opportunity are predominantly for our Black, Indigenous and people of color in our county.

Mayor Garner said before you go on, a little more clarity on low and high opportunity, can you be just plain speak, what does that generally mean in the context of what you're displaying. **Ms. Young** said when we take into consideration those 19 factors of what we're really looking at is lower access to quality childcare, lower access to quality employment opportunities that raise people's household incomes, lower access to vital resources like transportation and food. There may be situations where there's lack of opportunity for support services for education, enrichment opportunities, tutoring, etc. All of those factors playing a role in how this is shaping the population. As that burden increases, if it's harder to get those basic needs met and we've already seen that these are some of the same neighborhoods where the median household income is lower, there's greater individuals that are either children or older adults or disabled. We start to see that layering effect that contributes to challenges to access those vital resources. If you don't have healthcare insurance and you have a chronic disease, it's going to inhibit you from having quality employment and it's going to inhibit you from being able to purchase a vehicle or to have a home that is safe and meets the needs of the family. Does that help? **Mayor Garner** said yes.

Ms. Young said that's why we always practice these presentations, these are difficult conversations. Our families and loved ones are part of these populations that we're concerned for. So what does all of this mean, all of this data we just reviewed.



Ms. Weaver said when we say that Wyandotte County residents experience the burdens of multiple social determinants of health all at once, we're talking again about lack of access to education, to affordable housing, to jobs, to transportation. When we talk about there's a complex adaptive challenge, there's many layers to it because, again, if you're disabled and you don't have access to transportation, you're not going to be able to get access to the job that would help you to get a place that you will be able to stay or access to food.

Chronic stress can become a way of life. We experience that all the time in Wyandotte County regardless of where you are in the county, but we do experience it, people who live in the northeast experience it more than average in the county and then—but our community is resilient. There are people of strength, passionate, and skilled and grit.

I want to talk about this photo because this is Broderick's photo you all and he's told a story about it and talked about how this family look like they're a couple, but they're not. It's two different families in the congregation, both that have experienced child loss and they didn't know about it until their church, New Bethel, started addressing infant mortality, so they didn't know that a significant portion of the church had experienced it. I believe 20 incidents were in the church at the time when they started addressing it.

One of the first times I did this presentation, because I just started doing it, I was telling the story and a lady that I know we were both out working in the community said that's my husband. This is my husband, this is my story. I didn't know that we would be talking about my story today and it affected me personally because I didn't know she had experienced child loss and she didn't know I had experienced it and we had been navigating the same circles talking about her daughter's a pageant girl, she's amazing and from Wyandotte County, in case you don't know.

But, we've been navigating these circles and going to do all these things together and we didn't even know that we both in the county had experienced loss of child.

We really wanted to understand the link between race and health and understanding race as a social determinant of health and this would normally be some place where we'd ask the class, but we're not going to ask you all to participate, pop quiz, what is redlining. We're going to talk about redlining, so we're going to jump right into that here.

Redlining is a discriminatory practice by which banks, insurance companies, etc. refuse to limit loans, mortgages and insurance. It was and is a legal way to deny services to people and I say is because a lot of times people that get redlining is something in the past and if you do a Google search, you'll find there are practices that are still in play that mimic what redlining was doing.

The Homeowner Loan Corporation, the federal government, sent out surveyors into the community to assign values to neighborhoods. These were government employees and government documents. There was a grading scale. If you look at this right here, again, that little loop at the top, that's Fairfax again, so it's not a big portion of Wyandotte County. There were 239 cities this was done in and Kansas City was one of the firsts that it happened in because of JC Nichols, so right across the river. We were one of the first people to do redline. If you look at it though, the map says the green is first grade B, the blue is second grade, C is yellow of third grade and D, red is fourth grade. There are no green in Wyandotte County, so there was nothing about Wyandotte County that they thought was the first grade.

If you look at the blue sections, one section is Wyandotte High School, the other is Westheight, the one at the top is right next to them, the Fairfax—they thought that might be where the supervisors for Fairfax live. The other one I thought was Coronado, but it was not and I just saw it as a map in Johnson County. There's an amazing exhibit in Johnson County for redlining if you want to go see it. You should go see it, but it ends early next month, so I have to come back with what that was because I can't remember what it is. Again, there was no first grade in Wyandotte County. We had some second grade, various parts of that in the third grade and fourth grade.

Ms. Young said these ratings were used by the banking industry and really the federal government in an effort to assist with refinancing after the depression of 1930s is when all of this really

developed and started really to advise financiers about where to lend for people to purchase homes and so it was a determinate factor on whether or not somebody would have access to be able to purchase a home at that time. Today we look at a person's individual credit, we look at the neighborhood which again could fall sometimes into some other practices, by the house itself and credit is how we assess today. In the 1930s all the way through the 1960s decisions about financing for homes was often made based off these descriptors rather than about an individual's ability and access to be able to finance a home and pay for it.

So, those assessors that went out into communities, took time to survey, and they wrote narrative descriptions about what they saw in the neighborhoods that informed the way the grading system was done. In our report we took those narratives and we placed them into what's called a Wordle. It's a data tool to help assign weight to particular words that are used repetitively in a paragraph or in a series of text and so the Wordle was used with the narratives that were one in those neighborhoods and this is the outcome.

Ms. Weaver said normally at this point, again, we would ask you what words did you see in the Wordle's, but of course, we have some that are highlighted like in the B areas, professional business, new, restricted in the C areas, which were not as good areas, but their wage earners good. Again, wage earners on there and then when you get to the red ones you have Negroes, Industrial, (inaudible), laborers. What you don't see as much, because it's not highlighted, is it says in very little, right next to Negroes, it says Mexican and Foreigners and then also transportation was the issue still then.

Ms. Young said the weight of the words, the way they're listed here, the larger the word, the more times that word was used in the paragraph which implies significance when it comes to how that informed the way financing is done. So, race was absolutely an indicator and it played a direct role which is why we talk about redlining being a form of institutional racism that directly shaped the way our neighborhoods look today.

I was hoping maybe this one would work in the PowerPoint, but it's really not wanting to I don't think. What this did and I could go to it, but I think in the interest of time we'll describe it. There's a map that looks at that redline map over that predominant race by neighborhood that we've already taken a look at. The demographic makeup of the neighborhoods today are very

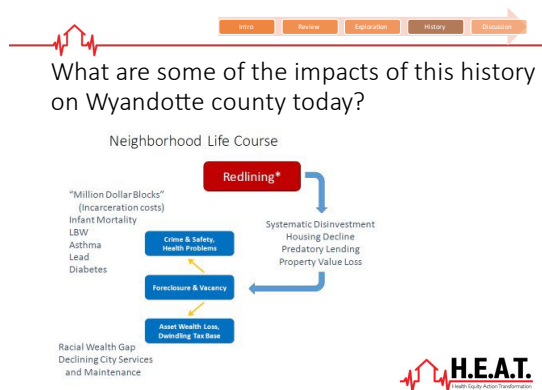
reflective of the way the redline maps were done at the time of the 1930s, so there's still quite a lot of individuals living in these communities that are family members, descendants of individuals that would have experienced redlining in the 1930s and continue to face the burdens of that today.

Ms. Weaver said when we look at the history of neighborhood disinvestment we have to realize that this environment didn't just happen, it was formed. We look at the policies that shape what Wyandotte County looks like today. Again, as Donna mentioned earlier, from the 1930s to the 1960s there was a series of policies used to segregate and isolate communities of color and normally at this time we would ask the students what are policies that are in place now that are still harmful to community of color, but you all aren't students, so we're not going to do that.

Ms. Young said we've got a video that goes into more detail about some of what we've been describing and this is from Newsreel, California Newsreel, so we're going to go ahead and play this. We tested it, it worked earlier, so fingers crossed.

Video was shown.

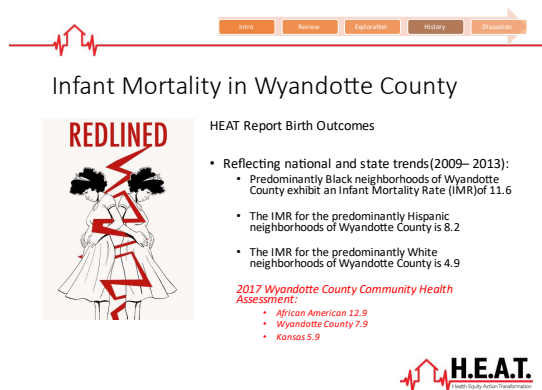
Ms. Young said it talks about housing and I just want to lift this up, some information that I saw this week was on average in our county, individuals who are renting spend nearly 50%--I'm sorry, 50% of all renters are spending more than 30% of their monthly income on rent payments. Let me say that again. Half of our community that rents spends more than 30% of their monthly income on their rent. That means it leaves about two-thirds of their income for all of those other necessities and we know that once you get over that 30% threshold it becomes very difficult to sustain your home and your household. Wyandotte County residents pay about 8% of their monthly income for utilities. Individuals who own their homes, about a third of our community who is paying their mortgage is also over that 30% of their monthly income threshold, so a direct impact to housing, we're talking about these things right here in our community as well.



Ms. Weaver said when we look at what are some of the impacts of the histories on Wyandotte County today, redlining led to systematic disinvestment which also turned into decreased property values—the declining in poor health outcomes. It also led to the predatory lending and property values, which also goes into like crime, safety, infant mortality, which I’ll be talking about later on, low birth weight, asthma, and so we have higher rates in asthma and diabetes that is prevalent in Wyandotte County. Wyandotte County ranks, as we know, at the bottom of State health rankings.

Foreclosures and vacancies; we think about things like tax sales and people being displaced from their homes that they’ve been in for years, for decades even as well as what’s lost on tax base; racial, wealth gap, declining city services, and maintenance.

Ms. Young said we’ve sit in enough sessions with Commission to know that you wrestle with decision-making around how to allocate resources and what we’re looking at in our formerly redline urban line neighborhoods is a cycle that continues to feed itself, so it’s this disinvestment or lack of investment that has cascaded into decreased property values, erosion of the tax base, which directly impacts everything that you all do as well. The pain isn’t felt just in this room, it’s felt by all those individuals that are living in the neighborhoods and right now in our community about 20% of people who are housed in Wyandotte County, so not including unhoused people, but just housed people are dealing with severe housing problems that are having a direct impact on their health as well. So, all of this contributes to poor health outcomes and we know that asthma, lead exposure, diabetes, all of that is directly related to the situation and we’ll see that. This has already been hard. We’re about to get into a few more slides that are hard and then we hope there’s a little light to bring you today.



Ms. Weaver said I know you will be able to read this slide for yourself, but I just want to point out a few things. According to the CDC in 2019, the acceptable amount of infant mortality deaths were 5.6 deaths per 1,000. Kansas was beating the goal. Wyandotte County is not. The national level for Black, non-Hispanic deaths was 10.8, Wyandotte County was 12.9. Nationally for Hispanic people, the number was 4.9 and here in Wyandotte County it was 8.2 per 1,000 births, so that's a problem and we have to address it.

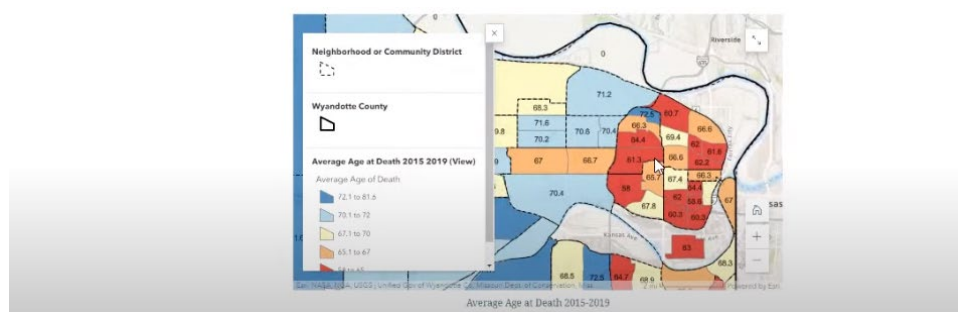
Ms. Young said infant mortality is important as a consideration because it is often one of the key indicators of the overall health of a community and having an infant mortality rate that is higher than it is in the state of Kansas and higher than it is nationally is indicative of the challenges that our community is facing when it comes to accessing their vital resources for health. We know that one of the major factors that we're looking at and why we have high fetal mortality rates has to do with low birth weight. Again, directly reflective of the overall health and oftentimes families that are dealing with chronic stress plays a role in their health outcomes.

We did just tap on our friends at the Health Department to say, you know, in 2017 this is what it looked like, what does it look like today and the current rates if we look at just those factors that are listed there for African American families, the infant mortality rate on average for the last five years is 11.4 deaths per 1,000 live births. For Wyandotte County it's at 7.2 and the state of Kansas is at 6.0 and that's data from 2016 through 2020. It does not include the height of the pandemic and post-pandemic numbers.

We're going to jump back into the webpage here. We have an interactive story map that looks at average age of death. Since we looked at the front of the life cycle, we'll look at the back end of the life cycle here. Maybe we'll just summarize. So, average age of death disparity from

eastern Wyandotte County to western Wyandotte County, so not looking at Wyandotte County compared to Johnson County is currently about 24 years. So 24 years average age of death disparity between the eastern and western portion of the county and it's greater than that when we compare ourselves to our neighbors in the south in Johnson County.

Mayor Garner asked, are you able to show that map? **Ms. Young** said yes.



So this is that eastern portion of the county and you can see that the gradation or the scoring for average age of death in the census tracts that are marked in red are age 58 to 63. The orange is 63 to 67—**Ms. Weaver** said 65 to 67. The red is 58 to 65 and the yellow is 67 to 70. The light blue is 70 to 72 and the darker blue is 72 to 81, almost 82, 81.6. **Ms. Young** said you can see how that lays out for the county based off census tracts. This data was compiled from death certificate data.

The maps do go into information about different types of diseases that contribute to the lower health outcomes, so we have heart disease, cancer mortality, respiratory disease, stroke mortality, additional information, again, that you can access through the WeAreWyandotte webpage for more information.

Mayor Garner said by chance, can you go back, there was a map you showed that actually showed the racial makeup component and how that relates. I think that's really key when you talk about the mortality rates of our residents in the eastern portion and then how that correlates to the racial makeup in those areas where the mortality seems to be the highest. **Ms. Young** said I'll pull that map up right now. I don't have a fancy little overlay with the average age of death disparity, but you can visualize it based off what we just saw, but it is our Black, Indigenous and people of color that largely carry the burden of lower health overall that contributes to an earlier average age of death in those census tracts. **Mayor Garner** said those areas represent also those 19 factors that

you listed. **Ms. Young** said that is correct. Those factors that have a direct impact both on health and prenatal, perinatal, postnatal, some maternal child health, but also average age of death. Again, oftentimes we've done a number of listening sessions as we rolled this report out. We started in 2016 meeting with community residents, hearing their stories, understanding what this data meant to them and what does the lived experience look like. The data is one thing, what is lived experience and what we found is oftentimes we have individuals that are delaying care that have multiple chronic diseases.

I can recall one particular mother and grandmother who at the time was 40 years old and was helping to care for her children and her parents as well and she had worked for a major telecommunication company for 8 years and had healthcare insurance and was managing her health when she had health insurance. She lost her job, was without insurance, was unable to see a physician. She had hypertension. I met with her in May and we had a series of listening sessions and she was one of our spokespersons and we lost her in July that year because of unmanaged hypertension. So, this is what people are living with every single day.

Mayor Garner said so, if I'm taking this correct, the redlining correlates directly to the disinvestments which correlates to the disenfranchisement which ultimately is costing people their lives. **Ms. Young** said absolutely. Probably could have summarized the entire presentation right there. Normally when we present with students and partners, community-based organization partners, we have open discussions and we talk through that, but for the sake of time, we'll skip that portion today, but there are some things to lift up.



Ms. Weaver said there’s nothing natural about today’s community health landscape or the challenges it presents. We do have to think about policy and the policies that have been in place and the policies that are in place right now and the effects that they have on our community. We

look at things in the past to know the direction that we're going to in the future. So, policies have long-term and residual and sometimes unforeseen impacts. Consideration of past policy choices can inform thoughtful design of present day solutions.

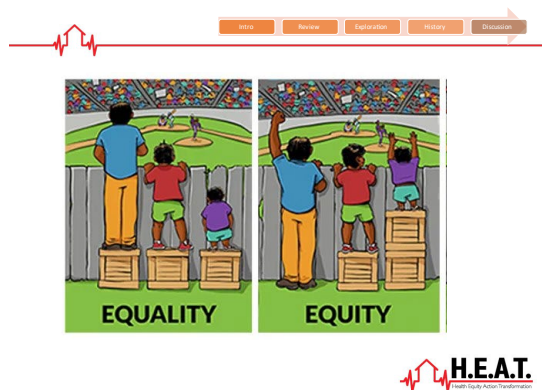
Values influence policy. You have to actively seek to change these things that have been going on because they're in the (inaudible). We have to have the values and the desire to make the change for the people that are unable to make the changes. Values-infused policies shape systems, which in turn can help either to produce health and prosperity for all or to create barriers to good health and opportunity for some.

Significant change can begin through coordinated efforts focused on principles of equity and inclusion. I tussle with using the word equity because I feel like it's overused right now. I think people use it and think of it as equality and it's not, so I like to say justice there instead of equity.

Today's inequitable health landscape did not emerge overnight. Endurance solutions will require taking a long view of incremental progress and a commitment of the community that extends beyond election cycles and institutional turnover in all sectors.

Ms. Young said when we received the invitation to come and present, I thought to myself and I asked Kim, what do we want to leave, what is the overarching call to action for our friends and the Mayor and the commissioners. I think this talk about equity and justice is really important and each one of you walk into this room with your own set of values and understanding of what that means and I think from an overall perspective I would challenge our local Commission, our Administrators, to really have equity in the forefront of your mind and understanding where values may be motivating different policy decisions because it does play a role. I think it's important to always have that lens when evaluating the decisions that you're making about how funding is being allocated, where work is being done, etc.

If you think of the county as a body, the heart of our county is right here on the eastern portion. The history of Kansas City, Kansas and Wyandotte County is right where we're sitting and we have to take care of our heart and our body if we want to be healthy.



To Kim's point, you've probably seen this before, it's a visual to kind of illustrate the difference between equality and equity and equality means that each one of these individuals that are trying to see the game have the same resource in order to be able to see the game. It may be a resource that doesn't necessarily fit for each person to achieve the goal of being able to see the game. Equity would imply that we provide the tool and resource that actually does help that person to achieve the end goal of being able to see the game.



I don't know that this is completely accurate in and of itself because the reality that we're living with is what is there on the left. That because of policies like redlining, part of our community do not yet have what is equal to others in their community in order to achieve that result and to the point that was made by John C. Powell in the video that we watched, many communities were subsidized in the wealth that they were able to achieve. So we see the reality is that some individuals have quite the advantage in order to have that perspective.

The call to action is then to change the system and to remove the barriers that are preventing people from having the access to the end goal here, which is what we're talking about today is health and for all of Wyandotte County to have every opportunity, every resident to

achieve their full health potential. System change is necessary, environmental change is necessary, and changing the way we think about what's contributing to health outcomes is absolutely necessary.



What Are We Doing?

- Open Discussion
- Civic Engagement
- Community-Led, Community-Based Projects
- Increasing Access to Vital Resources
- Leadership Development
- Policy, System, and Environment Changes



So, what are we doing. At the Community Health Council Kim mentioned that there are four programs lanes that we operate within. Over the last few years we've shifted some of the work in order to address COVID, but we have 20 community health workers that are directly working to address the social determinants of health, that are directly working to address the barriers, that are directly working to help people find the resources and tools to achieve that optimum health opportunity; whatever that potential might be, and meeting people where they are and understanding those lived experiences and community health workers are employed. They're members of the community, they're members of the community that understand the barriers that are being faced and they can oftentimes deconstruct what is very complex challenges with systems and access and administrative burden and help people find the resources that they need to address, whatever that immediate opportunity is for health.

We have a number of civic engagement initiatives that are underway. We work directly with the community. A number of our projects are led and directed by community through the H.E.A.T. Community Advisory Board that deals directly with civic engagement. We understand, and I think it's been published routinely in the last two years, that a person's level of civic engagement is also a social determinant of health. The more engaged your voters are, the more likely they are to have a healthier outcome with their lives. We want to work to increase access to better resources including healthcare and our Kansas Assistance Network allows us to do that and we have maternal community health workers that are working directly with birthing families and

care providers for infants in that first year of life to help them address some of those challenges that are preventing optimum health.

Then, we really look to develop the leadership of the community residents that are engaged and want to do this work. Kim and the other co-founder and a number of other H.E.A.T. hub members have been instrumental in human center design approaches and initiatives and projects that work to address gaps in the social systems that exist here in Wyandotte County. I can't remember all the data, but I think you all raised somewhere like \$25,000 during COVID in order to address immediate needs to keep people in homes, to provide clothing, to provide food, to address the individuals that weren't able to access those vital resources through the social systems for a number of reasons. A lot of it being administrative burden and really just that deep engagement and to invite community into the solution making progress because if it's not built with community, it's not for community.



What are we doing differently today to stem the tide of racism? It has to be all of us together. As we are together, we make progress."

— Broderick Crawford, NBC CDC

H.E.A.T.
Hearts, Ears, Actions, Thoughts

Ms. Weaver said I just wanted to end this with a picture of Broderick because I loved him and one of his quotes, "What are we doing differently today to stem the tide of racism? It has to be all of us together. As we are together, we make progress." I think that we sometimes look at Wyandotte County as navigating two different counties—I mean two different cities in one county when really we're all one county and if one of the things that working with the poor people campaign has taught me that when you lift from the bottom, everybody rises. So, for us to do better for our county, we have to do better for everybody in our county.

Ms. Young said I think it's important to end with this because Broderick helped to deliver more than 150 of these presentations over the last six years. He was a primary partner with our H.E.A.T. Collaborative.



Call to Action

- Like, Follow, Share: WeAreWyandotte   
- Join the Effort – HEAT Community Action Board
 - Meets on the first Thursdays of each month @ 6:30pm
- Host a H.E.A.T. discussion:
 - Contact Kim Weaver kweaver@wycohealth.com

Spread the word!



Ms. Weaver said finally, our last slide is Call to Action. You can like, follow, share: WeAreWyandotte. You can find us on Facebook. You can join the effort. We do have our HEAT Community Action Board. It meets on the first Thursday of each month at 6:30 p.m. We are currently virtual, but hope to get back together soon and you can host a H.E.A.T. discussion. You'll just contact me at that email and I'd love to have a conversation with you.

Ms. Young said for anyone in the room who would like to have a copy of the H.E.A.T. Report or the comics, they are available here in the front.

Commissioner McKiernan said they're also available online. You can get them any day, anytime online, so don't forget to tell people to go out there because the WeAreWyandotte website is a phenomenal resource with everything you have here plus more.

I really appreciate the presentation. You have reminded us again what a very large challenge we collectively have ahead of ourselves because this is not a pretty picture that we have collectively painted. Although your last slide gave some calls to action, I'm not going to ask you to do it here, but I am going to ask you if you would follow up with some follow-up feedback to at least myself, if not the Commission. I would like to know for a local government that is facing this challenge, what are three concrete action steps that that local government could take right now, today, that would help move the ball in the direction we want to go. And for the local average

citizen, that person who's not part of government, who's not part of anything other than they're living their best life in their neighborhood, if they're interested in helping to make progress, what are three concrete action steps that those citizens could take today that would help synergize and help the ball roll faster. We hope it's already rolling. We just want it to go faster because sometimes when I confront this, I'm left with oh my gosh, that's a huge problem, what can I do and I come up with nothing. I don't know what to do, so I think the more that we can identify little chunks that governments and people can do, the better we're going to be able to help get this done.

Thanks again for your work. It is very important.

Commissioner Davis said thanks to both of you, Donna and Kimberly, for presenting. I wasn't here for the entire presentation, but I'll go back and watch the rest of it. I actually used the H.E.A.T. Report. Obviously, this evolved much more, but back in 2020 for grad school I did send some research on some policy recommendations in my Urban Policy class and I used this as kind of a reference of kind of building to write that narrative and that story and so I'm very much appreciative of the work you all are doing.

I'm kind of getting to what Commissioner McKiernan has alluded to within his question. There are cities like Evanston, for example, that has really taken on a more local approach to solve what has been and still is a federal government problem when it comes to redlining. Their particular program focuses on providing grants to descendants of those that have been victimized by redlining. I think about what is happening in North Carolina. I'm blanking on the city and they kind of have like a reparations panel and their going to make some recommendations. I know across the river, there's also those discussions, so I'm curious for you all, has there been any conversation on those policy recommendations at the local level? I wished we controlled the banking system and had some influence over that, but I'm curious to see what you all's conversations have been and where that has led you.

Ms. Young said we're overtime for the UG Public Health Department and I don't want to overstep, so really quickly, one of the major things and is probably the first step that I would send in the response to Commissioner McKiernan is to take a look at a robust policy, a lens, by which an evaluative system by which you make decisions around policy, especially policies that directly relate to the infrastructure of our communities. So, what are the measurements that you put in place to ensure that policy is not going to further harm, that it is going to start to repair the

problems of the past. That was the very, very first thing and that's one of the things that has come up routinely as we've talked with the community. **Commissioner Davis** said gotcha. Thank you so much. This is great conversation and I hope we can have more.

Mayor Garner said thank you and I'll just say you made a really profound statement and you said if it's not built with the community, it's not built for the community and I'm really big on collaborations that involve—and it's really these issues and Commissioner McKiernan hit on it, we can't solve this alone. It's going to take all of us, the community as well as your elected body, and not just the elected body you see here. It's going to take our entire county along with our administrative staff and our community to find these real solutions that we're looking for.

I've always advocated that we need to invest in the disinvested and as the people, the places, and the programs that need the investment the most and why is that so important and I really hit on it and you answered yes, it is costing people their lives here in Wyandotte County. When you talk about access to good services and resources that can provide the opportunity for people to have healthier lifestyles. The key to this body here is policy and there's a task force that some of your commissioners are involved in that really allow that conversation that needs to be had, not just to have listening tours or community conversations or strategy sessions, but to bring forth real recommendations that this body here today can bring forward to bring about the change that our community deserves to see and that can, hopefully, improve the quality of life for all of our residents.

You said it equitably in a just way and so those are the things that I really think that we all need to do and I think the question was asked by Commissioner McKiernan and I think for me I only have two of them as a community and not just—I know that your Commission, your Mayor, your staff, and your administration, we're going to do what we need to do to make a difference, but everybody in Wyandotte County needs to know they're the difference. We all have to come together in unity to find these real solutions because it's all vital. There's a lot of resources there that we just need to better correlate in a way that can improve people's lives because ultimately what's concerning to me when you look at those 19 detriments, what bothers me is that people are losing their lives and the disenfranchisement, the disinvestment, really impacts the poor, people of color the most. So, we have a real opportunity today moving forward to do what needs to be done

to turn the tide and make it Wyandotte County that works for everybody and equitable. Thank you so much and Merry Christmas to you.

Mayoral meeting ended at 6:05 p.m.

dt



Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
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Memorandum

To: Cheryl Harrison-Lee
Interim County Administrator

From: Brett Deichler
UG Clerk

Date: December 29, 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

BM

Weekly Business Material for December 22-29, 2022

1. COMMUNICATION:

- Mary Collins, Interim Director, Downtown Shareholders, submitting the financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of November 2022.

Action: Received and filed.

2. PROTEST PETITION:

Against Special Use Permit Application SP2022-103, 2416 S 34th St., KCK, submitted by Dennis Grindel Sr.

Action: Received and filed. Original previously forwarded to Planning.

3. PUBLIC NOTICE:

- All City Tow Service, 1015 S Bethany St., KCK 66105, held a public auto auction on November 10, 2022, at All City Tow Service.

Action: Received and filed.

4. COMMUNICATIONS/ WARRANT CANCELLATIONS:

Pam Kahao, Accounting Manager, regarding warrant cancellations:

Warrant #	Reissue?	Date Issued	AMOUNT	FUND/ACD	Vendor Name/Number	Reason for Void
912448	Yes	10/21/2022	\$21.00	110/2500175243	Kustom Signals Inc/20367	Wrong mailing address. Stale dated

Action: Received and filed.

5. PERSONNEL ACTION COMMUNICATION, DATED December 20, 2022:

Section I -Appointments

Name	Department/Division	Eff. Date	Job Title
Mary M Ayalla	DA's Office	12/22/22	Admin Supt Spec
Joe A Reichold	DA's Office	12/22/22	Asst DA I

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Moises Avila-Solis	WPC	11/24/2022	Utility Maint Mech II	Utility Maint Mch III
Cornelius Banks	Police/Animal	12/14/22	Patrol Officer	Animal Services Officer
Shanna GE Depriest	Budget	12/8/22	Prof Fiscal Officer	Fiscal Officer
Chester E Hansford	Sheriff's Office	12/22/22	Program Specialist	Program Specialist
Rene Rodriguez	Sheriff's Office	12/8/22	ISO	ISO Supervisor

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Samantha A Cordova	Payroll	12/2/22	Fiscal Supt Specialist
Willie P Horn Sr	PW/WPC	12/21/22	Utility Maint Mech II
Alexander J Muder	WPC	12/28/22	Construction Worker I
Roger Stevenson	PW/B&L	12/21/22	Building Trades Laborer
Jeffrey T Stroud	Fire	12/14/22	Deputy Fire Chief

Section VIII – Other Requests

Name	Department/Division	Eff. Date
Stacey Guiheen	Police	Amend PAC 12/2/22 to reflect the change in status and reason from E/F to A/F

Action: Received and filed. Copy previously forwarded to Payroll.

PERSONNEL ACTION COMMUNICATION, DATED December 22, 2022:

Section III -Separations

Name	Department/Division	Eff. Date	Job Title
Elmer Asberry Jr	Sheriff	12/19/22	Juvenile Care Worker
Dalton Ash	Sheriff/Security	12/21/22	Security Officer, Armed
Breiera Crum	Sheriff	12/16/22	Juvenile Care Worker
Rebecca Sandow	Finance	12/21/22	Manager
Kurt Winters	PW/WPC	12/21/22	Director
Eric Yeager	PW/Fleet	12/22/22	Lead Fleet Maint Tech

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Francis Altomare	DA's Office	12/8/22	ADA I
Mark Brinkworth	DA's Office	12/8/22	ADA I
Nicholas Campbell	DA's Office	12/8/22	ADA III
Sheri Courtney	DA's Office	12/8/22	ADA Spec Assign
David Grace	DA's Office	12/8/22	ADA I
Claire Kebodeaux	DA's Office	12/8/22	ADA II
Mark King	DA's Office	12/8/22	Sr ADA
Viet Le	DA's Office	12/8/22	ADA I
Lois Malin	DA's Office	12/8/22	ADA III
Damon Mitchell	DA's Office	12/8/22	Chief Deputy DA
Alexis Mock	Sheriff	9/22/22	Deputy
Debra Moore	DA's Office	12/8/22	ADA II
Njeri Mwangi	DA's Office	12/8/22	Deputy DA
Garett Relph	DA's Office	12/8/22	ADA III
Kayla Roehler	DA's Office	12/8/22	Deputy DA
Milesa Segun	DA's Office	12/8/22	ADA II
Christopher Schneider	DA's Office	12/8/22	ADA Spec Assign
Rachel Steffen	DA's Office	12/8/22	ADA I
Gwendolyn Thomas	Finance	11/26/22	Program Coordinator
Brandy Wells	DA's Office	12/8/22	Manager
Karen C Wittman	DA's Office	12/8/22	Deputy DA

6. CLAIM FOR DAMAGES:

Justin Etier, 710 N 7th street, alleging injuries occurred while an inmate at the jail on April 25, 2022.

Action: Received and filed. Copy previously forwarded to Legal.

7. SUMMONS:

The Unified Government of Wyandotte County/Kansas City, KS vs., Abarca, Gloria, ET AL, Case No. 2022-CV-000758

Laneah Hamilton vs. Kansas City Kansas Police Department ET AL, Case No. 2022-CV-000787

Kiandra Calvin vs. The Unified Government of Wyandotte County/Kansas City ET AL, Case No. 2022-CV-000758

Action: Received and filed. Copy previously forwarded to Legal.

8. CERTIFICATES OF INSURANCE:

Antojitos Tia Mary

Clarence Palmer DBA Palmer Tree Service

Action: Referred to License.

9. BUSINESS BONDS:

Electrical Bonds:

JRad Electric, LLC
PAR Electrical Contractors Inc
CityWide Electric, Inc.
J. Warren Company Inc.
EasTex Tower, LLC
ADT Solar LLC

Mechanical/ HVAC Bonds:

Brian's Heating & Cooling, LLC (2)

Plumber's Bonds:

Johnson and Sons Plumbing Co., LLC
Plumbing Plus, Inc.
Five Star Mechanical Contractors, Inc.
Allen's Mechanical LLC
Paul Vielhauer Plumbing Incorporated

Action: Referred to License.

10. CONTINUATION CERTIFICATE:

HVAC Bond:

Transform SR Home Improvement Products LLC, dba Sears Home Improvement Products
United Heating & Cooling, Inc.
Lexington Plumbing & Heating Company, Inc.

Plumber Bond:

Dennis Hunt, dba Kaw Valley Plumbing
Ray Morrison Plumbing
Daniel Llamas, dba KC Drain Pros

Electrical Bond:

The Islas Fam LLC
Portugal Electric LLC

Action: Referred to License.

11. CANCELLATION NOTICE:

Compliance Bond:

Darling International Inc.

Electric Bond:

Lighting Electric LLC

Plumbing Contractor Bond:

American Residential Services, LLC, dba Roger The Plumber
Hendrick Grzybowski, dba Homemeister, LLC
Plumbing Plus, Inc.

Action: Referred to License.

12. APPLICATIONS FOR CMB LICENSE (PKG):

S & S Commercial LLC, William Hutton, dba KC Mart, 2859 State Ave.
KCK Food Mart LLC, Rick Rehorn, dba KCK Food Mart, 51 N 7th Street.
AB Central Inc, William Hutton, dba 7-Eleven Store #13245F, 2500 Central Ave.
B&N Petroleum Inc, Binay Sharma, dba Fillup, 616 S 7th Street.
B&N Petroleum Inc, Binay Sharma, dba Fairfax 66, 2701 Fairfax Tfwy.
Walgreen Co., Kao Nou Chang, dba Walgreens #07550, 7739 State Ave.
Khan Food and Petroleum, Zahid Mahmood Goraya, dba Quick Shop #2, 2425 Metropolitan Ave.
CITGO Food Store, Joseph Hostetler, dba CITGO Food Store, 50 S 10th Street.
RG Asian Store, Tara Rana Bhat, dba RG Asian Store, 101 S 18th Street.
United Food Mart LLC, Rick Rehorn, dba United Food Mart LLC, 168 A 18th Street.

Action: Referred to License.

13. APPLICATIONS FOR CMB LICENSE (OP):

Yard House Kansas City LLC, Paula Jo Penegar, dba Yard House #8314, 1863 Village West Pkwy.
Tacos El Matador LLC, Maura De-Anda, dba Tacos El Matador, 1230 Merriam Lane.
Italian Delight, Frank Brunetti, dba Italian Delight, 8145 State Ave.
Commodore Collective LLC, William W. Hutton, dba Imo's Pizza, 4200 Rainbow Blvd.
HOA Kansas Restaurant Holder, LLC, Kimberly A. Groves, dba Hooters, 1712 Village West Pkwy.
Peter Jaramillo, N/A, dba St. Mary & St. Anthony Church, 615 N 7th Street.
Ruben Martinez, N/A, dba La Hacienda El Camino Real LLC, 1147 Argentine Blvd.
Ruben Martinez, N/A, dba La Hacienda El Camino Real LLC, 903 N 7th Street.
Gary Wilson, N/A, dba Wilson's Pizza & Grill, 1801 Quindaro Blvd.
Kenneth Yarnevich, N/A, dba St. John's Catholic Church, 414 Barnett Ave.

Action: Referred to License.

14. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Jacob Reid, William Hutton, dba Hospitality KC, LLC, 1 Sporting Way.
The Mockingbird Lounge LLC, Daniel Castillo, dba Mockingbird Lounge, 204 Orchard Street.
Beautifully Bare, Kyle Smidt, dba The Bar, 6720 ½ Kaw Dr.

Action: Referred to License.

15. APPLICATION FOR PRECIOUS METAL DEALERS:

American Collateral Lenders, Inc., Lisa Aguilar, dba Sol's Jewelry and Pawn, 721 State Ave.

Action: Referred to License.

16. APPLICATION FOR PAWN:

American Collateral Lenders, Inc., Lisa Aguilar, dba Sol's Jewelry and Pawn, 721 State 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: January 5, 2023

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 29, 2022 - January 5, 2023

1. COMMUNICATION:

Brett Deichler, UG Clerk, listing bids received on December 28, 2022, for Marshall Creek Dredging at Wyandotte Lake Park.

Action: Received and filed. Copy previously forwarded to County Administrator, Public Works and Legislative Auditor.

2. PERSONNEL ACTION COMMUNICATION, DATED January 3, 2023:

Section I -Appointments

Name	Department/Division	Eff. Date	Job Title
Sharon Cook	PW/Solid Waste	12/22/22	Program Coordinator
Roberto Lamothe	Sheriff	1/5/23	Deputy
Timothy LeManske	Police	12/22/22	Auxiliary Officer
Leanne McGee	Police/Animal	1/5/23	Animal Services Officer
Ivan Moya	DA's Office	12/22/22	ADA I
Shemeca L Stewart	Sheriff	1/5/23	Juvenile Det Officer

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Kristofer S Finger	PW/WPC	12/22/22	Engineer/Project Mgr III	Sr Engineer/Project Mgr
Sherese D Matthews	PW/Parking	1/5/23	Dispatcher II	Parking Control Officer I
Courtney R Sachen	HR	12/16/22	HR Partner	Senior HR Partner

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Joseph F Lyons	Sheriff	1/4/23	Deputy
Megan L McLeod	Police/Animal	12/28/22	Animal Services Officer
Leslee N Nix	Sheriff/Security	12/23/22	Security Officer, Armed
Keith A Woolridge Jr	PW/Street	12/20/22	General Laborer

Action: Received and filed. Copy previously forwarded to Payroll.

3. TRAVEL REQUESTS:

Jonathan Bennett, Sunflower Hills Golf Course/Parks and Recreation, travel to Orlando, FL, February 5 – 9, 2023, to attend GCSAA Conference and Trade Show. Employee Training/Travel.

Deasiray Bush, Area Agency on Aging, travel to Minneapolis, MS, April 26 – 30, 2023, to attend NFBPS 2023 Forum, Aging Mill Levy.

Sir Schad Hampton, Parks & Recreation/Noxious Weeds, travel to Mulvane, KS, February 28 – March 2, 2023, to attend County Weed Directors Assoc. Conference, Employee Training/Travel.

Sasche Robinson, Police Communications, travel to Emporia, KS, January 23 – 27, 2023, to attend the NENA Center Manager Certification Program, Employee Training/Travel.

Kevin Swearengin, Public Works/WPC, travel to Nashville, TN, July 3 – 8, 2023, to attend Engage 2023 Lucity, Sewer System Fund.

Joseph Yarsulik, Police Department, travel to Hoover, Alabama, January 22 – February 11, 2023, to attend Mobile Device Examiner, Employee Training/Travel.

Action: Approved by Administrator's Office and received and filed.



Staff Request for Commission Action

Tracking No. 212224

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>
01/19/2023	Cheryl Harrison-Lee	x5027	charrison-lee@wycokck.org	Administrator's Office

Item Description:

The Interim County Administrator will provide an overview of UG Forward accomplishments for 2022 with next steps for the first quarter of 2023, 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. 212232

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/23/2023	<u>Contact Name:</u> Misty Brown	<u>Contact Phone:</u> x5067	<u>Contact Email:</u> mbrown@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

A Resolution amending Section 203 of the Unified Government's Rules of Procedure as directed by the Commission on January 12, 2023, submitted by Misty Brown, Chief Counsel.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Compromise.Resolution.StandingCommitte.ROP.V6

(Published _____)

RESOLUTION NO. _____

A Resolution amending original Section 203 of the Unified Government Commission Standing Committee Rules of Procedure as codified in Appendix C of the Unified Government Code of Ordinances; and repealing original Section 203 of Appendix C of the Unified Government Commission Standing Committee Rules of Procedure.

WHEREAS, on December 15, 2022 the Board of Commissioners of the Unified Government of Wyandotte County/ Kansas City, Kansas voted to approve amendments to Sections 202 and 203 of the Unified Government Commission Rules of Procedure; and

WHEREAS, on January 12, 2023, the Unified Government Mayor/CEO notified the Board of Commissioners that he was exercising his right to veto the amendments pursuant to the Unified Government Charter, Charter Ordinance 114, and Section 2-81(7) of the Unified Government Code of Ordinances; and

WHEREAS, no action was taken to override the veto, and the Mayoral veto subsequently held; and

WHEREAS, the Unified Government Mayor/CEO and the Board of Commissioners alternatively and collectively agreed to bring forward an amendment to Section 203 of the Unified Government Commission Standing Committee Rules of Procedure for consideration at the January 26, 2023 meeting of the full Commission; and

WHEREAS, the Commission voted 10-0 on January 12, 2023 to direct the County Administrator to instruct staff to prepare a resolution amending Section 203 of the Unified Government Commission Standing Committee Rules of Procedure as directed in the motion on January 12, 2023 by the full Commission meeting on January 26, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Section 203 of the Unified Government Commission Rules of Procedure, codified in Appendix C of the Unified Government Code of Ordinances, be and the same are hereby amended to read as follows:

ARTICLE II. STANDING COMMITTEES

Sec. 203. Agenda for meetings.

- a. 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 for action, 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.
- b. The mayor ultimately determines the final agenda for the full commission meetings; however, items advanced from standing committee to the full commission may only be returned to the standing committee recommending the action by the mayor one time per item for further consideration, analysis, research, review and/or public input which shall occur within 60 days of the item being sent back to the standing committee recommending the action. If the standing committee that recommended the action to the full commission again recommends the action to the full commission, the action shall be placed on an agenda at a full commission meeting pursuant to paragraph (a) of this Section.
- c. Any agenda item recommended for action by a standing committee to the full commission for action ~~shall~~ may 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 fully manage an agenda item ~~place emergency or time-sensitive items~~ on any agenda in the interest of the unified government or the public so long as the management of said agenda item does not conflict with paragraph (b) of this Section.

(Res. No. R-58-98, § 2, 6-4-1998)

Section 2. That said original Section 203 of the Unified Government Commission Rules of Procedure as Codified in Appendix C of the Unified Government Code of Ordinances be and the same are hereby repealed.

Section 3. This Resolution shall be in full force and take effect upon adoption.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNT/KANSAS CITY, KANSAS,
THIS ____ DAY OF _____, 2023.**

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 212230

Full Commission Meeting Date: 01/26/23

Committee:

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/20/2023	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager.

8 Single Family Homes

1 Commercial

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FC Memo Land Bank Options 01.26.23



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: January 20, 2023
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 01/09/2023 meeting:
Please visit the new site to review the applications below

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

A. Single Family Homes – 8 Homes

1. Tyler Conway – 1 home
 - i. 2750 Glenrose Ln – 194012
2. Jose Hernandez Garcia – 1 home
 - i. 1104 S 39th St – 170559
3. Jamie Shipley – 1 home
 - i. 8317 Riverview Ave
4. Uraya Sanders – 1 home
 - i. 59 N Tremont St – 120913
5. Ken Hinds – 1 home
 - i. 1859 S Tremont St – 157950
6. Ken Hinds – 1 home
 - i. 2021 S 10th Ter – 126212
7. The Village Initiative – 2 homes
 - i. 2263 Quindaro Blvd – 163312
 - ii. 2261 Quindaro Blvd – 163311
 - iii. 2918 N 27th St – 116560
 - iv. 2914 N 27th St – 116561
 - v. 2912 N 27th St – 116562

C. Commercial – 2

1. RA Engineering Corp – Office Building
 - i. 816 N 9th ST - 080611



Staff Request for Commission Action

Tracking No. 212231

Full Commission Meeting Date: 01/26/2023

Committee:

Date of Standing Committee Action: 01/09/2023

(If none, please explain):

Publication Required: No

<u>Date:</u> 01/20/2023	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager.

2 Yard Extensions

1 Transfer to UG

1 Donation

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FC Memo Land Bank Property Transfers 01.26.23



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: January 20, 2023
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** were presented at the 01/09/2023 meeting:
Please visit the new site to review the applications below

<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

PT – Property Transfers

1. Iganacio Hernandez – Yard Extension
 - i. 647 Metropolitan Ave – 154777
2. Delmar Sauder – Yard Extension
 - i. 3208 N 42nd Ter - 914032
3. Unified Government – Transfer to UG
 - i. 281 Central Ave – 902800
4. Carmen Villarreal – Donation
 - i. 917 Shawnee Ave - 072946

