

**MARCH 30, 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/87121737707>

Or One tap mobile:

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US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580
or +1 253 205 0468 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1
301 715 8592 or +1 305 224 196 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347
5053 or +1 507 473 4847 or 888 475 4499 (Toll-Free) or 877 853 5257 (Toll-Free)

Webinar ID: 871 2173 7707

International numbers available: <https://us02web.zoom.us/j/87121737707>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY CLARENCE MILLER, CALVARY BAPTIST CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MARCH 30, 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**

VI. CLERK'S STATEMENT

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

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2022-037 - COLBY KIRK WITH CAP OUT INVESTMENTS LLC**

Synopsis: Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District to construct a multi-family property with group home and transitional housing at 915 Barnett Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212340

2. **COZ2022-053 - ADAM WILLIAMS**

Synopsis: Change of Zone from RP-1A Planned Two Family and AG Agriculture (WYCO) Districts to RP-2 Planned Two Family District for attached two (2) family home development at 12601 Hollingsworth Road and 12600 Par Lane (Dub's Dread Golf Course), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL)**

Tracking #: 212342

3. **COZ2023-002 - ANDREW GRIBBLE WITH KIMLEY HORN & ASSOCIATES**

Synopsis: Change of Zone from No Zoning to RP-5 Planned Apartment District for a proposed multi-family apartment development at 6909 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212343

B. SPECIAL USE PERMIT APPLICATIONS

1. **SP2022-092 - COLBY KIRK WITH CAP OUT INVESTMENTS LLC**

Synopsis: Special Use Permit to operate a group home and transitional housing at 915 Barnett Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212341

2. **SP2023-001 - ADAM AND DANIELLE BOYLE**

Synopsis: Special Use Permit to operate a short-term rental at 802 North 82nd Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212344

3. **SP2023-003 - ALEXANDRA BURNHAM WITH SPRINGFIELD LLC**

Synopsis: Special Use Permit to operate a short-term rental at 4101 Fisher Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212345

C. VACATION APPLICATIONS

1. **VAC2023-001 - RYAN SIMPSON WITH OLSSON**

Synopsis: Vacation of right-of-way at 438 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 212347

D. PLAN REVIEW APPLICATIONS

1. **PR2022-049 - ELAD MUSALLET**

Synopsis: Preliminary Plan Review for a convenience store with retail and kitchen at 5648 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212352

2. **PR2022-052 - ERIC GENTRY WITH VICTORY JEEP**

Synopsis: Preliminary and Final Plan Review for Victory Jeep at 1701 North 100th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212353

E. MASTER PLAN AMENDMENTS

1. **MPL2022-024 - COLBY KIRK WITH CAP OUT INVESTMENTS, LLC**

Synopsis: Master Plan Amendment from Urban Density (Central Area Plan) to Medium-Density Residential (Central Area Plan) at 915 Barnett Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR APPROVAL)

Tracking #: 212349

2. **MPL2022-030 - ADAM WILLIAMS**

Synopsis: Master Plan Amendment from Open Space (Prairie-Delaware-Piper Area Plan) to Medium-Density Residential (City-Wide Area Plan) at 12601 Hollingsworth Road and 12600 Par Lane (Dub's Dread Golf Course), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.

(RECOMMENDED FOR DENIAL)

Tracking #: 212350

3. **MPL2023-003 - ANDREW GRIBBLE WITH KIMLEY-HORN & ASSOCIATES**

Synopsis: Master Plan Amendment from None to High-Density Residential (City-Wide Area Plan) at 6909 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212351

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

1. AN ORDINANCE authorizing a Special Use Permit for live entertainment at an existing restaurant (SP2022-050) at 1005 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 212354
2. AN ORDINANCE authorizing a Special Use Permit to operate a fleet maintenance facility for Frito-Lay (SP2022-116) at 1105 South 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 212355
3. AN ORDINANCE authorizing a Special Use Permit for a borrow site of earthen material for off-site fill (SP2022-119) at 10702 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 212356
4. AN ORDINANCE authorizing a Home Occupation Special Use Permit for continuation of a pet grooming business (SP2022-085) at 7114 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212359
5. AN ORDINANCE authorizing a Special Use Permit to expand the operation of an existing liquor store (SP2022-086) at 8222 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 212360
6. AN ORDINANCE authorizing a Special Use Permit for continuation of a medical waste transfer station (SP2022-088) at 200 Funston Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751.
(RECOMMENDED FOR APPROVAL)
Tracking #: 212362

7. AN ORDINANCE authorizing a Special Use Permit for continuation of a Short-Term Rental (SP2022-101) at 1101, 1103, 1107 and 1109 North 79 Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212363
8. AN ORDINANCE authorizing a Special Use Permit for a Short-Term Rental (SP2022-102) at 4342 Pearl Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212366
9. AN ORDINANCE authorizing a Special Use Permit for the Temporary Use of Land to keep equipment related to a roofing business (SP2022-108) at 6541 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212369
10. AN ORDINANCE authorizing a Special Use Permit for a Short-Term Rental (SP2022-064) at 4410 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212370
11. AN ORDINANCE rezoning property at 6822 Berry Road (COZ2022-044) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212372
12. AN ORDINANCE rezoning property at 4547 Melody Lane (COZ2022-052) 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 #: 212373
13. AN ORDINANCE authorizing a Special Use Permit for continuation of a Short-Term Rental (SP2022-107) at 3801 Lloyd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212371
14. AN ORDINANCE authorizing a Special Use Permit to continue operation of a multi-family Short-Term Rental (SP2022-078) at 819 Southwest Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212375

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-004 - TOM PROEBSTLE WITH SKYLINE PROPERTY DEVELOPMENT, LLC

Synopsis: Special Use Permit to operate a short-term rental at 10 South Hallock Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 5 TO 1 VOTE)**

Tracking #: 212346

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR MARCH 30, 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: 21ST ANNUAL MARCH FOR MEALS MONTH

Synopsis: Proclamation proclaiming March 2023, 21st Annual March For Meals Month, submitted by Tyrone A. Garner, Mayor/CEO.

For information only

Tracking #: 212368

Item No. 2. - PROCLAMATION: MARION PARKER 100TH BIRTHDAY CELEBRATION

Synopsis: Proclamation proclaiming March 27, 2023, Marion Parker 100th Birthday Celebration, submitted by Tyrone A. Garner, Mayor/CEO.

For information only

Tracking #: 212367

Item No. 3. - PROCLAMATION: WOMEN'S HISTORY MONTH

Synopsis: Proclamation proclaiming March 2023, Women's History Month, submitted by Tyrone A. Garner, Mayor/CEO.

For information only

Tracking #: 212365

Item No. 4. - RECOGNITION: WOMEN'S HISTORY MONTH

Synopsis: Recognition of three notable women from Wyandotte County in honor of Women's History Month, submitted by Tyrone A. Garner, Mayor/CEO.

For information only

Tracking #: 212377

Item No. 5. - APPOINTMENTS: SOLID WASTE MANAGEMENT COMMITTEE

Synopsis: Appointment of members to the Solid Waste Management Committee, submitted by LaVert A. Murray, Economic Development Advisor to the Mayor.

Tracking #: 212336

X. REGULAR CONSENT AGENDA

Item No. 1. - ORDINANCE: BRIDGE 311 RECONSTRUCTION PROJECT NO. 105-U-2436-01

Synopsis: Approval of an ordinance directing the Chief Counsel to commence legal proceedings to acquire the property necessary for the project, submitted by E. James Bain, Assistant Counsel.

The Commission previously adopted Resolution No. R-63-22 declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired.

Tracking #: 212358

Item No. 2. - NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

Jake Miller to the Planning/BOZA from 3/30/2023 to 12/31/2023, submitted by Commissioner Burroughs.

Erica Simpson to the Library Board from 3/30/2023 to 12/31/2025, submitted by Commissioner Kane.

Dan Duncan to the Golf Advisory Board from 3/30/2023 to 12/31/2023, submitted by Commissioner Burroughs.

William (Bill) Miller to the Law Enforcement Advisory Board from 3/30/2023 to 12/31/2025, submitted by Commissioner Kane.

Tracking #: 212310

Item No. 3. - MINUTES

Synopsis: Minutes from the Commission meeting on April 28, 2022, and the Executive Session meeting on February 21, 2023.

Tracking #: MINUTES

Item No. 4. - WEEKLY BUSINESS

Synopsis: Weekly business materials dated March 2nd, 9th and 16th, 2023.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

Item No. 1. - RESOLUTION: INTENT TO ISSUE INDUSTRIAL REVENUE BONDS FOR THE BENEFIT OF INFINITY WINDOWS LLC

Synopsis: Resolution of Intent to Issue Industrial Revenue Bonds in the amount not to exceed \$90,000,000 to finance the acquisition, construction, improving, and equipping of a manufacturing facility for the benefit of Infinity Windows, LLC, submitted by Patrick Waters, Deputy Chief Counsel.

*On March 6, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 212299

Item No. 2. - RESOLUTION: INTENT TO ISSUE INDUSTRIAL REVENUE BONDS FOR THE BENEFIT OF VILLAGE OF THE LEGENDS, INC.

Synopsis: Resolution of Intent to issue Industrial Revenue Bonds in the amount not to exceed \$19,000,000 to finance the acquisition, construction, improving, and equipping of a senior living facility for the benefit of Village of the Legends, Inc., submitted by Patrick Waters, Deputy Chief Counsel.

*On March 6, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 212300

Item No. 3. - RESOLUTION: INTENT TO AMEND PREVIOUSLY ADOPTED RESOLUTION 91-21, AND TO ISSUE INDUSTRIAL REVENUE BONDS FOR THE BENEFIT OF HUDSON APARTMENTS, LLC.

Synopsis: Resolution of Intent to amend previously adopted Resolution 91-21, and to issue Industrial Revenue Bonds in the amount not to exceed \$64,000,000 to finance the acquisition, construction, improving, and equipping of a commercial multifamily facility for the benefit of Hudson Apartments, LLC, submitted by Patrick Waters, Deputy Chief Counsel.

The Commission approved Resolution 91-21 on December 2, 2021, in the amount of \$48,000,000.

*On March 6, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 212301

XII. STANDING COMMITTEES' AGENDA

Item No. 1. – ORDINANCE/RESOLUTION: AUTHORIZING THE UNIFIED GOVERNMENT TO ASSIST OTHER JURISDICTIONS DURING EMERGENCY DISASTER

Synopsis: Adopt a section in the Unified Government Code of Ordinances that would establish the authority for the Unified Government to provide assistance to other jurisdictions within or without the state of Kansas during a declared disaster emergency in alignment with K.S.A. 12-16,117, submitted by Matt May and Susan McMahan, Emergency Management Department.

*This item was scheduled to appear before the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, on March 27, 2023. It was requested, and approved by the Mayor, to fast track this item to the March 30, 2023 full commission meeting.*

Tracking #: 212320

Item No. 2. - RESOLUTION: ADOPTING THE GREATER KANSAS CITY REGIONAL RESOURCE SHARING AGREEMENT

Synopsis: Adopt a resolution endorsing the Greater Kansas City Regional Resource Sharing Agreement, submitted by Matt May and Susan McMahan, Emergency Management Department.

*This item was scheduled to appear before the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, on March 27, 2023. It was requested, and approved by the Mayor, to fast track this item to the March 30, 2023 full commission meeting.*

Tracking #: 212319

Item No. 3. - RESOLUTION: EXTENDING THE STATE OF EMERGENCY FOR COVID-19 PANDEMIC

Synopsis: To adopt a resolution to extend the state of emergency for the COVID-19 pandemic from May 1, 2023 through May 11, 2023, submitted by Matt May and Susan McMahan, Emergency Management Department.

*This item was scheduled to appear before the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, on March 27, 2023. It was requested, and approved by the Mayor, to fast track this item to the March 30, 2023 full commission meeting.*

Tracking #: 212311

Item No. 4. - RESOLUTION: ILLEGAL DUMP PROGRAM

Synopsis: Approval of resolutions to fund 25% of the Illegal Dump Program by the Kansas Department of Health and Environment (KDHE) for the following properties

- 4600 Sortor Drive - up to a maximum of \$14,000 to recover costs associated with repair and clean up.
- 3651 Minnesota Ave - up to a maximum of \$3,000 to recover costs associated with repair and clean up.
- 3650 Minnesota Ave - up to a maximum of \$1,000 to recover costs associated with repair and clean up.

submitted by Jeff Fisher, Executive Director of Public Works.

*This item was scheduled to appear before the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, on March 27, 2023. It was requested, and approved by the Mayor, to fast track this item to the March 30, 2023 full commission meeting.*

Tracking #: 212330

Item No. 5. - RESOLUTION: ACCEPTANCE OF AN EXTENSION TO SENIORS CARE ACT GRANT BETWEEN KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES AND AREA AGENCY ON AGING

Synopsis: Adopt a resolution for acceptance of an extension to a grant the Area Agency on Aging (AAA) has received from the Kansas Department for Aging and Disability Services (KDADS), submitted by Deasiray Bush, Fiscal Manager, Area Agency on Aging.

*This item was scheduled to appear before the **Administration & Human Services Standing Committee**, chaired by Commissioner Markley, on March 27, 2023. It was requested, and approved by the Mayor, to fast track this item to the March 30, 2023 full commission meeting.*

Tracking #: 212268

XIII. ADMINISTRATOR'S AGENDA

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 – 13 Homes
3. Steven Kinney – 1 home
1640 S Valley St – 143116

4. Sasche Robinson – 1 home
4029 Orville Ave – 912712
7. Ashley Scott – 5 or 6 homes
5551 Leavenworth Rd – 037513
5563 Leavenworth Rd – 037516
3003 N 56th St – 037511
8. Joel Rodriguez – 1 home
1620 S 16th St – 143218
1630 S 16th St – 143220
9. Leslie Gooley – 5 homes
3049 N Getty St – 293018
3053 N Getty St – 293019
3052 N Getty St – 293020
3048 N Getty St – 293021
3044 N Getty St – 293022
- B. Multi Family – 6 Units
 1. Andrew Tanner – 2 Units
1428 N 59th St – 004205
 2. Dennis Mendoza – 4 Units
5542 Freeman Ave - 003706
- C. Commercial – 1
 1. Shonda Gonzales – Retail center to sell modular homes
6133 Leavenworth Rd - 000334

Tracking #: 212302

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/b63e9cb3cca44be59f458765dbeddc8/>

PT – Property Transfers

1. City of Edwardsville
1729 Edwardsville Dr - 186411
2. City of Edwardsville
1955 S 98th St - 939808

Tracking #: 212303

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: March 30, 2023

Re: **Petition COZ2022-037, SP2022-092, and MPL2022-024**

GENERAL INFORMATION

Applicant:
Colby Kirk

Status of Applicant:
Cap Out Investments LLC
1021 East 34th Street
Kansas City, MO 64109

Requested Actions:
Approval of a Master Plan Amendment from
Urban Density to Medium Density Residential
(Central Area Master Plan).

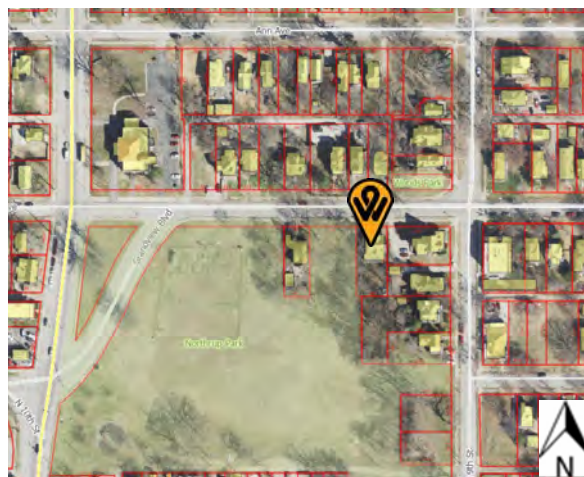
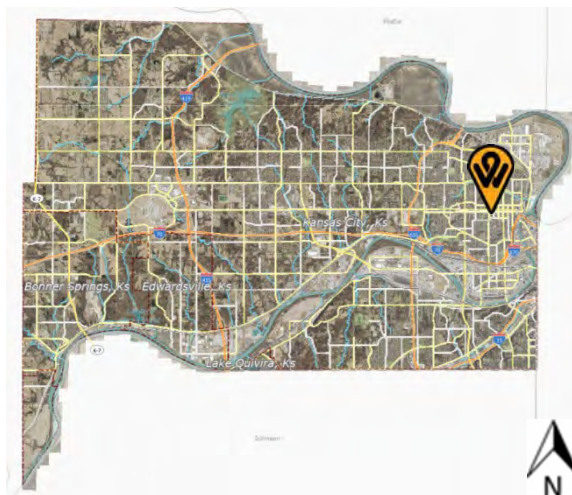
Approval of a Change of Zone from R-1(B)
Single Family District to RP-5 Planned
Apartment District.

Approval Special Use Permit for a group
home.

Date of Application:
September 30, 2022

Purpose:
To rezone, develop a 9-rental unit apartment
building to operate temporary/transitional
housing for residents.

Property Location:
915 Barnett Avenue



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 and CP-1 Planned Limited Business Districts
Adjacent Uses:	North: Multi-family building South: Single family home East: Multi-family building West: Northrup Park
Total Tract Size:	0.18 Acres
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density, which allows a mixed of detached and attached residential. This includes single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes and institutional uses such as schools, churches, and libraries. (A Master Plan Amendment to Medium-Density Residential is being sought, which allows garden apartments in addition to all of the uses within Urban Density).
Major Street Plan:	The Major Street Plan classifies Barnett Avenue/Grandview Boulevard is classified as a Collector Street.
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. 9 parking spaces are required. The applicant is requesting zero (0) off-street parking spaces. A parking variance has been applied for and will be heard by the Board of Zoning Appeals in conjunction with this application.
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – October 20, 2022; Special Use Permit – October 20, 2022; Master Plan Amendment – October 20, 2022 Letters to Property Owners – Change of Zone – October 21, 2022, November 7, 2022, December 7, 2022, January 3, 2023 and February 4, 2023; Special Use Permit – October

21, 2022, November 7, 2022, December 7, 2022, January 3, 2023 and February 4, 2023; Master Plan Amendment – October 21, 2022, November 7, 2022, December 7, 2022, January 3, 2023 and February 4, 2023

Public Hearings: March 13, 2023 and March 30, 2023

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Colby Kirk, with Cap Out Investments LLC, has filed a Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District, Master Plan Amendment from Urban Density to Medium Density Residential (Central Area Master Plan) and a Special Use Permit for temporary/transitional housing for 9 residential units.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. There are numerous code violations and administrative citations between 2000 – 2022 ranging from weeds, junk, trash, and debris in the front yard to fire damage and not registering a vacant structure.

Outstanding or Related Permits and Cases:

1. COZ 2641 – Riverview Downzoning from RP-5 Planned Apartment District to R-1(B) Single Family District in 2001.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes along Barnett Avenue and Northrup Park to the west. There are multiple residential buildings along the block face that being used as apartments.

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 use is not inherently compatible with them but could be so long as a Master Plan Amendment, Change of Zone and Board of Zoning Appeals is being requested, and that the proposed development is managed properly.

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

Prior to the downzoning in 2001, this property was used as a multi-family apartment building, however, it is unknown if the structure met the building and fire codes. The residential building is existing, so allowing multiple residents in the building will not detrimentally affect nearby property.

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

The property was part of a large neighborhood downzoning (Riverview) in 2001, when the property was zoned RP-5 Planned Apartment District. From 1996 to 2003, there were 9 units in the building, however, there has not been a valid rental license in the property since 2004.

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 for those who do not have permanent housing or are suffering from housing instability. The proposed use will not permanently injure the visual quality, or marketability of nearby property so long as use is properly managed, access to transportation is available, and building meets code requirements.

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.*

Staff does not anticipate an increase in the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it because most individuals living in the residence will not have access to a vehicle, but rather will use public transportation.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the Central Area Master Plan. A Master Plan Amendment from Urban Density to Medium Density Residential, which allows single-family homes, attached residences including townhomes, duplexes,

triplexes, fourplexes, garden apartments and institutional uses such as schools, churches, and libraries.

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

The proposed use will not cause environmental harm as it is a built out urban area.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by East Patrol, District #111.

e. *Fire*

Fire service is provided by Fire Station #1 located at 6th Street and Armstrong Avenue.

f. *Transit*

Kansas City ATA provides transit service along 10th Street at Barnett Avenue, Route #104 and at the 7th Street Transit Center.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. *Streets*

To be designed to meet Public Works standards.

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

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

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

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

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 is likely minimal as it provides the convenience of lodging to a very specific portion of the population. If denied, the landowner could not use the property as a temporary lodging facility, and would need to convert the structure to a single-family residence or modify their proposal and reapply.

PREVIOUS ACTIONS

- Riverview Downzoning (COZ 2641) was approved in 2001 that downzoned the Riverview neighborhood. This property was rezoned from RP-5 Planned Apartment District to R-1(B) Single Family District.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Permit
Fire Code
Parking
Access to transit for employment

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-037**, Special Use Permit Application **SP2022-092** and Master Plan Amendment **MPL2022-024**, subject to:

1. **This Change of Zone case is being heard in conjunction with BOZA2022-050, which is seeking a variance in the side yard, interior setback, a reduction in lot area and a reduction in off-street parking to operate transitional housing on 0.18 acres at 915 Barnett Avenue;**

2. This property is within the 200-foot Environs of the William T. Maunder Residence, 1885 located at 616 North 9th Street. Prior to obtaining a building permit, Planning Staff must perform an Historic Environs Review;
3. Provide the contact information of property manager to the residents in the neighborhood;
4. Implement the following items into the residence:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational; and,
 - h. Electric panel and circuits must be safe.
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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
6. Comply with all KCKFD requirements, which includes, but is not limited to installing a residential fire suppression system adhering to all relevant codes and ordinances;
7. Construct a driveway with asphalt or concrete for two (2) parking spaces in the rear of the property for tenants or staff;
8. Permanently remove the trash enclosure from the front yard. Bring the trash bins to the curb the evening before or day of trash service;
9. Preserve the trees in the front and rear yard;
10. Sec. 27-459(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;
11. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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;
12. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
13. 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;

14. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Obtain a rental license from the Rental Licensing Division located at Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8649;
18. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 and businesslicense@wycokck.org;
19. 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;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. 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;
22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
23. 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 by right or by Special Use Permit under the new zoning district, 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;
24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

25. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee;
26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-037**, **SP2022-092**, and **MPL2022-024**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Fire Department Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Site Photograph taken by Planning Staff on October 13, 2022.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 13, 2023	March 30, 2023
Rezoning	Approval	
Public Hearing	March 13, 2023	March 30, 2023
Special Use	Approval	
Public Hearing		
Master Plan	March 13, 2023	March 30, 2023
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-024** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-024** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-037** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-037** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-092** 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 **SP2022-092** 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.

March 13, 2023 City Planning Commission Minutes:

Hearing starts at 2:45:21:

CHANGE OF ZONE APPLICATION COZ2022-037 – COLBY KIRK WITH CAP OUT INVESTMENTS LLC - SYNOPSIS: Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District to construct a multi-family property with group home and transitional housing at 915 Barnett Avenue.

MASTER PLAN AMENDMENT MPL2022-024 – COLBY KIRK WITH CAP OUT INVESTMENTS, LLC – SYNOPSIS: Master Plan Amendment from Urban Density (Central Area Master Plan) to Medium-Density Residential (Central Area Master Plan) at 915 Barnett Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-092 – COLBY KIRK WITH CAP OUT INVESTMENTS LLC - SYNOPSIS: Special Use Permit to operate a group home and transitional housing at 915 Barnett Avenue.

Detailed Outline of Requested Action: The applicant, Colby Kirk, with Cap Out Investments LLC, has filed a Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District, Master Plan Amendment from Urban Density to Medium Density Residential (Central Area Master Plan) and a Special Use Permit for temporary/transitional housing for 9 residential units.

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 March 13, 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 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:

- Colby Kirk, applicant, 4300 Harrison Street, Kansas City, Missouri 64110
- Rachel Erpelding, Executive Director, Kim Wilson Housing

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:53:35: Planning Director Hand stated that these applications are in conjunction with Appeal BOZA2022-050 which was approved earlier this evening. The property is located in the Central Area Master Plan. Staff has received no letters in support nor in opposition. There are some old Notices of Violation due to the property being vacant and they will be addressed with this proposed development. Staff recommends approval of these applications with the conditions in the staff report.

Motion starts at 2:55:25:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-024:**

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye

Miller Aye
Mohler Not Present
Straws Not Present
Ward Aye
Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

1. This Change of Zone case is being heard in conjunction with BOZA2022-050, which is seeking a variance in the side yard, interior setback, a reduction in lot area and a reduction in off-street parking to operate transitional housing on 0.18 acres at 915 Barnett Avenue;
2. This property is within the 200-foot Environs of the William T. Maunder Residence, 1885 located at 616 North 9th Street. Prior to obtaining a building permit, Planning Staff must perform an Historic Environs Review;
3. Provide the contact information of property manager to the residents in the neighborhood;
4. Implement the following items into the residence:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational; and,
 - h. Electric panel and circuits must be safe.
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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
6. Comply with all KCKFD requirements, which includes, but is not limited to installing a residential fire suppression system adhering to all relevant codes and ordinances;
7. Construct a driveway with asphalt or concrete for two (2) parking spaces in the rear of the property for tenants or staff;
8. Permanently remove the trash enclosure from the front yard. Bring the trash bins to the curb the evening before or day of trash service;
9. Preserve the trees in the front and rear yard;
10. Sec. 27-459(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;
11. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required

- trees. 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;
12. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
 13. 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;
 14. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
 15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
 16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 17. Obtain a rental license from the Rental Licensing Division located at Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8649;
 18. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 and businesslicense@wycokck.org;
 19. 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;
 20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 21. 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;
 22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 23. 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 by right or by Special Use Permit under the new zoning district, 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;
24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 25. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-037:**

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

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

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-092:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to the above conditions



Figure 1. Aerial Map of 915 Barnett Avenue (provided by UG Maps).



Figure 2. Zoning Map of 915 Barnett Avenue (provided by UG Maps).



Figure 3. Central Area Master Plan Land Use Designation Map of 915 Barnett Avenue (provided by ArcMap).

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.
Kansas City, Kansas 66101

(913) 573-5550
(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. COZ2022-037 Address: 915 Barnett Ave
Development Name: Colby Kirk Description: Occupancy Conversion-R4
STAFF ONLY: ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

- 1) Compliance with the International Building Code -2012 Edition
 - 2) Compliance with the International Fire Code – 2012 Edition
 - 3) Compliance with current NFPA 101® Life Safety Code
 - 4) Compliance with existing fire codes, all applicable City ordinances, State rules and regulations
- Submit automatic fire sprinkler/fire alarm plans and calculations for approval prior to installation.

*Based on the proposed occupancy, code compliant automatic fire sprinkler/fire alarm systems will be required to be installed per Sec(s) 903.2.8.1 and 907.2.11.2 or 1103.7.7, 2012 IFC

*Code compliant portable fire extinguishers would be needed per Sec.906, 2012 IFC

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields

Digitally signed by Harvey Fields
Date: 2022.10.18 13:58:43 -05'00'

10/18/2022

Attending DRC Member:

Date

Colby Kirk

Representative

Colby Kirk, as Representative of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Colby Kirk 1/23/23

816.284.7937

Colby@kirkcolby.com

Signature and Date

Contact Phone Number and Email Address

1021 E 34th St, KCMO 64109

Mailing Address, City, State, and Zip Code

Toy, Byron

From: Colby Kirk <colby@capoutinvestments.com>
Sent: Thursday, December 01, 2022 11:06 AM
To: Toy, Byron
Subject: Re: Draft Staff Report - 915 Barnett Avenue

Hi Byron, here is my comment response letter. I would like to stay on the docket for December if possible.

I'm confused on the revised drawings, I thought that I had already provided those with the necessary changes. Did I miss a different request?

Engineering Questions:

1. We will not build a new trash enclosure. Instead we will permanently remove the trash enclosure in the front yard and have residents bring trash bins to the curb for weekly trash service.
2. We are not proposing a parking lot and are instead requesting a variance for parking. We are told by Kim Wilson that residents generally do not have access to a vehicle and instead use public transportation.
3. Electric service is separated for each unit (each unit has individual meter). Water services is on one meter for the whole building and will be paid by the owner. There is no gas currently to the property. Heating is done by electric. Sanitary line is in working order with no know major defects.

COZ Questions

- We will install working smoke detectors in each bedroom plus each level of the house
- We will have a licensed electrician install GFCI outlets in all bathrooms.
- We will not install any double keyed locks.
- We will inspect and have a licensed plumber change out any copper in gas supply lines if any is found.
- We will ensure all windows are operable and not blocked.
- We will install handrails on all sets of 4 or more stairs.
- We will ensure all Hot water tanks and furnaces are vented properly and operational and have a licensed HVAC technician troubleshoot any issues.
- We will have a certified electrician ensure all electric panels and circuits are safe.

The following answers were provided by Kim Wilson Housing on the programmatic details of their proposed usage of the property. They have made some clarification regarding the "group home" aspect. Please let me know if I need to elaborate on anything below:

- **How many guests will be in the residence?** There will be just one person per unit. The hope is to have 8 tenants and KWH would lease the 3rd floor as office space.
- **How long will guests reside in a dwelling unit?** Tenants would be in the units from 6 months to 2 years depending on their funding and what challenges they might face to moving on to a more permanent housing option.
- **Where will the residents arrive from—another group home, referral, previous shelter, or recently incarcerated?** This will be a referral process through the staff who will be managing the project. Tenants may be referred from a nursing facility for mental health, another shelter, or homelessness. Each person's situation will look a little different.

- **How will individuals arrive to the group/transitional home?** We want to be careful not to call this a group home. Also, a group home is required by the state to be licensed. This is an apartment building where KWH will have supportive staff to assist people in stabilization and a move to permanent housing. A case manager or housing stabilization specialist usually assists people to get settled into their home. Staff make sure they have some basic start-up supplies, food, and all necessary contact information in case of an emergency or if they need assistance.
- **Who is the designated on-site manager?** The on-site manager will be KWH staff and once they are closer to program start, they can provide contact information. Some staff have not been designated or hired yet. KWH typically does not provide contact information to the neighbors since that would violate the confidentiality of the tenants. By providing their contact information, they are disclosing that someone is in a mental health program, which violated their right to confidentiality. This would also be contrary to the model of community integration and inclusion. We can provide neighbors contact information for the property manager, who could then contact the manager of the program for problem resolution.
- **How will you communicate with the neighbors if there are any issues?** Could you explain what issues we might need to communicate with neighbors about? Again, we don't typically communicate any issues with residents with the neighbors as it violates the tenants right to confidentiality. In the rare event that something tragic happens, we have a Critical Incident Stress Management team that could offer some debriefing to the community. I have included our emergency situations procedure that we developed for this program in other sites. If needed, we could add something about the community but would have to carefully consider how this would be done while respecting the confidentiality of clients.
- **How will individuals know that this transitional housing is available?** This is a referral program from the program resources listed above. There are several ways that people could be referred to this program. They could be referred through their managed care organization, their Wyandot Case Manager, staff the Nursing Facility for Mental Health, staff at KU or Providence Medical Center, the KWH Coordinated Entry Navigator who assists people who are working with the CoC, or through the KWH Housing navigator. We have regular meetings with staff listed above and would educate them on available units.

BOZA Questions:

1. It may be possible to build a parking lot in the back but we thought there would not be enough room for the set-backs on either side of the building to run a driveway. We are definitely open to doing this if necessary, we just thought the property lines were too close.
2. Tenants will be transit-dependent according to Kim Wilson program coordinators we are working with
3. Yes, the on-site manager will be KWH staff and once they are closer to program start, they can provide contact information. Some staff have not been designated or hired yet. KWH typically does not provide contact information to the neighbors since that would violate the confidentiality of the tenants. By providing their contact information, they are disclosing that someone is in a mental health program, which violated their right to confidentiality. This would also be contrary to the model of community integration and inclusion. We can provide neighbors contact information for the property manager, who could then contact the manager of the program for problem resolution.
4. Yes, staff will be at the property during normal business hours, have an office on the 3rd floor and the program provides for weekly meetings/support services for the tenants.

Colby Kirk
President
Cap Out Investments
C: 816-284-7937
O: 816-319-4719

1021 E. 34th St.
Kansas City, MO 64109
On Dec 1, 2022, 10:51 AM -0600, Toy, Byron <btoy@wycokck.org>, wrote:

Colby,

In reviewing my emails since you requested to be continued last month, I see that you submitted revised drawings for our engineers, however, I did not see a comment response letter and revised drawings from the draft staff report for BOZA2022-050 and COZ2022-037/SP2022-092/MPL2022-024.

Attached are the Variance staff report and comments from the KCKFD and the Change of Zone, Master Plan Amendment and Special Use Permit staff report.

Our final reports for December are due tomorrow. I understand if you need more time to respond and have no problem extending these petitions one (1) month to allow for a proper response and revision(s).

Thank you,

<image001.png>

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)

11/15/2022

Colby Kirk
1021 E 34th St.
Kansas City, MO 64109

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # COZ2022-037. The purpose of this is for a change of zone, special use permit, and preliminary plan review at the following address: 915 Barnett Ave, Kansas City, KS 66101.

SYNOPSIS: Change of Zone from R-1(B) Single-Family District to RP-5 Planned Apartment District to construct a multi-family property with group home/transitional housing at 915 Barnett Avenue, in conjunction with:

MPL2022-024 - Master Plan Amendment from Urban Density (Central Area Master Plan) to Medium-Density Residential (Central Area Master Plan) at 915 Barnett Avenue.

SP2022-092 - Special Use Permit to operate a group home/transitional housing at 915 Barnett Avenue.

BOZA2022-050 - Variance for minimum parking requirements, side yard setbacks, and lot size at 915 Barnett Avenue.

We have recently taken over ownership of the property and are working to restore it to increase housing supply in the neighborhood. The property had previously been zoned for multifamily, however that zoning lapsed under previous ownership. The property, however, is set up as a 9-unit multifamily property.

We are working with Kim Wilson Housing (to create more housing for the unhoused population. The program will have staff on site during business hours and regular programming to keep participants on track and improving. You can find more information about Kim Wilson Housing here: <http://www.kimwilsonhousing.org/>

Description of program:

According to Kim Wilson, the goal of Interim Housing Program is to provide immediate respite from the trauma of homelessness and to stabilize individuals while they participate in a housing location search, obtain necessary supports and documents for housing, and build connection in their community of choice.

I am having a neighborhood meeting on November 28th at 3.p.m. via Zoom at the following link: <https://us06web.zoom.us/j/85498288151>

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email address listed below.

Sincerely,

Colby Kirk
Colby@Capoutinvestments.com

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Missouri }
COUNTY OF Jackson } SS:

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

1. That I am the petitioner for Petition # BO2A 2022-050
2. That I conducted a neighborhood meeting on 11/23/2022
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.

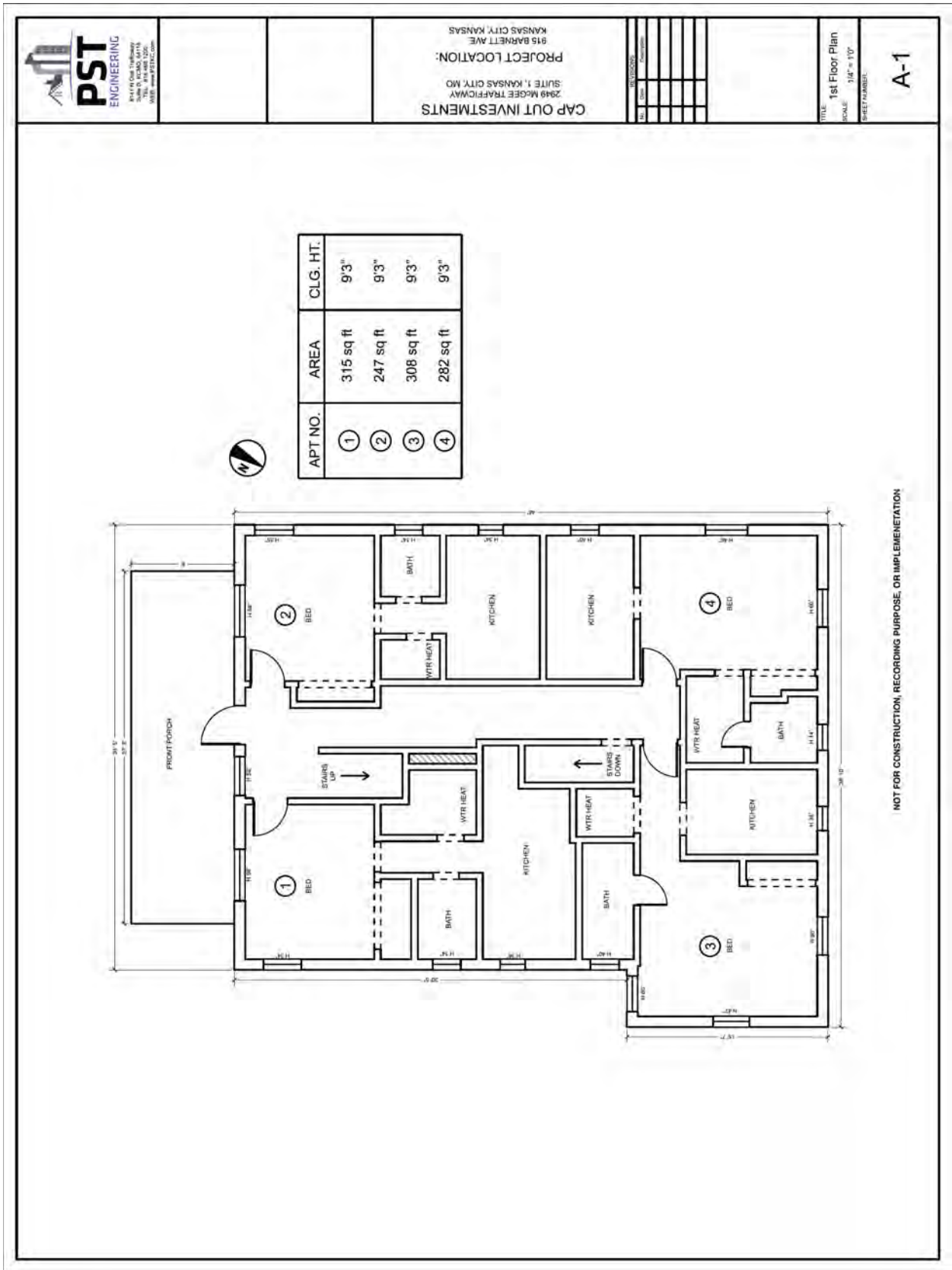
Further affiant saith not.

Colby Kir
Affiant

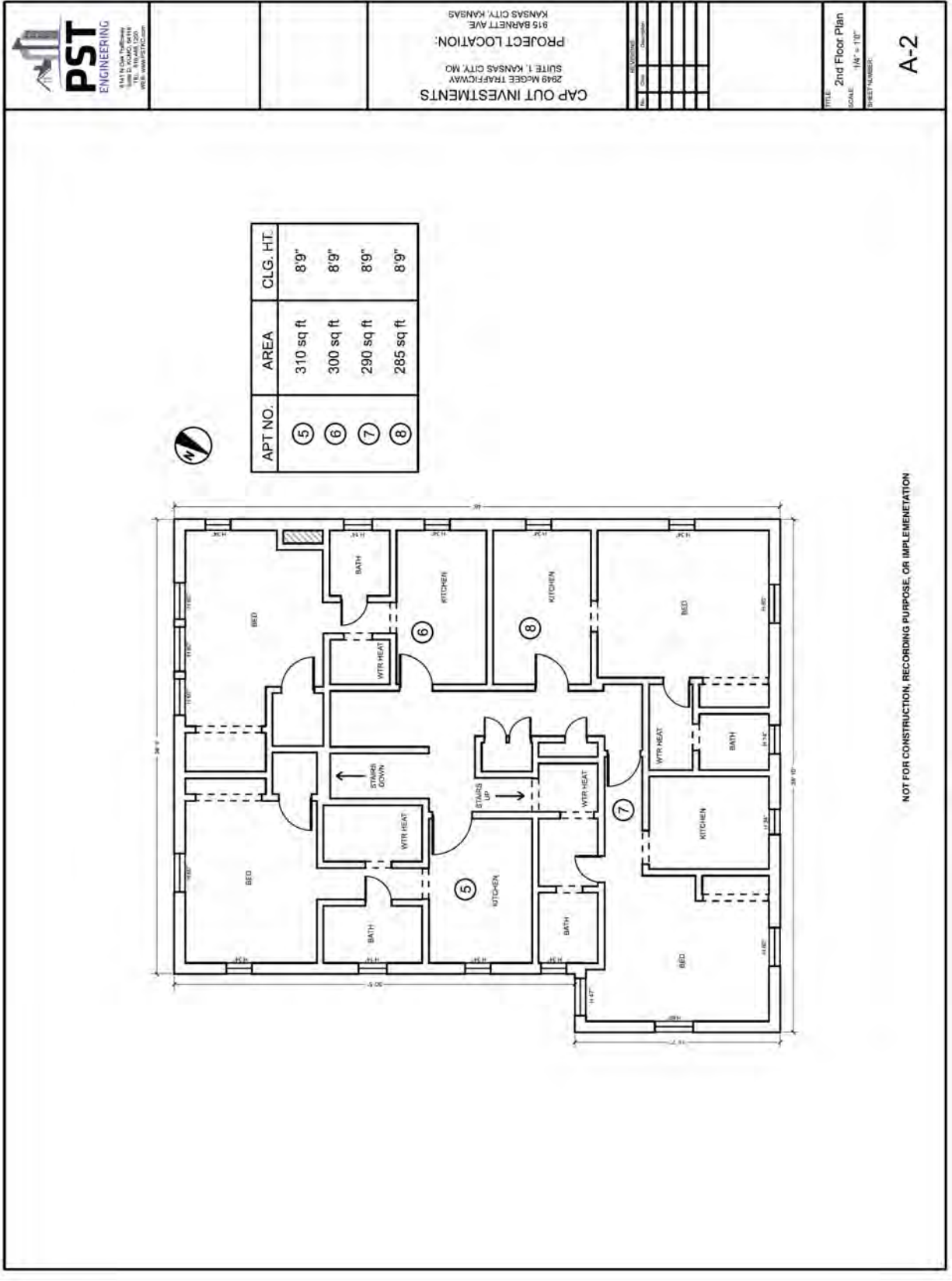
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of November, 2022
My commission expires 14th of July, 2025

[Signature]
Notary Public





APT NO.	AREA	CLG. HT.
①	315 sq ft	9'3"
②	247 sq ft	9'3"
③	308 sq ft	9'3"
④	282 sq ft	9'3"



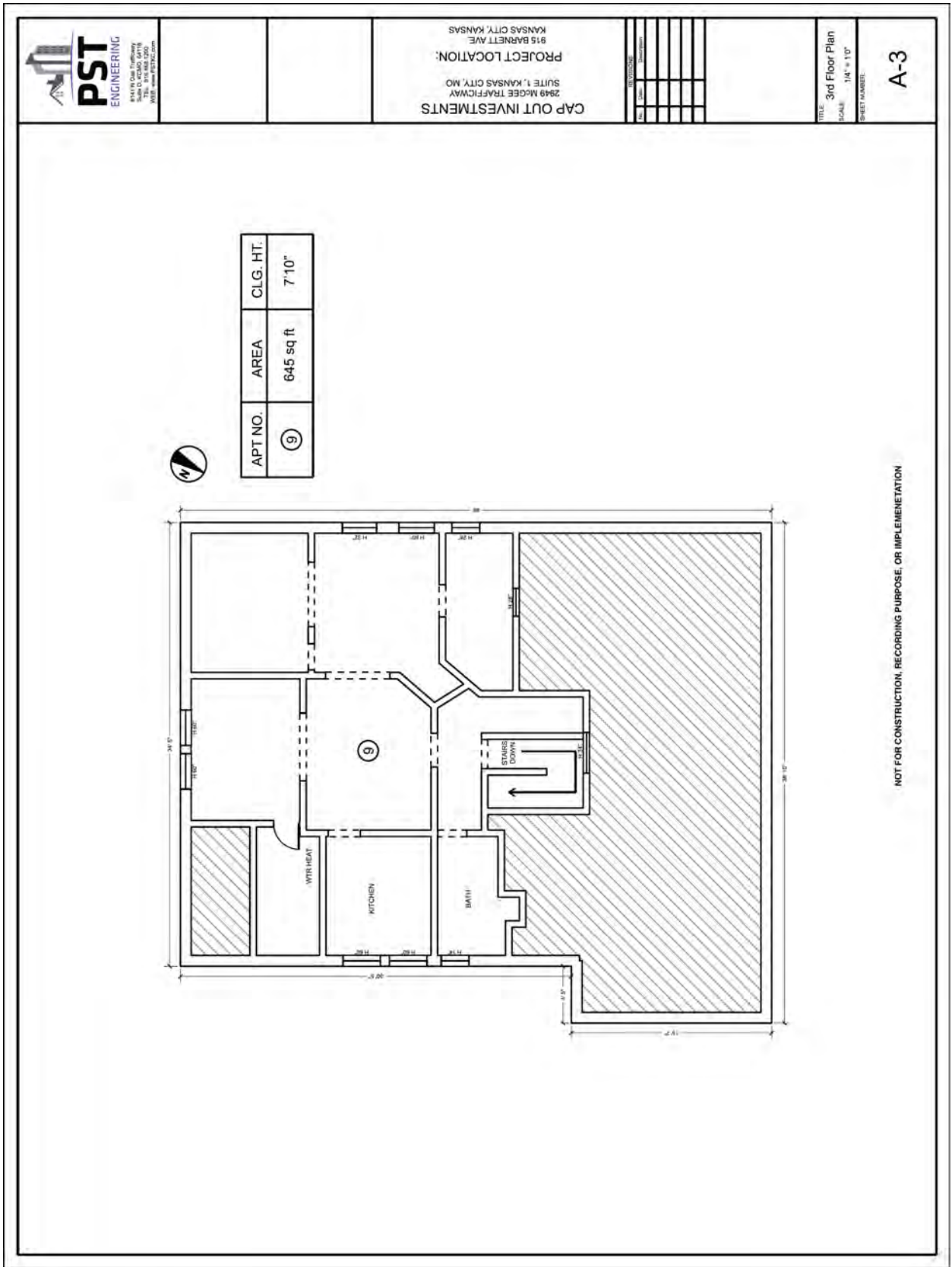




Figure 4. Site photograph looking south at 915 Barnett Avenue (provided by Planning Staff).



Figure 5. Site photograph looking southwest at 915 Barnett Avenue (provided by Planning Staff).



Figure 6. Site photograph looking southeast at 915 Barnett 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: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 30, 2023

Re: **Change of Zone Petition COZ2022-053 and Master Plan Amendment MPL2022-030**

GENERAL INFORMATION

Applicant:
Adam Williams

Status of Applicant:
Representative
Mark A. Breuer, PE with Schlagel
14920 West 107th Street
Lenexa, KS 66215

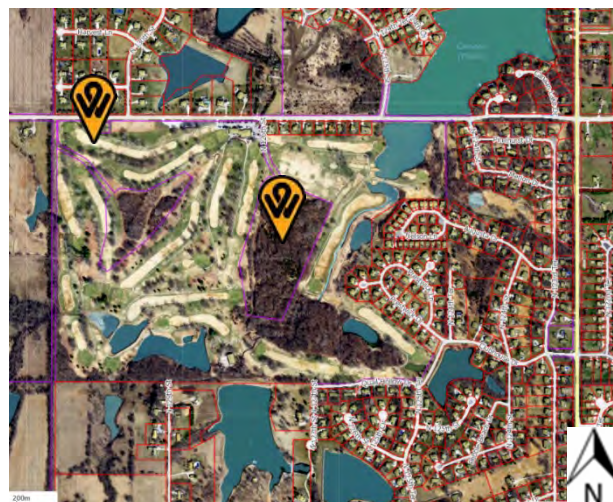
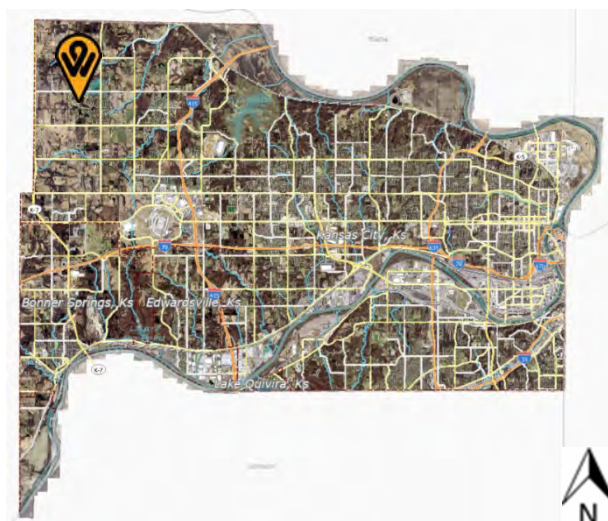
Requested Actions:
To approve a Master Plan Amendment from Open Space (Prairie Delaware Piper Master Plan) to Medium Density Residential (City-Wide Master Plan).

Change of Zone from A-G Agriculture and RP-1A Planned Suburban Residential Districts (WYCO) and RP-2 Planned Two Family District.

Date of Application:
December 30, 2022

Purpose:
To rezone and build 78 duplexes totaling 156-units.

Property Location:
12601 Hollingsworth Road and 12600 Par Lane
Kansas City, KS 66109



Commission District:	Commissioner At-Large, District #1: Melissa Bynum District #5 Commissioner: Michael (Mike) Kane
Existing Zoning:	A-G Agriculture and RP-1A Suburban Residential Districts (WYCO)
Adjacent Zoning:	North: R Rural Residential District South: RP-1A Planned Suburban Residential District (WYCO) East: R-1A Planned Suburban Residential (WYCO) and RP-3 Planned Townhouse Districts West: A-G Agriculture District (WYCO)
Adjacent Uses:	North: Single family subdivision South: Golf course and single-family homes East: Golf course, single family homes and duplexes West: Large lot single family home
Total Tract Size:	41.94 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Open Space, which allows parks, recreation, and open space. A Master Plan Amendment has been submitted to Medium-Density Residential (City-Wide Master Plan), which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, parks, and open space.
Major Street Plan:	The Major Street Plan classifies Hollingsworth Road as a Class C Thoroughfare.
Required Parking:	Sec. 27-456(d) Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit, at least one (1) of which shall be in a garage or carport. 156 parking spaces are required. 156 parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – January 19, 2023; Master Plan Amendment – January 19, 2023 Letters to Property Owners – Change of Zone – January 20, 2023 and February 4, 2023; Master Plan Amendment – January 20, 2023 and February 4, 2023
Public Hearings:	March 13, 2023 and March 30, 2023

Public Support:	Staff has received a letter in support and two (2) people appeared in support at the March 13, 2023, City Planning Commission meeting.
Public Opposition:	Staff has received letters and phone calls in opposition. There were 30 people present in opposition at the March 13, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Adam Williams, seeks to rezone 12601 Hollingsworth Road and 12600 Par Lane from A-G Agriculture and RP-1A Planned Suburban Residential Districts (WYCO) to RP-2 Planned Two Family District to build 78 duplex buildings, totaling 156-units on 41.94 acres.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of a suburban single-family subdivision to the north, across Hollingsworth Road and sited within the Dubs Dread Golf Course. This portion of Hollingsworth Road is in between rural, large lot single-family homes and farmland to the west and developed, established single-family subdivisions/neighborhoods to the east.

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 not necessarily compatible with the surrounding properties to the north as Freeman Farms and Prairie Oaks to the east are established single-family

neighborhoods. Higher density development should occur at major intersections along transit corridors.

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

The removal of the restrictions could detrimentally affect nearby property because the landscaping and buffering that is required to be planted along the single-family residentially zoned properties and the proposed buildings are oriented towards the internal streets, away from the single-family residences.

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

12600 Par Lane has never been developed, however, 12601 Hollingsworth Road is Dubs Dread golf course and is not vacant.

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 not reasonably necessary for the majority of individuals in the area. This development is catering to a niche market that is centered around Dubs Dread Golf Course. Developing portion of land around the golf course will not permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

The proposed development with 156 units will increase traffic along Hollingsworth Road. While a Traffic Impact Study has not been provided, a brief statement has and will be reviewed by Public Works and Planning Engineering regarding road capacity. A Traffic Impact Study may need to be provided.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan as Open Space does not allow residential uses, only parks, recreation and open space, therefore, a Master Plan Amendment is sought from Planned Mixed Residential to Medium Density Residential (City-Wide Master Plan), which allows duplexes, townhomes, mid-rise apartments, and institutional uses such as schools, churches, and libraries.

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

The proposed use should not cause environmental harm through runoff because the proposed development will capture the storm water runoff instead of sheet flowing off the property to Piper Lake.

The property is changing from two active holes on the golf course and a heavily wooded parcel to a relatively flat, graded site. Maintaining the existing tree stands, landscaping and screening is 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 #228.

e. *Fire*

Fire service is provided by Fire Station #8 located off 123rd Street and Leavenworth Road.

f. *Transit*

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

g. *Schools*

Public education is provided by Piper USD 203.

h. *Streets*

Parallel Parkway is a Class A Thoroughfare and Georgia Avenue is a Class C Thoroughfare, and the traffic study will determine if the proposed development can be support by the existing street network.

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

The proposed use will have a minimal economic impact on the community. The residences will generate property tax for the Unified Government; however, the Unified Government will have to maintain the roads, sanitary and storm sewers for this development, further taxing its resources for maintenance of the City's infrastructure in the long-term.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with 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 or keep as open space.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via in-person at Dubs Dread Golf Club on January 29, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Economic Impact
Traffic
Building Orientation
Neighborhood Character
City-Wide Master Plan Multi-Family Design Guidelines
Pedestrian Connectivity
Platting
Fire Access
Landscaping, Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **DENIAL** of Change of Zone Application **COZ2022-053** and Master Plan Amendment **MPL2022-030**, **due to incompatibility with the neighborhood and plan as the area is single-family homes and there are no duplexes in the area.**

STAFF COMMENTS AND SUGGESTIONS

Staff does not concur with the recommendation of the City Planning Commission for the reasons listed below.

Planning and Urban Design Comments:

General Planning:

1. Single family detached and attached homes will continue the UG's debt cycle for infrastructure maintained, as they do not pay for themselves in the long-term. Municipalities are having to extend and maintain new infrastructure further from the urban core and existing established services, which is already strained due to aging.

Applicant Response: Acknowledged.

2. As part of this rezoning/preliminary development plan request, the following plans need to be provided for review:
 - Preliminary Engineering
 - i. Stormwater Drainage Calculations
 1. Gross detention calculations for 100-year storm;
 2. Stick map with proposed location and routing;
 3. Indicate the tie in point to the existing system;
 4. Information on any portion of the system that is not gravity flow;
 - ii. Street layout with preliminary line and grade over proposed grading
 - iii. Sewer layout (stick map) with location and routing to the existing system;
 - iv. Any plans for sewer system other than a gravity system;
 - v. Water and electric are design by the Board of Public Utilities;
 - vi. Reference the following documents:
 1. TECHNICAL PROVISIONS AND STANDARD DRAWINGS
 2. MINIMUM DESIGN STANDARDS FOR SANITARY SEWERS.
 - Traffic and pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and structures, walkways, and bicycle paths;
 - Preliminary architectural elevations of proposed structures and an initial list of proposed building materials;

- A conceptual landscape and screening plan that includes basic sizes and quantities; and,
- Preliminary drainage and erosion control information sufficient to meet Unified Government requirements.

Some of this information may be depicted on sheets C1.0, C1.2, C1.3, but the line weights are the same, making the sheets crowded and difficult to review.

Applicant Response: Provided as requested. The small portion of the site that is proposed to be low pressure is identified on the plans.

Please understand that this is a rezone request and master plan amendment. Representative photos have been provided with the understanding that building elevations that meet City standards will be provide at the preliminary development plan request.

3. To clearly delineate between A-G (WYCO) and RP-2, platting this property is recommended in addition to vacating existing utility easements and right-of-way, and dedicate new easements, as necessary.

Applicant Response: Provided as requested.

4. How will residents get access to the golf course, existing and new clubhouse without driving on Hollingsworth Road? The overall site plan needs to be further defined to see these pedestrian connections that are crucial to make this development integrated to the golf course.

Applicant Response: Please understand that this is a rezoning request and master plan amendment. Further development of the site plan will occur with the preliminary development plan request on future applications.

5. Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide. Add a six (6) foot sidewalk on both sides of Par Lane, 126th Street throughout the duplex development.

Applicant Response: Provided as requested.

6. Complete the sidewalk along the north side of Hollingsworth Road, west of the existing clubhouse to North 126th Street.

Applicant Response: Provided as requested.

7. Install a crosswalk across North 126th Street at Hollingsworth Road.

Applicant Response: Provided as requested.

8. Where are the golf course holes along Hollingsworth Road going to be relocated as a result of the proposed project?

Applicant Response: Updated conceptual golf holes have been provided with this resubmittal. All revisions are subject to golf course approvals.

9. Rotate Lot #1 and #29 to face Hollingsworth Road or to better conform to the existing character of said road.

Applicant Response: While this is a concept plan only, it is our opinion that Lots 1 and 29 should face the internal local road system instead of Hollingsworth Road, which is a higher street classification.

10. Will these duplexes be maintenance free for residents?

Applicant Response: That has not been determined at this time.

11. Will these duplexes be owner occupied, as that will effect on how you plat the parcel?

Applicant Response: This will be determined with future platting applications.

12. What on-site amenities will be provided as part of this development? Two (2) amenities, one (1) regular and one (1) small are required.

Applicant Response: This is a concept only to support the rezoning request. Future applications for development plans will incorporate required amenities.

Is the clubhouse depicted in Tract B for the western portion of the development an amenity for all residents?

Applicant Response: This has not been determined at this time.

13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361).

Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection.

Applicant Response: Acknowledged.

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

Applicant Response: Acknowledged.

15. Install bike racks at high trafficked nodes (clubhouse and site amenities).

Applicant Response: Acknowledged.

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

Applicant Response: Acknowledged.

17. 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.

Applicant Response: Acknowledged.

18. 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.

Applicant Response: Acknowledged.

Building Architecture:

1. Proposed eaves over the garage should be placed over front door and be the prominent feature and move the garages back, behind the front door.

Applicant Response: Thank you for the suggestion.

2. 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 forty percent (40%) 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 forty percent (40%) of each façade is indeed stone or brick.

Applicant Response: Please understand that this is a rezoning request and master plan amendment. Representative photos have been provided with the understanding that building elevations that meet City standards will be provided at the preliminary development plan request.

3. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines.

Applicant Response: Acknowledged.

Landscaping and Screening:

1. Sec. 27-700(a) one (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site are for uses other

than residences.

Applicant Response: Provided as requested.

2. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.

Applicant Response: Provided as requested.

3. Landscaping around the amenities shall be irrigated.

Applicant Response: Acknowledged.

4. 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.

Applicant Response: Acknowledged.

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

Applicant Response: Acknowledged.

6. 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.

Applicant Response: Acknowledged.

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.

Applicant Response: Acknowledged.

Planning Engineering Comments:

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-053** and **MPL2022-030**, subject to all comments and suggestions outlined in this staff report summarized by the following conditions:

1. **Planning and Urban Design Staff will not publish the Change of Zone ordinance publication until the Final Plat and Final Development Plan are submitted for review and approval to complete the entitlement process;**
2. **To clearly delineate between A-G (WYCO) and RP-2, platting this property is required in addition to vacating existing utility easements and right-of-way, and dedicate new easements, as necessary;**
3. **As part of the platting process, after the Preliminary Plat with the Final Plat, establish and record Homeowners Association (HOA) Declaration and Covenants, Conditions and Restrictions (CCRs) associated with these two (2) developments;**
4. **The Preliminary and Final Plat shall include final civil drawings for these two (2) subdivisions complying with the submittal requirements;**
5. **All amenities (pool, fitness center, restaurant, golf simulators, community rooms, etc.) shall be available to all residents within these two (2) developments and members of Dubs Dread Golf Club;**

6. All Tracts shall remain as open space in perpetuity and shall be noted on the Final Plat;
7. Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide. Add a six (6) foot sidewalk on both sides of Par Lane, 126th Street throughout the duplex development;
8. Complete the sidewalk along the north side of Hollingsworth Road, west of the existing clubhouse to North 126th Street;
9. Install a crosswalk across North 126th Street at Hollingsworth Road;
10. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361).

Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection. The multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;

11. Lighting cannot exceed one (1) footcandle at the property line;
12. Install bike racks at high trafficked nodes (clubhouse and site amenities);
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. 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;
15. Proposed eaves over the garage should be placed over front door and be the prominent feature and move the garages back, behind the front door;
16. 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 forty percent (40%) 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 forty percent (40%) of each façade is indeed stone or brick;
17. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines;
18. Sec. 27-700(a) one (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site are for uses other than residences;
19. 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;
20. Landscaping around the amenities shall be irrigated;
21. 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;
22. All electrical meter banks, typically on the side of the building shall be screened from public view;
23. All utilities shall be buried underground;
24. 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;
25. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
27. 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.

30. 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;
31. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
32. 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.

ATTACHMENTS

March 13, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
City-Wide Master Plan Medium Density Residential Designation
City-Wide Master Plan Multi-Family Residential Design Guidelines
Multi-Family Residential Amenity Guidelines
KCKFD Comments
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Grading Plan
Landscape Plan
Building Photographs (Elevations)
Site Photographs taken by Staff on January 11, 2023.
Letter of Support
Letters of Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 13, 2023	March 30, 2023
Rezoning	Denial	
Public Hearing		
Master Plan	March 13, 2023	March 30, 2023
	Denial	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-030** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-030** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-053** 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 **COZ2022-053** 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.

March 13, 2023 City Planning Commission Minutes:

Hearing starts at 2:58:00:

CHANGE OF ZONE APPLICATION COZ2022-053 – ADAM WILLIAMS - SYNOPSIS:

Change of Zone from RP-1A Planned Two Family and A-G Agriculture (WYCO) Districts to RP-2 Planned Two Family District for attached two (2) family home development at 12601 Hollingsworth Road and 12600 Par Lane (Dub's Dread Golf Course).

MASTER PLAN AMENDMENT MPL2022-030 – ADAM WILLIAMS – SYNOPSIS:

Master Plan Amendment from Open Space (Prairie-Delaware-Piper Master Plan) to Medium-Density Residential (City-Wide Master Plan) at 12601 Hollingsworth Road and 12600 Par Lane (Dub's Dread Golf Course).

Detailed Outline of Requested Action: The applicant, Adam Williams, seeks to rezone 12601 Hollingsworth Road and 12600 Par Lane from A-G Agriculture and RP-1A Planned Suburban Residential Districts (WYCO) to RP-2 Planned Two Family District to build 78 duplex buildings, totaling 156-units on 41.94 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 March 13, 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. Chairman Carson, Commissioner Miller, Commissioner Beth and Commissioner Ward stated that they have been contacted by numerous adjoining property owners.

Present in Support:

- Mr. Minnis, 1189 North 400 Road, Baldwin City, Kansas 66006
- Frank Bryant, 12801 Hollingsworth Road, Kansas City, Kansas 66109
- Greg Kindle, Wyandotte Economic Development Council
- Kevin Burgess, 12816 Hollingsworth Road, Kansas City, Kansas 66109

The Planning Commission directed questions to the applicant.

Present in Opposition:

- There 18 persons present that did not speak
- David Brooke, 4729 Canaan Lake Drive, Kansas City, Kansas, and also speaking on behalf of the Piper Lake Homeowners Association
- Sara Miller, 4814 North 130th Street, Kansas City, Kansas 66109
- Jerry Godell, 12410 Meadow Lane, Kansas City, Kansas 66109
- Cheryl Edwards, 12525 Hollingsworth Road, Kansas City, Kansas 66109
- Bill Edwards, 12525 Hollingsworth Road, Kansas City, Kansas 66109
- Mike Young, 5217 North 123rd Street, Kansas City, Kansas 66109
- Jerry Smith, 13030 Augusta Lane, Kansas City, Kansas 66109
- Nancy Zielke, 12421 Hollingsworth Road, Kansas City, Kansas 66109
- Gary Wietharn, 5030 North 130th Street, Kansas City, Kansas 66109
- Sharon McMillian, 5227 North 130th Terrace, Kansas City, Kansas 66109
- Tom McMillian, 5227 North 130th Terrace, Kansas City, Kansas 66109
- Laura Arenas

Staff Recommendation starts at 4:06:11: Planning Director Hand stated that the request is for 78 duplex buildings totaling 156 units on 41.94 acres around Dub's Dread Golf Course. This property is in the Prairie-Delaware-Piper Area Plan. Staff has received one (1) letter in support and multiple letters in opposition including the testimony given this evening. Director Hand stated that there are no Notices of Violation on this property. Staff recommends approval of the Change of Zone application, which includes a preliminary development plan. The Applicant will need to come back with a Final Development Plan and Final Plat for consideration. Staff focused on pedestrian-connectivity as well as future amenities. If the Commission is concerned about when the amenities would be built, Staff would recommend amending Condition #5 to include the amenities in Phase 1 of the development. There is a history in this area of developers wanting to develop property and then were hit with the 2008 crash and did not fulfill their commitments. Staff recommends holding over this case to a designated time if the Commission feels that a traffic study and additional stormwater reviews are warranted. He stated that the land use allows more density than what is being proposed. This project pulls out the land use from the Prairie-Delaware-Piper Master Plan and into the City-Wide Master Plan as that plan only allows multi-family developments with multiple typologies (e.g. townhouses, single-family).

The Planning Commission directed questions to Staff.

Motion starts at 4:15:15:

On motion by Mr. Miller, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **DENIAL of Master Plan Amendment MPL2022-030 due to incompatibility with the neighborhood and plan as the area is single-family homes and there are no duplexes in the area:**

Carson Chairman

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

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

On motion by Mr. Miller, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application COZ2022-053 due to incompatibility with the character of neighborhood:**

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

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

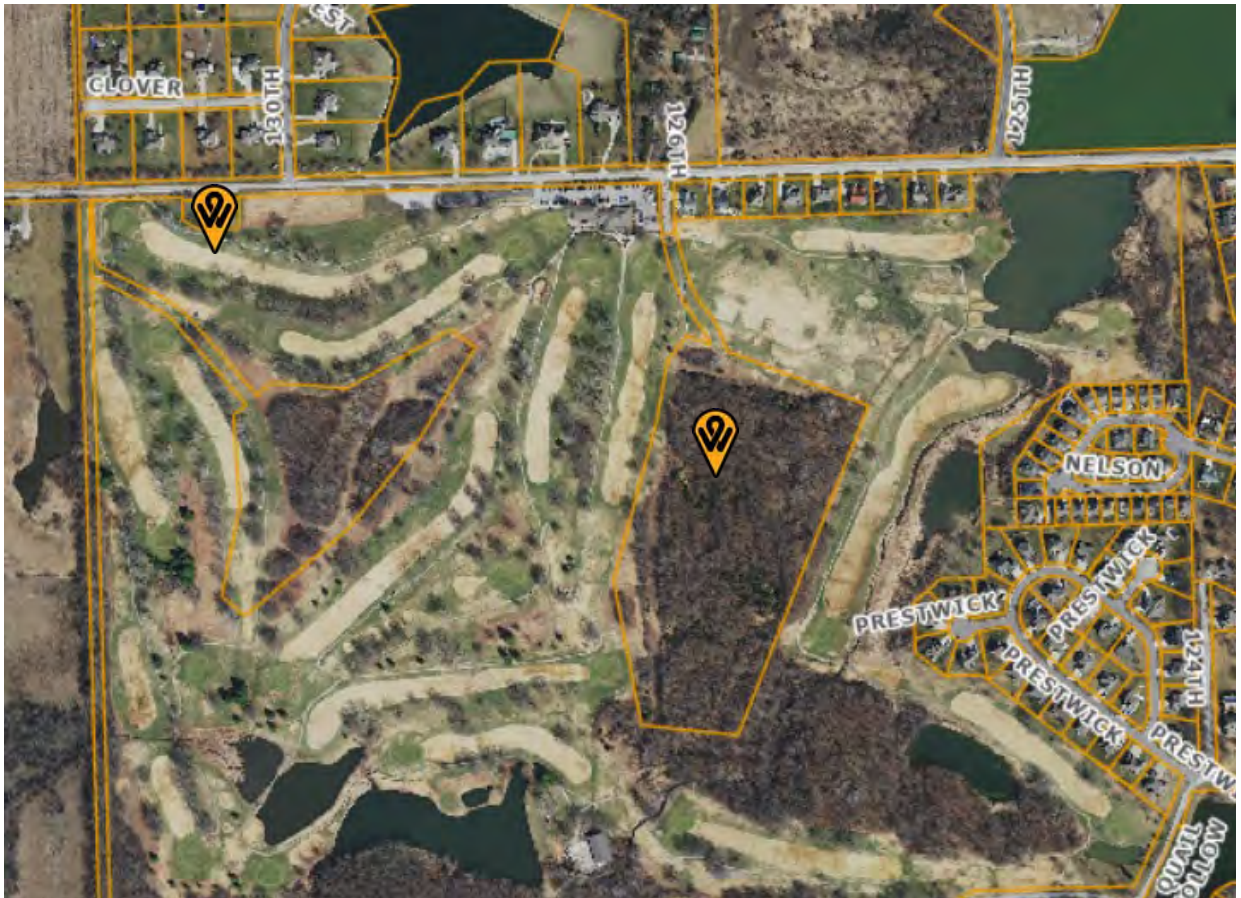


Figure 1. Aerial Photograph 12600 Park Lane and 12601 Hollingsworth Road (provided by ArcGIS Pro).

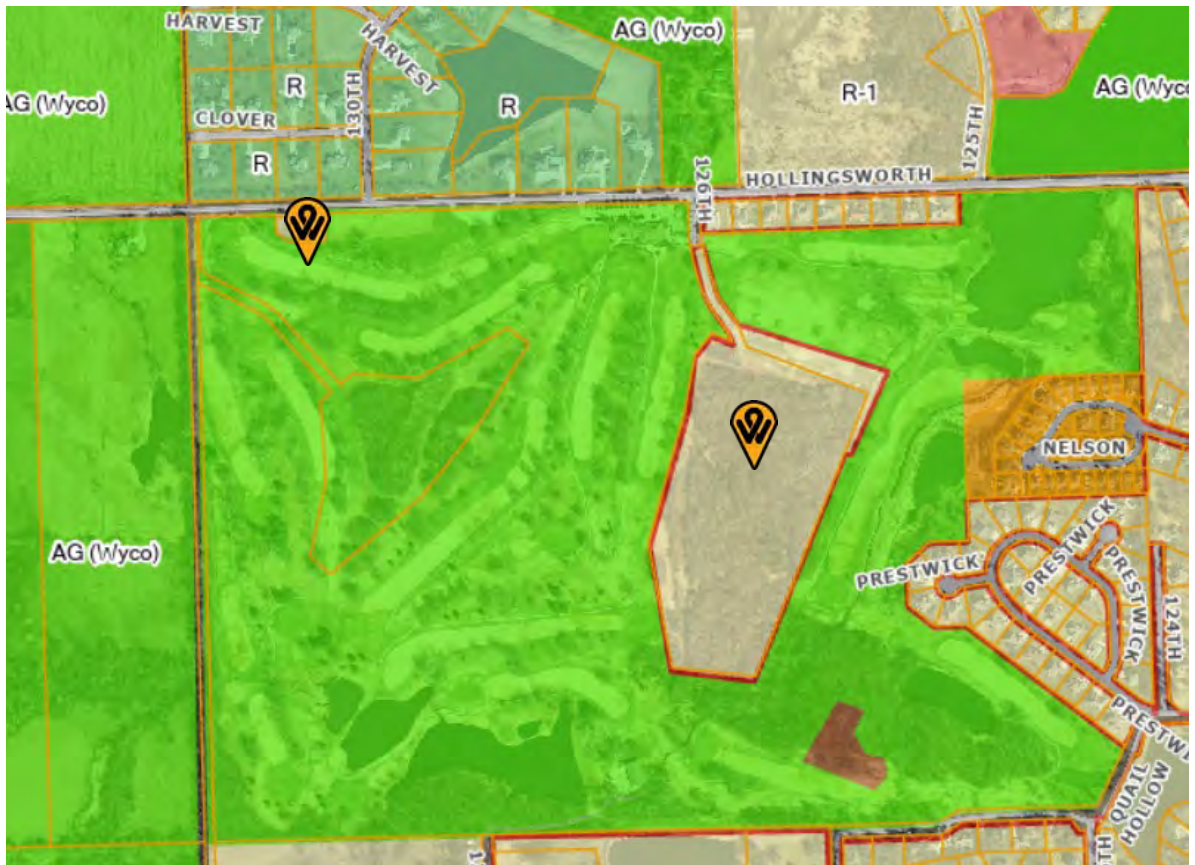


Figure 2. Zoning Map of 12600 Par Lane and 12601 Hollingsworth Road (provided by UG Maps).

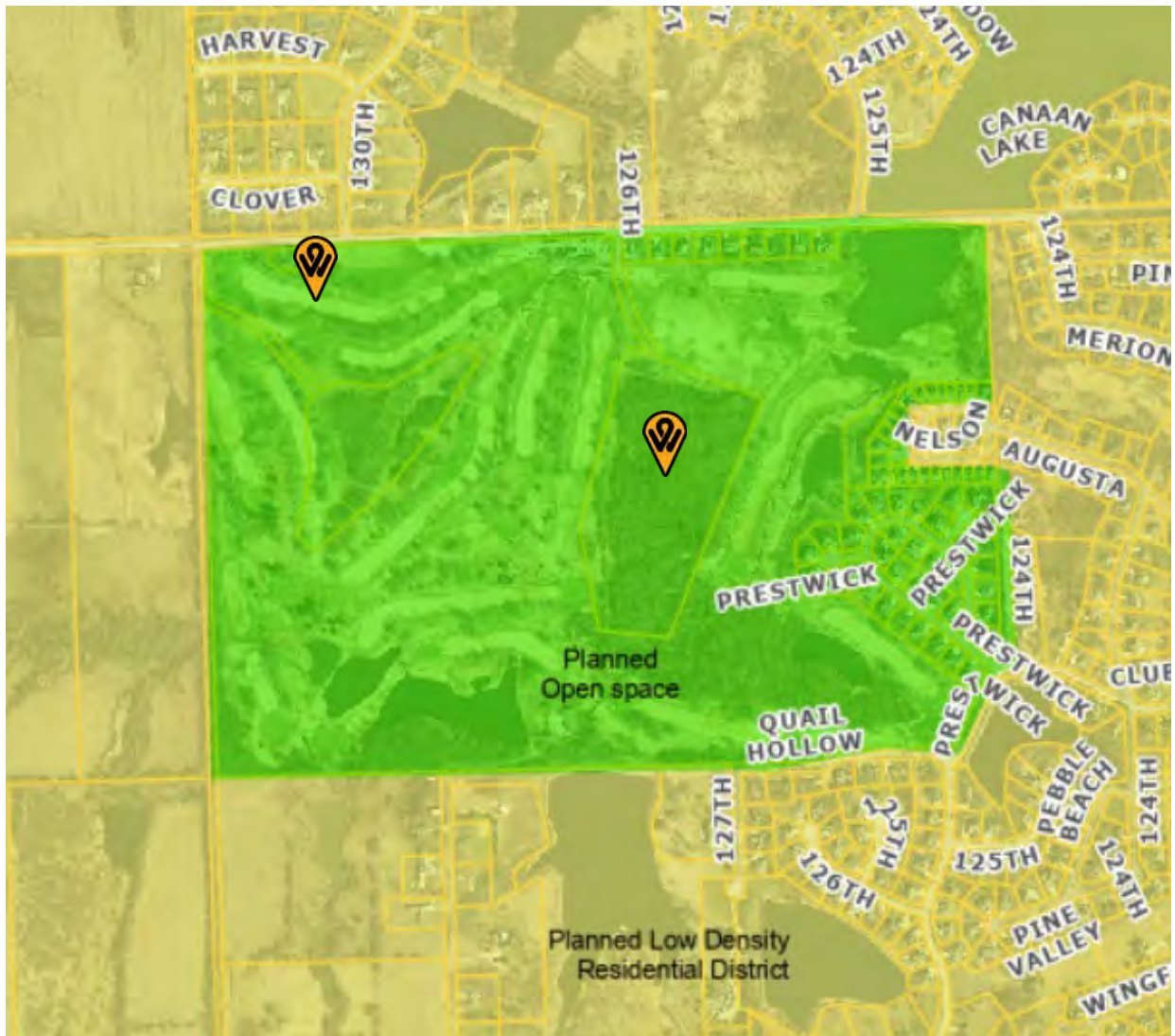


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map of 12601 Hollingsworth Road and 12600 Par Lane (provided by ArcGIS Pro).



Medium-Density Residential: These uses are intended to provide for future housing needs through the construction of a wide variety of **attached** residential development.

- Allowed Uses:
 - Garden apartments
 - Attached residences including townhomes, duplexes, triplexes, fourplexes, etc.
 - Institutional uses such as elementary, middle and high schools, churches, libraries, etc.
 - Parks and open space
- Discouraged Uses:
 - All industrial uses
 - Business parks
 - Adult-oriented businesses
- Required Infrastructure:
 - Access to gravity sewer.
 - Access to a Class A, B or C thoroughfare or boulevard.
 - Minimum 8-foot sidewalk/trail along arterial road or 6-foot sidewalk/trail along collector road.
 - A traffic study will be required to determine access improvements such as turn lanes, intersection controls, etc.
- Open Space:
 - A minimum of 15% not including environmental constraints such as floodplain, swalls, steep slopes, etc.
- Recommended Density:
 - 4 to 16 dwelling units per acre
- Green Principles:
 - Incentives should be provided for:
 - Use of the National Green Building Standard.
 - Leadership in Energy and Environmental Design (LEED) for Homes qualified rating.
 - Energy Star Qualified buildings and homes.
 - Bicycle and pedestrian connections to adjacent neighborhoods.
 - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
 - Integration of transit stops.
- Cultural Principles:
 - Provides multiple housing choices and price points
- Design Guidelines:
 - All developments must meet the minimum guidelines outlined on pages 45-46.
- Amenity Guidelines:
 - All new development projects must meet the minimum amenity guidelines outlined on page 42. Projects less than 50 dwelling units are not subject to these guidelines.

Multi-Family Residential Design Guidelines

The following design guidelines apply to all new multi-family developments.

- Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') 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 or walkways on adjacent properties that extend to 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 personal service establishments; and
 - Any adjacent public park, greenway, or other public/semi-public use including but not limited to schools, libraries, churches, parks, etc.
- 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.
- Provide distinctive, quality, consistent, architectural character and style in new multi-family development that avoids monotonous and featureless building massing and design.
- The maximum length of a multi-family residential building shall be 200 feet.
- No more than six (6) townhome units shall be attached in any single row.
- There should be a consistency in architectural style among multiple buildings within a development and surrounding area. Each building should have a definitive and consistent style. Mixing of various architectural styles on the same building or buildings dilutes the character of the area.
- All sides of a multi-family building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.
- All building entries adjacent to an arterial, collector or local street or private drive with on-street parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrance-ways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.
- Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- All multi-family building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entry-ways, recreation areas, and laundry areas.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



- On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis. On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least one every fifty-feet (50') of building wall length.
- Unity of design will be maintained through the use of similar materials and colors throughout all multi-family developments.
- High-quality building materials will be used that are durable, attractive, and have low maintenance requirements.
- For all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, door, 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.
- Exterior building materials **shall not** include the following:
 - Board and batten wood
 - Smooth-faced or gray concrete block
 - Painted concrete block
 - Tilt-up concrete panels
 - Field painted or pre-finished standard corrugated metal siding
 - Standard single or double tee concrete systems
 - Vinyl siding
- The rehabilitation of existing multi-family structures shall require the use of alternate materials subject to approval by the City Planning Commission.
- Predominant roof materials shall be high quality, durable material such as, but not limited to:
 - Wood shake shingles
 - Clay or concrete tiles
 - Composition shingles
 - Asphalt shingles
 - Other materials considered on a case-by-case basis
- Landscaping is required to screen all parking areas and service entries.

Amenity Guidelines

Amenities within residential developments 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.

Single-Family Residential Amenity Guidelines

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 (1) Small Amenity. 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. All amenities will be built in the first phase of the development.

Multi-Family Residential Amenity Guidelines

Multi-family developments shall incorporate recreational amenities based on the number of units within the development. Multi-family developments with less than 25 dwelling units are required to have one (1) Small Amenity. Multi-family developments with 25-to-150 dwelling units are required to have two (2) amenities. Only one (1) of the required amenities may be a Small Amenity. Multi-family development projects with more than 150 dwelling units are required to have three (3) amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Residential Amenity Reference Table

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 low 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) barbecue 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 lot, one (1) bench per 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) barbecue grill/pit per area.	
Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.	
Option provided by owner, but must be considered equal to one of the other regular options.	



January 23, 2023

Unified Government of Wyandotte County
Department of Planning + Urban Design
701 N 7th Street, Suite 423
Kansas City, KS 66101

**RE: STAFF COMMENTS AND SUGGESTIONS FOR DUB'S DREAD GOLF COURSE
CHANGE OF ZONE PETITION COZ2022-053 AND
MASTER PLAN AMENDMENT MPL2022-030**

Urban Planning and Land Use Comments:
General Planning:

1. Single family detached and attached homes will continue the UG's debt cycle for infrastructure maintained, as they do not pay for themselves in the long-term. Municipalities are having to extend and maintain new infrastructure further from the urban core and existing established services, which is already strained due to aging. **Response: Acknowledged**
2. As part of this rezoning/preliminary development plan request, the following plans need to be provided for review:
 - Preliminary Engineering
 - i. Stormwater Drainage Calculations
 1. Gross detention calculations for 100-year storm;
Response: Provided as requested
 2. Stick map with proposed location and routing;
Response: Provided as requested
 3. Indicate the tie in point to the existing system;
Response: Provided as requested
 4. Information on any portion of the system that is not gravity flow;
Response: The small portion of the site that is proposed to be low pressure is identified on the plans
 - ii. Street layout with preliminary line and grade over proposed grading.
Response: Provided as requested
 - iii. Sewer layout (stick map) with location and routing to the existing system; **Response: Provided as requested**
 - iv. Any plans for sewer system other than a gravity system;
Response: None proposed

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v. Water and electric are design by the Board of Public Utilities;

Response: Acknowledged

vi. Reference the following documents:

1. TECHNICAL PROVISIONS AND STANDARD DRAWINGS
2. MINIMUM DESIGN STANDARDS FOR SANITARY SEWERS.

Response: Provided as requested

- Traffic and pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and structures, walkways, and bicycle paths; **Response: Provided as requested**
 - Preliminary architectural elevations of proposed structures and an initial list of proposed building materials; **Response: Please understand that this is a rezone request and master plan amendment. Representative photos have been provided with the understanding that building elevations that meet City standards will be provided at preliminary development plan request.**
 - A conceptual landscape and screening plan that includes basic sizes and quantities; and, **Response: Provided as requested**
 - Preliminary drainage and erosion control information sufficient to meet Unified Government requirements. Some of this information may be depicted on sheets C1.0, C1.2, C1.3, but the line weights are the same, making the sheets crowded and difficult to review. **Response: Provided as requested**
3. To clearly delineate between A-G (WYCO) and RP-2, platting this property is recommended in addition to vacating existing utility easements and right-of-way, and dedicate new easements, as necessary. **Response: Provided as requested**
4. How will residents get access to the golf course, existing and new clubhouse without driving on Hollingsworth Road? The overall site plan needs to be further defined to see these pedestrian connections that are crucial to make this development integrated to the golf course. **Response: Please understand that this is a rezone request and master plan amendment. Further development of the site plan will occur with the preliminary development plan request on future applications.**
5. Per the Multi-family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide. Add a six (6) foot sidewalk on both sides of Park Lane, 126th Street throughout the duplex development. **Response: Provided as requested**
6. Complete the sidewalk along the north side of Hollingsworth Road, west of the existing clubhouse to North 126th Street. **Response: Provided as requested**
7. Install a crosswalk across North 126th Street at Hollingsworth Road. **Response: Provided as requested**
8. Where are the golf course holes along Hollingsworth Road going to be relocated as a result of the proposed project? **Response: Updated conceptual golf holes have been provided with this resubmittal. All revisions are subject to golf course approvals.**

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9. Rotate Lot #1 and #29 to face Hollingsworth Road or to better conform to the existing character of said road. **Response: While this is a concept plan only, it is our opinion that lots 1 and 29 should face the internal local road system instead of Hollingsworth Road, which is a higher street classification.**
10. Will these duplexes be maintenance free for residents? **Response: That has not been determined at this time**
11. Will these duplexes be owner occupied, as that will effect on how you plat the parcel? **Response: This will be determined with future platting applications.**
12. What on-site amenities will be provided as part of this development? Two (2) amenities, one (1) regular and one (1) small are required. **Response: This is a concept only to support the re-zone request. Future applications for development plans will incorporate required amenities.**

Is the clubhouse depicted in Tract B for the western portion of the development an amenity for all residents? **Response: This has not been determined at this time.**

13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361) **Response: Acknowledged**

Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection. The multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units. **Response: Acknowledged**
14. Lighting cannot exceed one (1) footcandle at the property line. **Response: Acknowledged**
15. Install bike racks at high trafficked nodes (clubhouse and site amenities). **Response: Future applications for development plans will incorporate required amenities.**
16. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Response: Acknowledged**
17. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly. **Response: Acknowledged**
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. **Response: Acknowledged**

Building Architecture:

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1. Proposed eaves over the garage should be placed over front door and be the prominent feature and move the garages back, behind the front door. **Response: Thank you for the suggestion.**
2. 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 forth percent (40%) 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 forty percent (40%) of each façade is indeed stone or brick. **Response: Please understand that this is a rezone request and master plan amendment. Representative photos have been provided with the understanding that building elevations that meet City standards will be provided at preliminary development plan request.**
3. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines. **Response: Acknowledged**

Landscaping and Screening:

1. Sec. 27-700(a) one (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site area for uses other than residences. **Response: Provided as requested**
2. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted. **Response: Provided as requested**
3. Landscaping around the amenities shall be irrigated. **Response: Acknowledged**
4. 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. **Response: Acknowledged**
5. All electrical meter banks, typically on the side of the building shall be screened from public view. **Response: Acknowledged**
6. 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. **Response: Acknowledged**
 - 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. **Response: Acknowledged**
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front. **Response: Acknowledged**
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat. **Response: Acknowledged**

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14920 West 107th Street • Lenexa, Kansas 66215 • (913) 492-5158 • Fax: (913) 492-8400

- e. Customer must take account of the maturity size of the evergreen tree when planting saplings to 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 (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings). **Response: Acknowledged**
- f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open. **Response: Acknowledged**

Signage

- 1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process. **Response: Acknowledged**

Planning Engineering Comments

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) 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: We have received no other comments at this time**
- 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 **Response:**

Thank you for your comments/questions.

Sincerely,

SCHLAGEL & ASSOCIATES, P.A.

Mark A. Breuer, PE
Principal / Engineering Manager
Direct Dial : 913-322-7154

\\Datsaerver\Cad\projects\2022\22-235\1.0 Admin-Clerical\8.0 Comments\Response to PC Draft Comments dated 2-13-2023.docx

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MAB@schlagelassociates.com

/mdr

Attachments

\\Datsaerver\Cad\projects\2022\22-235\1.0 Admin-Clerical\8.0 Comments\Response to PC Draft Comments dated 2-13-2023.docx

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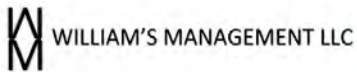
Partners In Golf and Recreation



BRYAN MINNIS – FOUNDER, MAXIM GOLF SOLUTIONS



JOHN BODE – PARTNER, MAXIM GOLF SOLUTIONS



ADAM WILLIAMS – OWNER, WILLIMAS MANAGEMENT, LLC



Amenities

- Maintenance Free Luxury Villas
- Improved Golf Facilities
- Pool
- Fitness
- Improved Restaurant Facilities
- SUITERange –
 - Golf & Multi-Sport Simulators
 - Watch Parties
 - Celebration Parties

Planned Luxury Villa Footprint

- Price Range \$475K and Up
- Phase 1 (49) Builds
- Phase 2 (29) Builds

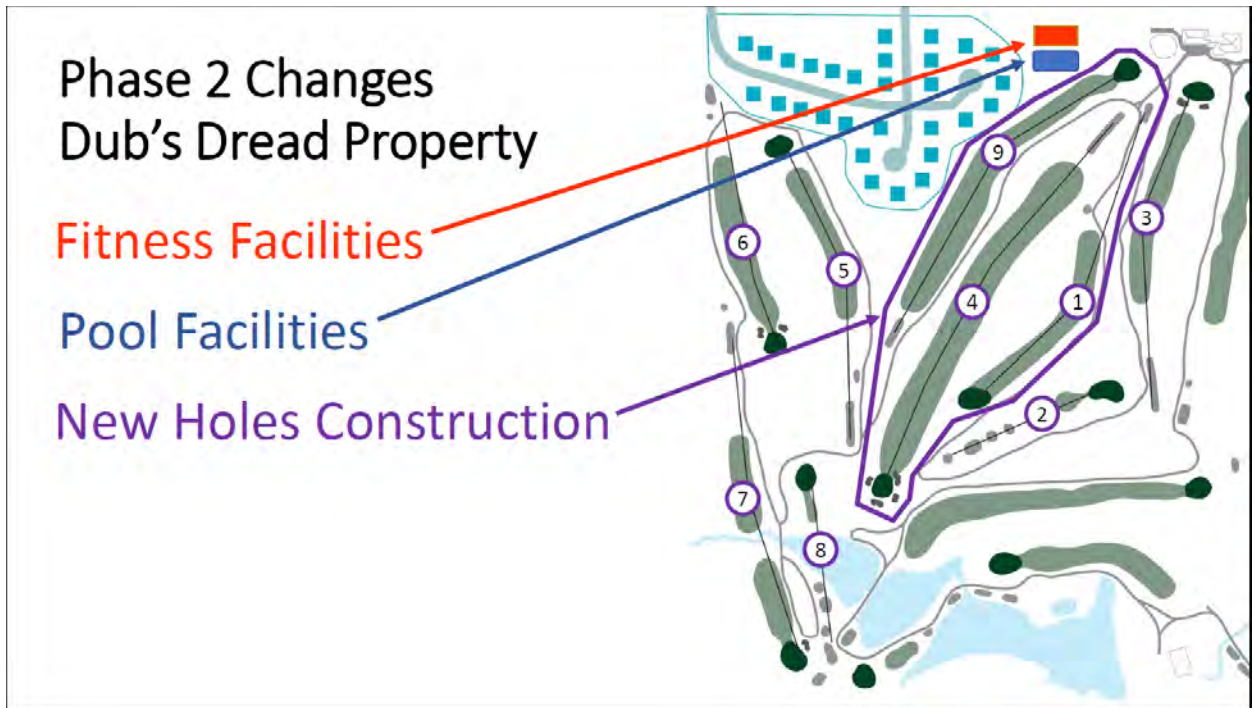


-
- A photograph of a modern, single-story house with a grey and white color scheme. The house features a large front porch with a central entrance and two large windows. The roof is dark grey, and the walls are a mix of grey and white. The house is set on a concrete driveway with a small tree in the foreground.



Villas at Canyon Farms & Falcon Lakes Golf Clubs





Neighborhood Meeting Minutes

COZ2022-053 and MPL2022-030 - 12601 HOLLINGSWORTH ROAD

Meeting held at 12601 Hollingsworth Road. Dubs Dread Golf Club.

Meeting was called to order at 3pm.

Presentation was jointly provided by Bryan Minnis and Adam Williams. See attached presentation.

Meeting adjourned at 4:45pm

Minutes were taken by Kailyn Minnis.

Meeting Questions:

- Michelle - Road, expand the street?
 - Answer: There is no plan to expand the street at this time.
- Nancy Zelgy – Traffic Study?
 - Answer: A traffic study has not been ordered at this time.
- Water Run off with phase one?
 - Answer: Erosion control, no debris.
- Increase of drainage? – the dam is not good. Storm run-off, flooding issues, how to control. Sanitary Sewer system issues?
 - Answer: Gravity fed – working with the county.
- Gary Wheathorn, President HOA: Phase 2 units location, entrances? Build out timeline?
 - Answer: Showed siteplan of entrances. Start to finish, 3 years start to end.
- Concern for the road way traffic, home values?
 - Answer: Minimal impact to traffic counts. Homes should increase in value with this development.
- Sara Miller – Villa or duplex, lesser value, rentals? Prefers single homes
 - Answer: We will not allow any short term rentals like VRBO or Air BNB.
- Seeking R2 zoning
- Kelly Ziegly – Piper Lakes – Run off into the lake, plan made public or shared with community.
- Kevin Virgus – Freeman farms – Assurances to prices of villas, phase 2 – s
 - Answer: Second entrance is provided. square footage 2300+ to guarantee value
- Ed Ridemyer '77 – Rural atmosphere, single family dwellings, subdivision rules, how many per acre, can sewer handle additional homes?

- Answer: Yes it can. The tax dollars towards school district.
- Karen – where does contraction traffic come, who maintains the road.
 - Answer: Construction traffic will use Hollingsworth road and the new road into the subdivision.
- President of August HOA – back 9 layout will change?
 - Answer: No
- Site plan be available – on county website -
 - Answer: We are sending it to them but not sure if they will post it.
- Terry Freeman farms – rentals – residential no vacation.
 - Answer: Agreed
- Dan – August – Run or rain control study
 - Answer: Engineers will study the storm water.
- Stone, stucco, siding, different materials, similar to surrounding areas, fencing?
 - Answer: Yes will be mixture of all those materials.
- Donna, restrictions, fencing are important, needs to be in the deed to be enforced.
 - Answer: Yes there will be covenants and restrictions on those items.
- What stops other empty land from putting in more multifamily homes
 - Answer: That is an application to the county and they will determine.
- Marry Durran – Freeman farms – Basements, walkouts, concern for rental and limitations, corporate rentals?
 - Answer: Yes there will be basements and walkouts. No short term rentals.
- Traffic on Hollingsworth –
- Maurice Ryan – Attorney / Judge, Annexation, traffic study before any project, no restrictions on different types of housing, silt fences, city water employees, engineers will have to approve before the plans, reach out to city to see the plans of water, 0 \$900 homes sold in this area, taxes in this area, plans go in front of county commissions. Go to city to enact no vrbo or short term rentals
 - Answer: Agreed
- February 13th 6PM, planning commission open to public
- Boundaries of the area
 - Answer: Used siteplan to show boundaries.
- Windows on properties, still have a real driving range
 - Answer: Yes
- Ron Miller – snow issues, not passable –
 - Answer: Acknowledged
- Financing –
 - Answer: Yes we have financing.
- What happens if phase one doesn't go well,
 - Answer: There is always that risk, we would have to do less
- Elevation issues, 10th fairway
 - Answer: Acknowledged
- Name for the community
 - Answer: Not yet determined
- Yardage on the holes -
 - Answer: Will not change dramatically.

AG

Dub's Dread Community Meeting Sign-In

1/29/2023

	Name	Address	Email/Phone
1	Kreckon Golubski	12411 Hollingsworth	golubskiana@yahoo
2	Diana Paul Bidnick	12429 Hollingsworth	diana.bidnick@yahoo
3	Bill Edwards	12525 Hollingsworth	wedwards1128@gmail.com
4	Jerry GodeLL	12410 meadow Ln.	Jerry_Godell@ATT.net
5	Barb Adam	4019 N 107th Terr	SJCE457@gmail.com
6	Randy Gruber	12730 Hubbard Rd	rgnuber02@gmail.com
7	Donna & John Stebbins	12321 Curquato Rd	jd.stebbins@gmail.com
8	Frank & Terri Bryant	12801 Hollingsworth	f.t.bryant1@gmail.com
9	Paul & Carol Gaster	5224 N. 130th	PP Gaster@gmail.com
10	Jonj Gradinaro	12507 Hollingsworth	913-634-5898
11	Wendell & Phyllis Smith	13021 Clover Drive	913-721-1411
12	NICHOLE CAPUSTAN	5200 N. 130th St	913 620 1757

Dub's Dread Community Meeting Sign-In

1/29/2023

	Name	Address	Email/Phone
13	Mary Durand	12740 Hubbard Rd	405-562-0802
14	Ted Evans	12740 Hubbard Rd	405-562-0815
15	Becky Noone	4220 N 129th St	913-219-9285
16	Paul Johnson	12350 Pinehurst Dr	913 952 1501
17	Danica Cervellon	12537 Prestwick Dr	913-787-7869
18	Brandon Buer	13015 Harvest Ln	
19	Chris Collins	12451 Augusta Dr	913-486-8502
20			
21			
22			
23			
24			

H-M

Dub's Dread Community Meeting Sign-In

1/29/2023

Name	Address	Email/Phone
37 Michael F. Harker	12538 Prestwick Dr	913-708-4387
38 John P. Holt	12421 Hollingsworth	
39 E McFadden	12439 Hollingsworth Rd	notaddressed@yahoo.com
40 Wayne Semuels	12468 Augusta Dr.	913-721-2162
41 Karen & Jaime Hummer	12535 Hollingsworth	913 575-0038 Khummer 701@gmail.com
42 Jason Noe	3934 N123RD TERR	913.515.2698 jason.noeth@gmail.com
43 Rick Kempf	12743 HUBBARD RD	rkempf66@gmail.com
44 David Knetter	13301 Hollingsworth	djknetter@gmail.com
45 Matt Knetter	13301 Hollingsworth	
46 Zach McIner	11928 Hollingsworth	Zach McIner 72@gmail.com
47 Kathy Knetter	12039 Hollingsworth Rd	
48 Todd Vetter	12534 Augusta Dr.	voes88bar@yahoo.com 913-428-1697

Dub's Dread Community Meeting Sign-In

1/29/2023

	Name	Address	Email/Phone
49	CHAS MEDROW	12716 HUBBARD RD. KC, KS 66109	C.medrow@attmail.com
50	Grant Lockhouse	12347 Clubhouse Dr.	J.lockhouse6@attmail.com
51	Michelle Benford	13031 Harvest Lane	913.963.9808 Mbenford@attmail.com
52	Chari Kvetter	13111 Hollingsworth Rd	ca.kvetter@gmail.com
53	Sam Hayes	4206 N 124th St.	m2bhaies@gmail.com
54	DANIEL HOCKEY	12453 PINE VALLEY RD	m4hockey@yahoo.com
55	TEPRY MAST	4901 N. 130TH ST.	tmast87@comcast.net
56	Carl Kistler	12456 Augusta Dr.	ckistler26@yahoo.com
57	Daniel Kvetter	12552 Avenida Dr	ckvetter1972@attmail.com
58	Kelly Ziegler	KellyZigs@gmail.com	4816 N. 126th St.
59			
60			

N-S

1/29/2023

Dub's Dread Community Meeting Sign-In

	Name	Address	Email/Phone
73	Andy Sauer	4407 N 112th	913-626-4844
74	Ed + Susan Reitemeyer	4745 N. 123 St.	ERITEME@SNE.NE
75	JERALD A SMIT	13030 HARVEST LN	913-701-2102
76	MURICE RYAN	4215 N. 127th	913-991-8994
77	STEVEN SPEARS	12568 AUGUSTA DR	913 205 9482
78	Deborah Steinhilber	12554 Prestwick Lane	(913) 721-0277
79	JENN PORTER	4924 N. 131st Dr.	913-244-8736
80	FRANK JOSEPH	14447 Houghton	913 721-3468
81	Angela Reine	12532 Augusta Dr.	913 972 6042
82	FRANK JOSEPH	12548 Prestwick Ln	(913) 645-1398
83	LOUISE MURPHY	2835 MURPHY	913-579-1079
84	Robert Serra	4219 N. 130th St	913-897-3655

Dub's Dread Community Meeting Sign-In

1/29/2023

Name	Address	Email/Phone
85 Marla Serra	4819 N. 138th St.	913-558-5386
86 Randy Sestrich	12351 Merion Dr	913-908-7711
87 Genie Shumir	12507 Preswick Lane KCK	785-714-1645
88 Ken + Sara Miller	4814 N. 130th	913-226-1198
89 Fernando + David Whimer	12808 Hollingsworth Rd	816-520-7465
90 VALEEN FULW	12524 Augusta Dr.	316 217-3046
91 Gary Wiesther	5030 N 150th St. KCK 66109	6 Wiesther@gmail.com 502-917-6573
92		
93		
94		
95		
96		

T-Z

Dub's Dread Community Meeting Sign-In

1/29/2023

	Name	Address	Email/Phone
97	Glen Taylor	12430 Meadow Lane Rd	mrglenntaylor7@gmail.com 913-634-8610
98	Nancy Ziecke	12421 Hollingsworth Rd	nziecke@alvarezandmarsal.com 913-6245
99	Mike Young	13011 Clover Da	wesley@pwworth.com 913-684-2540
100	Mike Perez	12601 Dulak Hollow Dr	913-921-2148
101	John Warner	12730 Hollingsworth Rd	warnersm76@gmail.com 913-775-2731
102	Mike Young	5217 N. 123rd	MIKE YOUNG 59@hotmail.com
103	Brody Young	4200 N. 110th Terrace	brodyyoung90@hotmail.com
104	Zoe Young	11200 Relfer Rd	Zyoung8@hotmail.com
105	Kevin Burgess	12816 Hollingsworth	burgess-kevin@hotmail.com 913-226-2968
106	Joe Burgess	4233 N. 127	913-634-7193
107			
108			

T-2

Dub's Dread Community Meeting Sign-In

1/29/2023

Name	Address	Email/Phone
109 Stan Wike	6109 W 131 st	913-669-0445
110 Clara Renee	12532 Augusta Drive	816-728-7111
111 GREEN WYDE	5213 N. 130 th Ten	913-240-4640
112 Cokko Lycke	12412 Meadow Lane	630-404-5234
113 Vinod Streeker	4811 N. 130 th St	cms-tref72@gmail.com 913-221-2876
114 Mary Ann Endler	5034 N 131 st	913-683-0013 RBOG@ENCIFI.COM
115 Robert Sara Miller	4814 N 130 th St RCK	913-226-1198 saramiller@midco.net ronmiller@midco.net
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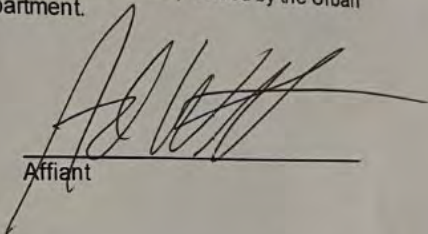
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF DOUGLAS) SS:

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

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

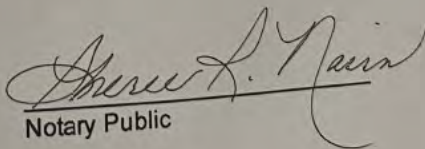
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of January, 2002.

My commission expires 23rd of March, 2005.

Sheree R. Nairn
Notary Public
My Appt. Exp. 3-23-25
State of Kansas


Notary Public





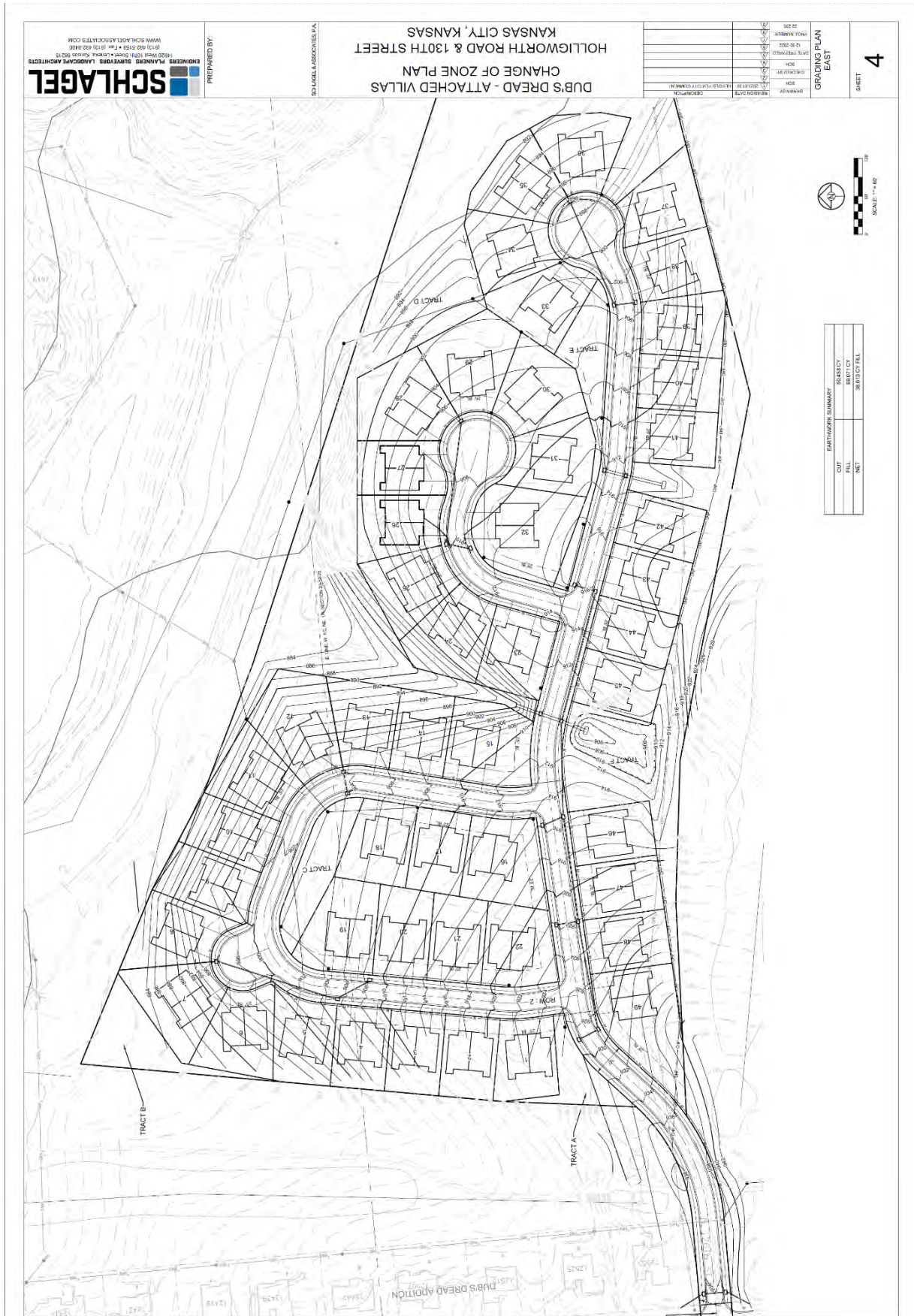










Figure 4. Site photograph looking south on North 126th Street (provided by Planning Staff).



Figure 5. Site photograph looking west from 12601 Hollingsworth Road (provided by Planning Staff).



Figure 6. Site photograph looking southeast from Hollingsworth Road (provided by Planning Staff).



Figure 7. Site photograph looking south from Hollingsworth (provided by Planning Staff).



Figure 8. Site photograph looking east from Hollingsworth Road (provided by Planning Staff).

Toy, Byron

From: Frank Bryant <f.t.bryant1@gmail.com>
Sent: Thursday, March 02, 2023 9:04 AM
To: Toy, Byron
Cc: Parker, Janet
Subject: Fwd: Rezoning Petition COZ2022-053

Some people who received this message don't often get email from f.t.bryant1@gmail.com. [Learn why this is important](#)

Byron,

I believe you were forwarded my earlier email expressing support for COZ2022-053 on the basis of making the community a most desirable location in KC to live. I hope that you will consider that when assessing the rezoning request. I also wanted to give you my opinion of the potential risk if this rezoning is denied.

At the meeting last month where Maxim Golf Solutions presented their plan, a representative of golf course ownership was also present. They made the point that a decision has been made to sell the property. If this deal falls through, they will pursue another purchaser. That's where my concern grows.

Maxim Golf Solutions has presented a compelling vision for the golf course future with neighborhood amenities. If there is a second, third or greater plan for Dub's, it is highly unlikely to be as compelling. In fact, if history of other "for sale" courses in the KC area tell us anything they tell us there are disastrous worse case scenarios. One course in Independence converted to a solar farm, and then there is the disturbing story of Deer Creek in Overland Park which is now a weed patch.

My desire is that Dub's Dread remain a financially viable golf course in the Piper community. I believe the Maxim Golf Solutions plan is the most likely to make that a reality. I hope you will consider this when making your recommendation to the Planning Commission. Thanks you,

Frank Bryant
12801 Hollingsworth Rd.

Begin forwarded message:

From: PlanningInfo <Planninginfo@wycokck.org>
Subject: RE: Rezoning Petition COZ2022-053
Date: February 9, 2023 at 3:47:15 PM CST
To: Frank Bryant <f.t.bryant1@gmail.com>
Cc: "Parker, Janet" <jparker@wycokck.org>

This application has been held over to the March 13, 2023, meeting. I have forwarded your email to Byron Toy, who is the Planner on this case, and he will include in the staff report next month.

Janet

Janet L. Parker, CSC/APC

Executive Assistant to Gunnar Hand, AICP

913.573.5758

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-Urban-Design-Feedback-Form)

From: Frank Bryant <f.t.bryant1@gmail.com>

Sent: Sunday, February 5, 2023 3:56 PM

To: PlanningInfo <Planninginfo@wycokck.org>

Subject: Rezoning Petition COZ2022-053

You don't often get email from f.t.bryant1@gmail.com. [Learn why this is important](#)

To: Kansas City Planning Commission staff

From: Frank and Terri Bryant

12801 Hollingsworth Rd.

913-909-4671

I want to identify myself as the homeowner most impacted by the rezoning petition COZ2022-053 project which would allow luxury villas to be built on the Dubs Dread golf course. My home currently adjoins the first hole at 12801 Hollingsworth Rd, but is best described as within the "horseshoe" of phase two villa construction. My initial reaction to the plan was anger, believing the plan would effectively move the golf course away from my property and negatively impact my home's value.

After some reflection over the material presented last Sunday at the clubhouse by Bryan Minnis of Maxim Golf Solutions, my view has changed. I can now see how my property sitting near the amenities planned for the project would likely enhance the value of my home by making it more desirable to potential home buyers. I believe the same home value appreciation would also apply to nearby neighborhoods. I remain concerned by a potential for increased traffic and issues with storm water drainage, but believe these are responsibilities that must be addressed by the Unified Government and not solely by the developer. For these reasons, I am now completely in support of the rezoning request and the planned villa project.

My hope is that a majority of the Piper community would also see the benefits of the nearby amenities. This project is exactly what the neighborhood needs to become one of the most desirable locations to live in the entire Kansas City area.

Frank & Terri Bryant

Sent from an iPad

Toy, Byron

From: Hand, Gunnar
Sent: Thursday, February 09, 2023 3:53 PM
To: Toy, Byron; Parker, Janet
Subject: FW: Dubs Dread

I guess also add this to our comment letters for this project?

Gunnar Hand, AICP

Director of Planning + Urban Design

913.573.5750

ghand@wycokck.org



Department of Planning + Urban Design

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From: Jerry Godell <jerry_godell@att.net>
Sent: Thursday, February 9, 2023 3:16 PM
To: Hand, Gunnar <ghand@wycokck.org>
Subject: Dubs Dread

You don't often get email from jerry_godell@att.net. [Learn why this is important](#)

Director Hand I am A long time resident of Piper Lake. The 4th home owner 2005. I have worked with Rob Richardson many times on past problems going back many years. Before we moved to piper lake. Known than as Canaan Lake. You will get an email from Kelly Zeigler our HOA Director. She is very good at keeping us in order. A lot of this information came from me.

Two years ago we had a new resident move in. His name is Glenn Reeves. He is the Director of Wolf Creek Nuclear Generation Station in Burlington Kansas. He thought he was retiring. He was shutting it down It He thought.. It was reaching it's 40 years lifespan. The government extended it for 40 more years. All new upgrades. Completely different. Extremely Safe. The cooling towers for cooling the super heated steam. The towers are backup now. The steam and water is now cooled by Hydrogen.

Glenn Reeves is a Electrical Engineer. He and his wife Karen are part time resident's.

He lives on the lake directly across from the culvert that drains the pond from Dubs Dread. He said that it's a major concern. The water in the pond is approximately 8 inches deep. He did not measure it. It is stagnant. Lily Pads, Grass, Weeds, ect. The Culvert was installed 180 degrees backwards. All the debris, lily pads, trash comes directly into the lake. Also the algae blooms. If the culvert was installed properly they would go left and right and stay in the pond, Glenn said he does not have a degree in Hydraulics and would not be comfortable stating these facts. Last summer the smell was so bad no one was boating or fishing. Mr. Reeves said the pond needs to be dredged to 3 or 4 feet. I have lived here 17 years. Never been dredged. The neighbors that live to the West of the pond At the meeting said "will you dredge the Pond". "No we won't".

Dan Trehey and I. Probable 10 years ago we saw a person walking on the culvert. Dan asked him who he was and what are you doing. I am an engineer. This is put in backwards. ???

1

Mr. Hand I will be at the meeting. Can you put up picture of the Lake on the screen.

Glenn has a Computer Screen that is enormous. He used Google Maps and Google Earth and showed us the elevations of Piper Area 2. Every thing from 7 highway to 123 rd. to Hollingsworth drains in to the pond. he can also run the Power Plant from his computer. He showed a pond. Approximately same size. 4 foot deep, 1 acturater pump, 8 aerators. That's what the pond needs.
The pond needs to be dredged even if this Dubs Dread thing fails.

Jerry Godell
913-558-5562
Jerry_godell@att.net

If you email me give me your phone number so I can put it my contacts

Toy, Byron

From: Hand, Gunnar
Sent: Wednesday, March 01, 2023 10:29 AM
To: Kelly Dobyns Ziegler
Cc: Wiles, Jonathan; Piper Lakes HOA; Kane, Mike; Toy, Byron; Parker, Janet
Subject: RE: 3.13.2023 Planning & Zoning Meeting Agenda Item Concerns

+Byron Toy, the lead planner for this proposed case

Ms. Ziegler et. al.,

Thank you for your input. We will add it to the case file and update our staff report accordingly. If you have any additional questions, please let me know. Thank you for your time and efforts,

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

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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/FeedbackForm)

From: Kelly Dobyns Ziegler <kellyzigs@gmail.com>
Sent: Wednesday, March 1, 2023 9:32 AM
To: Hand, Gunnar <ghand@wycokck.org>
Cc: Wiles, Jonathan <jwiles@wycokck.org>; Piper Lakes HOA <piperlakeshoa@gmail.com>; Kane, Mike <mkane@wycokck.org>
Subject: 3.13.2023 Planning & Zoning Meeting Agenda Item Concerns

Good Day, Mr. Hand and Planning Staff,

We hope this communication finds you and your team doing well.

As the Board of Directors for the Canaan (Piper) Lakes Home Owners' Association, we wish to express our serious concerns and objections to the requested amendment to the Prairie Delaware Master Plan and Change of Zone Petition proposed for the Dubs Dread Golf Course.

Prairie Delaware Master Plan: Revision to the PDMP should not be granted. The density of this proposed project appears to exceed the Master Plan. We contend the construction of duplexes in this proposed project is inappropriate and violates the Master Plan. In our subdivision, we have

experienced successful construction and sales of single-family owner-occupied Villa units and believe that there are acceptable alternatives to duplexes. We do not believe that duplex units are appropriate for the area.

Increased Traffic on Hollingsworth Road: The proposed development including a new intersection will result in increasingly dangerous traffic conditions. Without major road improvements on Hollingsworth Rd running from Dub's Dread west to K-7, similar to the recent improvements made on Donahoo Rd running west to K-7, this proposal should not be approved.

Environmental impacts of the Proposal on Piper Lake. As a matter of record, our HOA owns Piper Lake and is responsible for the maintenance of the dam and lake. We are very concerned about the potential environmental impacts of this proposed project on Piper Lake. Concerns range from the impact on water quality and algae runoff from waters south of Hollingsworth, the potential increased runoff from new hard surfaces such as roadways and rooftops creating potential flooding and damage to Piper Lake dam.

For these concerns expressed above we urge the proposed revision of the Prairie Delaware Master Plan not be approved and the Zoning Petition be denied.

Thank you for the opportunity to address this proposal and thank you for your consideration in this matter.

Piper Lake HOA
Board of Directors

Contact: Kelly Ziegler, Executive Board Member at [913.209.9967](tel:913.209.9967) with questions.



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: March 30, 2023

Re: **Change of Zone Petition COZ2023-002 and
Master Plan Amendment MPL2023-003**

GENERAL INFORMATION

Applicant:

Gabe Fritz

Status of Applicant:

Representative
Winterwood LLC
1390 Olivia Lane
Lexington, Kentucky 40511

Requested Actions:

Approval of a Change of Zone and
Master Plan Amendment.

Date of Application:

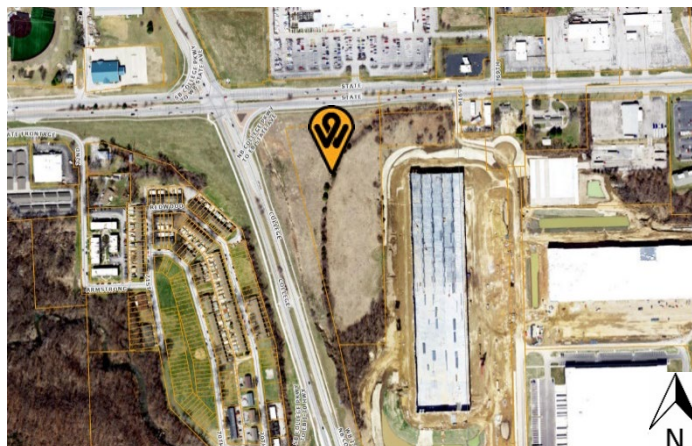
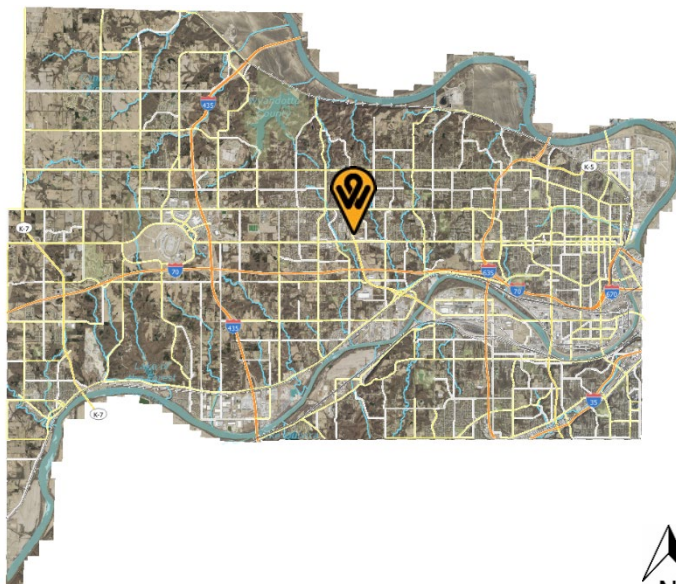
January 27, 2023

Purpose:

To Change the Zoning District from
Unzoned to RP-5 Apartment District
and Master Plan Amendment from
no designation to High-Density
Residential to construct the
Winterwood Multi-Family
Development.

Property Location:

6909 State Avenue
Kansas City, Kansas 66102



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #8 Commissioner: Andrew Davis		
Existing Zoning:	None (Unzoned)		
Adjacent Zoning:	North:	CP-2 Planned General Business District (across State Avenue)	
	South:	MP-2 Planned General Industrial District	
	East:	MP-2 Planned General Industrial District	
	West:	RP-5 Planned Apartment District (across College Parkway)	
Adjacent Uses:	North:	Lowe’s Home Improvement Store (across State Avenue)	
	South:	Turner Logistics Center	
	East:	Turner Logistics Center	
	West:	Garden-style apartments (across College Parkway)	
Total Tract Size:	10.05 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates the property as mixed-use, which allows for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential. The applicant is proposing to amend the Master Plan to designate the subject property as High-Density Residential, which allows mid-rise and high-rise residential developments.		
Major Street Plan:	The Major Street Plan designates College Parkway and State Avenue as Class A Thoroughfares.		
Parking Requirement:	The applicant is proposing to change the zoning to RP-5 Planned Apartment District. Section 27-460 states “One and one-half parking spaces shall be provided for each dwelling unit that has one bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two bedrooms or more. The applicant is proposing 60 one (1) bedroom apartments, 36 two (2) bedroom apartments, and 96 three (3) bedroom apartments, which requires 354 spaces, 8 of which shall be ADA compliant. The proposed plan provides 366 parking spaces, 12 of which are ADA compliant.		

Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023
Public Hearings:	March 13, 2023 and March 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Gabe Fritz, is requesting a Change of Zone from No Zone to RP-5 Apartment District and a Master Plan Amendment from no designation to High-Density Residential to construct the Winterwood multi-family development at 6909 State Avenue. The development will consist of 8 four (4) story buildings totaling 192 total units.

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

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 or outstanding permits and cases on the subject property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is located within the Coronado Statistical Neighborhood and the Turner Community Connection neighborhood group. The neighborhood consists of a diversity of uses, including single-family residences, multi-family garden style apartments, small-scale retail, large-scale big box retail, and industrial warehouses. The property is located along State Avenue, a mixed-use corridor that runs west into Leavenworth County and east into Downtown KCK, as well as College Parkway, which runs north to Leavenworth Road and south into the Turner Neighborhood.

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 may have compatibility issues with the adjacent big box retail store to the north and the industrial warehouse to the east, as both uses may create issues with noise, traffic, and illumination, however, the proposed use is compatible with the multi-family residences and Kansas City, Kansas Community College to the north and west.

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

The property is currently unzoned. The applicant is requesting a Change of Zone to RP-5 Planned Apartment District, which would make the property suitable for the proposed use of a garden-style multi-family development. The removal of restrictions will not affect nearby property.

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

The property has been vacant since its creation. The property was previously public right-of-way for the Kansas Department of Transportation (KDOT).

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, as it provides multiple housing unit types (between one, two, and three bedrooms) and is within walking distance of the employment hub of Turner Logistics Center, and the educational hub of Kansas City, Kansas Community College. The property is also located along the #101 State Avenue bus line, a major bus line within the KCATA system. The proposed use will not injure the use, quality, or marketability of nearby property, and has the potential to increase the marketability and use, as it proposes housing near several major hubs within Kansas City, Kansas.

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

The proposed use will inherently create an increase in traffic and parking demand, as it proposes to add 192 permanent housing units to the location. The proposed use, however, will not increase traffic to the point where it exceeds the capacity of State Avenue and College Parkway, both Class A Throughfares. The property also provides adequate parking, exceeding the code requirement of Section 27-460.

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

The City-Wide Master Plan designates the property as mixed-use, which allows for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential. The applicant is requesting a Master Plan Amendment to High-Density Residential, which allows mid-rise and high-rise residential developments. If granted the Master Plan Amendment, the proposed use will conform to the City-Wide Master Plan.

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

The proposed use has the potential to harm the environment, as it will increase the amount of impervious surface on the site, thus creating additional run-off. If managed properly, however, this is not expected to be an issue.

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*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #2, which is one (1) mile from the subject property.

f. *Transit*

Transit service is provided by KCATA routes #101 – State Avenue and #106 – Quindaro/Amazon, with a stop at 69th and State Avenue, directly east of the subject property. The property is also served by KCATA route #199 – KCK Microtransit, which provides door to door demand response service.

g. Schools

Public Education is provided by Turner Elementary School, Turner Middle School, and Turner High School under Turner USD 202.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between one, two and three bedrooms) within the complex will promote a diverse population to make use of the nearby employment center, shopping, 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.

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, however, if this application is denied, the owners will still have to file for a change of zone to be able to develop the property in any form.

Master Plan Amendment

1. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable.

The subject property did not exist when the City-Wide Master Plan was created, as it was formerly KDOT right-of-way. Since the development of the plan, the right-of-way was vacated and the subject property was created and assigned the adjacent designation of Mixed-Use, which has since been redesignated to develop the Turner Logistics Center.

2. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.

This portion of State Avenue and College Parkway features a diverse range of uses, including single-family residences, multi-family garden style apartments, small-scale retail, large-scale big box retail, and industrial warehouses. The property is located along State Avenue, a mixed-use corridor that runs west into Leavenworth County and east into Downtown KCK. The proposed Master Plan Amendment is consistent with the goals of the Master Plan as to provide more dense housing along State Avenue, much of which has been designated for mixed-use development.

3. **The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.**

See Change of Zone factor #9 above.

4. **Whether the proposed amendment would result in comprehensive plan or regulatory conflicts.**

The proposed amendment would not result in a conflict with the Master Plan, as the plan intends to provide housing density along State Avenue. The amendment will also not create regulatory conflicts, as the property is seeking a Change of Zone to RP-5 Planned Apartment District with the Master Plan Amendment.

5. ***Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses or creating inconsistencies with applicable future land use map patterns.***

The proposed amendment will allow for the property to be developed according to the Master Plan's Multi-Family Design Guidelines, which will limit the impact on existing and surrounding uses.

6. ***The impacts of the potential costs and benefits derived by the community or area by the proposed change.***

The proposed use will create more benefits for the community as compared to the costs on the community. This proposal seeks to construct 142 apartment units of varying unit types (including one, two, and three bedroom units) in a commercial and institutional node, with Kansas City, Kansas Community College and Turner Logistics Center located adjacent to the subject property.

PREVIOUS ACTIONS

There have been no previous Planning actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 23, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Materials
Landscaping and Buffering
Landscaping and Open Space
Multi-Family Design Guidelines
Retention Pond
Site Access from State Avenue
Site Circulation
Site Layout
Stormwater Detention and Design
Traffic Calming

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-002**, and Master Plan Amendment **MPL2023-003**, subject to:

1. The applicant is seeking a deviation from the Multi-Family Design Guidelines requirement to orient buildings towards the roadway.
 - a. The City Planning Commission did not grant this deviation, therefore the following conditions shall apply:
 - i. The Final Site Development Plan shall demonstrate the positions of Building #2 and the adjacent parking lot to the South being swapped, to where Building #2 fronts State Avenue; and,
 - ii. Applicant shall provide either a six (6) foot tall opaque fence or additional, enhanced landscape screening along the eastern property line in their final site development plan.
2. Downspouts will be painted to architecturally blend into the building and/or recessed into the corners of buildings as to not be in plain view of the public.
3. Additional crosswalk markings and signage shall be added to the site plan prior to the Final Site Development Plan;
4. Bike racks should be provided throughout the site to allow for bike storage. The applicant shall demonstrate this on the Final Site Development Plan;
5. The siding shall not consist of batten board. The lap siding shall be installed horizontally and should be of a cementitious material;
6. 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. The site is 10.04 acres, which requires 97 trees, exclusive of the street trees and parking lot island trees requirements;
7. Sec. 27-577(b)(3) Street trees are required to be provided for every thirty (30) feet of street easement or frontage. As part of the future Final Development Plan the landscape plan shall reflect this requirement along State Avenue and College Parkway;

8. 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;
9. All landscaping shall be irrigated;
10. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. A 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;
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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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;

- 17. 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;**
- 18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;**
- 19. 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;**

20. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
21. 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 by right or by Special Use Permit under the new zoning district, 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,
22. 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 concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-002** and **MPL2023-003** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
BPU Transformer Screening Requirements
Multi-Family Design Guidelines
Site Plan
Landscape Plan
Elevations – Building Type A
Elevations – Building Type B

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	March 13, 2023	March 30, 2023
Rezoning	Approval	
Master Plan	March 13, 2023	March 30, 2023
	Approval	

STAFF CONTACT: **James Molloy**
 jlmolloy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-003** 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 **MPL2023-003**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-002** 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 **COZ2023-002**, 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.

March 13, 2023 City Planning Commission Minutes:

Planning Commissioner Connelly left the meeting at 10:15 p.m.

Hearing starts at 4:17:40:

CHANGE OF ZONE APPLICATION COZ2023-002 – ANDREW GRIBBLE/KIMLEY HORN & ASSOCIATES - SYNOPSIS: Change of Zone from No Zoning to RP-5 Planned Apartment District for a proposed multi-family apartment development at 6909 State Avenue.

MASTER PLAN AMENDMENT MPL2023-003 – ANDREW GIBBLE/KIMLEY HORN & ASSOCIATES – SYNOPSIS: Master Plan Amendment from No Designation to High-Density Residential (City-Wide Master Plan) for a proposed multi-family apartment development at 6909 State Avenue.

Detailed Outline of Requested Action: The applicant, Gabe Fritz, is requesting a Change of Zone from No Zone to RP-5 Apartment District and a Master Plan Amendment from no designation to High-Density Residential to construct the Winterwood multi-family development at 6909 State Avenue. The development will consist of 8 four (4) story buildings totaling 192 total units.

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 March 13, 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:

- Curt Petersen, attorney representing the applicant and Winterwood LLC, the developer, 800 West 48th Street, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:35:25: Planning Director Hand stated that the request is for an apartment development. The property is in the City-Wide Master Plan in the Mid-Town area. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval of the project but denial of the requested deviations. He stated that Staff would accept the deviation regarding the downspouts in Condition #2. Staff feels that it is important to follow the Multi-Family Guidelines. If there are issues with traffic there are other alternatives such as traffic calming, drive aisle, etc.

The Planning Commission directed questions to Staff.

Motion starts at 4:42:40:

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of MPL2023-003:**

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

Motion to recommend **APPROVAL** Passed: 6 to 0
Subject to:

1. **The applicant is seeking a deviation from the Multi-Family Design Guidelines requirement to orient buildings towards the roadway.**
 - a. **The City Planning Commission did not grant this deviation, therefore the following conditions shall apply:**
 - i. **The Final Site Development Plan shall demonstrate the positions of Building #2 and the adjacent parking lot to the South being swapped, to where Building #2 fronts State Avenue; and,**
 - ii. **Applicant shall provide either a six (6) foot tall opaque fence or additional, enhanced landscape screening along the eastern property line in their final site development plan.**
2. **Downspouts will be painted to architecturally blend into the building and/or recessed into the corners of buildings as to not be in plain view of the public.**
3. **Additional crosswalk markings and signage shall be added to the site plan prior to the Final Site Development Plan;**

4. **Bike racks should be provided throughout the site to allow for bike storage. The applicant shall demonstrate this on the Final Site Development Plan;**
5. **The siding shall not consist of batten board. The lap siding shall be installed horizontally and should be of a cementitious material;**
6. **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. The site is 10.04 acres, which requires 97 trees, exclusive of the street trees and parking lot island trees requirements;**
7. **Sec. 27-577(b)(3) Street trees are required to be provided for every thirty (30) feet of street easement or frontage. As part of the future Final Development Plan the landscape plan shall reflect this requirement along State Avenue and College Parkway;**
8. **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;**
9. **All landscaping shall be irrigated;**
10. **BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;**
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. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
13. **A 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;

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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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;
17. 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;
18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
19. 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;

- 20. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
- 21. 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 by right or by Special Use Permit under the new zoning district, 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,
- 22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

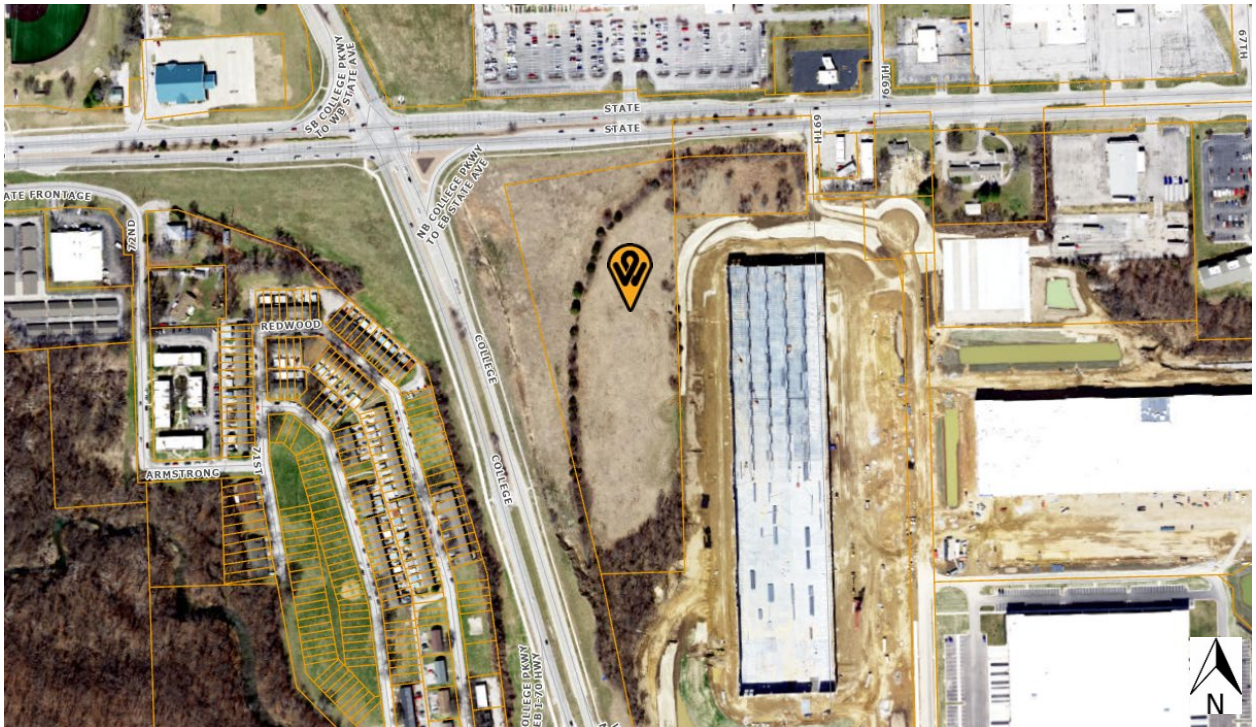
On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-002:**

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

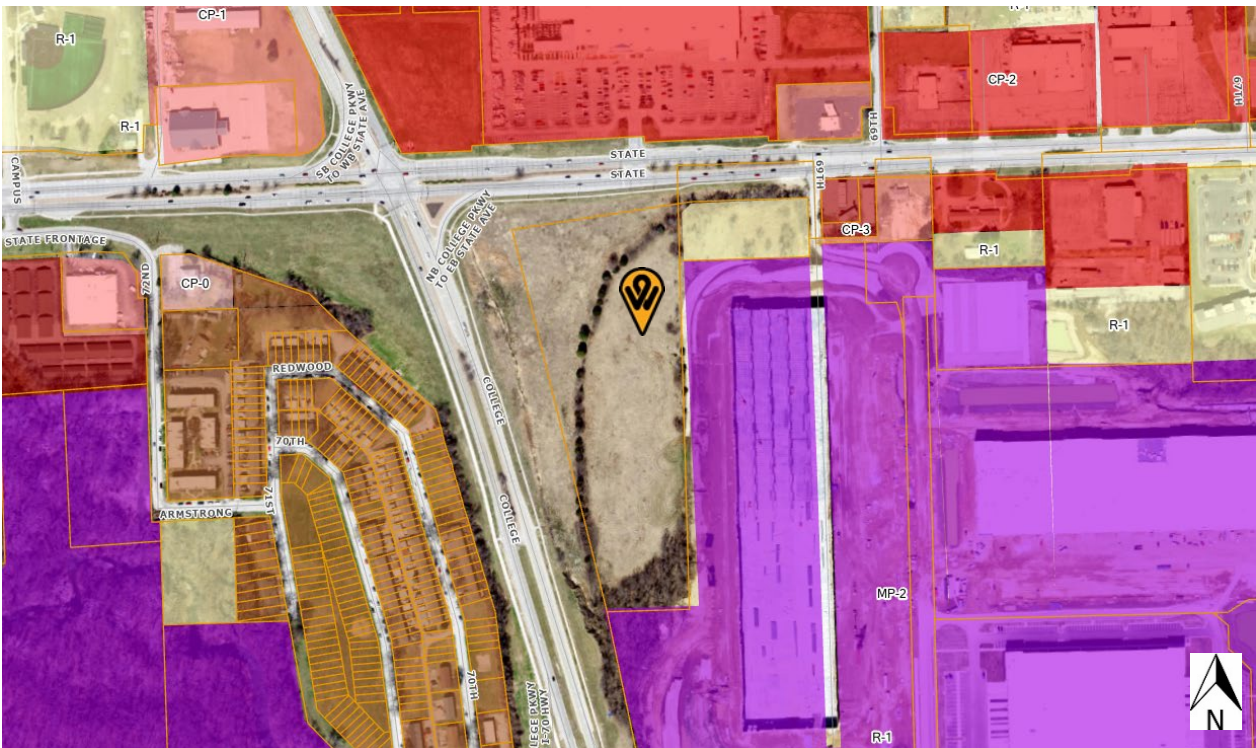
Motion to recommend **APPROVAL** Passed: 6 to 0
Subject to the above conditions.

ATTACHMENTS

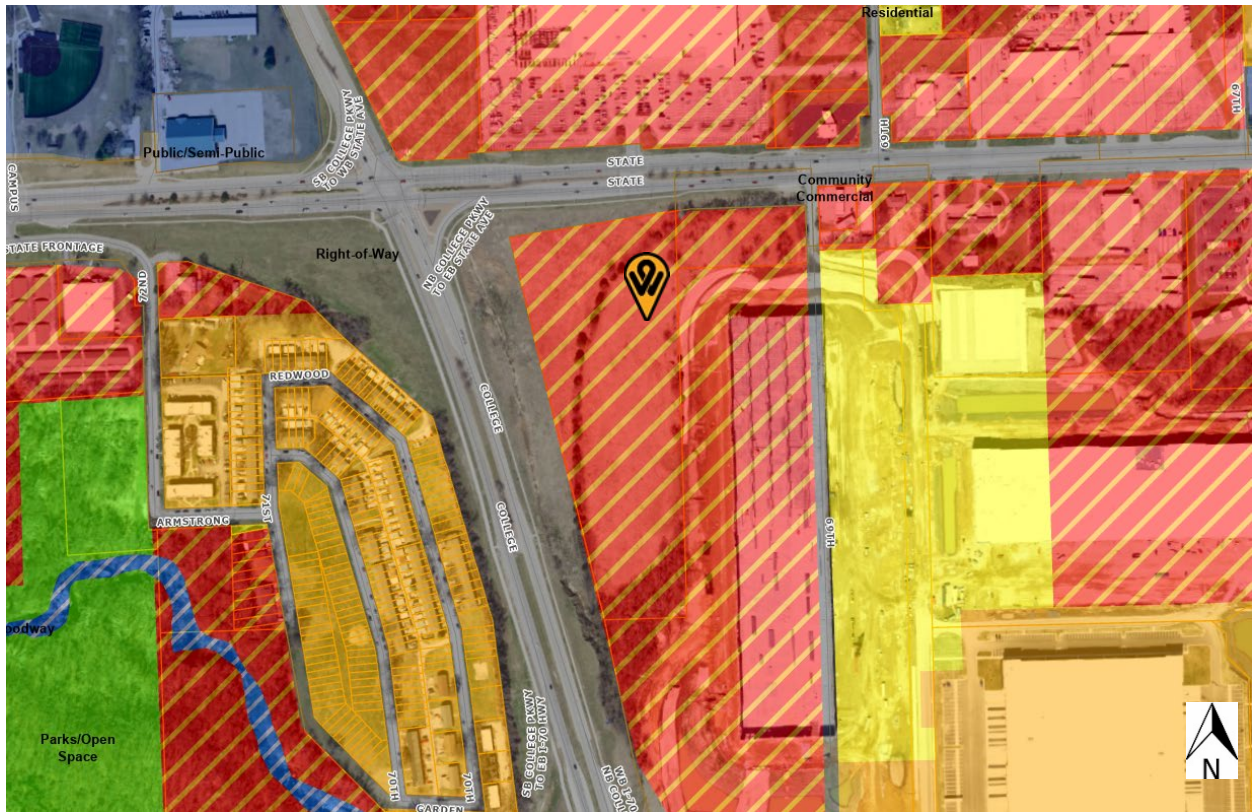
AERIAL IMAGERY



ZONING MAP



LAND USE MAP – CITY-WIDE MASTER PLAN



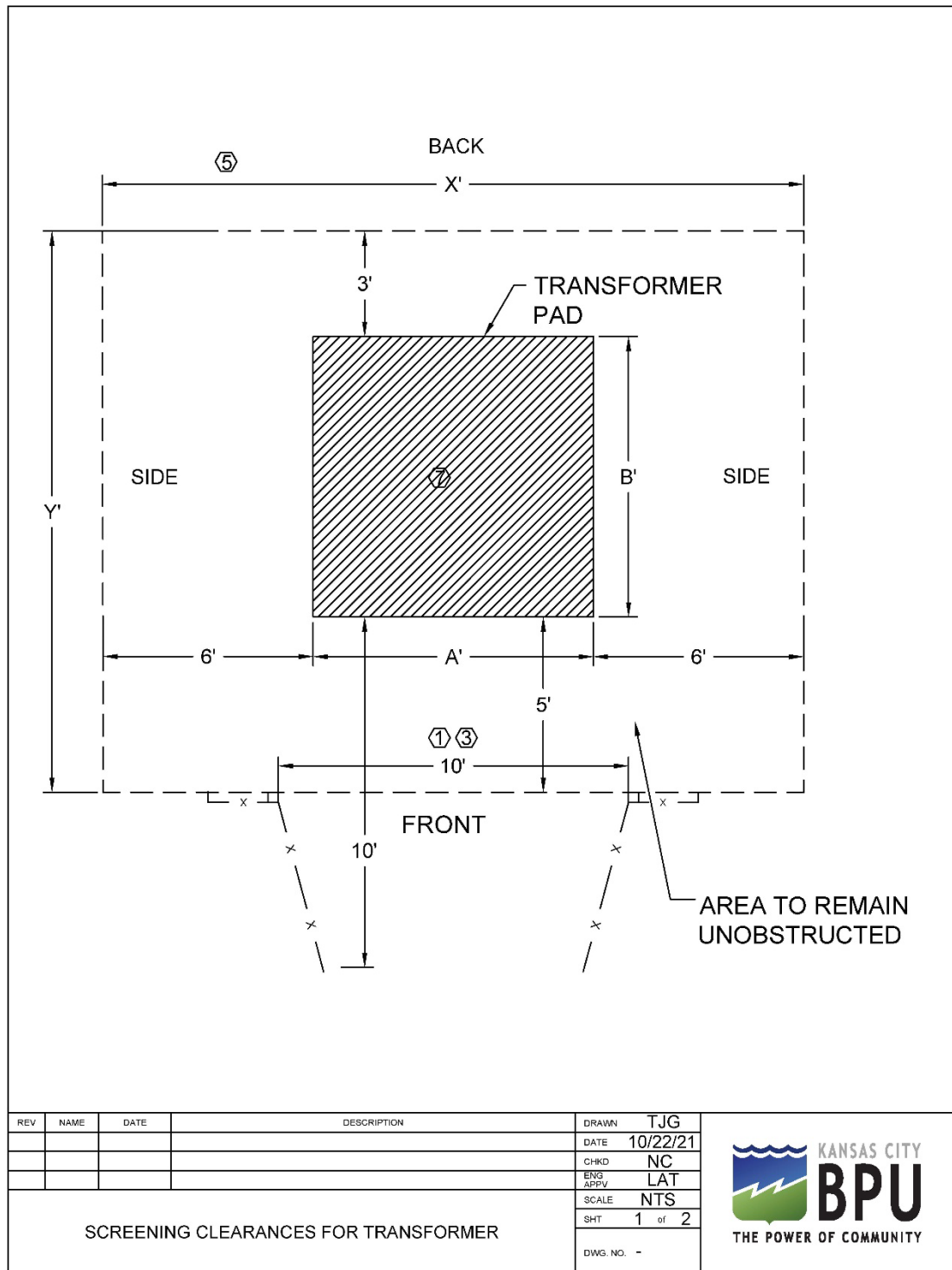


TABLE 1: DIMENSION REQUIREMENTS FOR TRANSFORMER

	"X"	"Y"	"A"	"B"
3 PHASE 75 TO 500KVA TRANSFORMERS	18' - 8"	13' - 6"	6' - 8"	5' - 6"
3 PHASE 750 TO 2500KVA TRANSFORMERS	20' - 0"	16' - 0"	8' - 0"	8' - 0"

***FOR SCREENING USING EVERGREEN TREE, SEE NOTES 5 AND 6

NOTES

1. GATE DOORS ARE REQUIRED FOR ALL TYPES OF SCREENING THAT ARE PLACED IN FRONT OF THE TRANSFORMERS.
2. FENCES SHALL BE INSTALLED 2' OFF THE GROUND AND HAVE ADEQUATE CLEARANCE TO OPEN GATE DOORS AT 180° AND HAVE 10' CLEARANCE FROM PAD WHEN GATE DOORS OPEN.
3. POSTS FOR GATE DOORS MUST BE INSTALLED A MINIMUM DISTANCE OF 10' APART IN THE FRONT.
4. FOR SLAT FENCES, CUSTOMER SHALL INSTALL A MINIMUM 4" SLATS AND HAVE 4" OF SPACE BETWEEN EACH SLAT.
5. 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
6. FOR EVERGREEN TREES, CUSTOMER SHALL PLANT EACH TREE SO THAT THERE IS 2' OR MORE OF SPACE FROM EDGE TO EDGE BETWEEN EACH TREE AT MATURITY. (E.G. BLUE ARROW JUNIPER GROWS UP TO 2' WIDE, SO THERE SHALL BE 4' OF SPACING BETWEEN EACH TREE TAKING ACCOUNT THE GROWTH OF SAPLINGS)
7. PAD MUST HAVE A MINIMUM CLEARANCE OF 6' ON EACH SIDE, 3' ON THE BACK, AND 5' ON THE FRONT ALLOWING FOR 10' ON THE FRONT WHEN GATE DOORS OPEN.

REV	NAME	DATE	DESCRIPTION	DRAWN	TJG
				DATE	10/22/21
				CHKD	NC
				ENG	LAT
				SCALE	NTS
				SHT	2 of 2
SCREENING CLEARANCES FOR TRANSFORMER NOTES				DWG. NO.	-
				 KANSAS CITY BPU THE POWER OF COMMUNITY	

Multi-Family Residential Design Guidelines

The following design guidelines apply to all new multi-family developments.

- Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') 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 or walkways on adjacent properties that extend to 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 personal service establishments; and
 - Any adjacent public park, greenway, or other public/semi-public use including but not limited to schools, libraries, churches, parks, etc.
- 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.
- Provide distinctive, quality, consistent, architectural character and style in new multi-family development that avoids monotonous and featureless building massing and design.
- The maximum length of a multi-family residential building shall be 200 feet.
- No more than six (6) townhome units shall be attached in any single row.
- There should be a consistency in architectural style among multiple buildings within a development and surrounding area. Each building should have a definitive and consistent style. Mixing of various architectural styles on the same building or buildings dilutes the character of the area.
- All sides of a multi-family building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.
- All building entries adjacent to an arterial, collector or local street or private drive with on-street parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrance-ways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.
- Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- All multi-family building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entry-ways, recreation areas, and laundry areas.



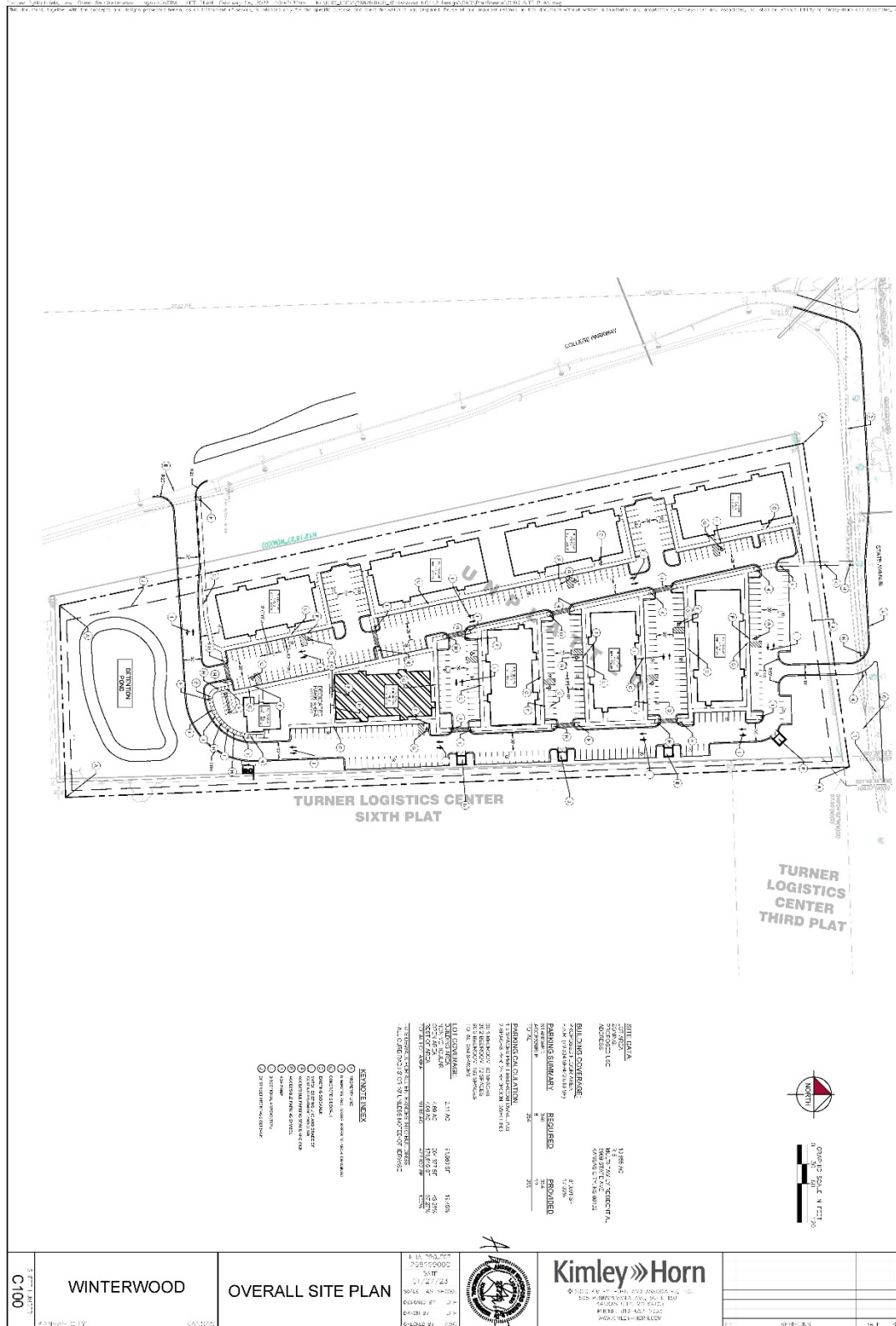
City-Wide Master Plan

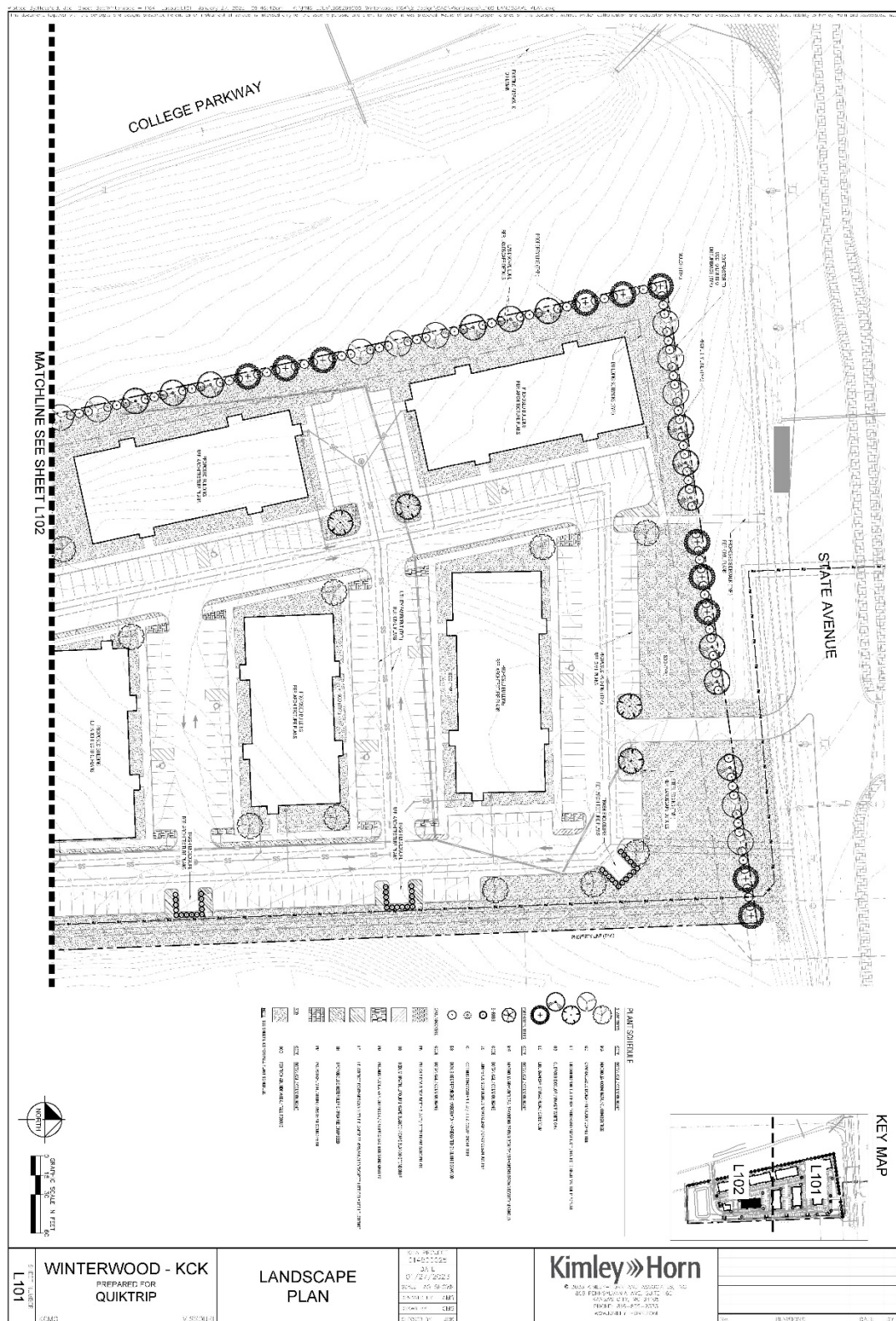
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



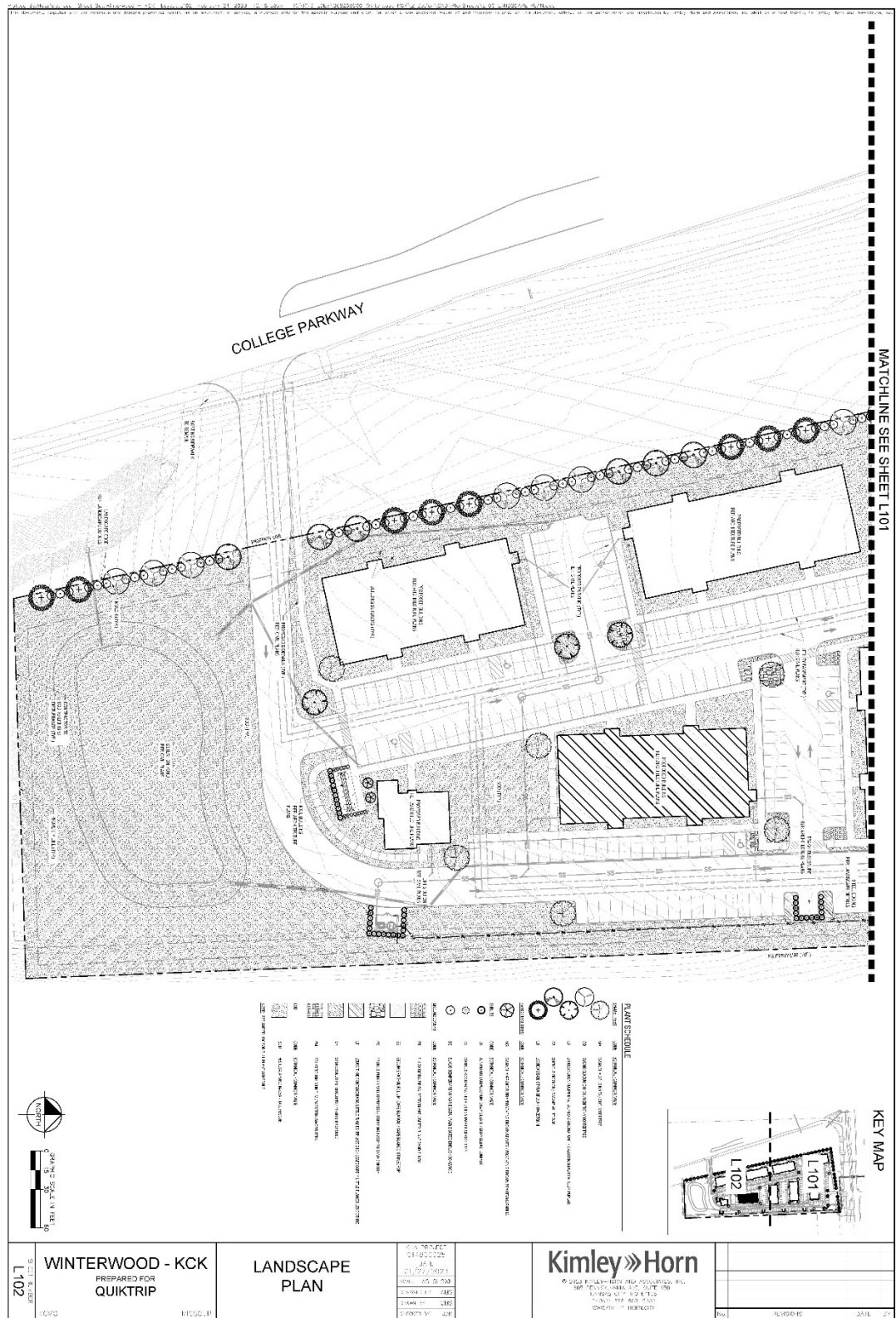
- On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis. On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least one every fifty-feet (50') of building wall length.
- Unity of design will be maintained through the use of similar materials and colors throughout all multi-family developments.
- High-quality building materials will be used that are durable, attractive, and have low maintenance requirements.
- For all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, door, and related trim, shall be brick or stone. The balance of net exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.
- Exterior building materials **shall not** include the following:
 - Board and batten wood
 - Smooth-faced or gray concrete block
 - Painted concrete block
 - Tilt-up concrete panels
 - Field painted or pre-finished standard corrugated metal siding
 - Standard single or double tee concrete systems
 - Vinyl siding
- The rehabilitation of existing multi-family structures shall require the use of alternate materials subject to approval by the City Planning Commission.
- Predominant roof materials shall be high quality, durable material such as, but not limited to:
 - Wood shake shingles
 - Clay or concrete tiles
 - Composition shingles
 - Asphalt shingles
 - Other materials considered on a case-by-case basis
- Landscaping is required to screen all parking areas and service entries.

SITE PLAN

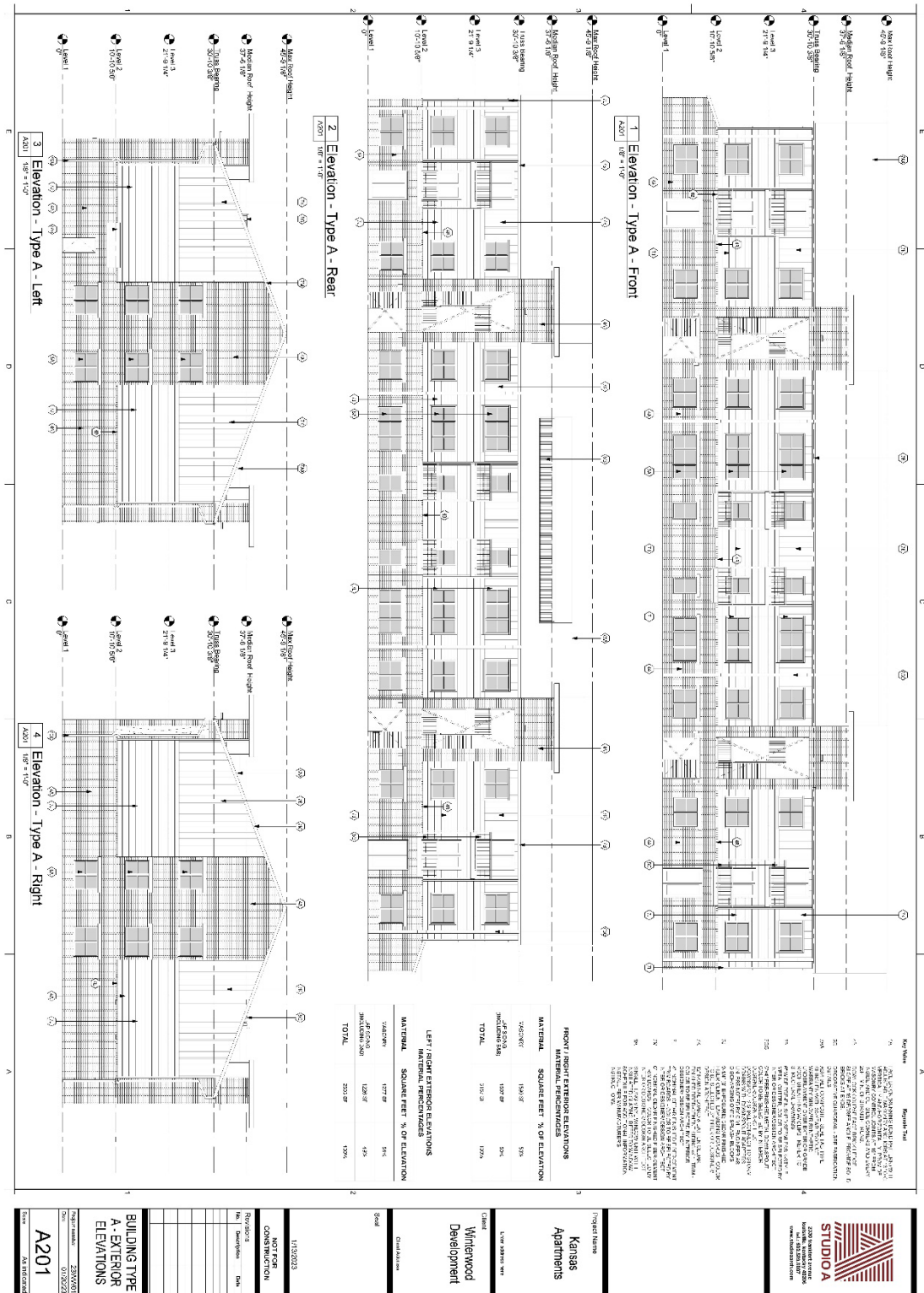




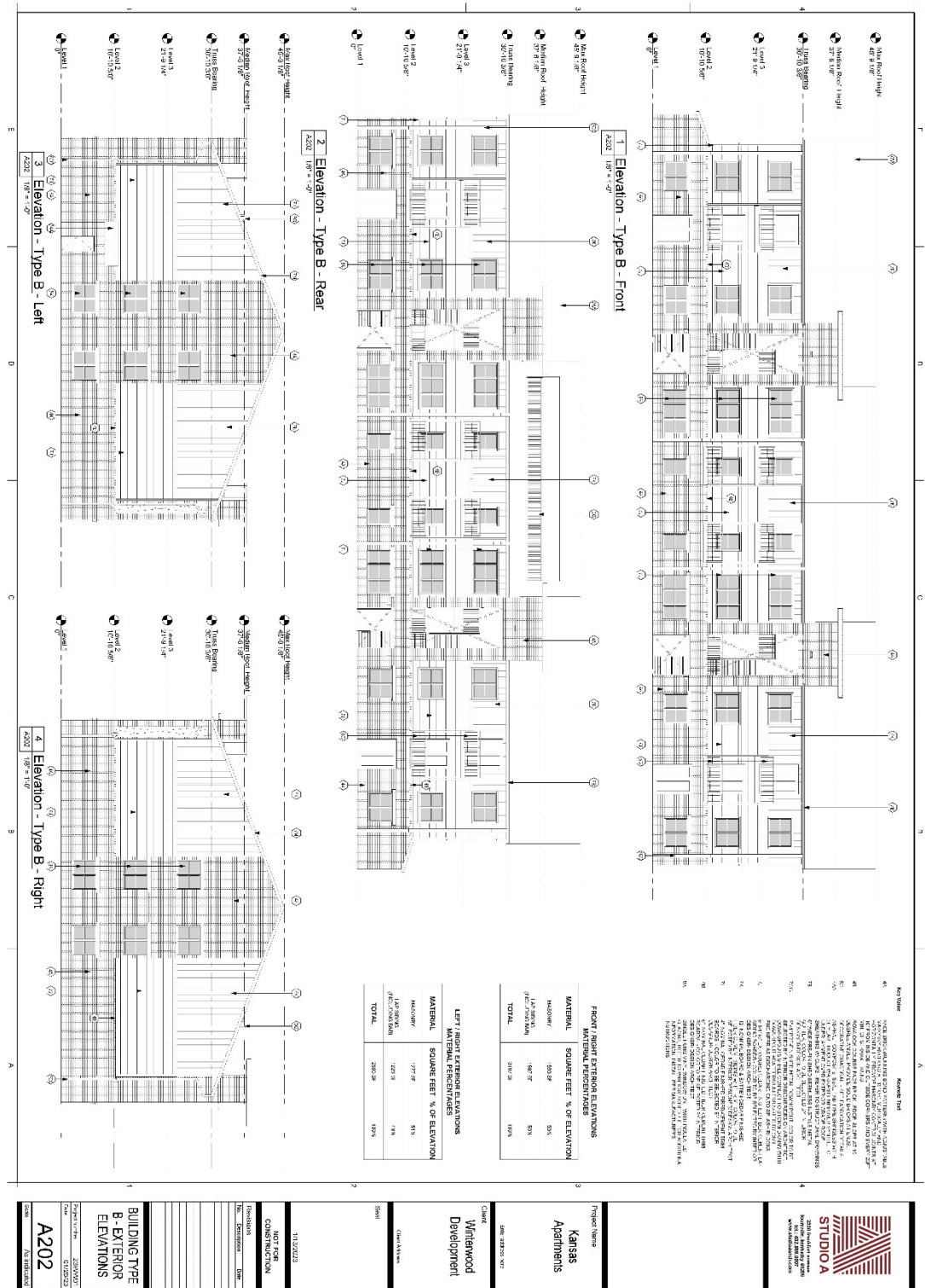
LANDSCAPE PLAN



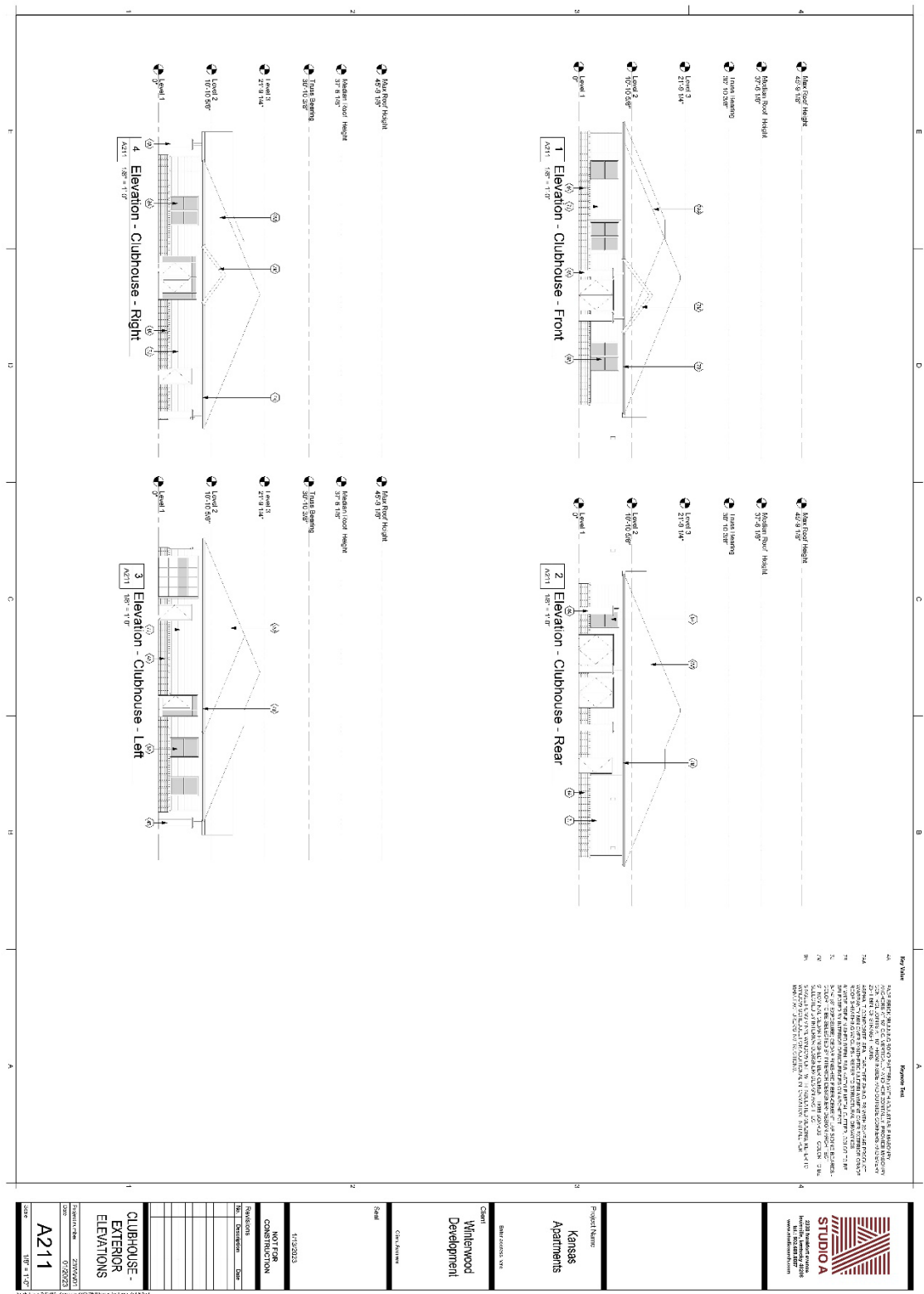
ELEVATIONS – BUILDING TYPE A



ELEVATIONS – TYPE B



30



SITE PHOTOS, TAKEN BY STAFF, FEBRUARY 10, 2023





APPLICANT RESPONSE TO DRAFT COMMENTS



February 27, 2023

Unified Government of Wyandotte County
Department of Planning & Urban Design
701 N. 7th Street, Suite 423
Kansas City, Kansas 66101

**Re: Winterwood PDP – COZ2023-002 & MPL2023-003
Planning Review**

The purpose of this letter is to provide satisfactory answers to the comments/questions issued in a comment letter. The answers are listed below in **bold** and are preceded by the comments/questions listed in the original letter.

Planning and Urban Design - General

Comment 1: Provide elevations for the trash enclosures demonstrated in the site plan.

Response 1: Acknowledged. Please see the attached Site Structure Elevation Sheet.

Comment 2: Marked crosswalks shall be provided at all intersections directly adjacent to building entrances.

Response 2: Please see revised sheet C100.

Comment 3: Speed bumps shall be provided throughout the site as a means of slowing traffic throughout the site, especially along long straightaways.

Response 3: The applicant would like to discuss this further with planning staff as we do not feel speed bumps are necessary.

Comment 4: The design layout shall preserve as much of the existing tree stand as possible.

Response 4: The layout has been designed in a manner to preserve as many trees as possible.

Comment 5: The detention pond shall be modified to look as natural as possible, rather than the rectangular shape depicted in the landscape plan. Redesign to preserve the existing tree stand and the south end of the property.

Response 5: See revised plans Sheet C100.

Comment 6: A six (6) foot tall opaque fence shall be provided along the eastern property line to provide screening from the adjacent industrial area.

Response 6: The applicant would like to discuss this further with planning staff as we do feel fencing is necessary.

Comment 7: Bike racks should be provided throughout the site to allow for bike storage.



Response 7: Acknowledged. The applicant will address the placement of bike racks with the final development plan.

Comment 8: Per comments submitted by Harvey Fields of the Kansas City, Kansas Fire Department, code compliant aerial fire truck access is required. An access lane min. 26' wide be provided within 15' to 30' from the face of the building along the longest face.

Response 8: Acknowledged.

Multi-Family Design Guidelines

Comment 1: Pedestrian walkways shall be a minimum of six (6) feet wide.

Response 1: Acknowledged.

Comment 2: 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.

Response 2: The site has been designed in a manner to meet this request as much as possible.

Comment 3: Per guidelines, building #2 should be shifted northward to State Avenue, and the parking internalized, rather than having the parking facing the street.

Response 3: The applicant would like to discuss this further with planning staff as we were directed to place Building #2, as shown on the plan, during our pre-application meeting.

Comment 4: As a result of moving building #2, the right only entrance should shift eastward to meet up with the existing drive along the east side of the property.

Response 4: The applicant would like to discuss this further with planning staff to better understand the request.

Comment 5: Per guidelines, A six (6) foot sidewalk connection shall be provided onto both State Avenue and College Parkway.

Response 5: See Plan Sheet C100.

Comment 6: Additionally, a six (6) foot wide sidewalk connection shall be provided from the subject property up to the corner of College Parkway and State Avenue.

Response 6: The applicant would like to discuss this further with planning staff as it does not believe this additional sidewalk is necessary with the connections being made to State Avenue and College Parkway via the access drives.

Comment 7: All downspouts on the buildings shall be internalized.



Response 7: Downspouts will be painted to architecturally blend into the building and/or recessed into the corners of buildings as to not be in plain view of the public.

Comment 8: The siding shall not consist of batton board. The lap siding shall be installed horizontally and should be of a cementitious material.

Response 8: Please see the attached materials specification for the siding.

Kansas City, Kansas Fire Department

Comment 1: Per Sec.D105,2018, IFC for buildings over 30', code compliant aerial fire truck access is required. An access lane min. 26' wide be provided within 15' to 30' from the face of the building along the longest face.

Response 1: Acknowledged.

Comment 2: Submit hydrant locations for review per Sec.507, 2012 IFC. All bldgs should be within 400' of a hydrant, 600' if sprinkled.

Response 2: Please see sheet C301.

Comment 3: Provide a fire truck turning drawing based on the following data:

- a. Length - 48'
- b. Wheelbase - 272.5 in.
- c. Front overhang - 96 in
- d. Rear overhang - 133.5 in.
- e. Width - 84 in
- f. Minimum departure angle - 7.4 deg
- g. Max weight - 84,000lbs
- h. Inside turn radius - 28 ft
- i. Wall to wall radius - 52.5 ft
- j. Curb to curb radius - 46 ft
- k. Minimum clearance (height between axles) -10"
- l. Inside Cramp Angle – 40 deg
- m. Minimum approach angle - 8.8 deg

Response 3: Please see sheet C101.

Planning Engineering

Comment A: Items that require plan revision or additional documentation before engineering can recommend approval:
1. None

Response A: Acknowledged.

Comment 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 B: Acknowledged.

Comment C: Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1. None

Response C: Acknowledged.

Standard Conditions

Comment 1: A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Response 1: Acknowledged.

Comment 2: BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details.

Response 2: Acknowledged. This will be addressed with the final development plan.

Comment 3: All existing and future driveways must feature curb cuts that are constructed to UG standards.

Response 3: Acknowledged.

Comment 4: 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 4: Acknowledged.

Comment 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



Response 5: Acknowledged.

Comment 6: A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Response 6: Acknowledged.

Comment 7: Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.

Response 7: Acknowledged.

Comment 8: Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Response 8: Acknowledged.

Comment 9: A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response 9: Acknowledged.

Comment 10: As per the Planning Director's interpretation of the Commercial Design Guidelines, the following architectural standards have been identified as being good design practices and shall be included in the design plans:

- a. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized.



- b. Lighting shall be installed to have a 90-degree cutoff
- c. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate.

Response 10: The applicant would like to discuss this further with planning staff as we that the commercial design guidelines do not apply as we are complying with the multi-family design guidelines.

Comment 11: The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

Response 11: Acknowledged.

Comment 12: 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.

Response 12: Acknowledged.

Comment 13: 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 by right or by Special Use Permit under the new zoning district, 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.

Response 13: Acknowledged.

Comment 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.

Response 14: Acknowledged.

Please feel free to call me at 816-652-0352 if there are any questions.
Very truly yours,
KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "A W Gribble IV".

Andrew Gribble, P.E.



NEIGHBORHOOD MEETING MINUTES



Application Number: COZ2023-002/MPL2023-003

Date and Location: February 21st at 6 PM – via ZOOM.

Meeting called to order at: 6:00 PM

Names of people in attendance:

Andrew Gribble – Kimley-Horn and Associates, Inc (EOR)

Joe Hatzfeld – Kimley-Horn and Associates, Inc.

Amy Grant – Polsinelli PC

Hannah Spillman – Winterwood, Inc.

Zach Worsham – Winterwood, Inc

Meeting Notes: No one from the public called into our meeting.

Meeting adjourned at: 6:15 PM

Minutes taken by: Joe Hatzfeld – Kimley-Horn and Associates, Inc.

kimley-horn.com

805 Pennsylvania Avenue, Suite 150, Kansas City, MO 64105

816 652 0352

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

Comes now Andrew W. Greene IV of lawful age, sound mind and upon his/her oath states as follows:

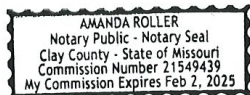
1. That I am the petitioner for Petition # COZ2023-002 / MPL2023-003.
2. That I conducted a neighborhood meeting on 2023-02-21.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Andrew W. Greene IV
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of February, 2023.

My commission expires 02 of February, 2025.



Amanda Roller
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: March 30, 2023

Re: **Petition COZ2022-037, SP2022-092, and MPL2022-024**

GENERAL INFORMATION

Applicant:
Colby Kirk

Status of Applicant:
Cap Out Investments LLC
1021 East 34th Street
Kansas City, MO 64109

Requested Actions:
Approval of a Master Plan Amendment from
Urban Density to Medium Density Residential
(Central Area Master Plan).

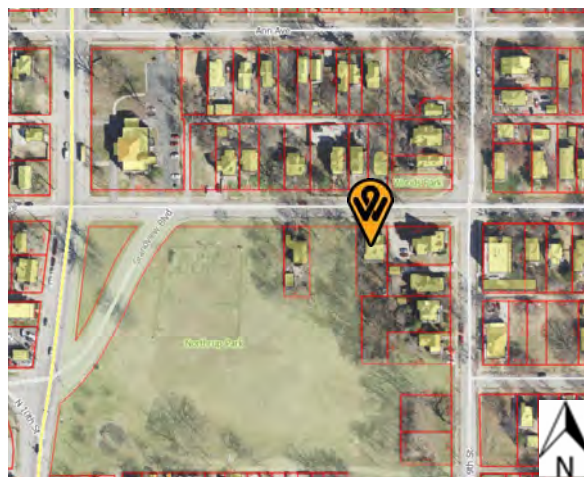
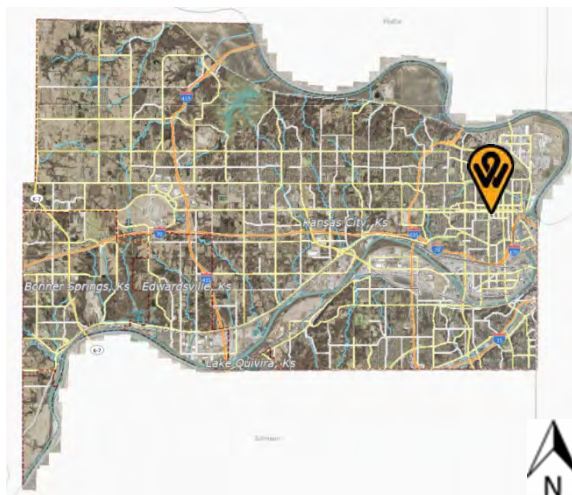
Approval of a Change of Zone from R-1(B)
Single Family District to RP-5 Planned
Apartment District.

Approval Special Use Permit for a group
home.

Date of Application:
September 30, 2022

Purpose:
To rezone, develop a 9-rental unit apartment
building to operate temporary/transitional
housing for residents.

Property Location:
915 Barnett Avenue



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 and CP-1 Planned Limited Business Districts
Adjacent Uses:	North: Multi-family building South: Single family home East: Multi-family building West: Northrup Park
Total Tract Size:	0.18 Acres
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density, which allows a mixed of detached and attached residential. This includes single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes and institutional uses such as schools, churches, and libraries. (A Master Plan Amendment to Medium-Density Residential is being sought, which allows garden apartments in addition to all of the uses within Urban Density).
Major Street Plan:	The Major Street Plan classifies Barnett Avenue/Grandview Boulevard is classified as a Collector Street.
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. 9 parking spaces are required. The applicant is requesting zero (0) off-street parking spaces. A parking variance has been applied for and will be heard by the Board of Zoning Appeals in conjunction with this application.
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – October 20, 2022; Special Use Permit – October 20, 2022; Master Plan Amendment – October 20, 2022 Letters to Property Owners – Change of Zone – October 21, 2022, November 7, 2022, December 7, 2022, January 3, 2023 and February 4, 2023; Special Use Permit – October

21, 2022, November 7, 2022, December 7, 2022, January 3, 2023 and February 4, 2023; Master Plan Amendment – October 21, 2022, November 7, 2022, December 7, 2022, January 3, 2023 and February 4, 2023

Public Hearings: March 13, 2023 and March 30, 2023

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Colby Kirk, with Cap Out Investments LLC, has filed a Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District, Master Plan Amendment from Urban Density to Medium Density Residential (Central Area Master Plan) and a Special Use Permit for temporary/transitional housing for 9 residential units.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. There are numerous code violations and administrative citations between 2000 – 2022 ranging from weeds, junk, trash, and debris in the front yard to fire damage and not registering a vacant structure.

Outstanding or Related Permits and Cases:

1. COZ 2641 – Riverview Downzoning from RP-5 Planned Apartment District to R-1(B) Single Family District in 2001.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes along Barnett Avenue and Northrup Park to the west. There are multiple residential buildings along the block face that being used as apartments.

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 use is not inherently compatible with them but could be so long as a Master Plan Amendment, Change of Zone and Board of Zoning Appeals is being requested, and that the proposed development is managed properly.

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

Prior to the downzoning in 2001, this property was used as a multi-family apartment building, however, it is unknown if the structure met the building and fire codes. The residential building is existing, so allowing multiple residents in the building will not detrimentally affect nearby property.

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

The property was part of a large neighborhood downzoning (Riverview) in 2001, when the property was zoned RP-5 Planned Apartment District. From 1996 to 2003, there were 9 units in the building, however, there has not been a valid rental license in the property since 2004.

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 for those who do not have permanent housing or are suffering from housing instability. The proposed use will not permanently injure the visual quality, or marketability of nearby property so long as use is properly managed, access to transportation is available, and building meets code requirements.

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.*

Staff does not anticipate an increase in the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it because most individuals living in the residence will not have access to a vehicle, but rather will use public transportation.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the Central Area Master Plan. A Master Plan Amendment from Urban Density to Medium Density Residential, which allows single-family homes, attached residences including townhomes, duplexes,

triplexes, fourplexes, garden apartments and institutional uses such as schools, churches, and libraries.

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

The proposed use will not cause environmental harm as it is a built out urban area.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by East Patrol, District #111.

e. *Fire*

Fire service is provided by Fire Station #1 located at 6th Street and Armstrong Avenue.

f. *Transit*

Kansas City ATA provides transit service along 10th Street at Barnett Avenue, Route #104 and at the 7th Street Transit Center.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. *Streets*

To be designed to meet Public Works standards.

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

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

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

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

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 is likely minimal as it provides the convenience of lodging to a very specific portion of the population. If denied, the landowner could not use the property as a temporary lodging facility, and would need to convert the structure to a single-family residence or modify their proposal and reapply.

PREVIOUS ACTIONS

- Riverview Downzoning (COZ 2641) was approved in 2001 that downzoned the Riverview neighborhood. This property was rezoned from RP-5 Planned Apartment District to R-1(B) Single Family District.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Permit
Fire Code
Parking
Access to transit for employment

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-037**, Special Use Permit Application **SP2022-092** and Master Plan Amendment **MPL2022-024**, subject to:

1. **This Change of Zone case is being heard in conjunction with BOZA2022-050, which is seeking a variance in the side yard, interior setback, a reduction in lot area and a reduction in off-street parking to operate transitional housing on 0.18 acres at 915 Barnett Avenue;**

2. This property is within the 200-foot Environs of the William T. Maunder Residence, 1885 located at 616 North 9th Street. Prior to obtaining a building permit, Planning Staff must perform an Historic Environs Review;
3. Provide the contact information of property manager to the residents in the neighborhood;
4. Implement the following items into the residence:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational; and,
 - h. Electric panel and circuits must be safe.
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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
6. Comply with all KCKFD requirements, which includes, but is not limited to installing a residential fire suppression system adhering to all relevant codes and ordinances;
7. Construct a driveway with asphalt or concrete for two (2) parking spaces in the rear of the property for tenants or staff;
8. Permanently remove the trash enclosure from the front yard. Bring the trash bins to the curb the evening before or day of trash service;
9. Preserve the trees in the front and rear yard;
10. Sec. 27-459(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;
11. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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;
12. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
13. 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;

14. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Obtain a rental license from the Rental Licensing Division located at Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8649;
18. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 and businesslicense@wycokck.org;
19. 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;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. 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;
22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
23. 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 by right or by Special Use Permit under the new zoning district, 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;
24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

25. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee;
26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-037**, **SP2022-092**, and **MPL2022-024**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Fire Department Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Site Photograph taken by Planning Staff on October 13, 2022.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 13, 2023	March 30, 2023
Rezoning	Approval	
Public Hearing	March 13, 2023	March 30, 2023
Special Use	Approval	
Public Hearing		
Master Plan	March 13, 2023	March 30, 2023
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-024** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-024** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-037** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-037** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-092** 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 **SP2022-092** 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.

March 13, 2023 City Planning Commission Minutes:

Hearing starts at 2:45:21:

CHANGE OF ZONE APPLICATION COZ2022-037 – COLBY KIRK WITH CAP OUT INVESTMENTS LLC - SYNOPSIS: Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District to construct a multi-family property with group home and transitional housing at 915 Barnett Avenue.

MASTER PLAN AMENDMENT MPL2022-024 – COLBY KIRK WITH CAP OUT INVESTMENTS, LLC – SYNOPSIS: Master Plan Amendment from Urban Density (Central Area Master Plan) to Medium-Density Residential (Central Area Master Plan) at 915 Barnett Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-092 – COLBY KIRK WITH CAP OUT INVESTMENTS LLC - SYNOPSIS: Special Use Permit to operate a group home and transitional housing at 915 Barnett Avenue.

Detailed Outline of Requested Action: The applicant, Colby Kirk, with Cap Out Investments LLC, has filed a Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District, Master Plan Amendment from Urban Density to Medium Density Residential (Central Area Master Plan) and a Special Use Permit for temporary/transitional housing for 9 residential units.

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 March 13, 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 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:

- Colby Kirk, applicant, 4300 Harrison Street, Kansas City, Missouri 64110
- Rachel Erpelding, Executive Director, Kim Wilson Housing

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:53:35: Planning Director Hand stated that these applications are in conjunction with Appeal BOZA2022-050 which was approved earlier this evening. The property is located in the Central Area Master Plan. Staff has received no letters in support nor in opposition. There are some old Notices of Violation due to the property being vacant and they will be addressed with this proposed development. Staff recommends approval of these applications with the conditions in the staff report.

Motion starts at 2:55:25:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-024:**

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye

Miller Aye
Mohler Not Present
Straws Not Present
Ward Aye
Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

1. This Change of Zone case is being heard in conjunction with BOZA2022-050, which is seeking a variance in the side yard, interior setback, a reduction in lot area and a reduction in off-street parking to operate transitional housing on 0.18 acres at 915 Barnett Avenue;
2. This property is within the 200-foot Environs of the William T. Maunder Residence, 1885 located at 616 North 9th Street. Prior to obtaining a building permit, Planning Staff must perform an Historic Environs Review;
3. Provide the contact information of property manager to the residents in the neighborhood;
4. Implement the following items into the residence:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational; and,
 - h. Electric panel and circuits must be safe.
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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
6. Comply with all KCKFD requirements, which includes, but is not limited to installing a residential fire suppression system adhering to all relevant codes and ordinances;
7. Construct a driveway with asphalt or concrete for two (2) parking spaces in the rear of the property for tenants or staff;
8. Permanently remove the trash enclosure from the front yard. Bring the trash bins to the curb the evening before or day of trash service;
9. Preserve the trees in the front and rear yard;
10. Sec. 27-459(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;
11. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required

- trees. 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;
12. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
 13. 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;
 14. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
 15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
 16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 17. Obtain a rental license from the Rental Licensing Division located at Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8649;
 18. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 and businesslicense@wycokck.org;
 19. 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;
 20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 21. 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;
 22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 23. 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 by right or by Special Use Permit under the new zoning district, 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;
24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 25. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-037:**

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

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

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-092:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to the above conditions



Figure 1. Aerial Map of 915 Barnett Avenue (provided by UG Maps).



Figure 2. Zoning Map of 915 Barnett Avenue (provided by UG Maps).



Figure 3. Central Area Master Plan Land Use Designation Map of 915 Barnett Avenue (provided by ArcMap).

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.
Kansas City, Kansas 66101

(913) 573-5550
(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. COZ2022-037 Address: 915 Barnett Ave
Development Name: Colby Kirk Description: Occupancy Conversion-R4
STAFF ONLY: ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

- 1) Compliance with the International Building Code -2012 Edition
 - 2) Compliance with the International Fire Code – 2012 Edition
 - 3) Compliance with current NFPA 101® Life Safety Code
 - 4) Compliance with existing fire codes, all applicable City ordinances, State rules and regulations
- Submit automatic fire sprinkler/fire alarm plans and calculations for approval prior to installation.

*Based on the proposed occupancy, code compliant automatic fire sprinkler/fire alarm systems will be required to be installed per Sec(s) 903.2.8.1 and 907.2.11.2 or 1103.7.7, 2012 IFC

*Code compliant portable fire extinguishers would be needed per Sec.906, 2012 IFC

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields Digitally signed by Harvey Fields
Date: 2022.10.18 13:58:43 -05'00'

10/18/2022

Attending DRC Member:

Date

I, Colby Kirk, as Representative of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Colby Kirk 1/23/23

816.284.7937 Colby@kirkcolby.com

Signature and Date

Contact Phone Number and Email Address

1021 E 34th St, KCMO 64109

Mailing Address, City, State, and Zip Code

Toy, Byron

From: Colby Kirk <colby@capoutinvestments.com>
Sent: Thursday, December 01, 2022 11:06 AM
To: Toy, Byron
Subject: Re: Draft Staff Report - 915 Barnett Avenue

Hi Byron, here is my comment response letter. I would like to stay on the docket for December if possible.

I'm confused on the revised drawings, I thought that I had already provided those with the necessary changes. Did I miss a different request?

Engineering Questions:

1. We will not build a new trash enclosure. Instead we will permanently remove the trash enclosure in the front yard and have residents bring trash bins to the curb for weekly trash service.
2. We are not proposing a parking lot and are instead requesting a variance for parking. We are told by Kim Wilson that residents generally do not have access to a vehicle and instead use public transportation.
3. Electric service is separated for each unit (each unit has individual meter). Water services is on one meter for the whole building and will be paid by the owner. There is no gas currently to the property. Heating is done by electric. Sanitary line is in working order with no know major defects.

COZ Questions

- We will install working smoke detectors in each bedroom plus each level of the house
- We will have a licensed electrician install GFCI outlets in all bathrooms.
- We will not install any double keyed locks.
- We will inspect and have a licensed plumber change out any copper in gas supply lines if any is found.
- We will ensure all windows are operable and not blocked.
- We will install handrails on all sets of 4 or more stairs.
- We will ensure all Hot water tanks and furnaces are vented properly and operational and have a licensed HVAC technician troubleshoot any issues.
- We will have a certified electrician ensure all electric panels and circuits are safe.

The following answers were provided by Kim Wilson Housing on the programmatic details of their proposed usage of the property. They have made some clarification regarding the "group home" aspect. Please let me know if I need to elaborate on anything below:

- **How many guests will be in the residence?** There will be just one person per unit. The hope is to have 8 tenants and KWH would lease the 3rd floor as office space.
- **How long will guests reside in a dwelling unit?** Tenants would be in the units from 6 months to 2 years depending on their funding and what challenges they might face to moving on to a more permanent housing option.
- **Where will the residents arrive from—another group home, referral, previous shelter, or recently incarcerated?** This will be a referral process through the staff who will be managing the project. Tenants may be referred from a nursing facility for mental health, another shelter, or homelessness. Each person's situation will look a little different.

- **How will individuals arrive to the group/transitional home?** We want to be careful not to call this a group home. Also, a group home is required by the state to be licensed. This is an apartment building where KWH will have supportive staff to assist people in stabilization and a move to permanent housing. A case manager or housing stabilization specialist usually assists people to get settled into their home. Staff make sure they have some basic start-up supplies, food, and all necessary contact information in case of an emergency or if they need assistance.
- **Who is the designated on-site manager?** The on-site manager will be KWH staff and once they are closer to program start, they can provide contact information. Some staff have not been designated or hired yet. KWH typically does not provide contact information to the neighbors since that would violate the confidentiality of the tenants. By providing their contact information, they are disclosing that someone is in a mental health program, which violated their right to confidentiality. This would also be contrary to the model of community integration and inclusion. We can provide neighbors contact information for the property manager, who could then contact the manager of the program for problem resolution.
- **How will you communicate with the neighbors if there are any issues?** Could you explain what issues we might need to communicate with neighbors about? Again, we don't typically communicate any issues with residents with the neighbors as it violates the tenants right to confidentiality. In the rare event that something tragic happens, we have a Critical Incident Stress Management team that could offer some debriefing to the community. I have included our emergency situations procedure that we developed for this program in other sites. If needed, we could add something about the community but would have to carefully consider how this would be done while respecting the confidentiality of clients.
- **How will individuals know that this transitional housing is available?** This is a referral program from the program resources listed above. There are several ways that people could be referred to this program. They could be referred through their managed care organization, their Wyandot Case Manager, staff the Nursing Facility for Mental Health, staff at KU or Providence Medical Center, the KWH Coordinated Entry Navigator who assists people who are working with the CoC, or through the KWH Housing navigator. We have regular meetings with staff listed above and would educate them on available units.

BOZA Questions:

1. It may be possible to build a parking lot in the back but we thought there would not be enough room for the set-backs on either side of the building to run a driveway. We are definitely open to doing this if necessary, we just thought the property lines were too close.
2. Tenants will be transit-dependent according to Kim Wilson program coordinators we are working with
3. Yes, the on-site manager will be KWH staff and once they are closer to program start, they can provide contact information. Some staff have not been designated or hired yet. KWH typically does not provide contact information to the neighbors since that would violate the confidentiality of the tenants. By providing their contact information, they are disclosing that someone is in a mental health program, which violated their right to confidentiality. This would also be contrary to the model of community integration and inclusion. We can provide neighbors contact information for the property manager, who could then contact the manager of the program for problem resolution.
4. Yes, staff will be at the property during normal business hours, have an office on the 3rd floor and the program provides for weekly meetings/support services for the tenants.

Colby Kirk
President
Cap Out Investments
C: 816-284-7937
O: 816-319-4719

1021 E. 34th St.
Kansas City, MO 64109
On Dec 1, 2022, 10:51 AM -0600, Toy, Byron <btoy@wycokck.org>, wrote:

Colby,

In reviewing my emails since you requested to be continued last month, I see that you submitted revised drawings for our engineers, however, I did not see a comment response letter and revised drawings from the draft staff report for BOZA2022-050 and COZ2022-037/SP2022-092/MPL2022-024.

Attached are the Variance staff report and comments from the KCKFD and the Change of Zone, Master Plan Amendment and Special Use Permit staff report.

Our final reports for December are due tomorrow. I understand if you need more time to respond and have no problem extending these petitions one (1) month to allow for a proper response and revision(s).

Thank you,

<image001.png>

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)

11/15/2022

Colby Kirk
1021 E 34th St.
Kansas City, MO 64109

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # COZ2022-037. The purpose of this is for a change of zone, special use permit, and preliminary plan review at the following address: 915 Barnett Ave, Kansas City, KS 66101.

SYNOPSIS: Change of Zone from R-1(B) Single-Family District to RP-5 Planned Apartment District to construct a multi-family property with group home/transitional housing at 915 Barnett Avenue, in conjunction with:

MPL2022-024 - Master Plan Amendment from Urban Density (Central Area Master Plan) to Medium-Density Residential (Central Area Master Plan) at 915 Barnett Avenue.

SP2022-092 - Special Use Permit to operate a group home/transitional housing at 915 Barnett Avenue.

BOZA2022-050 - Variance for minimum parking requirements, side yard setbacks, and lot size at 915 Barnett Avenue.

We have recently taken over ownership of the property and are working to restore it to increase housing supply in the neighborhood. The property had previously been zoned for multifamily, however that zoning lapsed under previous ownership. The property, however, is set up as a 9-unit multifamily property.

We are working with Kim Wilson Housing (to create more housing for the unhoused population. The program will have staff on site during business hours and regular programming to keep participants on track and improving. You can find more information about Kim Wilson Housing here: <http://www.kimwilsonhousing.org/>

Description of program:

According to Kim Wilson, the goal of Interim Housing Program is to provide immediate respite from the trauma of homelessness and to stabilize individuals while they participate in a housing location search, obtain necessary supports and documents for housing, and build connection in their community of choice.

I am having a neighborhood meeting on November 28th at 3.p.m. via Zoom at the following link: <https://us06web.zoom.us/j/85498288151>

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email address listed below.

Sincerely,

Colby Kirk
Colby@Capoutinvestments.com

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Missouri }
COUNTY OF Jackson } SS:

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

1. That I am the petitioner for Petition # BO2A 2022-050
2. That I conducted a neighborhood meeting on 11/23/2022
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.

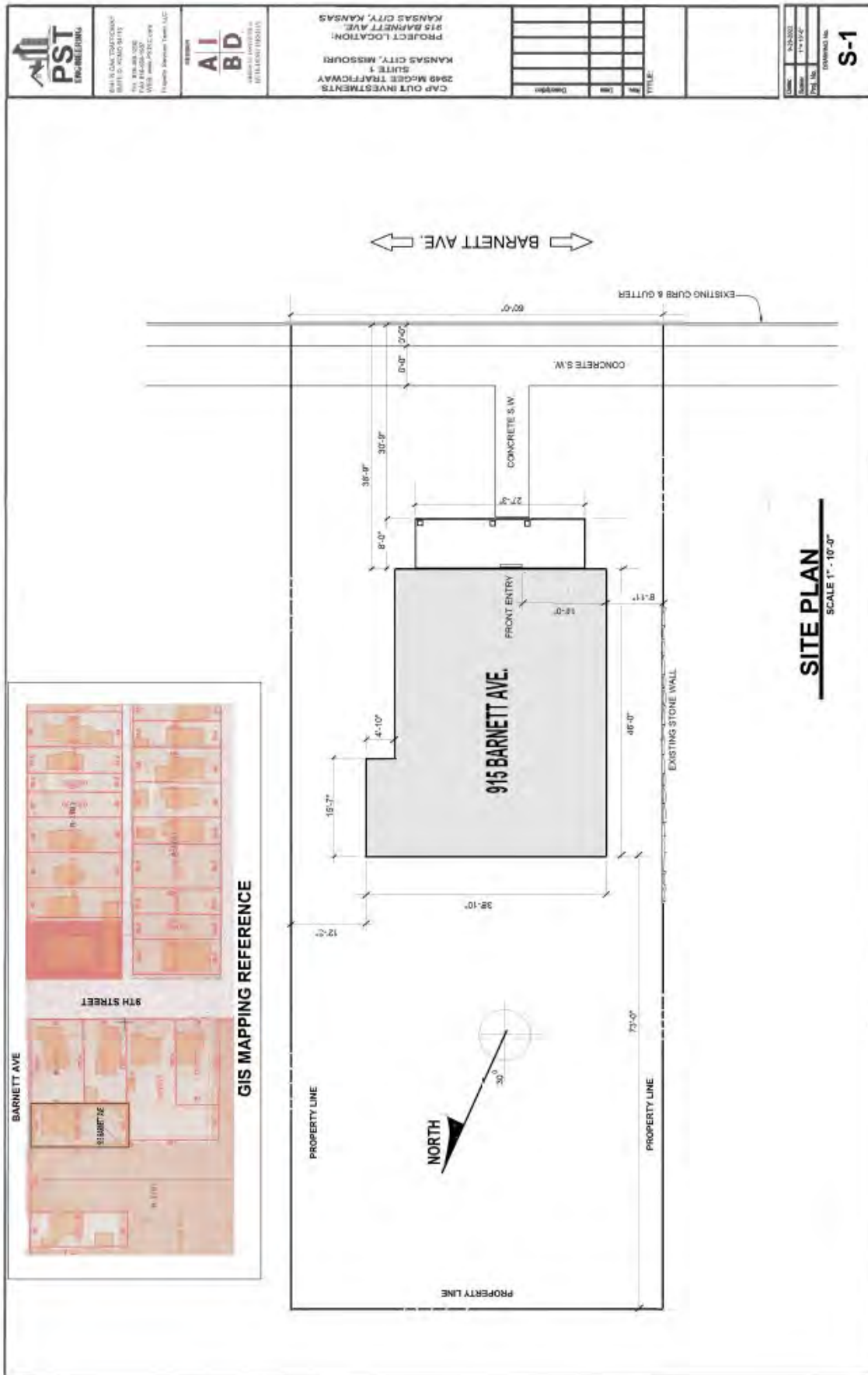
Further affiant saith not.

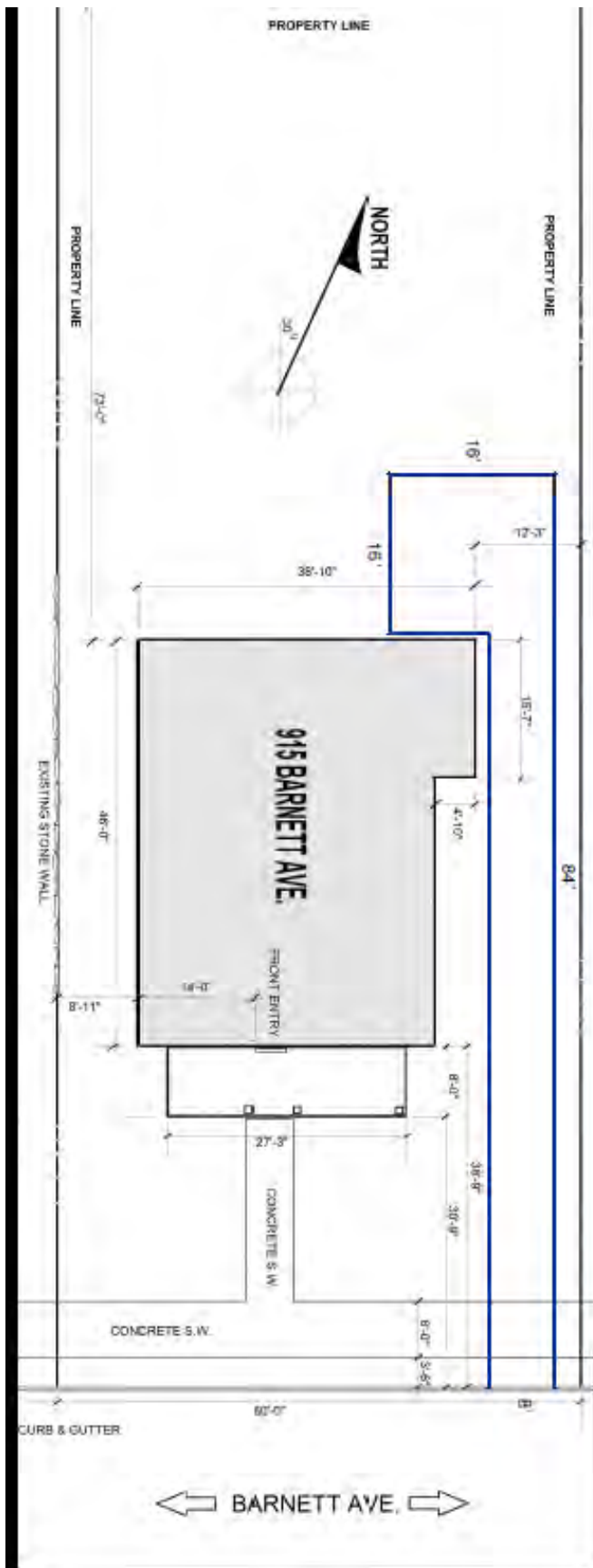
Colby Kir
Affiant

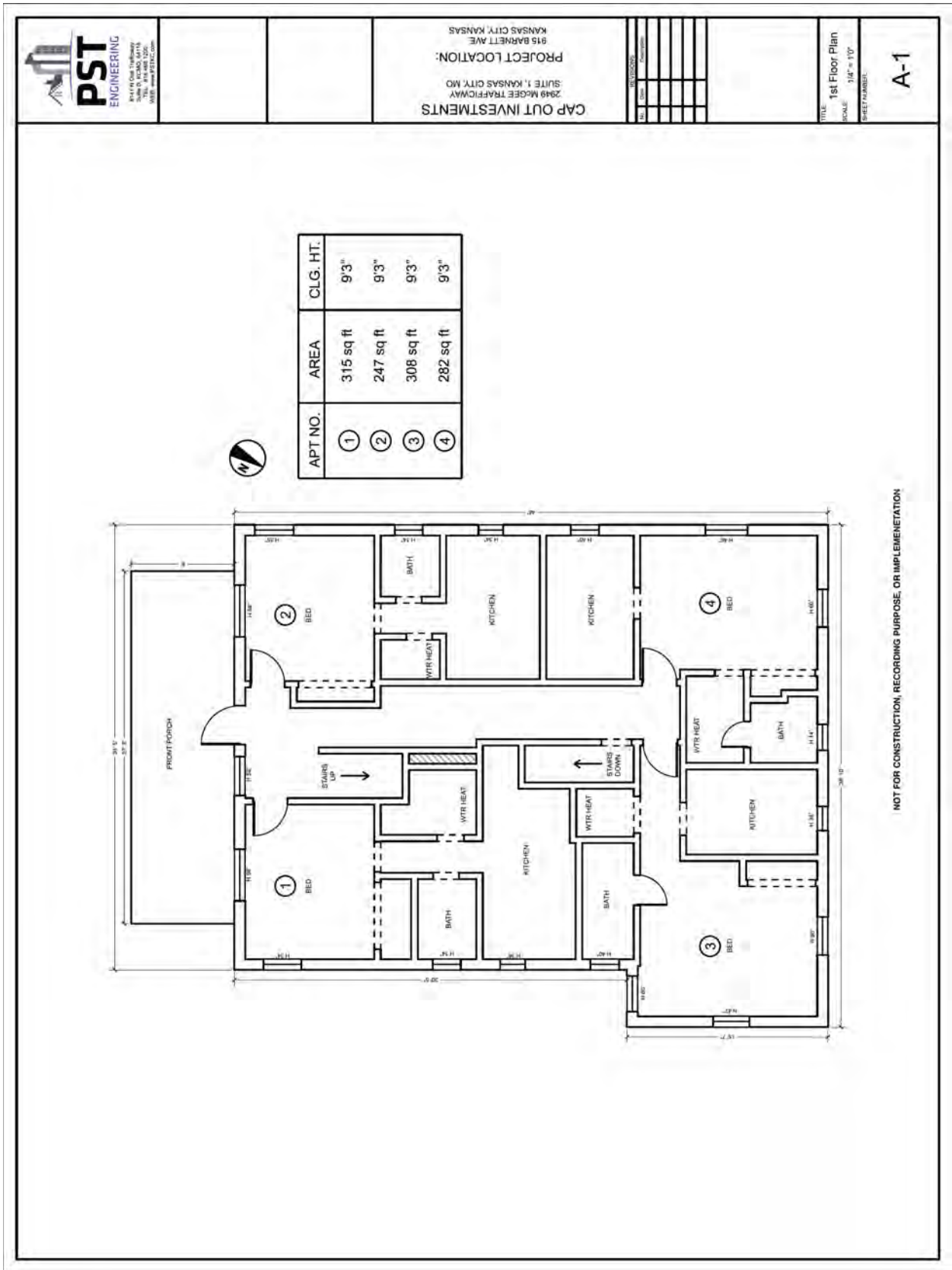
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of November, 2022
My commission expires 14th of July, 2025

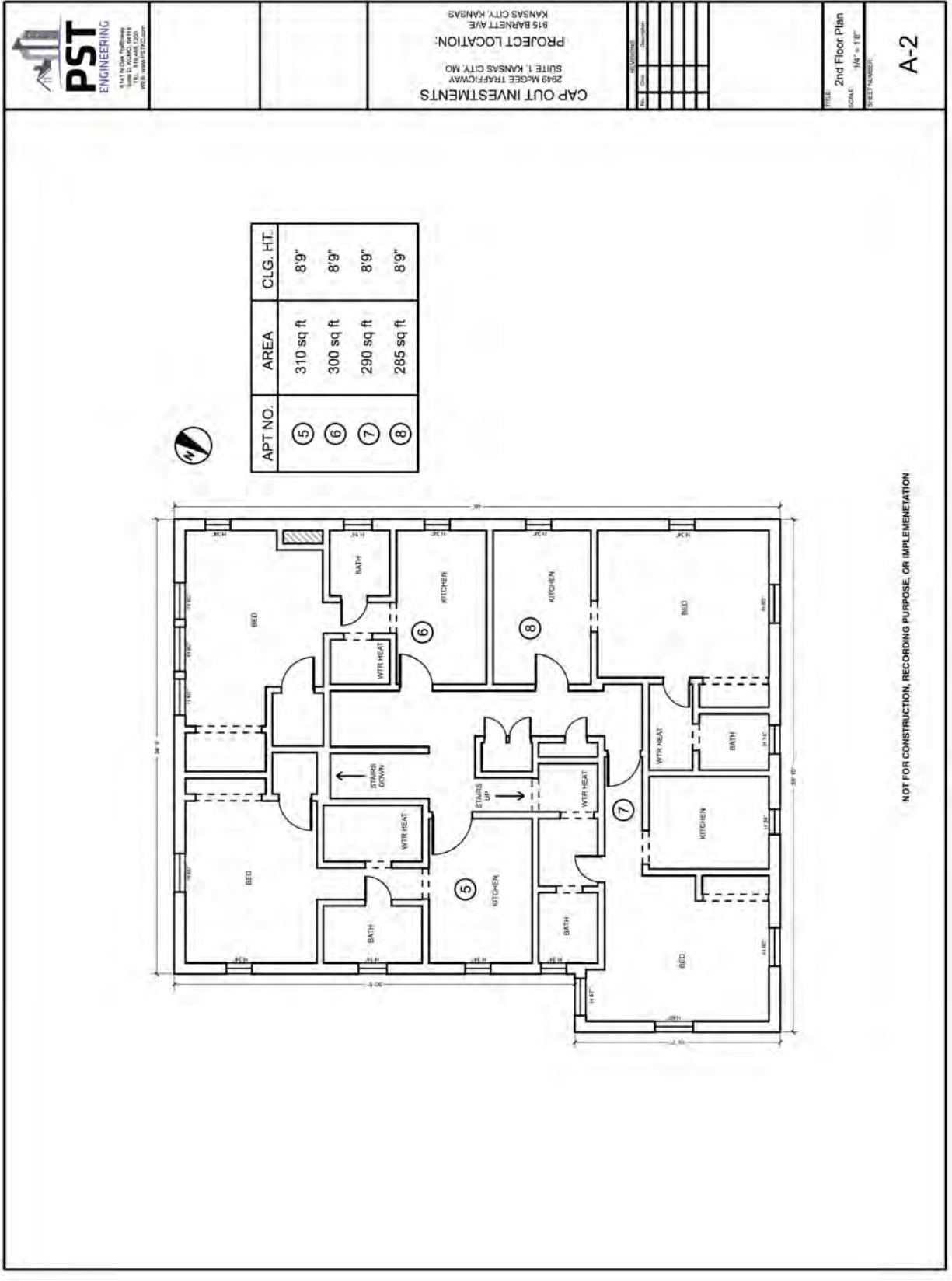
[Signature]
Notary Public











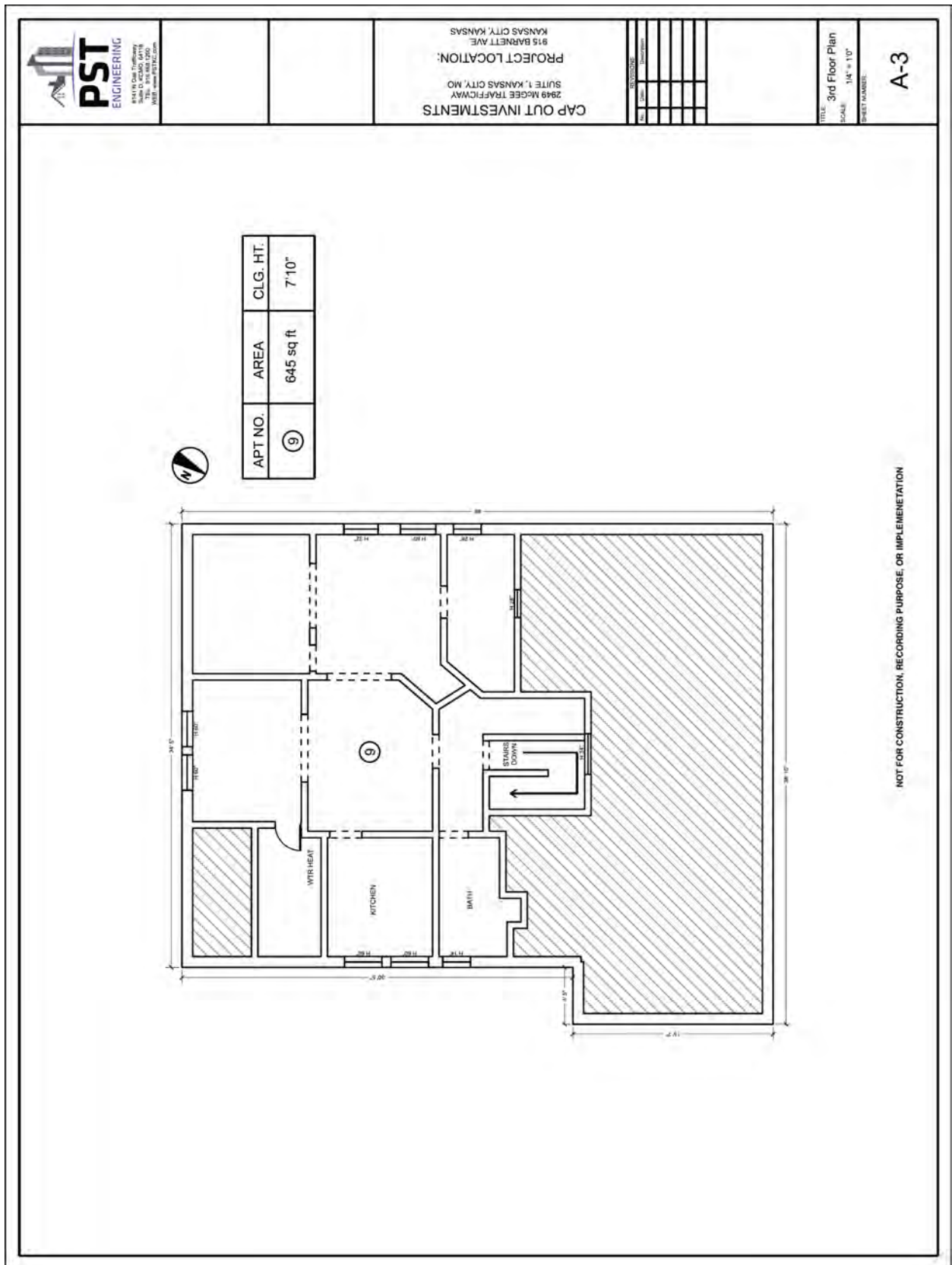




Figure 4. Site photograph looking south at 915 Barnett Avenue (provided by Planning Staff).



Figure 5. Site photograph looking southwest at 915 Barnett Avenue (provided by Planning Staff).



Figure 6. Site photograph looking southeast at 915 Barnett 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: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 30, 2023

Re: Special Use Petition SP2023-001

GENERAL INFORMATION

Applicant:

Adam and Danielle Boyle

Status of Applicant:

Property Owners
802 North 82nd Terrace
Kansas City, Kansas 66112

Requested Action:

Approval of a Special Use Permit.

Date of Application:

January 27, 2023

Purpose:

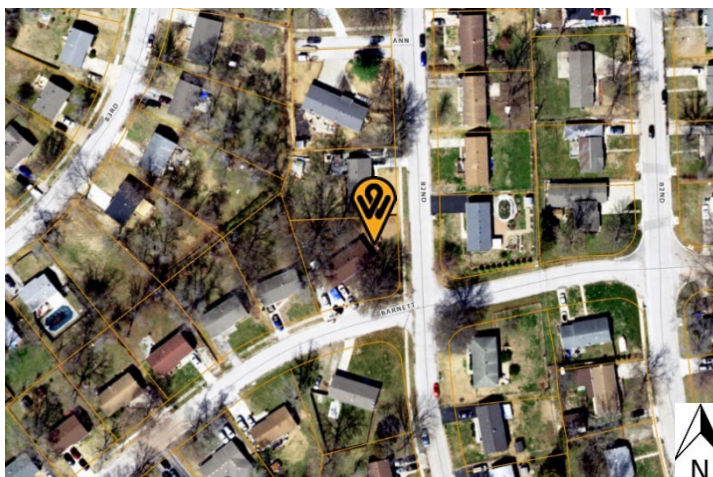
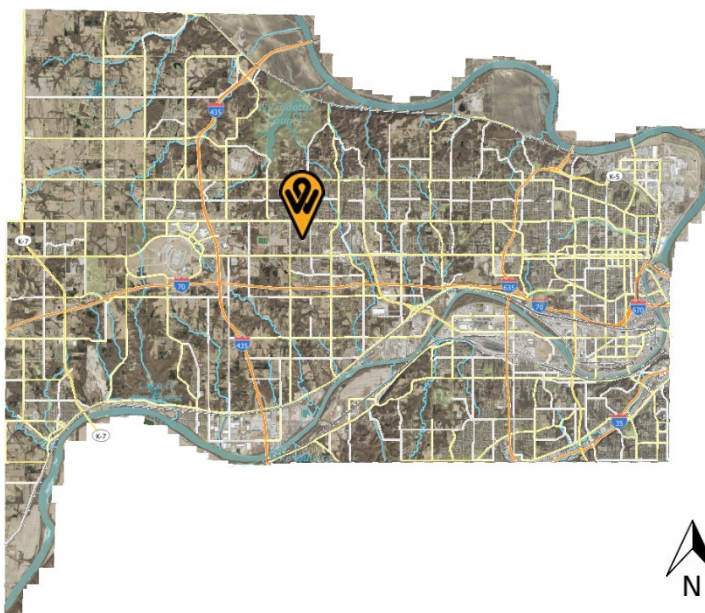
To approve a Special Use Permit to operate a short-term rental. This is not the owner's primary residence.

Property Location:

802 North 82nd Terrace
Kansas City, Kansas 66112

Commission Districts:

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



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:	0.24 Acre
Master Plan Designation:	The City-Wide Master Plan designates this property as Low-Density Residential, which allows for single family homes.
Major Street Plan:	The Major Street Plan designates North 82 nd Terrace as a Local/Neighborhood Street.
Parking Requirement:	Section 27-454(e) states “two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one of which shall be in a garage or carport”. The property provides two (2) parking spaces in the driveway, and one (1) in the garage, a total of three (3) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owner – February 17, 2023
Public Hearings:	March 13, 2023 and March 30, 2023
Public Support:	None to date.
Public Opposition:	One (1) person appeared in opposition at the March 13, 2023 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Adam and Danielle Boyle, are requesting a Special Use Permit to operate a short-term rental at 802 North 82nd Terrace. This is not the owner’s primary address.

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 are no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Victory Hills Statistical Neighborhood. The neighborhood consists of primarily single-family residences on medium-sized lots with generous setbacks, and the mixed-use corridor of State Avenue located to the north and Interstate 70 to the south.

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 as a short-term rental, is consistent with other nearby properties in the neighborhood, thus, the proposed use is compatible if properly managed.

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

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

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

The property is not vacant and has been used as a single-family residence.

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

Special Use Permits are not addressed in the City-Wide Master Plan. The City-Wide Master Plan designates this property as Low-Density Residential, which allows for single family homes. The proposed use conforms to the low-density residential 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 proposed use is not expected to result in the increase of the amount of vehicular traffic to the point where it exceeds the capacity of Fisher Street, a local street. The property provides ample parking in the rear with two (2) spaces in the driveway and one (1) in a covered garage.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

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

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

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

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

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

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. The maximum number of overnight guests at one time is seven (7) and the maximum number of vehicles for guests is three (3). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Conformance
Home Occupation
Noise Concerns
Parking
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of **SP2023-001** for **one (1) year**, subject to:

1. **The applicant shall provide proof to staff of the following repairs prior to their ordinance being approved by the Board of Commissioners**
 - a. **The stairs shall be repaired or replaced to create a consistent height between stairs;**
 - b. **The basement stairs shall have a fire barrier installed;**
 - c. **An anti-tip bracket shall be installed on the gas range/stove;**
 - d. **A TPR valve shall be installed on the water heater that extends to within 6" of the floor;**
 - e. **The trees in the rear yard shall be trimmed to clear branches from the overhead service wires;**
 - f. **The abandoned wiring shall be removed from the electrical panel;**
 - g. **Any identified ungrounded outlet shall be grounded;**
 - h. **Replace the flexible gas line with a rigid gas line; and,**

2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
3. Maximum number of guests shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is three (3);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must maintain liability insurance;
7. Applicant must maintain the property's physical condition through the duration of the permit;
8. All reservations shall be a minimum stay of 24 hours;
9. No meals shall be prepared in the dwelling by the owner or owner's agent;
10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
11. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978.
 - c. An asbestos notification for any property built before 1981.
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations.
13. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning

- of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
14. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
 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. 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 one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 18. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee; and,
 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-001** subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Floor Plan
Site Plan
Site Photos, Taken by Staff, Dated February 6, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 13, 2023	March 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-001** 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 **SP2023-001**, 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.

March 13, 2023 City Planning Commission Minutes:

Hearing starts at 4:46:45:

SPECIAL USE PERMIT APPLICATION SP2023-001 – ADAM AND DANIELLE BOYLE WITH 526 PROPERTIES LLC - SYNOPSIS: Special Use Permit to operate a short-term rental at 802 North 82nd Terrace.

Detailed Outline of Requested Action: The applicants, Adam and Danielle Boyle, are requesting a Special Use Permit to operate a short-term rental at 802 North 82nd Terrace. This is not the owner's primary address.

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 March 13, 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:

- Adam Boyle, applicant

Present in Opposition:

- Mary Slane, 8211 Ann Avenue, Kansas City, Kansas

Staff Recommendation starts at 4:53: Planning Director Hand stated that the request is for a Special Use Permit for a short-term rental. This is not the owner's primary residence with off-site management. The property is in the City-Wide Master Plan area in the Mid-Town area. Staff has received no letters in support nor opposition. There are no Notices of Violation or police reports. Staff recommends approval for one (1) year with three (3) cars maximum off-street and a total of seven (7) people maximum.

Motion starts at 4:53:40:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-001 for one (1) year:**

Carson	Chairman
Armstrong	Aye
Beth	Aye

Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Straws	Not Present
Ward	Aye

Motion to recommend APPROVAL Passed: 6 to 0

Subject to:

- 1. The applicant shall provide proof to staff of the following repairs prior to their ordinance being approved by the Board of Commissioners**
 - a. The stairs shall be repaired or replaced to create a consistent height between stairs;**
 - b. The basement stairs shall have a fire barrier installed;**
 - c. An anti-tip bracket shall be installed on the gas range/stove;**
 - d. A TPR valve shall be installed on the water heater that extends to within 6" of the floor;**
 - e. The trees in the rear yard shall be trimmed to clear branches from the overhead service wires;**
 - f. The abandoned wiring shall be removed from the electrical panel;**
 - g. Any identified ungrounded outlet shall be grounded;**
 - h. Replace the flexible gas line with a rigid gas line; and,**
- 2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 3. Maximum number of guests shall be seven (7);**
- 4. All parking must be off-street, maximum number of vehicles is three (3);**
- 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 6. Applicant must maintain liability insurance;**
- 7. Applicant must maintain the property's physical condition through the duration of the permit;**
- 8. All reservations shall be a minimum stay of 24 hours;**
- 9. No meals shall be prepared in the dwelling by the owner or owner's agent;**
- 10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
- 11. The owner or owner's agent/operator shall provide a guest book with the following information:**
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or**

- emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
- b. A lead-based paint notification for any property built before 1978.
 - c. An asbestos notification for any property built before 1981.
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations.
13. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
14. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
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. 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 one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for

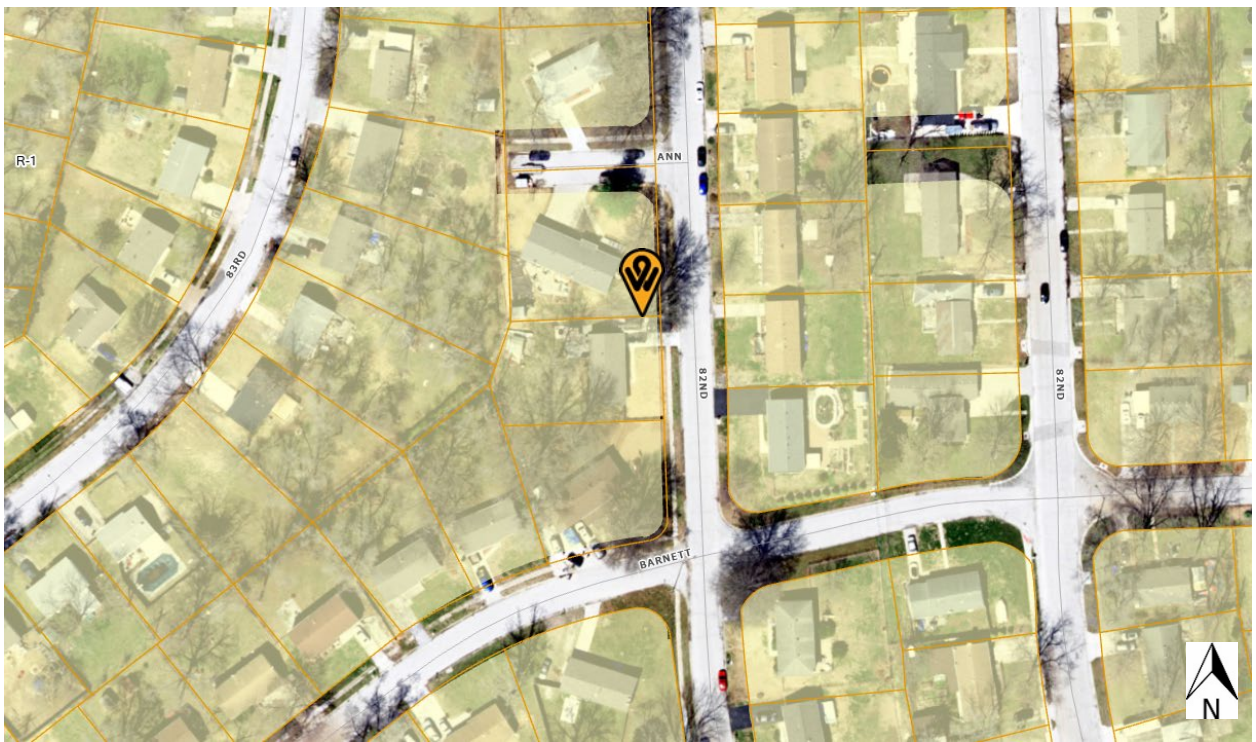
- renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee; and,
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

ATTACHMENTS

AERIAL IMAGERY



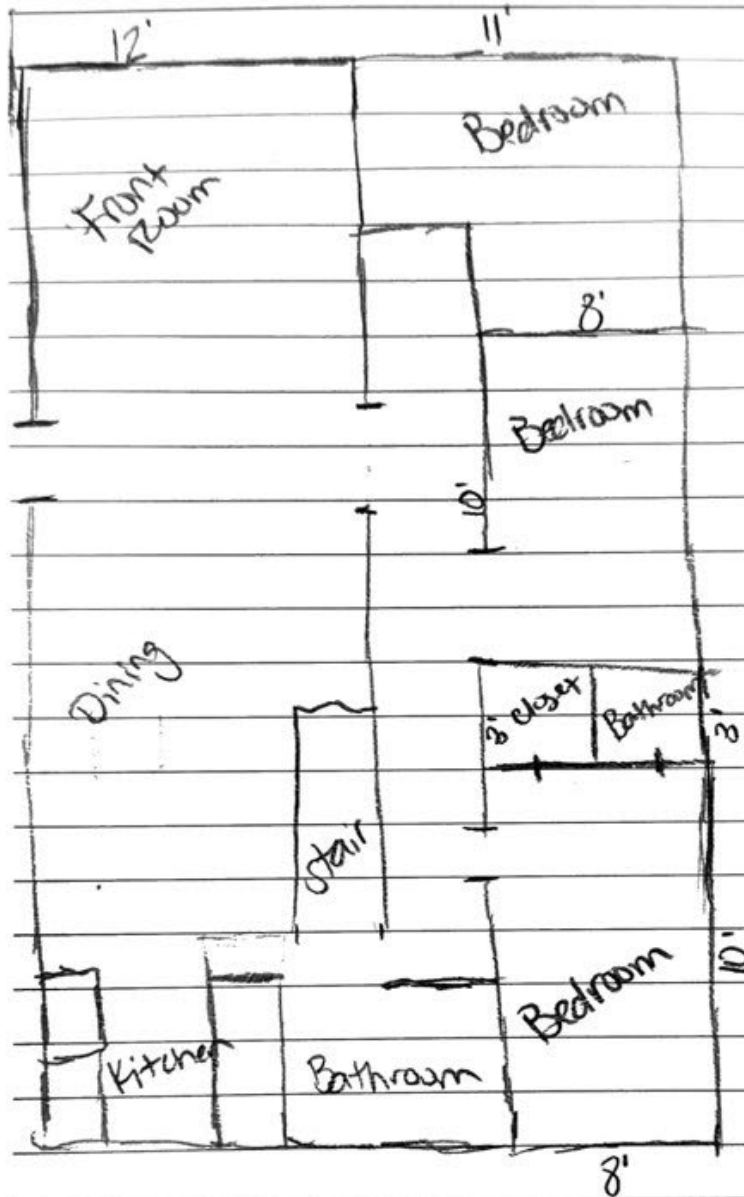
ZONING MAP



LAND USE MAP

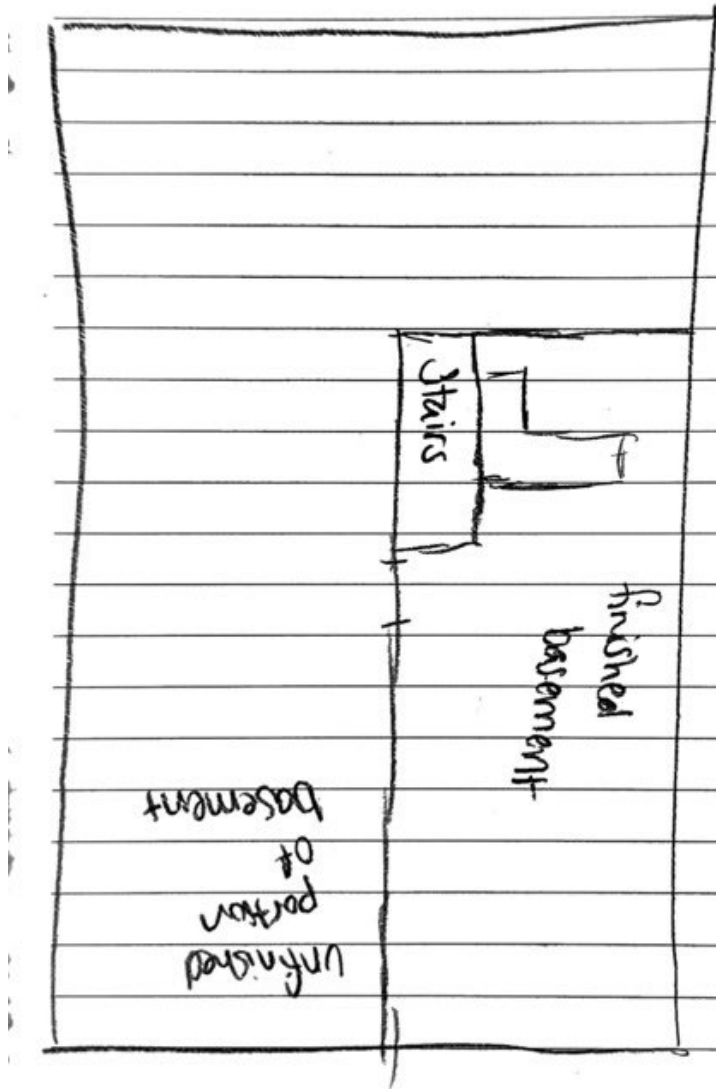


FLOOR PLAN



30' x 23'

FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED FEBRUARY 10, 2023



NEIGHBORHOOD MEETING MATERIALS

application number: SP2023-001

Meeting held via Virtually via Microsoft Teams.

Attendee Names:

• No attendees

Introductions:

Adam Boyle - Homeowner

Meeting called to order at February 27th at 3:32pm

Presentation:

Planned to review how we are wanting to utilize the home as a short term rental when we are not occupying it to help Supplement the mortgage, maintain, and overall cost of the home.

Questions and answers

no questions via email, phone, or at meeting

Meeting Adjourned at: 4:03pm

Minutes Taken by Adam Boyle

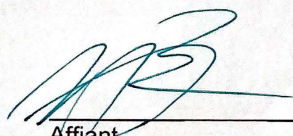
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
COUNTY OF _____) SS:

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

1. That I am the petitioner for Petition # SP2023-001
2. That I conducted a neighborhood meeting on Feb 27 2023.
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



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: March 30, 2023

Re: Special Use Petition SP2023-003

GENERAL INFORMATION

Applicant:

Alexandra Burnham

Status of Applicant:

Owner

4101 Fisher Street
Kansas City, Kansas 66103

Requested Action:

To approve a Special Use Permit.

Date of Application:

January 27, 2023

Purpose:

To approve a Special Use Permit to operate a short-term rental. This is not the owner's primary residence.

Property Location:

4101 Fisher Street
Kansas City, Kansas 66103

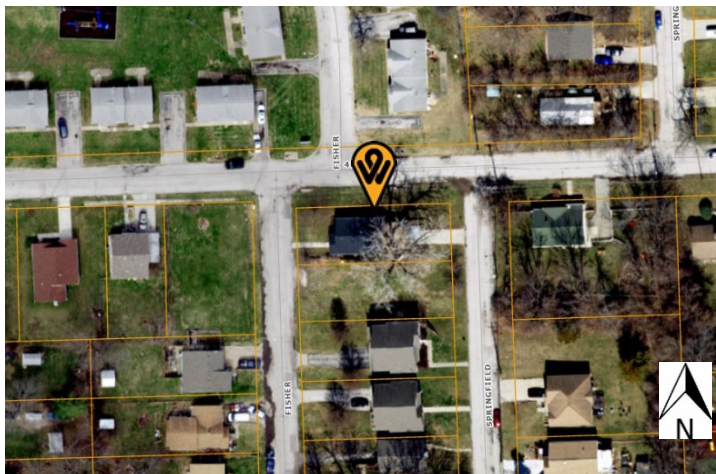
Commission Districts:

Commissioner At-Large District #2:

Tom Burroughs

District #3 Commissioner:

Christian Ramirez



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-2(B) Two 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: Multi-Family Residences South: Vacant Parcel East: Single Family Residence West: Vacant Parcel
Total Tract Size:	0.14 Acres
Master Plan Designation:	The Rosedale Area Master Plan designates this property as General Urban, which allows rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors.
Major Street Plan:	The Major Street Plan designates Fisher Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(e) states “two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The residence provides two (2) off-street spaces in the driveway and one (1) covered space, a total of three (3) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owner – February 17, 2023
Public Hearings:	March 13, 2023 and March 30, 2023
Public Support:	None to date.
Public Opposition:	One (1) person appeared in opposition at the March 13, 2023 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Alexandra Barnum, is requesting a Special Use Permit to operate a short-term rental at 4101 Fisher Street. This is not the applicant’s primary address.

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. There are no active Notices of Violation on the subject property. The property has a history of violations under a previous owner.

Outstanding or Related Permits and Cases:

1. There are no related or outstanding permits or 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 Rosedale Development Association Neighborhood Group. The neighborhood consists of a mix of single-family residences on narrow and deep lots and garden style multi-family residences, with a mix of duplexes, triplexes, and fourplexes mixed within.

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 as a short-term rental, is consistent with other nearby properties in the neighborhood, thus, the proposed use is compatible if properly managed.

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

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

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

The property has been used as a long-term rental since 2021.

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 Area Master Plan designates this property as General Urban, which

allows rowhouses, townhomes, and single-family houses. Three story apartment buildings, retail, and office uses are allowed only on neighborhood and mixed-use corridors. The proposed use conforms to the low-density residential 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 proposed use is not expected to result in the increase of the amount of vehicular traffic to the point where it exceeds the capacity of Fisher Street, a local street. The property provides ample parking in the rear with two (2) spaces in the driveway and one (1) in a covered garage.

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 and event space. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

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

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

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

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

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

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. The maximum number of overnight guests at one time is seven (7) and the maximum number of vehicles for guests is three (3). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 24, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Conformance
Home Occupation
Noise Concerns
Parking
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-003** for one (1) year, subject to:

- 1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**

2. All repairs must be made to the property prior to operation;
3. Maximum number of guests shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is three (3);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must maintain liability insurance;
7. Applicant must maintain the property's physical condition through the duration of the permit;
8. All reservations shall be a minimum stay of 24 hours;
9. No meals shall be prepared in the dwelling by the owner or owner's agent;
10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
11. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978.
 - c. An asbestos notification for any property built before 1981.
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
12. The property must remain in proper maintenance and free of hazards, pests, or infestations.
13. The granting of this Special Use Permit does not transfer with a change of ownership of the property.
14. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
16. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for

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

17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

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 **SP2023-003** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Granicus Host Compliance Map
Rental License
Site Photos, Taken by Staff, Dated February 6, 2023
Neighborhood Meeting Materials
Dispute of Neighborhood Meeting Minutes
Letters of Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 13, 2023	March 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-003** 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 **SP2023-003**, 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.

March 13, 2023 City Planning Commission Meeting:

Hearing starts at 4:54:45:

SPECIAL USE PERMIT APPLICATION SP2023-003 – ALEXANDRA BURNHAM WITH SPRINGFIELD LLC - SYNOPSIS: Special Use Permit to operate a short-term rental at 4101 Fisher Street.

Detailed Outline of Requested Action: The applicant, Alexandra Barnum, is requesting a Special Use Permit to operate a short-term rental at 4101 Fisher Street. This is not the applicant's primary address.

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 March 13, 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:

- Alexandra Burnham, applicant, 3430 Gall Ocean Drive, Fort Lauderdale, Florida
- Tyler Shirk, property manager for the applicant

Present in Opposition:

- Terry Smith, 5950 Sherry Lane, Dallas, Texas

Staff Recommendation starts at 5:03:30: Planning Director Hand stated that this is another new short-term rental with no on-site manager. The property is located in the Rosedale Area Plan. Staff has received no letters in support but has received letters in opposition. There are no Notices of Violation. Staff recommends approval for one (1) year with a maximum of seven (7) people and three (3) off-street parking spaces.

Motion starts at 5:04:15:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-003 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 6 to 0

Subject to:

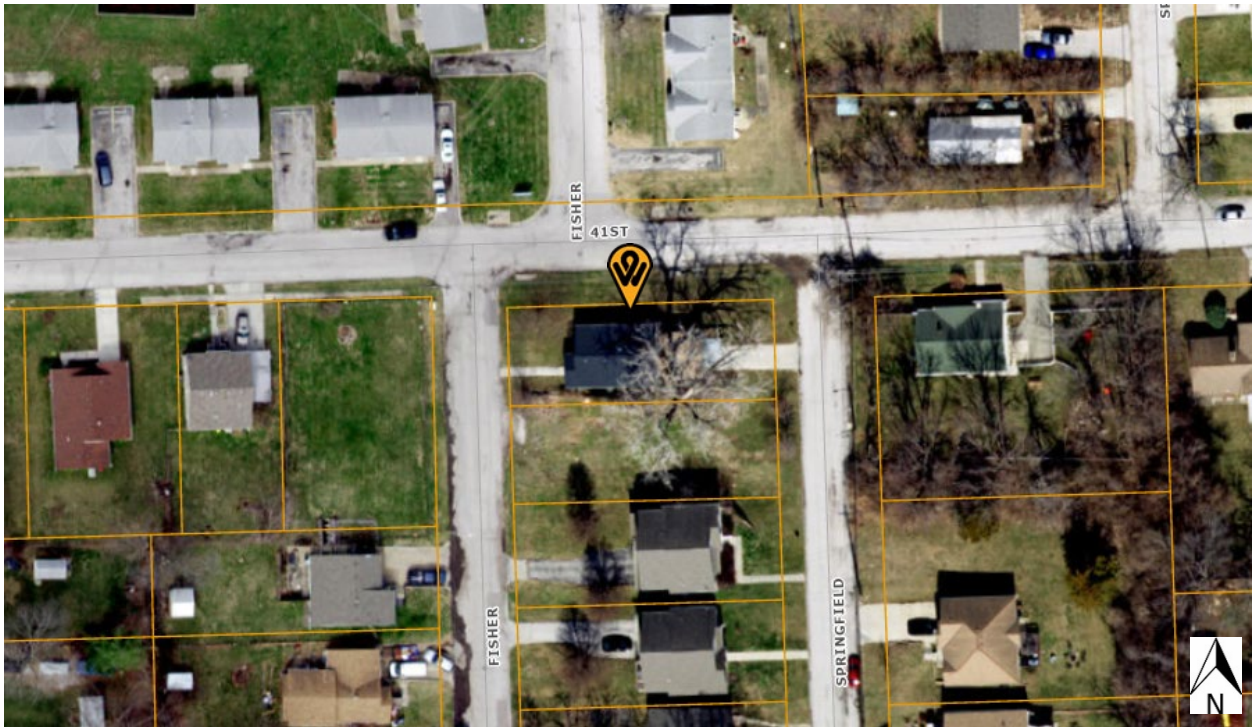
1. **The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with 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 repairs must be made to the property prior to operation;**
3. **Maximum number of guests shall be seven (7);**
4. **All parking must be off-street, maximum number of vehicles is three (3);**
5. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
6. **Applicant must maintain liability insurance;**
7. **Applicant must maintain the property's physical condition through the duration of the permit;**
8. **All reservations shall be a minimum stay of 24 hours;**
9. **No meals shall be prepared in the dwelling by the owner or owner's agent;**
10. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
11. **The owner or owner's agent/operator shall provide a guest book with the following information:**
 - a. **Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;**
 - b. **A lead-based paint notification for any property built before 1978.**
 - c. **An asbestos notification for any property built before 1981.**
 - d. **Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);**

- 12. The property must remain in proper maintenance and free of hazards, pests, or infestations.**
- 13. The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
- 14. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
- 16. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**
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- 18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item**

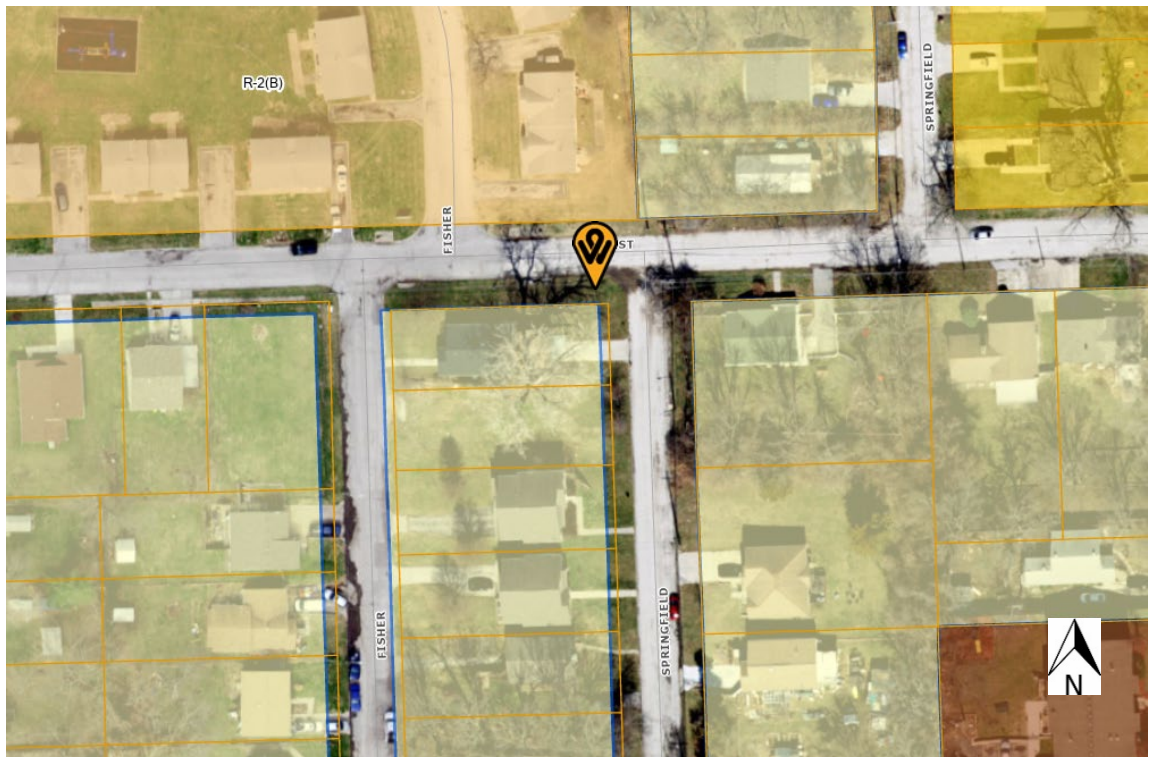
that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

ATTACHMENTS

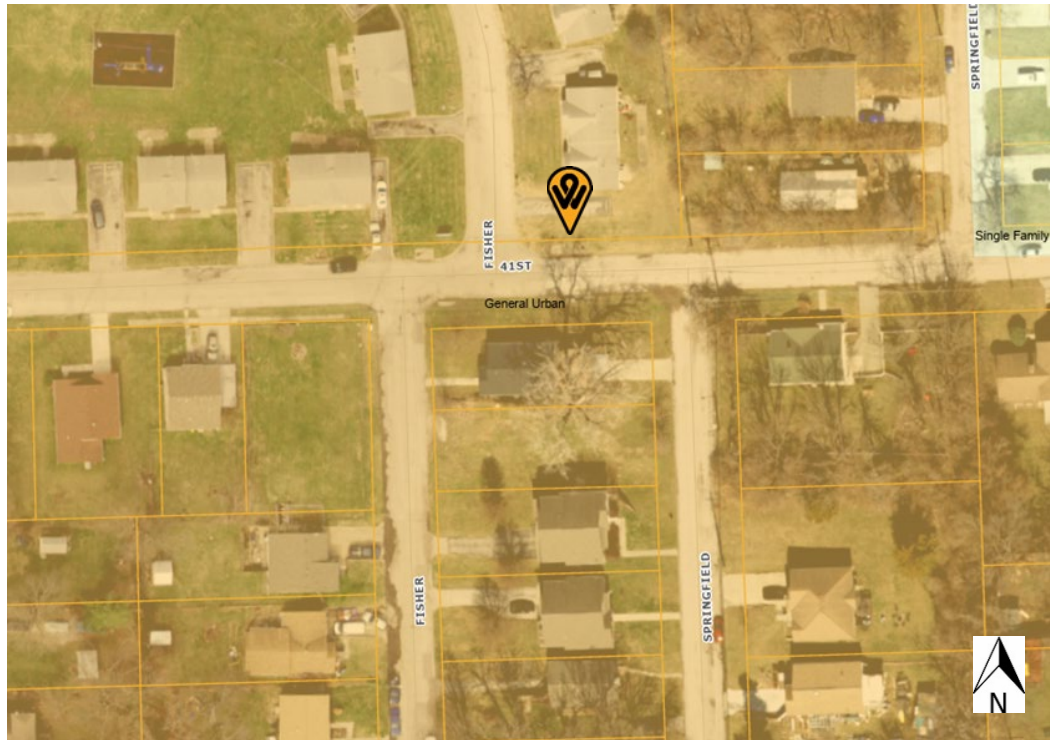
AERIAL IMAGERY



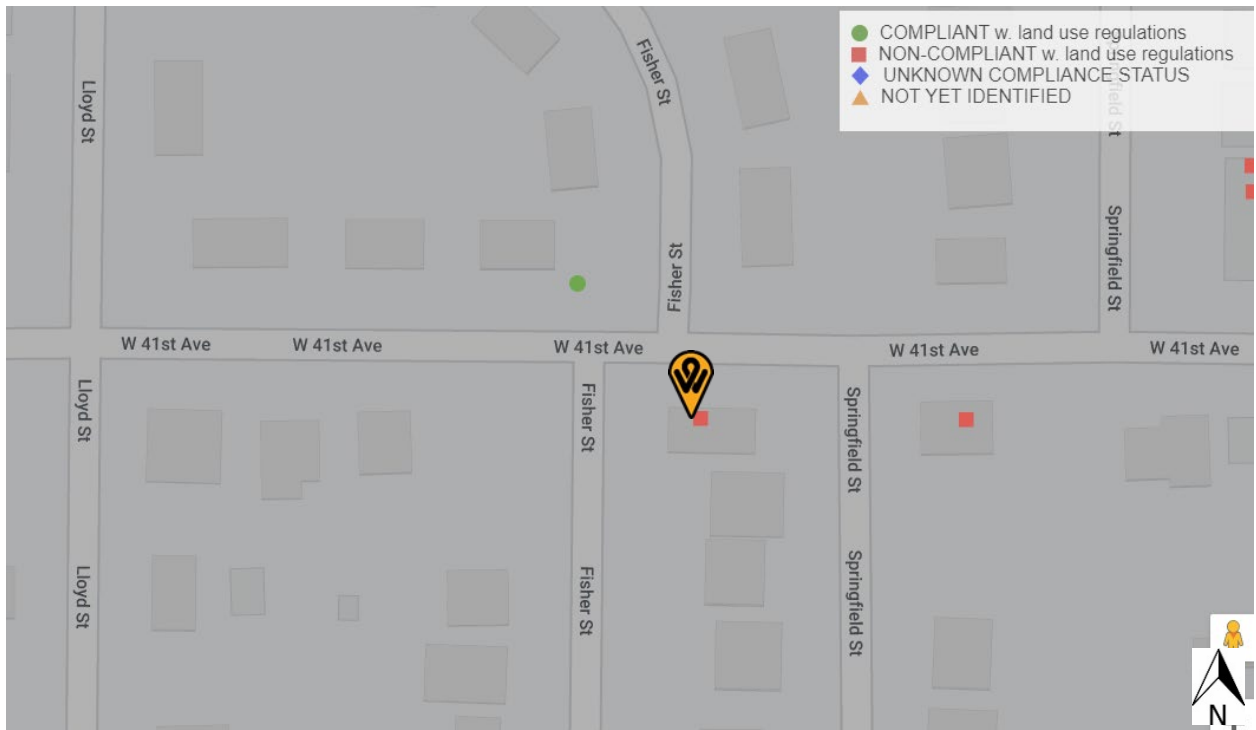
ZONING MAP



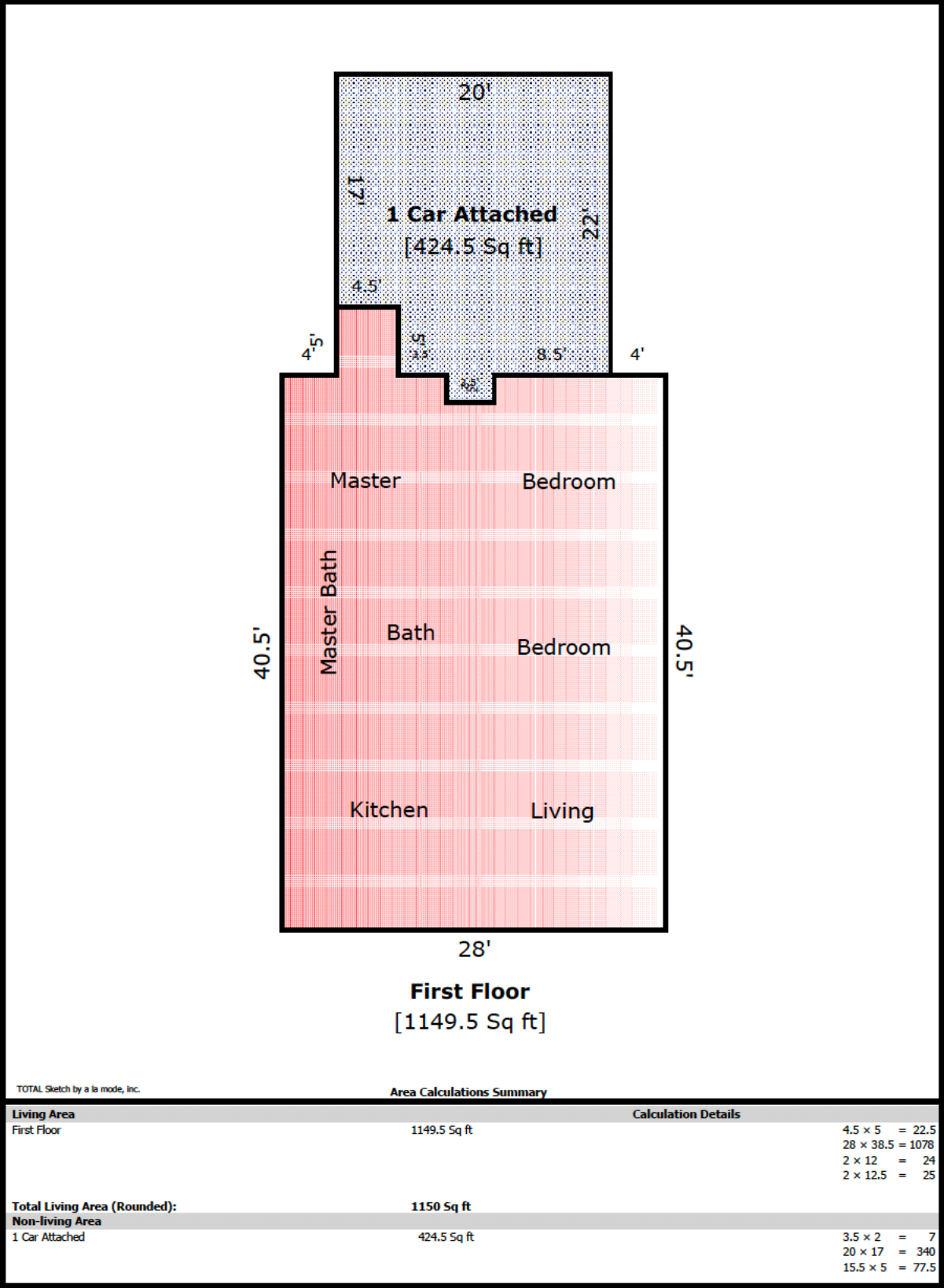
LAND USE MAP



GRANICUS HOST COMPLIANCE MAP



FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED FEBRUARY 10, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Florida)
COUNTY OF Broward) SS:

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

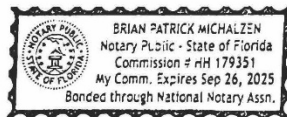
1. That I am the petitioner for Petition # SP2023-003.
2. That I conducted a neighborhood meeting on February 24, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Alexandra Burnham
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of
February 200 2023

My commission expires 09 of 26, 200 2025



Brian P Michalzen
Notary Public

NEIGHBORHOOD MEETING MINUTES
APPLICATION #SP2023-003

Name and Contact Information

Applicant: Alexandra Burnham

Contact Information: 623-694-8674, springfieldLLC11@gmail.com

Application Number: SP2023-003

Date and Location: February 24, 2023 ZOOM Neighborhood Meeting

Meeting called to order at: 4:05 PM CST

Names of people in attendance: Alexandra Burnham (owner/applicant)

Cheryl Denise Wilson, Terry Smith

Meeting:

Prior to applicant explaining the reason for application and permitting for short-term rental,

Cheryl Wilson began the meeting by asking the following questions:

- Why did we receive this notification so last minute? You did not send this out to everyone who needs to know.
- Why was the notification not sent via certified mail? Don't you think it would have been better for you to send it certified to ensure everyone received it?
- Who did you send this notification to?

Alexandra Burnham:

- I was given the instructions on February 13th to mail the notifications 10 days prior to a meeting date. The meeting deadline was February 27th to hold a meeting. I could not hold the meetings in the morning and preferred not the weekends to not take time away during your weekends. Therefore, I sent the mail February 14, to have a meeting on February 24th to cover the 10 day instruction.
- I was given a list of names and addresses of whom I was required to send the notification to. I did not pick and choose which neighbors to send it. I just followed the instructions given by Wyandotte County.
- It was not sent certified because my instructions stated it does not have to be sent certified.

- I was simply following every instruction that they gave me

Terry Smith:

- Cheryl, just let her talk. Why don't you tell us about your plan?

Alexandra Burnham:

- My husband is from Kansas and used to live in that neighborhood for a long time with his family. They used to live on Adams. He also came back and went to graduate school nearby and lived in that area again for years. We understand the neighborhood and the dynamics of it. We would like to turn this property into a short term rental to be a place for people to stay while in town whether that is traveling nurses or travel professionals, or those who are visiting friends and family. We also have friends and family in the area and may use the property while we visit.
- We are very responsible and make sure to be great property owners. We maintain the property as if we lived there full time. We have everything inspected to make sure it is safe for all of the guests. We have a professional cleaning company that will come to the property and check everything as well as clean everything every few days. We have lawn care done every 2 weeks, HVAC tuned up every few months, and snow removal for the winter months. We added exterior cameras for safety and security and it can hopefully help reduce crime in the neighborhood as police have actually called us to ask for our video footage of crime that has happened already.
- We will not just accept any guest who requests to stay there. We will be very particular on who we allow to stay to ensure they do not disturb the neighbors whatsoever.

Terry Smith

- You said they lived on Adams. That's a few streets over and not the same area. I've lived here for 70 years, and some people have lived here much longer. It just does not seem to fit this area. We see what's going on - people are buying more homes here to turn into rental properties. It's a very family friendly neighborhood.

Cheryl Wilson

- I did not hear you once say what you are bringing to the neighborhood that is good. I am not willing to compromise the safety and security of my family with having a short term rental nearby. This does not enhance the neighborhood,

- You are willing to stay somewhere when there is crime in the area?! Are you really?
- I do NOT want a short term rental and people in and out every few months.

Alexandra Burnham

- I cannot control the crime that just happened recently. That does not happen every day.
- I just want to clarify that a long term rental is considered 30+ days. So, if someone were to stay 2 months, that is considered a long term rental. A short term rental is less than 30 days.

Cheryl Wilson

- I hope you are not twisting my words. You exactly know what I mean. I do not want a short term rental over there. I prefer a long term rental. Make it a long term rental instead. We want families to stay long term.
- You are not seeing the long term effect and way of life this will have on my family, not related to the fact that there are occasional tenants.
- You are just so shallow and weak.
- You said you will have people check on the property? You know that is not going to happen, like come on. I know that's a lie.

Alexandra Burnham

- Actually, I do know it does happen because I have exterior cameras that record video and alerts me when someone is there. I also have smart locks where I can see who opens the door, what time they open the door and lock the door, and what time they leave. They can only use a code I provide and each one is unique to the person going to the house. So I am very aware of who enters and leaves the property.

Cheryl Wilson

- Well, Alexandra, I think you should just stay in your high rise condo and find another area to put your short term rental.
- I would like the list of every single person you sent the notification to. Please email me their names and addresses and the entire list.
- I would also like the instructions the county gave you. Please email that to me too.

- I hope your application is rejected.
- You're compromising everything over there.

Alexandra Burnham

- Over there? So do you not live in the neighborhood?

Terry Smith

- She owns a rental property here

Cheryl Wilson

- Oh My God. If you lived here you would know this! This is ridiculous.

Cheryl left the Zoom meeting

Alexandra Burnham

- I just want to ask a question, Terry. This home was vacant for years. When we purchased it the weeds were growing all along the side of the house. The yard was so crazy and unkept. Would you rather have it vacant and not maintained than a property owner who actually maintains it well?

Terry Smith

- Yes, this house used to be a Habitat Home. But, I do know it was vacant for a very long time.
- I agree with Cheryl and I read her email, but she has her own way of putting it.
- I just don't think it's a good fit for our neighborhood.

Unfortunately the Zoom meeting ended due to the time limitation and was cut off

Meeting adjourned at: 4:45 PM CST

Minutes taken by: Alexandra Burnham

Date: February 13, 2023

Name: Janet Parker

Address:

City/State/Zip:

SUBJECT: Neighborhood Meeting

Hello!

My name is Alexandra and I am the owner of 4101 Fisher Street Kansas City, KS. I have filed an application with the Department of Urban Planning and Land Use #SP2023-003.

The purpose of this application is for a Special Use Permit at the following address: 4101 Fisher Street Kansas City, KS 66103. We are hoping to obtain this permit to use this property as a short-term rental.

I am having a neighborhood meeting on Friday, February 24, 2023 at 4PM CST via Zoom.

<https://us05web.zoom.us/j/82233915817?pwd=b2R0U3NlcWFhV2ZyOEhCaXF4NkExdz09>

Passcode: DG4KUD

The purpose of this meeting is to explain the proposal of a Special Use Permit to use the property as a short-term rental and to answer any questions/concerns you may have.

If you are unable to make the meeting via zoom, you can email me with any questions or concerns at SpringfieldLLC11@gmail.com.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the phone number listed below.

Sincerely,

Alexandra Burnham
Springfield LLC
785-274-9173

DISPUTE OF NEIGHBORHOOD MEETING MINUTES

Page 1 of 4

28 February 2023

James Molloy, Planner
(jlmolloy@wycokck.org)
Department of Planning and Urban Design
(planninginfo@wycokck.org)
Unified Government of Wyandotte County
701 North 7th Street
Kansas City, Kansas 66101

SUBJECT: Dispute of Contents of Neighborhood Meeting Notes Received
via Email from Alexandra Burnham Concerning Department of
Planning and Land Use Application #SP2023-003

Dear Mr. Molloy:

The purpose of this letter is to correct what I feel is a grievous injustice done to me, as written by Alexandra Burnham in her notes from the Neighborhood Meeting of 24 February 2023, and filed with the county (RE: Meeting Details.pdf), concerning Department and Land Use Application #SP2023-003.

I was completely disheartened by the lack of veracity in Alexandra Burnham's Neighborhood Meeting notes. The notes forwarded to me included several exaggerations, falsities, gratuitous statements, items that were never discussed during the Neighborhood Meeting, and blatant lies that Alexandra Burnham attributed to me. Additionally, Alexandra Burnham purposely failed to properly convey my complete questions and complete statements to her; but instead took creative license with my comments in the final presentation of her notes.

I don't speak in the fashion that was presented by Alexandra in her Neighborhood Meeting notes. I am completely appalled by what I read. For the record, I would like to address each section of Alexandra's notes with you, as I have no further need to contact her, and would like to clear my good name.

[Page 1 of 4 of the Neighborhood Meeting Notes]:

1. In her letter to me dated 13 February 2023, Alexandra already explained the purpose of Department of Planning and Land Use Application #SP2023-003. The referenced letter also explained the purpose of the Neighborhood Meeting.
2. I did inquire about the timing and method of delivery of my letter, as the Neighborhood Meeting was scheduled for three days after I was in receipt of her notification. I did also ask Alexandra how many other letters were sent out because there were only three attendees at the Neighborhood Meeting, one of whom was the moderator. Never once did I tell Alexandra that, "...You did not send this out to everyone who needs to know."

I had no prior knowledge of the recipients of Alexandra's letters.

3. Alexandra stated to the attendees that the Neighborhood Meeting could not be held on a weekend, although her Neighborhood Meeting notes state that she "...preferred not the weekends to not take time away during your weekends."
4. Although the following information was detailed in her Neighborhood Meeting notes, there was no discussion, at any time, concerning: (a) traveling nurses; (b) traveling professionals; (c) home inspections; (d) a professional cleaning company; (e) lawn care; (f) HVAC tune up; or (g) snow removal.

Discussion of these topics with the attendees is purely fictional; and appears to have been gratuitously added as if it were part of the agenda.

[Page 2 of 4 of the Neighborhood Notes]:

1. Alexandra falsely claimed that I made the following statement: "I did not hear you once say what you are bringing to the neighborhood is good."
2. Alexandra voluntarily stated to the attendees that she had been contacted by police to provide home video footage "because of a murder and a robbery that happened in the area". Alexandra made this comment shortly after stating that she may use the property when visiting the area.
3. Terry Smith did not tell Alexandra that she has "lived here for 70 years..."
4. When Alexandra voluntarily stated that she owns other homes in the area that are long-term rentals, I did ask (but got no response) what makes this property different from the others.

I did, however, ask Alexandra how this short-term rental will enhance the neighborhood.

I was surprised by her comment, but I did not say, "I do NOT want a short-term rental and people in and out every few months."

Additionally, never once did Alexandra state, "I cannot control the crime that just happened recently. That does not happen every day".

I did not say, "...Make it a long-term rental instead. We want families to stay long term. You are not seeing the long term effect and way of life this will have on my family, not related to the fact that there are occasional tenants."

These are rambling nonsensical statements; and again, I do not speak in such a fashion.

[Page 3 of 4 of the Neighborhood Notes]:

1. I ABSOLUTELY DID NOT tell Alexandra, "You are just so shallow and weak."

I know nothing of Alexandra's character; but after reading the Neighborhood Meeting notes she provided to me, I know that I will be better served by directing any future questions I may have to the Department of Planning and Urban Design.

2. Never once was there a mention of smart locks and codes during the Neighborhood Meeting, and it is also not my concern; but Alexandra is stating that this conversation took place in the Neighborhood Meeting when it did not. This is yet another gratuitous issue added to her notes.
3. The section of Alexandra's notes that I found even more offensive were the blatant lies she wrote and attributed to me, as if those were my words, my statements, and my demands of her during the Neighborhood Meeting.

- Well, Alexandra, I think you should just stay in your high rise condo and find another area to put your short term rental

This statement is a lie. I never made that comment to Alexandra, nor did the other attendee.

- I would like a list of every single person you sent the notification to. Please email me their names and addresses and the entire list

When the Neighborhood Meeting began and I inquired about the timing of my letter and the number of letters that were sent out, Alexandra voluntarily informed the attendees that she had a list of names and would be willing to send it. At that point, I told Alexandra that she has my email address.

Subsequent to the Neighborhood Meeting, Alexandra wrote in her 27 February 2023 email to me that "...you are more than welcome to email the county for that information".

As an attendee of the Neighborhood Meeting, I had no prior knowledge of her list. Alexandra let the attendees know of the existence of a list, was willing to send her list last Friday, but now she is attempting to make it appear as though she has been pressured for information.

Alexandra's statement as written in the Neighborhood Meeting notes is a lie.

- I would also like the instructions the county gave you. Please email that to me too

Again, this is another lie. I am not the applicant here, and there is no logical reason why I need, or would even want, to obtain such documentation.

- "Your're compromising everything over here"

I have no idea what that statement means; and furthermore, I never made that statement.

4. Terry Smith never told Alexandra "she owns rental property here" when Terry referred to me.

5. I never told Alexandra, "If you lived here you would know this!"

I don't know what point Alexandra is trying to make with this statement, and neither do I know to what she is referring.

I don't know what the motivation was to write so many false statements and include conversations that never occurred during the Neighborhood Meeting; but this has been a horrible experience for me. I feel that the Neighborhood Meeting ultimately served no purpose and was less than forthcoming.

Thank you for allowing me to address my concerns.

Sincerely,

Cheryl Wilson
6320 N. Robinhood Lane
Kansas City, Missouri 64151

LETTERS OF OPPOSITION

2/28/23, 12:02 PM

Gmail - Department of Urban Planning and Land Use Application #SP2023-003



Alexandra Sales <alexandrak.sales@gmail.com>

Department of Urban Planning and Land Use Application #SP2023-003

4 messages

cheryl wilson <[REDACTED]>

Thu, Feb 23, 2023 at 8:34 AM

To: Springfield LLC <springfieldllc11@gmail.com>

Alexandra Burnham,

I vehemently oppose your attempt to turn our family-friendly neighborhood into a transient corridor by way of a Land Use Application.

Since you are NOT, nor have you ever been, a member of this community, let me explain to you that we wholeheartedly welcome families. However, it appears to me that from your Florida high-rise (nearly 1,500 miles away), you are merely interested in profiting from temporary housing, short-term rental, Airbnb, or VRBO, in an area from which you have absolutely NO ties.

Furthermore, it is impossible for you to hold a "neighborhood meeting" when your neighborhood is in Florida. You don't know the people in our neighborhood. Start with the above facts first, before you unduly and irreparably seek to change the dynamics of an already established neighborhood.

It is my desire that your Special Use Permit be rejected,

Cheryl Denise Wilson Revocable Trust
6320 N. Robinhood Lane
Kansas City, Missouri 64151

Alexandra Sales <[REDACTED]>

Thu, Feb 23, 2023 at 8:44 AM

To: Bobby Burnham <[REDACTED]>

Dr. Alexandra Sales

Begin forwarded message:

From: cheryl wilson <cheryl25wilson@gmail.com>
Date: February 23, 2023 at 8:35:01 AM EST
To: springfieldllc11@gmail.com
Subject: Department of Urban Planning and Land Use Application #SP2023-003

[Quoted text hidden]

cheryl wilson <[REDACTED]>

Mon, Feb 27, 2023 at 7:23 PM

To: Alexandra Sales <alexandrak.sales@gmail.com>

Alexandra,

After reading your notes from Friday's Neighborhood Meeting, I no longer wish to converse with you, as you have included a number of exaggerations, falsities, items that were never discussed during our meeting, as well as purposely failing to properly convey my complete questions and statements. Thank you for your time.

<https://mail.google.com/mail/u/0/?ik=d0aad1a5f0&view=pt&search=all&permthid=thread-f%3A1758628991220990777&simpl=msg-f%3A1758628991220990777...> 1/2

On Mon, Feb 27, 2023 at 5:49 PM Alexandra Sales <springfieldllc11@gmail.com> wrote:

Hi Cheryl,

As I promised, attached is the conversation of the zoom meeting we had and the documentation that I sent to the county. If you would like the list of names that I sent mail to, you are more than welcome to email the county for that information. Here is the Planning and Urban Development contact that can help you if you have any questions.

Kallie McLaughlin
kdmclaughlin@wycokck.org

Have a great evening,
Alexandra

On Thu, Feb 23, 2023 at 9:16 AM Alexandra Sales <springfieldllc11@gmail.com> wrote:

Hi Cheryl,

I greatly appreciate your response to my application. I completely understand your concern regarding the use of the property, but would like to address a few items from your email.

First, my husband is from Kansas. He actually lived in that exact neighborhood for years. He also attended the school nearby for his graduate degree. Although we do not know every family or long-term tenant in the neighborhood, we understand the dynamics of it. We currently live in Florida (temporarily) due to my husband's training for work. We are placed here until his training is complete.

Secondly, I would like to emphasize that this property would be highly watched over and taken care of. We are VERY responsible and are very selective of who would be allowed to stay at the property. We do not accept every inquiry. I assure you that we have implemented many items to ensure there are no parties, loud disturbances, or issues that will arise. There are multiple people who check on the property every few days.

Lastly, I would really appreciate your reconsideration regarding this application. We are not trying to over turn the neighborhood. We do have a lot of family and friends who still live there and this would also be a place we stay while we are in town visiting. If you have any additional questions, I'd be more than happy to answer them.

Please let me know if you have any additional questions or concerns. I really appreciate your time.

Have a great day,
Alexandra

[Quoted text hidden]

Alexandra Sales <[REDACTED]>
To: cheryl wilson <[REDACTED]>

Mon, Feb 27, 2023 at 7:30 PM

Hi Cheryl,

I did not falsify anything on that document whatsoever. If you can point out which part is false or parts that were never discussed I will gladly look it over. I also sent them the email you sent to me. I am not looking to cause any trouble. I am just doing everything that I was instructed to do. Thank you.

[Quoted text hidden]

--

Dr. Alexandra Sales D.M.D., M.A.
alexandrak.sales@gmail.com

27 February 2023

Department of Planning and Urban Design
(planninginfo@wycokck.org)
James Molloy, Planner
(jlmolloy@wycokck.org)
Unified Government of Wyandotte County
701 North 7th Street
Kansas City, Kansas 66101

SUBJECT: Opposition to Department of Urban Planning and Land Use
Application #SP2023-003

To The Department of Planning and Urban Design:

I would like to formally express my opposition to Department of Urban Planning and Land Use Application #SP2023-003, for 4101 Fisher Street, Kansas City, Kansas 66103.

My primary concern, if this Application is granted, relates to the safety and security of permanent residents and long-term renters in the immediate area of this property. The single-family home in question is in the urban residential neighborhood of Rosedale, Wyandotte County, Kansas; while the current owner of said property lives in the state of Florida. The potential for increased crime and vandalism, increased noise levels, and constant flow of strangers in the community resulting from a short-term rental may become an inevitable, but foreseeable, certainty. It is my belief that the long-lasting effect of a short-term rental at 4101 Fisher Street, Kansas City, Kansas, 66103, will be detrimental to the surrounding residents in this community.

Furthermore, in the event of issues identified by the neighbors of this property, I have yet to receive local designated property manager information (or information for a local individual third-party specified for this property), if a need arises to immediately address matters of concern. Maintaining a stable quality of life for permanent residents and long-term renters in this area is paramount for continued growth of a healthy community. A short-term rental falls short of accomplishing this goal, and can sometimes change the character of a neighborhood.

I also have two auxiliary issues that I would like to discuss regarding this Application. Recently posted on the "Apartments.com" website, the owner of the property already states in-part that all utilities for this now-unoccupied dwelling will be paid, the home is fully furnished, the home is WIFI equipped, there is a

fully stocked kitchen with all appliances, it contains flat screen ROKU televisions, and the home has various other amenities. This is of great concern to me. This property owner's posting, along with one photograph of the interior displaying some of the abovementioned amenities, gives the appearance that the matter of this home qualifying as a short-term rental is not only a foregone conclusion, but that the matter has already been resolved. However, the approval (or disapproval) of this property as a short-term rental has not yet been determined, as the public hearing will not be conducted by the City Planning Commission until 13 March 2023.

Given the current, detailed, non-occupied home information presented above, the property owner can potentially opt to follow "The Letter of the Law", but ignore "The Spirit of the Law", with respect to the duration of a short-term versus a long-term rental if this Application is denied. As I understand it, short-term rentals are fewer than 30 consecutive days at a time, whereas long-term rentals exceed 30 days. If this Application for a short-term rental is denied the applicant, then seemingly the property owner can circumvent the system and merely rent this home for a period of one month and one day, thus technically remaining compliant with long-term rental Regulations. Even the appearance of a "loophole" will not serve the best interest of the community; and I hope that the Department of Planning and Urban Design will also take this into consideration when determining the final disposition of the property.

Short-term rental, temporary housing, Airbnb, or VRBO will not enhance the community. It is my desire that Department of Urban Planning and Land Use Application #SP2023-003, for 4101 Fisher Street, Kansas City, Kansas 66103, be denied.

Thank you for the opportunity to provide my input regarding the proposed short-term rental.

Sincerely,

Cheryl Wilson
6320 N. Robinhood Lane
Kansas City, Missouri 64151

CC: James Molloy, Planner, Department of Planning and Urban Design
RE: Opposition to Department of Urban Planning and Land Use Application #SP2023-003

Mr. Molloy:

RE: Special Permit Petition SP2023-003 - Special Use Permit to operate a short-term rental at 4101 Fisher Street.

News articles:

"OVERLAND PARK, Kan. — A party at an Overland Park Airbnb located at 145th Terrace street, has left one woman dead."

"The owner of an Overland Park rental home where a woman was fatally shot — and where noise complaints have been reported — is based in Dallas."

KANSAS CITY, Mo.

"Midtown neighbors want Airbnb shut down after shooting."

In spite of certain rental rules, i.e., "disruptive gatherings are prohibited; no parties," both of which sound good in theory, no rental rules can prevent the above-mentioned fatal scenarios. Also, out of state property owners are not readily accessible to address immediate needs and/or concerns associated with rental homes.

I own property that is very close in proximity to the proposed short-term rental. Due to the unpredictability and safety concerns associated with Airb&b's/rentals, I vehemently oppose the granting of a Special Use Permit for the following address: 4101 Fisher, Kansas City Kansas 66103.

Respectfully submitted,

Jeff Smith
12002 NW Yukon
Parkville, MO 64152

Cc: planninginfo@wycokck.org



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: March 30, 2023

Re: Vacation Petition VAC2023-001

GENERAL INFORMATION

Applicant:
Ryan Simpson

Status of Applicant:
Representative
Olsson Associates
2111 South 67th Street, Suite 200
Omaha, Nebraska 68106

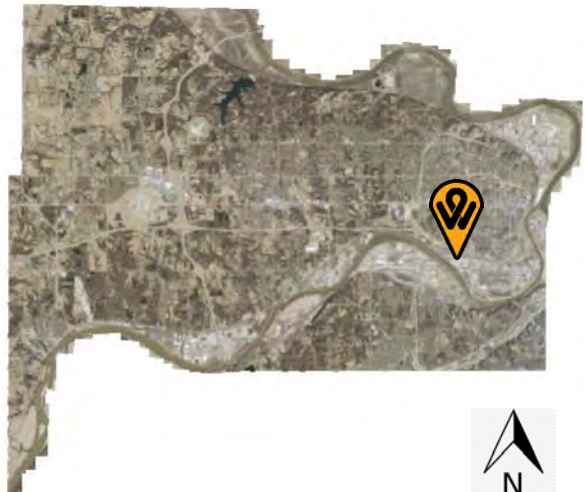
Requested Actions:
Approval of a Vacation of right-of-way.

Date of Application:
February 21, 2023

Purpose:
To vacate the right-of-way adjacent to the property in order to privatize the roadway for the expansion of the Union Pacific Intermodal facility. To dedicate new Right-of-Way for public access to Levee Trail.

Property Location:
2600 Bayard Avenue
Kansas City, Kansas 66105

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



Existing Zoning:	M-3 Heavy Industrial District
Adjacent Zoning:	North: BNSF Railroad Right-of-Way South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: M-3 Heavy Industrial District
Adjacent Uses:	North: Union Pacific Railway South: Towing Company East: Vacant Railway Station West: Union Pacific Railway
Total Tract Size:	.496 Acre
Master Plan Area:	The Subject Property is within the Armourdale Area Master Plan.
Master Plan Designation:	The Armourdale Master Plan does not specifically designate this property's land use, however, its adjacent uses are designated as Industrial. Industrial uses include processing, manufacturing, fabrication, distribution, salvage, outdoor storage, and commercial support businesses, such as truck stops and service stations. Residential uses are discouraged.
Major Street Plan:	The City-Wide Master Plan designates Bayard Avenue as a Local Street. There are proposed improvements to expand parts of Bayard Avenue to accommodate larger traffic but that is outside the scope of this report.
Parking Requirement:	M-3 District: Section 27-470(f) requires one (1) parking space for every 500 square feet of building area. There is no building proposed on this development, thus no parking is required.
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023
Public Hearings:	March 13, 2023 and March 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Ryan Simpson DBA Olsson, is seeking approval for the vacation of the Right-of-Way at 2600 Bayard Avenue. The subject property is a roadway that runs parallel to the Union Pacific Railroad tracks that lie South of City Park and Interstate I-70. The Vacation has been requested to privatize the roadway as part of the construction of a detention pond with a controlled access gate for the Union Pacific Railroad Company as part of a larger improvement project. An additional portion of the property has been dedicated for public Right-of-Way as an alternative route to reach the Levee Trail, which was previously accessed via the area requested to be vacated.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-454 – 27-457, Sections 27-592 – 27-606.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

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

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The neighborhood is industrial in character. Streets are often a combination of asphalt, concrete, or gravel with vast open spaces. Parcels are lined with various large trees and brush against open grasses, with few improvements to sidewalks, curbs, or stormwater. This block portion of Bayard continues to run adjacent to the Proctor & Gamble manufacturing and distribution plant.

2. 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.

The subject property borders between the large Union Pacific Railroad Mattoon Creek Yard and the adjacent industrial parcels. This tract is being used as an informal accessway between the industrial parcels and the material stockpile of

earthwork materials. South 26th Street is informally connected to Bayard Road through a forged gravel roadway, although it is important to note that this informal roadway bisects the adjacent parcel and is not an officially designated street by Public Works. The current design of the vacation is designed to formalize an access road as the primary access to the parcel, however, it gives no public frontage to the property. To address this and avoid conflicts with frontage and to provide continuous access to Levee Trail, the applicant is dedicating the southern portion of the property back to the Unified Government. This will create an alternate route to Levee trail and will provide access to adjacent parcels.

3. 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.

There will be no change in the arrangement of buildings, parcels, streets, or otherwise with this vacation that would affect adequate light, open space, or air as currently designed. The vacation includes parcel design that provides frontage to the adjacent parcel to the south to hold future real estate values and to ensure the property receives the opportunity of fire protection, should this property be redeveloped in the future. The additional dedication of land back to the Unified Government will provide Levee Trail Access.

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

There may be some change to the topography and natural features of the land and vegetation, as the roadway is proposed to be privatized as part of a detention pond construction. The applicant will provide more details to the development of the detention pond for evaluation, including stormwater and soil conservation efforts, as part of the larger development application through the Development Review Committee Process.

5. 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.

There will be no change in accessibility for schools, parks, playgrounds, or other community services as this is an existing built-out industrial district.

6. Vacation will not create utility conflicts.

The adjacent parcels have a septic system and no public utility access, although future development may require the replacement of a septic system with a formal sewer connection. The elimination of the frontage of the adjacent parcel may diminish this property's ability to connect to future utilities as there will be no public right-of-way, although this is remedied through the creation of the new dedicated right-of-way at the south of the parcel.

NEIGHBORHOOD MEETING

A neighborhood meeting is not required to be held for a vacation application.

KEY ISSUES

Levee Trail Access
Neighborhood Character
Right-of-Way
Parcel Access
Land Use
Traffic
Site Access
Utility Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Vacation Application **VAC2023-001**, subject to:

1. An access agreement with the Kaw Valley Drainage District shall be maintained;
2. Construction and access shall be coordinated with the Kaw Valley Drainage District and associated parties or contractors to ensure smooth transition and access to any roadway during construction phases;
3. A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;
4. 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;
5. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
6. 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; 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 **VAC2023-001** subject to all comments and suggestions in this report and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
Zoning Map
Aerial Map
Land Use Map
Vacation Exhibits
Staff Site Visit Photos dated October 22, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing Vacation	March 13, 2023 Approval	March 30, 2023

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **VAC2022-008** 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 **VAC2022-008** as it is not in compliance with the City Ordinances and as it will not promote the health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

March 13, 2023 City Planning Commission Minutes:

Hearing starts at 5:18:10:

**VACATION APPLICATION VAC2023-001 – RYAN SIMPSON WITH OLSSON -
SYNOPSIS:** Vacation of right-of-way at 438 South 26th Street.

Detailed Outline of Requested Action: The Applicant, Ryan Simpson DBA Olsson, is seeking approval for the vacation of the Right-of-Way at 2600 Bayard Avenue. The subject property is a roadway that runs parallel to the Union Pacific Railroad tracks that lie South of City Park and Interstate I-70. The Vacation has been requested to privatize the roadway as part of the construction of a detention pond with a controlled access gate for the Union Pacific Railroad Company as part of a larger improvement project. An additional portion of the property has been dedicated for public Right-of-Way as an alternative route to reach the Levee Trail, which was previously accessed via the area requested to be vacated.

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 March 13, 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 Notices to property owners; and,
7. The publication in The ECHO.

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

Present in Support:

- Ryan Simpson, Olsson Associates, 2111 South 67th Street, Suite 200, Omaha, Nebraska 68106
- Ben Jones, Union Pacific Railroad

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:21:45: Planning Director Hand stated that Staff has been working with the railroad on this vacation at the end of 26th Street in Armourdale. The Unified Government will retain access for both the Kaw Valley Drainage District and future bike/pedestrian connections access easement as part of the application. Staff has received no letters in support nor in opposition. There are no Notices of Violation on this property. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 5:22:29:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Vacation Application VAC2023-001:**

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

Motion to recommend **APPROVAL** Passed: 6 to 0

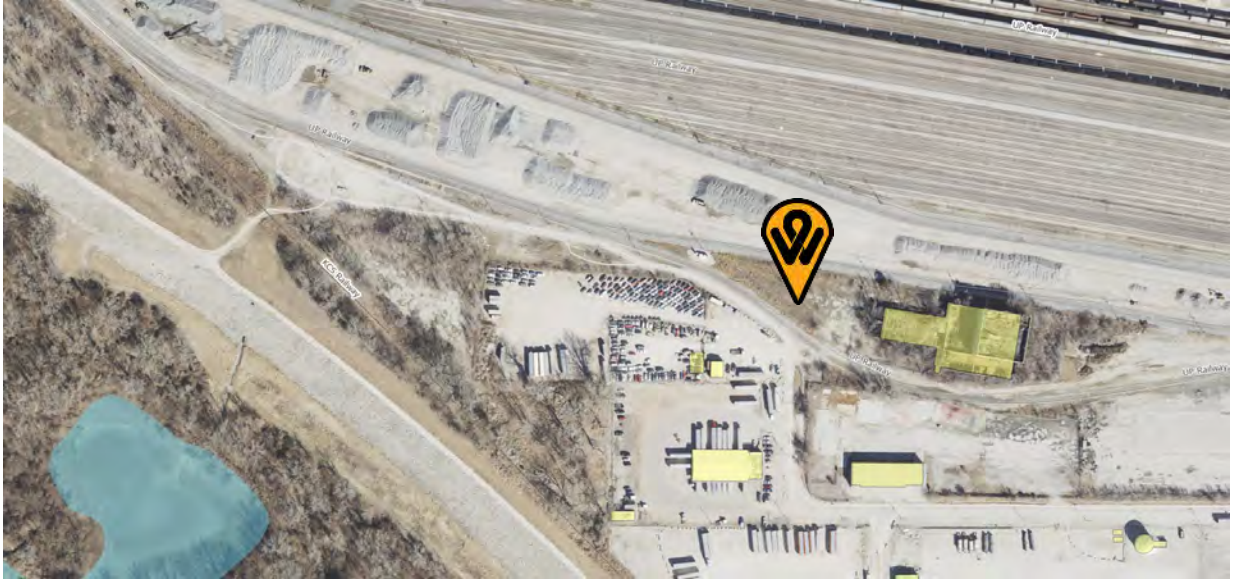
Subject to:

1. An access agreement with the Kaw Valley Drainage District shall be maintained;
2. Construction and access shall be coordinated with the Kaw Valley Drainage District and associated parties or contractors to ensure smooth transition and access to any roadway during construction phases;
3. A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;
4. 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;
5. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
6. 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.

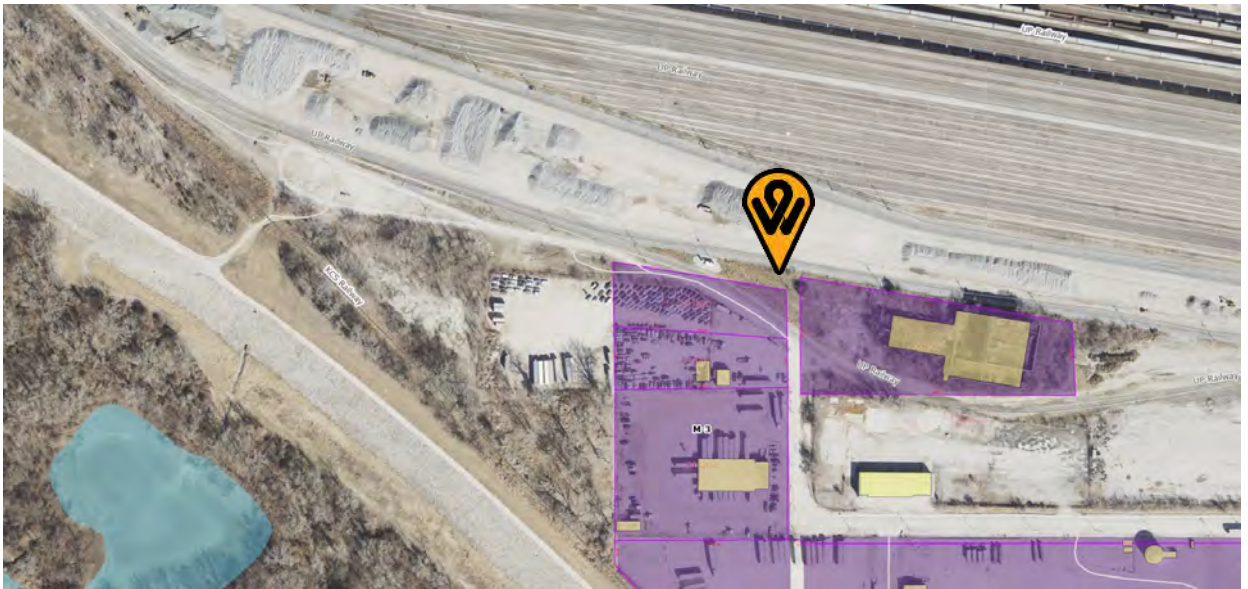
that are now or may hereafter be installed in the tract of land hereby vacated; and,

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.

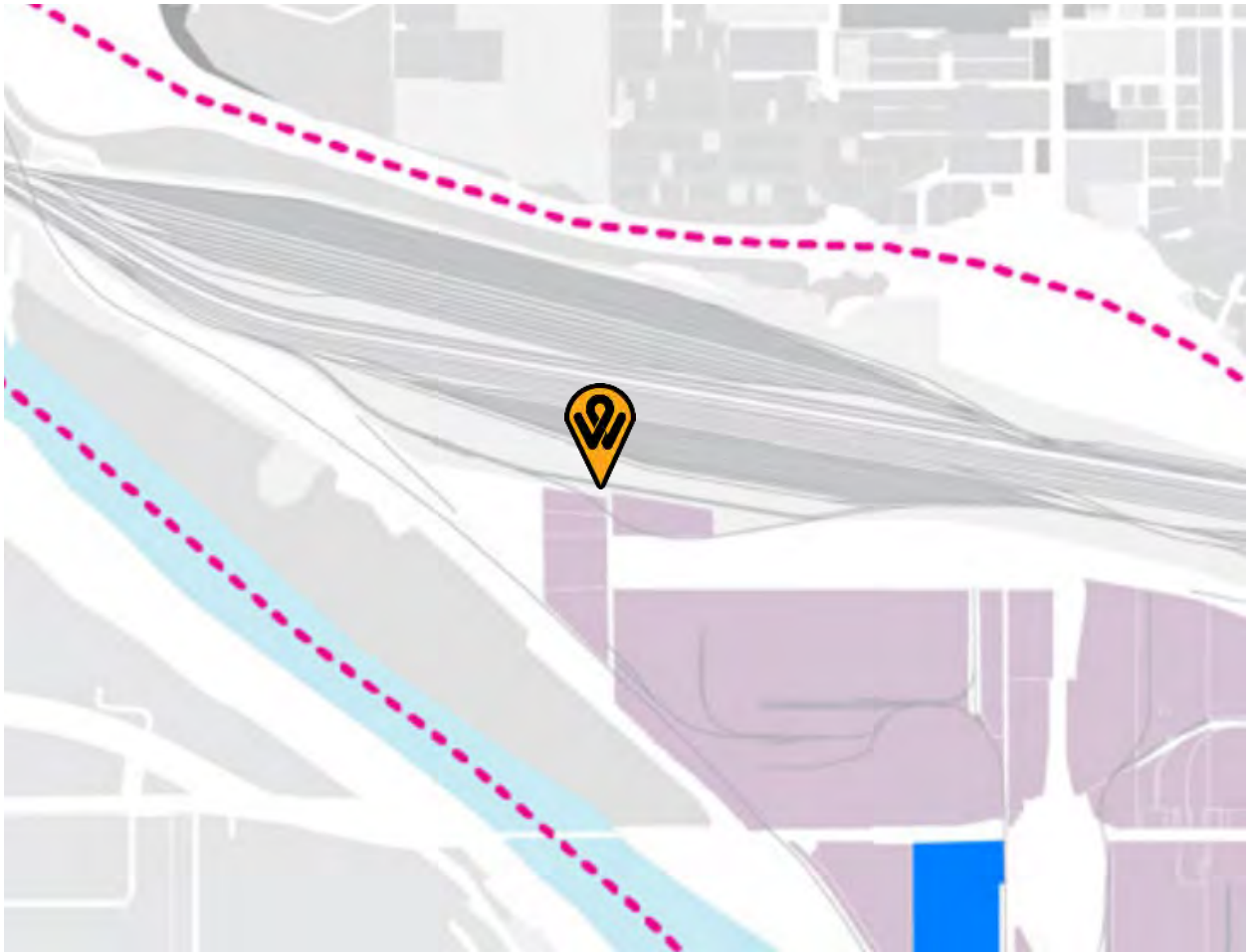
AERIAL MAP



ZONING MAP



LAND USE MAP

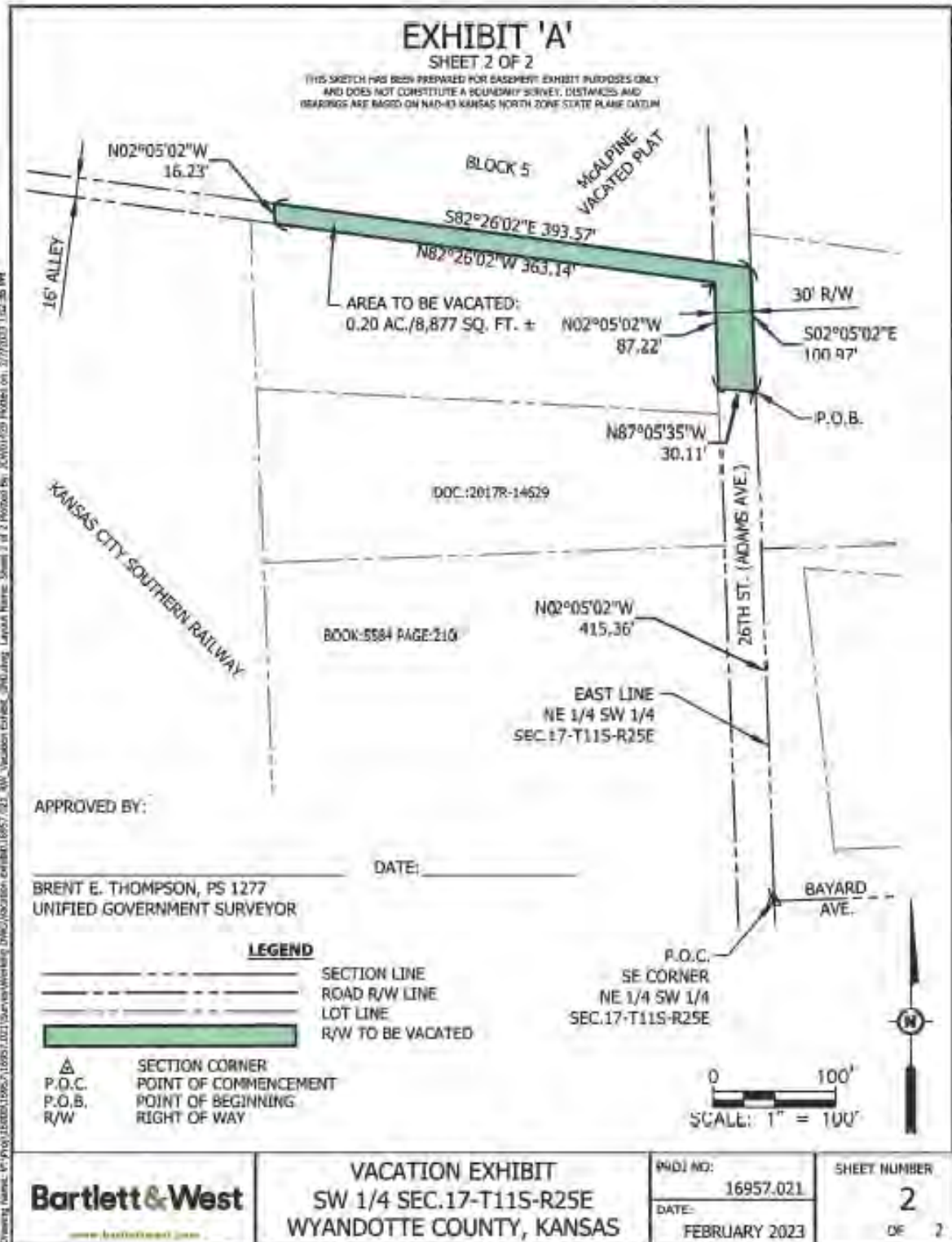


Legend

-  Parks/Open Space
-  Floodway
-  Public / Semi-Public
-  Rural-Density Residential
-  Low-Density Residential
-  Medium-Density Residential
-  Urban Residential
-  High-Density Residential
-  Neighborhood Commercial
-  Mixed-Use
-  Community Commercial
-  Regional Commercial
-  Business Park
-  Industrial
-  Undmined Areas
-  Right-of-Way
-  Armourdale Boundary



VACATION EXHIBITS



Note: Full exhibit is available upon request.

VACATION EXHIBITS



Note: Full exhibit is available upon request.

STAFF SITE VISIT PHOTOS DATED OCTOBER 22, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 22, 2022



STAFF SITE VISIT PHOTOS DATED OCTOBER 22, 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: March 30, 2023

Re: **Petition PR2022-049**

GENERAL INFORMATION

Applicant:

Eiad Musallet

Status of Applicant:

Representative
Daniel Finn with Phelps Engineering, Inc.
1270 North Winchester
Olathe, KS 66061

Requested Action:

Approval of a Preliminary Development Plan.

Date of Application:

December 30, 2022

Purpose:

To build a 6,500 a square foot convenience store, retail, kitchen, and gas pumps.

Property Location:

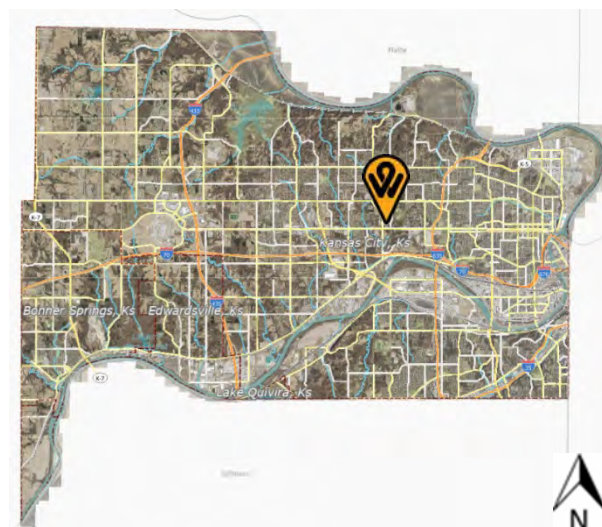
5648 State Avenue

Commission Districts:

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

Existing Zoning:

CP-2 Planned General Business District



Adjacent Zoning:	North: CP-1 Planned Limited Business District South: R-1 Single Family District East: CP-1 Planned Limited Business District West: RP-5 Planned Apartment District
Adjacent Uses:	North: Undeveloped, wooded land South: Single family home East: Commercial business/building West: Undeveloped land
Total Tract Size:	1.61 Acres
Master Plan Designation:	The City-Wide Master Plan designates this property as Mixed Use, which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, etc., professional and office services, institutional uses such as churches, schools, libraries, parks, plazas, open space, and mixed-density residential uses.
Major Street Plan:	The Major Street Plan classifies 57 th Street and State Avenue as Class A Thoroughfares.
Required Parking:	Sec. 27-466(e) Uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. Based on the 6,500 square foot building, 26 spaces are required. 32 spaces are provided.
Advertisement:	Property Owner Letters – January 20, 2023 and February 4, 2023 <u>Wyandotte Echo</u> – Not Required
Public Hearings:	March 13, 2023 and March 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eiad Musallet with P&R Diversified, Inc., seeks to build a 3,500 square foot convenience store, 2,000 square foot retail tenant space, and 1,000 square foot kitchen/restaurant and construct a new gas canopy with 8 fuel pumps on 1.61 acres.

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.

State Avenue is the major east/west commercial corridor in the city. There are a variety of commercial uses, medical offices, retail stores and single-family homes.

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

The proposed development will increase traffic and parking demand as the site and building is vacant, however, this increase should not exceed or adversely affect road capacity, safety, or create parking problems along State Avenue and Meadowlark Lane.

3. The degree of conformance of the proposed use to the Master Plan.

The proposed uses conform to the City-Wide Master Plan, which designates this property as Mixed Use, which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, etc., professional and office services, institutional uses such as churches, schools, libraries, parks, plazas, open space, and mixed-density residential uses. Additionally, future redevelopment of the site could become more dense and intensive in the future

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by the Midtown Patrol, District #223

e. Fire

Fire service is provided by Station #2, located at 62nd Street and Minnesota Avenue.

f. Transit

Kansas City ATA has a transit stop in front of the property, Route #101.

g. Schools

Kansas City Kansas USD 500

5. The capability of the proposed use to meet applicable ordinance and other requirements.

With revisions, the applicant is capable of meeting applicable ordinance and other requirements.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via in-person at 5000 State Avenue on February 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Transit Access
Commercial Design Guidelines
Lighting
Pedestrian Connectivity
Landscaping, Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Plan Review Application **PR2022-049**, subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met in which the applicant is requesting a deviation for approval:

Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind or in the interior of a block.

The applicant wants to have the gas canopy pump and a portion of customer parking between the building and the right-of-way;

2. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at such time;
3. For future reference, a Special Use Permit is for a liquor store and a variance from the separation distance of the Schlagle Stadium and KCKPS Central Kitchen are required;
4. Parking lot shall be repaved and striped;
5. Sec. 27-575(d)(9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.
Paint a crosswalk across the driveway aprons between the sidewalks to illustrate a pedestrian path;
6. Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.
Show the transit stop in front of the property on the site plan. A bench is provided, but a bus shelter may be warranted. Further discussion with KCATA is necessary. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org;
7. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building;
8. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
 - a. EIFS at the ground level or comprising more than 15 percent of any façade;
9. Keep existing full growth trees along the east property line, which effectively screens a portion of the parking lot and building from the property to the east;

10. Enhance landscaping along the north and east property lines;
11. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;
12. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 1.61 acres, 18 trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands;
13. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
14. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
15. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage;
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
16. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
17. All landscaping shall be irrigated;
18. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
 - a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy;
20. 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;

- 21. 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;**
- 22. 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;**
- 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. The existing pole sign needs to be removed as it is in violation of Sec. 27-725(c);**
- 25. Per Business Licensing Division: If approved, occupying businesses must file and maintain a current business occupation tax application with our office located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102, (913) 573-8780 or businesslicense@wycokck.org;**
- 26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 27. 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. 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;
30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
31. 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.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2022-049** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
City-Wide Master Plan Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Applicant Deviation Request Letter
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Building Elevations
Site Photographs taken on January 11, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	March 13, 2023	March 30, 2023
Preliminary Plan	Approval	

STAFF CONTACT: **Byron Toy, AICP**

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-049** 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 **PR2022-049** 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.

March 13, 2023 City Planning Commission Minutes:

Hearing starts at 5:58:08:

PLAN REVIEW APPLICATION PR2022-049 – EIAD MUSALLET, LLC - SYNOPSIS:

Preliminary Plan Review for a convenience store with retail and kitchen at 5648 State Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 13, 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; and,
6. The Notices to property owners.

Detailed Outline of Requested Action: The applicant, Eiad Musallet with P&R Diversified, Inc., seeks to build a 3,500 square foot convenience store, 2,000 square foot retail tenant space, and 1,000 square foot kitchen/restaurant and construct a new gas canopy with 8 fuel pumps on 1.61 acres.

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

Present in Support:

- Tom Nolte, Nolte & Associates
- Michael Davis
- Dan Finn, Phelps Engineering
- Elad Musallet, applicant, P&R Diversified, Inc.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:02:35: Planning Director Hand stated that this request is a preliminary plan review to build a 6,500 square foot convenience store and retail space. The property is in the City-Wide Comprehensive Plan in the Midtown area. Staff has received no letters in support nor in opposition. There are no Notices of Violation on this property. Staff recommends approval and the Commission needs to

consider the requested deviation by the Applicant from the Commercial Design Guidelines for building orientation. The building sits behind the gas canopy and therefore behind the parking. Staff has no comment on the requested deviation. Also, if they are over parked, Staff is agreeable to four (4) parking spaces being removed in the future final development plan.

Motion starts at 6:05:55:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Plan Review Application PR2022-049:**

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

Motion to **APPROVE** Passed: 6 to 0
Subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met in which the applicant is requesting a deviation for approval:

Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind or in the interior of a block.

The applicant wants to have the gas canopy pump and a portion of customer parking between the building and the right-of-way;

2. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at such time;
3. For future reference, a Special Use Permit is for a liquor store and a variance from the separation distance of the Schlagle Stadium and KCKPS Central Kitchen are required;
4. Parking lot shall be repaved and striped;
5. Sec. 27-575(d)(9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.

- Paint a crosswalk across the driveway aprons between the sidewalks to illustrate a pedestrian path;
6. **Sec. 27-575(d)(13)** Site design should integrate and facilitate access to public transit.
Show the transit stop in front of the property on the site plan. A bench is provided, but a bus shelter may be warranted. Further discussion with KCATA is necessary. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org;
 7. **Sec. 27-576(c)(1)** Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building;
 8. **Sec. 27-576(e)(2)** Exterior building materials shall not include the following:
 - a. EIFS at the ground level or comprising more than 15 percent of any façade;
 9. Keep existing full growth trees along the east property line, which effectively screens a portion of the parking lot and building from the property to the east;
 10. Enhance landscaping along the north and east property lines;
 11. **Sec. 27-575(e)(4)** Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;
 12. **Per Sec. 27-277(a)(5)** Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 1.61 acres, 18 trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands;
 13. **Sec. 27-577(b)(2)** Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
 14. **Sec. 27-577(d)(1)** At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
 15. **Sec. 27-577(b)(3)** In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage;
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
 16. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All

- evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
17. All landscaping shall be irrigated;
18. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
- b. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
19. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy;
20. 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;
21. 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;
22. 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;
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. The existing pole sign needs to be removed as it is in violation of Sec. 27-725(c);
 25. Per Business Licensing Division: If approved, occupying businesses must file and maintain a current business occupation tax application with our office located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, Kansas 66102, (913) 573-8780 or businesslicense@wycokck.org;
 26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 27. 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. 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;
 30. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
 31. 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.



Figure 1. Aerial Map of 5648 State Avenue (provided by UG Maps).



Figure 2. Zoning Map of 5648 State Avenue (provided by UG Maps).



Figure 3. City-Wide Master Plan Land Use Designation Map of 5648 State Avenue (provided by ArcGIS Pro).



PLANNING
ENGINEERING
IMPLEMENTATION

Date: February 20, 2023

From: Daniel Finn, P.E., Phelps Engineering, Inc.

Re: PR2022-049 Convenience Store at 5648 State Avenue
Responses to City Comments
PEI #220818

General Planning

1. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at such time.

Response: Acknowledged.

2. Based on the proposed 1,000 square foot kitchen/restaurant, the parking calculation on sheet C2 is not correct. The parking ratio is one (1) space per 50 square feet of seating area, plus one (1) space per 300 square feet of remaining total floor area. For establishments that have less than 500 square feet of seating area, 10 off-street parking spaces shall be provided.

Response: Revised parking calculations accordingly. The kitchen/restaurant area will have less than 500 sf of seating area. Therefore, this area will require 10 off-street parking spaces.

3. The building elevation says "Spirits" for the retail space, which is assumed to be a liquor store. A Special Use Permit is for a liquor store and a variance from the separation distance of the Schlagle Stadium and KCKPS Central Kitchen are required.

Response: Removed spirits as a liquor special use permit is not being pursued at this time.

4. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.

The Applicant must ask for this deviation from the City Planning Commission to have the parking lot and gas canopy between the building and public right-of-way.

PHELPS ENGINEERING, INC.

1270 N. Winchester – Olathe, Kansas 66061 – (913) 393-1155 – Fax (913) 393-1166 – www.phelpsengineering.com

Response: We respectfully request a deviation from Sec. 27-575(e)(1). See included deviation request.

5. What are the proposed hours of operation for the convenience store/gas station?

Response: 24 hours a day 7 days a week.

6. What time will trucks fill the underground storage tanks?

Response: Off peak hours.

7. Parking lot shall be repaved and striped.

Response: Acknowledged and shown.

8. Sec. 27-575(d)(9) To the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems.

Paint a crosswalk across the driveway aprons between the sidewalks to illustrate a pedestrian path.

Response: Added painted crosswalks.

9. Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit.

Show the transit stop in front of the property on the site plan. A bench is provided, but a bus shelter may be warranted. Further discussion with KCATA is necessary. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org.

Response: The existing transit stop has been shown. Applicant has reached out to KCATA.

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

Response: Acknowledged.

Building Architecture

1. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of the building.

Response: Revised accordingly.

2. Sec. 27-576(e)(2) Exterior building materials shall not include the following:

a. EIFS at the ground level or comprising more than 15 percent of any façade.

Response: Revised accordingly.

3. All four (4) facades exceed the 15 percent allowance. Revise and resubmit to include more brick, stone, true stucco, and glass.

Response: Revised accordingly.

Landscaping and Screening

1. Keep existing full growth trees along the east property line, which effectively screens a portion of the parking lot and building from the property to the east.

Response: Acknowledged. All existing trees along the east side of the property are to remain per the landscape plan.

2. Enhance landscaping along the north and east property lines.

Response: Additional landscaping has been added along the north property line. With the existing trees to remain on the east property line, the site will be fully screened from both the north and east.

3. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements.

Response: Acknowledged – plan meets this requirement.

4. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by a least 75 percent. The site for the proposed development is 1.61 acres, 18 trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands.

Response: See revised landscape plan.

5. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity.

Response: Acknowledged – plan meets this requirement.

6. Sec. 27-577(d)(1) At least 75 percent of the length of the building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers.

Response: Acknowledged – plan meets this requirement via landscaping around the exterior of the development.

7. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:

- a. One tree with a minimum caliper of two (2) inches (ornamental), evergreen trees must be at least six (6) feet when planted provided for every 30 feet of street easement or frontage.
- b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees.

Response: Acknowledged – plan meets this requirement.

8. 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: Acknowledged – plan meets this requirement.

9. All landscaping shall be irrigated.

Response: Acknowledged.

10. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.

- a. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times.

Response: Acknowledged – plan meets this requirement.

11. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy.

Response: Acknowledged.

12. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building.

Response: Acknowledged.

13. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines.

Response: Acknowledged.

14. 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.

Response: Acknowledged.

- 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.

Response: Acknowledged.

- c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.

Response: Acknowledged.

- d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.

Response: Acknowledged.

- 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).

Response: Acknowledged.

- 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.

Response: Acknowledged.

15. 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.

Response: Acknowledged.

Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Response: Acknowledged.

2. The existing pole sign needs to be removed as it is in violation of Sec. 27-725(c).

Response: Acknowledged.

February 21, 2023

Dear Property Owner,

You are invited to a Community Zoning informational meeting to be held:

6:00pm, Monday, February 27, 2023
Jalisco Restaurant
Meeting Room
5000 State Avenue

The purpose of this meeting is to provide information and answer questions concerning the proposed preliminary plan review for a convenience store with gas pumps and retail kitchen at 5648 State Avenue.

If you are unable to attend the meeting and would like to contact me, you may email me at mickyd@kc.rt.com or call me at 913-708-4543.

Additionally, you are invited to attend the City Planning Commission hearing, virtually or in person:

6:30pm, Monday, March 13, 2023
Commission Chamber of the Municipal Office Building
701 North 7th Street, Lobby Level

Sincerely,



Michael J. Davis
Representative for Muslet, LLC

03-27-23

NAME	ADDRESS	PHONE	EMAIL
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Thomas Nolte	9400 Reads	913-322-2444	
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	O.P.K.S.		
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			TNolte@NolteArch.com
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MICHAEL DAVIS	2802 SHAWNEE	913-708-4543	
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	KCK		
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			MICKYDEK@KCK.com
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PLANNING
ENGINEERING
IMPLEMENTATION

Date: February 21, 2023

From: Daniel Finn, P.E., Phelps Engineering, Inc.

Re: PR2022-049 Convenience Store at 5648 State Avenue
Deviation Request

Code Section

Per Sec. 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block.

Deviation Request

The applicant respectfully requests a deviation from Sec. 27-575(e)(1) to allow for the fuel pump canopy and a portion of parking to be located in front of the proposed convenience store building.

The proposed convenience store does ensure the drive thru pick up window is located on the rear side of the building (north). Additionally, a portion of the required parking is located along rear side of the building (north) and east side of the building (east). The proposed convenience store provides 14 of the 32 required parking stalls in front of the building (south) as well as the fuel pump canopy. The proposed convenience store layout is consistent with other convenience stores within the City limits which places the fuel pump canopy along the street frontage and parking in front of the building. Requiring the fuel pumps to be located at the rear of the building would result in a hardship to the development and ability for the business to succeed. The proposed plan does not result in any hardships to the adjacent property owners. Additionally, a continuous line of landscaping has been provided along State Avenue and Meadowlark Lane around the entire parking lot area.

We respectfully request the approval of the plan, as shown, to allow for the fuel pump canopy and a portion of parking to be located in front of the proposed convenience store building. See attached site plan for reference.

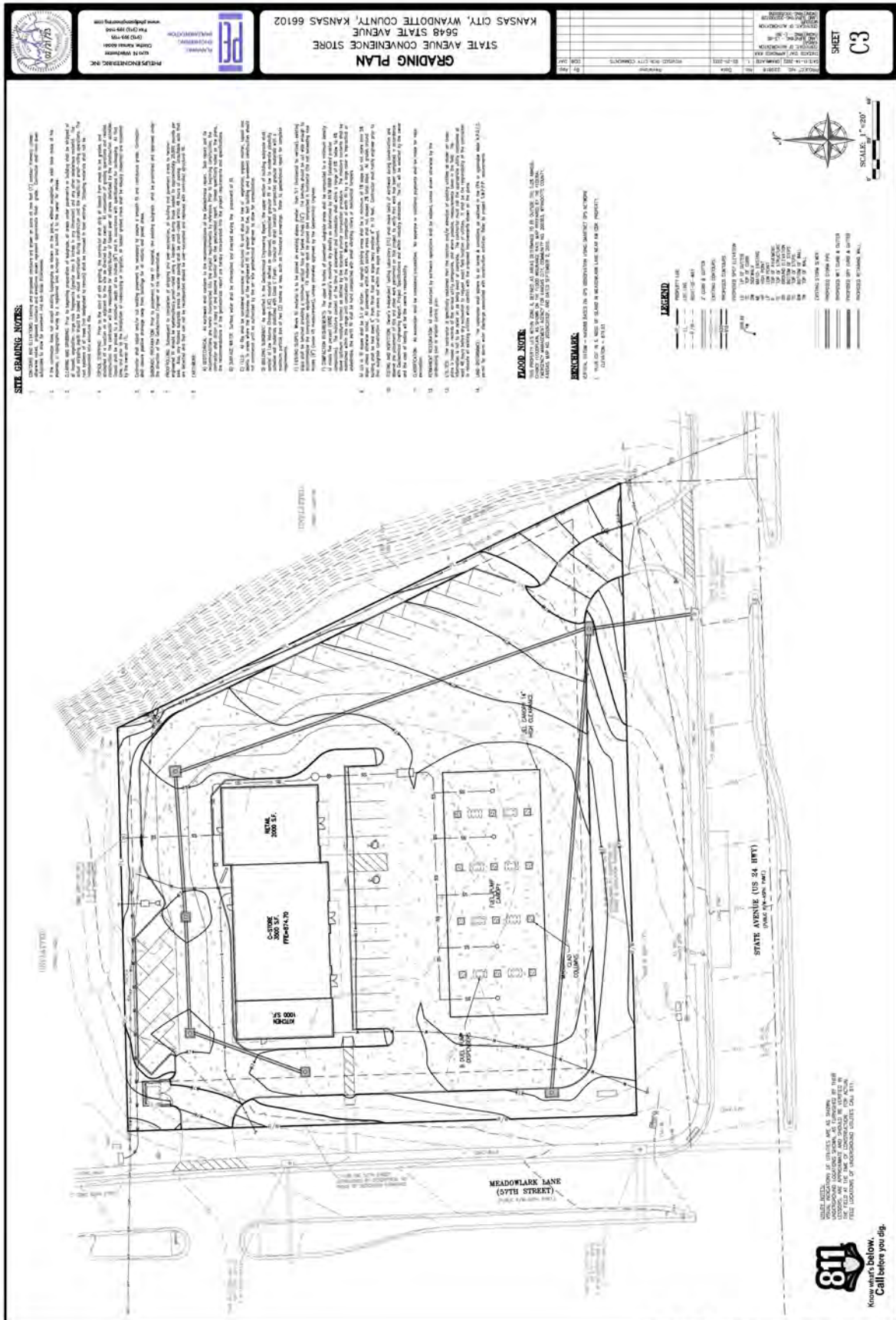
Sincerely,

Daniel Finn

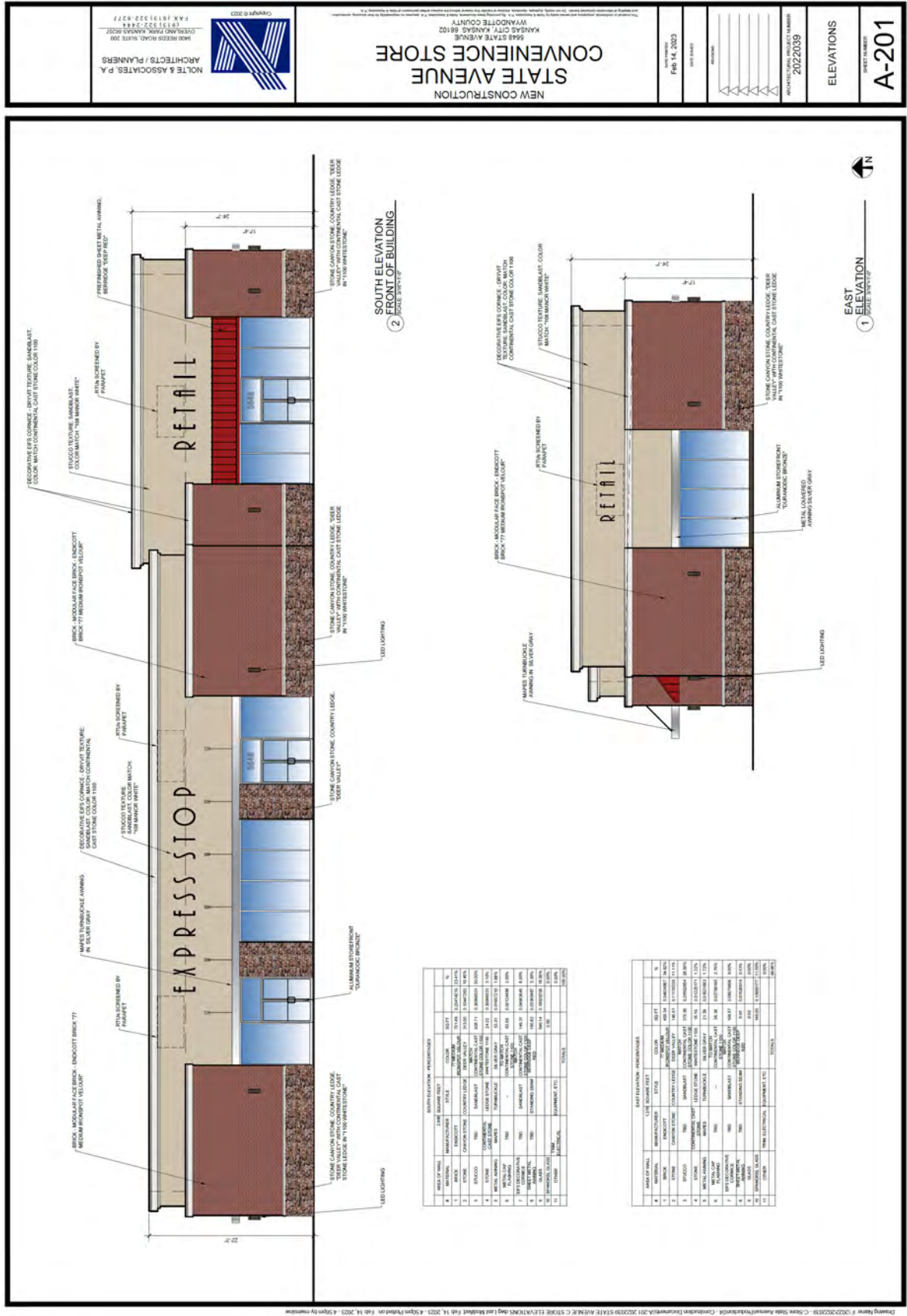
PHELPS ENGINEERING, INC.

1270 N. Winchester – Olathe, Kansas 66061 – (913) 393-1155 – Fax (913) 393-1166 – www.phelpsengineering.com









SOUTH ELEVATION - FRONT OF BUILDING									
NO.	AREA OF WALL	MANUFACTURER	STYLE	COLOR	QTY	UNIT	NO.	AREA OF WALL	MANUFACTURER
1	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	1	BRICK	ENDOCKOTT
2	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	2	BRICK	ENDOCKOTT
3	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	3	BRICK	ENDOCKOTT
4	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	4	BRICK	ENDOCKOTT
5	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	5	BRICK	ENDOCKOTT
6	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	6	BRICK	ENDOCKOTT
7	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	7	BRICK	ENDOCKOTT
8	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	8	BRICK	ENDOCKOTT
9	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	9	BRICK	ENDOCKOTT
10	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	10	BRICK	ENDOCKOTT

EAST ELEVATION - FRONT OF BUILDING									
NO.	AREA OF WALL	MANUFACTURER	STYLE	COLOR	QTY	UNIT	NO.	AREA OF WALL	MANUFACTURER
1	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	1	BRICK	ENDOCKOTT
2	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	2	BRICK	ENDOCKOTT
3	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	3	BRICK	ENDOCKOTT
4	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	4	BRICK	ENDOCKOTT
5	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	5	BRICK	ENDOCKOTT
6	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	6	BRICK	ENDOCKOTT
7	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	7	BRICK	ENDOCKOTT
8	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	8	BRICK	ENDOCKOTT
9	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	9	BRICK	ENDOCKOTT
10	BRICK	ENDOCKOTT	COUNTRY EDEGE	18\"/>	1000	BRICK	10	BRICK	ENDOCKOTT

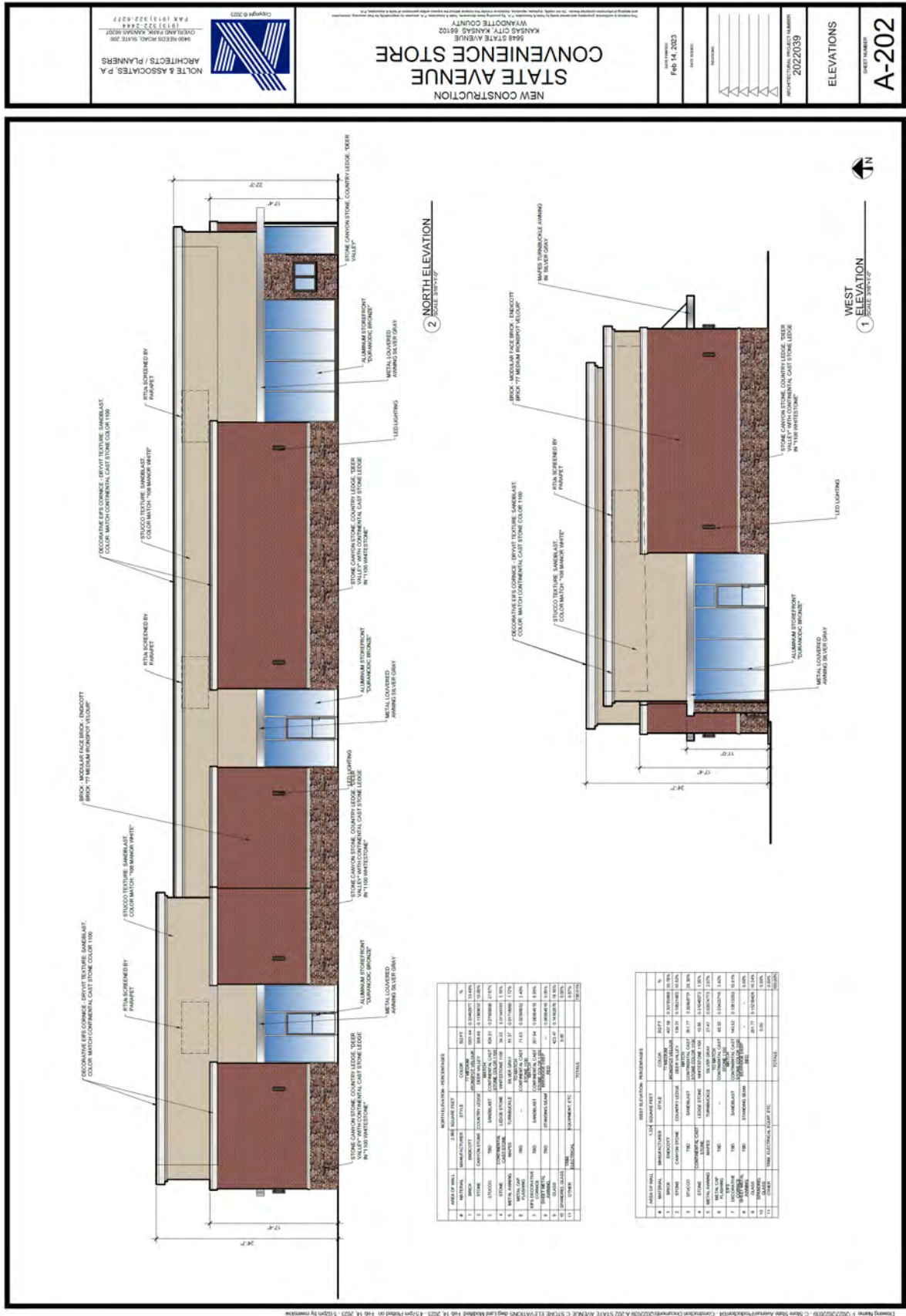






Figure 4. Site Photograph of 5648 State Avenue looking west (provided by Planning Staff).



Figure 5. Site Photograph of 5648 State Avenue looking north (provided by Planning Staff).



Figure 6. Site Photograph of 5648 State Avenue looking west (provided by Planning Staff).



Figure 7. Site Photograph of 5648 State Avenue looking south (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: March 30, 2023

Re: Preliminary and Final Plan Review Petition PR2022-052

GENERAL INFORMATION

Applicant:
Eric Gentry

Status of Applicant:
Victory Jeep
1720 North 100th Terrace
Kansas City, Kansas 66111

Requested Action:
To approve an amended Preliminary and Final Plan Review.

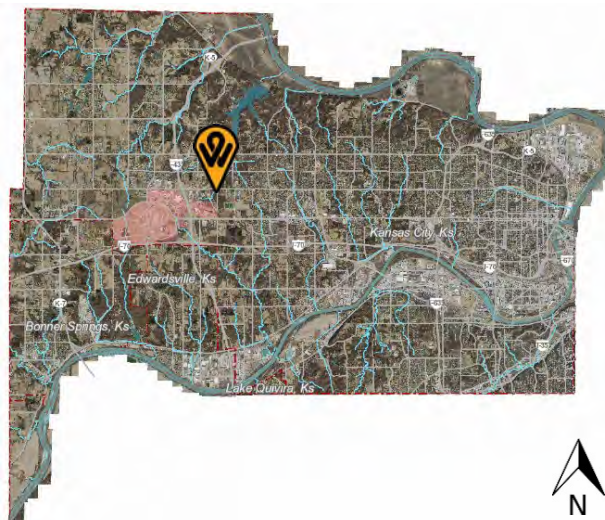
Date of Application:
December 30, 2022

Purpose:
To build a new car dealership (Victory Jeep) with light auto repair.

Property Location:
1701 North 100th Terrace
Kansas City, Kansas 66111

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

Existing Zoning:
CP-2 Planned General Business District



Adjacent Zoning:	North:	CP-2 Planned General Business District
	South:	B-P Business Park District
	East:	CP-2 Planned General Business District
	West:	CP-2 Planned General Business District
Existing Uses:	North:	Used car dealership (Enterprise)
	South:	Office building (Dairy Farmers of America)
	East:	Vacant commercial tract (regional stormwater drainage)
	West:	Car dealership (Victory Chrysler Dodge Ram)
Total Tract Size:	3.43 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 Mixed-Use Entertainment, which allows for allows major retail uses, including restaurants and hotels. This would include centers for large discount stores currently called big box centers and have stores that serve large populations as well as areas that have significant capital investment in infrastructure that entertains visitors.	
Major Street Plan:	The Major Street Plan designates North 100 th Terrace as a Local Street.	
Parking Requirement:	Sec 27-466(e) states that uses in this district require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building.	
	Sec 27-668(b) states that “any use not included in the parking requirements found in this article shall be assigned a parking requirement by the Planning Commission”.	
Advertisement:	Property Owner Letters – January 19, 2023 and March 10, 2023 <u>Wyandotte Echo</u> – Not Required	
Public Hearings:	February 13, 2023, March 2, 2023, March 13, 2023 and March 30, 2023.	

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Eric Gentry with Victory Jeep, is seeking approval of an amended Preliminary Development Plan to increase the total square footage by 24 percent (from 18,446 square feet to 22,922 square feet) and Final Development Plan and Final Plat to construct a new automotive dealership (Victory Jeep) at 1701 North 100th Terrace.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765.

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 property is located in a primarily commercial node of Wyandotte County along a corridor that features several car dealerships, retail and an office park.

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

The proposed use will increase traffic and parking demand along North 100th Terrace, however, this increase should not exceed or adversely affect roadway capacity, safety, or create parking problems, as long as all conditions are adhered to.

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

The proposed use conforms to the Prairie Delaware Piper Master Plan, which designates the property as Commercial and Business Park, which allows for both this category allows major retail uses, including restaurants and hotels as well as areas that are for manufacturing, light industrial uses, distribution-warehouse, trucking, and other employment activity.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to city code.

d. *Police*

Police service is provided by the West Patrol, District #227.

e. *Fire*

Fire service is provided by Station #12, one (1) mile away from the subject property.

f. *Transit*

Kansas City ATA provides transit service, along Parallel Parkway, Route #116, which is approximately one-half (½) mile from the property.

g. *Schools*

Public Education is provided by Kansas City Kansas USD 500

5. *The capability of the proposed use to meet applicable ordinance and other requirements.*

The applicant received a deviation with their original Preliminary Development Plan to exceed the 15 percent allowance for metal paneling on the front façade.

Throughout the remainder of the development, the Applicant will comply with the Commercial Design Guidelines and Legends Auto Plaza Design Criteria.

6. *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.*

The development can be used safely without danger to health, flood, or erosion if it adheres to the conditions of approval. The Applicant has provided adequate areas for potential run-off as well as features that address any potential erosion as part of the grading that will be required for this development.

7. *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 will be arranged as to afford adequate light and open space to facilitate fire protection. This is a large parcel, with generous setbacks and extensive landscaping, and will be required to provide amenities such as benches, pedestrian access, and a detention pond.

8. *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 site is currently relatively flat. The proposed plan will involve further grading to flatten the site to be suitable for a vehicle dealership. The proposed plan seeks to construct a retaining wall and detention pond in the rear of the property, which will be shared by future development on the newly

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

The proposed use is for a new auto-sales and light repair facility, which therefore would not reasonably be expected to provide access to these facilities. There is a sidewalk provided along the subject property, as well as a detention basin in the rear of the subject property.

PREVIOUS ACTIONS

- PR2022-021 and PLAT2022-022 were approved by the City Planning Commission and Unified Government Board of Commissioners on July 11, 2022 and June 28, 2022, respectively.
- COZ 3074 – rezoning in 2015 from A-G Agriculture and R-1 Single Family and CP-2 Planned General Business Districts to CP-2 Planned General Business District.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on January 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Compliance with the Legends Auto Plaza Design Criteria
Compliance with the Commercial Design Guidelines
Pedestrian Circulation
Landscaping and Screening

MARCH 2, 2023 BOARD OF COMMISSIONERS DECISION

At the March 2, 2023 Board of Commissioners meeting this application was referred back to the City Planning Commission to allow the applicant's representative to discuss one (1) of the conditions of approval. As you recall at the February 13, 2023, meeting the vote of the Commission had been completed when the representative asked to address the Commission regarding one (1) of the conditions of approval. The Commission did not vote to reconsider the application as it had been completed.

The Applicant nor representative were present at the March 13, 2023 City Planning Commission meeting.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Plan Review Application **PR2022-052**, subject to:

The following requirements of the Commercial Development Design Guidelines Overlay District have not been met, and the Applicant has been granted a deviation for:

- A. Per Section 27-576(e)(2) the specific metal paneling may be used for more than 15 percent (the entire front façade) of only the front facing façade of the building.**
- 1. Sec. 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.**
 - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas;**
 - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible;**
 - c. Circulation patterns within parking areas shall be defined by curbs and landscaped islands;**
 - d. Where possible, groups of buildings should be serviced by dedicated service access lanes;**

2. Sec. 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users” while Sec. 27-575(d)(9) states that “to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems”;
3. Construct a sidewalk on North 100th Terrace and connect into the sidewalk network of the development to the front door;
4. Sec. 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
5. Sec. 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:
 - a. Six-inch vertical curb;
 - b. Trellis;
 - c. Special railing;
 - d. Bollards;
 - e. Special paving;
 - f. Low seat wall or other architectural features;
 - g. Pedestrian scale lighting; or
 - h. Traffic calming devices.
6. Sec. 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision;
7. Sec. 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior;
8. The elevations demonstrate a continuous facade along the South and North elevations. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation of rooflines
9. Downspouts on the south elevation shall be internalized;
10. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - a. The district requirement is one (1) tree per 7,000 square feet of site area. The 3.43-acre site is 149,410 Square Feet, which requires 22 trees per the Code of Ordinances;
 - b. All deciduous trees shall be at least 2½” caliper when planted. All evergreens must be at least six (6) feet in height when planted. All shrubs must be planted at a minimum of five (5) gallons;
11. Landscaping shall be irrigated;

12. The proposed plan provides adequate tree cover, providing approximately 50 trees. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met;
13. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
14. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One (1) tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six (6) feet tall (when planted) provided for every 30 feet of street easement or frontage;
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
15. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
16. The master plant palette for this development is as follows:
 - a. Autumn Blaze Maple
 - b. Armstrong Columnar Maple
 - c. Imperial Honey Locust
 - d. Autumn Brilliance Serviceberry
 - e. Eastern Redbud
 - f. Summer Snow Japanese Tree Lilac
 - g. Eastern White Pine
17. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
18. 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;
19. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
20. Per the Legends Auto Plaza Conceptual Design Guide, use of low energy, high efficiency LED lighting is encouraged/ All site lighting and accent lighting shall be subject to review for both aesthetic and photometric analyses. In all instances glare shall be minimized to eliminate light pollution to adjacent properties;
21. 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, three (3) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;
22. Per Sec. 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. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
- a. All wall mounted signage shall be individual letters;
24. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
25. 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;
26. Any automotive-related business in Wyandotte County shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
27. If approved, the Applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
28. 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;
29. All existing and future driveways must feature curb cuts that are constructed to UG standards;
30. 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;
31. 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,
32. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **PR2022-052** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
February 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Final Plat
Site Plan
Grading Plan
Landscape Plan

Lighting Plan
Site Line Cross Section
Building Elevations
Site Photograph taken by Planning Staff on June 6, 2022

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	February 13, 2023	March 2, 2023
Preliminary and	Approval	Referred Back
Final Plan	March 13, 2023	March 30, 2023
	Approval	

STAFF CONTACT:

Byron Toy, AICP
btoy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2022-052** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2022-052**, 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.

March 13, 2023 City Planning Commission Minutes:

Hearing starts at 6:07:00:

PLAN REVIEW APPLICATION PR2022-052 – ERIC GENTRY WITH VICTORY JEEP - SYNOPSIS: Preliminary and Final Plan Review for Victory Jeep at 1701 North 100th Street.

Detailed Outline of Requested Action: The applicant, Eric Gentry with Victory Jeep, is seeking approval of an amended Preliminary Development Plan to increase the total square footage by 24 percent (from 18,446 square feet to 22,922 square feet) and Final Development Plan and Final Plat to construct a new automotive dealership (Victory Jeep) at 1701 North 100th Terrace.

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 March 13, 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; and,
6. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:08:47: Planning Director Hand stated that the reason this application is before the Commission is because the Applicant's representative did not address the Commission until after the application was completed. At the March 2, 2023 Board of Commissioners meeting, the Applicant requested that the petition be returned to the Planning Commission to request deviations to the Commercial Design Guidelines. The project was already approved several months ago but has grown in size, and a new plan review is required. The plat application was approved last month. The deviation that is being requested is for the front façade of the dealership. The front facade does not have any masonry and the Commercial Design Guidelines requires masonry on each façade. The Applicant is proposing masonry on the other three (3) sides but not the front façade as they want a metal paneling. Director Hand stated that Staff is not opposed to the deviation.

Motion starts at 6:10:35:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-052:**

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

Motion to recommend **APPROVAL** Passed: 6 to 0

Subject to:

The following requirements of the Commercial Development Design Guidelines Overlay District have not been met, and the Applicant has been granted a deviation for:

- A. Per Section 27-576(e)(2) the specific metal paneling may be used for more than 15 percent (the entire front façade) of only the front facing façade of the building.
1. Sec. 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.
 - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas;
 - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible;
 - c. Circulation patterns within parking areas shall be defined by curbs and landscaped islands;
 - d. Where possible, groups of buildings should be serviced by dedicated service access lanes;
 2. Sec. 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users” while Sec. 27-575(d)(9) states that “to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems”;
 3. Construct a sidewalk on North 100th Terrace and connect into the sidewalk network of the development to the front door;
 4. Sec. 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;
 5. Sec. 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:
 - a. Six-inch vertical curb;

- b. Trellis;
 - c. Special railing;
 - d. Bollards;
 - e. Special paving;
 - f. Low seat wall or other architectural features;
 - g. Pedestrian scale lighting; or
 - h. Traffic calming devices.
- 6. Sec. 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision;
- 7. Sec. 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior;
- 8. The elevations demonstrate a continuous facade along the South and North elevations. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation of rooflines
- 9. Downspouts on the south elevation shall be internalized;
- 10. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - a. The district requirement is one (1) tree per 7,000 square feet of site area. The 3.43-acre site is 149,410 Square Feet, which requires 22 trees per the Code of Ordinances;
 - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least six (6) feet in height when planted. All shrubs must be planted at a minimum of five (5) gallons;
- 11. Landscaping shall be irrigated;
- 12. The proposed plan provides adequate tree cover, providing approximately 50 trees. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met;
- 13. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
- 14. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One (1) tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six (6) feet tall (when planted) provided for every 30 feet of street easement or frontage;

- b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
- 15. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
- 16. The master plant palette for this development is as follows:
 - a. Autumn Blaze Maple
 - b. Armstrong Columnar Maple
 - c. Imperial Honey Locust
 - d. Autumn Brilliance Serviceberry
 - e. Eastern Redbud
 - f. Summer Snow Japanese Tree Lilac
 - g. Eastern White Pine
- 17. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
- 18. 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;
- 19. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
- 20. Per the Legends Auto Plaza Conceptual Design Guide, use of low energy, high efficiency LED lighting is encouraged/ All site lighting and accent lighting shall be subject to review for both aesthetic and photometric analyses. In all instances glare shall be minimized to eliminate light pollution to adjacent properties;
- 21. 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, three (3) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;
22. Per Sec. 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. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
- a. All wall mounted signage shall be individual letters;
24. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
25. 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;
26. Any automotive-related business in Wyandotte County shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
27. If approved, the Applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
28. 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;
29. All existing and future driveways must feature curb cuts that are constructed to UG standards;
30. 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;
31. 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,

32. 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.

February 13, 2023 City Planning Commission Minutes:

Hearing starts at 2:49:25:

PLAT2022-044 – ERIC GENTRY WITH VICTORY JEEP - SYNOPSIS: Final Plat (Legends Auto Plaza Fourth Plat) for one (1) commercial lot at 1701 North 100th Street.

PLAN REVIEW APPLICATION PR2022-052 – ERIC GENTRY WITH VICTORY JEEP - SYNOPSIS: Preliminary and Final Plan Review for Victory Jeep at 1701 North 100th Street.

Detailed Outline of Requested Action: The applicant, Eric Gentry with Victory Jeep, is seeking approval of an amended Preliminary Development Plan to increase the total square footage by 24 percent (from 18,446 square feet to 22,922 square feet) and Final Development Plan and Final Plat to construct a new automotive dealership (Victory Jeep) at 1701 North 100th Terrace.

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

7. The City's currently adopted zoning and subdivision regulations;
8. The official zoning map for the area in question;
9. The City's currently adopted Master Plan for the area in question;
10. The staff report and attachments dated February 13, 2023;
11. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
12. 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 2:50:51: Planning Director Hand stated that these applications are for a new Victory Jeep dealership as a stand-alone dealership at the Legends Auto Mall. The Planning Commission heard and approved the Preliminary Plan Review several months ago for this same dealership. Since that time, it has grown to the point that it came back as a Preliminary and Final Plan Review. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor

opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:52:20:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2022-044:**

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

Motion to **APPROVE** Passed: 7 to 0

Subject to:

1. **Sec. 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street.**
 - a. **Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas;**
 - b. **There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible;**
 - c. **Circulation patterns within parking areas shall be defined by curbs and landscaped islands;**
 - d. **Where possible, groups of buildings should be serviced by dedicated service access lanes;**
2. **Sec. 27-575(d)(8) states that “Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users” while Sec. 27-575(d)(9) states that “to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems”;**
3. **Construct a sidewalk on North 100th Terrace and connect into the sidewalk network of the development to the front door;**
4. **Sec. 27-575(d)(11) Internal pedestrian walkways within parking lot or drive area must be distinguished from other surfaces;**
5. **Sec. 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:**
 - a. **Six-inch vertical curb;**
 - b. **Trellis;**
 - c. **Special railing;**
 - d. **Bollards;**

- e. Special paving;
 - f. Low seat wall or other architectural features;
 - g. Pedestrian scale lighting; or
 - h. Traffic calming devices.
- 6. Sec. 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision;
- 7. Sec. 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior;
- 8. The elevations demonstrate a continuous facade along the South and North elevations. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation of rooflines
- 9. Downspouts on the south elevation shall be internalized;
- 10. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - a. The district requirement is one (1) tree per 7,000 square feet of site area. The 3.43-acre site is 149,410 Square Feet, which requires 22 trees per the Code of Ordinances;
 - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least six (6) feet in height when planted. All shrubs must be planted at a minimum of five (5) gallons;
- 11. Landscaping shall be irrigated;
- 12. The proposed plan provides adequate tree cover, providing approximately 50 trees. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met;
- 13. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets. Shrubs used in this area must not exceed a maximum height of 30 inches at maturity;
- 14. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One (1) tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six (6) feet tall (when planted) provided for every 30 feet of street easement or frontage;
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
- 15. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces

- must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
16. The master plant palette for this development is as follows:
 - a. Autumn Blaze Maple
 - b. Armstrong Columnar Maple
 - c. Imperial Honey Locust
 - d. Autumn Brilliance Serviceberry
 - e. Eastern Redbud
 - f. Summer Snow Japanese Tree Lilac
 - g. Eastern White Pine
 17. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
 18. 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;
 19. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
 20. Per the Legends Auto Plaza Conceptual Design Guide, use of low energy, high efficiency LED lighting is encouraged/ All site lighting and accent lighting shall be subject to review for both aesthetic and photometric analyses. In all instances glare shall be minimized to eliminate light pollution to adjacent properties;
 21. 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, three (3) feet on the back and five (5) on the front allowing for 10 feet on the front when gate doors open;

22. Per Sec. 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. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
 - a. All wall mounted signage shall be individual letters;
24. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06;
25. 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;
26. Any automotive-related business in Wyandotte County shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
27. If approved, the Applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
28. 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;
29. All existing and future driveways must feature curb cuts that are constructed to UG standards;
30. 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;
31. 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,
32. 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.

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of PR2022-052**:

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

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

Subject to the above conditions

The architect on the project requested a deviation from the conditions. After discussion, it was determined that the requested deviation could be made at the Board of Commissioners meeting on March 2, 2023 and the Planning Commission did not vote to reconsider the decision made on these applications.



Figure 1. Aerial Photograph of 1701 North 100th Terrace (provided by ArcGIS Pro).

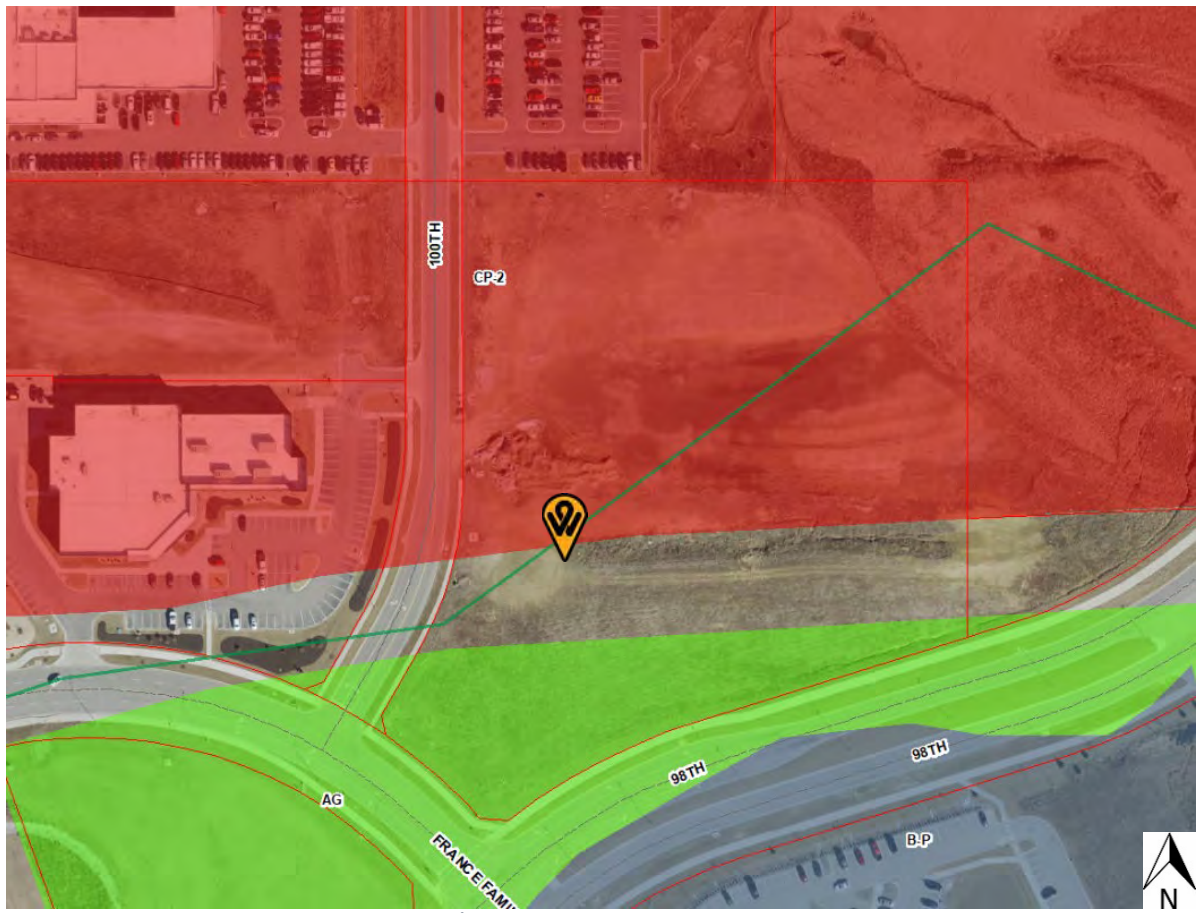


Figure 2. Zoning Map of 1701 North 100th Terrace (provided by ArcGIS Pro).



Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map of 1701 North 100th Terrace (provided by UG Maps).

KEY ISSUES

Compliance with the Legends Auto Plaza Design Criteria
Compliance with the Commercial Design Guidelines
Pedestrian Circulation
Landscaping and Screening

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments: There are several revisions that need to be made to the plan to conform to the Commercial Design Guidelines and the Legends Auto Plaza Design Criteria, including additional emphasis on pedestrian flow within the site, architectural materials, and additions to the landscape plan.

General Planning:

1. Please demonstrate on a site plan where parking for customers, employees, cars that will be repaired, and sale inventory will be located. These spaces are noted on the site plan *(19 customer spaces in front noted, 10 employee spaces on south noted, 16 in-service spaces on east noted, remainder are inventory)*
2. Does the Applicant intend to provide any site furnishings? If so, where? The Legends Auto Plaza Design Criteria requires site furnishings, including benches and trash receptacle. *A bench and trash receptacle will be placed at the front of the building per the note on the revised site plan.*
3. Sec. 27-575(d)(7) There shall be a hierarchy of internal circulation beginning with site access from the public street. *Understood, see site plan.*
 - a. Access driveways shall feed into driving lanes which shall divide into parking lanes and parking areas.
 - b. There shall be limited access to driveways, which shall be provided from driving lanes, not parking areas, wherever possible.
 - c. Circulation patterns within parking areas shall be defined by curbs and landscaped islands.
 - d. Where possible, groups of buildings should be serviced by dedicated service access lanes.
4. The site plan does not demonstrate circulation, pathways, etc. for pedestrian and bicycle traffic. Sec. 27-575(d)(8) states that "Internal vehicular, bicycle and pedestrian circulation must connect in a manner obvious to users" while Sec. 27-575(d)(9) states that "to the maximum extent possible, there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems". *The pedestrian path is clearly marked by curbed sidewalk and crosswalks on the site. There is also an existing public sidewalk on N. 100th Ter (see photo below). Bicycle traffic uses the same route as automobiles.*



5. Construct a sidewalk on North 100th Terrace and connect into the sidewalk network of the development to the front door. **The pedestrian path is clearly marked by curbed sidewalk and crosswalks on the site. There is also an existing public sidewalk on N. 100th Ter., see photo above.**
6. Sec. 27-575(d)(11) Internal pedestrian walkways within parking lot or drivearea must be distinguished from other surfaces. **The pedestrian path is clearly marked by curbed sidewalk, concrete pavement adjacent to asphalt and crosswalks on the site.** Sec. 27-575(d)(12) Pedestrian connections must be clearly defined in a combination of two or more of the following ways:
 - a. Six-inch vertical curb;
 - b. Trellis;
 - c. Special railing;
 - d. Bollards;
 - e. Special paving;
 - f. Low seat wall or other architectural features;
 - g. Pedestrian scale lighting; or
 - h. Traffic calming devices.**The pedestrian path is clearly marked by curbed sidewalk and crosswalks on the site.**
7. Sec. 27-575(e)(2) Pedestrian walkways through the parking area to building entrances should be clearly marked pursuant to this subdivision. **The pedestrian path is clearly marked by curbed sidewalk and crosswalks on the site.**
8. Section 27-573 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06. **Acknowledged.**
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.

Acknowledged.

10. Any automotive-related business in Wyandotte County shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request. **Acknowledged.**
11. If approved, the Applicant must file and maintain a current business occupation tax application with Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org. **Acknowledged.**
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. **Acknowledged.**
13. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledged, see note on site plan to build commercial drive per UG Std. 4100-G.**
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. 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. **Acknowledged.**
15. 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. **Acknowledged.**

Building Architecture:

1. The proposed elevations demonstrate a continuous, primarily EIFS façade. 27-576(e)(2)(f) prohibits EIFS at the ground level or comprising more than 15 percent of any façade. While deviations to the Commercial Design Guidelines have been granted and allowed up to 18% of a façade to feature the metal paneling, however, a deviation of up to 85% has not been granted. Staff encourages the Applicant to revise the façade and include other materials in the

façade, such as stucco, natural or synthetic stone, brick, colored, textured, or glazed concrete masonry, hardy board, or glass. **Architect response: refer to updated elevations. Facades are masonry, metal panel and glass. EIFS is no longer being used. Front facade is being shown with high end ACM metal panels and glass with no masonry. We are asking for a deviation to meet this design similar to how the City granted a deviation for the Dairy Farmer's building and some of the other nearby dealerships. The metal panels being used on this facade are of the same quality and durability as most masonry metals. We will follow up with the planning department regarding the exact % of materials and the % of deviation requested.**

2. Sec. 27-576(h)(1) For new construction, windows, windows with awnings, and covered pedestrian walkways should total at least 60 percent of the building frontage along public streets or parking lots. Windows should be for display purposes or to allow viewing both into and out of the interior. **Architect response: we are meeting this criteria per City note from Byron Toy.**
3. The elevations demonstrate a continuous facade along the South and North elevations. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three of the following techniques:
 - a. Divisions or breaks in materials;
 - b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or
 - e. Variation of rooflines

Please revise and resubmit elevations that demonstrate articulation of the façade. Staff suggests that window bays be added along the south and north elevation of the structure. **Architect response: refer to updated elevations we are providing vertical bands in the masonry to break the facade into sections less than 45' in length.**

Landscaping and Screening:

1. Sec. 27-577(a)(5) - Landscaping shall exceed the typical code requirements by at least 75 percent.
 - a. The district requirement is one (1) tree per 7,000 square feet of site area. The 3.43 acre site is 149,410 Square Feet, which requires 22 trees per the Code of Ordinances.
 - b. All deciduous trees shall be at least 2½" caliper when planted. All evergreens must be at least six (6) feet in height when planted. All shrubs must be planted at a minimum of five (5) gallons.
 - c. Landscaping shall be irrigated.

The proposed plan provides adequate tree cover, providing approximately 50 trees. Please refer to Sec 27-577(a)(5) to ensure that the tree requirement is met. **Acknowledged.**

2. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent developments or public streets.

Shrubs used in this area must not exceed a maximum height of 30 inches at maturity. The Applicant will need to revise the plan to include the screening shrubs. **See landscape plan L100, shrubs are shown along N. 100th Ter.**

3. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
 - a. One (1) tree with a minimum caliper of two inches (ornamental) evergreen trees must be planted at least six (6) feet tall (when planted) provided for every 30 feet of street easement or frontage.
 - b. Street trees should be planted no closer than 55 feet and no more than 65 feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees. **Acknowledged.**
4. Sec. 27-577(d)(1) At least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. **Groundcover has been added along front.**
5. The master plant palette for this development is as follows: **Acknowledged.**
 - a. Autumn Blaze Maple
 - b. Armstrong Columnar Maple
 - c. Imperial Honey Locust
 - d. Autumn Brilliance Serviceberry
 - e. Eastern Redbud
 - f. Summer Snow Japanese Tree Lilac
 - g. Eastern White Pine
6. The Commercial Design Guidelines require that all disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction. **Acknowledged.**
7. 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. **Architect response: refer to updated sections showing that all mechanical units on the roof are setback enough to not be visible from the edge of the property line.**
8. Sec. 27-575(g)(3) All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times. **Acknowledged, see trash enclosure detail.**
9. Per the Legends Auto Plaza Conceptual Design Guide, use of low energy, high efficiency LED lighting is encouraged/ All site lighting and accent lighting shall be subject to review for both aesthetic and photometric analyses. In all instances glare shall be minimized to eliminate light pollution to adjacent properties. **Acknowledged.**
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.
 - 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. **Acknowledged, see trash enclosure detail, this will be used once transformer is sized with exception of clearance of 2' from bottom doors at front.**
11. 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. **Acknowledged.**

Signage:

- 1. Per Sec. 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. **Signage will be submitted under a separate permit and application.**
- 2. Shall comply with the Legends Auto Plaza Conceptual Design Guide.
 - a. All wall mounted signage shall be individual letters. **Signage will be submitted under a separate permit and application.**

Victory Neighborhood Meeting

Attendees

Jeff Briggs – Host

Eric Gentry

Brian Lavery

Recap-

No questions were asked. We just went through the plan and process and waited until 11:30 to ensure no one else would show up with questions.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas }
COUNTY OF Wyandotte } SS:

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

1. That I am the petitioner for Petition # PR 2022-052
2. That I conducted a neighborhood meeting on 1/30/23 @ 9:00 am
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.

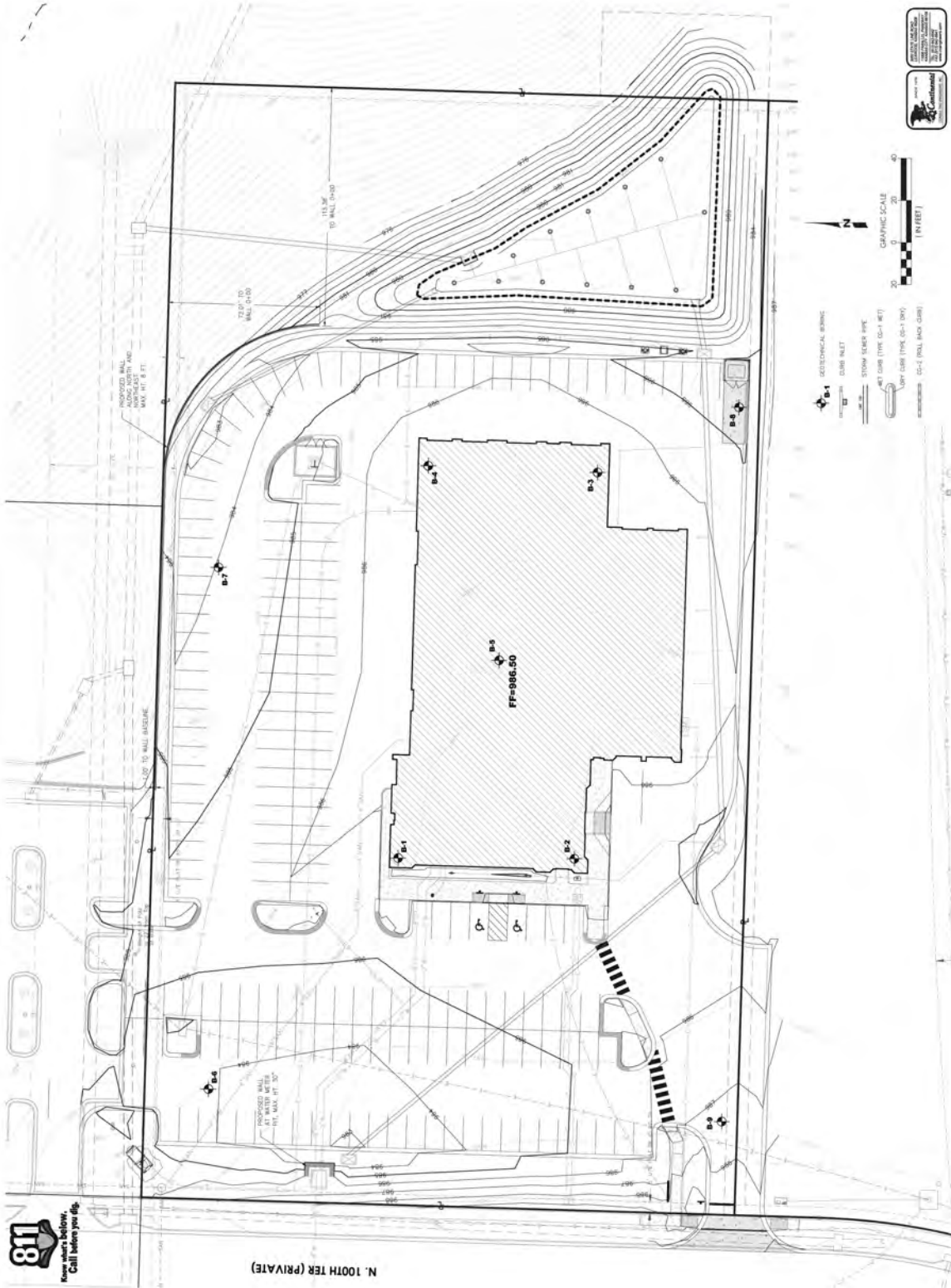
Jeffrey P. Briggs
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of January, 2023

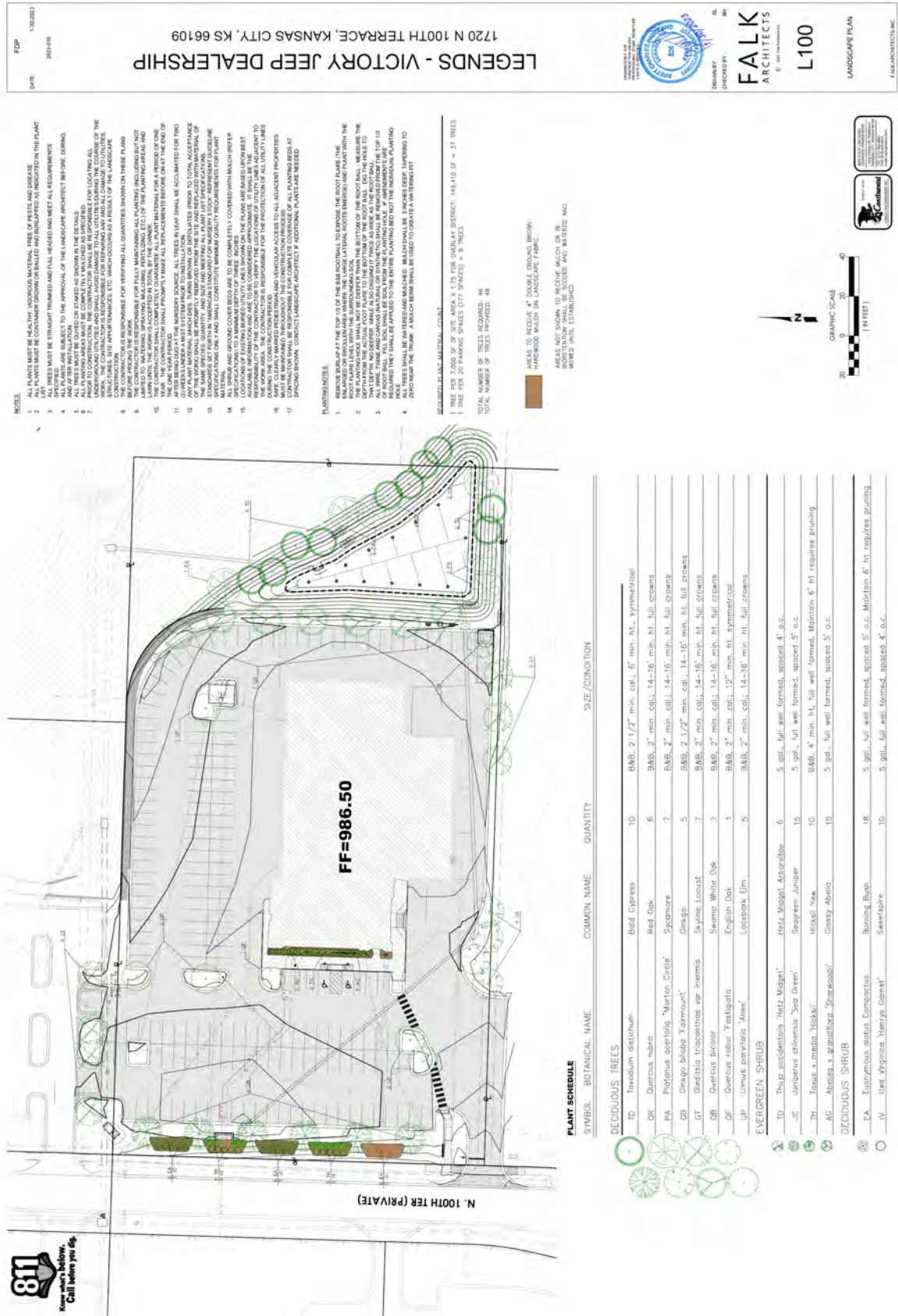
My commission expires 8th of March, 2025

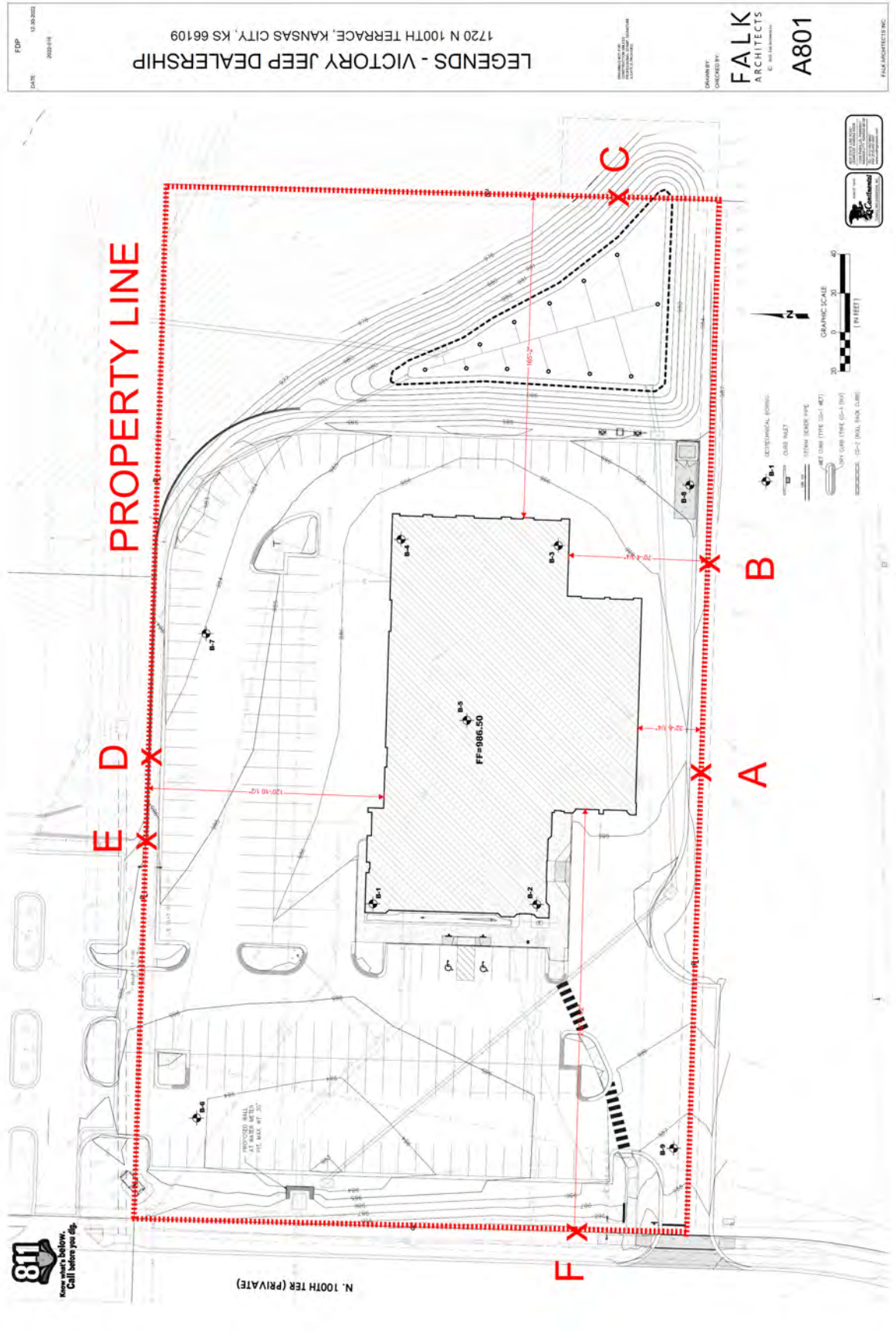


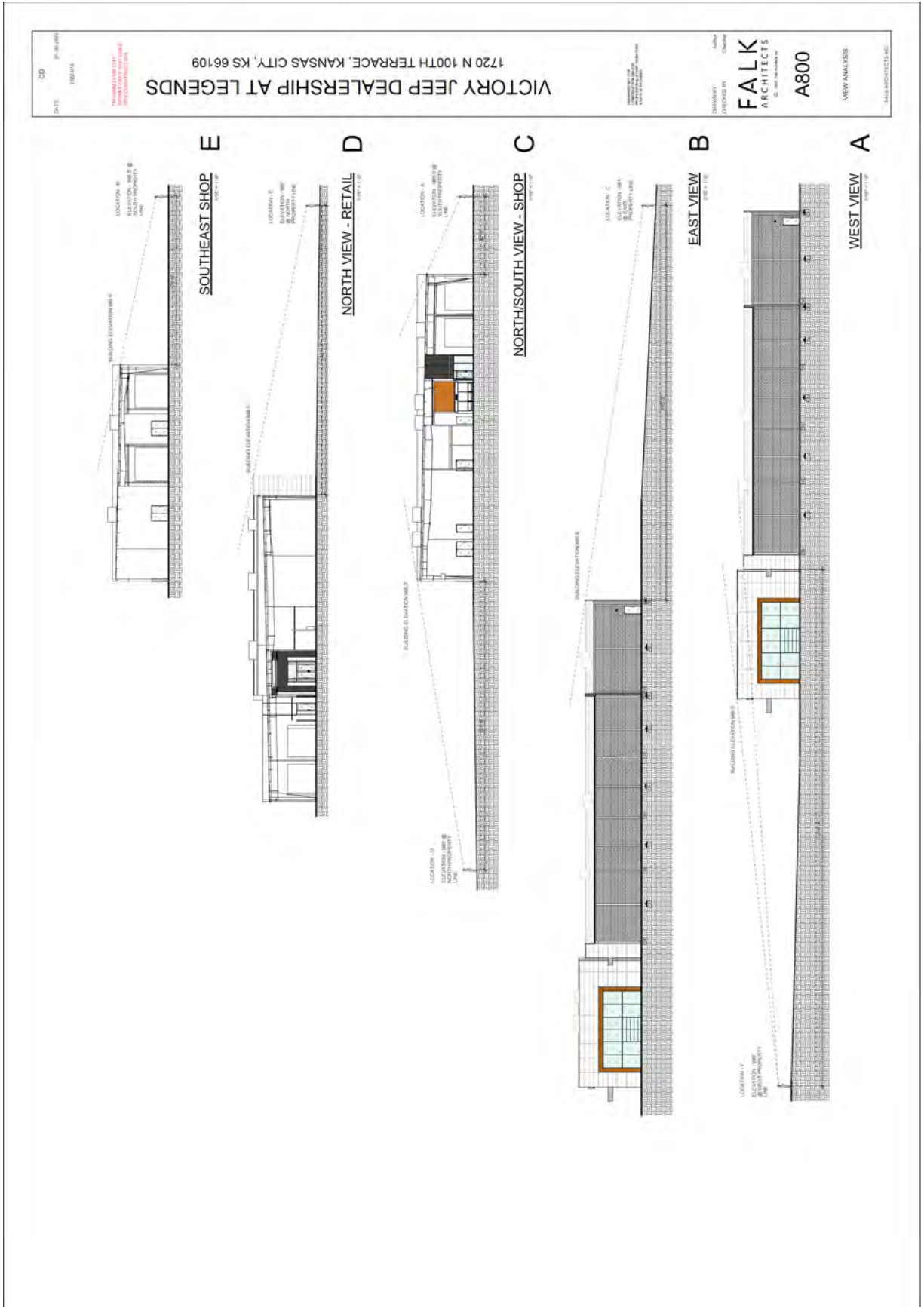
Shae Bethel
Notary Public













SITE PHOTOS, PROVIDED BY STAFF, DATED JUNE 6, 2022







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 30, 2023

Re: **Petition COZ2022-037, SP2022-092, and MPL2022-024**

GENERAL INFORMATION

Applicant:
Colby Kirk

Status of Applicant:
Cap Out Investments LLC
1021 East 34th Street
Kansas City, MO 64109

Requested Actions:
Approval of a Master Plan Amendment from
Urban Density to Medium Density Residential
(Central Area Master Plan).

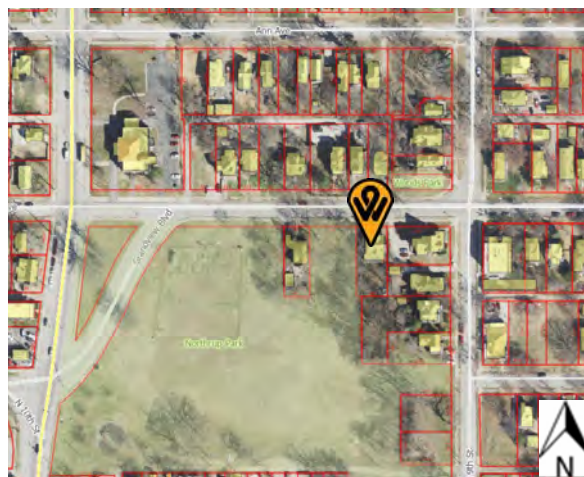
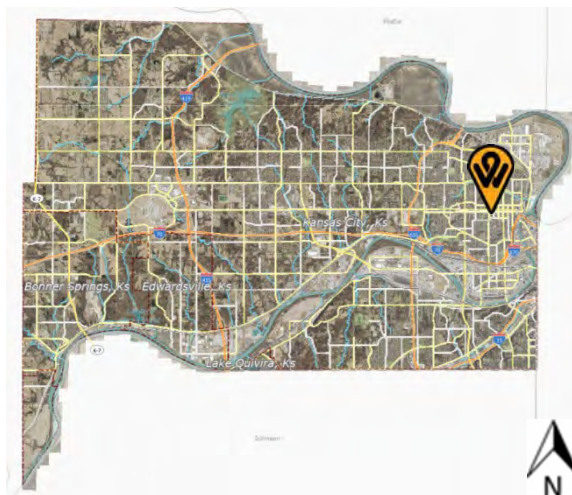
Approval of a Change of Zone from R-1(B)
Single Family District to RP-5 Planned
Apartment District.

Approval Special Use Permit for a group
home.

Date of Application:
September 30, 2022

Purpose:
To rezone, develop a 9-rental unit apartment
building to operate temporary/transitional
housing for residents.

Property Location:
915 Barnett Avenue



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 and CP-1 Planned Limited Business Districts
Adjacent Uses:	North: Multi-family building South: Single family home East: Multi-family building West: Northrup Park
Total Tract Size:	0.18 Acres
Master Plan Area:	Central Area Master Plan
Master Plan Designation:	The Central Area Master Plan designates this property as Urban Density, which allows a mixed of detached and attached residential. This includes single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes and institutional uses such as schools, churches, and libraries. (A Master Plan Amendment to Medium-Density Residential is being sought, which allows garden apartments in addition to all of the uses within Urban Density).
Major Street Plan:	The Major Street Plan classifies Barnett Avenue/Grandview Boulevard is classified as a Collector Street.
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. 9 parking spaces are required. The applicant is requesting zero (0) off-street parking spaces. A parking variance has been applied for and will be heard by the Board of Zoning Appeals in conjunction with this application.
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – October 20, 2022; Special Use Permit – October 20, 2022; Master Plan Amendment – October 20, 2022 Letters to Property Owners – Change of Zone – October 21, 2022, November 7, 2022, December 7, 2022, January 3, 2023 and February 4, 2023; Special Use Permit – October

21, 2022, November 7, 2022, December 7, 2022, January 3, 2023 and February 4, 2023; Master Plan Amendment – October 21, 2022, November 7, 2022, December 7, 2022, January 3, 2023 and February 4, 2023

Public Hearings: March 13, 2023 and March 30, 2023

Public Support: None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Colby Kirk, with Cap Out Investments LLC, has filed a Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District, Master Plan Amendment from Urban Density to Medium Density Residential (Central Area Master Plan) and a Special Use Permit for temporary/transitional housing for 9 residential units.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. There are numerous code violations and administrative citations between 2000 – 2022 ranging from weeds, junk, trash, and debris in the front yard to fire damage and not registering a vacant structure.

Outstanding or Related Permits and Cases:

1. COZ 2641 – Riverview Downzoning from RP-5 Planned Apartment District to R-1(B) Single Family District in 2001.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes along Barnett Avenue and Northrup Park to the west. There are multiple residential buildings along the block face that being used as apartments.

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 use is not inherently compatible with them but could be so long as a Master Plan Amendment, Change of Zone and Board of Zoning Appeals is being requested, and that the proposed development is managed properly.

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

Prior to the downzoning in 2001, this property was used as a multi-family apartment building, however, it is unknown if the structure met the building and fire codes. The residential building is existing, so allowing multiple residents in the building will not detrimentally affect nearby property.

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

The property was part of a large neighborhood downzoning (Riverview) in 2001, when the property was zoned RP-5 Planned Apartment District. From 1996 to 2003, there were 9 units in the building, however, there has not been a valid rental license in the property since 2004.

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 for those who do not have permanent housing or are suffering from housing instability. The proposed use will not permanently injure the visual quality, or marketability of nearby property so long as use is properly managed, access to transportation is available, and building meets code requirements.

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.*

Staff does not anticipate an increase in the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it because most individuals living in the residence will not have access to a vehicle, but rather will use public transportation.

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

While Special Use Permits are not addressed in the Master Plan, the proposed rezoning does not currently comply with the Central Area Master Plan. A Master Plan Amendment from Urban Density to Medium Density Residential, which allows single-family homes, attached residences including townhomes, duplexes,

triplexes, fourplexes, garden apartments and institutional uses such as schools, churches, and libraries.

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

The proposed use will not cause environmental harm as it is a built out urban area.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by East Patrol, District #111.

e. *Fire*

Fire service is provided by Fire Station #1 located at 6th Street and Armstrong Avenue.

f. *Transit*

Kansas City ATA provides transit service along 10th Street at Barnett Avenue, Route #104 and at the 7th Street Transit Center.

g. *Schools*

Public education is provided by Kansas City Kansas USD 500.

h. *Streets*

To be designed to meet Public Works standards.

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

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

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

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

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 is likely minimal as it provides the convenience of lodging to a very specific portion of the population. If denied, the landowner could not use the property as a temporary lodging facility, and would need to convert the structure to a single-family residence or modify their proposal and reapply.

PREVIOUS ACTIONS

- Riverview Downzoning (COZ 2641) was approved in 2001 that downzoned the Riverview neighborhood. This property was rezoned from RP-5 Planned Apartment District to R-1(B) Single Family District.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on November 28, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Permit
Fire Code
Parking
Access to transit for employment

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2022-037**, Special Use Permit Application **SP2022-092** and Master Plan Amendment **MPL2022-024**, subject to:

1. **This Change of Zone case is being heard in conjunction with BOZA2022-050, which is seeking a variance in the side yard, interior setback, a reduction in lot area and a reduction in off-street parking to operate transitional housing on 0.18 acres at 915 Barnett Avenue;**

2. This property is within the 200-foot Environs of the William T. Maunder Residence, 1885 located at 616 North 9th Street. Prior to obtaining a building permit, Planning Staff must perform an Historic Environs Review;
3. Provide the contact information of property manager to the residents in the neighborhood;
4. Implement the following items into the residence:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational; and,
 - h. Electric panel and circuits must be safe.
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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
6. Comply with all KCKFD requirements, which includes, but is not limited to installing a residential fire suppression system adhering to all relevant codes and ordinances;
7. Construct a driveway with asphalt or concrete for two (2) parking spaces in the rear of the property for tenants or staff;
8. Permanently remove the trash enclosure from the front yard. Bring the trash bins to the curb the evening before or day of trash service;
9. Preserve the trees in the front and rear yard;
10. Sec. 27-459(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;
11. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. 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;
12. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
13. 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;

14. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Obtain a rental license from the Rental Licensing Division located at Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8649;
18. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 and businesslicense@wycokck.org;
19. 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;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. 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;
22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
23. 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 by right or by Special Use Permit under the new zoning district, 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;
24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

25. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee;
26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-037**, **SP2022-092**, and **MPL2022-024**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Fire Department Comment Letter
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Site Photograph taken by Planning Staff on October 13, 2022.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 13, 2023	March 30, 2023
Rezoning	Approval	
Public Hearing	March 13, 2023	March 30, 2023
Special Use	Approval	
Public Hearing		
Master Plan	March 13, 2023	March 30, 2023
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-024** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-024** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-037** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-037** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-092** 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 **SP2022-092** 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.

March 13, 2023 City Planning Commission Minutes:

Hearing starts at 2:45:21:

CHANGE OF ZONE APPLICATION COZ2022-037 – COLBY KIRK WITH CAP OUT INVESTMENTS LLC - SYNOPSIS: Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District to construct a multi-family property with group home and transitional housing at 915 Barnett Avenue.

MASTER PLAN AMENDMENT MPL2022-024 – COLBY KIRK WITH CAP OUT INVESTMENTS, LLC – SYNOPSIS: Master Plan Amendment from Urban Density (Central Area Master Plan) to Medium-Density Residential (Central Area Master Plan) at 915 Barnett Avenue.

SPECIAL USE PERMIT APPLICATION SP2022-092 – COLBY KIRK WITH CAP OUT INVESTMENTS LLC - SYNOPSIS: Special Use Permit to operate a group home and transitional housing at 915 Barnett Avenue.

Detailed Outline of Requested Action: The applicant, Colby Kirk, with Cap Out Investments LLC, has filed a Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District, Master Plan Amendment from Urban Density to Medium Density Residential (Central Area Master Plan) and a Special Use Permit for temporary/transitional housing for 9 residential units.

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 March 13, 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 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:

- Colby Kirk, applicant, 4300 Harrison Street, Kansas City, Missouri 64110
- Rachel Erpelding, Executive Director, Kim Wilson Housing

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:53:35: Planning Director Hand stated that these applications are in conjunction with Appeal BOZA2022-050 which was approved earlier this evening. The property is located in the Central Area Master Plan. Staff has received no letters in support nor in opposition. There are some old Notices of Violation due to the property being vacant and they will be addressed with this proposed development. Staff recommends approval of these applications with the conditions in the staff report.

Motion starts at 2:55:25:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Master Plan Amendment Application MPL2022-024:**

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Aye
Ernst	Aye
Jones	Aye

Miller Aye
Mohler Not Present
Straws Not Present
Ward Aye
Motion to recommend APPROVAL Passed: 7 to 0
Subject to:

1. This Change of Zone case is being heard in conjunction with BOZA2022-050, which is seeking a variance in the side yard, interior setback, a reduction in lot area and a reduction in off-street parking to operate transitional housing on 0.18 acres at 915 Barnett Avenue;
2. This property is within the 200-foot Environs of the William T. Maunder Residence, 1885 located at 616 North 9th Street. Prior to obtaining a building permit, Planning Staff must perform an Historic Environs Review;
3. Provide the contact information of property manager to the residents in the neighborhood;
4. Implement the following items into the residence:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational; and,
 - h. Electric panel and circuits must be safe.
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. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
6. Comply with all KCKFD requirements, which includes, but is not limited to installing a residential fire suppression system adhering to all relevant codes and ordinances;
7. Construct a driveway with asphalt or concrete for two (2) parking spaces in the rear of the property for tenants or staff;
8. Permanently remove the trash enclosure from the front yard. Bring the trash bins to the curb the evening before or day of trash service;
9. Preserve the trees in the front and rear yard;
10. Sec. 27-459(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;
11. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required

- trees. 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;
12. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
 13. 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;
 14. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
 15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
 16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 17. Obtain a rental license from the Rental Licensing Division located at Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8649;
 18. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 and businesslicense@wycokck.org;
 19. 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;
 20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 21. 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;
 22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 23. 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 by right or by Special Use Permit under the new zoning district, 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;
24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 25. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee;
 26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone COZ2022-037:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to the above conditions

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit SP2022-092:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to the above conditions



Figure 1. Aerial Map of 915 Barnett Avenue (provided by UG Maps).



Figure 2. Zoning Map of 915 Barnett Avenue (provided by UG Maps).



Figure 3. Central Area Master Plan Land Use Designation Map of 915 Barnett Avenue (provided by ArcMap).

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.
Kansas City, Kansas 66101

(913) 573-5550
(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. COZ2022-037 Address: 915 Barnett Ave
Development Name: Colby Kirk Description: Occupancy Conversion-R4
STAFF ONLY: ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

Before this Department can approve the issuance of a building permit for the above-named project, the developer, owner or contractor must address / agree with the following requirements, stipulated by the Unified Government Ordinances, by signing this form.

- 1) Compliance with the International Building Code -2012 Edition
 - 2) Compliance with the International Fire Code – 2012 Edition
 - 3) Compliance with current NFPA 101® Life Safety Code
 - 4) Compliance with existing fire codes, all applicable City ordinances, State rules and regulations
- Submit automatic fire sprinkler/fire alarm plans and calculations for approval prior to installation.

*Based on the proposed occupancy, code compliant automatic fire sprinkler/fire alarm systems will be required to be installed per Sec(s) 903.2.8.1 and 907.2.11.2 or 1103.7.7, 2012 IFC

*Code compliant portable fire extinguishers would be needed per Sec.906, 2012 IFC

NOTE: Items highlighted with (*) must be addressed prior to departmental approval.

Harvey Fields Digitally signed by Harvey Fields
Date: 2022.10.18 13:58:43 -05'00'

10/18/2022

Attending DRC Member:

Date

I, Colby Kirk, as Representative of the above referenced project, do hereby certify that I will comply with all of the above ordinance requirement(s), and give consideration to the recommendation(s) above.

Colby Kirk 1/23/23

816.284.7937 Colby@kirkcolby.com

Signature and Date

Contact Phone Number and Email Address

1021 E 34th St, KCMO 64109

Mailing Address, City, State, and Zip Code

Toy, Byron

From: Colby Kirk <colby@capoutinvestments.com>
Sent: Thursday, December 01, 2022 11:06 AM
To: Toy, Byron
Subject: Re: Draft Staff Report - 915 Barnett Avenue

Hi Byron, here is my comment response letter. I would like to stay on the docket for December if possible.

I'm confused on the revised drawings, I thought that I had already provided those with the necessary changes. Did I miss a different request?

Engineering Questions:

1. We will not build a new trash enclosure. Instead we will permanently remove the trash enclosure in the front yard and have residents bring trash bins to the curb for weekly trash service.
2. We are not proposing a parking lot and are instead requesting a variance for parking. We are told by Kim Wilson that residents generally do not have access to a vehicle and instead use public transportation.
3. Electric service is separated for each unit (each unit has individual meter). Water services is on one meter for the whole building and will be paid by the owner. There is no gas currently to the property. Heating is done by electric. Sanitary line is in working order with no know major defects.

COZ Questions

- We will install working smoke detectors in each bedroom plus each level of the house
- We will have a licensed electrician install GFCI outlets in all bathrooms.
- We will not install any double keyed locks.
- We will inspect and have a licensed plumber change out any copper in gas supply lines if any is found.
- We will ensure all windows are operable and not blocked.
- We will install handrails on all sets of 4 or more stairs.
- We will ensure all Hot water tanks and furnaces are vented properly and operational and have a licensed HVAC technician troubleshoot any issues.
- We will have a certified electrician ensure all electric panels and circuits are safe.

The following answers were provided by Kim Wilson Housing on the programmatic details of their proposed usage of the property. They have made some clarification regarding the "group home" aspect. Please let me know if I need to elaborate on anything below:

- **How many guests will be in the residence?** There will be just one person per unit. The hope is to have 8 tenants and KWH would lease the 3rd floor as office space.
- **How long will guests reside in a dwelling unit?** Tenants would be in the units from 6 months to 2 years depending on their funding and what challenges they might face to moving on to a more permanent housing option.
- **Where will the residents arrive from—another group home, referral, previous shelter, or recently incarcerated?** This will be a referral process through the staff who will be managing the project. Tenants may be referred from a nursing facility for mental health, another shelter, or homelessness. Each person's situation will look a little different.

- **How will individuals arrive to the group/transitional home?** We want to be careful not to call this a group home. Also, a group home is required by the state to be licensed. This is an apartment building where KWH will have supportive staff to assist people in stabilization and a move to permanent housing. A case manager or housing stabilization specialist usually assists people to get settled into their home. Staff make sure they have some basic start-up supplies, food, and all necessary contact information in case of an emergency or if they need assistance.
- **Who is the designated on-site manager?** The on-site manager will be KWH staff and once they are closer to program start, they can provide contact information. Some staff have not been designated or hired yet. KWH typically does not provide contact information to the neighbors since that would violate the confidentiality of the tenants. By providing their contact information, they are disclosing that someone is in a mental health program, which violated their right to confidentiality. This would also be contrary to the model of community integration and inclusion. We can provide neighbors contact information for the property manager, who could then contact the manager of the program for problem resolution.
- **How will you communicate with the neighbors if there are any issues?** Could you explain what issues we might need to communicate with neighbors about? Again, we don't typically communicate any issues with residents with the neighbors as it violates the tenants right to confidentiality. In the rare event that something tragic happens, we have a Critical Incident Stress Management team that could offer some debriefing to the community. I have included our emergency situations procedure that we developed for this program in other sites. If needed, we could add something about the community but would have to carefully consider how this would be done while respecting the confidentiality of clients.
- **How will individuals know that this transitional housing is available?** This is a referral program from the program resources listed above. There are several ways that people could be referred to this program. They could be referred through their managed care organization, their Wyandot Case Manager, staff the Nursing Facility for Mental Health, staff at KU or Providence Medical Center, the KWH Coordinated Entry Navigator who assists people who are working with the CoC, or through the KWH Housing navigator. We have regular meetings with staff listed above and would educate them on available units.

BOZA Questions:

1. It may be possible to build a parking lot in the back but we thought there would not be enough room for the set-backs on either side of the building to run a driveway. We are definitely open to doing this if necessary, we just thought the property lines were too close.
2. Tenants will be transit-dependent according to Kim Wilson program coordinators we are working with
3. Yes, the on-site manager will be KWH staff and once they are closer to program start, they can provide contact information. Some staff have not been designated or hired yet. KWH typically does not provide contact information to the neighbors since that would violate the confidentiality of the tenants. By providing their contact information, they are disclosing that someone is in a mental health program, which violated their right to confidentiality. This would also be contrary to the model of community integration and inclusion. We can provide neighbors contact information for the property manager, who could then contact the manager of the program for problem resolution.
4. Yes, staff will be at the property during normal business hours, have an office on the 3rd floor and the program provides for weekly meetings/support services for the tenants.

Colby Kirk
President
Cap Out Investments
C: 816-284-7937
O: 816-319-4719

1021 E. 34th St.
Kansas City, MO 64109
On Dec 1, 2022, 10:51 AM -0600, Toy, Byron <btoy@wycokck.org>, wrote:

Colby,

In reviewing my emails since you requested to be continued last month, I see that you submitted revised drawings for our engineers, however, I did not see a comment response letter and revised drawings from the draft staff report for BOZA2022-050 and COZ2022-037/SP2022-092/MPL2022-024.

Attached are the Variance staff report and comments from the KCKFD and the Change of Zone, Master Plan Amendment and Special Use Permit staff report.

Our final reports for December are due tomorrow. I understand if you need more time to respond and have no problem extending these petitions one (1) month to allow for a proper response and revision(s).

Thank you,

<image001.png>

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/FeedbackForm)

11/15/2022

Colby Kirk
1021 E 34th St.
Kansas City, MO 64109

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # COZ2022-037. The purpose of this is for a change of zone, special use permit, and preliminary plan review at the following address: 915 Barnett Ave, Kansas City, KS 66101.

SYNOPSIS: Change of Zone from R-1(B) Single-Family District to RP-5 Planned Apartment District to construct a multi-family property with group home/transitional housing at 915 Barnett Avenue, in conjunction with:

MPL2022-024 - Master Plan Amendment from Urban Density (Central Area Master Plan) to Medium-Density Residential (Central Area Master Plan) at 915 Barnett Avenue.

SP2022-092 - Special Use Permit to operate a group home/transitional housing at 915 Barnett Avenue.

BOZA2022-050 - Variance for minimum parking requirements, side yard setbacks, and lot size at 915 Barnett Avenue.

We have recently taken over ownership of the property and are working to restore it to increase housing supply in the neighborhood. The property had previously been zoned for multifamily, however that zoning lapsed under previous ownership. The property, however, is set up as a 9-unit multifamily property.

We are working with Kim Wilson Housing (to create more housing for the unhoused population. The program will have staff on site during business hours and regular programming to keep participants on track and improving. You can find more information about Kim Wilson Housing here: <http://www.kimwilsonhousing.org/>

Description of program:

According to Kim Wilson, the goal of Interim Housing Program is to provide immediate respite from the trauma of homelessness and to stabilize individuals while they participate in a housing location search, obtain necessary supports and documents for housing, and build connection in their community of choice.

I am having a neighborhood meeting on November 28th at 3.p.m. via Zoom at the following link: <https://us06web.zoom.us/j/85498288151>

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email address listed below.

Sincerely,

Colby Kirk
Colby@Capoutinvestments.com

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Missouri }
COUNTY OF Jackson } SS:

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

1. That I am the petitioner for Petition # BO2A 2022-050
2. That I conducted a neighborhood meeting on 11/23/2022
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.

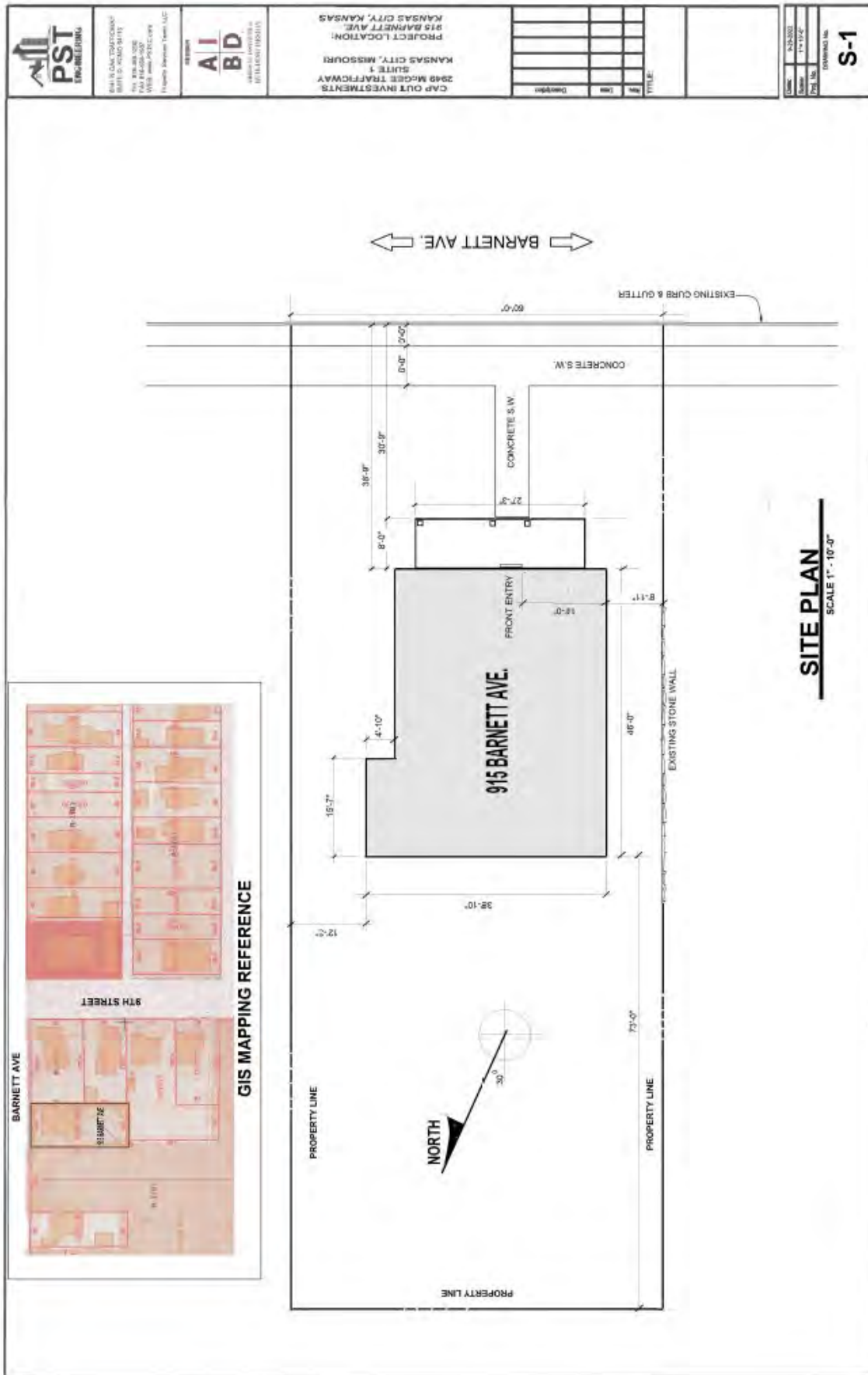
Further affiant saith not.

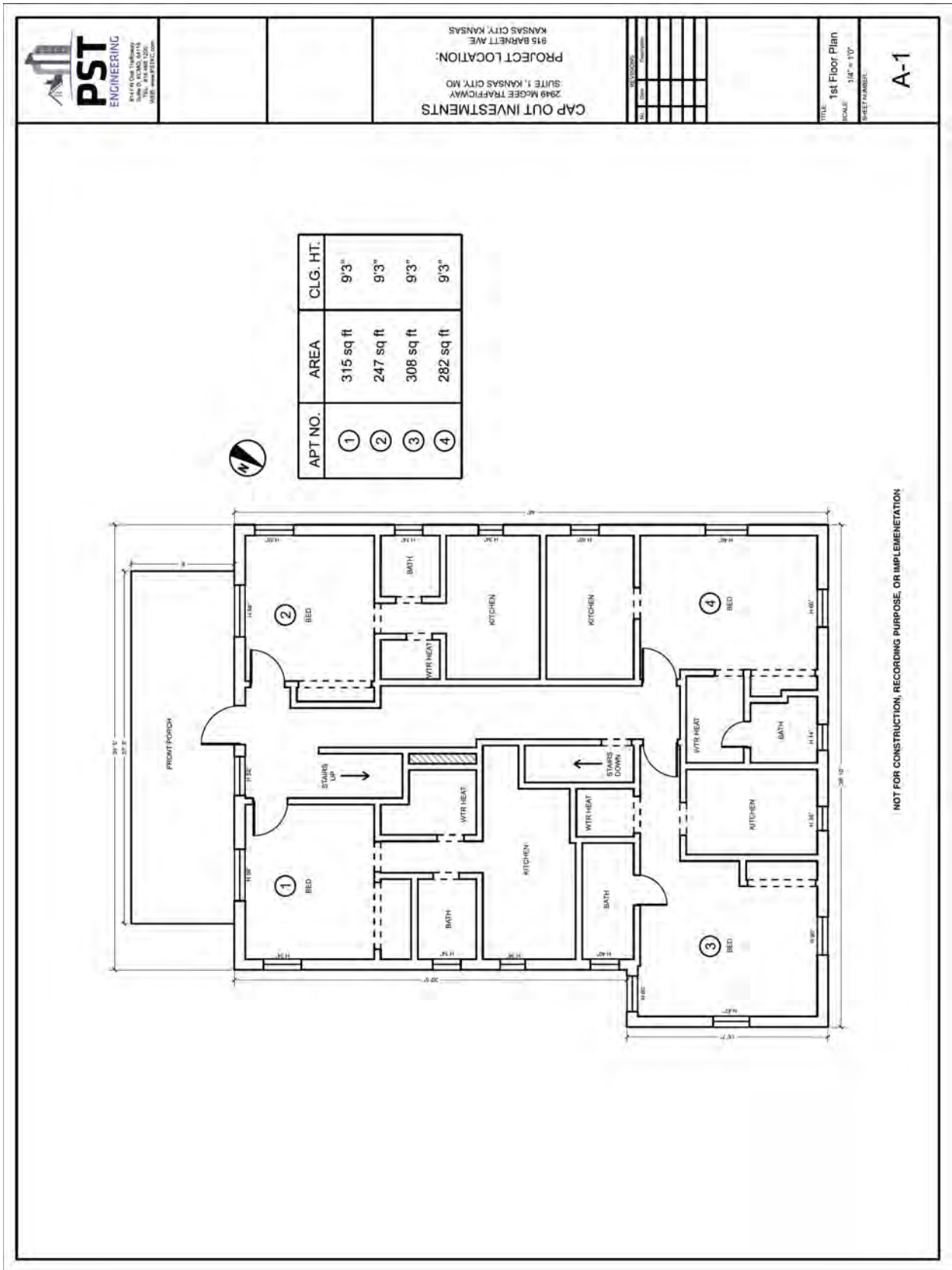
Colby Kir
Affiant

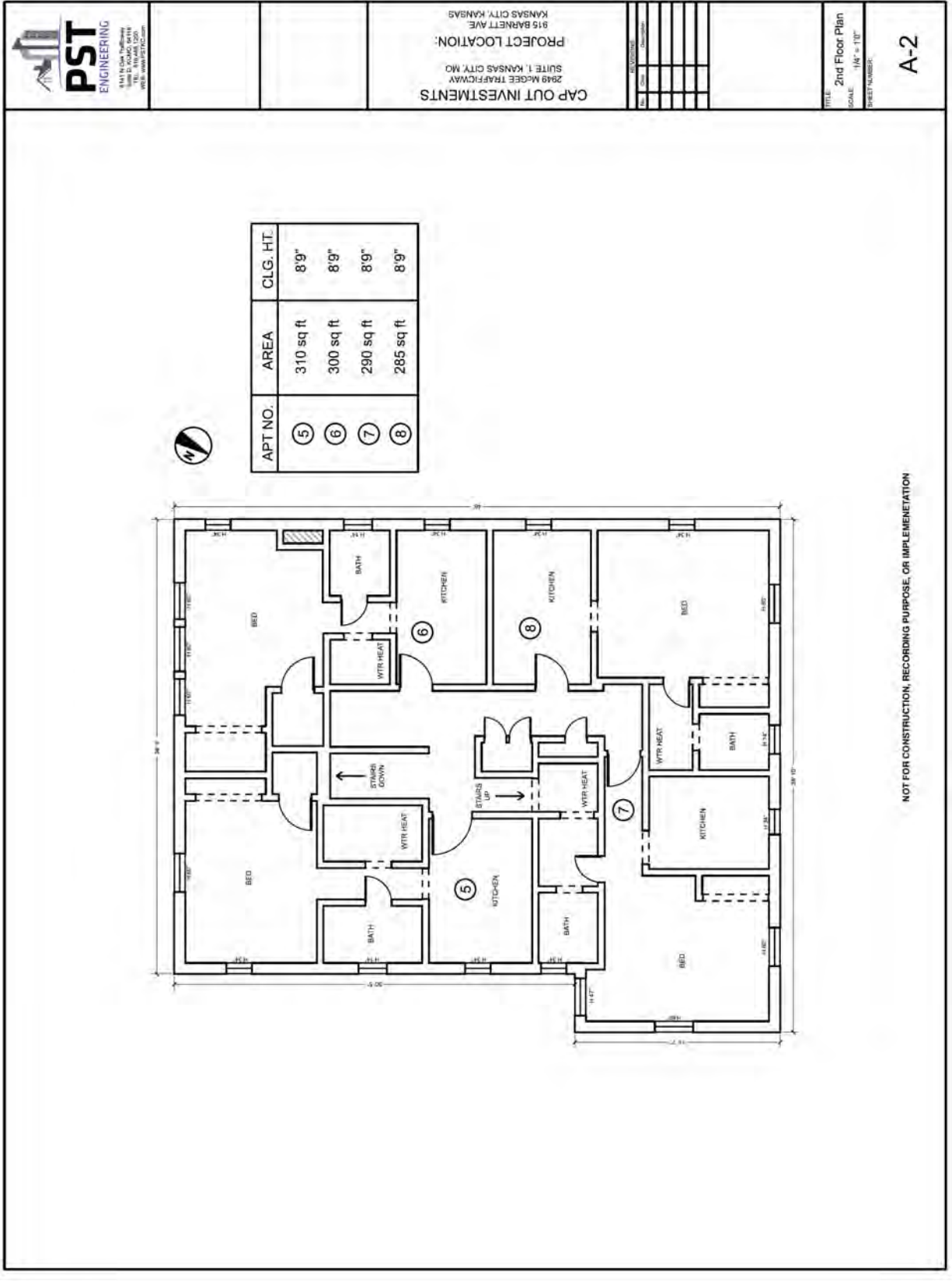
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of November, 2022
My commission expires 14th of July, 2025

[Signature]
Notary Public









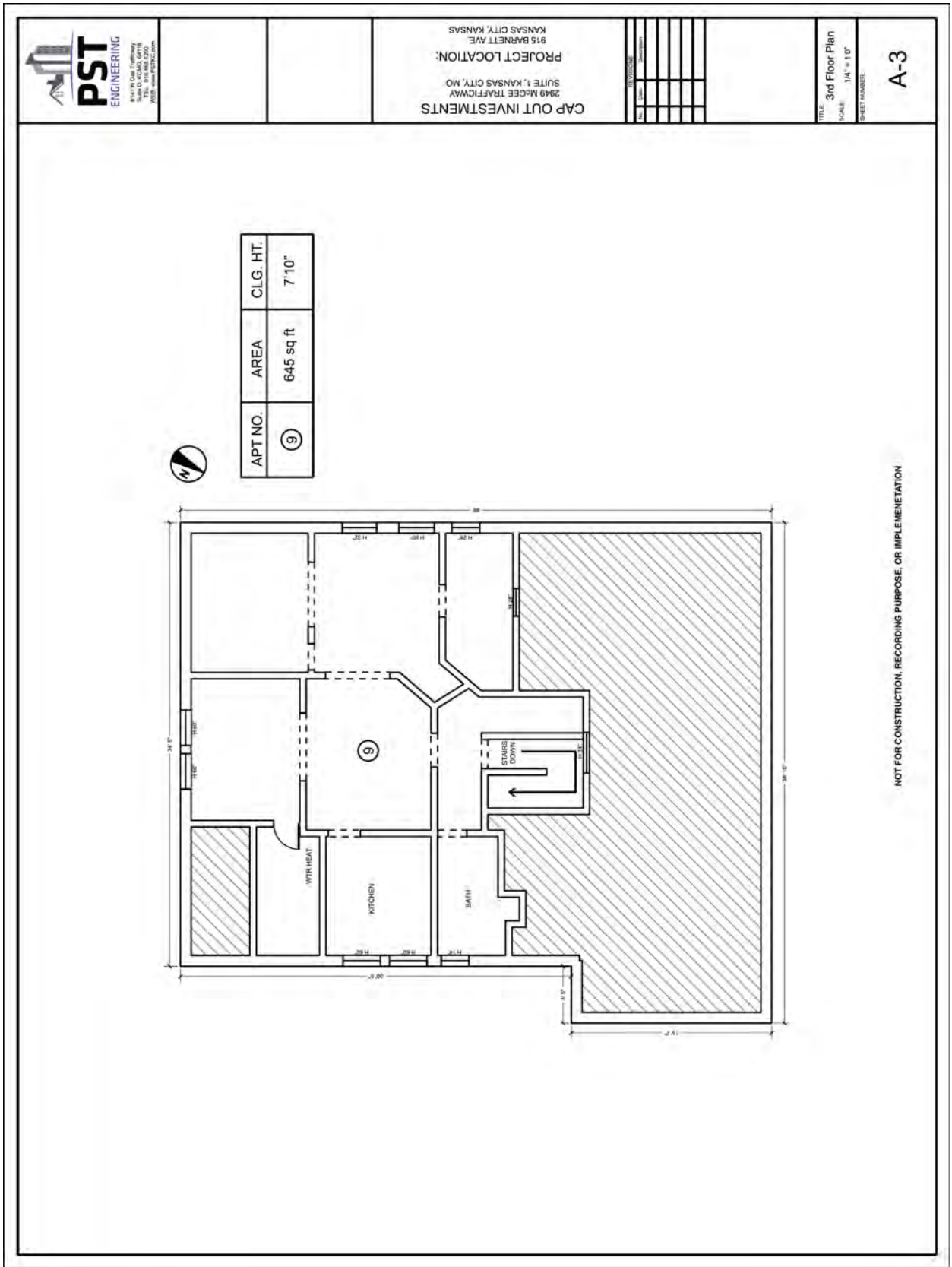




Figure 4. Site photograph looking south at 915 Barnett Avenue (provided by Planning Staff).



Figure 5. Site photograph looking southwest at 915 Barnett Avenue (provided by Planning Staff).



Figure 6. Site photograph looking southeast at 915 Barnett 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: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 30, 2023

Re: **Change of Zone Petition COZ2022-053 and Master Plan Amendment MPL2022-030**

GENERAL INFORMATION

Applicant:
Adam Williams

Status of Applicant:
Representative
Mark A. Breuer, PE with Schlagel
14920 West 107th Street
Lenexa, KS 66215

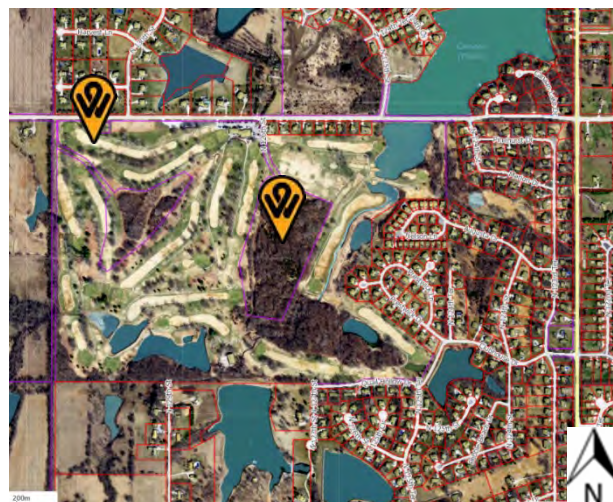
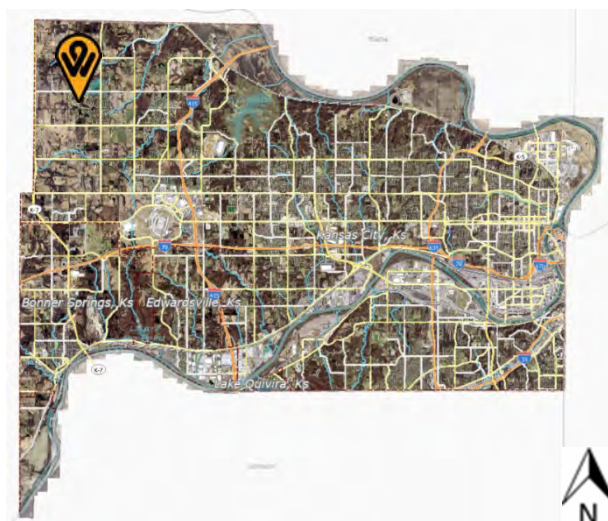
Requested Actions:
To approve a Master Plan Amendment from Open Space (Prairie Delaware Piper Master Plan) to Medium Density Residential (City-Wide Master Plan).

Change of Zone from A-G Agriculture and RP-1A Planned Suburban Residential Districts (WYCO) and RP-2 Planned Two Family District.

Date of Application:
December 30, 2022

Purpose:
To rezone and build 78 duplexes totaling 156-units.

Property Location:
12601 Hollingsworth Road and 12600 Par Lane
Kansas City, KS 66109



Commission District:	Commissioner At-Large, District #1: Melissa Bynum District #5 Commissioner: Michael (Mike) Kane
Existing Zoning:	A-G Agriculture and RP-1A Suburban Residential Districts (WYCO)
Adjacent Zoning:	North: R Rural Residential District South: RP-1A Planned Suburban Residential District (WYCO) East: R-1A Planned Suburban Residential (WYCO) and RP-3 Planned Townhouse Districts West: A-G Agriculture District (WYCO)
Adjacent Uses:	North: Single family subdivision South: Golf course and single-family homes East: Golf course, single family homes and duplexes West: Large lot single family home
Total Tract Size:	41.94 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this property as Open Space, which allows parks, recreation, and open space. A Master Plan Amendment has been submitted to Medium-Density Residential (City-Wide Master Plan), which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, parks, and open space.
Major Street Plan:	The Major Street Plan classifies Hollingsworth Road as a Class C Thoroughfare.
Required Parking:	Sec. 27-456(d) Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit, at least one (1) of which shall be in a garage or carport. 156 parking spaces are required. 156 parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – January 19, 2023; Master Plan Amendment – January 19, 2023 Letters to Property Owners – Change of Zone – January 20, 2023 and February 4, 2023; Master Plan Amendment – January 20, 2023 and February 4, 2023
Public Hearings:	March 13, 2023 and March 30, 2023

Public Support:	Staff has received a letter in support and two (2) people appeared in support at the March 13, 2023, City Planning Commission meeting.
Public Opposition:	Staff has received letters and phone calls in opposition. There were 30 people present in opposition at the March 13, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Adam Williams, seeks to rezone 12601 Hollingsworth Road and 12600 Par Lane from A-G Agriculture and RP-1A Planned Suburban Residential Districts (WYCO) to RP-2 Planned Two Family District to build 78 duplex buildings, totaling 156-units on 41.94 acres.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765 and Article VII Sections 27-245 – 27-339

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The character of the neighborhood is comprised of a suburban single-family subdivision to the north, across Hollingsworth Road and sited within the Dubs Dread Golf Course. This portion of Hollingsworth Road is in between rural, large lot single-family homes and farmland to the west and developed, established single-family subdivisions/neighborhoods to the east.

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 not necessarily compatible with the surrounding properties to the north as Freeman Farms and Prairie Oaks to the east are established single-family

neighborhoods. Higher density development should occur at major intersections along transit corridors.

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

The removal of the restrictions could detrimentally affect nearby property because the landscaping and buffering that is required to be planted along the single-family residentially zoned properties and the proposed buildings are oriented towards the internal streets, away from the single-family residences.

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

12600 Par Lane has never been developed, however, 12601 Hollingsworth Road is Dubs Dread golf course and is not vacant.

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 not reasonably necessary for the majority of individuals in the area. This development is catering to a niche market that is centered around Dubs Dread Golf Course. Developing portion of land around the golf course will not permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

The proposed development with 156 units will increase traffic along Hollingsworth Road. While a Traffic Impact Study has not been provided, a brief statement has and will be reviewed by Public Works and Planning Engineering regarding road capacity. A Traffic Impact Study may need to be provided.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan as Open Space does not allow residential uses, only parks, recreation and open space, therefore, a Master Plan Amendment is sought from Planned Mixed Residential to Medium Density Residential (City-Wide Master Plan), which allows duplexes, townhomes, mid-rise apartments, and institutional uses such as schools, churches, and libraries.

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

The proposed use should not cause environmental harm through runoff because the proposed development will capture the storm water runoff instead of sheet flowing off the property to Piper Lake.

The property is changing from two active holes on the golf course and a heavily wooded parcel to a relatively flat, graded site. Maintaining the existing tree stands, landscaping and screening is 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 #228.

e. *Fire*

Fire service is provided by Fire Station #8 located off 123rd Street and Leavenworth Road.

f. *Transit*

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

g. *Schools*

Public education is provided by Piper USD 203.

h. *Streets*

Parallel Parkway is a Class A Thoroughfare and Georgia Avenue is a Class C Thoroughfare, and the traffic study will determine if the proposed development can be support by the existing street network.

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

The proposed use will have a minimal economic impact on the community. The residences will generate property tax for the Unified Government; however, the Unified Government will have to maintain the roads, sanitary and storm sewers for this development, further taxing its resources for maintenance of the City's infrastructure in the long-term.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with 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 or keep as open space.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via in-person at Dubs Dread Golf Club on January 29, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Economic Impact
Traffic
Building Orientation
Neighborhood Character
City-Wide Master Plan Multi-Family Design Guidelines
Pedestrian Connectivity
Platting
Fire Access
Landscaping, Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **DENIAL** of Change of Zone Application **COZ2022-053** and Master Plan Amendment **MPL2022-030**, **due to incompatibility with the neighborhood and plan as the area is single-family homes and there are no duplexes in the area.**

STAFF COMMENTS AND SUGGESTIONS

Staff does not concur with the recommendation of the City Planning Commission for the reasons listed below.

Planning and Urban Design Comments:

General Planning:

1. Single family detached and attached homes will continue the UG's debt cycle for infrastructure maintained, as they do not pay for themselves in the long-term. Municipalities are having to extend and maintain new infrastructure further from the urban core and existing established services, which is already strained due to aging.

Applicant Response: Acknowledged.

2. As part of this rezoning/preliminary development plan request, the following plans need to be provided for review:
 - Preliminary Engineering
 - i. Stormwater Drainage Calculations
 1. Gross detention calculations for 100-year storm;
 2. Stick map with proposed location and routing;
 3. Indicate the tie in point to the existing system;
 4. Information on any portion of the system that is not gravity flow;
 - ii. Street layout with preliminary line and grade over proposed grading
 - iii. Sewer layout (stick map) with location and routing to the existing system;
 - iv. Any plans for sewer system other than a gravity system;
 - v. Water and electric are design by the Board of Public Utilities;
 - vi. Reference the following documents:
 1. TECHNICAL PROVISIONS AND STANDARD DRAWINGS
 2. MINIMUM DESIGN STANDARDS FOR SANITARY SEWERS.
 - Traffic and pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and structures, walkways, and bicycle paths;
 - Preliminary architectural elevations of proposed structures and an initial list of proposed building materials;

- A conceptual landscape and screening plan that includes basic sizes and quantities; and,
- Preliminary drainage and erosion control information sufficient to meet Unified Government requirements.

Some of this information may be depicted on sheets C1.0, C1.2, C1.3, but the line weights are the same, making the sheets crowded and difficult to review.

Applicant Response: Provided as requested. The small portion of the site that is proposed to be low pressure is identified on the plans.

Please understand that this is a rezone request and master plan amendment. Representative photos have been provided with the understanding that building elevations that meet City standards will be provide at the preliminary development plan request.

3. To clearly delineate between A-G (WYCO) and RP-2, platting this property is recommended in addition to vacating existing utility easements and right-of-way, and dedicate new easements, as necessary.

Applicant Response: Provided as requested.

4. How will residents get access to the golf course, existing and new clubhouse without driving on Hollingsworth Road? The overall site plan needs to be further defined to see these pedestrian connections that are crucial to make this development integrated to the golf course.

Applicant Response: Please understand that this is a rezoning request and master plan amendment. Further development of the site plan will occur with the preliminary development plan request on future applications.

5. Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide. Add a six (6) foot sidewalk on both sides of Par Lane, 126th Street throughout the duplex development.

Applicant Response: Provided as requested.

6. Complete the sidewalk along the north side of Hollingsworth Road, west of the existing clubhouse to North 126th Street.

Applicant Response: Provided as requested.

7. Install a crosswalk across North 126th Street at Hollingsworth Road.

Applicant Response: Provided as requested.

8. Where are the golf course holes along Hollingsworth Road going to be relocated as a result of the proposed project?

Applicant Response: Updated conceptual golf holes have been provided with this resubmittal. All revisions are subject to golf course approvals.

9. Rotate Lot #1 and #29 to face Hollingsworth Road or to better conform to the existing character of said road.

Applicant Response: While this is a concept plan only, it is our opinion that Lots 1 and 29 should face the internal local road system instead of Hollingsworth Road, which is a higher street classification.

10. Will these duplexes be maintenance free for residents?

Applicant Response: That has not been determined at this time.

11. Will these duplexes be owner occupied, as that will effect on how you plat the parcel?

Applicant Response: This will be determined with future platting applications.

12. What on-site amenities will be provided as part of this development? Two (2) amenities, one (1) regular and one (1) small are required.

Applicant Response: This is a concept only to support the rezoning request. Future applications for development plans will incorporate required amenities.

Is the clubhouse depicted in Tract B for the western portion of the development an amenity for all residents?

Applicant Response: This has not been determined at this time.

13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361).

Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection.

Applicant Response: Acknowledged.

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

Applicant Response: Acknowledged.

15. Install bike racks at high trafficked nodes (clubhouse and site amenities).

Applicant Response: Acknowledged.

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

Applicant Response: Acknowledged.

17. 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.

Applicant Response: Acknowledged.

18. 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.

Applicant Response: Acknowledged.

Building Architecture:

1. Proposed eaves over the garage should be placed over front door and be the prominent feature and move the garages back, behind the front door.

Applicant Response: Thank you for the suggestion.

2. 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 forty percent (40%) 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 forty percent (40%) of each façade is indeed stone or brick.

Applicant Response: Please understand that this is a rezoning request and master plan amendment. Representative photos have been provided with the understanding that building elevations that meet City standards will be provided at the preliminary development plan request.

3. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines.

Applicant Response: Acknowledged.

Landscaping and Screening:

1. Sec. 27-700(a) one (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site are for uses other

than residences.

Applicant Response: Provided as requested.

2. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.

Applicant Response: Provided as requested.

3. Landscaping around the amenities shall be irrigated.

Applicant Response: Acknowledged.

4. 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.

Applicant Response: Acknowledged.

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

Applicant Response: Acknowledged.

6. 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.

Applicant Response: Acknowledged.

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.

Applicant Response: Acknowledged.

Planning Engineering Comments:

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

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2022-053** and **MPL2022-030**, subject to all comments and suggestions outlined in this staff report summarized by the following conditions:

1. **Planning and Urban Design Staff will not publish the Change of Zone ordinance publication until the Final Plat and Final Development Plan are submitted for review and approval to complete the entitlement process;**
2. **To clearly delineate between A-G (WYCO) and RP-2, platting this property is required in addition to vacating existing utility easements and right-of-way, and dedicate new easements, as necessary;**
3. **As part of the platting process, after the Preliminary Plat with the Final Plat, establish and record Homeowners Association (HOA) Declaration and Covenants, Conditions and Restrictions (CCRs) associated with these two (2) developments;**
4. **The Preliminary and Final Plat shall include final civil drawings for these two (2) subdivisions complying with the submittal requirements;**
5. **All amenities (pool, fitness center, restaurant, golf simulators, community rooms, etc.) shall be available to all residents within these two (2) developments and members of Dubs Dread Golf Club;**

6. All Tracts shall remain as open space in perpetuity and shall be noted on the Final Plat;
7. Per the Multi-Family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide. Add a six (6) foot sidewalk on both sides of Par Lane, 126th Street throughout the duplex development;
8. Complete the sidewalk along the north side of Hollingsworth Road, west of the existing clubhouse to North 126th Street;
9. Install a crosswalk across North 126th Street at Hollingsworth Road;
10. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361).

Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection. The multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;

11. Lighting cannot exceed one (1) footcandle at the property line;
12. Install bike racks at high trafficked nodes (clubhouse and site amenities);
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. 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;
15. Proposed eaves over the garage should be placed over front door and be the prominent feature and move the garages back, behind the front door;
16. 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 forty percent (40%) 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 forty percent (40%) of each façade is indeed stone or brick;
17. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines;
18. Sec. 27-700(a) one (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site are for uses other than residences;
19. 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;
20. Landscaping around the amenities shall be irrigated;
21. 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;
22. All electrical meter banks, typically on the side of the building shall be screened from public view;
23. All utilities shall be buried underground;
24. 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;
25. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
26. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
27. 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.

30. 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;
31. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
32. 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.

ATTACHMENTS

March 13, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
City-Wide Master Plan Medium Density Residential Designation
City-Wide Master Plan Multi-Family Residential Design Guidelines
Multi-Family Residential Amenity Guidelines
KCKFD Comments
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Grading Plan
Landscape Plan
Building Photographs (Elevations)
Site Photographs taken by Staff on January 11, 2023.
Letter of Support
Letters of Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	March 13, 2023	March 30, 2023
Rezoning	Denial	
Public Hearing		
Master Plan	March 13, 2023	March 30, 2023
	Denial	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-030** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-030** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-053** 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 **COZ2022-053** 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.

March 13, 2023 City Planning Commission Minutes:

Hearing starts at 2:58:00:

CHANGE OF ZONE APPLICATION COZ2022-053 – ADAM WILLIAMS - SYNOPSIS:

Change of Zone from RP-1A Planned Two Family and A-G Agriculture (WYCO) Districts to RP-2 Planned Two Family District for attached two (2) family home development at 12601 Hollingsworth Road and 12600 Par Lane (Dub's Dread Golf Course).

MASTER PLAN AMENDMENT MPL2022-030 – ADAM WILLIAMS – SYNOPSIS:

Master Plan Amendment from Open Space (Prairie-Delaware-Piper Master Plan) to Medium-Density Residential (City-Wide Master Plan) at 12601 Hollingsworth Road and 12600 Par Lane (Dub's Dread Golf Course).

Detailed Outline of Requested Action: The applicant, Adam Williams, seeks to rezone 12601 Hollingsworth Road and 12600 Par Lane from A-G Agriculture and RP-1A Planned Suburban Residential Districts (WYCO) to RP-2 Planned Two Family District to build 78 duplex buildings, totaling 156-units on 41.94 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 March 13, 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. Chairman Carson, Commissioner Miller, Commissioner Beth and Commissioner Ward stated that they have been contacted by numerous adjoining property owners.

Present in Support:

- Mr. Minnis, 1189 North 400 Road, Baldwin City, Kansas 66006
- Frank Bryant, 12801 Hollingsworth Road, Kansas City, Kansas 66109
- Greg Kindle, Wyandotte Economic Development Council
- Kevin Burgess, 12816 Hollingsworth Road, Kansas City, Kansas 66109

The Planning Commission directed questions to the applicant.

Present in Opposition:

- There 18 persons present that did not speak
- David Brooke, 4729 Canaan Lake Drive, Kansas City, Kansas, and also speaking on behalf of the Piper Lake Homeowners Association
- Sara Miller, 4814 North 130th Street, Kansas City, Kansas 66109
- Jerry Godell, 12410 Meadow Lane, Kansas City, Kansas 66109
- Cheryl Edwards, 12525 Hollingsworth Road, Kansas City, Kansas 66109
- Bill Edwards, 12525 Hollingsworth Road, Kansas City, Kansas 66109
- Mike Young, 5217 North 123rd Street, Kansas City, Kansas 66109
- Jerry Smith, 13030 Augusta Lane, Kansas City, Kansas 66109
- Nancy Zielke, 12421 Hollingsworth Road, Kansas City, Kansas 66109
- Gary Wietharn, 5030 North 130th Street, Kansas City, Kansas 66109
- Sharon McMillian, 5227 North 130th Terrace, Kansas City, Kansas 66109
- Tom McMillian, 5227 North 130th Terrace, Kansas City, Kansas 66109
- Laura Arenas

Staff Recommendation starts at 4:06:11: Planning Director Hand stated that the request is for 78 duplex buildings totaling 156 units on 41.94 acres around Dub's Dread Golf Course. This property is in the Prairie-Delaware-Piper Area Plan. Staff has received one (1) letter in support and multiple letters in opposition including the testimony given this evening. Director Hand stated that there are no Notices of Violation on this property. Staff recommends approval of the Change of Zone application, which includes a preliminary development plan. The Applicant will need to come back with a Final Development Plan and Final Plat for consideration. Staff focused on pedestrian-connectivity as well as future amenities. If the Commission is concerned about when the amenities would be built, Staff would recommend amending Condition #5 to include the amenities in Phase 1 of the development. There is a history in this area of developers wanting to develop property and then were hit with the 2008 crash and did not fulfill their commitments. Staff recommends holding over this case to a designated time if the Commission feels that a traffic study and additional stormwater reviews are warranted. He stated that the land use allows more density than what is being proposed. This project pulls out the land use from the Prairie-Delaware-Piper Master Plan and into the City-Wide Master Plan as that plan only allows multi-family developments with multiple typologies (e.g. townhouses, single-family).

The Planning Commission directed questions to Staff.

Motion starts at 4:15:15:

On motion by Mr. Miller, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **DENIAL of Master Plan Amendment MPL2022-030 due to incompatibility with the neighborhood and plan as the area is single-family homes and there are no duplexes in the area:**

Carson Chairman

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

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

On motion by Mr. Miller, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application COZ2022-053 due to incompatibility with the character of neighborhood:**

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

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

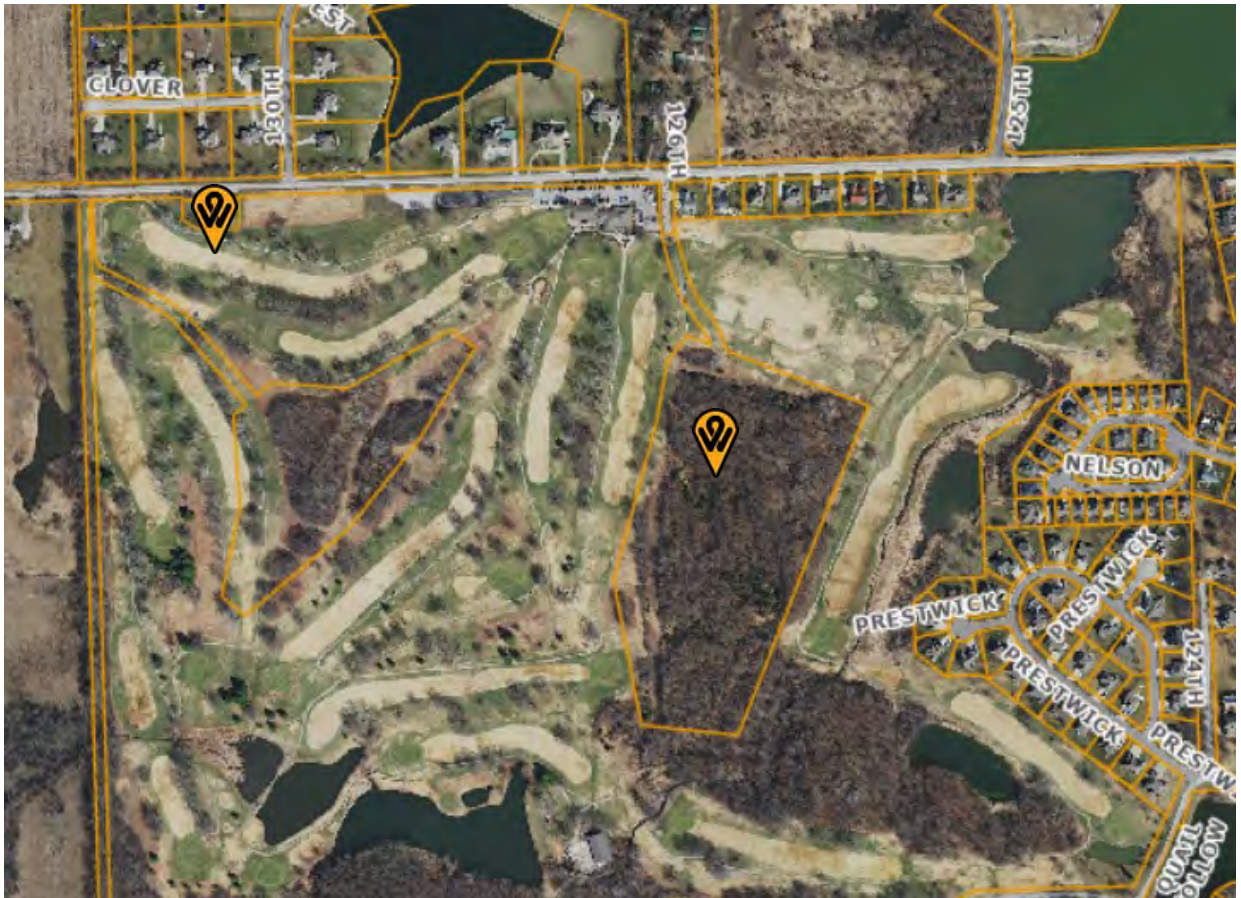


Figure 1. Aerial Photograph 12600 Park Lane and 12601 Hollingsworth Road (provided by ArcGIS Pro).

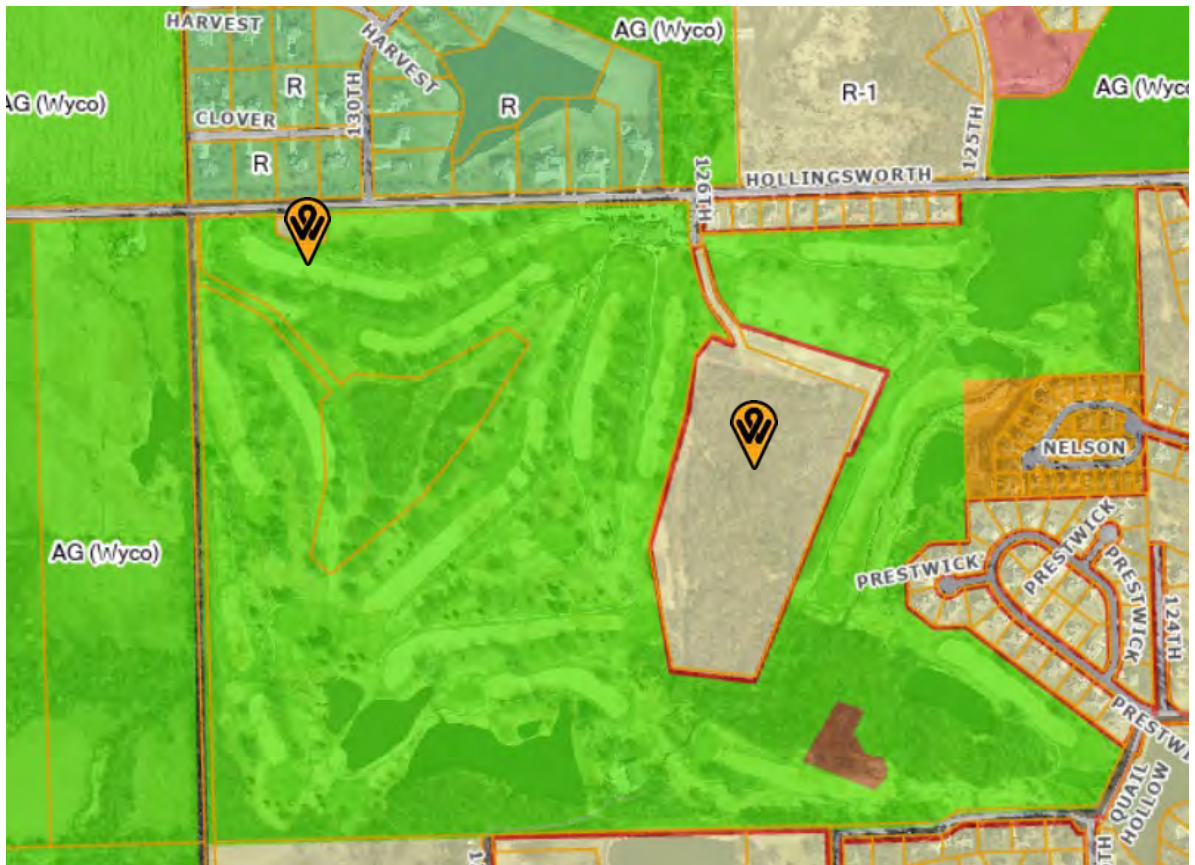


Figure 2. Zoning Map of 12600 Par Lane and 12601 Hollingsworth Road (provided by UG Maps).

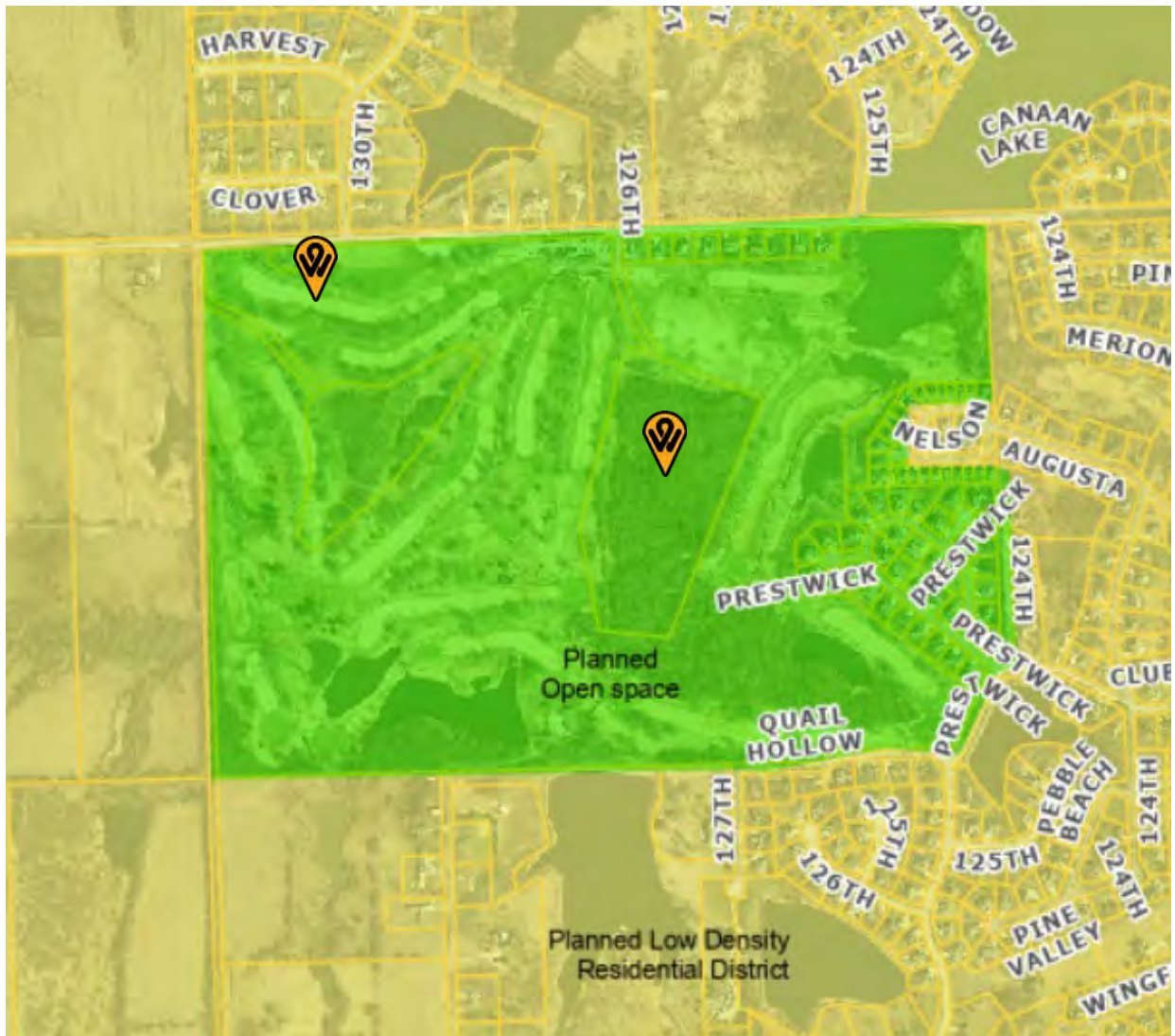


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map of 12601 Hollingsworth Road and 12600 Par Lane (provided by ArcGIS Pro).



Medium-Density Residential: These uses are intended to provide for future housing needs through the construction of a wide variety of **attached** residential development.

- Allowed Uses:
 - Garden apartments
 - Attached residences including townhomes, duplexes, triplexes, fourplexes, etc.
 - Institutional uses such as elementary, middle and high schools, churches, libraries, etc.
 - Parks and open space
- Discouraged Uses:
 - All industrial uses
 - Business parks
 - Adult-oriented businesses
- Required Infrastructure:
 - Access to gravity sewer.
 - Access to a Class A, B or C thoroughfare or boulevard.
 - Minimum 8-foot sidewalk/trail along arterial road or 6-foot sidewalk/trail along collector road.
 - A traffic study will be required to determine access improvements such as turn lanes, intersection controls, etc.
- Open Space:
 - A minimum of 15% not including environmental constraints such as floodplain, swails, steep slopes, etc.
- Recommended Density:
 - 4 to 16 dwelling units per acre
- Green Principles:
 - Incentives should be provided for:
 - Use of the National Green Building Standard.
 - Leadership in Energy and Environmental Design (LEED) for Homes qualified rating.
 - Energy Star Qualified buildings and homes.
 - Bicycle and pedestrian connections to adjacent neighborhoods.
 - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
 - Integration of transit stops.
- Cultural Principles:
 - Provides multiple housing choices and price points
- Design Guidelines:
 - All developments must meet the minimum guidelines outlined on pages 45-46.
- Amenity Guidelines:
 - All new development projects must meet the minimum amenity guidelines outlined on page 42. Projects less than 50 dwelling units are not subject to these guidelines.

Multi-Family Residential Design Guidelines

The following design guidelines apply to all new multi-family developments.

- Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') 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 or walkways on adjacent properties that extend to 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 personal service establishments; and
 - Any adjacent public park, greenway, or other public/semi-public use including but not limited to schools, libraries, churches, parks, etc.
- 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.
- Provide distinctive, quality, consistent, architectural character and style in new multi-family development that avoids monotonous and featureless building massing and design.
- The maximum length of a multi-family residential building shall be 200 feet.
- No more than six (6) townhome units shall be attached in any single row.
- There should be a consistency in architectural style among multiple buildings within a development and surrounding area. Each building should have a definitive and consistent style. Mixing of various architectural styles on the same building or buildings dilutes the character of the area.
- All sides of a multi-family building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.
- All building entries adjacent to an arterial, collector or local street or private drive with on-street parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrance-ways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.
- Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- All multi-family building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entry-ways, recreation areas, and laundry areas.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



- On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis. On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least one every fifty-feet (50') of building wall length.
- Unity of design will be maintained through the use of similar materials and colors throughout all multi-family developments.
- High-quality building materials will be used that are durable, attractive, and have low maintenance requirements.
- For all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, door, 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.
- Exterior building materials **shall not** include the following:
 - Board and batten wood
 - Smooth-faced or gray concrete block
 - Painted concrete block
 - Tilt-up concrete panels
 - Field painted or pre-finished standard corrugated metal siding
 - Standard single or double tee concrete systems
 - Vinyl siding
- The rehabilitation of existing multi-family structures shall require the use of alternate materials subject to approval by the City Planning Commission.
- Predominant roof materials shall be high quality, durable material such as, but not limited to:
 - Wood shake shingles
 - Clay or concrete tiles
 - Composition shingles
 - Asphalt shingles
 - Other materials considered on a case-by-case basis
- Landscaping is required to screen all parking areas and service entries.

Amenity Guidelines

Amenities within residential developments 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.

Single-Family Residential Amenity Guidelines

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 (1) Small Amenity. 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. All amenities will be built in the first phase of the development.

Multi-Family Residential Amenity Guidelines

Multi-family developments shall incorporate recreational amenities based on the number of units within the development. Multi-family developments with less than 25 dwelling units are required to have one (1) Small Amenity. Multi-family developments with 25-to-150 dwelling units are required to have two (2) amenities. Only one (1) of the required amenities may be a Small Amenity. Multi-family development projects with more than 150 dwelling units are required to have three (3) amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Residential Amenity Reference Table

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 low 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) barbecue 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 lot, one (1) bench per 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) barbecue grill/pit per area.	
Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.	
Option provided by owner, but must be considered equal to one of the other regular options.	



January 23, 2023

Unified Government of Wyandotte County
Department of Planning + Urban Design
701 N 7th Street, Suite 423
Kansas City, KS 66101

**RE: STAFF COMMENTS AND SUGGESTIONS FOR DUB'S DREAD GOLF COURSE
CHANGE OF ZONE PETITION COZ2022-053 AND
MASTER PLAN AMENDMENT MPL2022-030**

Urban Planning and Land Use Comments:
General Planning:

1. Single family detached and attached homes will continue the UG's debt cycle for infrastructure maintained, as they do not pay for themselves in the long-term. Municipalities are having to extend and maintain new infrastructure further from the urban core and existing established services, which is already strained due to aging. **Response: Acknowledged**
2. As part of this rezoning/preliminary development plan request, the following plans need to be provided for review:
 - Preliminary Engineering
 - i. Stormwater Drainage Calculations
 1. Gross detention calculations for 100-year storm;
Response: Provided as requested
 2. Stick map with proposed location and routing;
Response: Provided as requested
 3. Indicate the tie in point to the existing system;
Response: Provided as requested
 4. Information on any portion of the system that is not gravity flow;
Response: The small portion of the site that is proposed to be low pressure is identified on the plans
 - ii. Street layout with preliminary line and grade over proposed grading.
Response: Provided as requested
 - iii. Sewer layout (stick map) with location and routing to the existing system; **Response: Provided as requested**
 - iv. Any plans for sewer system other than a gravity system;
Response: None proposed

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v. Water and electric are design by the Board of Public Utilities;

Response: Acknowledged

vi. Reference the following documents:

1. TECHNICAL PROVISIONS AND STANDARD DRAWINGS
2. MINIMUM DESIGN STANDARDS FOR SANITARY SEWERS.

Response: Provided as requested

- Traffic and pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and structures, walkways, and bicycle paths; **Response: Provided as requested**
 - Preliminary architectural elevations of proposed structures and an initial list of proposed building materials; **Response: Please understand that this is a rezone request and master plan amendment. Representative photos have been provided with the understanding that building elevations that meet City standards will be provided at preliminary development plan request.**
 - A conceptual landscape and screening plan that includes basic sizes and quantities; and, **Response: Provided as requested**
 - Preliminary drainage and erosion control information sufficient to meet Unified Government requirements. Some of this information may be depicted on sheets C1.0, C1.2, C1.3, but the line weights are the same, making the sheets crowded and difficult to review. **Response: Provided as requested**
3. To clearly delineate between A-G (WYCO) and RP-2, platting this property is recommended in addition to vacating existing utility easements and right-of-way, and dedicate new easements, as necessary. **Response: Provided as requested**
4. How will residents get access to the golf course, existing and new clubhouse without driving on Hollingsworth Road? The overall site plan needs to be further defined to see these pedestrian connections that are crucial to make this development integrated to the golf course. **Response: Please understand that this is a rezone request and master plan amendment. Further development of the site plan will occur with the preliminary development plan request on future applications.**
5. Per the Multi-family Residential Design Guidelines, pedestrian walkways and sidewalks shall be a minimum of six (6) feet wide. Add a six (6) foot sidewalk on both sides of Park Lane, 126th Street throughout the duplex development. **Response: Provided as requested**
6. Complete the sidewalk along the north side of Hollingsworth Road, west of the existing clubhouse to North 126th Street. **Response: Provided as requested**
7. Install a crosswalk across North 126th Street at Hollingsworth Road. **Response: Provided as requested**
8. Where are the golf course holes along Hollingsworth Road going to be relocated as a result of the proposed project? **Response: Updated conceptual golf holes have been provided with this resubmittal. All revisions are subject to golf course approvals.**

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9. Rotate Lot #1 and #29 to face Hollingsworth Road or to better conform to the existing character of said road. **Response: While this is a concept plan only, it is our opinion that lots 1 and 29 should face the internal local road system instead of Hollingsworth Road, which is a higher street classification.**
10. Will these duplexes be maintenance free for residents? **Response: That has not been determined at this time**
11. Will these duplexes be owner occupied, as that will effect on how you plat the parcel? **Response: This will be determined with future platting applications.**
12. What on-site amenities will be provided as part of this development? Two (2) amenities, one (1) regular and one (1) small are required. **Response: This is a concept only to support the re-zone request. Future applications for development plans will incorporate required amenities.**

Is the clubhouse depicted in Tract B for the western portion of the development an amenity for all residents? **Response: This has not been determined at this time.**

13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361) **Response: Acknowledged**
- Slab-on-grade duplexes are required to have a reinforced space in each dwelling unit for storm protection. The multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units. **Response: Acknowledged**
14. Lighting cannot exceed one (1) footcandle at the property line. **Response: Acknowledged**
15. Install bike racks at high trafficked nodes (clubhouse and site amenities). **Response: Future applications for development plans will incorporate required amenities.**
16. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Response: Acknowledged**
17. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly. **Response: Acknowledged**
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper. **Response: Acknowledged**

Building Architecture:

\\Datsaerver\Cad\projects\2022\22-235\1.0 Admin-Clerical\8.0 Comments\Response to PC Draft Comments dated 2-13-2023.docx

14920 West 107th Street • Lenexa, Kansas 66215 • (913) 492-5158 • Fax: (913) 492-8400

1. Proposed eaves over the garage should be placed over front door and be the prominent feature and move the garages back, behind the front door. **Response: Thank you for the suggestion.**
2. 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 forth percent (40%) 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 forty percent (40%) of each façade is indeed stone or brick. **Response: Please understand that this is a rezone request and master plan amendment. Representative photos have been provided with the understanding that building elevations that meet City standards will be provided at preliminary development plan request.**
3. Vinyl siding is not a permitted exterior building material per the City-Wide Master Plan Multi-Family Residential Design Guidelines. **Response: Acknowledged**

Landscaping and Screening:

1. Sec. 27-700(a) one (1) shade tree per dwelling unit is required in the front or corner side yard, and one (1) tree per 7,000 square feet of site area for uses other than residences. **Response: Provided as requested**
2. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted. **Response: Provided as requested**
3. Landscaping around the amenities shall be irrigated. **Response: Acknowledged**
4. 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. **Response: Acknowledged**
5. All electrical meter banks, typically on the side of the building shall be screened from public view. **Response: Acknowledged**
6. 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. **Response: Acknowledged**
 - 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. **Response: Acknowledged**
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front. **Response: Acknowledged**
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat. **Response: Acknowledged**

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- e. Customer must take account of the maturity size of the evergreen tree when planting saplings to 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 (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings). **Response: Acknowledged**
- f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open. **Response: Acknowledged**

Signage

- 1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process. **Response: Acknowledged**

Planning Engineering Comments

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) 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: We have received no other comments at this time**
- 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 **Response:**

Thank you for your comments/questions.

Sincerely,

SCHLAGEL & ASSOCIATES, P.A.

Mark A. Breuer, PE
Principal / Engineering Manager
Direct Dial : 913-322-7154

\\Datsaserver\Cad\projects\2022\22-235\1.0 Admin-Clerical\8.0 Comments\Response to PC Draft Comments dated 2-13-2023.docx

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MAB@schlagelassociates.com

/mdr

Attachments

\\Datsaerver\Cad\projects\2022\22-235\1.0 Admin-Clerical\8.0 Comments\Response to PC Draft Comments dated 2-13-2023.docx

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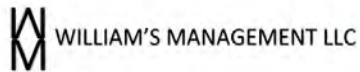
Partners In Golf and Recreation



BRYAN MINNIS – FOUNDER, MAXIM GOLF SOLUTIONS



JOHN BODE – PARTNER, MAXIM GOLF SOLUTIONS



ADAM WILLIAMS – OWNER, WILLIMAS MANAGEMENT, LLC



Amenities

- Maintenance Free Luxury Villas
- Improved Golf Facilities
- Pool
- Fitness
- Improved Restaurant Facilities
- SUITERange –
 - Golf & Multi-Sport Simulators
 - Watch Parties
 - Celebration Parties

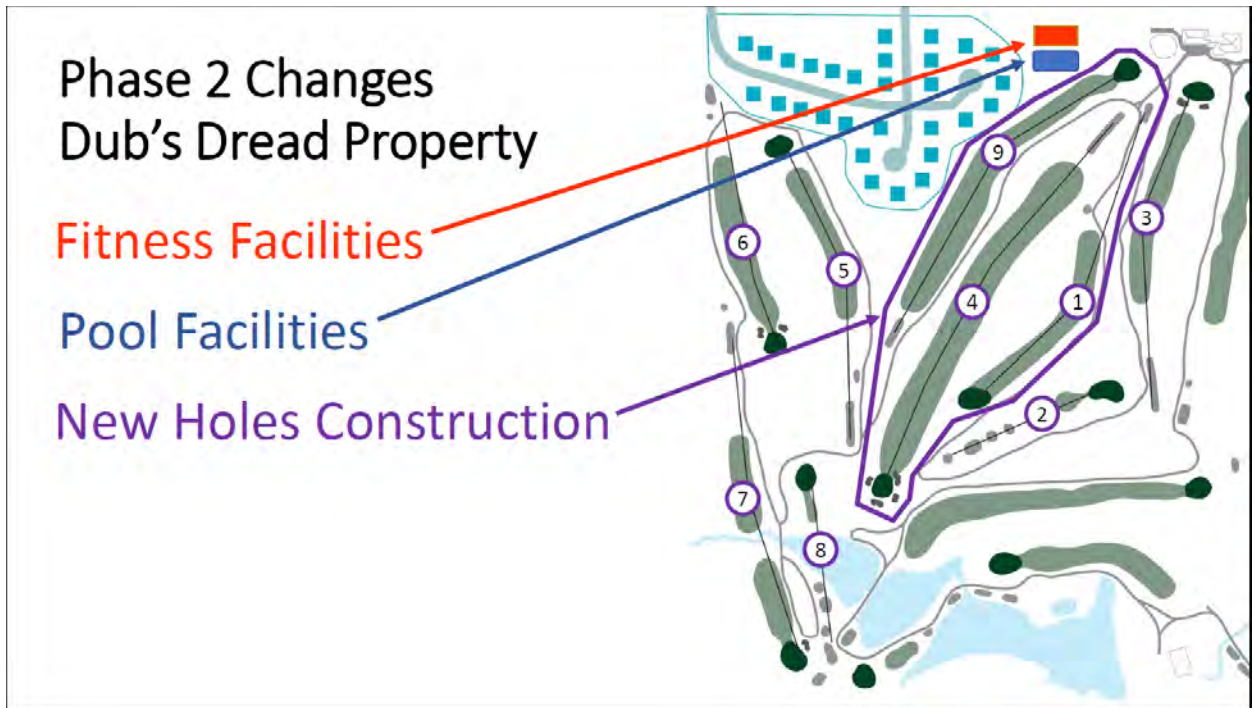
Planned Luxury Villa Footprint

- Price Range \$475K and Up
- Phase 1 (49) Builds
- Phase 2 (29) Builds



Villas at Canyon Farms & Falcon Lakes Golf Clubs





Neighborhood Meeting Minutes

COZ2022-053 and MPL2022-030 - 12601 HOLLINGSWORTH ROAD

Meeting held at 12601 Hollingsworth Road. Dubs Dread Golf Club.

Meeting was called to order at 3pm.

Presentation was jointly provided by Bryan Minnis and Adam Williams. See attached presentation.

Meeting adjourned at 4:45pm

Minutes were taken by Kailyn Minnis.

Meeting Questions:

- Michelle - Road, expand the street?
 - Answer: There is no plan to expand the street at this time.
- Nancy Zelgy – Traffic Study?
 - Answer: A traffic study has not been ordered at this time.
- Water Run off with phase one?
 - Answer: Erosion control, no debris.
- Increase of drainage? – the dam is not good. Storm run-off, flooding issues, how to control. Sanitary Sewer system issues?
 - Answer: Gravity fed – working with the county.
- Gary Wheathorn, President HOA: Phase 2 units location, entrances? Build out timeline?
 - Answer: Showed siteplan of entrances. Start to finish, 3 years start to end.
- Concern for the road way traffic, home values?
 - Answer: Minimal impact to traffic counts. Homes should increase in value with this development.
- Sara Miller – Villa or duplex, lesser value, rentals? Prefers single homes
 - Answer: We will not allow any short term rentals like VRBO or Air BNB.
- Seeking R2 zoning
- Kelly Ziegly – Piper Lakes – Run off into the lake, plan made public or shared with community.
- Kevin Virgus – Freeman farms – Assurances to prices of villas, phase 2 – s
 - Answer: Second entrance is provided. square footage 2300+ to guarantee value
- Ed Ridemyer '77 – Rural atmosphere, single family dwellings, subdivision rules, how many per acre, can sewer handle additional homes?

- Answer: Yes it can. The tax dollars towards school district.
- Karen – where does contraction traffic come, who maintains the road.
 - Answer: Construction traffic will use Hollingsworth road and the new road into the subdivision.
- President of August HOA – back 9 layout will change?
 - Answer: No
- Site plan be available – on county website -
 - Answer: We are sending it to them but not sure if they will post it.
- Terry Freeman farms – rentals – residential no vacation.
 - Answer: Agreed
- Dan – August – Run or rain control study
 - Answer: Engineers will study the storm water.
- Stone, stucco, siding, different materials, similar to surrounding areas, fencing?
 - Answer: Yes will be mixture of all those materials.
- Donna, restrictions, fencing are important, needs to be in the deed to be enforced.
 - Answer: Yes there will be covenants and restrictions on those items.
- What stops other empty land from putting in more multifamily homes
 - Answer: That is an application to the county and they will determine.
- Marry Durran – Freeman farms – Basements, walkouts, concern for rental and limitations, corporate rentals?
 - Answer: Yes there will be basements and walkouts. No short term rentals.
- Traffic on Hollingsworth –
- Maurice Ryan – Attorney / Judge, Annexation, traffic study before any project, no restrictions on different types of housing, silt fences, city water employees, engineers will have to approve before the plans, reach out to city to see the plans of water, 0 \$900 homes sold in this area, taxes in this area, plans go in front of county commissions. Go to city to enact no vrbo or short term rentals
 - Answer: Agreed
- February 13th 6PM, planning commission open to public
- Boundaries of the area
 - Answer: Used siteplan to show boundaries.
- Windows on properties, still have a real driving range
 - Answer: Yes
- Ron Miller – snow issues, not passable –
 - Answer: Acknowledged
- Financing –
 - Answer: Yes we have financing.
- What happens if phase one doesn't go well,
 - Answer: There is always that risk, we would have to do less
- Elevation issues, 10th fairway
 - Answer: Acknowledged
- Name for the community
 - Answer: Not yet determined
- Yardage on the holes -
 - Answer: Will not change dramatically.

AG

Dub's Dread Community Meeting Sign-In

1/29/2023

	Name	Address	Email/Phone
1	Kreckon Golubski	12411 Hollingsworth	golubskiana@yahoo
2	Diana Paul Bidnick	12429 Hollingsworth	diana.bidnick@yahoo
3	Bill Edwards	12525 Hollingsworth	wedwards1128@gmail.com
4	Jerry GodeLL	12410 meadow Ln.	Jerry_Godell@ATT.net
5	Barb Adam	4019 N 107th Terr	Stace457@gmail.com
6	Randy Gruber	12730 Hubbard Rd	rgnuber02@gmail.com
7	Donna & John Stebbins	12321 Curquato Rd	jd.stebbins@gmail.com
8	Frank & Terri Bryant	12801 Hollingsworth	f.t.bryant1@gmail.com
9	Paul & Carol Gaster	5224 N. 130th	PP Gaster@gmail.com
10	Jonj Gradinaro	12507 Hollingsworth	913-634-5898
11	Wendell & Phyllis Smith	13021 Clover Drive	913-721-1411
12	NICHOLE CAPUSTAN	5200 N. 130th St	913 620 1757

Dub's Dread Community Meeting Sign-In

1/29/2023

	Name	Address	Email/Phone
13	Mary Dwyer	12740 Hubbard Rd	405-562-0802
14	Ted Evans	12740 Hubbard Rd	405-562-0815
15	Becky Noone	4220 N 129th St	913-219-9285
16	Paul Johnson	12350 Pinehurst Dr	913 952 1501
17	Patricia Cernelison	12537 Prestwick Dr	913-787-7869
18	Brandon Buer	13015 Harvest Ln	
19	Chris Collins	12451 Augusta Dr	913-486-8502
20			
21			
22			
23			
24			

H-M

Dub's Dread Community Meeting Sign-In

1/29/2023

Name	Address	Email/Phone
37 Michael F. Harker	12538 Prestwick Dr	913-708-4387
38 John P. Holt	12421 Hollingsworth	
39 E McFadden	12439 Hollingsworth Rd	notaddressed@yahoo.com
40 Wayne Semuels	12468 Augusta Dr.	913-721-2162
41 Karen & Jaime Hummer	12535 Hollingsworth	913 575-0038 Khummer 701@gmail.com
42 Jason Noe	3934 N123RD TERR	913.515.2698 jason.noeth@gmail.com
43 Rick Kempf	12743 HUBBARD RD	rkempf61@gmail.com
44 David Knetter	13301 Hollingsworth	djknetter@gmail.com
45 Matt Knetter	13301 Hollingsworth	
46 Zach McIner	11928 Hollingsworth	Zach McIner 72@gmail.com
47 Kathy Knetter	12039 Hollingsworth Rd	
48 Todd Vetter	12534 Augusta Dr.	voes88bar@yahoo.com 913-428-1697

Dub's Dread Community Meeting Sign-In

1/29/2023

	Name	Address	Email/Phone
49	CHAS MEDROW	12716 HUBBARD RD. KC, KS 66109	C.medrow@attmail.com
50	Grant Lockhouse	12347 Clubhouse Dr.	J.lockhouse6@attmail.com
51	Michelle Benford	13031 Harvest Lane	913.963.9808 Mbenford@attmail.com
52	Chari Kvetter	13111 Hollingsworth Rd	ca.kvetter@gmail.com
53	Sam Hayes	4206 N 124th St.	m2bhaies@gmail.com
54	DANIEL HOCKEY	12453 PINE VALLEY RD	m4hockey@yahoo.com
55	TEPRY MAST	4901 N. 130TH ST.	tmast87@comcast.net
56	Carl Kistler	12456 Augusta Dr.	ckistler26@yahoo.com
57	Daniel Kvetter	12552 Avenida Dr	ckvetter1972@attmail.com
58	Kelly Ziegler	KellyZigs@gmail.com	4816 N. 126th St.
59			
60			

N-S

1/29/2023

Dub's Dread Community Meeting Sign-In

	Name	Address	Email/Phone
73	Andy Sauer	4407 N 112th	913-626-4844
74	Ed + Susan Reitemeyer	4745 N. 123 St.	ERITEME@SNE.NE.NE
75	JERALD A SMIT	13030 HARVEST LN	913-701-2102
76	MURICE RYAN	4215 N. 127th	913-991-8994
77	STEVEN SPEARS	12568 AUGUSTA DR	913 205 9482
78	Deborah Steinhilber	12554 Prestwick Lane	(913) 721-0277
79	JENN PORTER	4924 N. 131st Dr.	913-244-8736
80	FRANK J. COFFEE	14447 Houghton	913 721-3468
81	Angela Reine	12532 Augusta Dr.	913 972 6042
82	Freda White	12548 Prestwick Ln	(913) 645-1398 1010bellchance@gmail.com
83	LOBBE, MARY	2835 MURTER	913-579-1079
84	Robert Serra	4219 N. 130th St	913-897-3655

Dub's Dread Community Meeting Sign-In

1/29/2023

Name	Address	Email/Phone
85 Marla Serra	4819 N. 138th St.	913-558-5386
86 Randy Sestrich	12351 Merion Dr	913-908-7711
87 Genie Shumir	12507 Preswick Lane KCK	785-714-1645
88 Ken + Sara Miller	4814 N. 130th	913-226-1198
89 Fernando + David Whimer	12808 Hollingsworth Rd	816-520-7465
90 VALEEN FULW	12524 Augusta Dr.	316 217-3046
91 Gary Wiesthagen	5030 N 150th St. KCK 66109	6 Wiesthagen@gmail.com 502-917-6573
92		
93		
94		
95		
96		

T-Z

Dub's Dread Community Meeting Sign-In

1/29/2023

	Name	Address	Email/Phone
97	Glen Taylor	12430 Meadow Lane Rd	mrglenntaylor7@gmail.com 913-634-8610
98	Nancy Ziecke	12421 Hollingsworth Rd	nziecke@alvarezandmarsal.com 913-6245
99	Mike Young	13011 Clover Da	wesley@pwworth.com 913-684-2540
100	Mike Perez	12601 Dulak Hollow Dr	913-921-2148
101	John Warner	12730 Hollingsworth Rd	warnersj76@gmail.com 913-775-2731
102	Mike Young	5217 N. 123rd	MIKE YOUNG 59@hotmail.com
103	Brody Young	4200 N. 110th Terrace	brodyyoung90@hotmail.com
104	Zoe Young	11200 Relfer Rd	Zyoung8@hotmail.com
105	Kevin Burgess	12816 Hollingsworth	burgess-kevin@hotmail.com 913-226-2968
106	Joe Burgess	4233 N. 127	913-634-7193
107			
108			

T-2

Dub's Dread Community Meeting Sign-In

1/29/2023

Name	Address	Email/Phone
109 Stan Wike	6109 W 131 st	913-669-0445
110 Clara Renee	12532 Augusta Drive	816-728-7111
111 GREEN WYDE	5213 N. 130 th Ten	913-240-4640
112 Cokko Lycke	12412 Meadow Lane	630-404-5234
113 Vivian Strecker	4811 N. 130 th St	cms-tref72@gmail.com 913-221-2876
114 Mary Ann Endler	5034 N 131 st	913-683-0013 RBOG@ENCIFI.COM 913-226-1198
115 Robert Sara Miller	4814 N 130 th St RCK	Saramiller@midco.net ronmiller@midco.net
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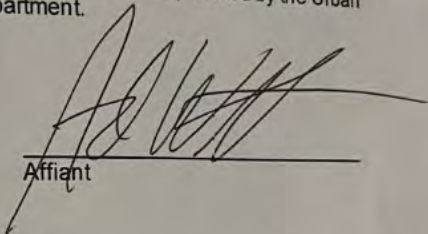
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF DOUGLAS) SS:

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

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

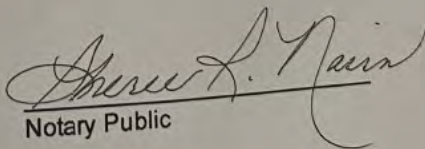
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of January, 2002.

My commission expires 23rd of March, 2005.

Sheree R. Nairn
Notary Public
My Appt. Exp. 3-23-25
State of Kansas


Notary Public





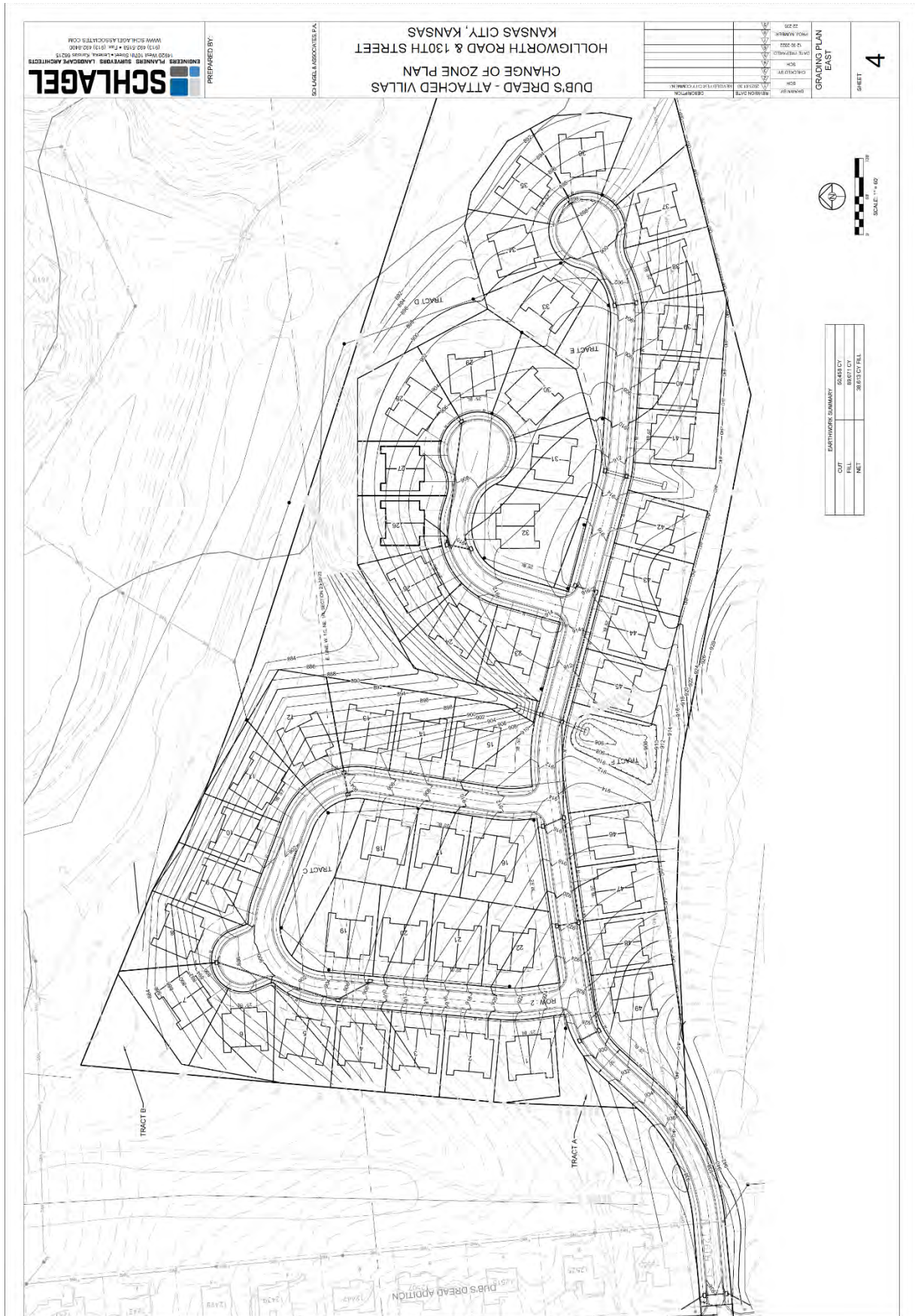








Figure 4. Site photograph looking south on North 126th Street (provided by Planning Staff).



Figure 5. Site photograph looking west from 12601 Hollingsworth Road (provided by Planning Staff).



Figure 6. Site photograph looking southeast from Hollingsworth Road (provided by Planning Staff).



Figure 7. Site photograph looking south from Hollingsworth (provided by Planning Staff).



Figure 8. Site photograph looking east from Hollingsworth Road (provided by Planning Staff).

Toy, Byron

From: Frank Bryant <f.t.bryant1@gmail.com>
Sent: Thursday, March 02, 2023 9:04 AM
To: Toy, Byron
Cc: Parker, Janet
Subject: Fwd: Rezoning Petition COZ2022-053

Some people who received this message don't often get email from f.t.bryant1@gmail.com. [Learn why this is important](#)

Byron,

I believe you were forwarded my earlier email expressing support for COZ2022-053 on the basis of making the community a most desirable location in KC to live. I hope that you will consider that when assessing the rezoning request. I also wanted to give you my opinion of the potential risk if this rezoning is denied.

At the meeting last month where Maxim Golf Solutions presented their plan, a representative of golf course ownership was also present. They made the point that a decision has been made to sell the property. If this deal falls through, they will pursue another purchaser. That's where my concern grows.

Maxim Golf Solutions has presented a compelling vision for the golf course future with neighborhood amenities. If there is a second, third or greater plan for Dub's, it is highly unlikely to be as compelling. In fact, if history of other "for sale" courses in the KC area tell us anything they tell us there are disastrous worse case scenarios. One course in Independence converted to a solar farm, and then there is the disturbing story of Deer Creek in Overland Park which is now a weed patch.

My desire is that Dub's Dread remain a financially viable golf course in the Piper community. I believe the Maxim Golf Solutions plan is the most likely to make that a reality. I hope you will consider this when making your recommendation to the Planning Commission. Thanks you,

Frank Bryant
12801 Hollingsworth Rd.

Begin forwarded message:

From: PlanningInfo <Planninginfo@wycokck.org>
Subject: RE: Rezoning Petition COZ2022-053
Date: February 9, 2023 at 3:47:15 PM CST
To: Frank Bryant <f.t.bryant1@gmail.com>
Cc: "Parker, Janet" <jparker@wycokck.org>

This application has been held over to the March 13, 2023, meeting. I have forwarded your email to Byron Toy, who is the Planner on this case, and he will include in the staff report next month.

Janet

Janet L. Parker, CSC/APC

Executive Assistant to Gunnar Hand, AICP

913.573.5758

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-Urban-Design-Feedback-Form)

From: Frank Bryant <f.t.bryant1@gmail.com>

Sent: Sunday, February 5, 2023 3:56 PM

To: PlanningInfo <Planninginfo@wycokck.org>

Subject: Rezoning Petition COZ2022-053

You don't often get email from f.t.bryant1@gmail.com. [Learn why this is important](#)

To: Kansas City Planning Commission staff

From: Frank and Terri Bryant

12801 Hollingsworth Rd.

913-909-4671

I want to identify myself as the homeowner most impacted by the rezoning petition COZ2022-053 project which would allow luxury villas to be built on the Dubs Dread golf course. My home currently adjoins the first hole at 12801 Hollingsworth Rd, but is best described as within the "horseshoe" of phase two villa construction. My initial reaction to the plan was anger, believing the plan would effectively move the golf course away from my property and negatively impact my home's value.

After some reflection over the material presented last Sunday at the clubhouse by Bryan Minnis of Maxim Golf Solutions, my view has changed. I can now see how my property sitting near the amenities planned for the project would likely enhance the value of my home by making it more desirable to potential home buyers. I believe the same home value appreciation would also apply to nearby neighborhoods. I remain concerned by a potential for increased traffic and issues with storm water drainage, but believe these are responsibilities that must be addressed by the Unified Government and not solely by the developer. For these reasons, I am now completely in support of the rezoning request and the planned villa project.

My hope is that a majority of the Piper community would also see the benefits of the nearby amenities. This project is exactly what the neighborhood needs to become one of the most desirable locations to live in the entire Kansas City area.

Frank & Terri Bryant

Sent from an iPad

Toy, Byron

From: Hand, Gunnar
Sent: Thursday, February 09, 2023 3:53 PM
To: Toy, Byron; Parker, Janet
Subject: FW: Dubs Dread

I guess also add this to our comment letters for this project?

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/DepartmentFeedbackForm)

From: Jerry Godell <jerry_godell@att.net>
Sent: Thursday, February 9, 2023 3:16 PM
To: Hand, Gunnar <ghand@wycokck.org>
Subject: Dubs Dread

You don't often get email from jerry_godell@att.net. [Learn why this is important](#)

Director Hand I am A long time resident of Piper Lake. The 4th home owner 2005. I have worked with Rob Richardson many times on past problems going back many years. Before we moved to piper lake. Known than as Canaan Lake. You will get an email from Kelly Zeigler our HOA Director. She is very good at keeping us in order. A lot of this information came from me.

Two years ago we had a new resident move in. His name is Glenn Reeves. He is the Director of Wolf Creek Nuclear Generation Station in Burlington Kansas. He thought he was retiring. He was shutting it down It He thought.. It was reaching it's 40 years lifespan. The government extended it for 40 more years. All new upgrades. Completely different. Extremely Safe. The cooling towers for cooling the super heated steam. The towers are backup now. The steam and water is now cooled by Hydrogen.

Glenn Reeves is a Electrical Engineer. He and his wife Karen are part time resident's.

He lives on the lake directly across from the culvert that drains the pond from Dubs Dread. He said that it's a major concern. The water in the pond is approximately 8 inches deep. He did not measure it. It is stagnant. Lily Pads, Grass, Weeds, ect. The Culvert was installed 180 degrees backwards. All the debris, lily pads, trash comes directly into the lake. Also the algae blooms. If the culvert was installed properly they would go left and right and stay in the pond, Glenn said he does not have a degree in Hydraulics and would not be comfortable stating these facts. Last summer the smell was so bad no one was boating or fishing. Mr. Reeves said the pond needs to be dredged to 3 or 4 feet. I have lived here 17 years. Never been dredged. The neighbors that live to the West of the pond At the meeting said "will you dredge the Pond". "No we won't".

Dan Trehey and I. Probable 10 years ago we saw a person walking on the culvert. Dan asked him who he was and what are you doing. I am an engineer. This is put in backwards. ???

1

Mr. Hand I will be at the meeting. Can you put up picture of the Lake on the screen.

Glenn has a Computer Screen that is enormous. He used Google Maps and Google Earth and showed us the elevations of Piper Area 2. Every thing from 7 highway to 123 rd. to Hollingsworth drains in to the pond. he can also run the Power Plant from his computer. He showed a pond. Approximately same size. 4 foot deep, 1 acturater pump, 8 aerators. That's what the pond needs.
The pond needs to be dredged even if this Dubs Dread thing fails.

Jerry Godell
913-558-5562
Jerry_godell@att.net

If you email me give me your phone number so I can put it my contacts

Toy, Byron

From: Hand, Gunnar
Sent: Wednesday, March 01, 2023 10:29 AM
To: Kelly Dobyns Ziegler
Cc: Wiles, Jonathan; Piper Lakes HOA; Kane, Mike; Toy, Byron; Parker, Janet
Subject: RE: 3.13.2023 Planning & Zoning Meeting Agenda Item Concerns

+Byron Toy, the lead planner for this proposed case

Ms. Ziegler et. al.,

Thank you for your input. We will add it to the case file and update our staff report accordingly. If you have any additional questions, please let me know. Thank you for your time and efforts,

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/DepartmentFeedbackForm)

From: Kelly Dobyns Ziegler <kellyzigs@gmail.com>
Sent: Wednesday, March 1, 2023 9:32 AM
To: Hand, Gunnar <ghand@wycokck.org>
Cc: Wiles, Jonathan <jwiles@wycokck.org>; Piper Lakes HOA <piperlakeshoa@gmail.com>; Kane, Mike <mkane@wycokck.org>
Subject: 3.13.2023 Planning & Zoning Meeting Agenda Item Concerns

Good Day, Mr. Hand and Planning Staff,

We hope this communication finds you and your team doing well.

As the Board of Directors for the Canaan (Piper) Lakes Home Owners' Association, we wish to express our serious concerns and objections to the requested amendment to the Prairie Delaware Master Plan and Change of Zone Petition proposed for the Dubs Dread Golf Course.

Prairie Delaware Master Plan: Revision to the PDMP should not be granted. The density of this proposed project appears to exceed the Master Plan. We contend the construction of duplexes in this proposed project is inappropriate and violates the Master Plan. In our subdivision, we have

experienced successful construction and sales of single-family owner-occupied Villa units and believe that there are acceptable alternatives to duplexes. We do not believe that duplex units are appropriate for the area.

Increased Traffic on Hollingsworth Road: The proposed development including a new intersection will result in increasingly dangerous traffic conditions. Without major road improvements on Hollingsworth Rd running from Dub's Dread west to K-7, similar to the recent improvements made on Donahoo Rd running west to K-7, this proposal should not be approved.

Environmental impacts of the Proposal on Piper Lake. As a matter of record, our HOA owns Piper Lake and is responsible for the maintenance of the dam and lake. We are very concerned about the potential environmental impacts of this proposed project on Piper Lake. Concerns range from the impact on water quality and algae runoff from waters south of Hollingsworth, the potential increased runoff from new hard surfaces such as roadways and rooftops creating potential flooding and damage to Piper Lake dam.

For these concerns expressed above we urge the proposed revision of the Prairie Delaware Master Plan not be approved and the Zoning Petition be denied.

Thank you for the opportunity to address this proposal and thank you for your consideration in this matter.

Piper Lake HOA
Board of Directors

Contact: Kelly Ziegler, Executive Board Member at [913.209.9967](tel:913.209.9967) with questions.



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: March 30, 2023

Re: **Change of Zone Petition COZ2023-002 and
Master Plan Amendment MPL2023-003**

GENERAL INFORMATION

Applicant:

Gabe Fritz

Status of Applicant:

Representative
Winterwood LLC
1390 Olivia Lane
Lexington, Kentucky 40511

Requested Actions:

Approval of a Change of Zone and
Master Plan Amendment.

Date of Application:

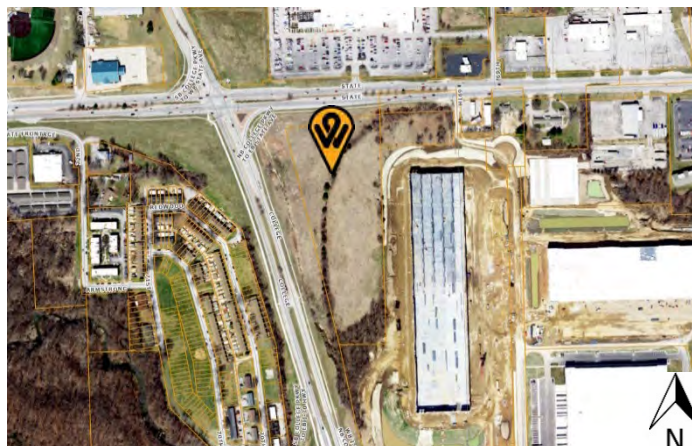
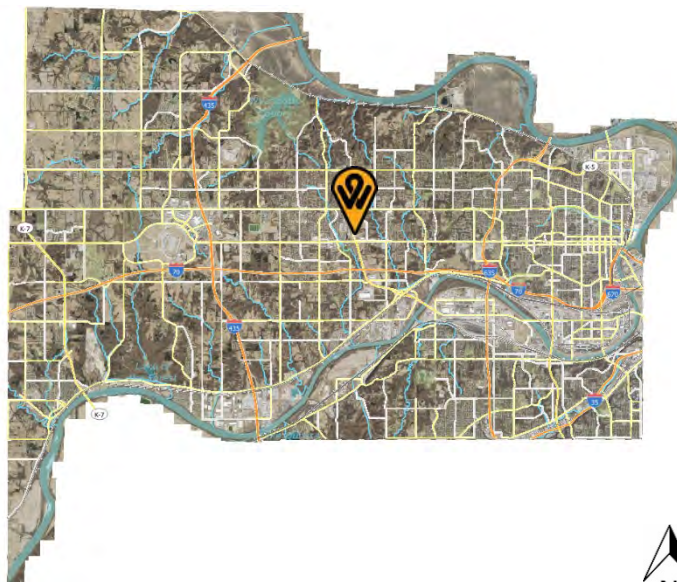
January 27, 2023

Purpose:

To Change the Zoning District from
Unzoned to RP-5 Apartment District
and Master Plan Amendment from
no designation to High-Density
Residential to construct the
Winterwood Multi-Family
Development.

Property Location:

6909 State Avenue
Kansas City, Kansas 66102



Commission Districts:	Commissioner At-Large, District #1: Melissa Bynum District #8 Commissioner: Andrew Davis		
Existing Zoning:	None (Unzoned)		
Adjacent Zoning:	North:	CP-2 Planned General Business District (across State Avenue)	
	South:	MP-2 Planned General Industrial District	
	East:	MP-2 Planned General Industrial District	
	West:	RP-5 Planned Apartment District (across College Parkway)	
Adjacent Uses:	North:	Lowe’s Home Improvement Store (across State Avenue)	
	South:	Turner Logistics Center	
	East:	Turner Logistics Center	
	West:	Garden-style apartments (across College Parkway)	
Total Tract Size:	10.05 Acres		
Master Plan Area:	City-Wide Master Plan		
Master Plan Designation:	The City-Wide Master Plan designates the property as mixed-use, which allows for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential. The applicant is proposing to amend the Master Plan to designate the subject property as High-Density Residential, which allows mid-rise and high-rise residential developments.		
Major Street Plan:	The Major Street Plan designates College Parkway and State Avenue as Class A Thoroughfares.		
Parking Requirement:	The applicant is proposing to change the zoning to RP-5 Planned Apartment District. Section 27-460 states “One and one-half parking spaces shall be provided for each dwelling unit that has one bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two bedrooms or more. The applicant is proposing 60 one (1) bedroom apartments, 36 two (2) bedroom apartments, and 96 three (3) bedroom apartments, which requires 354 spaces, 8 of which shall be ADA compliant. The proposed plan provides 366 parking spaces, 12 of which are ADA compliant.		

Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023
Public Hearings:	March 13, 2023 and March 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Gabe Fritz, is requesting a Change of Zone from No Zone to RP-5 Apartment District and a Master Plan Amendment from no designation to High-Density Residential to construct the Winterwood multi-family development at 6909 State Avenue. The development will consist of 8 four (4) story buildings totaling 192 total units.

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

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 or outstanding permits and cases on the subject property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is located within the Coronado Statistical Neighborhood and the Turner Community Connection neighborhood group. The neighborhood consists of a diversity of uses, including single-family residences, multi-family garden style apartments, small-scale retail, large-scale big box retail, and industrial warehouses. The property is located along State Avenue, a mixed-use corridor that runs west into Leavenworth County and east into Downtown KCK, as well as College Parkway, which runs north to Leavenworth Road and south into the Turner Neighborhood.

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 may have compatibility issues with the adjacent big box retail store to the north and the industrial warehouse to the east, as both uses may create issues with noise, traffic, and illumination, however, the proposed use is compatible with the multi-family residences and Kansas City, Kansas Community College to the north and west.

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

The property is currently unzoned. The applicant is requesting a Change of Zone to RP-5 Planned Apartment District, which would make the property suitable for the proposed use of a garden-style multi-family development. The removal of restrictions will not affect nearby property.

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

The property has been vacant since its creation. The property was previously public right-of-way for the Kansas Department of Transportation (KDOT).

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, as it provides multiple housing unit types (between one, two, and three bedrooms) and is within walking distance of the employment hub of Turner Logistics Center, and the educational hub of Kansas City, Kansas Community College. The property is also located along the #101 State Avenue bus line, a major bus line within the KCATA system. The proposed use will not injure the use, quality, or marketability of nearby property, and has the potential to increase the marketability and use, as it proposes housing near several major hubs within Kansas City, Kansas.

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

The proposed use will inherently create an increase in traffic and parking demand, as it proposes to add 192 permanent housing units to the location. The proposed use, however, will not increase traffic to the point where it exceeds the capacity of State Avenue and College Parkway, both Class A Throughfares. The property also provides adequate parking, exceeding the code requirement of Section 27-460.

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

The City-Wide Master Plan designates the property as mixed-use, which allows for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential. The applicant is requesting a Master Plan Amendment to High-Density Residential, which allows mid-rise and high-rise residential developments. If granted the Master Plan Amendment, the proposed use will conform to the City-Wide Master Plan.

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

The proposed use has the potential to harm the environment, as it will increase the amount of impervious surface on the site, thus creating additional run-off. If managed properly, however, this is not expected to be an issue.

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*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control.

d. *Police*

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

e. *Fire*

Fire service is provided by Station #2, which is one (1) mile from the subject property.

f. *Transit*

Transit service is provided by KCATA routes #101 – State Avenue and #106 – Quindaro/Amazon, with a stop at 69th and State Avenue, directly east of the subject property. The property is also served by KCATA route #199 – KCK Microtransit, which provides door to door demand response service.

g. Schools

Public Education is provided by Turner Elementary School, Turner Middle School, and Turner High School under Turner USD 202.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between one, two and three bedrooms) within the complex will promote a diverse population to make use of the nearby employment center, shopping, 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.

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, however, if this application is denied, the owners will still have to file for a change of zone to be able to develop the property in any form.

Master Plan Amendment

1. Whether events subsequent to the comprehensive plan adoption have changed the character and/or condition of the area so as to make the application acceptable.

The subject property did not exist when the City-Wide Master Plan was created, as it was formerly KDOT right-of-way. Since the development of the plan, the right-of-way was vacated and the subject property was created and assigned the adjacent designation of Mixed-Use, which has since been redesignated to develop the Turner Logistics Center.

2. Whether the change is consistent with the goals and policies of the comprehensive plan and/or any relevant corridor, neighborhood, or area plan.

This portion of State Avenue and College Parkway features a diverse range of uses, including single-family residences, multi-family garden style apartments, small-scale retail, large-scale big box retail, and industrial warehouses. The property is located along State Avenue, a mixed-use corridor that runs west into Leavenworth County and east into Downtown KCK. The proposed Master Plan Amendment is consistent with the goals of the Master Plan as to provide more dense housing along State Avenue, much of which has been designated for mixed-use development.

3. **The extent to which utilities and public services are available and adequate to serve the proposed amendment and the extent to which the environment would be impacted.**

See Change of Zone factor #9 above.

4. **Whether the proposed amendment would result in comprehensive plan or regulatory conflicts.**

The proposed amendment would not result in a conflict with the Master Plan, as the plan intends to provide housing density along State Avenue. The amendment will also not create regulatory conflicts, as the property is seeking a Change of Zone to RP-5 Planned Apartment District with the Master Plan Amendment.

5. ***Whether the proposed amendment would allow a change in development on the subject site without creating adverse impacts on existing or planned surrounding uses or creating inconsistencies with applicable future land use map patterns.***

The proposed amendment will allow for the property to be developed according to the Master Plan's Multi-Family Design Guidelines, which will limit the impact on existing and surrounding uses.

6. ***The impacts of the potential costs and benefits derived by the community or area by the proposed change.***

The proposed use will create more benefits for the community as compared to the costs on the community. This proposal seeks to construct 142 apartment units of varying unit types (including one, two, and three bedroom units) in a commercial and institutional node, with Kansas City, Kansas Community College and Turner Logistics Center located adjacent to the subject property.

PREVIOUS ACTIONS

There have been no previous Planning actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 23, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Materials
Landscaping and Buffering
Landscaping and Open Space
Multi-Family Design Guidelines
Retention Pond
Site Access from State Avenue
Site Circulation
Site Layout
Stormwater Detention and Design
Traffic Calming

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-002**, and Master Plan Amendment **MPL2023-003**, subject to:

1. The applicant is seeking a deviation from the Multi-Family Design Guidelines requirement to orient buildings towards the roadway.
 - a. The City Planning Commission did not grant this deviation, therefore the following conditions shall apply:
 - i. The Final Site Development Plan shall demonstrate the positions of Building #2 and the adjacent parking lot to the South being swapped, to where Building #2 fronts State Avenue; and,
 - ii. Applicant shall provide either a six (6) foot tall opaque fence or additional, enhanced landscape screening along the eastern property line in their final site development plan.
2. Downspouts will be painted to architecturally blend into the building and/or recessed into the corners of buildings as to not be in plain view of the public.
3. Additional crosswalk markings and signage shall be added to the site plan prior to the Final Site Development Plan;
4. Bike racks should be provided throughout the site to allow for bike storage. The applicant shall demonstrate this on the Final Site Development Plan;
5. The siding shall not consist of batten board. The lap siding shall be installed horizontally and should be of a cementitious material;
6. 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. The site is 10.04 acres, which requires 97 trees, exclusive of the street trees and parking lot island trees requirements;
7. Sec. 27-577(b)(3) Street trees are required to be provided for every thirty (30) feet of street easement or frontage. As part of the future Final Development Plan the landscape plan shall reflect this requirement along State Avenue and College Parkway;

8. 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;
9. All landscaping shall be irrigated;
10. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. A 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;
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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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;

- 17. 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;**
- 18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;**
- 19. 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;**

20. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
21. 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 by right or by Special Use Permit under the new zoning district, 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,
22. 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 concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-002** and **MPL2023-003** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
BPU Transformer Screening Requirements
Multi-Family Design Guidelines
Site Plan
Landscape Plan
Elevations – Building Type A
Elevations – Building Type B

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	March 13, 2023	March 30, 2023
Rezoning	Approval	
Master Plan	March 13, 2023	March 30, 2023
	Approval	

STAFF CONTACT: **James Molloy**
 jlmolloy@wycokck.org

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-003** 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 **MPL2023-003**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-002** 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 **COZ2023-002**, 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.

March 13, 2023 City Planning Commission Minutes:

Planning Commissioner Connelly left the meeting at 10:15 p.m.

Hearing starts at 4:17:40:

CHANGE OF ZONE APPLICATION COZ2023-002 – ANDREW GRIBBLE/KIMLEY HORN & ASSOCIATES - SYNOPSIS: Change of Zone from No Zoning to RP-5 Planned Apartment District for a proposed multi-family apartment development at 6909 State Avenue.

MASTER PLAN AMENDMENT MPL2023-003 – ANDREW GIBBLE/KIMLEY HORN & ASSOCIATES – SYNOPSIS: Master Plan Amendment from No Designation to High-Density Residential (City-Wide Master Plan) for a proposed multi-family apartment development at 6909 State Avenue.

Detailed Outline of Requested Action: The applicant, Gabe Fritz, is requesting a Change of Zone from No Zone to RP-5 Apartment District and a Master Plan Amendment from no designation to High-Density Residential to construct the Winterwood multi-family development at 6909 State Avenue. The development will consist of 8 four (4) story buildings totaling 192 total units.

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 March 13, 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:

- Curt Petersen, attorney representing the applicant and Winterwood LLC, the developer, 800 West 48th Street, Kansas City, Missouri

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:35:25: Planning Director Hand stated that the request is for an apartment development. The property is in the City-Wide Master Plan in the Mid-Town area. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval of the project but denial of the requested deviations. He stated that Staff would accept the deviation regarding the downspouts in Condition #2. Staff feels that it is important to follow the Multi-Family Guidelines. If there are issues with traffic there are other alternatives such as traffic calming, drive aisle, etc.

The Planning Commission directed questions to Staff.

Motion starts at 4:42:40:

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of MPL2023-003:**

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

Motion to recommend **APPROVAL** Passed: 6 to 0
Subject to:

1. **The applicant is seeking a deviation from the Multi-Family Design Guidelines requirement to orient buildings towards the roadway.**
 - a. **The City Planning Commission did not grant this deviation, therefore the following conditions shall apply:**
 - i. **The Final Site Development Plan shall demonstrate the positions of Building #2 and the adjacent parking lot to the South being swapped, to where Building #2 fronts State Avenue; and,**
 - ii. **Applicant shall provide either a six (6) foot tall opaque fence or additional, enhanced landscape screening along the eastern property line in their final site development plan.**
2. **Downspouts will be painted to architecturally blend into the building and/or recessed into the corners of buildings as to not be in plain view of the public.**
3. **Additional crosswalk markings and signage shall be added to the site plan prior to the Final Site Development Plan;**

4. Bike racks should be provided throughout the site to allow for bike storage. The applicant shall demonstrate this on the Final Site Development Plan;
5. The siding shall not consist of batten board. The lap siding shall be installed horizontally and should be of a cementitious material;
6. 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. The site is 10.04 acres, which requires 97 trees, exclusive of the street trees and parking lot island trees requirements;
7. Sec. 27-577(b)(3) Street trees are required to be provided for every thirty (30) feet of street easement or frontage. As part of the future Final Development Plan the landscape plan shall reflect this requirement along State Avenue and College Parkway;
8. 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;
9. All landscaping shall be irrigated;
10. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
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. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. A 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;

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. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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;
17. 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;
18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
19. 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;

- 20. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
- 21. 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 by right or by Special Use Permit under the new zoning district, 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,
- 22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ernst, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-002:**

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

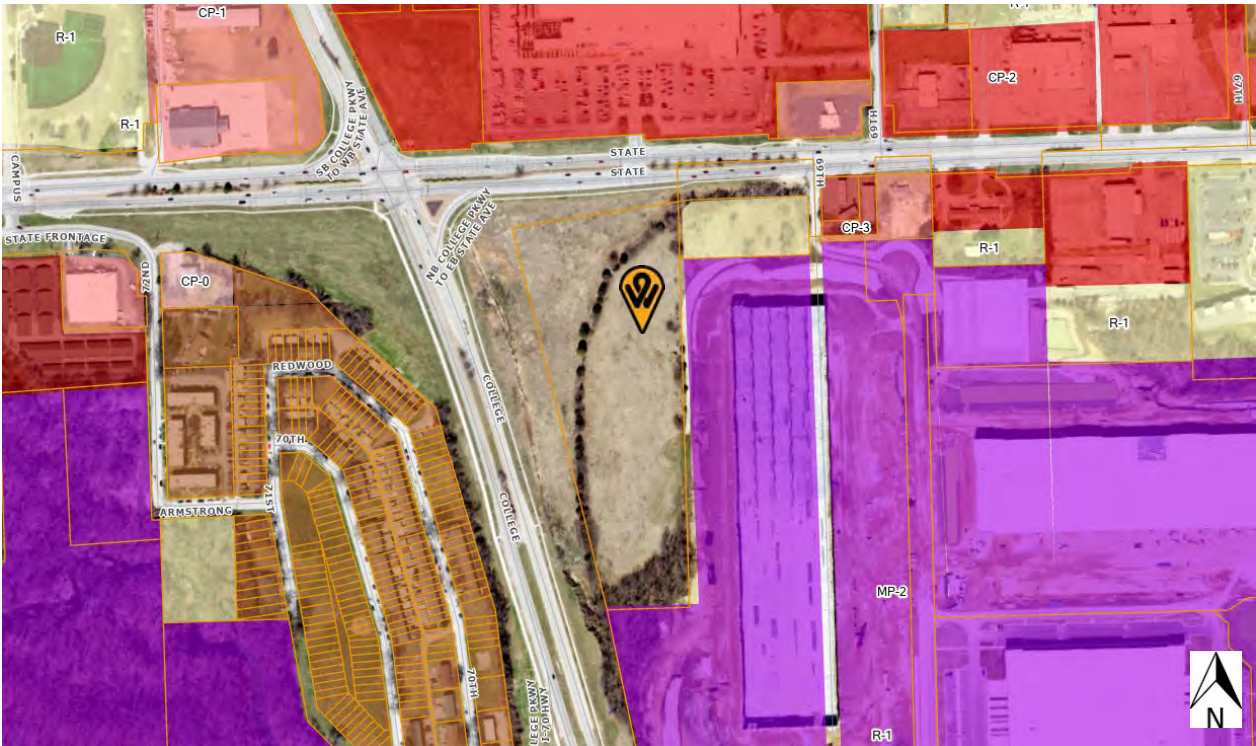
Motion to recommend **APPROVAL** Passed: 6 to 0
Subject to the above conditions.

ATTACHMENTS

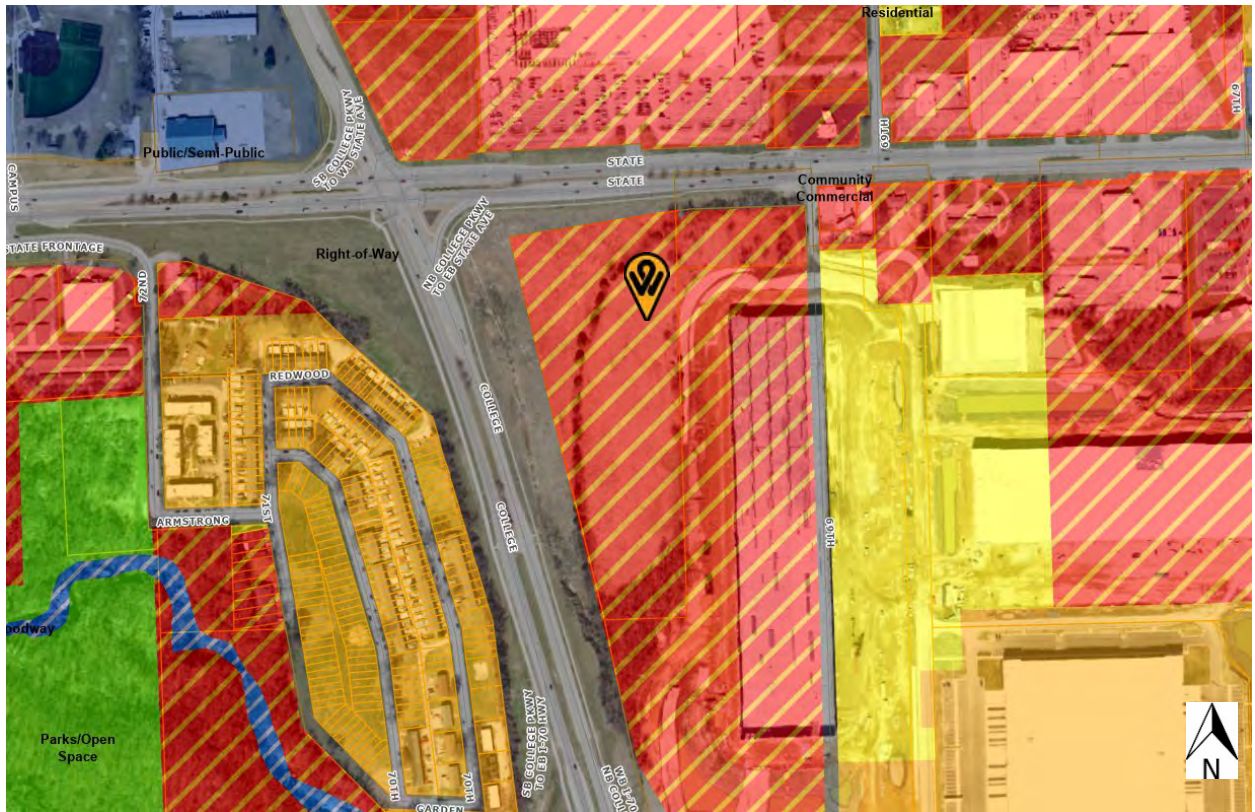
AERIAL IMAGERY



ZONING MAP



LAND USE MAP – CITY-WIDE MASTER PLAN



BPU TRANSFORMER SCREENING REQUIREMENTS

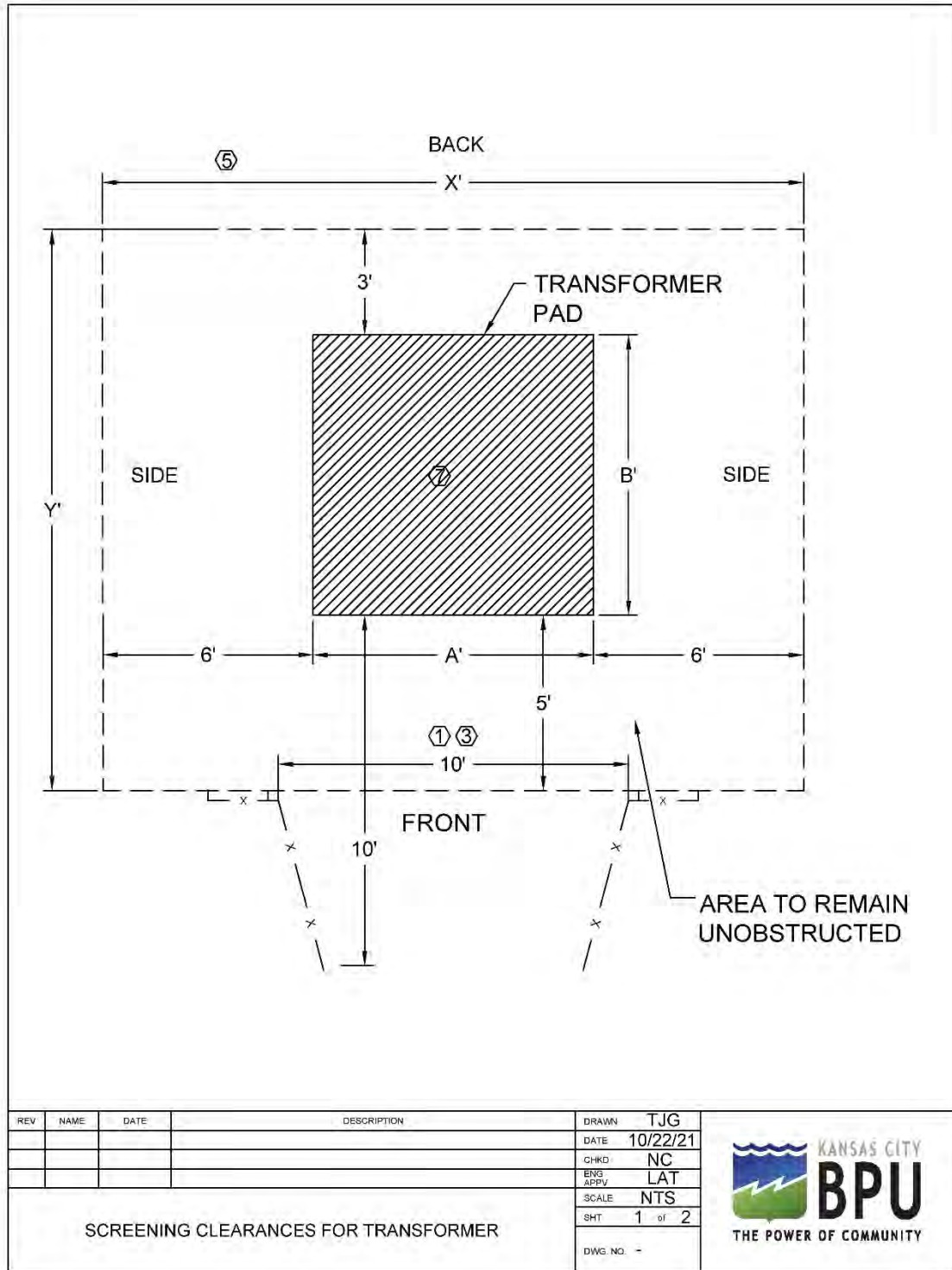


TABLE 1: DIMENSION REQUIREMENTS FOR TRANSFORMER

	"X"	"Y"	"A"	"B"
3 PHASE 75 TO 500KVA TRANSFORMERS	18' - 8"	13' - 6"	6' - 8"	5' - 6"
3 PHASE 750 TO 2500KVA TRANSFORMERS	20' - 0"	16' - 0"	8' - 0"	8' - 0"

***FOR SCREENING USING EVERGREEN TREE, SEE NOTES 5 AND 6

NOTES

1. GATE DOORS ARE REQUIRED FOR ALL TYPES OF SCREENING THAT ARE PLACED IN FRONT OF THE TRANSFORMERS.
2. FENCES SHALL BE INSTALLED 2' OFF THE GROUND AND HAVE ADEQUATE CLEARANCE TO OPEN GATE DOORS AT 180° AND HAVE 10' CLEARANCE FROM PAD WHEN GATE DOORS OPEN.
3. POSTS FOR GATE DOORS MUST BE INSTALLED A MINIMUM DISTANCE OF 10' APART IN THE FRONT.
4. FOR SLAT FENCES, CUSTOMER SHALL INSTALL A MINIMUM 4" SLATS AND HAVE 4" OF SPACE BETWEEN EACH SLAT.
5. 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
6. FOR EVERGREEN TREES, CUSTOMER SHALL PLANT EACH TREE SO THAT THERE IS 2' OR MORE OF SPACE FROM EDGE TO EDGE BETWEEN EACH TREE AT MATURITY. (E.G. BLUE ARROW JUNIPER GROWS UP TO 2' WIDE, SO THERE SHALL BE 4' OF SPACING BETWEEN EACH TREE TAKING ACCOUNT THE GROWTH OF SAPLINGS)
7. PAD MUST HAVE A MINIMUM CLEARANCE OF 6' ON EACH SIDE, 3' ON THE BACK, AND 5' ON THE FRONT ALLOWING FOR 10' ON THE FRONT WHEN GATE DOORS OPEN.

REV	NAME	DATE	DESCRIPTION	DRAWN	TJG
				DATE	10/22/21
				CHKD	NC
				ENG	LAT
				SCALE	NTS
				SHT	2 of 2
SCREENING CLEARANCES FOR TRANSFORMER NOTES				DWG. NO.	-



Multi-Family Residential Design Guidelines

The following design guidelines apply to all new multi-family developments.

- Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') 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 or walkways on adjacent properties that extend to 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 personal service establishments; and
 - Any adjacent public park, greenway, or other public/semi-public use including but not limited to schools, libraries, churches, parks, etc.
- 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.
- Provide distinctive, quality, consistent, architectural character and style in new multi-family development that avoids monotonous and featureless building massing and design.
- The maximum length of a multi-family residential building shall be 200 feet.
- No more than six (6) townhome units shall be attached in any single row.
- There should be a consistency in architectural style among multiple buildings within a development and surrounding area. Each building should have a definitive and consistent style. Mixing of various architectural styles on the same building or buildings dilutes the character of the area.
- All sides of a multi-family building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.
- All building entries adjacent to an arterial, collector or local street or private drive with on-street parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entrance-ways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.
- Fronts of buildings should be articulated through the use of bays, insets, balconies, porches, or stoops related to entrances and windows.
- All multi-family building elevations shall contain windows, except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entry-ways, recreation areas, and laundry areas.



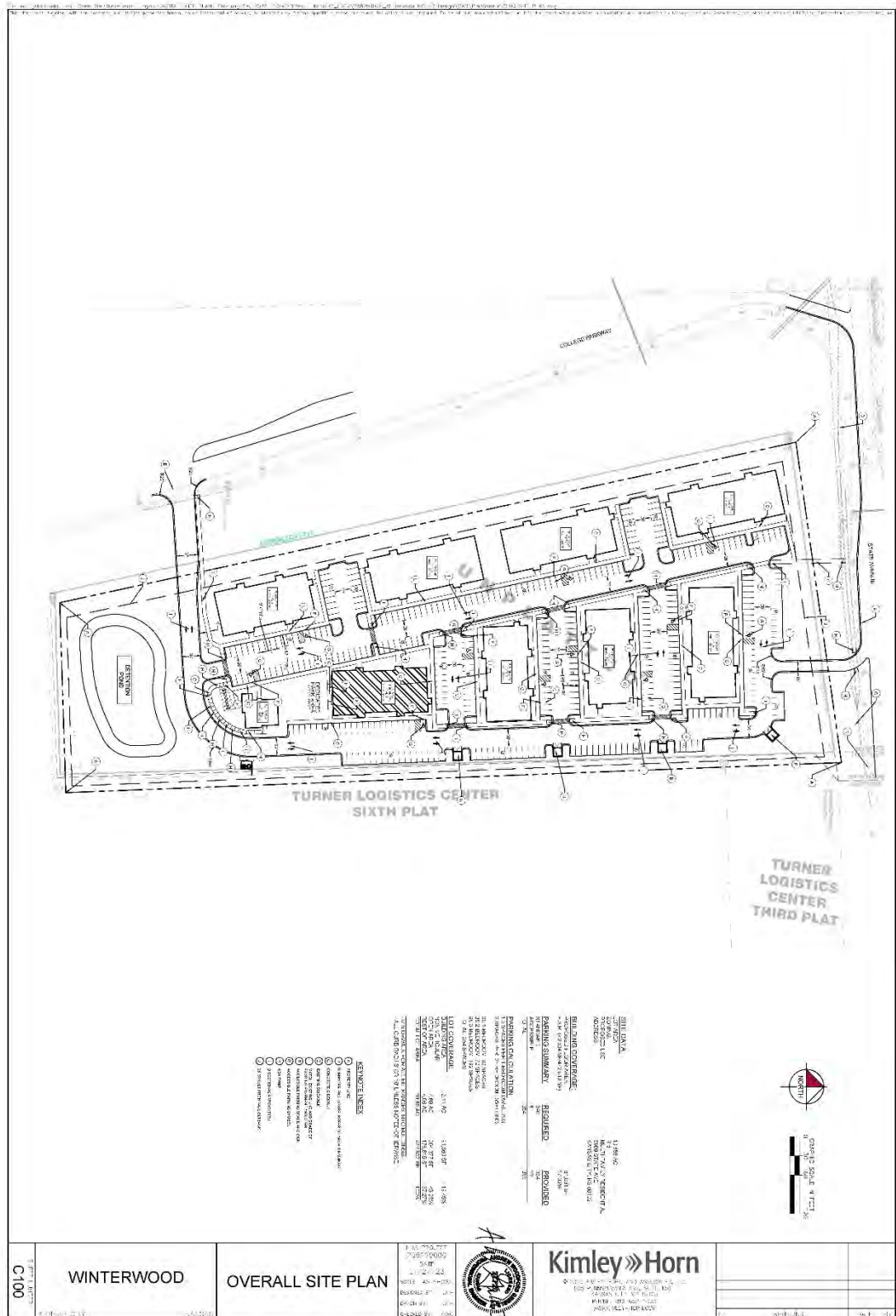
City-Wide Master Plan

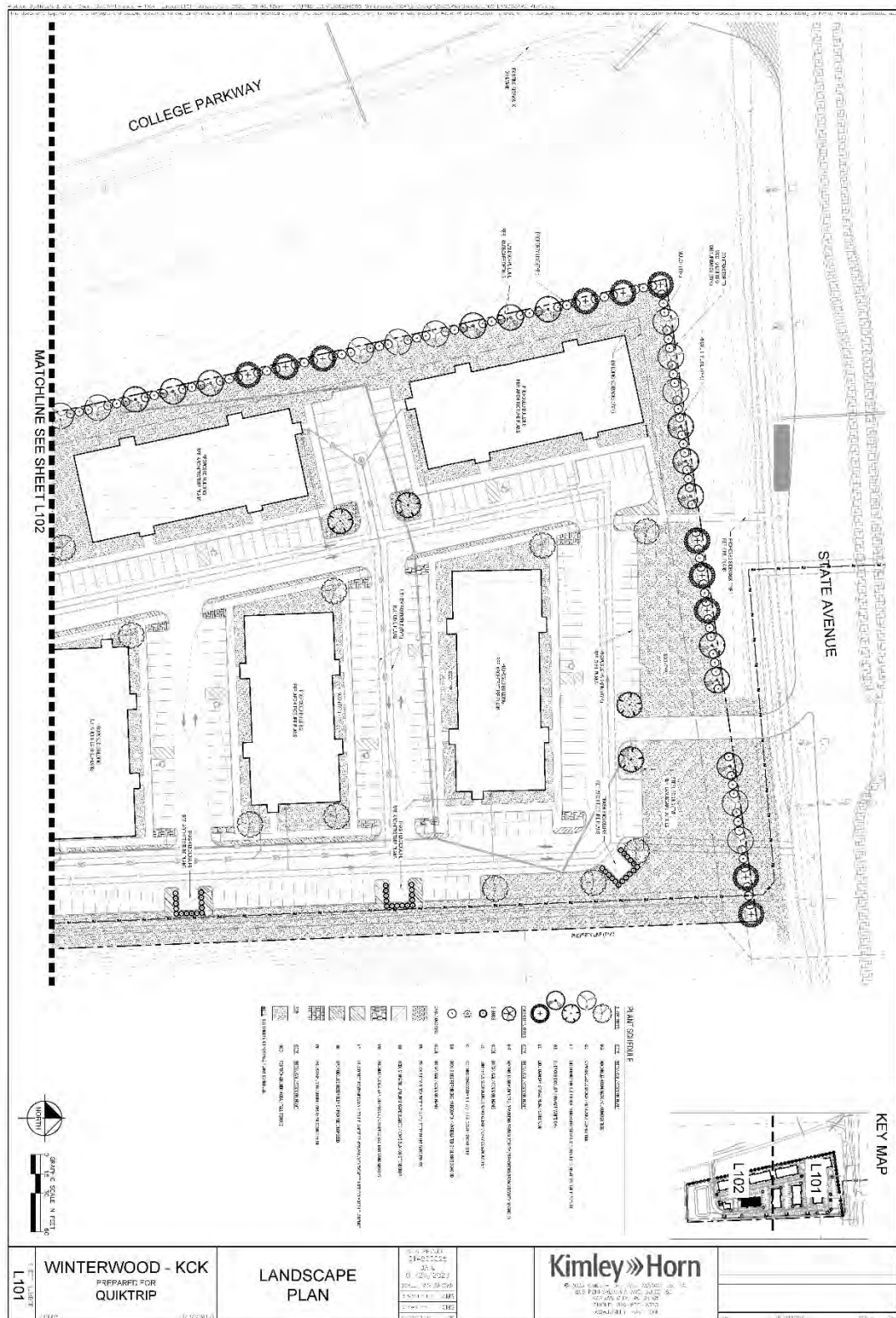
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



- On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis. On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least one every fifty-feet (50') of building wall length.
- Unity of design will be maintained through the use of similar materials and colors throughout all multi-family developments.
- High-quality building materials will be used that are durable, attractive, and have low maintenance requirements.
- For all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, door, and related trim, shall be brick or stone. The balance of net exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco.
- Exterior building materials **shall not** include the following:
 - Board and batten wood
 - Smooth-faced or gray concrete block
 - Painted concrete block
 - Tilt-up concrete panels
 - Field painted or pre-finished standard corrugated metal siding
 - Standard single or double tee concrete systems
 - Vinyl siding
- The rehabilitation of existing multi-family structures shall require the use of alternate materials subject to approval by the City Planning Commission.
- Predominant roof materials shall be high quality, durable material such as, but not limited to:
 - Wood shake shingles
 - Clay or concrete tiles
 - Composition shingles
 - Asphalt shingles
 - Other materials considered on a case-by-case basis
- Landscaping is required to screen all parking areas and service entries.

SITE PLAN

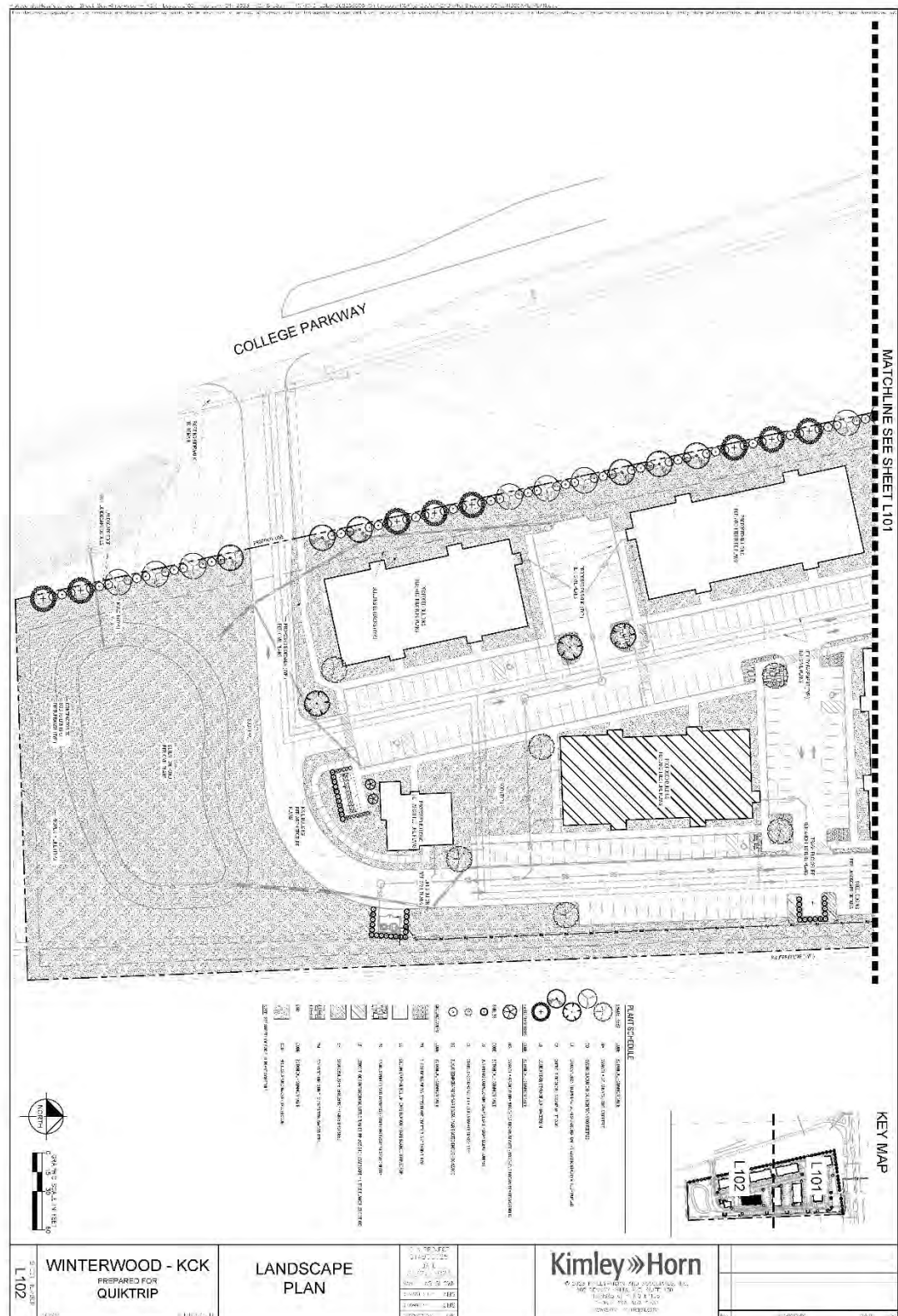




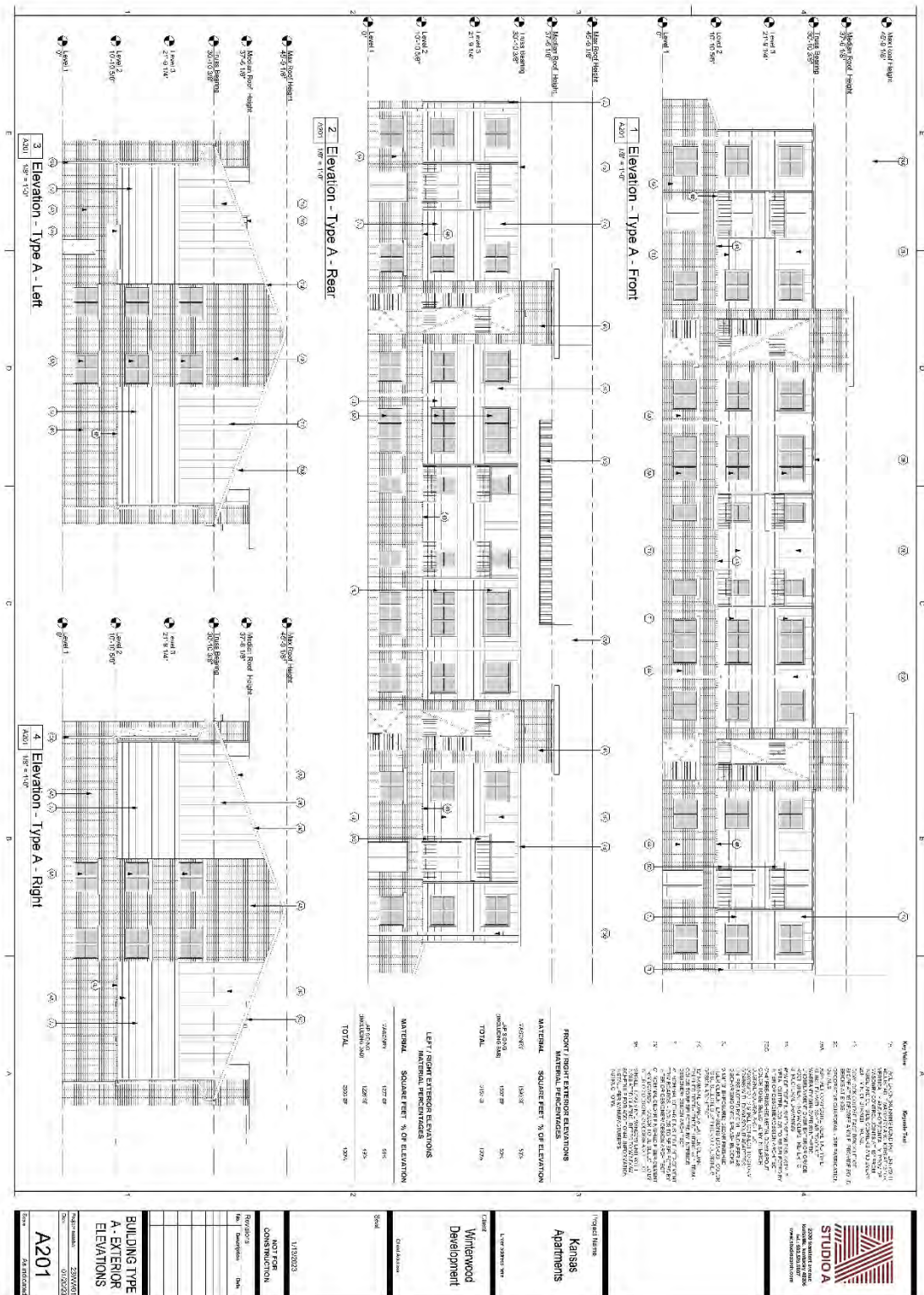
COZ2023-002 and MPL2023-003

March 30, 2023

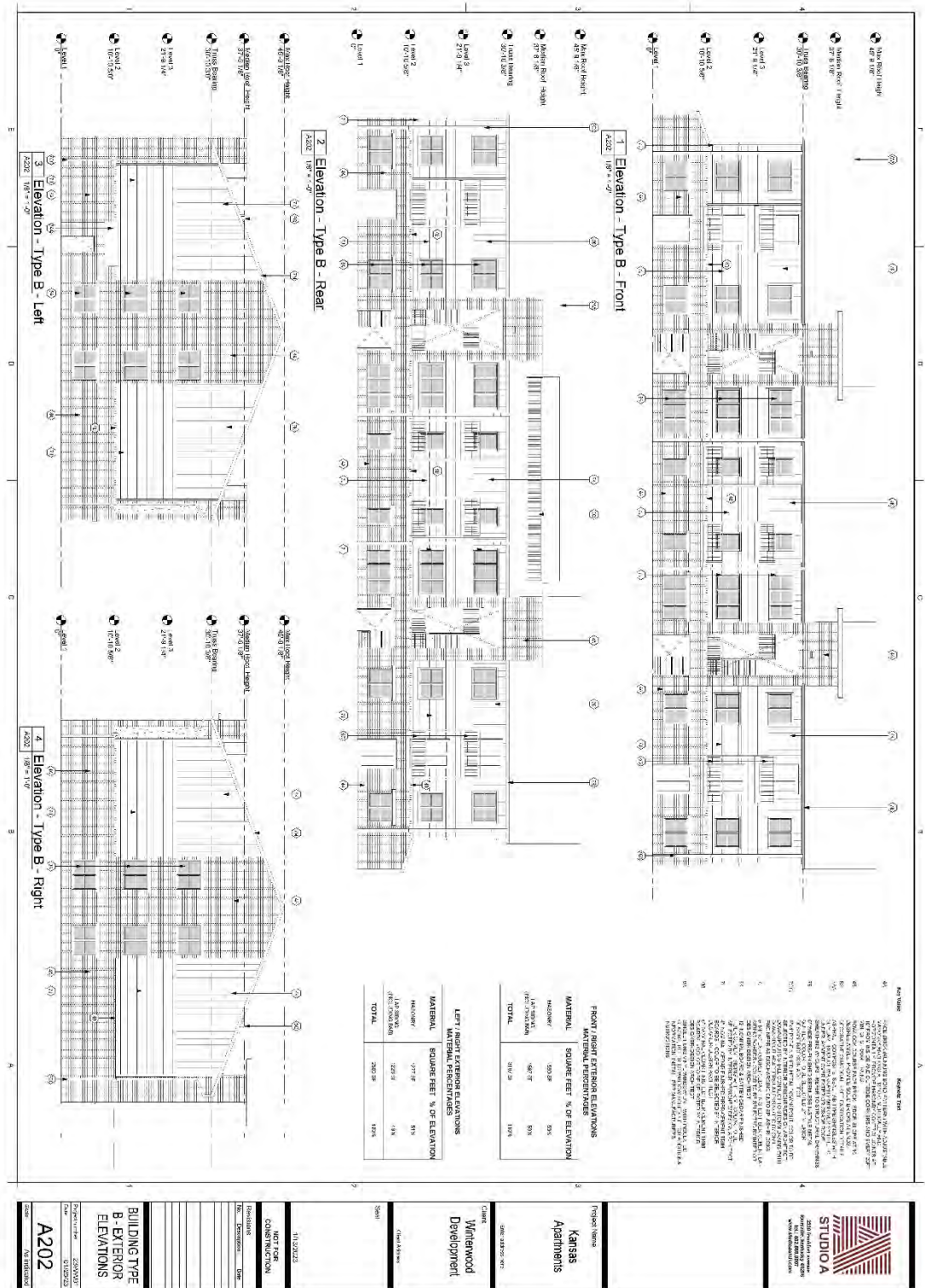
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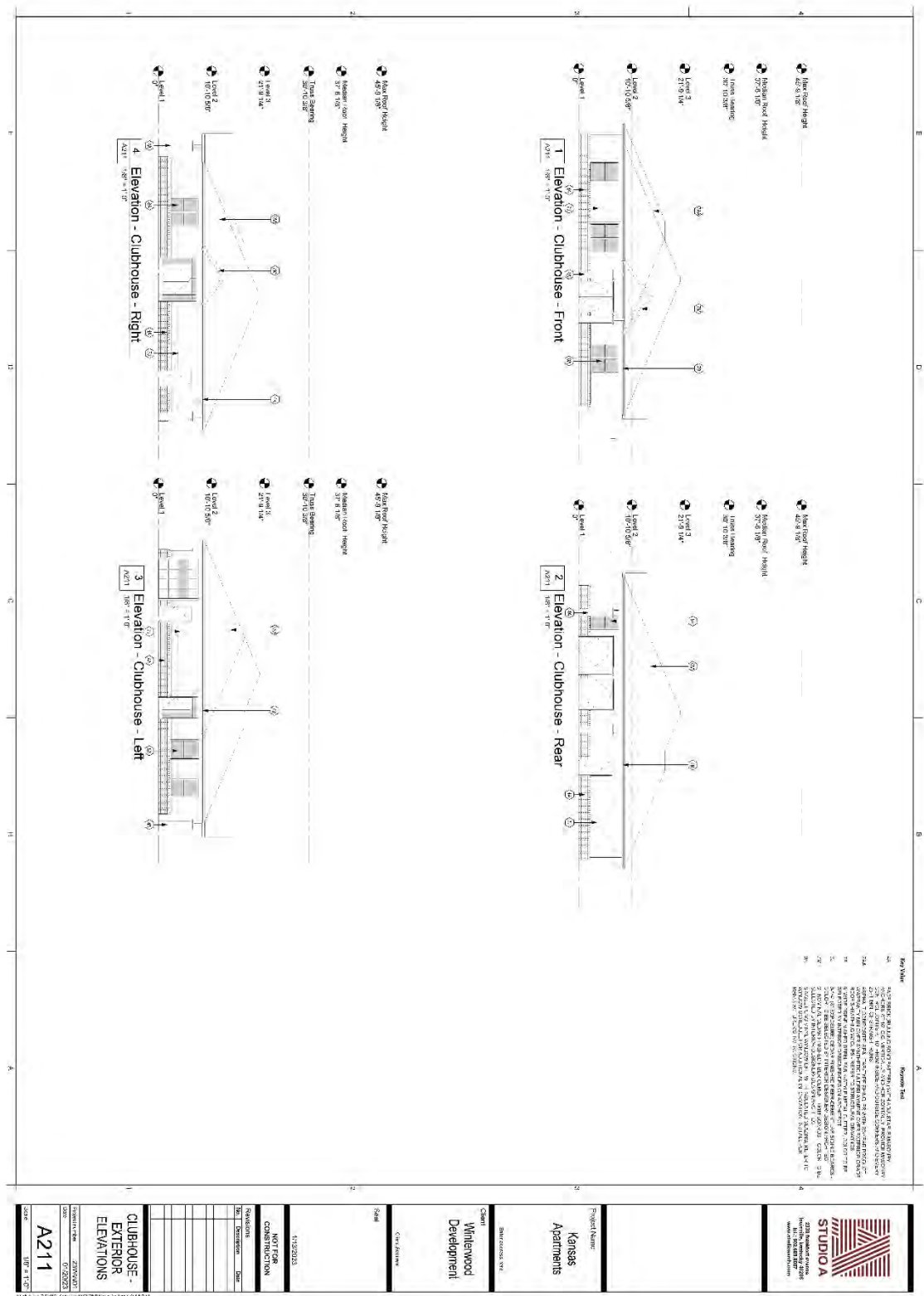


ELEVATIONS - BUILDING TYPE A

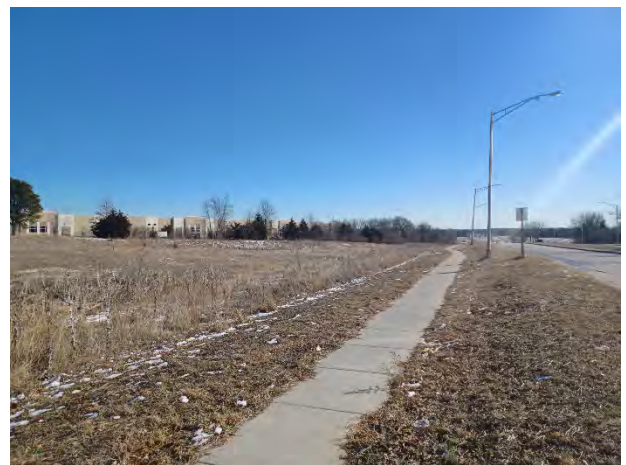


ELEVATIONS - TYPE B





SITE PHOTOS, TAKEN BY STAFF, FEBRUARY 10, 2023







February 27, 2023

Unified Government of Wyandotte County
Department of Planning & Urban Design
701 N. 7th Street, Suite 423
Kansas City, Kansas 66101

**Re: Winterwood PDP – COZ2023-002 & MPL2023-003
Planning Review**

The purpose of this letter is to provide satisfactory answers to the comments/questions issued in a comment letter. The answers are listed below in **bold** and are preceded by the comments/questions listed in the original letter.

Planning and Urban Design - General

Comment 1: Provide elevations for the trash enclosures demonstrated in the site plan.

Response 1: Acknowledged. Please see the attached Site Structure Elevation Sheet.

Comment 2: Marked crosswalks shall be provided at all intersections directly adjacent to building entrances.

Response 2: Please see revised sheet C100.

Comment 3: Speed bumps shall be provided throughout the site as a means of slowing traffic throughout the site, especially along long straightaways.

Response 3: The applicant would like to discuss this further with planning staff as we do not feel speed bumps are necessary.

Comment 4: The design layout shall preserve as much of the existing tree stand as possible.

Response 4: The layout has been designed in a manner to preserve as many trees as possible.

Comment 5: The detention pond shall be modified to look as natural as possible, rather than the rectangular shape depicted in the landscape plan. Redesign to preserve the existing tree stand and the south end of the property.

Response 5: See revised plans Sheet C100.

Comment 6: A six (6) foot tall opaque fence shall be provided along the eastern property line to provide screening from the adjacent industrial area.

Response 6: The applicant would like to discuss this further with planning staff as we do feel fencing is necessary.

Comment 7: Bike racks should be provided throughout the site to allow for bike storage.



Response 7: Acknowledged. The applicant will address the placement of bike racks with the final development plan.

Comment 8: Per comments submitted by Harvey Fields of the Kansas City, Kansas Fire Department, code compliant aerial fire truck access is required. An access lane min. 26' wide be provided within 15' to 30' from the face of the building along the longest face.

Response 8: Acknowledged.

Multi-Family Design Guidelines

Comment 1: Pedestrian walkways shall be a minimum of six (6) feet wide.

Response 1: Acknowledged.

Comment 2: 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.

Response 2: The site has been designed in a manner to meet this request as much as possible.

Comment 3: Per guidelines, building #2 should be shifted northward to State Avenue, and the parking internalized, rather than having the parking facing the street.

Response 3: The applicant would like to discuss this further with planning staff as we were directed to place Building #2, as shown on the plan, during our pre-application meeting.

Comment 4: As a result of moving building #2, the right only entrance should shift eastward to meet up with the existing drive along the east side of the property.

Response 4: The applicant would like to discuss this further with planning staff to better understand the request.

Comment 5: Per guidelines, A six (6) foot sidewalk connection shall be provided onto both State Avenue and College Parkway.

Response 5: See Plan Sheet C100.

Comment 6: Additionally, a six (6) foot wide sidewalk connection shall be provided from the subject property up to the corner of College Parkway and State Avenue.

Response 6: The applicant would like to discuss this further with planning staff as it does not believe this additional sidewalk is necessary with the connections being made to State Avenue and College Parkway via the access drives.

Comment 7: All downspouts on the buildings shall be internalized.



Response 7: Downspouts will be painted to architecturally blend into the building and/or recessed into the corners of buildings as to not be in plain view of the public.

Comment 8: The siding shall not consist of batton board. The lap siding shall be installed horizontally and should be of a cementitious material.

Response 8: Please see the attached materials specification for the siding.

Kansas City, Kansas Fire Department

Comment 1: Per Sec.D105,2018, IFC for buildings over 30', code compliant aerial fire truck access is required. An access lane min. 26' wide be provided within 15' to 30' from the face of the building along the longest face.

Response 1: Acknowledged.

Comment 2: Submit hydrant locations for review per Sec.507, 2012 IFC. All bldgs should be within 400' of a hydrant, 600' if sprinkled.

Response 2: Please see sheet C301.

Comment 3: Provide a fire truck turning drawing based on the following data:

- a. Length - 48'
- b. Wheelbase - 272.5 in.
- c. Front overhang - 96 in
- d. Rear overhang - 133.5 in.
- e. Width - 84 in
- f. Minimum departure angle - 7.4 deg
- g. Max weight - 84,000lbs
- h. Inside turn radius - 28 ft
- i. Wall to wall radius - 52.5 ft
- j. Curb to curb radius - 46 ft
- k. Minimum clearance (height between axles) -10"
- l. Inside Cramp Angle - 40 deg
- m. Minimum approach angle - 8.8 deg

Response 3: Please see sheet C101.

Planning Engineering

Comment A: Items that require plan revision or additional documentation before engineering can recommend approval:
1. None

Response A: Acknowledged.

Comment 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 B: Acknowledged.

Comment C: Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:

1. None

Response C: Acknowledged.

Standard Conditions

Comment 1: A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.

Response 1: Acknowledged.

Comment 2: BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details.

Response 2: Acknowledged. This will be addressed with the final development plan.

Comment 3: All existing and future driveways must feature curb cuts that are constructed to UG standards.

Response 3: Acknowledged.

Comment 4: 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 4: Acknowledged.

Comment 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



Response 5: Acknowledged.

Comment 6: A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.

Response 6: Acknowledged.

Comment 7: Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.

Response 7: Acknowledged.

Comment 8: Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Response 8: Acknowledged.

Comment 9: A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Response 9: Acknowledged.

Comment 10: As per the Planning Director's interpretation of the Commercial Design Guidelines, the following architectural standards have been identified as being good design practices and shall be included in the design plans:

- a. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized.



- b. Lighting shall be installed to have a 90-degree cutoff
- c. In addition to wrought iron fencing, masonry columns shall be installed every 32 feet or closer and at each prominent entry or gate.

Response 10: The applicant would like to discuss this further with planning staff as we that the commercial design guidelines do not apply as we are complying with the multi-family design guidelines.

Comment 11: The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

Response 11: Acknowledged.

Comment 12: 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.

Response 12: Acknowledged.

Comment 13: 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,



Kimley»Horn

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 by right or by Special Use Permit under the new zoning district, 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.

Response 13: Acknowledged.

Comment 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.

Response 14: Acknowledged.

Please feel free to call me at 816-652-0352 if there are any questions.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



Andrew Gribble, P.E.



NEIGHBORHOOD MEETING MINUTES



Application Number: COZ2023-002/MPL2023-003

Date and Location: February 21st at 6 PM – via ZOOM.

Meeting called to order at: 6:00 PM

Names of people in attendance:

Andrew Gribble – Kimley-Horn and Associates, Inc (EOR)
Joe Hatzfeld – Kimley-Horn and Associates, Inc.
Amy Grant – Polsinelli PC
Hannah Spillman – Winterwood, Inc.
Zach Worsham – Winterwood, Inc

Meeting Notes: No one from the public called into our meeting.

Meeting adjourned at: 6:15 PM

Minutes taken by: Joe Hatzfeld – Kimley-Horn and Associates, Inc.

kimley-horn.com

805 Pennsylvania Avenue, Suite 150, Kansas City, MO 64105

816.852.0352

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

Comes now Andrew W. Greene IV of lawful age, sound mind and upon his/her oath states as follows:

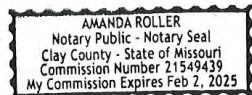
1. That I am the petitioner for Petition # COZ2023-002 / MPL2023-003.
2. That I conducted a neighborhood meeting on 2023-02-21.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Andrew W. Greene IV
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 23rd day of February, 2023.

My commission expires 02 of February, 2025.



Amanda Roller
Notary Public

(Published _____)

SP2022-050

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-050, commonly known as 1005 Osage Avenue, Kansas City, Kansas, legally described as:

ARMOURDALE BLOCK A, B & C & 0728 & 0729 & 0730 & 0731, S21, T11, R21, ACRES 0.39826, B99 L3 TO L8, LOCATED AT APPROXIMATELY 1005 OSAGE, KANSAS CITY, KANSAS.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment at an existing restaurant.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) **This case was heard in conjunction with BOZA2022-041. 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 BOZA2022-041 by the Unified**

Government Board of Zoning Appeals and upon any ordinance publications required by law.

- 2) The inoperable vehicles must be removed from the parking lot.**
- 3) The boat must be removed from the parking lot.**
- 4) The storage container must be removed from the parking lot.**
- 5) Building materials, fluid container, inoperable restaurant equipment, salvage material, and all other debris, defunct equipment, and trash must be removed from the property's exterior, including the roof.**
- 6) The rear fenced-in area must be free of all salvage material and equipment. The fenced area must be removed or modified, as it blocks the rear emergency exit from the current restaurant. This exit must remain unblocked and allow for unrestrained access of persons to exit.**
- 7) An architect or registered professional must submit a new as-builts of the building including the storage room and cooler additions.**
- 8) An architect or registered professional must submit a new site plan to include a six (6) foot setback for a fence and landscape buffer at the front of the parking lot on the Osage frontage per Section 27-467(d)(2)e. The approval of a variance for this site plan may be required.**
- 9) Lighting must be upgraded to down-ward facing lighting per the Commercial Design Guidelines**
- 10) Any non-permitted signage must obtain sign permits, including any murals or other painted signage.**
- 11) A building permit must be obtained on any modifications of the property not previously captured in permits, including but not limited to the cooler, freezer, side stairwell into basement, and any other modifications.**
- 12) A new TCO/CO shall be obtained. The Current CO issued in 2017 is listed as incomplete with corrections and repairs needed. Additionally, a passing TCO/CO inspection may be required once the parking lot is completed at either or both locations as well as the interior of the building.**
- 13) Rental licensing must be obtained on the dwellings units if they become rented to the public.**
- 14) Fencing must be repaired or replaced where needed and added where required.**
- 15) Trash and other disposals shall be enclosed in a structure comparable with the requirements of the Commercial Design Guidelines.**
- 16) The building shall be painted in a uniform color.**
- 17) Any business or land use in Kansas City, KS 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.

- 18) All entertainment must cease by at least 1:00AM
- 19) Doors and windows must stay closed during any entertainment performance.
- 20) Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a) Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b) Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c) An I.D. scanner will be used at all times;
 - d) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - e) No amplified speakers or entertainment is allowed in outdoor spaces; and
 - f) Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses.
- 21) 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.
- 22) 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.
- 23) 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.
- 24) All existing and future driveways must feature curb cuts that are constructed to UG standards.
- 25) 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.
- 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) 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.
- 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) Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 17249.799 square feet, requiring 3 trees be provided on the site plan.
- 30) Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas.
- 31) Section 27-699(a)(4) states that at least one-half of the trees planted to fulfill the tree planting requirements shall be shade trees.
- 32) Section 27-699(a)(6) states that non-industrial and non-structural parking lots that have a paved area 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 other landscaping requirements.
- 33) Section 27-702(1)(a-d) states that shade trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two (2) inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground.
- 34) Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where

the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided.

- 35)The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax.**
- 36)The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
- 37)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.**
- 38)Any business in Kansas City, Kansas 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.**
- 39)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.**
- 40)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.**
- 41)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.

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-116

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-116, commonly known as 1105 South 5th Street, Kansas City, Kansas, legally described as:

Lot 1, PRIME INDUSTRIAL DEVELOPMENT II, a subdivision lying and situated in the East half of Section 22, Township 11, Range 25 in the city of Kansas City, Wyandotte County, Kansas, said Tract as surveyed by Steven C. Shafer PLS-852 of BHC RHODES, KS CLS 175, on March 17, 2020, being more particularly described as follows: (Note: For course orientation the bearings in the description are based on the West line of the Southeast Quarter of said Section 22 having a bearing of South 02° 09' 19" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.) COMMENCING at the Northwest Corner of the Southeast Quarter of said Section 22; Thence South 02° 09' 19" East, 611.94 feet, along the West line of said Southeast Quarter; Thence North 87° 50' 41" East, 30.00 feet, to a point on the East Right-of-Way of 5th Street, monumented by a 1/2-inch reinforcing rod w/ a 2-inch cap, being the POINT OF BEGINNING of the tract of land to be herein described; Thence Northeasterly along said Southeasterly Right-of-Way along a non-tangent curve to the left, having a radius of 1050.60 feet, an arc distance of 158.94 feet, said curve having a chord bearing of North 45° 29' 44 East, and a chord distance of 158.79 feet, to a point on said Southeasterly Right-of-Way monumented by a found 1/2-inch reinforcing rod w/ an aluminum cap marked L.S. 533; Thence North 41° 09' 42" East, 634.90 feet, along said Southeasterly Right-of-Way line to the beginning of a curve to the right, having a radius of 910.36 feet; Thence on said curve to the right an arc length of 642.63 feet, said curve having a chord bearing of North 61° 23' 04" East

and a chord distance of 629.37 feet; Thence South 08° 23' 34" East, 20.00 feet, to the beginning of a non-tangent curve to the left, having a radius of 890.36 feet, monumented by a ½-inch reinforcing rod w/ a cap marked KS C.L.S. 175; Thence on said curve to the left, an arc length of 80.00 feet, said curve having a chord bearing of South 79° 02' 00" West and a chord distance of 79.97 feet, to a point monumented by a found ½-inch reinforcing rod; Thence South 27° 43' 55" East, 255.37 feet to a point of intersection with the Northwesterly line of the U.S. Harbor line ½-inch reinforcing rod w/ a cap marked KS C.L.S. 175; Thence South 45° 00' 11" West, 596.82 feet, along said Northwesterly Harbor line, to the beginning of a curve to the right having a radius of 2864.93 feet monumented by a found iron bar; Thence on said curve, an arc length of 748.79 feet, said curve having a chord bearing of South 52° 29' 26" West and a chord distance of 746.66 feet; Thence South 59° 58' 41" West, 116.70 feet, along said U.S. Harbor line, to its point of intersection with the East Right-of-Way line, monumented by a found ½-inch reinforcing rod; Thence North 02° 09' 18" West, 57.31 feet, to a point on the East Right-of-Way line of 5th Street, monumented by a found ½-inch reinforcing rod w/ an aluminum cap marked L.S. 533; Thence North 59° 58' 41" East, 72.64 feet, to a point monumented by a found ½-inch reinforcing rod w/ an aluminum cap marked L.S. 533; Thence North 30° 01' 19" West, 50.00 feet to a point monumented by a found ½-inch reinforcing rod w/ an aluminum cap marked L.S. 533; Thence South 59° 58' 41" West, 46.20 feet, to a point on the East Right-of-Way line of said 5th Street, monumented by a found ½-inch reinforcing rod w/ an aluminum cap marked L.S. 533; Thence North 02° 09' 19" West, 191.67 feet, along said East Right-of-Way line to the POINT OF BEGINNING. Said Tract containing 481,689 square feet or 11.0580 acres. Located at 1101 South 5th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a fleet maintenance facility for Frito-Lay.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Per Sec. 27-576(e)(1) building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality**

prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials.

The exterior building material is 100 percent metal panel, which does not comply with the Commercial Design Guidelines as required by Sec. 27-573(b)(20). Install a 4-foot wainscot masonry band (stone or brick) around the perimeter of the building;

2. The design team discussed with Planning the landscape requirements of the overall site construction from 2020. The owner agrees to replace any existing dead trees on site associated with previous project;
3. Per Section 27-576(g)(1), buildings should have a defined top. This can be accomplished with cornices, caps, parapets, or roofs;
4. Per Section 27-576(g)(2), three-dimensional rooftops are encouraged. Variation in roofline is suggested to reduce the scale of large buildings;
5. Per Section 27-576(g)(3), sloped roofs or canopies shall be covered with high quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
6. Per Section 27-576(h)(2), reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director. Clear glass shall be used for storefronts, windows, and doors. Window painting, signage, or view blocking techniques are not permitted;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. 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. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
13. 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-119

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-119, commonly known as 10702 Donahoo Road, Kansas City, Kansas, legally described as:

10702 Donahoo Rd
Lot 2 Piper Commons

Description of Exterior Boundary:

A tract of land located in the Southeast Quarter of Section 22, Township, 10, Range 23, Wyandotte County, Kansas more particularly described as follows: Beginning at the southwest corner of Tract F, HERITAGE AT PIPER ESTATES, a subdivision in Kansas City, Wyandotte County, Kansas, said corner being monumented by a found 1/2" rebar and CLS 80 plastic cap; Thence North 00° 07' 56" West along the west line of said Tract F a distance of 52.15 feet to a found 1/2" rebar and CLS 80 plastic cap; Thence, along a curve to the left and along the west line of said Tract F (said curve have a radius 311.52, a central angle of 28° 51' 04") a distance of 156.86 feet to a found 1/2" rebar and CLS 80 Cap; Thence, along a curve to the right and along the west line of said Tract F, (said curve have a radius 476.41 feet, a central angle of 17° 43' 41") a distance of 147.41 feet to a found 1/2" rebar and CLS 80 Cap; Thence North 78° 28' 32" East along the north line of said Tract ° Fa distance of 37.39 feet to a found 1/2" rebar and George Butler plastic Cap; Thence South 82° 14' 58" East along the north line of said Tract Fa distance of 144.26 feet to a found 60d nail in a plastic pipe; Thence North 50° 14' 25" East along the north line of said Tract Fa distance of 146.98 feet to a found 1/2" rebar and George Butler plastic Cap; Thence South 89° 35' 56" East along the north line of said Tract Fa distance of 638.06 feet to a found 1/2" rebar and LS 814 plastic cap; Thence South 00° 02' 28" West a distance of

98.11 feet to a found 1/2" rebar and LS 814 plastic cap; Thence North 89° 54' 36" West a distance of 8.31 feet to a found 1/2" rebar and LS 814 plastic cap; Thence South 00° 03' 15" West a distance of 287.19 feet to a set 1/2" rebar and CLS 276 plastic cap; Thence North 89° 47' 41" West a distance of 342.33 feet to a set 1/2" rebar and CLS 276 plastic cap; Thence South 00° 07' 40" East a distance of 32.61 feet to a set 1/2" rebar and CLS 276 plastic cap; Thence South 89° 52' 26" West a distance of 489.94 feet to the Point of Beginning. Containing 337794.51 Square Feet or 7.75 Acres, SUBJECT TO: Easements, restrictions, and assessments of record, and all the taxes and assessment that may be levied, imposed, or become payable hereafter.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a borrow site of earthen material for off-site fill.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. If the scale of the proposed operation changes from what is improved by this Special Use Permit, the applicant shall amend their Special Use Permit;
2. Due to the proposed duration of this project, the applicant shall provide a paved construction entrance apron at the current property entrance as well as provide rumble strips along the remainder of the driveway, where there is only gravel or dirt;
3. Any trees or other landscaping that is removed shall be replaced on site;
4. To mitigate dust, the site and construction entrance shall be watered with a watering truck on days when trucks are leaving the site;
5. The applicant shall maintain a 100-foot buffer, protecting the tree stands from the single-family homes and trees replaced where needed for conformance along the west and north property line;
6. The site shall be seeded and mulched until groundcover is established in areas where work will not occur for more than two (2) weeks and after work is completed on the site;
7. Topsoil needs to be saved and spread over the borrow area when complete. Seed and mulch the area within one week of completion;
8. Limit the size of open sections of the property at a time to prevent soil erosion onto the roadway and dust in the intersection;

9. Future development will require its own Special Use Permit for the use, a Preliminary Plan and Final Development Plan to the City Planning Commission for review and approval;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
12. 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. 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;
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) 573-8620 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;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. 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, Sec. 8-610 through Sec. 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;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant

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

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-085

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-085, commonly known as 7114 Parallel Parkway, Kansas City, Kansas, legally described as:

COUNTRY CLUB ESTATES, S33, T10, R24, ACRES 0.34, L5, located at approximately 7114 Parallel Parkway, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a pet grooming business in the applicant's residence.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. Hours of operate must remain between 7:00 AM and 5:00 PM;
2. No overnight board of animals is permitted;
3. No more than two (2) clients may drop-off and pick-up at the same time;

4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
8. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed

with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
12. The Special Use Permit shall be valid for 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,
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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-086

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-086, commonly known as 8222 Parallel Parkway, Kansas City, Kansas, legally described as:

White Oaks Subdivision Replat Block 1 – 10, Block 2 North 170 Feet of South 190 Feet of West 102 Feet Lot 8; Also beginning 20 Feet North of Southwest Corner Lot 8; West 15 Feet, North 107 Feet, East 15 Feet, South 170 Feet to Point of Beginning, located at approximately 8222 Parallel Parkway, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to expand the operation of an existing liquor store.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The applicant shall install pedestrian markings and restripe the parking lot;**
- 2. The applicant shall repair the trash enclosure;**

3. The applicant shall plant three (3) trees along the southern edge of the property;
4. This City Planning Commission case is being heard in conjunction with BOZA2022-055. 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 BOZA2022-055 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
5. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
8. The applicant has filed and maintained a current business occupation tax application;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 21,000 square feet, requiring three (3) trees be provided on the site plan;
12. 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;

13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-088

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-088, commonly known as 200 Funston Road, Kansas City, Kansas, legally described as:

ALL THAT PART OF THE SOUTHWEST ¼ OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF FUNSTON ROAD, AS NOW ESTABLISHED, THAT IS 661.75 FEET WEST, AS MEASURED AT RIGHT ANGLES FROM THE NORTH AND SOUTH CENTERLINE OF SAID SECTION 27, SAID POINT BEING ON THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DOCUMENT NO. 581025, IN BOOK 1591, AT PAGE 357; THENCE NORTH 1°03'38" EAST ALONG LAST SAID WEST LINE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF NORTH 45°38'27" WEST A RADIUS OF 445.02 FEET A CENTRAL ANGLE OF 5°27'18" AN ARC DISTANCE OF 42.37 FEET TO A POINT ON THE EAST LINE OF A TRACT OF LAND DESCRIBED IN DOCUMENT NO. 1078120, IN BOOK 3373, AT PAGE 199; THENCE SOUTHERLY ALONG LAST SAID EAST LINE ALONG A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 3°06'01" EAST A RADIUS OF 449.78 FEET A CENTRAL ANGLE OF 4°09'39" AN ARC DISTANCE OF 32.66 FEET; THENCE SOUTH 88°56'22" EAST ALONG SAID EAST LINE, A DISTANCE OF 1.00 FEET; THENCE SOUTH 1°03'38" WEST ALONG SAID EAST LINE AND ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN DOCUMENT IN BOOK 2942, AT PAGE 663, A DISTANCE OF 533.16 FEET TO A POINT ON THE NORTH LINE

OF SAID FUNSTON ROAD; THENCE NORTH $90^{\circ}00'00''$ EAST ALONG SAID NORTH LINE, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

AND

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, WYANDOTTE COUNTY, KANSAS, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF FUNSTON ROAD AS NOW ESTABLISHED THAT IS 661.75 FEET DISTANCE WEST, MEASURED AT RIGHT ANGLES, FROM THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 27; THENCE NORTH ALONG A STRAIGHT LINE PARALLEL WITH SAID NORTH AND SOUTH CENTER LINE OF SECTION A DISTANCE OF 604.94 FEET; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE FORMING AN ANGLE OF $30^{\circ}33'30''$ FROM SOUTH TO EAST WITH THE LAST DESCRIBED LINE A DISTANCE OF 260.64 FEET; THENCE NORTHEASTERLY AT RIGHT ANGLES A DISTANCE OF 7.5 FEET; THENCE SOUTHEASTERLY ALONG A LINE CURVING TO THE RIGHT, HAVING A RADIUS OF 750.49 FEET, AND WHICH IS TANGENT AT ITS POINT OF BEGINNING TO A LINE DRAWN AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 398.24 FEET, MORE OR LESS, TO A POINT IN SAID NORTH LINE OF FUNSTON ROAD; THENCE WEST ALONG THE NORTH LINE OF FUNSTON ROAD WHICH IS A STRAIGHT LINE PARALLEL WITH AND 33 FEET DISTANCE NORTH, MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF SAID SECTION 27, A DISTANCE OF 243.28 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

AND

A PART OF THE TRACT OF LAND DESCRIBED IN BOOK 1951, PAGE 438 THROUGH 441, FILED FOR RECORD IN THE WYANDOTTE COUNTY REGISTER OF DEEDS OFFICE, LYING IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF FUNSTON ROAD, AS NOW ESTABLISHED, SAID POINT BEING $88^{\circ}56'15''$ WEST 691.86 FEET AND NORTH 33.0 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, SAID POINT ALSO BEING 691.75 FEET DISTANT WEST, MEASURED AT RIGHT ANGLES, FROM THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH $88^{\circ}56'15''$ WEST 45.01 FEET, ALONG THE NORTH RIGHT-OF-WAY LINE OF FUNSTON ROAD; THENCE NORTH 440.0 FEET, PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH $88^{\circ}56'15''$ EAST 45.01 FEET, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 440.0 FEET PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, TO THE POINT OF BEGINNING, SUBJECT TO ANY PART THEREOF IN STREET, ROAD, OR HIGHWAY. Located at approximately 200 Funston Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Medical Waste Transfer Station.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1) **The following site plan updates are required to meet design criteria and/or ordinance requirements:**
 - a) **Per Section 8-250(2) the barbed wire must be adjusted to tilt inward.**
 - b) **To provide adequate connectivity per the Northeast Area Master Plan, the sidewalk connecting from the adjacent parcel west shall be continued with a path leading to the front door of the property as indicated on the staff site plan.**
 - c) **Per Section 27-700, a maximum of one (1) tree per every 15,000 square feet of site area could be requested. The maximum required trees is nine (9) and staff is proposing three (3) trees be added to the property as indicated on the staff site plan.**
 - d) **The front parking stripes shall be re-striped in accordance with Sections 27-667-27-676.**
- 2) **Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance.**

- 3) **Per Sections 27-667-27-676, every vehicle must be in a designated and striped parking space. Provide a site plan indicating the number of parking stalls, indicating which stalls are dedicated to customers, employees and staff, vehicles for sale, or vehicles for repair. Detailed dimensions of each parking stall are required. Non-ADA parking stalls must be 9' wide from the inside of stripe to inside of stripe and 18' in length. ADA Stalls must be 8' wide with an additional accessibility aisle of five (5) feet wide. Two (2) ADA-accessible parking stalls may share one accessibility aisle.**
- 4) **Any automotive-related use in Kansas City, Kansas shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;**
- 5) **If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office.**
- 6) **The Subject Property has been identified as being within a floodplain and/or floodway. 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. This may result in additional building, plan, or site changes as required.**
- 7) **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**
- 8) **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.**
- 9) **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.**

- 10) All existing and future driveways must feature curb cuts that are constructed to UG standards.**
- 11) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.**
- 12) A Right-of-Way Permit may be required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.**
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations.**
- 14) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit.**
- 15) The Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.**
- 16) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-101

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-101, commonly known as 1101, 1103, 1107 and 1109 North 79th Terrace, Kansas City, Kansas, legally described as:

1101 - 1103 North 79th Terrace:

ALLENS FARM REP L1 & 2, S5, T11, R24, 5454
SQUARE FEET, L1 LS N 31.8FT

1107 North 79th Terrace:

ALLENS FARM REP L1 & 2, S5, T11, R24, 3211
SQUARE FEET, S 30.79FT L2

1109 North 79th Street:

ALLENS FARM REP L1 & 2, S5, T11, R24, 3871
SQUARE FEET, L2 LS S 30.79FT

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations,

stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The applicant shall plant one (1) tree per parcel in the front yard per Section 27-700(a);**
- 2. Applicant shall make repairs and provide evidence of the following repairs as a result of the home inspection:**
 - a) Install smoke and carbon monoxide detectors near the HVAC system, one in the common areas, and verify placement and working condition of all smoke detectors in all units;**
 - b) Repair the electrical conduit boot and mast anchoring on the roof; and,**
 - c) Ensure all windows open and are operable;**
- 3. Maximum number of guests per unit shall be seven (7);**
- 4. All parking must be off-street, maximum number of vehicles is two (2);**
- 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 6. Applicant must maintain liability insurance;**
- 7. Applicant must maintain the property's physical condition through the duration of the permit;**
- 8. All reservations shall be a minimum stay of 24 hours;**
- 9. No meals shall be prepared in the dwelling by the owner or owner's agent;**
- 10. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
- 11. The owner or owner's agent/operator shall provide a guest book with the following information:**
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;**
 - b) A lead-based paint notification for any property built before 1978;**
 - c) An asbestos notification for any property built before 1981; and,**
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);**
- 12. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 13. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision**

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

15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-102

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-102, commonly known as 4342 Pearl Street, Kansas City, Kansas, legally described as:

Maple Leaf Lots Addition and 1132, S34, T11, R25, acres .090000, L114, also right-of-way, adjacent on West, located at 4342 Pearl Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. Any property owner or business owner keeping animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance**

sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services (NOTE: The applicant will allow pets at the short-term rental);

2. The driveway apron must be upgraded to UG standards;
3. Applicant must repair the portion of the sidewalk that is in disrepair;
4. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is two (2);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must maintain liability insurance;
9. Applicant must maintain the property's physical condition through the duration of the permit;
10. All reservations shall be a minimum stay of 24 hours;
11. No meals shall be prepared in the dwelling by the owner or owner's agent;
12. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
13. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
14. The property must remain in proper maintenance and free of hazards, pests, or infestations;
15. The granting of this Special Use Permit does not transfer with a change of ownership of the property;

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-108

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-108, commonly known as 6541 Donahoo Road, Kansas City, Kansas, legally described as:

Commencing at a point 12 poles West of the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 27, Township 10, Range 24, in Kansas City, Wyandotte County, Kansas; thence South 275 feet; thence West 792 feet; thence North 275 feet; thence East 792 feet to the place of beginning, less any part taken or used for public road purposes, located at approximately 6541 Donahoo Road, Kansas City, Kansas.,

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for the Temporary Use of Land to keep equipment related to a roofing business.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
2. 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-064

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-064, commonly known as 4410 Rainbow Boulevard, Kansas City, Kansas, legally described as:

HUDSON PLACE, S34, T11, R25, ACRES 0.120000, L14, LESS STREET,
located at approximately 4410 Rainbow Boulevard, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Maximum number of guests shall be seven (7);**
2. **All parking must be off-street, maximum number of vehicles is three (3);**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must maintain liability insurance;**

5. Applicant must maintain the property's physical condition through the duration of the permit;
6. All reservations shall be a minimum stay of 24 hours;
7. No meals shall be prepared in the dwelling by the owner or owner's agent;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a) Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b) A lead-based paint notification for any property built before 1978.
 - c) An asbestos notification for any property built before 1981.
 - d) Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
10. The property must remain in proper maintenance and free of hazards, pests, or infestations.
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. 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. 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;
14. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be

considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-044

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 6822 Berry Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on October 28, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

Parcel ID: 058-27-0-30-017.00-0, Tract #5, Cunningham Farms, A subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 6822 Berry Road, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-052

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4547 Melody Lane, 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 December 28, 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:

SOUTHSIDE MANOR RES, S31, T11, R25, ACRES 0.310000, L5,
Located at approximately 4547 Melody Lane, 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

(Published _____)

SP2022-107

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-107, commonly known as 3801 Lloyd Street, Kansas City, Kansas, legally described as:

Rosedale Park & 1327, Section 34 Township 11, Range 25, located at approximately 3801 Lloyd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Maximum number of guests shall be 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.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-078

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-078, commonly known as 819 Southwest Boulevard, Kansas City, Kansas, legally described as:

MARTYS 2ND ADD & 1399, S27, T11, R25, ACRES 0.17, B2 L1, SW 1/4 L2, located at approximately 819 Southwest Boulevard, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to continue operation of a multi-family short-term rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval.**

Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

2. Maximum number of guests shall be seven (7) in the upstairs unit and no more than seven (7) in any combination between the unit or units on the ground floor. Should the applicant wish to host more than seven (7) guests per unit, a lodging license from the State of Kansas is required;
3. All parking must be off-street, maximum number of vehicles is three (3) per unit including the three off-street parking spaces. The off-street parking spaces should be utilized before on-street parking on Southwest Boulevard;
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. 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;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper main entrance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978;
 - c. An asbestos notification for any property built before 1981;
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
10. Applicant must complete any repairs necessary as a result of the home inspection or from any staff site visit:
 - a. Add a handrail to the exterior steps
 - b. Repair any broken windows/glass
 - c. Repair front steps railing
 - d. Repair decking where evidence of rotting is shown, add additional bolts where needed
 - e. Remove abandoned electrical metering and equipment/weatherhead
 - f. Replace electrical breaker
 - g. Cover exposed wiring/junction boxes

- h. Ensure all smoke detectors and CO2 detectors are adequately placed throughout the home and are in working condition
 - i. Repair or Replace the TMP Valve in the Water Heater Unit
11. The exterior brick retaining wall around the parking shall be repaired with steps repaired or removed as discussed;
12. 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;
13. 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;
14. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: March 30, 2023

Re: Special Use Petition SP2023-004

GENERAL INFORMATION

Applicant:

Tom Proebstle

Status of Applicant:

Representative
Skyline Property Development
1615 Baltimore Avenue
Kansas City, Missouri

Requested Action:

Approval of a Special Use Permit.

Date of Application:

January 27, 2023

Purpose:

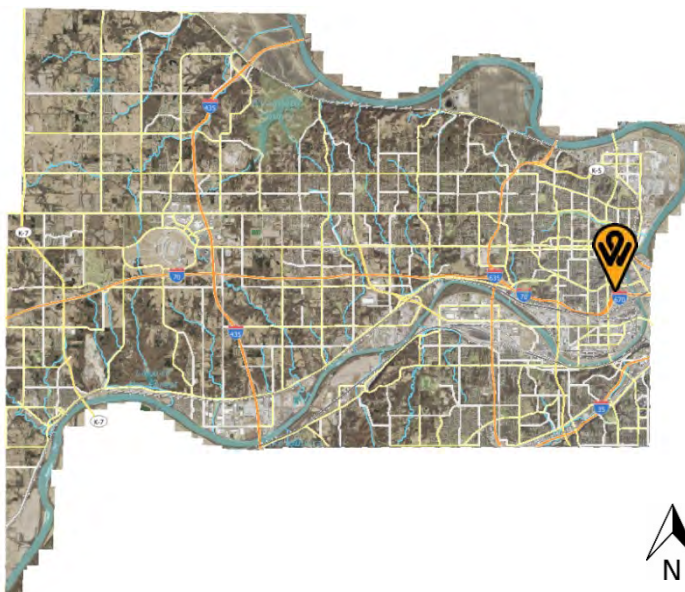
To operate a short-term rental. This is not the owner's primary residence.

Property Location:

10 South Hallock
Kansas City, Kansas 66101

Commission Districts:

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



Existing Zoning:	CP-0 Planned Non-Retail Business District and R-1(B) Single Family District	
	Staff Note: This property has been rezoned RP-6 for a future apartment development. Staff has represented this property in its existing condition prior to the Change of Zone to better reflect its existing condition and operations.	
Adjacent Zoning:	North:	R-1(B) Single Family and C-3 Commercial Districts
	South:	R-1(B) Single Family District
	East:	Interstate 70 Right-of-Way
	West:	R-1(B) Single Family and C-3 Commercial Districts
Adjacent Uses:	North:	Single family residence, vacant commercial storefront and drinking establishment
	South:	Single family residence
	East:	Single family residence
	West:	Single family residences and mixed neighborhood commercial
Total Tract Size:	0.09 Acre	
Master Plan Designation:	The Central Area Master Plan designates this property as High-Density Residential, which is intended to provide for future housing needs through the construction of attached owner and renter occupied mid-rise and high-rise residential developments.	
Parking Requirement:	Section 27-455(d) states “two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. There are 8 parking spaces provided in the rear.	
Major Street Plan:	The Major Street Plan designates South Hallock as a Local Street.	
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owner – February 17, 2023	
Public Hearings:	March 13, 2023 and March 30, 2023	
Public Support:	None to date.	

Public Opposition:

There was one (1) person present in opposition at the March 13, 2023 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tom Proebstle, is seeking approval to operate a short-term rental with event space at 10 South Hallock. The resident is not owner's primary address. Additionally, the home is set to be demolished as the site is approved for a future high-rise apartment development.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been several Noise or Disturbance complaints at the property:
 - a. 2020: 2020-00017867 – Suspicious Vehicle
 - b. 2019: 2019-00091446 – Suspicious Activity
 - c. 2019: 2019-00082240 – Suspicious Activity
 - d. 2019: 2019-00084122 – Suspicious Activity
 - e. 2019: 2019-00059130 – Abandoned Vehicle

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has received one zoning enforcement violation:
 - a. 2022: ZONE2022-024 – Operating a Short-Term Rental and Event Space without an Approved Special Use Permit

Outstanding or Related Permits and Cases:

1. The subject property has two (2) recent Planning and Zoning Cases. These are related to the future demolition of the property and zoning change for the future construction of a new apartment building.
 - a. 2021: COZ2021-051 – Change of Zone from R-1(B) and C-0 to RP-6 for an apartment building.
 - b. 2021: MPL2021-028 – Master Plan Amendment from Urban Density to High Density Residential for an apartment building.
 - c. 2021: VAC2021-001 – Vacation of Right of Way for new apartment building.
 - d. 2022: BOZA2022-016 – Variance for parking space requirements.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Riverview Statistical Neighborhood. Lots are generally narrow and urban in character with mixed residential and commercial uses. Homes in this area are generally a combination of masonry and siding. Although a mixed-use structure, it retains its previous appearance as a large single-family residence. There are various signs of neighborhood improvements, including repaved streets, pedestrian-scale street lighting, and the brick sidewalks are maintained. This particular mixed-use structure sits on the hill overlook and is relatively secluded from neighbors. The neighborhood lacks sufficient parking, but this particular property has substantial parking as part of its unique occupancy classification. Lots are narrow and homes typically include front-facing garages, steps, porches, and landscaping.

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

The zoning and uses of properties nearby are set out above. The surrounding properties are of mixed uses residential and commercial in nature such as a coffee shop, upholstery store, law firm, and drinking establishment. Continuing use as a rental, either short or long term, is consistent with other nearby properties on the adjacent mixed-use Central Avenue corridor. The proposed use is compatible if properly managed. Operating this property as a short-term rental with event space 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 with non-retail commercial uses. The property could be suitable for use as a short-term rental with events 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 has been utilized as a short-term rental since August 2022. Prior to that the property was sporadically vacant.

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

Special Use Permits are not addressed in the Central Area Master Plan. The Central Area Master Plan designates this property as High-Density Residential, which is intended to provide for future housing needs through the construction of attached owner and renter occupied mid-rise and high-rise residential developments. The proposed use conforms to the Central Area Master Plan,

however, will not be the permanent use of the property, as the property is soon to be developed into a mid-rise apartment building, which conforms to the current 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 does not provide sufficient parking for multiple vehicles. There is a small parking lot to the side of the home, which is large enough to accommodate 8 vehicles. The size of the parking lot is sufficient to handle the expected number of cars that may visit the property when occupying the home. Additionally, the property boasts a long driveway providing additional tandem parking.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

Noise is an issue that is related to short-term rentals. There have not been any noise complaints to date with the current applicant, as this is a new application that has been up to now operated as proposed, but without any approved entitlements. 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, mixed-use 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 or their primary residence, although its use as a long-term rental may be limited as the property is scheduled for demolition as part of the upcoming apartment complex's construction.

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. The maximum number of overnight guests at one time is seven (7) and the maximum number of vehicles for guests is three (3). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

- Approval of a Change of Zone from R-1(B) and C-0 to RP-6 (COZ2021-051) in 2022.
- Approval of a Master Plan Amendment from Urban Density to High Density Residential (MPL2021-028) in 2022.
- Approval of a Vacation of Right-of-Way (VAC2021-001) in 2021
- Approval of a parking variance (BOZA2022-016) in 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on February 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

March 13, 2023 City Planning Commission Minutes
Building Conformance
Noise Concerns
Home Occupation
Parking
Traffic
Mixed-Use Neighborhood

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP2023-004** for one (1) year, subject to:

1. Maximum number of guests shall be 7;
2. All parking must be off-street, maximum number of vehicles is three (3);
3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
4. Applicant must maintain liability insurance;
5. Applicant must maintain the property's physical condition through the duration of the permit;
6. All reservations shall be a minimum stay of 24 hours;
7. No meals shall be prepared in the dwelling by the owner or owner's agent;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978.
 - c. An asbestos notification for any property built before 1981.
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. Entertainment hours are limited to 10:00 AM to 12:00 AM;
12. All entertainment must cease by 11:00 PM;
13. All other applicable noise ordinance standards must be followed per Section 22-128;
14. Doors and windows must stay closed during any entertainment performance;
15. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
16. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all

- Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;**
- 17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
 - 18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
 - 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**
 - 20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
 - 21. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee; and,**
 - 22. 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 **SP2023-004** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

March 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Granicus Host Compliance Map
Neighborhood Meeting Materials
Site Plan
Floor Plan
Site Photos, Taken by Staff, Dated February 10, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	March 13, 2023	March 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-004** 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 **SP2023-004**, 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.

March 13, 2023 City Planning Commission Minutes:

Hearing starts at 5:05:15:

SPECIAL USE PERMIT APPLICATION SP2023-004 – TOM PROEBSTLE WITH SKYLINE PROPERTY DEVELOPMENT, LLC - SYNOPSIS: Special Use Permit to operate a short-term rental at 10 South Hallock Street.

Detailed Outline of Requested Action: The applicant, Tom Proebstle, is seeking approval to operate a short-term rental with event space at 10 South Hallock. The resident is not owner's primary address. Additionally, the home is set to be demolished as the site is approved for a future high-rise apartment development.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated March 13, 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:

- Tom Proebstle, applicant, Skyline Property Development, 1615 Baltimore Avenue, Kansas City, Missouri
- Steve Simpson, partner

Present in Opposition:

- Jerri Moulder, 31 South Hallock, Kansas City, Kansas 66101

Staff Recommendation starts at 5:13:52: Planning Director Hand stated that this is a new applicant requesting continuation of a short-term rental at this address with no on-site manager. The property is in the Central Area Plan. Staff has received no letters in

support, but has received letters in opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year with a maximum of seven (7) people and three (3) off-street parking spaces. He stated that the building has been modified for offices, but it can still be lived in for a short period of time. The previous application was for an event space and short-term rental. This request is only for a short-term rental. The building was originally a law office.

Motion starts at 5:15:18:

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

SP2023-004 for one (1) year:

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Not Present
Straws	Not Present
Ward	No

Motion to recommend **APPROVAL** Passed: 5 to 1

Subject to:

1. **Maximum number of guests shall be 7;**
2. **All parking must be off-street, maximum number of vehicles is three (3);**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must maintain liability insurance;**
5. **Applicant must maintain the property's physical condition through the duration of the permit;**
6. **All reservations shall be a minimum stay of 24 hours;**
7. **No meals shall be prepared in the dwelling by the owner or owner's agent;**
8. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
9. **The owner or owner's agent/operator shall provide a guest book with the following information:**
 - a. **Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;**
 - b. **A lead-based paint notification for any property built before 1978.**
 - c. **An asbestos notification for any property built before 1981.**

- d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);**
- 10. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 11. Entertainment hours are limited to 10:00 AM to 12:00 AM;**
- 12. All entertainment must cease by 11:00 PM;**
- 13. All other applicable noise ordinance standards must be followed per Section 22-128;**
- 14. Doors and windows must stay closed during any entertainment performance;**
- 15. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;**
- 16. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;**
- 17. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 18. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;**

- 20. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 21. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee; and,**
- 22. 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.**

Director Hand addressed Mrs. Moulder's question about the notices not being sent in Spanish. In the current notice there is a paragraph in Spanish at the bottom of the notices directing people how to request assistance with an interpreter.

ATTACHMENTS

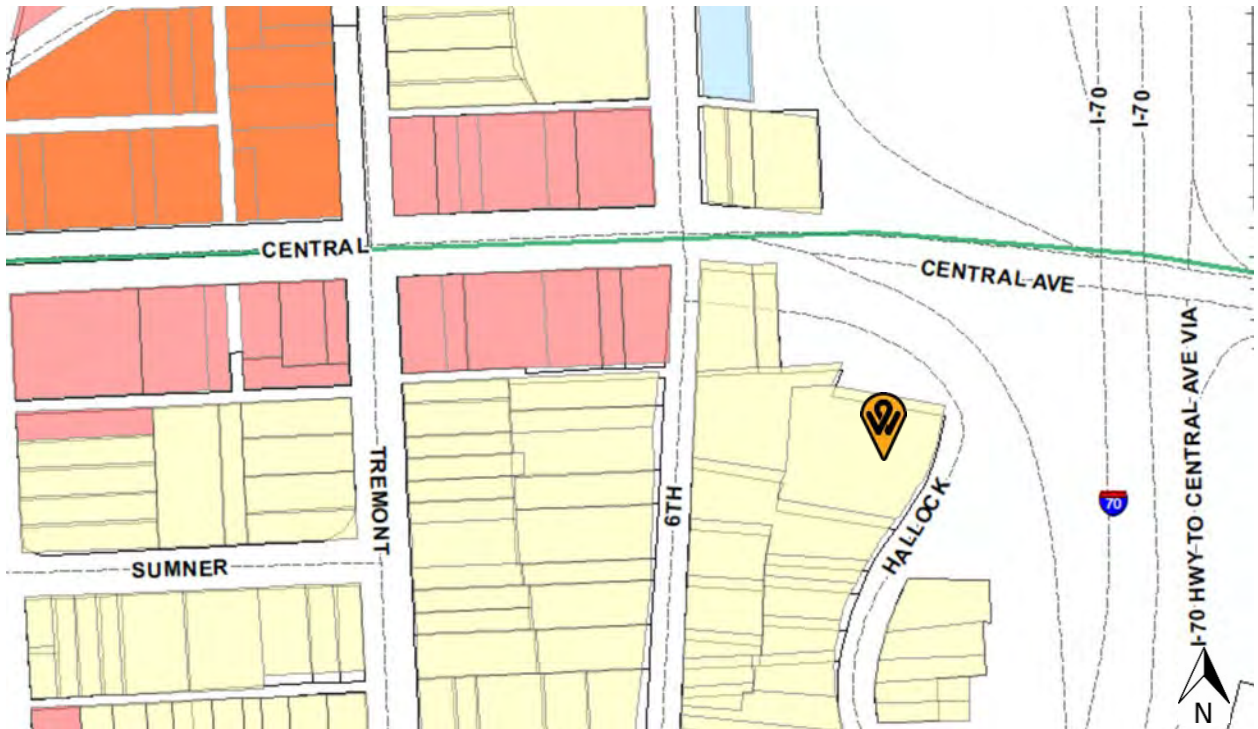
AERIAL IMAGERY



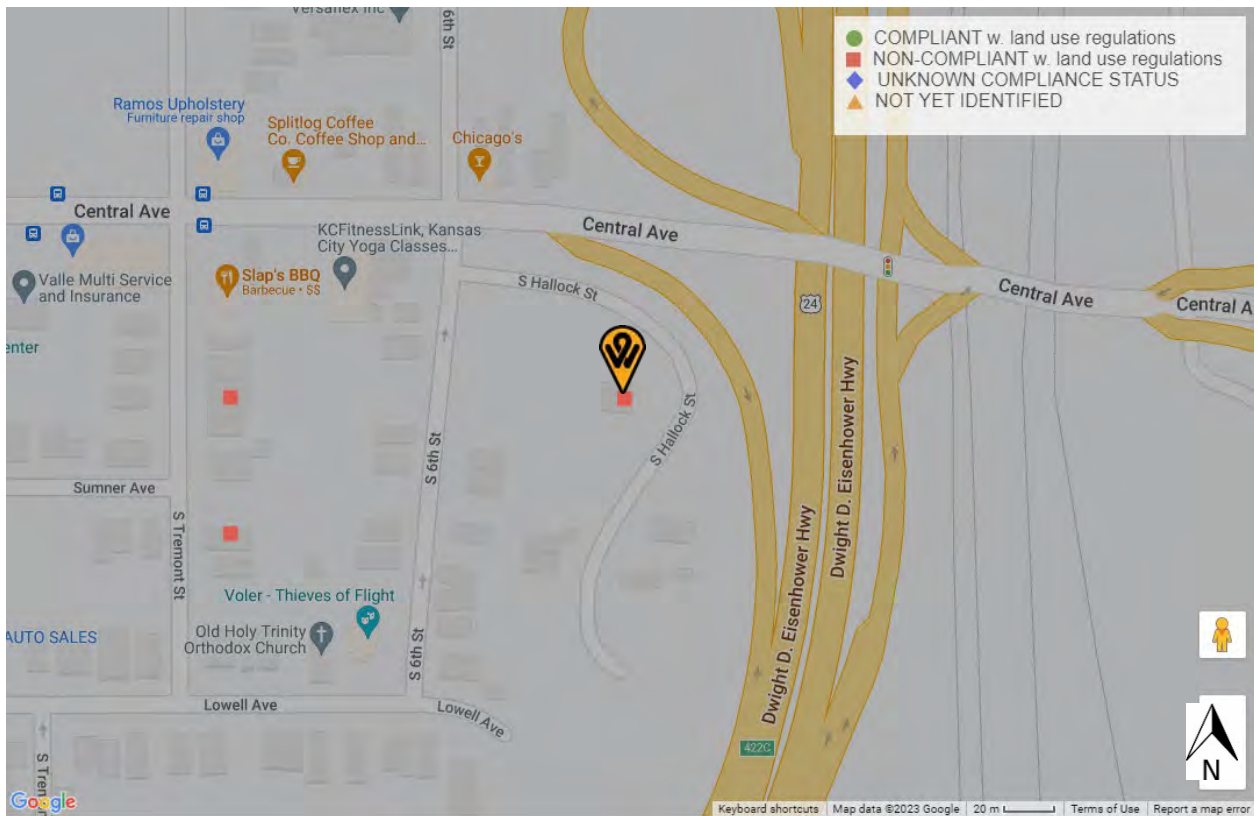
ZONING MAP



LAND USE MAP



GRANICUS HOST COMPLIANCE MAP



NEIGHBORHOOD MEETING MATERIALS

2/17/23

Name

Address

City/State/Zip

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP2023-004. The purpose of this special use permit is to continue the existing short term rental at 10 South Hallock Street, Kansas City, KS 66101.

We are hosting a neighborhood meeting on February 27th at 5 p.m. at Chicago's Bar.

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

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed below.

Sincerely,

Tom Proebstle
tom@generatorstudio.com
816-333-6527

Steve Simpson
Steven.simpson00@gmail.com
913-515-4467

2/29/23

Application #SP2023-004

Neighborhood Meeting held 2/27/23 at Chicago's

Meeting called to order at 5pm

Names of attendees follow these meeting notes.

As an introduction, Tom Proebstle notified the attendees that we have filed an application with the Department of Urban Planning and Land Use #SP2023-004. That the purpose of this special use permit is to continue the existing short term rental at 10 South Hallock Street. Tom also noted that this application is not tied to the 505 project in any way, and that no questions regarding 505 will be answered at today's meeting. Other attendees arrived late and the same opening remarks were repeated several times.

Questions and answers, answers provided by building owners Tom Proebstle and Steve Simpson, stated as 'We' or 'Our' in the notes:

Q: Buck Hessel asked the timeline of STR permits

A: Said our first permit ran 6 months

Q: Rose asked why do we want to run the property as a STR?

A: to bridge the gap until the toehr project gets started and the building is removed.

Q: Jerri Moulder: Did you send the meeting notice to everyone within the 200 foot radius? Why wasn't the meeting notice or the Notice by the UG in Spanish? Did you know you are discriminating?

A: We complied with the instructions and the mailing address list provided by the UG. We did not send our meeting notice in Spanish. Jerri followed up with pointed verbiage about the UG's need to do so and that she will file a complaint to her Commissioners.

Q: Jerri Moulder: Why are you filing another application, isn't the current special permit good for a year?

A: We are following what Gunnar Hand and our UG point (James Molloy) told us to do. There was much discussion amongst the attendees that broke out at several points in the meeting about what is the right process, what is the right application, with no clear conclusions. Tom P and Steve S reiterated we are following what the UG advised us to do.

Q: Buck Hessel but asked by others: What happened to your current tenant?

A: Our current tenant is not renewing her lease, so we are taking over the short term rental.

Q: Jerri Moulder: Why did you let your tenant run her short term rental without any permits? You broke the rules, how could you not know she was doing that? You are absentees. Where do you live?

A: We sign a lease with our tenant and she was non-descript about the use as she wanted to explore ideas. As long as she didn't violate any of her lease requirements, we can't control what she does. When it came to our attention via the UG that our tenant was possibly running a short term rental without permits, we responded immediately to her and Gunnar Hand at the UG that she needs to shut down until corrective action is taken. We reported to Gunnar Hand that he has our support for any corrective action needed to remedy the situation. The issue was resolved and she reopened her short term rental.

Q: Jerri Moulder stated you had to know. There is no way you didn't know.

A: We restated our response in working with the UG to remedy the situation.

Q: Buck Hessel: How long to you expect to run this Airbnb?

A: We'll run it for the 6 month permit, and at that point it will depend on status updates on the 505 project advancements.

Q: Jerri Moulder (asked two different times): Why should we (the attendees) be in favor of your short-term rental? Why do I care if your building is occupied or not, you've already made millions because of the 505 project.

A: We stated that Jerri's aggressive demeanor needs to change otherwise we will ask her to leave the mtg or we cancel the meeting, and that we will not be responding to 505 questions or comments. We then stated that she should support our project because we feel a building occupied is better than one not occupied for safety reason, eyeballs on the street, activity.

Rose Kocour arrived around 5:20 and stated that she is in conflict with this neighborhood meeting since she will be stepping onto the City Planning Commission, and that she should recuse herself. She did not recuse herself, and participated to the end of the meeting.

Anna Cole arrived around 5:30 and introduced herself to everyone. She then stated an address of a home owned by Tom to the group. She asked if Tom lived there and stated the address again and that she lived there at one point and what a coincidence. Whether this was a coincidence or not, Tom felt this was threatening behavior by an attendee to announce to the meeting the address of potentially the homes of the applicants.

Q: Asked by several attendees at several points: Isn't a 30+ day long term rental a better option?

A: We are doing the best we can to find a tenant including using the resources of a commercial broker, and due to the tough environment to find office tenants, we feel the short term rental is our best option to keep the building occupied vs being vacant. There was much discussion amongst the attendees about this, no real conclusion. We offered that if anyone had a line for anyone looking to lease for 30+ days we would be open to it. Suggestion by several attendees to ask KU Med.

Q: Lester Lauison asked what the timeline is for running the Airbnb

A: As long as the gap exists before the start of the next project

Q: Rose asked Are either of your residences close to the business

A: yes, we are less than 20 minutes from the property

Q: Jerri Moulder asked do you feel like you are good neighbors.

A: We stated that if we were to judge others on whether they are good neighbors, that it would be on upkeep of the property, being good stewards, not creating problems.

Q: Jerri Moulder: Did you know that there have been many infractions with partying at your property? There was someone who threw out their Popeye's garbage after partying the next morning, I (Jerri) watched them. There was another car parked out front, I knocked on the window, they opened it, and a bunch of marijuana smoke came rolling out.

A: We were not aware of any issues nor did we receive any complaints: Did you (Jerri) call the police to report any suspicious activities? Jerri responded that she didn't. We advised that is the best thing to do otherwise we will not know if there are suspicious activities occurring so we can deal with it. Additionally, Airbnb or any platform has a no party policy, and is something we will strongly enforce.

Q: Someone asked have you ever run Airbnb's before and where are they?

A: Steve stated yes, in the metro area.

Q: Someone asked if you will use a service to book and maintain the facility?

A: Steve said I have run both of my STR's and currently have a service managing the property.

Someone asked which service operates your Airbnb?

A: Karat management operates it. To which Ben Kalny replied that the owner, Lance, does a very good job and has managed some of Ben's properties in the past.

Q: Buck Hessel asked how many bedrooms and bathrooms do you have and how many people can stay?

A: We have 4 bedrooms and 2 bathrooms with ample parking for at least 7 cars. Up to 8 people could stay.

Q: Buck Hessel asked how much will we charge?

A: We stated we'd use the platform service to advise us on rental rates. Jerri added that STR's at the top of 6th get \$65-85 per night.

Q: Dan Parker asked if we get a STR permit, can you run it as a LTR?

A: We don't know. Anna Cole added that it would be terrible to turn it into a party house. We said we absolutely do not want a party house and the minimum rental will be at least 2 nights.

Meeting adjourned at 5:45 as there were no further questions.

Meeting Notes taken by Tom Proebstle and Steve Simpson.

Name Address

FUCK HENNEL 315. HAILLOCK WY KOK

Lester Lammor 207 S. Fremont

Alvin Lamm 207 S. Fremont

ROSE KOCOUR EILTS 506 N. 4TH ST.

Dan Parker 535 Central Ave KESGWIN

Ben KANT 323 MOSANE WES1

ANNA COLE 245 ORCHARD ST 66101

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

1. That I am the petitioner for Petition # SP2023-004
2. That I conducted a neighborhood meeting on 2/27/23.
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]
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of March, 2023

My commission expires 19th of August, 2023



[Signature]
Notary Public



SP2023-004

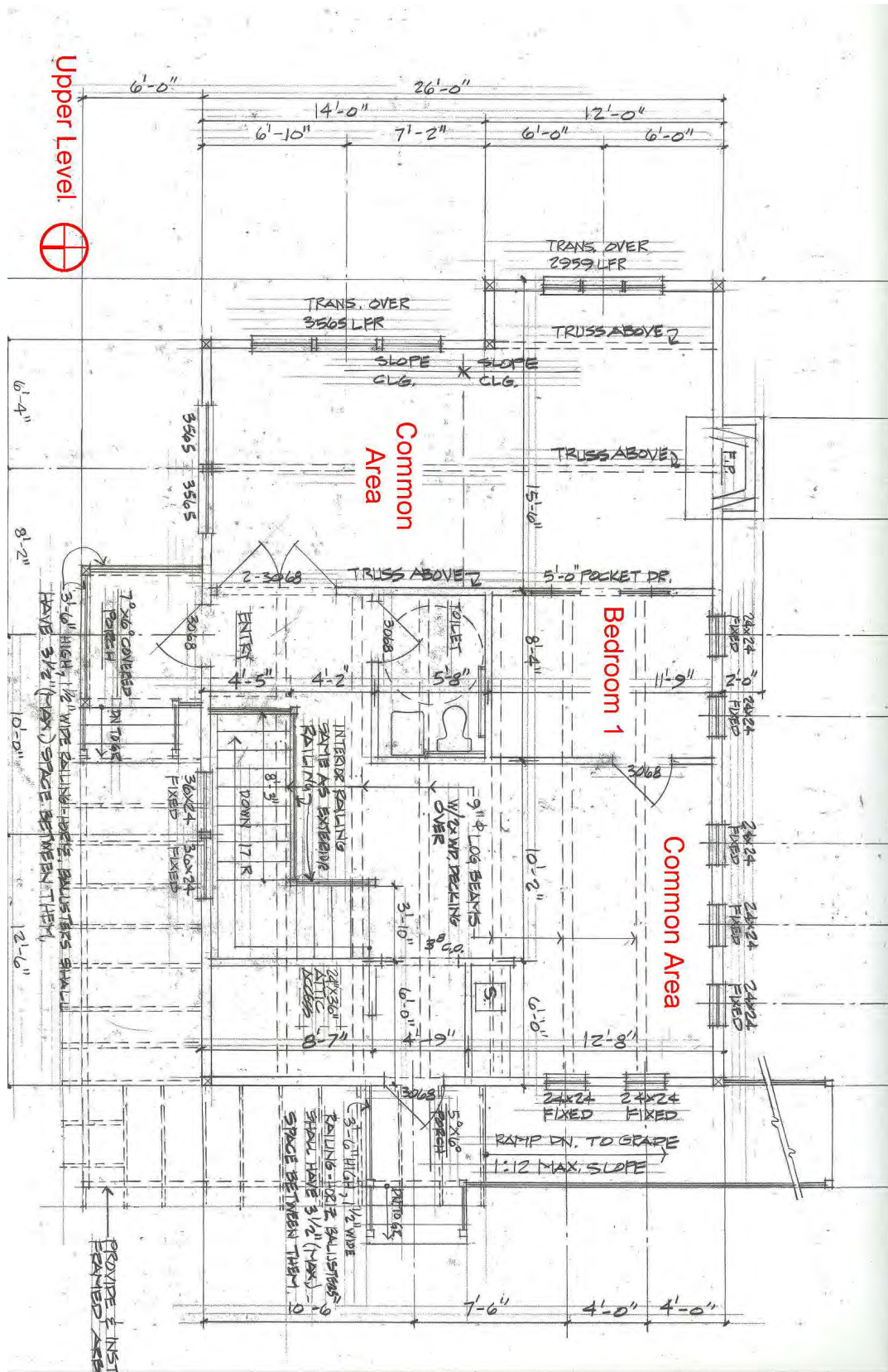
March 30, 2023

24

SP2023-004

March 30, 2023

25



SITE PHOTOS, TAKEN BY STAFF, DATED FEBRUARY 10, 2023





PROCLAMATION

- WHEREAS,** on March 22, 1972, President Nixon signed into law a measure that amended the Older Americans Act of 1965 to include a national nutrition program for individuals 60 years and older; and
- WHEREAS,** for more than five decades, this landmark law has helped to fund community-based organizations – like Meals on Wheels – and it is still the only federal program designed specifically to meet the nutritional and social needs of older adults; and
- WHEREAS,** this year, Meals on Wheels programs from across the country are joining together for the March for Meals awareness campaign to celebrate its success and garner the support needed to ensure these critical programs can continue to address food insecurity and malnutrition, combat social isolation, enable independence, and improve health for years to come; and
- WHEREAS,** Meals on Wheels programs – both congregate and home-delivered, in Kansas City, Kansas, have served our communities admirably for over 40 years; and
- WHEREAS,** volunteers for Meals on Wheels programs in Kansas City, Kansas, are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation but also caring concern and attention to their welfare; and
- WHEREAS,** Meals on Wheels programs in Kansas City, Kansas, provide nutritious meals to seniors throughout Kansas City, Kansas, that help them maintain their health and independence, thereby helping to prevent unnecessary falls, hospitalizations, and/or premature institutionalization; and
- WHEREAS,** Meals on Wheels programs in Kansas City, Kansas, provide a powerful opportunity for social connection for 648 seniors to help combat the negative health effects and economic consequences of loneliness and isolation; and
- WHEREAS,** Meals on Wheels programs in Kansas City, Kansas, deserve recognition for the heroic contributions and essential services they have provided amid the COVID-19 pandemic, inclement weather, and other emergencies; and
- WHEREAS,** the senior population is increasing substantially. Action is needed now to support local Meals on Wheels programs through federal, state, and local funding; volunteering; donations; and raising awareness to ensure these vital services can continue to be delivered for years to come.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim March 2023, as:

“21st ANNUAL MARCH FOR MEALS MONTH”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to take cognizance of this event and participate fittingly in its observance. 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



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** Marion and Gardner Parker, Sr. settled in Kansas City, KS in 1957 after Gardner retired from the army. They raised three children: Gardner Earl, Vivienne Noel, and Wendell Anthony; and
- WHEREAS,** Marion is the eldest daughter of seven children born to Ella and Willie Townsend. They are Willie Townsend, Jr; Marion Townsend Parker; Hildred Townsend, Sr; Alphonse Townsend Parker; Floyd Townsend; Hattie Townsend Spears; Sylvester Townsend. Marion's career and her passion for nurturing children began while caring for her younger siblings; and
- WHEREAS,** Marion and Gardner (affectionately known as "Mommy Parker" and "Big Daddy") opened their hearts and their home at 1046 Grandview Blvd to care for the young children of working parents. Many of these children have grown up and become successful citizens living in Kansas City, KS; and
- WHEREAS,** Marion and Gardner were married just shy of 65 years, until Gardner's passing in 2002. Marion was a long-time member of Metropolitan Baptist Temple in Kansas City, KS before re-locating to Cleveland, OH in 2005; and
- WHEREAS,** Marion Parker is celebrating her 100th birthday on March 27, 2023. She is lovingly celebrated as a precious gift to her family, friends, and the many children she cared for.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim March 27, 2023, as:

"Marion Parker 100th Birthday Celebration"

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Marion Parker. 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



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** annually during the month of March we celebrate the achievements, contributions, and progress of women and girls in the United States and around the globe; and
- WHEREAS,** each year, Women's History Month offers an important opportunity for us to celebrate our extraordinary legacy of trailblazing women and girls who have built, shaped, and improved upon our community; and
- WHEREAS,** as a result of the pandemic, women have been hardest hit with many seeing previous economic gains erased given their responsibilities to their families, both immediate and extended, who were most disproportionately impacted; and
- WHEREAS,** many women were charged with managing their homes and maintaining a sustainable income while balancing the educational and social needs of school-aged children; and
- WHEREAS,** COVID-19 has devastated the poorest and most marginalized women the hardest and makeup 50.2% of the Wyandotte County population; and
- WHEREAS,** Wyandotte County | Kansas City, KS Unified Government (UG) employs over **703** women residing in the local area who contribute greatly to our organization; and
- WHEREAS,** our local awardees have enacted policy, provided community service, and partnered with other agencies in our community to provide support to residents and other women from underserved and/disadvantaged circumstances for many years throughout their careers; and
- WHEREAS,** the world comes together annually during the month of March to celebrate women's social, economic, cultural, and political achievements and to reinforce our commitment to women's equality.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the month of March 2023, as:

“Women’s History Month”

in Wyandotte County/Kansas City, Kansas, and we reaffirm our commitment to support women in our community, workplace, schools, and colleges; enabling our daughters, sisters, mothers, and friends, equitable access to all the resources available which enable women to thrive. 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. 212377

Full Commission Meeting Date: 03/30/23

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 03/24/2023	<u>Contact Name:</u> Ana Marin	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> amarin@wycokck.org	<u>Department/Division:</u> Mayor's Office
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Item Description:

Recognition of three notable women from Wyandotte County in honor of Women's History Month, submitted by Tyrone A. Garner, Mayor/CEO.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Womens History Month 2023 Presentation (002)

PRESENTATION NAME

Women's History Month Mayor Tyrone Garner's Wyandotte County Honorees

MARCH 2023



Irene Caudillo



- Immediate Past President/CEO El Centro, Inc. after 10 years of leadership
- Nonprofit program developer in Wyandotte County since receiving her Master of Public Administration from UMKC
- After a leadership role in KC, MO, she returned to Wyandotte County as the Executive Director for Youth Opportunities Unlimited, Inc.
- Also held leadership roles at Catholic Charities and Swope Health Services during her career

Ladora Yvonne Lattimore



- Former Executive Director/CEO of Friends of Yates, Inc. after 33 years of leadership
- Led the transition from Yates Branch YMCA to the Friends of Yates, Inc.
- Developed the Black Men & Women of Distinction Program, in recognition of Black History Month now in its 43rd year when she joined the Yates Branch YMCA in 1980
- She also developed the first and only shelter for Battered Women and their Children in Wyandotte County (now operating as Friends of Yates, Inc.) that same year
- Sumner High School and Northeast Junior High School Alumni

Kathy Wolfe Moore



- Former Kansas State Representative, District 36 after serving 12 years
- Current External Liaison for the University of Kansas Health System
- Previous Chief of Staff to Mayor Carol Marinovich
- Attended the University of Kansas receiving a BSW in Social Welfare and MSW, Social Work
- Attended Bishop Ward H.S., Kansas City, KS



Staff Request for Commission Action

Tracking No. 212336

Full Commission Meeting Date: 3/30/23

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 03/21/2023	<u>Contact Name:</u> LaVert Murray	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> lmurray@wycokck.org	<u>Department/Division:</u> Mayor's Office
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Item Description:

Pursuant to K.S.A. 65-3405 and Section 2-511 of the Unified Government Code of Ordinances, the Unified Government of Wyandotte County/Kansas City, Kansas, must have a Solid Waste Management Committee (SWMC) responsible for creating a county-wide solid waste plan. Section 2-512 prescribed that the committee shall be comprised of 11 members appointed by the Unified Government Commission. The attached Memorandum sets out in more detail the nominations, terms of office and powers of the committee.

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Memo - solid waste noms, solid waste noms



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

MEMORANDUM

To: Tyrone Garner, Mayor/CEO
From: LaVert A. Murray, Economic Development Advisor 
Date: March 14, 2023
Subject: Solid Waste Management Committee Nominations

Pursuant to K.S.A 65-3405 and Section 2-511 of the Unified Government Code of Ordinances, the Unified Government of Wyandotte County/Kansas City, Kansas, must have a Solid Waste Management Committee (SWMC) responsible for creating a county-wide solid waste plan.

Section 2-512 prescribes that the SWMC shall be comprised of 11 members appointed by the unified government commission, with position number one being jointly nominated by the mayors of Edwardsville and Lake Quivira and position number two to be nominated by the mayor of Bonner Springs. **Zack Daniel**, Edwardsville city clerk has accepted the appointment for Lake Quivira and Edwardsville (position 1) and **Christina Brake**, Bonner Springs city clerk, has accepted the appointment representing Bonner Springs.

Position number three shall be nominated by the Mayor/CEO of the unified government to represent the unincorporated area of the county and your appointee, **Bridgette Williams** has accepted your offer of appointment. Positions numbers four, five, six, seven and eight shall be nominated by the mayor/CEO of the unified government to represent the city, and your nominees have accepted your nomination. They are **Commissioner Tom Burroughs**, **Nancy Zielke**, **Don Jones**, **Rusty Roberts** and **Bill Johnson**.

Position number nine shall be nominated by the mayor/CEO of the unified government and be a representative of the solid waste contractor. Your appointee for this position is **John Blessing** and he has agreed to accept the appointment.

Position number ten shall be nominated by the mayor/CEO and be a representative of the landfill servicing the solid waste contractor. **Mr. Mike Hey**, of Waste Management, has agreed to conditionally accept the appointment.

Position number eleven shall be the deputy director of public works of the unified government and **Mike Tobin** has agreed to accept the appointment.

Terms shall be for four years and the officers of the SWMC shall consist of a chairperson, a chairperson-elect, and a secretary and treasurer. The chairperson and chairperson-elect shall be appointed by the mayor/CEO and the secretary and treasurer shall be elected by and from the committee members. The chairperson and chairperson-elect shall be **Bridgette Williams** and **Nancy Zielke**, respectively.

701 North 7th Street, Suite 926
Kansas City, Kansas 66101
Phone: (913) 573-5010
Email: mayorgarner@wycokck.org

The solid waste management committee shall have the power to prepare a solid waste management plan for the county and submit it to the unified government commission for its review and approval, to review the plan at least annually, to provide to the unified government commission a report containing the results of the annual plan review, including recommendations for revisions to the plan, and such other powers and duties conferred by statute or not otherwise prohibited.

Staffing for the SWMC will be assigned by the County Administrator and he will give oversight to its operation and management. There may be other appropriate assignments and duties presented to the committee for consideration.

A listing of all appointees, along with contact information and addresses is attached. The appointees names follows:

- Zack Daniels
- Christina Brake
- Bridgette Williams
- Commissioner Tom Burroughs
- Nancy Zielke
- Don Jones
- Rusty Roberts
- Bill Johnson
- John Blessing
- Mike Hey
- Mike Tobin



**Unified Government of
Wyandotte County/Kansas City, Kansas**

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926
Kansas City, Kansas 66101
(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Caiharr and
Mayor Lila

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Zack Daniel

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY
REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY
PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER
APPLICATIONS WERE SUBMITTED.



Unified Government of
Wyandotte County/Kansas City, Kansas

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926
Kansas City, Kansas 66101
(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Harrington

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Christina Brake

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY
REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY
PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER
APPLICATIONS WERE SUBMITTED.



**Unified Government of
Wyandotte County/Kansas City, Kansas**

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926
Kansas City, Kansas 66101
(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Bridgette Williams

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY
REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY
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Unified Government of
Wyandotte County/Kansas City, Kansas

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926
Kansas City, Kansas 66101
(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Commissioner Tom Burroughs

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY
REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY
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Unified Government of
Wyandotte County/Kansas City, Kansas

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926
Kansas City, Kansas 66101
(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Nancy Zielke

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY
REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY
PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER
APPLICATIONS WERE SUBMITTED.



Unified Government of
Wyandotte County/Kansas City, Kansas

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926
Kansas City, Kansas 66101
(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Don Jones

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY
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(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Bill Johnson

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Wyandotte County/Kansas City, Kansas**

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(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Rusty Roberts

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

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NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: John Blessing

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY
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NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Mike Hey

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY
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Kansas City, Kansas 66101
(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: 03-14-2023

BOARD POSITION: Solid Waste Management Committee

INCUMBENT REPLACED: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Mike Tobin

TERM OF OFFICE: 4 year term

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Staff Request for Commission Action

Tracking No. 212358

Full Commission Meeting Date: 3/30/23

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: Yes

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
03/23/2023	James Bain	x5077	jbain@wycokck.org	Legal

Item Description:

Project Name: Bridge 311 Reconstruction Project No. 105-U-2436-01

The Commission adopted resolution No. R-63-22, declaring the project to be a necessary, valid public improvement project and authorizing a survey to identify and describe the property to be acquired. The project includes the following improvements: laying-out, reconstruction, expansion, repair, maintenance, operation, and use of the Thorne Drive Improvement Project, including the replacement of Bridge 311 over Barber Creek, submitted by E. James Bain, Assistant Counsel. The Ordinance directs the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for the project.

Action Requested:

To approve the ordinance.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

3. Ordinance Bridge 311

First Published: _____

ORDINANCE NO. _____

AN ORDINANCE condemning real property and/or real property rights for the for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the Thorne Drive Improvement Project, including the replacement of Bridge 311 over Barber Creek, (Project No. 105 U-2436-01) in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

**BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

1. The following described real property and/or real property rights are hereby condemned and appropriated to the Unified Government of Wyandotte County/Kansas City Kansas for the location, laying-out, reconstruction, expansion, repair, maintenance, operation and use of the Thorne Drive Improvement Project, including the replacement of Bridge 311 over Barber Creek, (Project No. 105 U-2436-01) in Kansas City, Wyandotte County, Kansas, to-wit:

Real Property and Real Property Interests to be Acquired:

Project Tract A

Parcel Address: 5900 Thorne Drive
Wyandotte County Parcel I.D. 922100
Fee Simple Owner: Kaw Valley Sand & Gravel, Inc.

Fee Simple for Road Right of Way:

A Tract of land lying and situated in the Northeast Quarter of Section 23, in Township 11 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being described by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North line of said Section 23 having a bearing of South 87° 59' 41" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

Commencing at the Northeast corner of Section 23, Township 11 South, Range 24 East, monumented by a found 2-inch aluminum cap marked CLS 175; Thence South 87° 59' 41" West, 2136.03 feet, on the North line of said Section 23, to its intersection with the Northerly prolongation of the West line of a Right-of-Way taken, as described in an instrument recorded in Book 1813 at Page 165; Thence South 35° 29' 41" West, 323.09 feet, on said Northerly prolongation, and said West line, to the POINT OF BEGINNING of said Tract herein described; Thence continuing South 35° 29' 41" West, 171.91 feet, on said West line to the North Right-of-Way line of Joshua Thorne Road, as established in County Road Record Book C, Page 138;

Thence South 87° 59' 41" West, 63.02 feet, on said North Right-of-Way line; Thence North 35° 29' 41" East, 220.20 feet, to the beginning of a non-tangent curve concave to the Northeast and having a radius of 592.91 feet; Thence southeasterly an arc length of 14.98 feet on said curve, having a chord bearing of South 55° 02' 35" East, and a chord distance of 14.98 feet; Thence South 34° 13' 58" West, 18.22 feet; Thence South 67° 45' 19" East, 35.56 feet, to the POINT OF BEGINNING, said Tract containing 9,563 square feet, or 0.2195 acres, more or less.

AND

A Tract of land lying and situated in the Northeast Quarter of Section 23, in Township 11 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being particularly described by metes and bounds as follows:

Note: For course orientation the bearings in this description are based on the North line of said Section 23 having a bearing of South 87° 59' 41" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

Commencing at the Northeast corner of Section 23, Township 11 South, Range 24 East, monumented by a found 2-inch aluminum cap marked CLS 175; Thence South 87° 59' 41" West, 2009.98 feet, on the North line of said Section 23, to its intersection with East Right-of-Way line of Joshua Thorne Road, as established in County Road Record Book C, Page 138; Thence South 35° 29' 41" West, 545.42 feet on said East Right-of-Way line; Thence South 87° 59' 31" West 52.27 feet, on said East Right-of-Way line, to the POINT OF BEGINNING of said Tract herein described; Thence Southwesterly, on a curve to the right, having a radius of 180.00 feet, an arc length of 44.40 feet, along the West edge of an existing gravel road, said curve having a chord bearing South 44° 25' 13" West, 44.29 feet; Thence South 51° 29' 15" West, 86.28 feet, along said West edge of road; Thence North 39° 17' 40" West, 102.90 feet, to the South Right-of-Way line of said Joshua Thorne Road; Thence North 87° 59' 43" East, 163.78 feet, to the POINT OF BEGINNING, said Tract containing 6,979 square feet or 0.1602 acres, more or less.

Project Tract B

Parcel Address: No Property Address

Wyandotte County Parcel I.D.: No Parcel Number

Fee Simple Owner: Kaw Valley Drainage District

Fee Simple for Road Right of Way:

A Tract of land lying and situated in the Northeast Quarter of Section 23, in Township 11 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being particularly described by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North line of said Section 23 having a bearing of South 87° 59' 41" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

Commencing at the Northeast corner of Section 23, Township 11 South, Range 24 East, monumented by a found 2-inch aluminum cap marked CLS 175; Thence South 87° 59' 41" West, 2136.03 feet, on the North line of said Section 23, to its intersection with the Northerly prolongation of the West line of a Right-of-Way taken, as described in an instrument recorded in Book 1813 at Page 165; Thence South 35° 29' 41" West, 31.51 feet, on said Northerly prolongation, and said West line, to the POINT OF BEGINNING of said Tract herein described; Thence continuing South 35° 29' 41" West, 339.88 feet, on said Northerly prolongation and said West line; Thence North 57° 14' 51" West, 33.74 feet; Thence North 34° 13' 58" East, 41.78 feet; Thence North 67° 45' 19" West, 15.80 feet; Thence North 35° 29' 41" East, 264.99 feet;

Thence North 87° 59' 46" East, 63.02 feet, to the POINT OF BEGINNING, said Tract containing 15,455 square feet, or 0.3548 acres, more or less.

AND

Temporary Construction Easement:

A Tract of land lying and situated in the Northeast Quarter of Section 23, in Township 11 South, Range 24 East of the Sixth Principal Meridian, in the City of Kansas City, Wyandotte County, Kansas, said Tract being particularly described by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the North line of said Section 23 having a bearing of South 87° 59' 41" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

Commencing at the Northeast corner of Section 23, Township 11 South, Range 24 East, monumented by a found 2-inch aluminum cap marked CLS 175; Thence South 87° 59' 41" West, 2136.03 feet, on the North line of said Section 23, to its intersection with the Northerly prolongation of the West line of a Right-of-Way taken, as described in an instrument recorded in Book 1813 at Page 165; Thence South 35° 29' 41" West, 31.51 feet, on said Northerly prolongation, and said West line; Thence South 87° 59' 46" West, 63.02 feet, to the POINT OF BEGINNING of said Tract herein described; Thence South 35° 29' 41" West, 243.29 feet; Thence North and Westerly along a curve to the right (concave to the Northeast), with a radius of 592.91 feet, an arc length of 10.00 feet, chord bearing of North 53° 50' 09" West and chord length of 10.00 feet; Thence North 35° 29' 41" East, 235.50 feet; Thence North 87° 59' 46" East, 12.60 feet to the POINT OF BEGINNING, said Tract containing 2,394 square feet, or 0.0550 acres, more or less.

2. It is hereby found that the costs of this project will be paid by Unified Government of Wyandotte County/Kansas City, Kansas and the Kansas Department of Transportation.
3. The Chief Counsel of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby ordered and directed forthwith to commence proceedings for the acquisition of the real property and/or real property rights described above and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
4. This ordinance shall take effect and be in force after its passage, approval and publication.

ADOPTED BY THE COMMISSIONERS OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS ____DAY OF _____2023.

Tyrone Garner
Mayor/CEO

Attest:

Brett A. Deichler
Unified Government Clerk

Approved as to form:

Misty Brown
Chief Counsel



County Administrator's Office

Cheryl Harrison-Lee
Interim County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/24/23

BOARD POSITION: Wyandotte County Park Board

INCUMBENT REPLACED: Vacant

ADDRESS: n/a

TERM EXPIRATION DATE: 3/31/2023

APPOINTING COMMISSIONER: Commissioner Markley

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Jane Philbrook

ADDRESS: [REDACTED]

CELL NUMBER AND EMAIL ADDRESS: [REDACTED]

TERM OF OFFICE: 3/2/23 – 12/31/23

Angela R Markley

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.



Interim County Administrator's Office
Cheryl Harrison-Lee

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/21/23

BOARD POSITION: Planning & Zoning Commission

INCUMBENT REPLACED: Susannah Pauley

ADDRESS: [REDACTED]

TERM EXPIRATION DATE: 12/31/23

APPOINTING COMMISSIONER: Commissioner McKiernan

REVIEW DATE (7 business days): 2/23/23

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Rosemary Eilts

ADDRESS: [REDACTED]

CELL NUMBER AND EMAIL ADDRESS: [REDACTED]

TERM OF OFFICE: 3/2/23 TO 12/31/2023

Brian McKiernan

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Interim County Administrator

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Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/24/2023

BOARD POSITION: Wyandotte/Leavenworth Advisory Council on Aging

INCUMBENT REPLACED: VACANT

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Tom Burroughs

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Carlen Davis

ADDRESS: [REDACTED]

CELL NUMBER AND EMAIL ADDRESS: [REDACTED]

TERM OF OFFICE: 3/2/2023 - 12/31/2025

SIGNATURE OF APPOINTING COMMISSION MEMBER

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Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

DATE: 2/24/23

BOARD POSITION: Housing Authority

INCUMBENT REPLACED: LaDora Lattimore

ADDRESS: _____

TERM EXPIRATION DATE: _____

APPOINTING COMMISSIONER: Commissioner Burroughs

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Carla Whiteside-Hicks

ADDRESS: [REDACTED]

CELL NUMBER AND EMAIL ADDRESS: [REDACTED]

TERM OF OFFICE: 3/2/23 – 12/31/25

SIGNATURE OF APPOINTING COMMISSION MEMBER

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

REGULAR SESSION
JUNE 9, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, June 9, 2022, with eight members present: Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following members were absent: Bynum, Commissioner At-Large First District; Ramirez, Commissioner Third District; and Markley, Commissioner Sixth District. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Patrick Waters, Deputy Chief Counsel; Casey Meyer, Senior Counsel; Bridgette Cobbins, Assistant County Administrator; LaVert Murray, Chief Economic Development Advisor; Reginald Lindsey, Budget Director; Laura Cromwell, Fiscal Officer, Police Dept.; Michael Callahan, Police Chief; Monica Sparks, Acting UG Clerk; and Terri Kimble, UG Clerk's Office.

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

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. Clerk, could you please give the call roll.

Roll call: McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend, Garner.

Mayor Garner said the invocation is going to be given 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. A blue sheet has been issued removing Items 2, 3, and 4 from the Standing Committee Agenda. Those are all the revisions.

MAYOR'S AGENDA

Item No. 1 – 211532...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 lobby 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 I will open the public comment and I'll ask the Clerk to provide a synopsis indicating how many comments were submitted to the Clerk's Office. **Monica Sparks, Acting UG Clerk**, said we have five individuals who signed up in the lobby here in the chambers to speak, and we have two individuals who've requested to speak online.

Mayor Garner said staff will call your name for any resident that wants to speak. You can come to the podium. Once you've been acknowledged, we ask that you provide your name and city of residency for the record. You'll be given two minutes to state your comments. Staff will announce that you have been given one minute remaining so you can wrap up your comments.

This meeting will be conducted in accordance with the Rules of Procedure. If your remarks are determined to be out of order, I shall instruct the speaker to stop making such remarks and declare them to be out of order. Derogatory and improper language or remarks that

are offensive will not be tolerated. If you persist with such derogatory statements, you may be asked to leave the commission chambers. All your comments will not be entered into record.

I'll turn it over to the Clerk at this time.

Ms. Sparks said our first speaker is Desiray Bush.

Desiray Bush, Kansas City, KS, said tonight, I would like to recommend two projects to you all. First, there's an issue with the trash. Over the past couple of years, I've noticed so much trash within Wyandotte County, particularly on the east end. As we know, trash can be a common nuisance to our urban area. I would like to propose the Community Beautification Unit. Now, this unit can potentially be housed in the SOAR or Livable Neighborhoods Program. The purpose of the unit, or the projects of the unit, would include trash pickup, flags and signage, something comparable to what we see on Minnesota Avenue, to increase community morale.

This can be a hub for a new code violation program/class, which I'll call the property of etiquette class. This class would be offered to those individuals who are ongoing code violators. If you think about it, it is additional revenue for our city...**Ms. Sparks** said one minute remaining.

Ms. Bush said also, we could partner with Livable Neighborhoods, NRC, also the Sheriff's Office and District Court for those folks who are in jail for minor issues such as like tickets or community service for folks who need to face a certain sentence.

The second recommendation I have is a lot of our folks want to see fireworks in our community. A lot of people leave the county, including myself, to go see fireworks display. Turner Recreation and Bonner Springs pay for community fireworks display. I would like to propose that Parks & Rec Department host annual fireworks displays for our public. Again, potential revenue. For example, parking permit fee, or you could purchase your ticket online, or it could be free, either/or. A theme I thought about for such a proposal would be...**Ms. Sparks** said your time has expired.

Ms. Bush asked, may I ask for another just 30 seconds, a minute? **Mayor Garner** said no, ma'am.

Ms. Sparks said our next speaker is Shirley Wainwright.

Shirley Wainwright, 408 Haskell, said I know that some people have been getting buildable lots from Land Bank approved. May I go and submit my application for approval for a yard extension? That's the question I'm asking, to apply for an application.

Mayor Garner said you can continue with your statement. This is an input and recommendation, so you would make your statement. This isn't a meeting where we answer questions during this meeting.

Ms. Wainwright said that's what I was asking about. **Mayor Garner** said what you can do is, I'll take your information, or I'll have someone from my staff, and then we'll get back with you on it, okay, to answer your question.

Ms. Sparks said our next speaker is Curtis Martin.

Curtis Martin, 3071 N. 32nd, said I've been a lifelong resident of Wyandotte County. With all due respect, this new Mayor-elect had my vote and I respect him being in the position he's in. I'd like to make a request that all you commissioners get onboard and follow his route.

Furthermore, we need a transfer station for trash in Wyandotte County. People have to drive too far out to dump their trash, that's why they're dumping on the side of the roads and in the streets. It would be good if we had some transfer stations so people can pay to dump their trash.

Another issue is the BPU situation. On our bills, since 2006, we have been paying an access charge because we're connected. Everybody gets a monthly fee, whether they use utilities or not, on the average amount of \$40 per month times the 68,000 plus customers...**Ms. Sparks** said one minute remaining.

Mr. Martin said this is over \$3M a month that they're collecting, and nobody knows where this money is going. Bill Johnson said the money was going toward renewing the electricity, maybe the telephone wires and stuff in that area, but there's nothing been done since 2006. Here and there a few spots have. This access charge needs to be taken off our light bills so people can be able to pay their bills because it's getting strenuous.

The stormwater amount they're putting on our bills started off with \$4 a month; now it's \$14 a month times 68,000 customers. That's a lot of money too they're getting and nobody

knows where it's going. So, I'd like for the commissioners to look into that situation and do something about it because it's getting ridiculous.

Ms. Sparks said our next speaker is Reginald Jones.

Reginald Jones, 1220 Cleveland, said there's a couple of things I want to say. One, I want to make the record clear to Mrs. Gayle Townsend and Brother Johnson, Mr. Johnson, Harold Johnson. I just want to apologize to you on the comments that I made last month. I know you've been working tirelessly in the community; both of you. I just want to let you know that, but I was just kind of rambunctious. I wanted to say things about you being visible; not being visible in the community. I know you are, but it's really a dire need that we see you more in the community. Gayle, Ms. Townsend, I seen you the day before yesterday and I just wanted to say thank you. You made yourself available in the community. **Ms. Sparks** said one minute remaining.

Mr. Jones said there's about three things I want to say. One is that, to the commissioners in the Fourth District and then, I think, in the Fifth District, there's a couple of things that I've noticed. I just want to be your ears and your eyes in the community. There's one—there's a couple of problems. One, there needs to be more speedbumps around Caruthers Elementary School. They have them in all the other elementary schools. They need speedbumps. They do a lot of speeding in the area.

Number two, they need to have a tree that's in the vicinity of Heathwood, over the waterpark. It's dangerous. It needs to be cut down or something is going to fall on the kids.

The last is, they need to have a track and field at Caruthers Elementary School. Just been built a year ago. They have been practicing on the street. **Ms. Sparks** said your time has expired.

Mr. Jones said on the land and then in the grass and everywhere, so I just want to make that known that these are things that need to be attended to around the community.

Ms. Sparks said our next speaker is Carolyn Wyatt.

Carolyn Wyatt, 359 Troup, said a few things I want to say about Boston Daniels Park—her name is Ms. Daniels. Anyway, she had a 3-on-3 scheduled at Kensington Park, at Kensington Recreation Center. The staff had her change her 3-on-3 after she had it all scheduled, ready to go. People come there but they said they didn't have staff. I did talk to the guy that works there and he said he would, but they're not asking anybody. They're not saying, would you mind working overtime or whatever to get it done. She had a 3-on-3. They told her to cancel it until August. So now, she had to cancel that 3-on-3 to August.

Also, I had a summer program scheduled for Beatrice Lee. After I got it all scheduled, got people, applications in, got everything scheduled, ready to go because I did a spring...**Ms. Sparks** said one minute remaining.

Ms. Wyatt said anyway, they cancelled that and they let YMCA have a summer program there. So, our youth that was scheduled to be there, they couldn't have a summer program. So, the staff, like I say, they're not working with us. They're trying to say that the gyms are empty so why are we having these gyms. They're trying to make them empty because they're working against us. We're trying to—they're charging people so much money to use the gym. If you live in Wyandotte County and you're running a basketball league there, not a league would practice. They want to charge you \$35 an hour just to come and practice. Why should our kids have to pay? The one that gets it for them pay \$35 an hour just to practice when the gym is sitting empty all the time...**Ms. Sparks** said your time has expired.

Ms. Wyatt said gyms are empty and they're trying to make them look like that, so I think you need to check into that and make sure that our kids have a safe place to go, and we should have our summer camp.

Ms. Sparks said we have Evelyn Hill online.

Dr. Evelyn Hill, Kansas City, KS, said I am here tonight as the Director of Equity and Justice at Avenue of Life. I am also a member of the Mayor's Housing Task Force and the Justice and Equity Coalition. I'm really just speaking and I have in support of the presentation that will be made by Amber Adams and the United Churches for Justice. We want to make sure that everyone knows that we support proposal one of the affordable housing and equity trust fund, increasing housing equity in the historically redlined areas in Wyandotte County. And proposal

two, hiring the national network and safety communities to provide...**Ms. Sparks** said one minute remaining.

Dr. Hill said to provide technical assistance to implement group violence intervention in Wyandotte County. So excited I went to the event. I saw the Mayor. Over 600 people in attendance. Very exciting event. Thank you to all our commissioners and Mayor for the work that you do.

Ms. Sparks said our next speaker is Maddie Waldeck.

Maddie Waldeck, Bonner Springs, KS, said at last month's public comments, several acquisitions were made against the commissioners with one of the acquisitions being the commissioners are not accessible and visible in the community. A few weeks ago, I emailed Commissioners Bynum, Burroughs, and Townsend about a concern that my parents had in their neighborhood at 57th & Leavenworth Rd. All three commissioners responded within 24 hours. Commissioner Townsend even drove by the area of concern and followed up with a phone call to my parents. This is the type of responsiveness you don't typically see in larger cities and counties. I have personally reached out to Commissioners Stites, who is my commissioner, about a concern that I had and, again, he reached back out to me in less than 24 hours.

I routinely see all commissioners at community events and see their strong social media presence and accessibility. It is important for this Commission to know that these complaints lodged against you may be the experience of some, but certainly does not represent the experience of all.

Secondly, please do not accept the...**Ms. Sparks** said one minute remaining.

Ms. Waldeck said please do not accept the revenue neutral rate. The revenue neutral rate does not take into consideration a growing community with an infrastructure that is crumbling. Factor the growth and allocate those dollars toward infrastructure.

Lastly, I would encourage this Commission, Mayor, and Administrator to take a very strong look at the cost savings this organization is realizing on the backs of the very overworked and undervalued staff. Having over 200 vacant positions is saving this organization a lot of money. At \$15 an hour, with a 30% benefit rate for 12 months for 200 positions totals \$8.1M conservatively. It's my recommendation you repurpose those dollars to recognize the

hardworking staff who work tirelessly to ensure continuity of service during an especially difficult time. You could comfortably give each employee in this organization a sizable reward and still capture cost savings.

Ms. Sparks said we have Rose online.

Rose Eilts, Strawberry Hill, said I just have a couple of things I wanted to mention and probably ask for help on. The first thing is safety. We're having a big problem, a big increase in gunfire, shots fired up on Strawberry Hill, specifically in front of St. John's Baptist Church, resulting in an almost deadly experience last night. I wanted to see what we could do, as a neighborhood association or neighbors, to help the UG curb this violence. I'd really like to try and get some traction on this problem, getting together with whoever the stakeholders are and the staff that could help get this resolved. I realize it's an uphill battle and a never-ending one. **Ms. Sparks** said one minute remaining.

Ms. Eilts said then the other problem, of course, is the 505 Central Development Project. I know they're in the process of negotiating incentives with the UG right now. I feel like these developers who come in from outside of Wyandotte County and want to try and use up our resources and get us to pay for them to do that, it's an untenable situation. The UG can't afford that, and I'd like to see any kind of incentives for that project denied. I know we need development; we need more housing. This just isn't the way to do it.

Ms. Sparks said we have Jerri Hessel online.

Jerri Moulder Hessel said my husband and I, Buck Hessel, have submitted to the Mayor and to all the commissioners, and to Pam Curtis and David Haley, our list of items that we feel are important about the funding for 505 Central Luxury Highrise, 8-story complex. We are not in support of this complex, and I can list several neighborhood groups that are not in support of this complex. The last thing we want to do is to see our public funds and public dollars going to support this project when they're not building in conformity to what the neighborhood wants. It is our sincere plea that you honor the constituents of this community and support our desire to limit the scope and size of this development. We are offering a valid compromise for the public

good of our community. It is our intention to inform all homeowners and the public surrounding this development of the financial...**Ms. Sparks** said one minute remaining.

Ms. Hessel said of the financial incentives and giveaways the UG is offering to the developers, which serve only to increase Sunflower Development, the owners, and the investors' profit and serve no public good.

Ms. Sparks said, Mayor, we have no other requests to speak.

A Woman in the audience said (inaudible). **Mayor Garner** said come to the podium and state your name and address.

Mata Townsend, 553 Freeman Ave., said I am also an AmeriCorps VISTA member currently serving as a Communications Coordinator for GroundWorks NRG, a small but mighty non-profit organization. Last week a concern was raised about trails being proposed for the Northeast corridor. I'll paraphrase the question, why do we need trails? That money would be better spent on community centers, playgrounds, parks, and other things that our children in the community so desperately need. First, I'm glad someone voiced that concern to you, our local governing body, because I completely agree that we need all of those things and a lot, lot more.

I'm originally from Flint, MI, so I know about cities in desperate need. I've lived here for 10 years now. In the 10 years I've lived here, I've not seen a lot of improvement, at least not in the lives of the everyday, ordinary citizens. Even though I think that is shameful and inexcusable...**Ms. Sparks** said one minute remaining.

Ms. Townsend said I don't have time to address the lack of progress. Just so you know, I'm doing something about it: cleanups, food drives, building playgrounds, etc., to help coordinate. I also helped coordinate two community festivals for the Northeast Kansas City, KS Heritage Trail. That trail is why I'm here tonight.

I'm here tonight to tell you and everyone who will listen with an open heart and ears what trails are good for. Build trails can be an economic engine. There are obvious physical and mental health benefits, especially when you consider that people live in the Northeast corridor die up to 20 years earlier due to lack of green infrastructure, etc. There is community pride. It attracts tourists and visitors and new residents. It helps property valuations and connects

communities. I know the UG already values this. I know because in 2018, you took the time to create the NEAMP. **Ms. Sparks** said your time has expired.

Ms. Townsend said (inaudible) is my bible. So I say to you, get that build back better money and build as a beacon of light and a jewel everyone wants to see called the historic Northeast Kansas City, KS Heritage Trail.

Mayor Garner said if you'd come forward one at a time. If you come to the front, those of you who still want to speak, if you have a desire to speak, just come to the front on the front row and we'll take you one at a time. Just please state your name and your address for the record.

Mischon Arrington, 1309 N. 79th Terr., Churches United for Justice, said we signed up online. Churches United for Justice is an ecumenical, non-profit that seeks to be a voice for Wyandotte County. We began by holding listening sessions to understand the problems of our community. From there, we came to a consensus of seeking to better understand the needs of housing and violence in Wyandotte County. We effectively researched with experts and community partners to better understand how these issues were having an impact on our community. We met with over 15 various organizations and experts to learn about the problems at hand. We asked about solutions that seem to be currently in conversation among Unified Government departments and officials as well as community partners.

We want Churches United to help be a voice among unheard voices throughout Wyandotte County. We were able to have this happen through our inaugural Nehemiah Action this past Tuesday, June 7th, at the Mt. Carmel Church of God in Christ. At the Nehemiah Action, Mayor Garner agreed to help us to bring proposals to the full Commission by September 20, 2022. Our housing proposal is the creation of an affordable housing and equity trust fund. This will not only help with the development of...**Ms. Sparks** said you have one minute remaining.

Ms. Arrington said would increase and promote homeownership in Wyandotte County with an emphasis in historically redline communities.

The violence proposal is to hire the National Network on Safe Communities to provide technical assistance to bring group violence intervention, GVI, to Kansas City, KS. GVI is an effective method for crime reduction that is recognized by the Department of Justice that has

been proven to reduce violent crime by up to 60% in cities where it has been implemented. Thank you for your time, and we look forward to working with you all.

Judy Ancel, 4014 Metropolitan Ave., said I come as a member of the Safe and Welcoming Coalition. Of course, that item is on the agenda tonight to amend the Safe and Welcoming Act in order to bring it into compliance with the preemption law that was passed by the state legislature. When the Public Works & Safety Committee met, we testified and requested that there be more time for the Coalition to be able to examine the amendments that have been proposed. They said that they were going to put it on the agenda and we could still make our points.

We have two requests. We understand that the Act needs to be amended in order to diminish any risks for the city, but there are two things that are in the amendments which we would like to change. **Ms. Sparks** said one minute remaining.

Ms. Ancel said the first is the name. The Safe and Welcoming City Act really needs to be changed because of the actions of the state government. This law is no longer safe and welcoming, especially for our immigrant community. We would like to propose that the name be changed to the Wyandotte County Community Identification Act or Community ID Act.

The second thing we ask is that in making the changes, the attorney suggested that the ID have an expiration date of two years. We think that two years is extremely short and we would propose an expiration time of five years. If it's only two years, what's going to happen is, it's going to increase the costs and the need for administration. **Ms. Sparks** said your time has expired.

Ms. Ancel said also, a number of people who expire are probably not going to renew. If we want more people to do it, then we need to have a longer time.

Ms. Sparks said we have one additional speaker online, Thomas Gordon.

Thomas Gordon, 2521 N. 7th St., said I've been listening to the concerns of the people, but I wonder how the commissioners are able to record and respond to all the concerns. I don't see anyone taking any notes and I don't know how you go—well, thank you very much. At the same time, I just wonder how everyone was going to get a response back to their concerns. Would that be publicly made? Is there a response?

Mayor Garner said, Mr. Gordon, this is input and recommendations, so your recommendation has been noted.

Mr. Gordon said I would like to see some way that the responses are made public as to the concerns of the people so that it can become a public record.

Ms. Sparks said, Mr. Mayor, we have no other requests to speak.

Mayor Garner asked, is there anyone in the audience that choses to speak before we close this segment of the Mayor's Agenda? This is a unique opportunity that I felt would be of value to this Commission to hear the concerns of our residents and constituents and those that have interest in Wyandotte County and interest of the Unified Government's span of control. We've got one. Please come to the podium and state your name and address for record.

Reece Towers, 615 N. 82nd St., said I want to address the cancellation of the meeting today at 4 p.m. with our developers. It was brought to our attention that we didn't get any type of participation from our commissioners. The community wants to know why because there's development going on all around us, but the area that needs to be developed. That's a high, high, highly concern of the people of Wyandotte County that live in that area. So, I would like to know why there was no real response to the cancellation of today's meeting at 4:00 when we brought in developers to address the issue of the desert that's going on at 635.

David Haley said I've served in this community in different capacities: precinct committeeman, state legislator, BPU Board Member. First and foremost, and I haven't addressed this Commission before. I'm a little nervous being here, believe it or not, because of the rising concern that I feel that we've seen in the abilities to address issues that affects this entire community. I've served in elected capacity, I think, longer than anyone else in Wyandotte County. The good people of this county have favored me with their votes, as they have each of you. What I've tried to do wherever I can, gentlemen, ladies, is to find consensus to address the targeted areas of concern that will make us all a stronger, better county. I'm concerned that that friction somehow, someday is deteriorating from the fabric of Wyandotte County...**Ms. Sparks** said one minute remaining.

Senator Haley said and inside of that, that we find some means by which the areas that are often neglected could somehow be lifted high. The high tide should lift all boats. I've participated indirectly the development of part of our community, that being Village West. I was key, as some of you know, in seeing some of the development go there. It is time, gentlemen, ladies, please, to find a way to bridge whatever differences that we have; to find ways for the rest of our county to see prosperity, economic development, and growth should anear to every corner. Each of you has the ability to make that happen. I, David Haley, your humble and obedient servant, ask you to please, on behalf of the people of this county, find a way to bridge those differences and to make it so.

Darrel Hall, 2314 N. 82nd Terr., said I'm just coming up before you as one of the people. Just wanting to know if you have still heard our voice. It seems like you all did. We're glad we have a good team here to represent us as our voice. We've had issues of like the PILOT program with BPU and issues with high property taxes and the things that affects us. We see that you're addressing many other things. I don't want to judge—we'll be judged by our fruit, but I don't want to judge the fruit too early before it's ripe because I know you've all come together to work as a team. I want to give you a chance for that...**Ms. Sparks** said one minute remaining.

Mr. Hall said like we would want you to give others. I'm not sure if all of you all full-time to this county, or do you all have jobs or other issues, other interests as well. Just as I've heard you against Ms. Lee, concerned about her time spent. None of us—none of you have time to spend totally just doing this. Just want to know if you still hear our voice like you did when you were running your campaigns. It seems like you did then, so we just want to address some of the issues that we have expressed to you as our voice. Thank you and we're counting on you.

Ms. Sparks said, Mayor, we have Eleanor Jefferson online with her hand raised.

Elnora Jefferson said I'm speaking tonight to let the Commission, the elected officials and staff know that the 2022 Brownfields Conference is going to be held in August in Oklahoma City, OK. Now, maybe some of you have attended, but for those who have not, it is an excellent opportunity to learn about Brownfields reclamation and climate control as well as information on the infrastructure bill. So, what I'm saying tonight is to let you know that. You can probably

find out more information from either through the Economic Development Department or by simply googling Brownfields Coalition Travel & Training there in Oklahoma City, OK.

Ms. Sparks said we have Karen Daniels online.

Karen Daniels, 3005 Oakland Ave., said since 2017, I've been trying to bring awareness to Boston Daniels Park on 8th & Quindaro. I've always been told by Parks & Rec that there was never any funds in the budget to improve his park. I just want to bring attention to his park and ask that the commissioners please help get Boston Daniels Park the much needed improvements that it needs. He was a servant of Kansas City for 25 years as the first black Chief of Police. I just want to keep his park, his memory alive. So, please consider improving Boston Daniels Park.

Mayor Garner said this will be the last call. Any other comments in the audience? Thank you for those comments. Again, those are valuable comments. One of the commitments I made to residents that know me is we value your input. That's how we get better. Let us know how we're doing; how we're measuring up. Not just who we are as a Commission and a Mayor, but who we should be to better serve you as your public servants. Thank you for all the comments that are made, and thank you for those of you that had the courage to come forward and really make your voice and the interest that you have to better Wyandotte County know.

Mayor Garner said before I close the Mayor's Agenda, I just want to send out a formal apology to all our residents and to those individuals that had signed up over a long process of probably two to three months to come forward for a meeting at 4:00 to really address some of the issues that were important, which is really east of 635. The disinvested, disenfranchised areas of our community have far too long been left out. My Community Development Liaison LaVert Murray really worked hard to try and bring a vision together of individuals that wanted to share their vision on what it would look like for redevelopment/reinvigorated east of 635.

Some say, what is that, Mayor? What we've identified is the area of 55th St., in between State and I-70, going east. Then you talk about the Northeast, which is truly one of those areas that have been left out in the minds of so many; disenfranchised. The economic segregation that

I call has been unacceptable. That's a true area that needs our attention, especially when you talk about the Land Bank properties that are there and some of probably the best land and most valuable land, I think, anywhere you can find in the metropolitan area.

Then you get into our Downtown, Armourdale, northern Rosedale, as well as Argentine. Those areas, as well, have been identified by LaVert Murray as an area of interest and then he brought these developers together.

I'm going to give LaVert, Mr. Murray, just a few minutes just to go into what we're going to see tonight, and then what you can expect moving forward. We still want to move and bring these individuals back to the public. They've worked hard with presentations. Folks from out of town had planned to come into town, as well as some key developers that have really spent a lot of time and effort to make that presentation tonight, but unfortunately, it's going to be pushed back. I'll let Mr. Murray describe what that process will look like.

LaVert Murray, Chief Economic Development Advisor, said today we had it planned at 4:00 a presentation on the part of several developers who have shown interest in developing specific neighborhoods in areas east of 55th St. It didn't just stop within the Northeast community. It included Rosedale, Armourdale, and Argentine as well. We had several developers prepared to present to you proposals and ideas for the development of these areas we've identified. I do want to say that because this meeting was cancelled, we have spoken with all of the developers. They have agreed to come back, so we are going to work with you, the community, with the Commission and reschedule these presentations.

The presentations we're going to start with a visual of what has taken place in Omaha, NE, undertaken by a community agency called Seventy Five North. We believe that they have found a way to revitalize distressed urban communities with primarily private funding; but, of course, we know that there are infrastructure needs that you, the Commission, will need to invest and make these developments happen. So, these developers are prepared to express to you what those needs are as well.

I will tell you that they did submit some exciting proposals today, and we're holding those proposals until we make that presentation again to you, the Unified Government Commission, and the public. The developers remain extremely excited. These were majority developers as well as minority developers. It was a great number of them. My concern was how

we would build-in enough time for you to hear all of those developers. Of course, we will continue to work to make that happen.

Again, the developers have committed to return. We will work with everyone to make sure there is timely planning to make that happen so that the community can hear the potential and the possibilities within those areas east of 55th St., east of 635.

Mayor Garner said, again, this vision that was brought forward from these developers is trying to bring about hope for folks that for far too long, in my opinion, really haven't had a lot of hope in these disenfranchised areas and really trying to visualize working with our Commission, working with our staff, that shared vision on how we turn those hopes into realities in these disenfranchised areas of our community.

I believe that Mr. Haley said it perfectly. We don't want to negate or overlook the development that has gone out west in our community. We want to continue to build upon that, and we want to continue to support that. But then, we also need to look east and see because we believe that those developments offer a unique opportunity for Wyandotte County to really become something great, not just in the metro area, but something of a success story throughout this country, a reinvigorated major player where this would be the first choice of anybody looking for somewhere to live, work, and raise a family. We want to anchor people right here in Wyandotte County, in all parts of Wyandotte County.

You shouldn't have to see too much of a divergence when you go east to western Wyandotte County. Some of you have heard me say that. I'm really passionate about that. We're at a crossroads and we have an opportunity working with this Commission, working with you, the community, and a really anxious staff to really find solutions to some of these real problems that we know affect the lives of real people every day. We're optimistic. We're excited. We're looking forward to bringing about those developers.

Again, I want to send a sincere apology to those developers and to Wyandotte County, and anybody that came expecting to hear that presentation because I know the word had gone out. Some were disappointed and those messages got back. It was a conflict of interest between some of the scheduling with some of our commissioners. No fault of Mr. Murray's, but we just didn't have the numbers to really have a quorum to be able to move the meeting forward according to the Unified Government Rules of Procedure.

Again, we apology. Please stay tuned; look forward. We're hopeful that good things will come of what we see as we move forward throughout the months and the days to come.

Mayor Garner said I will close the public comment at this time.

Item No. 2 – 211724...PRESENTATION: COUNTY ADMINISTRATOR SEARCH PROCESS

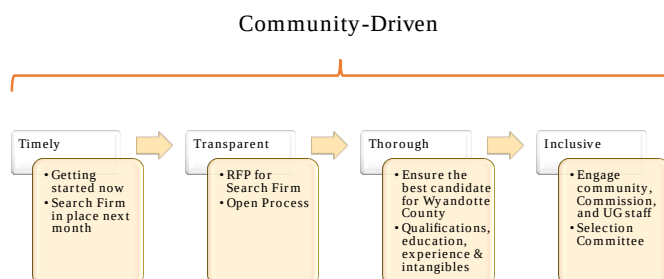
Synopsis: Presentation on County Administrator's Search Process submitted by Tyrone Garner, Mayor/CEO.



Search for next county administrator

A community-driven process

Mayor Garner said I just want to talk real briefly about that. I just want to say that I made a commitment after it was brought to my attention by the Commission that they would like me to start a search. As a result of that request, our Interim County Administrator made a decision, it was not solicited, to remove herself being in that running, and requested of me to honor the request of this Commission and to start a national search. So, I made that commitment. That commitment involved me ensuring this Commission and the community that the search would be timely, it'd be transparent, it'd be thorough, and inclusive.



What that means in a nutshell, this is going to be a community-driven process. It's going to be one that's going to involve a variety of stakeholders.

You might say, who are those stakeholders? It's going to involve number one, our Commission. They have to have a voice. I want them to have a voice. We have to build this relationship and a strong partnership to make sure that we have the right administrator that can provide the right government and the leadership in Wyandotte County to take us to the next level of where we need to be as well as our employees.

Our greatest asset within the Unified Government are our employees. We want them to have a voice. We want them to know that we really value what they think. We want their input to really resonate as well with our Commission as well as myself. What we're looking for, we want to know what they see as being a leader. What they see as being somebody that can take this organization from being just a good organization to a great organization. As well as you, the community. We're going to be seeking input from the community as well on what they would like to see in a county administrator as well.

When I talk about timely, here we are today. What you can expect is that we will select a firm. We hope to have that firm selected and in place by middle of next month, July. Transparent. There's going to be an RFP process. It's not going to be one of these things where I just pick somebody. It is going to be an RFP process to make sure that we're getting the right consultant to come forward. It's going to be an open process when you talk about the process and the search. It's going to be thorough. We just want to make sure that we have the best candidates brought forward and just beyond the minor qualifications of what type of qualifications, their education, experience, and intangibles. We want to make sure that the right fit for the Unified Government and not just for the Unified Government, but for this community in Wyandotte County. Again, it's going to be inclusive. I talked about that involving both this Commission, the community, as well as our employees here. There will be a selection committee that will aid in this process.

So, those are some of the things that you can expect as we move through trying to get to the point to where we have that candidate for consideration. I'm going to continue to update this community, this Commission, and all our staff here about the ongoing progress. That's a commitment I made. I want this to be transparent. I don't want there be any question about how we're doing things because really, I said this before in a variety of ways, I'm not your Mayor because it's about me. It never was, it never has been, and it never will be. It's about this

community and it's about what I can do to bring forward what's best for Wyandotte County in a way that's community-driven.

I've got to say it again, I've got to work and I'm committed to working with our Commission. I've got to work with our Commission, and I mean that with all sincerity. We have got to come together as a Commission and do what's right for the people. I've heard that over the months, I guess, with these open inputs. I've heard it out in the community. I can tell you; this community wants us to come together, set-aside whatever differences we may have, and do what is right for Wyandotte County because that's what's important.

Some of you heard me say, I'm not a politician. Some have asked me, what does that mean? That means I'm not here to play games. I don't want anything. I don't need anything. I'm retired. I'm here because the people asked me to be here, not because I had to be, because I wanted to be here because I, too, share in the belief that we can create a great Wyandotte County together, not by myself. I can't do this by myself and I've said that over and over again. We have to come together and do what's best for Wyandotte County.

I haven't said a lot about some of these inputs, but I'm going to say it tonight. I share, whatever differences, we have got to set it aside. Politics, as usual, has to stop. We've got people's lives in our hands and the livelihood of Wyandotte County is at stake. It's not a game for me and it's not politics for me in a sense that some people would think it is. I'm here because I truly care about this community.

When I hear people and the desperation in their voices when they talk about high taxes, when they talk about their utilities, when they talk about the disinvestment, when they talk about the bureaucracy, when they talk about politics being played, I ran because I joined this community in saying, enough of the buffoonery that we've seen over the years. We have got to move Wyandotte County forward. I'm not here to say that in a disrespectful way, but it hurts me to see what is going on and what has been going on. Some people forget I worked here for 32 years. I know and I've seen things that have been disturbing just working out in this community.

I want a better Wyandotte County and we have a real opportunity. So, I challenge this community to support not just this Mayor, but this Commission and our Administrator and our staff. I ask you to please get engaged and realize and wakeup to what is going on in this Unified Government and the decisions that are being made because they shouldn't be being made for you. They should be being made with you.

I ask this Commission to please work with me because I'm willing to work with you. I have to. The community, the success of every person that calls Wyandotte County home or that wants to call Wyandotte County home, depends on what we can do together. I'm not asking you to go to any of my family reunions, but as professionals, the elected officials that are supposed to be moving this county forward in a direction that can lift, as Senator Haley said, all boats for everybody that wants to have an opportunity to work hard because they want better, not just for themselves, but for this community. They want to have an opportunity for success. Let's work to give it to them.

As you've heard me say, let's work together to make Wyandotte County a great and safe place to live, work, and raise a family. Finding an administrator is just the first step. We've got a lot of work to do because there are a lot of problems. As we go into the coming months and our administrator begins to reveal some of the audit results, this community, this Commission, and this Kansas City region is going to see the hard work that Wyandotte County has ahead of it. We've really got to dig-in, work hard to overcome some of these major challenges and issues that really affect us all. People's lives depend on it. So, enough of that, but thank you.

Action: For information only.

CONSENT AGENDA

Mayor Garner asked, does any member of the Commission or County Administrator wish to set-aside any item on the Regular Consent Agenda? If any item is set-aside, all items on the Regular Consent Agenda will be voted on by one vote. I'll entertain a motion for approval of the Regular Consent Agenda if there's nothing set-aside. Clerk, were there any set-asides that you're aware of? **Ms. Sparks** said no, Mayor. **Mayor Garner** said I'll entertain a motion for approval of the Regular Consent Agenda.

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted.

Mayor Garner said I have a motion and a second. Is there discussion?

Commissioner Townsend said I just wanted to clarify. I believe earlier in the meeting there was a notice that several items were removed. So, before the vote is taken, just wanted to make sure we know what is now still on the agenda. **Mayor Garner** asked, Clerk, can you read those items, please?

Ms. Sparks said the items that were removed this evening were from the Standing Committed Agenda. That was Item No. 2 – Ordinance adopting the Building and Safety Code I. Item No. 3 – Ordinance adopting the 2018 Life Safety Code and International Fire Code. And Item No. 4 – Ordinance adopting the 2018 International Residential Code. Again, those were on the Standing Committee Agenda.

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

Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 1 – 211597...FY22 LOCAL LAW ENFORCEMENT CRIME GUN INTELLIGENCE CENTER INTEGRATION INITIATIVE

Synopsis: The Police Department is seeking approval to apply for and accept the FY22 Law Enforcement Crime Gun Intelligence Center grant award in the amount of \$700,000, submitted by Laura Cromwell, Fiscal Officer, KCK Police Department. There is no match required from the UG. On May 23, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to the full commission.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted.** Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 2 – 211598...GRANT: FY 22 COPS HIRING PROGRAM

Synopsis: The Police Department is seeking approval to apply for and accept funding through the FY22 COPS Hiring Program to fund twelve patrol officer positions for a three-year period.

We are requesting a match waiver to cover these positions at 100%. Should we not receive the match waiver, we are estimating the total cost to the UG would be \$173,355 per position over the three-year period, which would equate to \$2,080,267 per twelve patrol officer positions over the three-year period, submitted by Laura Cromwell, Fiscal Officer, KCK Police Department. On May 23, 2021, the Public Works and Safety Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to the full commission.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted.** Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 3 – 211426...PROPOSAL: DRAFT REMOTE WORKER POLICY

Synopsis: Policy for remote work to be included in the Human Resources Guide, Section 2, Policy 2.20, submitted by J. Renee Ramirez, Director of Human Resources. On May 23, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to the full commission.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted.** Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 4 – 211731...PLAT: PIERSON PARK FIRE STATION

Synopsis: Plat of Pierson Park Fire Station located at 55th and Douglas, being developed by the Unified Government of Kansas City, Wyandotte County, Kansas, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted and authorize the Mayor to sign said plat.** Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 5 – 211732...PLAT: PARALLEL APARTMENTS

Synopsis: Plat of Parallel Apartments located at 112th and Parallel Parkway, being developed by North Point Development, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted and authorize the Mayor to sign said plat. Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 6 – 211733...PLAT: HOMEFIELD PERFECT GAME

Synopsis: Plat of Homefield Perfect Game located at 90th Street and Walker, being developed by HFPG KCK, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted and authorize the Mayor to sign said plat. Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 7 – 211734...PLAT: HOMEFIELD SPORTS TRAINING

Synopsis: Plat of Homefield Sports Training located at 94th and State Avenue, being developed by HFPG KCK, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

Action: Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted and authorize the Mayor to sign said plat. Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Item No. 8 – 211726...MINUTES

Synopsis: Minutes from Planning & Zoning and Regular Session of January 6, 2022; and Special Sessions of April 7 (4 p.m.) and May 3, 2022.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Kane, to approve as submitted.** Roll call was taken and there were seven “Ayes,” McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

STANDING COMMITTEES' AGENDA**Item No. 1 – 211720...PRESENTATION: BUDGET REVISION IN EXCESS OF \$50,000 FOR CONSTRUCTION OF NEW TURNER FIRE STATION**

Synopsis: Presentation of budget revisions approved under Section IV.B.7(a) of the UG Operating and Capital Budget Policy related to the revised construction cost of the new Turner Fire Station, submitted by Reginald Lindsey, Budget Manager. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on June 6, 2022. It was requested, and approved by the Mayor, to fast-track this item to the June 9, 2022, full commission meeting.

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

Commissioner Burroughs said the subcommittee chose to advance this to the full Commission with unanimous support. Approval of this project will allow a transfer to the city cash funded Capital Projects Fund and allow the Turner—it affects the quartermaster's budget, but it will also allow the Turner Fire Station to move forward because of the hit on inflation and building materials. I would ask that the Commission give this strong support.

Mayor Garner asked, do any commissioners have any comments?

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

June 9, 2022

Mayor Garner said there's a motion and a second. Is there any further discussion? Seeing none, roll call, please.

Roll call was taken and there were seven "Ayes," McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

Mayor Garner said just for a note of information, Items 2, 3, and 4, per the blue sheet, will be added on our June 30th Commission Agenda.

Item No. 2 – 211727...ORDINANCE: ADOPTING BUILDING AND SAFETY CODE 1

Synopsis: The most recent building and safety code adoption for the City of Kansas City, KS, occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS, has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle. Item submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The following codes will be adopted under a single ordinance:

- 2018 International Building Code (IBC)
- 2017 NFPA 70 - National Electrical Code (NEC)
- 2018 International Mechanical Code (IMC)
- 2018 Uniform Plumbing Code (UPC)
- 2018 International Property Maintenance Code
- 2018 International Energy Conservation Code (IECC)
- 2018 International Existing Building Code (IEBC)

This item was previously before the full Commission on May 26, 2022.

Action: **This item was previously removed from tonight's agenda, per the blue sheet, and will be added to the June 30, 2022, agenda.**

Item No. 3 – 211728...ORDINANCE: ADOPTING THE 2018 LIFE SAFETY CODE AND INTERNATIONAL FIRE CODE

Synopsis: The most recent building and safety code adoption for the City of Kansas City, KS, occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council

(ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS, has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle. Item submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The following codes will be adopted under a single ordinance:

- 2018 Life Safety Code
- 2018 International Fire Code

This item was previously before the full Commission on May 26, 2022.

Action: This item was previously removed from tonight's agenda, per the blue sheet, and will be added to the June 30, 2022, agenda.

Item No. 4 – 211729...ORDINANCE: ADOPTING THE 2018 INTERNATIONAL RESIDENTIAL CODE

Synopsis: The most recent building and safety code adoption for the City of Kansas City, KS, occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. The City of Kansas City, KS, has opted in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 suite of building and safety codes is the next round in the 6-year cycle. Item submitted by Greg Talkin, Anthony Hutchingson, and Patrick Holton, NRC. The International Residential Code for One- and Two-Family Dwellings is presented with three options from which the Commission may choose and will be adopted under a single ordinance:

- 2018 International Residential Code for One- and Two-Family Dwellings (IRC), Option A (staff recommendation)
- 2018 IRC, Option B
- 2018 IRC, Option C (unamended energy provisions)

This item was previously before the full Commission on May 26, 2022.

Action: This item was previously removed from tonight's agenda, per the blue sheet, and will be added to the June 30, 2022, agenda.

Item No. 5 – 211582...AMENDMENTS: SAFE AND WELCOMING ACT TO COMPLY WITH HB 2717

Synopsis: Amendments reflecting changes necessary to comply with HB 2717, submitted by Casey Meyer, Senior Attorney. On May 23, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Mayor Garner said I'll ask Ms. Meyer, with our Legal staff, to make some opening comments.

HB 2717 and Safe and Welcoming Act

IMPACT

- HB 2717 prohibits municipalities from restricting local government employee and law enforcement cooperation with federal authorities and limits the use of municipal IDs.
- Passed by State legislature and signed into law by Governor Kelly, April 11, 2022.
- Any conflicts between HB 2717 and Safe and Welcoming Act are void.
- Several sections in our current ordinance conflict with HB 2717.

PROPOSED DRAFT

- To comply with State law, Unified Government ordinance sections 18162 through 18168 will need to be repealed in part or amended.
- Resolves conflicts between HB 2717 and Safe and Welcoming Act and amends sections related to issues raised during Full Commission meeting.
- Also changes "Municipal ID" to "Community ID".

Casey Meyer, Senior Attorney, said as you know, House Bill 2717 was passed by the state legislature and approved by Laura Kelly in April of this year. Because of that, any conflicts between that House Bill and the Safe and Welcoming Act are void. Several sections in our current ordinance conflicts with the House Bill. So, what you have in front of you is a proposed draft with red lines, which comply with state law. Additionally, I included some changes that I wanted to address based on some commission comments at the last full commission.

In addition, I believe there's some public comments, or at least some people that called in and requested that the municipal ID be changed to community ID. So, the name of it was changed throughout the Act as well.

Proposed Draft

The redlined sections were deleted/added to comply with HB 2717. The highlighted sections represent changes in accordance with issues raised at the last Full Commission meeting. "Municipal ID" was changed to "Community ID" throughout.

1. Sec. 18-165(a)(5). Added expiration term of 2 years from date of issuance or when the person no longer resides in Wyandotte County.
2. Sec. 18-165(b). Reorganized section layout.
3. Sec. 18-165(c). Added cardholder responsibilities to include notification of change of name or address and ability to suspend or revoke card for violations of article.
4. Sec. 18-165(d). Added requirement for Program Administrator to provide annual report or upon request and the option for UG to conduct audits of program as needed.

Really, all I want to focus on here is, and what you guys have, the draft you have, you see the red lines. The red lines are what address the conflicts in the Bill. The yellow highlights address the additional optional changes based on some of your full commission comments.

I believe there is a request to add an expiration term, which I included. When I researched this, the cities that have municipal IDs really ranges anywhere from two to five years. Several cities have expiration terms of two years, three years, four years. It kind of varies.

Most of the cities that had a two-year expiration term were similar. If you recall, the documents that we require to prove residency or identity, it was similar in length so that's why I chose the two-year expiration term. Legally, that's kind of a policy issue and that's up to you.

I also reorganized the section layouts just to clean it up a little bit so that it was easier to understand what sections addressed what. I also added Section 18-165(c) which include some cardholder responsibilities, which will include a notification if their name changes or if their address changes they need to get a new card so that the information on the card is accurate. Also, the ability to suspend or revoke the card if there are any violations of the article.

Additionally in 18-165(d,) we added the requirement for the program administrator to provide an annual report to the Commission or upon request, and also added the option for the Unified Government to conduct audits of the program as needed. I do remember at full commission there was a request for an audit process, which is now in the ordinance.

My presentation is very short. That is the proposed draft you have in front of you. I understand Ms. Ancel's request from the Safe and Welcoming Coalition regarding the name change. There's nothing illegal about that, obviously. If the Commission wanted to approve a name change, we would just need a motion to amend and then we can address that.

Commissioner Johnson said, Casey, I want to thank you along with the remainder of our staff, also Misty Brown, for the work that you all have put into this for quite some time. I want to say to the community and certainly to the Coalition, that has worked so hard with this Commission, how disappointed I am in the actions that have taken place down the highway in our legislature. But here we are. We've got to make, by law, we have to make some revisions.

I thank you for making the first adjustment to the naming of this to the community idea. I think I saw that's already been taken place throughout the document. **Ms. Meyer** said that's right. **Commissioner Johnson** said so the only issue at hand is whether or not we want to have an expiration date that is either two years or up to five years, as the Coalition has requested. **Ms. Meyer** said that's correct, for the name change.

Commissioner Johnson said I have a notation from Commissioner Bynum that I think she's good with extending it. As a matter of fact, before this, for the record, I want to make sure—take that off the record because I don't see that for sure. She's open to a concept longer than two years. I agree with that. If the Commission would so approve it, I don't mind going out as long as five years, as requested by the Coalition.

Mayor Garner asked, are there any comments, questions?

Commissioner Kane asked, did staff recommend two years? **Ms. Meyer** said based on my research, it was anywhere between two and five years. If you recall in the ID, the section which includes the list of ways to prove your residency and identity, our list is fairly broad. The cities in which they kind of had the broader list, they usually had an expiration term of two years. That is why I made that recommendation.

Commissioner Davis said just a quick question. When do we have to make a final decision on this, or is this just kind of Legal trying to make sure that we're being on top of it? **Ms. Meyer** said July 1st is the date that the statute comes into action. So, July 1st would be our deadline.

Commissioner Stites said one other question. What other cities have that broad list, and I mean cities within Kansas, have that broad list that you're talking about that would limit it or the

minimum of two years? **Ms. Meyer** said no other cities in Kansas have a community ID program. **Commissioner Stites** said nobody in Kansas. **Ms. Meyer** said nobody in Kansas.

Commissioner Stites said if you could go back to the presentation, I had a question about No. 3 where it said, ability to suspend or revoke card for violations of article. **Ms. Meyer** said of the Act, correct. **Commissioner Stites** asked, what exactly is that? **Ms. Meyer** said it's just another way to safeguard and make the card more reliable. If a cardholder violates any part of the Act, then it provides an avenue to revoke their ability to hold a municipal ID card.

Commissioner Stites asked, could you give me an example of a cardholder violating the Act? **Ms. Meyer** said, for example, if they were found to use a false or fraudulent document in order to obtain the card in the first place, or if they—if you see in the redline section, I added all the language for which the actual crimes are, which are included in House Bill 2717. Of course, any violation of that would be a violation of the Act so then we could revoke or suspend your ability to ever obtain a municipal ID card.

Commissioner Stites said so it doesn't have anything to do with a violation like out on the streets, I mean a traffic stop, any type of violation like that. **Ms. Meyer** said correct.

Commissioner Stites said I am in support of this, if we're going to do this, which two years would be where I'm at. But, again, there's no other city in Kansas that is doing this, correct? **Ms. Meyer** said correct.

Mayor Garner asked, any other discussion or comments? Okay. Again, I share in the sentiments of Commissioner Johnson, along with the Coalition that I worked with, just the disappointment that we're even here today having this discussion after so long, so much work, so much time put in by so many people in our community.

Commissioner Townsend said I just wanted to ask Counsel or maybe one of my other colleagues who was shepherding this through some of the standing committee. It's already been stated that no one else in the state of Kansas has anything like this. How difficult would it be if we went forward with two years, to come back at the end of the two-year period to see how this actually works and come back and adjust it to like three years, five years? **Ms. Meyer** said that would be very easy. That would not be hard at all.

Commissioner Townsend asked, if we went with the two years just to see how things worked, because that's a system, we could come back and amend that. **Ms. Meyer** said yes.

Commissioner Kane said we've done this with other projects where we let them go for two years then they come back and revisit. A lot of things we've done to do that. Then give them three or five years if they've done everything the way they're supposed to. I think if this matches—we're the only ones doing it. We don't know if it's going to work or not, so I would think that we would go with two years, have them come back and give us another presentation, and adjust accordingly. I guess that's a motion.

Action: **Commissioner Kane made a motion to approve setting a two-year expiration term for the municipal ID card.**

Mayor Garner said we have a motion to stick at two years, as has been presented from the recommendation of staff, I take it. Is that the recommendation? **Ms. Meyer** said yes.

Commissioner Stites asked, is this just a motion on the time or all the changes?

Commissioner Kane asked, everything that you've done puts us in line with the state, right? **Ms. Meyer** said that's correct. **Commissioner Kane** said right. The only thing that we've added was the two-year adjustment, correct? **Ms. Meyer** said we added the expiration term, which is the two-year adjustment, the ability to audit, and then additional cardholder responsibilities just to update their card if they change name, change address. Those are all optional things that I included based on comments at full commission. Those were not required, obviously. **Commissioner Kane** said no, but I like—could you repeat the last part about audit and then the rest of it? **Ms. Meyer** said the three sections that I audit were the two-year expiration term, the ability to audit the program administrator to make sure that they're following the rules, and then the third thing is the cardholder responsibilities where they have to update. If they change name, change address, they have to report that and get a new card.

Commissioner Stites said changing the name—tell me the name again, please. **Ms. Meyer** said I believe Ms. Ancel suggested Wyandotte County Community ID Act. I don't know if you would want it Unified Government Community ID Act, whatever. **Commissioner Stites** said I think we probably need to decide that before we vote. I'm not okay with it being Wyandotte County because Bonner Springs and Edwardsville have not been consulted on this and they are part of Wyandotte County. If it was going to be anything, it would be Kansas City, Kansas Community ID; not Bonner Springs and not Edwardsville.

Commissioner Johnson said I think what I see in the documentation is it just says community ID versus Wyandotte County. Clarify that. **Ms. Meyer** said Community ID Act. **Commissioner Johnson** said it just says community; it does not refer to Wyandotte County, it just says community ID.

Patrick Waters, Deputy Chief Counsel, said I think there's a little confusion between the use of the term community ID card that was changed and the actual name of the Act, which is in the heading. I think there was a request from some members of the public to simply change the name of the Act. The community ID card has been changed in the version that you're looking at here. Changing the name of the Act itself will have no legal purpose, no legal change. It won't have any affect; it's just simply how we refer to it. **Ms. Meyer** said the name of the card is the community ID Card. **Commissioner Stites** said I'm saying, I would like for it to say the Kansas City, Kansas Identification Card.

Commissioner Johnson said to the name of the Act itself it says that it's a Safe and Welcoming City Act. What has been asked is that would be changed to the Wyandotte Community ID Act. There's some pushback on this Commission with regard to the Wyandotte County portion of that. Would it make sense to call it then the Kansas City, Kansas Community ID Act? Would that be acceptable? **Mayor Garner** said I'll bring that up here shortly.

Commissioner Burroughs said I think there has been just a little confusion in what we're looking at. The municipal ID was not to be utilized by state law. It now has become the community ID. That's the change there. The Act itself, as stated by Commissioner Johnson,

does need a name change if the community wants that name change to be representative of the word community. Then it was mentioned by Commissioner Stites that it be the Kansas City, Kansas Community ID Act.

I think the main issue that we're struggling with here is, and I think we've almost come to terms, that is the timeframe, the two-year timeframe. I think that really puts into play the community that has been asking for this to come forward in a hurried process to get this ID up and running instead of waiting over a period of five years. I do strongly support the fact that they can come back before us and give us a chance to streamline and/or modify the Act. We'll find some bumps in it somewhere, I'm sure, because no ordinance, no resolution, no law is perfect. We'll have a chance to come back in two years and address this.

This reads pretty simply and I commend you for making the changes that you've made and getting us in line with the state requirements of 2717.

Mayor Garner said, again, to wrap up my comments, it looks like we have a motion from Commissioner Kane for the two years, or just the amendment and what's been brought forward by Legal staff as a recommendation to this Commission for the two years, as its been presented from Legal for consideration. I couple that with the name change as well. I believe that there was a motion to have the name changed at the request from a stakeholder in the community from what was presented and away from the suggestion of Wyandotte County Community ID Act to KCK Community ID Act. There was also an initial indication from Commissioner Johnson for five years. Then there was also mention of a staggered from the two years to get up to the five years, which might be mute, depending.

So, I think the issue is at hand, I've got a motion for the two years and what's presented from Counsel to this Commission, as it has been presented for consideration, which I have a motion from Commissioner Kane without the name change. We'll go through that motion first.

Commissioner Burroughs said actually, I think, if we just voted for the Act initially, what Legal has presented, and then the second motion can be the name change to the Act because it was presented to us with the two years and everything else was acceptable except for the name of the Act. We can handle that with a second motion, unless you want to combine them all in one motion, Mayor. At least we'll know what we're voting for if we vote for the two years, as

presented by Counsel for the entire Act, and then turnaround and vote for the name change of the Act, if that's acceptable.

Mayor Garner said I'll take you up on that, Commissioner Burroughs. Here's what we'll do. Commissioner Kane, would you like to amend that two years with the name change to Kansas City, Kansas Community ID Act? Would you like to amend that? **Commissioner Kane** said yes.

Action: **Commissioner Kane amended his previous motion setting a two-year expiration term for the municipal ID card to also include changing the name to the Kansas City, Kansas Community ID Act.**

Mayor Garner asked, is that your motion? **Commissioner Kane** said yes, sir. **Mayor Garner** said I've got a motion to amend his original motion to two years, as been presented, with the name change of the Kansas City, Kansas Community ID Act.

Commissioner Davis said just a question and then a comment. For this item, will there be public comment? **Mayor Garner** said there was no public comment. It's been through the standing committee. This is just for Commission action.

Commissioner Davis said okay. My comment will be this. Commissioner Bynum and Commissioner Ramirez were also part of the group of commissioners that were a part of bringing this forward. I think it would be fair for us to delay this until our next full commission meeting. That way, for Public Safety & Public Works, they can come up with some sort of compromise, work with the Coalition, and then we can fast track it from that standing committee meeting to that June 30th full commission meeting.

Commissioner Townsend said I just want to send the motion. This has gone through the standing committee process. What we're doing tonight, we recognize the desire to change the name. I think that's been accounted for. It's already been—in the version, we're voting on the two year. I think the only question I would have, would we—well, it expires in two years, but we can take this up again. If you want to make it a longer period of time, that can be done at that time.

Action: **Commissioner Townsend seconded Commissioner Kane’s motion.**

Commissioner Johnson asked, how many votes does it take to approve this as it stands? Legal, can you give us some guidance on that? **Mr. Waters** said yes, Commissioner, six votes.

Mayor Garner said I do have a motion that needs to be resolved. Is there a second? Commissioner Townsend did second that, so we have a motion and a second. Clerk, roll call, please.

Roll call was taken and there were four “Ayes,” McKiernan, Kane, Burroughs, Townsend; and three “Nos,” Johnson, Stites, Davis. (Motion failed.)

Mayor Garner said next we have two items under the Administrator’s Agenda. Standby just for a second. I’ve got one more question from Commissioner Townsend.

Commissioner Townsend said I just want clarity on where we go from here with this now. **Mayor Garner** said if someone would like to make a motion to bring it back to the next meeting or take it back to standing committee, I believe we can do that. I’m going to go refer to Legal and some of the legal implications of this vote and just bring us up to speed on our obligation. This is more in line, basically, bringing the Unified Government in compliance with state law as a result of the vote.

Mr. Waters said first of all, procedurally, we had a motion to approve with certain modifications that failed, but this is still an active item because there’s not been a finding either approval or denial of the item before us.

Second of all, in terms of the timing, I just want to remind the Commission the state law goes into effect July 1st. If we were to hold this over until the next meeting, June 30th, it takes a week to publish an ordinance so we would have a week where we potentially are out of compliance. It would be preferable to resolve the matter tonight if the Commission sees fit.

Action: **Commissioner Johnson said with that being said, I’d like to make a motion for all the changes that we would have made thus far with regard to the**

name or the Act, the name of the card, as well as I'd like to go back to the five-year expiration date. Commissioner Stites seconded the motion.

Mayor Garner said I have a motion and a second. Is there any discussion?

Commissioner Burroughs said, Mayor, this has been a point of concern for this community for a number of years. I know the results of what happened at the capital was due to, I think, a lot of miscommunications in the community. There are some that want to say differently, but you just heard that Bonner Springs and Edwardsville had some concerns but yet, there are those deniers that say that's not the case.

You have commissioners that are really trying to find a way to help here. It took Topeka to guide us. We weren't the only county in the state that had legislation repealed on the local level. There's Roeland Park that was impacted from this. We didn't learn from Roeland Park to come forward with the same language they had to move our ordinance forward.

Now, I understand this is a very important issue, but we want to get this right so we don't have to have the state interfere once again. That is what we are trying to do. I would ask the members of this community to understand that there is not a difference of opinion on the municipal ID, but now all of a sudden we're getting into the criteria of the municipal ID again. That's the name change. Then we're going to talk about the years. We have come a long way. I would ask your patience.

You have three commissioners that are not here this evening that were strong advocates of your safe and welcoming. I agree, they should probably have an opportunity to speak to this this evening. However, they knew this was on the agenda. I can't explain to you why they chose not to be here or what caused their absence this evening. I will state that this issue is important to a number of people in our community. We want to get it right. So, please, by all means, be patient enough. You found out that others are watching.

We just came through a process that divided this community straight down the middle and it is going to be 12 years possibly that we're going to be dealing with a divided community due to redistricting. This issue played into that issue, whether you want to believe it or not. As a public servant and as an advocate for this community, I would ask, please be patient and understanding that we are trying to get this right.

Commissioner Johnson said I'll tell you what, in the interest of trying to bring about an interest to bring this to a close with my commissioners, how about we meet somewhere in the middle and go with three years on the expiration date? It's not what everybody is wanting, but I think if we can get it over the hump.

Action: Commissioner Johnson made a motion, seconded by Commissioner Davis, to approve an expiration term of three years.

Commissioner Townsend said I commend Commissioner Johnson for the Solomon move because that was going to be my recommendation. I think two years was reasonable given this is the first statute or ordinance like it in the city. I thought five years the first time would be a bit much. I think this three is fair and I think we should just move on so that we are in compliance with the state by the time this goes into effect and not leave that opportunity.

Mayor Garner asked, any further discussion? Just for clarity for those watching. We had an original motion to deny an amendment request to what was presented by our staff for consideration but the matter still persist on the original proposal that has been brought forward. Now, to hopefully resolve this issue, a motion has been made by Commissioner Johnson and seconded, I believe, by Commissioner Davis, for three years and to move the item that has been presented as recommended. Is there any discussion? Seeing none, roll call.

Commissioner Townsend said for clarity, does this include the name change proposed?

Mayor Garner asked, any discussion? I believe your comment was, it does include the name change. **Commissioner Johnson** said right. **Mayor Garner** said okay. I just want to be sure for that. I don't want to speak for Commissioner Johnson or Davis. If you could just clarify your motion, again, Commissioner Johnson.

Action: Commissioner Johnson made a motion, seconded by Commissioner Davis, that the Act be changed to the Kansas City, Kansas Community ID Act, and

that the ID be called the community ID instead of municipal ID, and that we have an expiration date of three years, versus two years.

Commissioner Stites asked, again, what's the ID called? **Commissioner Johnson** said the community ID. **Commissioner Stites** asked, it's not called the Kansas City, Kansas Community ID? **Commissioner Johnson** said the Act is called the Kansas City, Kansas Community ID Act.

Mayor Garner said important discussion, as Commissioner Burroughs noted. Is there any further questions or discussions by this body? I have a motion and a second. No further discussion. Clerk, roll call, please.

Action: **Ordinance No. O-77-22**, "An ordinance relating to the Safe and Welcoming City Act Chapter 18, Sections 18-162 through 18-168, amending Sections 18-162 through 18-168 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Johnson made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were six "Ayes," McKiernan, Johnson, Kane, Davis, Burroughs, Townsend; and one "No," Stites.

ADMINISTRATOR'S AGENDA

Item No. 1 – 211725...PRESENTATION: FIRE STATION 15

Synopsis: Presentation on Fire Station #15 by IAFF and KCKFD, submitted by Chief Callahan.

Mayor Garner said our KCK Fire Department is providing options for Fire Station #15. This was something that was brought forward at the request of the Fairfax Industrial District and a lot of the businesses that they represent, as well as some of those residents that live in the Northeast.

Just some context. Myself, Commissioner Kane, Commissioner Bynum, members from the Firefighters Union, as well as command, took a tour of that facility, which appears to be in really good shape. They were tasked and given a call to action to bring forth options on how, if at all, this Commission to consider to either open, maintain it as it is, or to not open that facility. We're looking forward to seeing what has been considered.

I'd like to turn this over to our Administrator and lead us into this presentation.

Cheryl Harrison-Lee, Interim County Administrator, said as the Mayor indicated, the discussion tonight is on the potential reopening of the fire station. We have KCK Fire Department staff here as well as IAFF, who will make presentation. They will give you some insight on options for your feedback.

At today's ribbon cutting for the Fairfax Tower, business community also expressed some interest in seeing the reopening of the fire station. We're seeking your direction tonight as we continue to advance through the budget process.

With that, I'll call forward the representative from the IAFF.

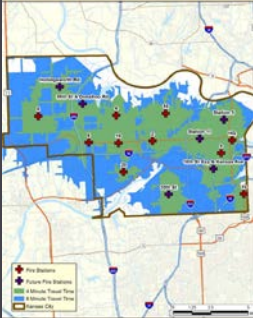


JJ Simma, President, International Association of Firefighters Local 64, said I have with me as well tonight Bob Wing, Secretary/Treasurer of Tri-County Labor Council, to present with me. I want to thank you for the opportunity to meet with you tonight and discuss the possible reopening of Fire Station 15 in the Fairfax District.

We have a short presentation for you which we'll give you a brief history, where we are currently, the need we see to restore service in the district, and a joint recommendation from our two organizations as to how to accomplish this.

HOW WE GOT HERE

- ▶ FACETS
- ▶ IAFF GIS ANALYSIS
- ▶ 2012 ISO ANALYSIS
- ▶ POLYGON VS. GIS
- ▶ "BEST GUESS"
- ▶ CRITERIA USED VS AGREED TO



Fairfax District Master Plan

- **Police & Fire Protection:** Dedicate an on-going full-time police officer to the Fairfax District. Preserve and maintain the Fire Station currently located in Fairfax, which is critical to many businesses with special fire protection needs such as pipelines and storage tanks.

Over the last 30 years, Kansas City, KS, and Wyandotte County has experienced significant growth, both residential and commercial throughout our community. There's an ongoing and ever evolving need for fire and EMS service in multiple areas of our community. This has resulted in a number of conversations and studies brought forth in an effort to address future fire service in Kansas City, KS. Named are a few on this slide. The facets, independent consultant study was brought in, the IAFF GIS response analysis requested by Local 64 through our international offices, in addition to an independent ISO/GIS analysis in 2011/2012. Each of these studies identified areas of deficiency in Piper and other areas in our community. Approximately six years ago, the new Piper Fire Station #12 was approved by the Unified Government Commission.

TEXT

THE PROCESS

- ▶ JULY 23, 2020
- ▶ CRITERIA FOR EMS19 VS P15
- ▶ APPARATUS REMOVED FROM FAIRFAX
- ▶ FAIRFAX FIRE PROTECTION REDUCED
- ▶ PIPER STATION #12 RECEIVED APPARATUS #15



Around 1980, General Motors (GM) purchased the North American Aviation Company. This building burned in the early 1980s, and after this GM purchased all the land that the airport occupied, including the fire station. GM tore down all the buildings and built the factory they work out of today. In 1985, in return for the company purchasing the land that the fire station was located, GM built the current station #15 located on Kindelberger Road."

As Station 12 neared completion, the conversation began about how to accomplish staffing of the fire station. The intent for opening of Station 12 was never to be at the expense of another area in the community. Ultimately, Pumper 15 in the Fairfax area was identified as the existing apparatus to relocate. The criteria used to identify Pumper 15 was it had the lowest call volume, lowest annual call volume apparatus in our fleet. We do not believe call volume is a valid criterion to utilize to identify need for fire service.

At the same time, EMS 19 in the Midtown area was also identified for relocation to the new Piper fire station. The same criteria was not used as it was the third busiest EMS unit in the city at the time. Appropriate criteria with regards to apparatus and station locations and deployment of resources would be hazard risk analysis, response time analysis, and consideration of safety standards. IAFF and independent ISO analysis with consideration of these criteria not only identified the Piper area as a need for coverage, but made no recommendation of closure or relocation in the Fairfax area.



Station 5 at 910 Quindaro was identified by the Fire Department to provide Fairfax coverage. Housed at Station 5 is Pumper 5 and EMS 5.

FAIRFAX INDUSTRIAL AREA COVERAGE



-Same or faster response times

- Station 5 can access Fairfax from three directions – 10th St, 7th St, Quindaro Blvd
- Fairfax remains covered by 4 minute response time in accordance with NFPA standards

-Same speed of medical response

- Fairfax EMS transports will continue be run by EMS 5 (910 Quindaro Blvd) – as they are now

-More “weight” to fire response

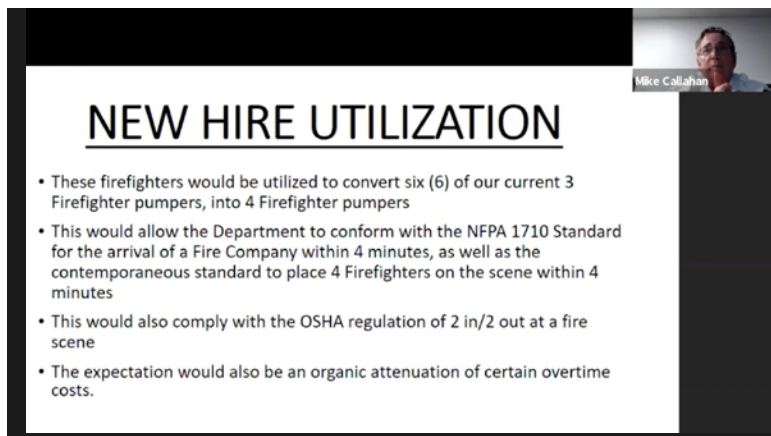
- Enhancing Station 5 (Quindaro) pumper to 4 Firefighters – allowing faster attack on interior structure fires
- Converting Pumper 9 and Pumper 11 (Fairfax Responding Companies) to 4 Firefighter pumpers – increasing the weight of responding crews
- KCKFD recently increased number of personnel responding to “General Alarm” fires in Fairfax to 33 – up from previous standard of 25 – with plans increase to 36-37
- Fairfax Fire calls will be run by P5 (910 Quindaro Blvd), P1 (815 North 6th St), P9 (1100 Central Ave), & P11 (3100 State Ave) and Aerials T1 (815 North 6th St), Q3 (420 Kansas Ave), & T14 (2615 North 27th St)

In the next two slides, and a presentation provided by the Fire Department in April of 2020, the case was made for the same or faster response times as you can see. We do not believe response time data will reflect such. Fairfax has limited access points and numerous rail crossings creating a number of response challenges for fire apparatus to enter the district. It was also stated at that time that the Fire Department monitors rail crossings for trains, preventing the

blocking of access by fire apparatus. We are not aware at this time, or at any time, of any KCKFD apparatus which monitors train activity.

As you'll see, it was stated that the weight of the response would become greater. Fire Station 5 with Pumper 5 would be enhanced to four firefighters. Pumper 9 and Pumper 11 responding Fairfax companies would be enhanced to four firefighters. To this day, Pumper 5 was increased from three firefighter staffing to four with the removal of the four firefighters from the Pumper 8 old Piper fire station which, to our knowledge, was never discussed. The firefighter was transferred, not physically the individual, but the staffing position was transferred.

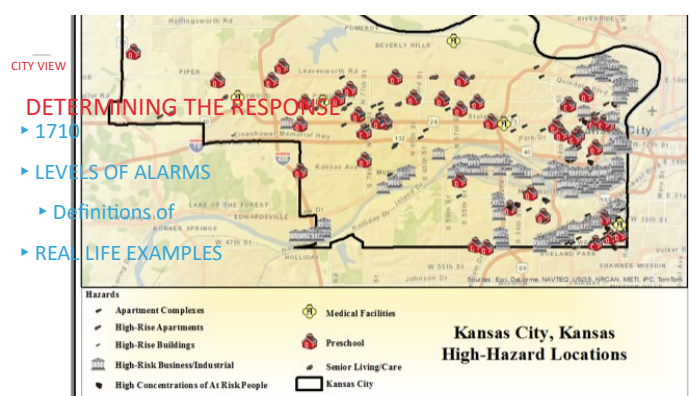
Pumper 9 and Pumper 11 are still running to this day with three firefighters regularly.



The slide is titled "NEW HIRE UTILIZATION" in bold, underlined text. It features a list of four bullet points. In the top right corner, there is a small video inset showing a man identified as "Mike Callahan".

- These firefighters would be utilized to convert six (6) of our current 3 Firefighter pumpers, into 4 Firefighter pumpers
- This would allow the Department to conform with the NFPA 1710 Standard for the arrival of a Fire Company within 4 minutes, as well as the contemporaneous standard to place 4 Firefighters on the scene within 4 minutes
- This would also comply with the OSHA regulation of 2 in/2 out at a fire scene
- The expectation would also be an organic attenuation of certain overtime costs.

In this slide, during the discussion for the SAFER application in an effort to convert six of our three firefighter pumpers to four firefighter pumpers, the grant was awarded and received; however, this has not been accomplished. The proposal of the Fire Department in April of 2020 was to increase from one four-firefighter pumper to seven four-firefighter pumpers. Today, we still have one four-firefighter pumper.



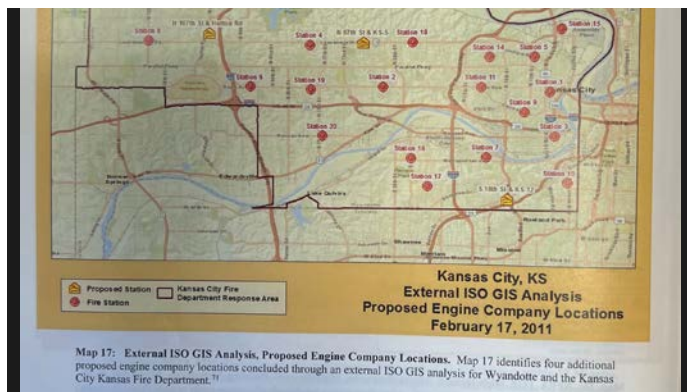
The proposed closure of Station 15 was opposed by Local 64 Tri-County Labor Council, the Fairfax Industrial Association, and numerous other interested parties. The need in the Fairfax District is high. There are 10,000 people who go to work down there, \$20M tax dollars are generated from the district, and \$5B in property value is in the district. The volatility and risk is high.

As you'll see from this map from the IAFF GIS study, the high-risk business industrial concentration in the Northeast, which is high-hazard occupancies as defined by the NFPA, is large. NFPA 1710 identifies three levels of alarms: low, medium, and high. Low being residential; primarily medium being standalone commercial, strip malls, garden style apartments; high being explosive plants, refineries, high-rises, schools, and hospitals. As you can see, the majority of Fairfax, it's blocked by the camera view, but the majority of Fairfax is high-hazard occupancies. The response requirement by NFPA 1710 for a high-hazard occupancy is 43 firefighters in 10 minutes and 10 seconds. Currently, we cannot meet that standard nor could we meet that standard to even prior to the closure of Fairfax Fire Station #15.

Ultimately, the decision was made to close Fairfax Fire Station 15 on the opening of Station 12 in the new Piper area on July 23, 2020. In addition to this, there were other additional relocations and reallocation of resources. As we discussed, the four firefighters who had staffed

Pumper 8 in old Piper for 30 years was moved to Pumper 5 at Quindaro. The ladder at 94th & State became cross-staffed as a secondary apparatus. Cross-staffed versus fully-staffed means firefighters staff two apparatus. The apparatus of need, they move back and forth from one to the other.

Currently, Rescue 6 at 94th & State is staffed full-time. Quint 6, the ladder, is staffed part-time leaving a decrease in the ladder coverage in the western portion of KCK. The closest dedicated ladder, after this reallocation and recommissioning, was 62nd & State Ave. This has created extended response times with regards to structure fires as aerial apparatus responding to the western portion of Kansas City, KS, have to come from east of 27th St., either north of I-70 or south of I-70.



As you'll see in this map, this is the ISO GIS analysis from 2011. Consistent with the Local 64 GIS analysis, it identified 107th & Hutton Rd. as the area of need for an additional firehouse while maintaining the firehouse at Station 15 in the Fairfax District.



We understand there is a cost to everything. Going forward, we would encourage the Unified Government and Fire Department to apply for SAFER grants for staffing purposes beginning in

2023 and beyond. The 2022 SAFER grant was not applied for. The federal government was providing 100% costs for the first three years. It is unknown if the local match will remain suspended in 2023 and beyond. We also would encourage the application for assistance for firefighter grants, which are equipment and apparatus grants for future purchases of fire apparatus in our community.

RECOMMENDATIONS. QUESTIONS?

We bring forth a joint recommendation, which is a short-term proposal, to staff the fire station in Fairfax in the very near future while further analysis is done for a long-term plan of the fire service in KCK and Wyandotte County. Our proposal will move no firefighters from their current assignment. Our recommendation will be apparatus reallocation/relocation only. Currently at headquarters, Truck 1 cross-staffs Rescue 1. Truck 1 would recommission to Station 14 and become Truck 14. Rescue 1 would become fully staffed with four members currently assigned, which would meet the national standard. Truck 14's apparatus would recommission to Station 15 and become Truck 15. Truck 15 would be staffed with four firefighters, provide water capability to carry and flow water in the area, which meets the national standard, and ladder coverage of two 100' aerial apparatus would be maintained in the northeast portion of the city. Truck 14's crew would remain assigned to 14's fire station and staff the newly commissioned Truck 14.

To address issues in western Kansas City, KS, we propose moving the platform aerial from Station 6 to Station 12 and staffing with four firefighters. It will provide water capability in its territory and provide a dedicated aerial apparatus to the Piper area, which right now we do not have.

We would then recommission Pumper 12 to Station 6, which would become Pumper 6. We would staff Pumper 6 with three, and Rescue 6 currently assigned there with two, which

would run in tandem both apparatuses. The national standard would be met and water availability would be maintained in the area.

The fourth suggestion we would make would be that the four firefighters that were sent to Pumper 5 would be moved back to Pumper 8 to restore the service as it was prior to the closure of the Fairfax fire station.

This, again, is a short-term recommendation. We have a written proposal we would like to submit to you that has narrative to go along with it, and we'd be happy to forward that to you in the near future.

At that, I would give this to Bob Wing of Tri-County Labor Council.

Bob Wing, Secretary/Treasurer, Tri-County Labor Council, said I appreciate the opportunity to address this issue with you all this evening. My presentation, as a representative of the Central Labor Council, will be brief and to the point. Several commissioners, I don't know—I'm not only an elected member of the Labor Council, I serve as President of Emeritus of the Firefighters Local here in Kansas City. At the State Firefighters Union, I was a firefighter here in Kansas City, employed for 42 years.

I tell you that tenure of being a firefighter here for that amount of time because every joint committee that had ever been formed by the former City Council and the present County Commission, I have served on. That initiated with the former Mayor Steineger in the late 1980s. At no time did the committees that I served on ever not consider the term potential when we developed response times and station assignments for apparatus and personnel.

Here, in the Northeast, and, Mayor, it's ironic, we're talking about the Northeast again being abandoned. The Northeast had a firehouse closed. The first firehouse closed in this city for several decades, and that should be corrected.

Potential was used in the analysis for Piper here, Commissioner Kane, when you proposed to build that station out there, it was based on potential. It was based on the potential of Piper that the existing station wasn't adequate to perform what is needed in the community of Piper. More is needed, but the potential was identified that Piper needed more. As President Simma said, it was never envisioned that it would impact any other part of the city, specifically the Northeast.

When it was considered to staff Station 12, the Rosedale community was considered. Station 10 was considered, but that was proven to be not viable based on its potential, let alone the saber rattling of the business community, the community itself, and the potential of KU Med Center.

Here we have two pieces of a puzzle that were identified as the potential being too great, fire apparatus could not be moved, but Fairfax was identified as not having the potential to support a full-time fire company in Fairfax such that it has since 1966 when Fairfax was annexed into the city.

I'm confused by the Fire Department's lack of coming forward and identifying the potential publicly and the former Commission to keep Fairfax open. That should have been done. I find it even more interesting, Mayor, Madam Administrator, and Commissioners, that an application for a fire grant for radios—and these are the Fire Department's words—I give you these because a fire department knows you have to identify potential. This is their grant application. It's on file here at City Hall. I'll provide you copies if you need them. Here's part of what the text of their grant application reads.

Kansas City, KS, encompasses many uniquely different urban, industrial, and suburban communities. The varying communities amplify the vastly different fire and EMS challenges encountered by the Kansas City, KS Fire Department, including a wide variety of commercial and industrial hazards, high-rise structures, and obstacles related to a densely populated city. Wyandotte County has a population of 161,000 people. It covers 156 square miles. Kansas City, KS, population is over 152,000 and is the third largest city in the state of Kansas.

I underscore, this is the Fire Department's words. We have a vibrant industrial area with over 120 businesses employing 10,000 people, including General Motors, Kellogg's, Owens Corning, and CertainTeed. Three pipeline companies in the Fairfax District provide 95% of the Kansas City metro area supply of unleaded gasoline, diesel, and 100% of the jet fuel that supplies KCI.

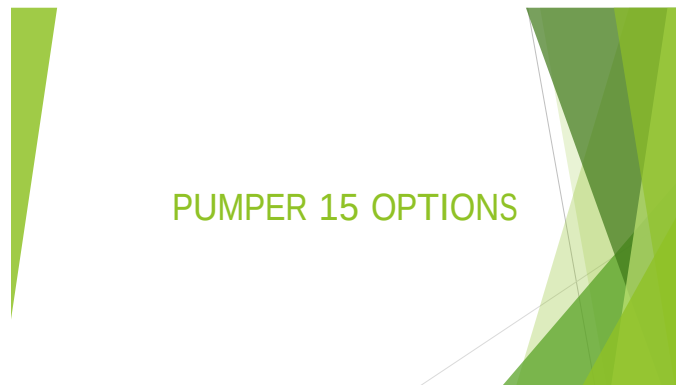
That area was abandoned based on a fire department that did not come forward to use elected officials. Those 10,000 employees that are working in Fairfax, we represent. They have enjoyed full-time fire/EMS coverage in that district based on potential since 1966. I am asking this Commission to right the wrong. Take care of the 10,000 employees, the 120 businesses that

the Fire Department identified and abandoned and publicly said that fire station is not needed in this community. I find that astounding.

Mayor, I could go on, but once again, I appreciate the time. I wanted to make some very poignant remarks. These people that work down there deserve better. Not only do they work in Fairfax, a lot of them live in this community. A lot of them live in the Northeast. I've heard tonight how the Northeast has been abandoned. I think this would be the greatest piece of the puzzle in the Northeast that we can start by reopening that fire station. Not only giving Fairfax back their coverage, Fairfax covers the northeast part of this city with respect to the neighborhoods.

Mr. Simma said in conclusion, we would be happy to provide you with any documentation you wish. That PowerPoint presentation was a brief synopsis of the studies that have been done over the last 10-12 years and the numerous conversations and committee work over the last 10-12 years. We would be happy to have detailed conversation with you any time you would request. We will make ourselves available. We would stand for questions.

Ms. Harrison-Lee said maybe we'll hear from the Fire Chief at this time, and then we'll get all the questions at once.



Michael Callahan, Fire Chief, said the Fire Department was given a task to come up with some options for the Commission to consider in terms of reoccupying Station 15. We presented five options and they range in price from a lot of money to no money.

OPTION 1 STAFFING

- ▶ Build new Fire Station on 7th Street Trafficway to house a pumper (15) and an aerial (currently pumper 5) and an EMS Unit (currently EMS 5) and complete the contemplated station consolidation.
- ▶ This will require 17 additional employees apportioned as follows:
 - ▶ 4 member Truck -17 personnel -3 captains, 3 drivers, 11 firefighters
 - ▶ 4 member Pumper -17 personnel -3 captains, 3 drivers, 11 firefighters (already employed by KCKFD)
 - ▶ 2 member EMS Unit - 9 personnel (already employed by KCKFD)

These are going to get repetitive after a while, but this one won't be repetitive. Option 1 is to build a new fire station on 7th St. Tfr. to house a pumper, 15; an aerial, currently Pumper 5; and an EMS unit, currently EMS 5; and complete the contemplated station consolidation. This will require 17 additional employees apportioned as follows: a 4 member truck which has 17 personnel (3 captains, 3 drivers, 11 firefighters); a 4 member pumper, 17 personnel, same breakdown, already employed by the KCKFD; a 2 member EMS unit with 9 personnel, which are already employed by the KCKFD.

OPTION 1 COSTS

- ▶ Recurrent annual personnel costs (including fringe benefits) = **\$1,918,387.00**
- ▶ One-time cost for a new aerial apparatus = \$1,400,000.00
(Pumper 5 can be utilized in its current form)
- ▶ Total Apparatus cost = \$1,400,000.00
- ▶ One-time cost for a new fire station = \$11,000,000.00
- ▶ **Total upfront costs = \$14,318,387.00**

The recurrent annual personnel costs at today's dollars, including fringe benefits, are \$1.9M. The one-time cost of new aerial apparatus is \$1.4M. Pumper 5 would be used in its current form. Total apparatus cost is \$1.4M. One-time cost for a new fire station is \$11M today. Total upfront costs, \$14.3M.

OPTION 1 ADVANTAGES & LIMITATIONS

- ▶ Meets the NFPA Staffing Standard
- ▶ Immediate addition to the overall weight of response
- ▶ Resolves repair and refurbishment issues in 2 stations simultaneously
- ▶ Significantly optimized location; can respond equilaterally in 4 directions (**Area of Response (AOR) is 100%**)
- ▶ Adds an additional truck/aerial company (8)
- ▶ Will take additional time to complete
- ▶ Most costly

This meets the NFPA staffing standard. It's an immediate addition to the overall weight of the response. It resolves, repair, and refurbishment issues in two stations simultaneously. It's in a significantly optimized location. It can respond equilaterally in four different directions, which we don't have right now. The area of response is 100%. It also adds an additional truck or aerial company to our fleet bringing us to eight. The limitations are it takes additional time to complete it and it costs a lot of money.

The recommendation of the Fire Department would be Option 1. That would be the recommendation of the department.

OPTION 2 STAFFING

- ▶ Reoccupy the current Station 15 with a 4 member pumper and an EMS Unit.
- ▶ This will require 26 additional employees apportioned as follows:
- ▶ 4 member Pumper-17 personnel-3 captains, 3 drivers, 11 firefighters
- ▶ 2 member EMS Unit- 9 personnel

Option 2 is to reoccupy the current Station 15 with a 4 member pumper and an EMS unit. It will require 26 additional employees apportioned as follows: 4 member pumper with 17 personnel (3 captains, 3 drivers, 11 firefighters), and a 2 member EMS unit with 9 personnel.

OPTION 2 COSTS

- ▶ Recurrent annual personnel costs (including fringe benefits) = **\$2,833,805.00**
- ▶ One-time cost for a new pumper = \$700,000.00
- ▶ One-time cost for a new EMS Unit = \$350,000.00
- ▶ Total Apparatus cost = \$1,050,000.00
- ▶ **Total upfront costs = \$3,883,805.00**

The recurrent annual personnel costs at today's dollars, including fringe benefits, are \$2.8M. One-time cost for a new pumper is \$700K. One-time cost for a new EMS unit is \$350K. Total apparatus cost is a little over \$1M. Total upfront cost is \$3.88M.

OPTION 2 ADVANTAGES & LIMITATIONS

- ▶ Meets the NFPA Staffing Standard
- ▶ Will be completed faster
- ▶ Adds an additional pumper company (16)
- ▶ Adds an additional EMS Company (10)
- ▶ Does not contemplate new construction
- ▶ Suboptimal location (**Area of Response (AOR) is truncated by 50%**)
- ▶ Does not resolve repair and refurbishment issues in 2 stations simultaneously
- ▶ No immediate addition to the overall weight of response

Advantages and limitations. It meets the NFPA staffing standard. It will be completed faster. It adds an additional pumper bringing us to 16 instead of 15. It adds an additional EMS company bringing us to 10 instead of 9. It does not contemplate new construction. The limitations are: it's a suboptimal location. The area of response is truncated by 50%. That fire station cannot go anywhere north or east of the current station. It does not resolve, repair, refurbishment issues in two stations simultaneously. There is no immediate addition to the overall weight of the response in that area.

OPTION 3 STAFFING

- ▶ Reoccupy the current Station 15 with a 4 member pumper.
- ▶ 4 member Pumper-17 personnel-3 captains, 3 drivers, 11 firefighters

The third option is to reoccupy the current Station 15 with a 4 member pumper, 17 personnel, again, 3 captains, 3 drivers, 11 firefighters.

OPTION 3 COSTS

- ▶ Recurrent annual personnel costs (including fringe benefits) = **\$1,918,387.00**
- ▶ One-time cost for a new pumper = \$700,000.00
- ▶ Total Apparatus cost = \$700,000.00
- ▶ **Total upfront costs = \$2,618,387.00**

Recurrent personnel costs are \$1.9M. One-time cost for a new pumper, this is where it gets redundant, \$700K. Total apparatus cost is \$700K. Total upfront cost is \$2.6M.

OPTION 3 ADVANTAGES & LIMITATIONS

- ▶ Meets the NFPA Staffing Standard
- ▶ Attenuated costs
- ▶ Will be completed faster
- ▶ Does not contemplate new construction
- ▶ Suboptimal location (**Area of Response (AOR) is truncated by 50%**)
- ▶ No immediate addition to the overall weight of response
- ▶ Does not resolve repair and refurbishment issues in 2 stations simultaneously

The advantages and limitations of this action. Again, it meets the advantages. It meets the NFPA staffing standard. It has attenuated costs. It will be completed faster. It does not contemplate new construction. Disadvantages or limitations. Suboptimal location, again. Area

of response is truncated by 50%. No immediate addition to the overall weight of the response. It does not resolve, repair, refurbishment issues in two stations simultaneously.

OPTION 4 STAFFING

- Reoccupy the current Station 15 with a 4 member pumper Overtime.

Option 4. Reoccupy the current Station 15 with a 4 member pumper on overtime.

OPTION 4 COSTS

- 4 members per day on overtime.
- Annual OT costs = **\$1,358,325.00**
- One-time cost for a new pumper = \$700,000.00
- **Total upfront costs = \$2,058,325.00**

Four members per day on overtime. Annual OT costs in today's dollars, \$1.35M. One-time cost for a pumper, \$700K. Total upfront costs, a little over \$2M.

OPTION 4 ADVANTAGES & LIMITATIONS

- Meets the NFPA Staffing Standard
- Attenuated costs
- Will be completed faster
- Does not contemplate new construction
- Suboptimal location (**Area of Response (AOR) is truncated by 50%**)
- No immediate addition to the overall weight of response
- Does not resolve repair and refurbishment issues in 2 stations simultaneously

The advantages and limitations. It meets the NFPA staffing standard. Attenuated costs. It will be completed faster. It does not contemplate new construction. Limitations. Suboptimal

location. AOR is truncated by 50%. No immediate addition to the overall weight of response. Does not resolve, repair, refurbishment issues in two stations simultaneously.

OPTION 5 STAFFING

- Relocate an existing pumper to Station 15.

Option 5. Relocate an existing pumper to Station 15.

OPTION 5 COSTS

- No additional costs

No additional costs.

OPTION 5 ADVANTAGES & LIMITATIONS

- Lowest cost
- Most straightforward to facilitate
- Does not contemplate new construction
- Suboptimal location (*Area of Response (AOR)* is truncated by 50%)
- Does not resolve repair and refurbishment issues in 2 stations simultaneously
- No immediate addition to the overall weight of response

It's the lowest cost. These are the advantages. Most straightforward to facilitate. It does not contemplate new construction. Disadvantages or limitations. It's still a suboptimal location. It

doesn't resolve and take care of the issues in two stations simultaneously. No immediate addition to the overall weight of response.

That's the end of this presentation.

Ms. Harrison-Lee said, Mayor and commissioners, that completes our presentation. Questions at this time from either IAFF or the Chief or his staff?

Commissioner Kane said I want to make a couple of comments because it's the history of why we're here today. In July of 2016 on the last day of the budget, we voted to build the fire station out in Piper. There's been multiple excuses of why that fire station took forever to build. It was almost five years. They couldn't buy the property. The ground was wet. They had to do this. They had to do that. We had the ribbon cutting ceremony—had the groundbreaking ceremony in April 2019 and we cut the ribbon in August 2020.

Before we moved out there, there was supposed to be a meeting on the phone with the former Mayor and the Administrator to talk about the SAFER grants and the things that they could get. I talked to the lady prior to and she said yep. They'll supply the manpower and there's another grant; you can get equipment. It was supposed to be at 2:00. Doug Bach called at 5 til 2. When I got on at 2:00, he said the lady didn't know what she was talking about. They didn't want to build the fire station out west in the first place. It actually requires an additional one being built.

We were at the ribbon cutting ceremony today in Fairfax, Mayor, correct? There's 123 businesses down there; 120; 10,000 people and their request was to open up their fire station. We have some UAW people here tonight and one of their employees got hurt about a year or so ago and had to drive themselves to the hospital because it took that long to get there. How much does a life cost? What are we going to do when the most volatile area in all of Kansas City, KS, is left empty?

Now we did the tour down there, right, Mayor? Andrade said we don't need one truck, we need two. Now if he says that and we're asking to man it, what led up to that? This whole thing was political. Two mayors ago, he didn't like the Fire Department. He didn't want that fire station built so he drug his feet. Then the Administrator drug his feet. The next Mayor drug his feet. That's why we're at here right now. It's not necessarily about money. Those 10,000

people deserve to have the same coverage the rest of us have. As Bob said, the Northeast area, they took it from there. They don't live there, but they took it from there. Then we worry about money and we buy all these fancy vehicles that they have over there. There's two car seats in the back seat of one of them.

We need to get this solved. We need to make the entire community safe and I think we need to do it as soon as possible.

Commissioner Stites said I think it was Mr. Simma that was saying—would you explain what you were talking about when you said there was a grant applied for and received that I think said that we would go from four to seven, but that was never implemented. Is that right?

Mr. Simma said correct. Under FEMA, there is something called a SAFER grant. A SAFER grant is a staffing for adequate response grant from the federal government. In 2020, the Fire Department requested permission to apply for the SAFER grant. The purpose of the SAFER grant was to permanently make six additional pumpers, four firefighter staff pumpers. We, at the time, had one. That met the national standard of four. The grant would have increased that number to seven. At this time, the grant was applied for, awarded and received, and at this time, we still have one 4-firefighter staff pumper. That was at the old Piper Station #8, which is still in service, but the staffing of that, not the actual individual, but the seat, the firefighter in the seat was relocated from Pumper 8 in Piper to Pumper 5 at 910 Quindaro upon the closure of Station 15.

Commissioner Stites asked, what was that grant amount, do you remember? **Mr. Simma** said I don't know what the number was. It was for 18 firefighters. I don't know what the dollar amount was, but it was for 18 firefighters.

Commissioner Stites said through all those numbers that you were just saying, tell me how many did we get out of that? If it was for 18, how many did we get? **Mr. Simma** said we got 18. **Commissioner Stites** said we got the full 18.

Commissioner Stites said my other question that I had was, so, currently—and I was at that ribbon cutting this afternoon too and heard loud and clear Fairfax, I believe it was the president, she spoke and said she wanted to see that fire station reopened. If there is a train that is blocking at Quindaro right now, there's not service that can get down there in a hurry. Is that correct?

Mr. Simma said not from that direction. There are limited access points, as most everyone here knows, and there are numerous rail crossings at those access points and throughout the district. So, if there is a train in any of those locations, and I can speak from personal experience when I worked right down here at fire headquarters for almost eight years, and when we'd run north up Fairfax Tfry., the trains that would cross there at the south—I forget the name of the company, but the southern tank field, there's a rail crossing there. We would get stopped at those tracks in our response. There's nothing you can do about it. It's not very easy to turn a firetruck around, especially if there's other traffic. Generally, you're locked into place. By the time you turn it around and try to go all the way back and around, the train would be gone. You're just delayed.

Commissioner Stites said I, too, agree that this is a start in that Northeast, if this is part of the revitalization program of the Northeast. This can definitely be something that will help start that. I'm in favor of getting this back opened up.

Commissioner Townsend said I want to say that I appreciate seeing members of the union here tonight. Mr. Simma, Mr. Wing, good to see you all again. I appreciate our Chief and Deputy Chief here. I want to say that it's always hard to lose something that you already had. It was a tough decision but we want to remember that two years ago, there was a unanimous vote by us then, the Commission, based on what was presented to them with wanting to staff, Commissioner Kane—I'm thinking Commissioner Kane, I mean that district. I agree with that. It was a tough vote. Money is always an issue.

When I evaluate both of these plans, I'll be looking at money because a lot has been talked about the Northeast tonight. But, we're talking about millions of dollars here that could go elsewhere or maybe it should go there. So, that will be the analysis because that's what was determined two years ago when every commissioner then decided at that time that based on the resources available, this was what needed to be done. I look forward to speaking with representatives of the union and, again, our Police Chief and his Deputy to get a better detailed understanding of this.

When we talk about grants, I want to make sure that I understand that grants are going to fund someone from the date of hiring to the date presumably of retirement. That's the kicker

with the grants. A lot of times it's for a limited amount of time. So, it will have to come from other funding sources and watching what's in our budget.

I don't believe that the Northeast was abandoned. One of the decisions and guidelines was, how rapidly other fire stations could get to the Fairfax area. So, that needs to be revisited. My understanding is we've been tracing this. Is that—and I'll ask the Chief to talk more to this, that 90% of the time, the standards were being met. So, it's not abandonment.

I'd also like to see, I think it was made mentioned earlier tonight, the survey that was done some years ago of recommendations made. Part of that was the redo and improvement of House 5 and House 18, which are also in District 1. I want to see a lot of improvements to that as well.

I'm going to ask Chief, if you can tell me if 15s goes out of the Fairfax area. Does it serve anywhere else in the Northeast community outside of Fairfax? **Chief Callahan** said excuse me, Commissioner. I don't understand what you mean. **Commissioner Townsend** said if there was—do they answer calls outside of Fairfax? **Chief Callahan** asked, right now? **Commissioner Townsend** said when they were active. **Chief Callahan** said they answer calls wherever they're dispatched to. They can go anywhere in the city.

Commissioner Townsend said I look forward to more detailed instructions and review of these proposals from the union and from our own Chief.

Commissioner Kane said, Commissioner Townsend, I did not, would not, and will never vote to close a fire station. It was not a unanimous decision. We had the UAW guys right here. Judy Timmerman was the one who kept stats on how long it took to get to General Motors. I believe Melissa Clark, the President of the Fairfax District, has those exact same numbers. They failed those numbers twice as much as they met them. In fact, I don't know if they ever met them. I suggest we get ahold of them again and ask, what are the numbers. I don't want the numbers from either side, union or management. I want the numbers of the people that it's affected. I want you to think if you had a family member down there.

Several years ago, there was an explosion. The Phillips 66 caught on fire. They damn near had to close the General Motors plant. To watch what's going on—we were in Ohio at a conference, and to see the video, what they sent us back, the longer you wait, we all know the bigger the fire gets. There's more volatile stuff down there than anywhere else in all of

Wyandotte County. I don't think they'd want to live within a mile or so. It's frustrating because I've been dealing with this for a long time.

When we voted on it, not one time did we ever talk about taking one station, closing it, and going out to the other one. That's why I called FEMA and FEMA said, we'll pay for the new one and the equipment. The former staff and the two former mayors didn't want anything to do with it. We're here because of that reason. We have to mop up their mess.

Commissioner Townsend said that's the good thing about having these tapped so if I, if my recollection is faulty, I apologize, but I'm going to roll the tape because that was my recollection. The main point I want to make is looking at what the situation is now, how it's going to affect the budget, and how we would pay for what's being proposed on either side. That is the bottom line because there are a lot of things that the Northeast needs, so we have to look at all of those.

Mayor Garner asked, any other discussion, questions?

Commissioner Kane said, Mayor, I appreciate you bringing the two parties together. It's always better to see two sides. Now I think we have a task at hand to get into the weeds with it.

Mayor Garner said I've got a question for the Chief as well. If you could pull up Option 5, I believe it was you showed, Chief. If you could hold that. Commissioner Kane has a question.

Commissioner Kane said I was wondering if Bob or JJ had something they wanted to say. You want to wait until he's over?

Mr. Wing said when we talk about Station 15 and Station 10 and their locations being truncated, if you look at them on a map, they're identical. Those two stations are identical geographically. The only difference is Station 10 is loaded with equipment and personnel and it should be because of the potential in Rosedale, as I spoke to it. That potential exists in Fairfax also. So, the discussion of that fire station being truncated, so is Station 10, but it's not closed. Those people in Fairfax, those people in the north end, that Station 15 does respond to the neighborhoods in the north end normally in a residential response, a structure response, the same

way Station 10 does in Rosedale. Look at them on a map. For some reason, we kept Rosedale open. Not only open, it's flushed with equipment and personnel and Fairfax is empty. That's the difference.

Mayor Garner said, Chief, the question I had was on that, there's not much with that. Can you expound on that, maybe cost? Does that coincide with the recommendation that we got from the local union.

Chief Callahan said not exactly. That option is a zero dollar cost. That's literally telling one fire engine that's parked in a fire station today with another unit to drive over there and serve that particular location. The union, the presentation they made, it was a little bit hard to keep up with, but if you look at the totality of what they're suggesting, they're not suggesting any new apparatus. That's true. That is accurate. But, they're suggesting hiring about six additional firefighters, which with the staffing factor of 4.1 per seated position is 25 new hires. That's about \$2.732M at today's cost. That's absent a contractual pay raise.

I do take issue with one thing Bob said. Station 10 does have a truncated response area. It can't go east, but it can go south, it can go north, and it can go west. It's not as truncated as 15's current location. But, yes, he's right. It does have a lot of equipment and it does—there is a direction it can't travel, which is east because they're in Missouri.

Mayor Garner said I guess the question is, you gave a lot of data as far as cost, personnel. That option right there, what does that look like in terms of dollar amount, personnel? You talk about relocating positions. What does that look like? Where would you relocate a pumper from to 15? Then, is there any diminishing service that would be as a result or does the union's option that they gave on kind of that list of how this could probably work, is that an option that you've considered in your talks with the union or just that option alone? Can you be more specific as to how, if you were given direction today to make that happen, what would that look like as far as service for one for Kansas City, KS?

Chief Callahan said well, the determination would have to be made as to which—this is what got us where we're at in the first place. We took a company out of a station. That was the direction the Fire Department was given. I know Commissioner Kane knows this well. I don't know what went on before I got here in terms of who was going to be there and how it was going to be paid for, but when Station 12 opened, the Fire Department was given direction to determine

an existing apparatus and ambulance that would be relocated to that station. That's exactly what we're talking about here. That's why the Fire Department is recommending Option 1 if there's a recommendation from us. If we're tasked with providing a recommendation, that would be our recommendation.

Mayor Garner said I understand that, but if you were given that task right now to implement Option 5, as the Chief, what would that look like and where would you be pulling a pumper and personnel from? How is that even an option?

Chief Callahan said it would have to come out of a double house, so we have four double houses. One of the units in those double houses would have to come out to staff that company, which would leave the double house would become a single house. I'm not a proponent of that, but I was tasked with coming up with some options and that's one of them. I don't favor that option, but that's an option for the Commission to consider. It's cost-free. It cost nothing.

Mayor Garner said with that, I guess the biggest thing, would it diminish safety which translates, I mean, service which could translate into a diminishment of safety with that type of transfer? **Chief Callahan** said anytime you move an apparatus from anywhere, the people co-located around that area are going to suffer a decline in service. That's absolutely true.

Mayor Garner said I guess that bodes well to the argument that we need to pass something in Fairfax. Would you agree? **Chief Callahan** said yea, but I'd put it on 7th St. Trfy. around Sherman.

Mayor Garner said short of having a new fire station, I think it was what, \$14M, short of that, just where we're at today to provide optimal service with the resources that you've been given, and I know that's no fault of your own, but if you had to make a command decision and say the best way to provide services across the board in all four corners of Kansas City, KS, in all available fire stations, to do that effectively at minimal cost, would this be that option? **Chief Callahan** asked, that particular option there? Yes, of course it's an option if that's the direction the Commission gives.

Mayor Garner said and then I've got another. The SAFER grant. Can you describe that, do you support that, and is there any reason as to why that wasn't brought forward this year? **Chief Callahan** asked, are we talking about the previous SAFER grant with the 18 firefighters or are

we talking about a different grant? **Mayor Garner** said it doesn't matter where—I'm talking about today. The SAFER grant, can you describe that? Do you see value when we're short staffed in our Fire Department as that being an option to shore up monetarily those personnel shortages in a way that could benefit the great folks here in Kansas Cit, KS?

Chief Callahan said yes, sir. The SAFER grant will pick up the cost for usually three years. They'll sometimes pay 100%. During COVID, they were paying 100% for three years. But other times, it's 75, 75, 35%, and then the municipality, the UG, is on their own after that.

Mayor Garner said that makes sense, but how does that impact if we're just replacing folks? When you talk about attrition, because me coming from the Police Department, I can kind of understand that concept. With attrition, doesn't that somewhat have an effect of balancing?

Chief Callahan said let me give you these numbers and maybe I can clear that up. Our total strength is 482 employees. Total sworn, that's people who are sworn to put out a fire, is 440. Total current strength is 416, it means we're 24 short. We've got 13 recruits, COEs going out. That would leave us 11 short if those COEs are all accepted and they get through the process. But that's a dynamic number. It ebbs and flows so I couldn't say it's not the perpetual answer, a grant, because they're finite.

Mr. Simma said I just have a couple of comments I'd like to add if I could. We didn't bring forth any cost analysis because we don't have access to those numbers to provide an accurate estimate for this Commission and would not want to bring something forward inaccurately.

As far as the cost estimated of our proposal, I'm not sure if we would agree. We would have to see, obviously, those numbers and evaluate that. Our proposal would be essentially a net gain of six firefighters per day. That's 18 across three shifts. Approximately, the same as the SAFER grant, which we had which, at this time, does not accomplish the purpose of that SAFER grant. We believe, potentially, those 18 positions are existing within the Fire Department that came in two years ago that could be rather than those six 4-man pumpers, while we support that, utilized to move towards NFPA 1710 compliance in other areas.

Additionally, I want to comment on the relocation of an apparatus. As I stated during our presentation, the ISO independent study and the IAFF GIS analysis did not identify any relocation or closure to open Station 12. I'll agree with the Chief in that doing so now to reopen Station 15 would be simply shifting the gaps in coverage around once again.

During the 2020 process in the Fire Department's analysis, identifying 15s as the relocating apparatus, it was also established by the mapping utilized in their study that any other relocation would be a breach of service.

I would also invite at this time for another brief comment because it was 20 years ago and he would certainly have the history. When Fire Station 6 at 94th & State was opened 20 years ago, that was accomplished by relocation of existing apparatus. I believe at that time it was identified that any further relocation, 20 years ago it was identified that any further relocation of apparatus in Kansas City, KS, would be a reduction in service. I would ask Bob to comment to that because he was involved in that process 20 years ago.

Commissioner Johnson said, Mr. Wing, Mr. Simma, I'm not sure if you all had a chance to see those numbers that were presented by the Chief before the meeting. I'm curious as you all were able to observe those and analyze those, did you seem to lean towards any of the recommendations or any of the options that were presented by the Chief? I don't want to put you on the spot. Just kind of give me a sense here.

Mr. Wing said I'll respond. It's my understanding that the parties did not come together and make a joint recommendation. As I said, historically, we always came forward with a joint recommendation. My history has been with other administrations. I'm not active in the day-to-day operations of the Fire Department or the Fire Union anymore. Our belief was, and I think, Mayor, you can attest to this being a former Deputy Police Chief; Commissioner Stites, you could being a former police officer. The chiefs I worked for in the Fire Department, we concluded that when we come over here for the things that we could, we come hand in hand. We did our compromising over there. We never had a mayor and a council or commission question us, as professional firefighters, on the recommendations we made.

What I believe should be done is one thing this Commission can do is instruct the Fire Department and the Fire Union to bring us something jointly that you all can live with. Let's take this discussion to the Fire Department and give them a deadline. Nothing open-ended. We're not going to be having this discussion again two and a-half years from now at election time. As you said, Mayor, the politics in this city is worn out. It's time we move on and we make some decisions based on the good of the community.

Commissioner Johnson, to answer your question, I'm uncomfortable answering that because I haven't had access to those numbers. President Simma already said he didn't. I would make a suggestion that the instruction come from the Mayor and the Commission and the Administrator, get back over there and do your job and bring us something, as professional firefighters, you all can live with and that we can take to the community and be proud of. We've done it before and it can be done again. Is it going to cost some bucks? Probably, but we're not going to do it on the cheap because the Commissioner said, put a price on a life or a price on an injury. It can't be done, but it will exceed any price, hard dollar cost that is being discussed here in public before this Commission. That's what needs to be done in my estimation.

Commissioner Johnson said it makes a whole lot of sense to me. I'm always one that believes that there is power in compromise. That means that everybody won't get what they want, but if we can get to a point where all parties can be satisfied at a certain place, then that serves as a marker from which we can move forward. I'm always one, Mayor and to my colleagues, that we continue to encourage this as we talked about the earlier issue with regard to safe and welcoming. We made some compromise on the spot, but we made some compromise. I'd like to be able to encourage us to be able to do that in the same spirit between the union and our Fire Department.

Commissioner Stites asked, would somebody be able to tell me in the past 10 years, what the number, how many chiefs we had 10 years ago versus how many we have today with no additional—with the closure of a fire station, but how many chiefs we had 10 years ago versus today, and what that would look like if we were to transfer some of those positions and the savings to the street level.

Mr. Simma said I can't at this time give you an exact number. We definitely can put something together. We would have to do the research on it. My belief, as an estimate, as we're probably in the neighborhood of approximately five more chiefs now than there were 10 years ago. That's a very broad estimate. I do know our command staff has grown over the last several years. I will say this, too, it does date back 25 years. But 25 years ago, we were in the neighborhood of 17 or 18 chiefs. I believe right now we're at about 30.

Commissioner Stites said I guess that kind of goes back to what I'm getting at. If we're needing boots on the ground, I mean maybe they need to not have so many Yukons and Suburbans running around and people in firefighter uniforms.

Mr. Simma said I would certainly be very honest with you. We feel the priority of this government, of this Fire Department, and I can certainly tell you the priority of this local union is for the safety of the firefighters and the public that we serve. As a priority, our resources should be allocated there first. I would suggest that an analysis of the budget be done to determine if there are areas in which we could make some savings to further increase our staffing and our response capabilities to provide the service where it belongs.

Commissioner Stites said I would agree. It's very easy for us to get top heavy. It seems like that in the private sector and in the public arena also. What ends up suffering are the people that needs those services for the most part. The people in the north end, the people in the south end, it doesn't matter where we're talking about, but you overload. This is kind of ironic because it's chiefs, but too many chiefs and not enough Indians.

Commissioner Kane said I worked at General Motors for 35 years. In 21 of those years, I worked in safety. If there was a safety situation, we would go out and address it together, both management and union. Sometimes those discussions got pretty heated and sometimes you had to take them up front where nobody could hear you. But, by the end of the day, we did exactly what Bob said. We came out unified, told them good, bad, or indifferent. Whatever that answer was, was the answer and that's it. I think that's what we need to task the union and management. You guys need to work what's best for the community. Each of you need to give a little bit because you have to. I don't want you to come back here and say they said you guys need to come back and tell us exactly what both sides need and then we need to make that decision, Mayor.

Mayor Garner asked, did you have some numbers just on the dollar amount that Fairfax brings in? Did you bring that for us? **Mr. Simma** said yes, \$20M in tax revenue is the estimate that we pulled from a report from a couple of years ago. **Commissioner Kane** said and that doesn't count the BPU power usage either.

Mayor Garner said just to wrap this up, I just want to thank the UAW for being here as well. They've been a strong advocate for that fire station and supporting 15s. They also noted they would like to see that fire station open along with the Fairfax Industrial Association, so we're glad to see them here as well.

That call to action that has gone out from Commissioner Johnson, that was the original call to action from myself, from Commissioner Kane, and Commissioner Bynum, as well as our Administrator for you all to work together in a way, collaboratively to bring something to this Commission that was actionable that you both could agree upon as opposed to maybe a diverging option. It seems like, this is my opinion, the options that the Chief brought forward might coincide with some of the recommendations from the union. So, it doesn't seem like a really long bridge to cross.

I can say that public safety, just me coming from that background, is one of those things that I support. I support our Police Department. I support our Fire Department., our EMS workers. My belief, just from my experience, and I'll just use myself, people will put up with raggedy politicians so they'll vote their mayor out. They'll put up with bad streets. They'll deal with schools that may not be completely adequate, parks where swings don't work, but when they pick up the phone and they dial 911, that's where they draw the line.

When you talk about the taxes, the fees, and the PILOT that goes on our bills, I've had people tell me that they've had enough. Then they start asking, what are we getting for our dollar? What are we getting for our money? I can tell you, when you talk about the amount of money that Fairfax brings in and then the crossover service that that station provides to an area that has been disinvested and disenfranchised, and you've heard me say it for far too long, I think that's an area that we need not overlook any further.

I think that this Commission, and I ask that not only this call to action not go out to our command and our union to come together to work, but this Commission get behind this effort to support public safety because to have a great Kansas City, KS, you've got to have a safe Kansas City, KS, and that means supporting the men and women in uniform that keeps our community safe, the good men and women.

I just want to let the command and the union know; we support you. I think that's a shared message from this Commission that I think I feel comfortable saying, we support all our men and women that wear the uniform to keep this community safe.

I'd just like maybe just a show of hands, because this is not an actionable item, I just want to get some sense that our Administrator, our Fire Chief and his staff, as well as the union to just kind of give a direction, would we or are we saying we support them working together to at least bring back a proposal that would give something actionable to responsibly open up Station 15 in Fairfax.

Commissioner Stites asked, could we put a time limit on that of when we would like to see a proposal brought back? I don't know how long that takes. Is 30 days adequate? It is; 30 days then.

Commissioner Davis said just for clarity, we are going to go through the normal processes of putting this through the standing committee before bringing this back to full Commission because there are a lot of details that need to be vetted and things that just need to be ironed out before it comes back to this body. So, as long as there's clarity on that, I absolutely.

Commissioner Kane said I'd like to have on 3s so both groups know what's going on and then come to the standing committee. **Mayor Garner** said don't know if we can commit to that just to the timeframe. Administrator, you want to weigh in?

Ms. Harrison-Lee said what I'd like to know is if we can get the proposal together and you want to do an on 3s, if you want to extend the time just a little bit to make sure that we can get all the Commission members together for the on 3s and then we can get it through standing committee as well.

Commissioner Stites said I'm fine with that. Do you want me to put 45 days on it? **Ms. Harrison-Lee** said, President Simma, Chief? Okay.

Mayor Garner said if we—time limits are sometimes hard to keep. I just think that if you all can get this done in short order, expeditiously, as you bring your teams together and really talk and then move that forward. I'm really going to lean on our Administrator to facilitate that and she's going to move this thing forward, hopefully, in a manner that hopefully meets everybody's expectations.

Commissioner Burroughs said this isn't an issue that has not been out here for a while. It's been going on for quite a while. Many of us are aware of the needs and what happened with the Fairfax issue. There were a number of us that were very supportive of keeping Fairfax open. I believe we lease more vehicles. We're getting to the point where we're leasing more vehicles. When I see the cost of these vehicles come through and proposals, I want to take that back to my budget subcommittee and review those contracts to ensure that we're getting the proper equipment. I think, honestly, we've got intelligent individuals on both sides of this issue. I believe they've heard our, basically, our walking orders tonight to get together and come forward with a plan that we believe that the Commission can get behind.

I don't think there's a commissioner up here that doesn't support public safety. I just think it's a matter of being able to put to rest the division in our community between our Fire Department and administration. I want to be clear that I don't believe it's this administration at all that has had an issue with the Fire Department. What others did is behind us. Let's build it together, collectively, and put this issue to rest so that when we talk about public safety in Wyandotte County, it's not in a negative way; it's in a way that's respected and deserved for each and every one of the people that serve in public safety and in uniform.

Mayor Garner asked, any more discussion? That's concludes this.

Action: **For information only.**

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

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

Mayor Garner said I'll ask our Administrator Ms. Harrison-Lee to make some remarks and turn it over to staff for presentation.

Cheryl Harrison-Lee, Interim County Administrator, said the Commission established the Infrastructure Committee of staff from Public Works and other staff have been working with Secretary Lorenz and Commissioner Kane to look at potential grant opportunities for

infrastructure. Commissioner Kane, would you like to provide some insight on some of the work that staff's been doing with you on the grant process with the Secretary of Transportation?

Commissioner Kane said several of us met from staff along with some folks from BPU, WYEDC and the Chamber. This is probably my fifth meeting with Secretary Lorenz. One of the things that she talked about is you had to have a shovel-ready project. Let's say it's \$10M. Then there's a way to apply for a grant. I guess we had a grant lady who was there with us and she can apply for a grant and even cover some of that. So, if we have a \$10M project and they pay \$7M, we can take that \$7M and put another project.

One of the things we have to remember is you've got to have one project, so the Commission's going to have to decide what project that is as a whole. Once you get this one going, then you go after another one. She made a comment the other day that one municipality applied for three major projects, and she said they're not going to get any of them. So, whatever project we apply for, we better make sure it's the one we get the most bang for our buck. Jeff and his staff, they have—and Finance was there—they've got several already set up. So, we need to sit down with some of those folks and say what is it, bring it to the Commission and say here's your five options, and let's make a decision.

Ms. Harrison-Lee said we will continue to have this item on the agenda for updates. We'll be continuing to work to see if we can get some options in front of the Commission for a decision. Also, just FYI, the portal is open for non-profits for ARPA funding and that closes on June 24th.

Mayor Garner said just to reiterate, Commissioner Kane has been tasked and he's accepted to chair an Infrastructure Task Force. This is directly related to the funds that were approved last year that should be coming through the state to be distributed for infrastructure needs. Commission Stites also agreed to co-chair this task force. We're anxiously awaiting to see what portion of that Wyandotte County can receive. We do know that is forthcoming. Like our Administrator indicated, we're going to keep you all posted as things progress and move forward. That is just probably just an update as we move along with continuous updates because infrastructure is a huge need here in Kansas City, KS, and Wyandotte County.

Action: For information only.

ADJOURN

Mayor Garner said that concludes. We have no further business from this governing body. I'll entertain a motion to adjourn.

Action: On motion of Commissioner Johnson, seconded by Commissioner Kane, the meeting was adjourned. Roll call was taken and there were seven "Ayes," McKiernan, Johnson, Kane, Stites, Davis, Burroughs, Townsend.

**MAYOR GARNER
ADJOURNED THE MEETING AT 9:53 P.M.
June 9, 2022**

Monica Sparks
Acting Unified Government Clerk

cg

June 9, 2022

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

SPECIAL MEETING, THURSDAY, FEBRUARY 2, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in a Special Meeting, Thursday, February 2, 2023, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District via online; 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. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrator's; Misty Brown, Chief Legal Counsel; Jeff Conway, Assistant Counsel; Brett Deichler, Unified Government Clerk; Monica Sparks, Deputy Unified Government Clerk; Dr. Mildred Edwards, Chief of Staff in Mayor's Office; Jeff Fisher, Executive Director of Public Works; LaVert Murray, Economic Development Advisor in Mayor's Office; and Alley Porter, Commission Liaison.

Mayor Garner said before I call this meeting to order, I want to announce that some commissioners, staff and public are attending remotely via Zoom, by phone, or on-site. All participants joining by phone should mute their phones when not speaking to avoid any 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 Office.

MAYOR GARNER called the meeting to order.

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

NOTICE OF SPECIAL MEETING of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format in the Commission Chambers, lobby level, of the Municipal Office Building on Thursday, February 2, 2023, at 6:00 p.m. regarding Unified Government Rules and Procedures.

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.

COMMISSIONERS' AGENDA

Item No. 1 – 212253...DISCUSSION: PROPOSED CHANGES TO RULES AND PROCEDURES

Synopsis: A discussion of proposed changes to the Unified Government Commission Rules and Procedures, submitted by Commissioners Ramirez, Markley, Davis, Johnson, and Stites.

Mayor Garner said this evening we have one item on the agenda. The item is under the Commissioner's Agenda and is discussion of a proposed change to the Unified Government Commission's Rules and Procedures. I'll open the floor to the Commission for discussion.

Commissioner Markley said before us, in the packet, are red lines of the Rules and Procedures we've been discussing since December and then, additionally, in light of changes to the standing committees during the past week or as of last Friday, some additional changes for consideration related to standing committee formatting and the changes allowed in the membership of those groups. They are in the packet. You can pull them up on your screen certainly and I am available for any questions as are Commissioner Davis and Commission Ramirez.

Commissioner Bynum said I just wanted to state to the full commission that the item voted on last week to send back to standing committee for review and recommendation should be brought to Administration & Human Services on February 13th. That was the direction the Commission gave at the meeting last week and I believe that full agenda should be published tomorrow. I just

wanted to let the Commission know that item should be taken up as an agenda item at Administration & Human Services on the 13th.

Commissioner Davis said can we put the language on the screen just so the public and those that are watching are aware? Thank you all so much. I want to ask Chief Counsel just to provide some guidance here. Section 205 in this proposal does strike out H and H states that the Neighborhood & Community Development Committee shall include at least one voting member from each of the other three standing committees. It is my understanding, Chief Counsel, that is in the Charter and, therefore, we would have to let that stand. Could you just provide some counsel on that?

Misty Brown, Chief Counsel, said yes, Commissioner, that's true. When I received these red lines yesterday, I took a look at them. I did note that H is in the Charter and that would not be something that could be amended in this way. That would require a Charter amendment if one was going to specify those differences to Neighborhood & Community Development.

Commissioner Davis said awesome. I would be perfectly fine with leaving that—or taking away that strikeout and leaving that language in there for resolution for staff to bring back to us for the 7:00 commission meeting, but those are my comments.

Commissioner Bynum said 205-h is not the one that's showing on the screen right now. Section 205-h, that you're referencing, right Commissioner, states currently the Neighborhood & Community Development Standing Committee shall include at least one voting member from each of the other three standing committees and so you are saying—does that language also exist in the Charter somewhere? **Commissioner Davis** was inaudible. **Commissioner Bynum** said okay and, therefore, you wouldn't recommend this change. You would send that to the Charter Review Committee or wherever you think we agree it should go. So, meanwhile, because it creates a dilemma for us the way it stands, I had offered to the Mayor to solve the current problem that we have by serving on Public Works & Safety, Administration & Human Services, which meet on the same night as well as also becoming a member of Neighborhood & Community Development that meets on a different night. That would put us in compliance with 205-h just for the record.

Mayor Garner said in that regard I'm going to have Dr. Edwards come to the podium. I believe there was some questions that may have arisen out of how my office moved to get to the point of

reassigning individuals, commissioners, to standing committees this year and that really arose out of—and the Dr. did a good job of recognizing that actually we were operating out of compliance with our ordinance. So, that action was taken and recommended to me to take a corrective action and I'll let Dr. Edwards speak to that.

Dr. Mildred Edwards, Chief of Staff in Mayor's Office, said we did take a look at the ordinance to make certain that we were following the placement and the appointments to the standing committees as designated. So, given that, and realizing that we weren't in compliance with regard to Item H, the Mayor then made the decision to take a look at reassigning those committees to make sure that we can bring them into order. We had conversations with both of our at-large commissioners to talk about the positives and negatives of doing that and as Commissioner Bynum has noted, she did recommend that she take the bulk of the responsibility rather than shifting all of the commissioners to having more meetings per month, that she be the representative that fulfills all of those.

We proposed a recommendation to you all that would impact everyone equally and I guess tonight we're here to discuss that or what else would you need me to report on? How we arrived at that and now that we are there we know that needs to be addressed. The Mayor has spoken with me and is willing to let this be an item that is taken up by the Chairs, not only the Chairs of the committees that are designated by the ordinance, being the at-large commissioners, but their appointees who were not addressed in this decision-making. So, thinking about the four of them getting together and working with the remainder of the Board to make recommendations through the Administration Committee, that is the recommendation.

Mayor Garner said that came about in speaking with Commissioner Burroughs and Commissioner Bynum. Part of that was that we spoke to Chief Counsel about the actual Chairs that had been appointed by the standing—the actual at-large commissioners who are the actual Chairs. Our concern was, and the concern with Legal Counsel, is that we may have erred in not involving both Commissioner Markley and Commissioner McKiernan in that discussion. Our belief was that because the policy was not being followed and that we were operating out of compliance, that our only obligation was to talk to the actual Chairs of the standing committee.

In speaking with Legal, that question was raised and so in speaking with Ms. Bynum and Mr. Burroughs, the commissioners, we agreed to allow them to bring us in compliance with ordinance by talking to the full commission and allowing the full commission to choose who they would like to serve on the standing committees in a way that would bring the standing committees into full compliance with the current ordinance as it is written. So, that was my concession to the Commission. Commissioner Bynum agreed to take that on and take that item and that action and so that's how we arrived at this point and I would sign off on that and bless it, as I'm supposed to do as the Mayor, once the Commission arrived at who they decided they would like to have on the various four standing committees.

Commissioner Davis said the point of—or at least it was my intention in working with the other commissioners to call this meeting is to give staff direction to come back to full commission at 7:00 with legislation that we could adopt tonight. Ms. Harrison-Lee, what direction would you need and how would you like to go about getting consensus from the governing body so that you can direct staff to put something before us. Then, I do have a question about the Administrator's Agenda as well, but I want to first give you that question.

Cheryl Harrison-Lee, Interim County Administrator, said as Counsel has indicated, we have the red line that was provided yesterday with the agenda so I would want to know of the items you have here which items you'd like us to look at and prepare for you for 7:00 p.m. **Commissioner Davis** said should we do a straw vote or what would be helpful just so we can get things going? **Ms. Harrison-Lee** said let me make sure I understand what you have. With the items you have here that are red line, with the exception of item H, which I understand from Counsel needs a Charter amendment, is the proposal to have this prepared—**Commissioner Davis** said for 7:00 p.m. **Ms. Harrison-Lee** said so, yeah, I would say much like we've done with the budget presentations, when you've directed staff, kind of a straw—**Commissioner Davis** said just a straw poll, so should we—**Ms. Harrison-Lee** said so I understand what the will of the governing body is. **Commissioner Davis** said okay, would you like to just—should we do that now or what would we—okay, all of us that are in favor can raise our hands if we want this to go to full commission or...

Ms. Brown said my understanding, from what I'm hearing, is that you're going to ask for a straw poll to direct the changes to the Rules and Procedure be brought forward tonight. I have previously opined that, yes, the Rules and Procedures can be suspended and various—you know these are the Rules and Procedure for the Commission, they can be suspended and actions can be taken. I've also previously opined and recommended that changes to the Rules and Procedures be done in a way to allow a meaningful review and drafting by the Legal Department. So, if directed to do this tonight, I will do it, but I am going to say, on the record, what my previous recommendation was.

Commissioner Markley said can I first—I just want to clarify what Dr. Edwards and what the Mayor brought forward tonight because we're all sort of in standing committee limbo right now and what I think I'm hearing is that the standing committee Chairs, all four of us, are supposed to sit down and come up with a plan. I guess my question is, where does that put us? I think on Monday there's a standing committee that I might have been assigned to, but maybe now I'm not. I guess what I'm hoping is that we're all going to stay on our same standing committees until that recommendation comes forward.

Mayor Garner said that is correct and apologies that information gets out to you in a timely manner, but yes, there's nothing that has changed at this point until the Chairs, all four of you, get together and you make a determination on how best to assign individual commissioners to the standing committees at your choosing. The only ask that I have in helping me with that is to make sure that we are in compliance with the current ordinance that we were out of compliance with for the entirety of 2022, as Dr. Edwards has stated, in moving forward and then I will sign off on that and codify that to make it official.

Commissioner Markley said then in light of that, because we had an immediate problem we were trying to deal with that has been alleviated and in light of Commissioner Bynum letting us know that the rule that we were discussing previously from December is going on the Administration & Human Services Standing Committee agenda. In light of Ms. Brown's comments, I guess I'm thinking perhaps we just send this whole package to that standing committee since there's a timeliness issue to deal with the standing committee item tonight. That gives staff time to review and we'll put it all through the same process at one time through that standing committee agenda item. That would be my recommendation.

Commissioner Townsend asked, is that a motion? **Commissioner Markley** said we can't make a motion here.

Ms. Brown said I would just like to add one other piece and that is this is something that we have talked about I think up here and privately as well. Mayor, when I say privately, I want to be very clear for KOMA purposes, me, the Mayor, and the Administrator, that there are numerous provisions in our Rules and Procedures that are conflicting, confusing and need review. It's been 25 years since they've been looked at and my assurances that I received is that this is going to be a process that's going to be looked at. I would formally encourage a complete review of our Rules and Procedures to ensure that these conflicts and confusing points are addressed. I just wanted to note that and I think that's it.

Mayor Garner said I believe that Commissioner Burroughs has taken up that task with a task force that is comprised of him Chairing it and numerous commissioners to look at the charter ordinances and all its resolutions to make sure they reflect the values of our community today and that they are in alliance without—or as many conflicts that we begin to identify and so Commissioner Burroughs has expressed here, and to me personally, that he is doing that in a very thoughtful and intentional manner. That work continues to be ongoing with several of the commissioners that are with us here tonight.

Commissioner Davis said let me ask this question. Chief Counsel, currently under our Rules and Procedures the Mayor has the ultimate authority over the agenda meaning he can basically—this is true for both the Commission and for standing committees, if the Mayor changes his mind and says I don't want any changes to the Rules and Procedures, I will not put it on the agenda for AHS, what does that mean for the resolution that was passed on January 26th? **Ms. Brown** asked, what resolution? Could you—I'm sorry, I'm drawing a blank. **Commissioner Davis** said yeah, the resolution that we all voted—the motion that we all made to direct conversations about the Rules and Procedures to Administration & Human Services. If the Mayor changes his mind and just says I don't want to do that, what does that do to that resolution? **Ms. Brown** said because this matter was in front of the Commission on the 26th and because the Commission as a whole voted to send this item back to Administration & Human Services, that matter must go to Administration

& Human Services and be discussed. After that, there is a question that, yes, the Mayor does control the agenda at the full commission meeting and without a suspension to a rule of procedure at that time, it could be blocked from coming forward. It could come forward and it could also be vetoed.

Commissioner Davis said okay, so I want my colleagues again to think about what we are doing. If we try to go through that process, number one going through the charter review process, there's been a whole year to get one item before us that just hasn't happened, but do we want to try, with a search for a County Administrator happening as well, do we want to try and go through that process as well in addition to reviewing our Rules and Procedures or should we, as I proposed earlier, direct staff to draw up this language formalizing in a resolution and vote on it tonight so we have some assurance going forward that this will not happen again?

I would plead with my colleagues to take this language and let's formalize it tonight so that we can get some leverage here. Right now, all we have is the word and words have been broken multiple times in the dais. Mayor, Mayor—**Mayor Garner** said if we could call order. **Commissioner Davis** said so, as I'm saying, I plead with my colleagues, let's not—there's a possibility that the Mayor changes his mind which means nothing progresses forward.

Mayor Garner said let me speak to that. If we could just control our signs. It's okay if you put them on the seats. That's at the request of our Chief Counsel.

For those of you that don't know me, I've worked on the Housing Authority Board, the Community College Board, the Ad-Hoc Group Against Crime, 32 years as a Police Officer rising through the ranks to Deputy Chief, so I was an employee here at the Unified Government. I was also appointed by the Governor of Kansas as a community organizer, KAAAC Commissioner. I've had a lot of interactions with people in this community. My resume, my background speaks for itself.

Let me speak frankly about the insinuation that I won't keep my word. That is a challenge to my integrity. If I say I'm going to do something, I do it. Just like I have promised many of the people in this community that voted for me that said they wanted change and I've kept my word. I have not backed down and that's where I'm at. I've kept my word, so if I say it, I mean it. I said what I said and I mean it and that's a commitment, not to you Commissioner Davis, but to this

entire Commission, to the staff, and to this community. My word has always been bond and that's why people trust me.

I just want to make it clear, Commissioner Davis, to you tonight in front of everybody for the record, there's a lot of rhetoric that has been going on and I would like to say for the record, if you read what was put out that Dr. Edwards talked about, there was an option there for you to contact me, my office, to call if there were any questions or concerns from any commissioners. I did get a response from Commissioner Johnson who had some concerns and last year when we were making these standing committee assignments several commissioners asked for changes and for preference on certain standing committees, including you Commissioner Davis, and I honored that.

As the Mayor/CEO of this town, I cannot ignore the fact that we have got, and I can't say this enough and I've said it all year, I started out this campaign with an olive branch to every commissioner, to staff, and to this community; this has never been about me, it will never be about me, I'm not here for me because I don't have to be here. I'm here for the people. I'm here because I care about this community and I want better. I'm sure this is all of you and it hurts me to hear these types of things going on that continues to create a cloud over our community with misinformation, sometimes lies, not just about me, but several of us. So, Commissioner Davis, you could have called and gotten clarity and, yes, I did set your Commission committee assignments to the side because I expected, and that was my fault, I assumed you would call just like you did last year and say, Mayor, I'd like to know what's going on with the community assignments.

But, what you've proved to me and what you've proven to me for most of the year is that you do not want to work or meet with me and so that proved that once again and instead of calling me and being a professional and showing some level of professional maturity, what I got was a media blitz that caused a chaotic cloud to continue over this county. That was unnecessary, it was uncalled for and accusations were thrown at me that are totally not true that do not reflect the person I've been, who I am, or who I ever will be. I have always been somebody that is a collaborator and I say that respectfully to you because throughout the year I've offered you plenty of opportunities to meet with me. You have chosen not to.

I've heard that you felt like your constituents, 20,000 of them, didn't have a voice. Well, some of those constituents voted for me too and if you're not working with me, you're depriving

those constituents that we both have of leadership that is failing to work together in a way that can get the job of the people done.

Throughout the year, you've admittedly scrutinized me. I don't know why. That's between you and God. **Someone** said point of order. **Mayor Garner** said, Commissioner, I'm running this meeting. Commissioner, I'm going to ask for order from everyone. Please be respectful. So, I say that respectfully, is that from day one I have done nothing to you but show you love, offer you help, assistance, in every way possible. So, what I did was to try and get you back to the table to say let's talk and let's find out how we can work together because people have told me, Mayor, go above and beyond again because enough is enough.

This is African American History Month. You've got two black men that are giving the perception to a majority of minority community that we can't work together and that is not true. We can, we must. I don't care who gets the win in this. It doesn't matter to me because if we succeed, this community succeeds. We have to work together. Please hold your applause. We have to work together for the good of Wyandotte County.

So, we've met before and we've gotten nowhere and so I say to you again, those standing committee assignments were not deprived of you. You are not going to be kept off any standing committees. That's not the goal and the intention. The goal and intention was to say, hey, what do I do to get Commissioner Davis back to the table so we can have a conversation, so we can have a real conversation, not about throwing shade or hate or scrutinizing each other openly, but how do we have a conversation to do the things that this community wants us to do. Lower their taxes, work on BPU, find affordable housing, economic development, do things for the disenfranchised, look at diversity and racism within this organization, women and minority businesses, infrastructure, youth programs, homelessness, poverty, food deserts; those are the things they want us to work on. I have not met one resident that has said their top priority was for anybody in this Unified Government to find a way to curtail the powers of the Mayor unlike has never happened before.

So, my challenge, again to you and I dare you, please come to the table, and any of you, we've sent out invitations again. I've sent them all out through the (inaudible). Please work with me. We have to do this. Whatever differences we have, we have to put them aside. Our success is going to be the success of this community and they want us to work together. I don't know any other way that I can say that.

I have the utmost respect for you, I know you're capable, I know we can get a lot done together and I challenge you to come to the table and work with me on the things that matter. Are we going to agree on everything, no, I don't expect us to. I know you care, I care, let's show this community that we care enough to put whatever differences that we may have—I don't have any, because I've been asking you to meet with me. But if there are differences there, let's work them out as men, as professionals, as elected leaders of this town and let's put the work and the needs of this community above ourselves. I'm willing to do it and if I wronged you in any way, please let me know so we can have that discussion and move forward in a way that's positive and so there's no more shade, there's no more undermining, there's no more obstructing, there's no more accusations or any insinuations in those things. I don't do that to you.

From the first day I met you I was impressed with you. For those who don't know, he started on my campaign and I supported you and I stood by you and I wanted you to be successful. That desire for you has not changed. I want you to be successful because your success is going to be the all of our success. I don't want any more confusion, any more divisiveness because it is unhealthy to getting the work done for the people of Wyandotte County and they've told me, Mayor, you all have got to do better and this community deserves better than what they've been seeing and I don't want Wyandotte County to become the mockery of the metro because we cannot get along and work for the common good of this community. So, I say that respectfully.

I know that Commissioner Markley has mentioned about moving some things forward. I share in that along with Commissioner Bynum and Commissioner Burroughs who also agreed, please make sure that Commissioner Davis is assigned a committee of his choosing and then, Commissioner Davis, I challenge you to work with me in those standing committees and in this full commission and outside these walls on behalf of the people so we can get good things done. Wyandotte County has so much potential to be great. Let's make that happen.

Commissioner Townsend said I made the motion to have this issue sent to the standing committee, so I believe when I made the motion and it was approved by my colleagues, I did so with the understanding that the Mayor would bring it back. I had that same confidence. Let me also say that working with all of us, we will have different opinions about things so it is not working against the Mayor if each of us has a different opinion. We all were sworn to uphold the Constitution. No one person has all right or all wrong, so in working together there will be

differences in the vote. I just hope people realize that. So I would endorse, if we can't make a motion, to send this back, have the AHS committee look at it. I'm glad Commissioner Davis will be put on committees of his choosing and to move on in that way. So, I ask Counsel, Mayor, what's the best way to move on with this?

Mayor Garner said, Commissioner, we will take a straw poll. I believe we have a few other commissioners who want to make comments. In the interest of time, I'm going to allow for that. I would like to say that I do agree with you and I'd like for the public to know, none of us are perfect. All of us are human. We make mistakes, we do, hopefully we learn from those and we get better. Failure is how you learn and that's how you get better. I believe that when one of us falls or when one of us don't make mistakes, it's our opportunity and not just your elected leaders, but even you, the community, tell us if we're wrong, tell us if we're not measuring up. The open mic is an opportunity for that. That's how I get better. I've told people before that if I'm not measuring up, please let me know. You're not going to hurt my feelings. I want to get better in the services in the community and if my fellow elected officials are falling short, I'm not going to step on them while they're down. I want to help pull them up as well because to get things done for this community, we have to get it right and failure is not an option with what we're looking at here in Wyandotte County as far as our fiscal situation.

We've got too many other issues on the table than to be worrying about minor matters that don't really reflect the interests of anybody, the hard-working people in Wyandotte County, what they really want done. They don't care about this infighting and who likes who, they just want us to get the work done for this community and that's what I want. So, I just ask all of us, I can get better, I'm a young new Mayor finishing my first year. Have I made mistakes, of course. That's life. Is it intentional, no my heart is pure. I care about people. I care about this community. I'm not here to hurt anyone. Do I need anything, no. I'm not here for any personal gain. I'm not trying to move up. I'm not looking for higher office or book deals. I retired. God blessed me to be able to do that.

I'm here because I just want to make a difference because people ask me to do and be that difference and I'm willing to work with all of you and this is a new year for all of us. Let's work to do better and let's start working on the things that really matter for Wyandotte County and I can tell you over the course of three days before Christmas and since then, we've really been working and miring ourselves down in things that really are irrelevant in the big scope of things

that matter to every day hard-working people. It's stressful for our employees. I've talked to several of them, they're caught in the middle, our community is dissatisfied, we all look like shady politicians that can't get along and we are a mockery from here to Topeka and I've heard it. Let's do better, please.

Commissioner Ramirez said I have a request and hopefully it's not a big request. The complete review of Commission Rules should be followed—should go under the jurisdiction of the Administration & Human Services committee. The document you gave us of committees and their jurisdiction completely states Commission Rules. It's not under the jurisdiction of the Charter Committee. The Charter Committee and the Commission Rules are completely different documents and with all due respect, I believe it will do more good under Administration & Human Services than the Charter Committee. So, I ask Commissioner Bynum, as the Chair of AHS that the full review of Commission Rules become under your jurisdiction of that committee as it clearly states of the document that the Mayor gave to us.

Commissioner Davis said oh boy, okay. Mayor, I think that one of the things that you have done, and this is why I still believe we need some assurance as commissioners is because there have been times that you've broken your word. When LaVert Murray brought the developers before us and we all spoke about Willie Lanier and made it—and by the way it's Black History Month. Willie Lanier, many of you do not know, is the son of a former Kansas City Chiefs player. He is—Mayor, are you going to—I'm going to wait for you to be the presiding officer and get decorum. **Mayor Garner** said, Commissioner, if you would please. **Commissioner Davis** said no, it's the gallery. **Mayor Garner** said, Commissioner, please let's—it's called emotional intelligence. Let's utilize that. **Commissioner Davis** said emotional intelligence—it's a point of order. It's the gallery that is speaking and they're not authorized to do so. Can I speak, can I get a ruling?

Mayor Garner said, Commissioner, we will take a two minute recess for everybody to cool their heels and come back. Before we come back, I'm going to ask the crowd again whether you like any comments of anybody, and this is going into the full commission meeting, please be respectful of people's viewpoints whether you like it or not. Be respectful. **Commissioner Davis** said and I would like my time when we come back. That's all I'm asking for. **Mayor Garner**

said, Commissioner, I've never taken time from you. All I ask is, let me do my job. I don't need you to tell me how to do it, okay? We'll take two minutes.

(Two minute recess)

Mayor Garner said thank you, thank you so much. I think we needed a little timeout. I know there are a lot of emotions here. Again, I'm going to ask you, please respectfully, if you can just maintain your composure, allow people to speak so they can get their remarks out, keep your comments to a minimum. There's a time and a place for that. I just ask that we be respectful of one another. We all are neighbors, we all know each other, we all live here and we all have the same goals and objectives which is, we all want a better Wyandotte County. Commissioner Davis, you can continue.

Commissioner Davis said I think there's been some—well, there's been a lot of misconceptions about me and my issues with Mayor Garner. Mayor Garner, my issues with you have not been personal, they have been policy-based. You stopped a black developer from developing in downtown Kansas City, Kansas. That's what happened. That is a fact. If you do not know who Willie Lanier, Jr. is or what happened to his project or how it could have been a catalytic project for development in downtown Kansas City, Kansas, it's Black History Month, let's talk about how black people have been mistreated. Are you going to—I mean—**Mayor Garner** asked, are you done? **Commissioner Davis** said no, I'm just seeing if you wanted to make sure that there's decorum. **Mayor Garner** said yes, please...

Commissioner Davis said the other issue has been, yes Mayor Garner, I did work on your campaign. I left because of the very disagreements that we're having right now. You have ruled with an iron fist. You have tried to run City Hall like the Police Department. We do not work for you. I do not work for you. I want to work with you. There are things that you have proposed that I agree with. We talk about the sales tax. I agree there should be some option there. We can talk about other issues when it comes to development. I agree, but the way in which this has happened has not been fair.

I am glad that I'm getting my assignments back. I'm glad that we have your word and I will absolutely hold you to it. However, I would like to see better and I would like to see it consistently.

I will yield on my request for us to vote on these changes for the Rules and Procedures tonight. I understand I don't have the votes. I don't have the support from my colleagues and I'll follow their guidance and their wisdom in working this through the standing committee of Administration & Human Services. But this should have never been personal. It shouldn't and the fact that it was, you know, it's under your leadership Mayor Garner, is a blackeye for Wyandotte County and that's unfortunate.

Mayor Garner said well, you had a lot there Commissioner. It's not personal for me and, again, I've never said anything bad about you and I challenge you to look on any of my social medias or anybody in this community, and you know who they are, that have tried to get me and you to sit down, so that is totally not true. There's nothing personal. I have no personal—I'm going to say it again, I want you to be successful. I love you as a brother. I've said that privately and I'm saying it openly and I'm telling you now we have to work together. You don't know me, so don't speak to my career as a police officer because I had the nomenclature of being called officer friendly by many people in the community. People trusted me and if I was anything less than that, I would not be Mayor today.

I'm going to ask—you made another statement about black developers. I would agree with you on Mr. Lanier, but if I did, we would both be wrong, so I'm going to ask LaVert Murray to bring clarity to that for the public and, hopefully, this misconception about what occurred can finally be put to rest in your mind.

LaVert Murray, Economic Development Advisor in Mayor's Office, said Mr. Lanier had a project before this committee some time ago and, in fact, as I tracked this development—and let me say for the public that, yes, I am LaVert Murray, currently Chief Economic Development Advisor to Mayor Garner. Before I came back after my retirement I was—and before I retired I was the Director of Development, Director of Economic Development, for close to 40 years and you will see my handprint on many major developments throughout this community including General Motors, including the Hilton Garden Inn, including the Reardon Convention Center. I

must say that because I've heard that there have been some members of the Commission telling others that I have a personal grudge against Mr. Lanier and that certainly is not even close to the truth and that I have something personal in support of the convention center, the Reardon Convention Center. I will tell you, those that don't know me, during my past nearly 40 years, yes, I managed the construction of the convention center; yes, I managed the construction of the Hilton Garden Inn and the BPU Office Building. Yes, I secured the grants for those developments. Yes, I secured the grants for the parking structure behind the convention center and the BPU, but I have no personal or emotional attachments. If you give me something better, I wouldn't have a problem tearing it down and building that something better and that's how I am on all projects.

I will tell you that as I pursue development deals throughout our community, and that's always been the case for me, I think developers deserve an opportunity to better their proposals and typically when I work, a deal a developer might get two opportunities for an extension of their contracts to do what they have committed to do.

I never had a situation where there are four extensions to a project. That was the case for the Indian Springs Scavuzzo Project. I recommended we end the nonsense, if you will, and we did that on Scavuzzo. When I learned of four extensions for the Reardon Project, it had nothing to do with Mr. Lanier. I've known Mr. Lanier a great number of years, I like him, I think we get along, but it's business and I could not recommend to you to provide extension number five for a project that's taken years to develop and I've still not seen the financing commitments for the project, but that's beside the point. My recommendation was, it's not time to do extension number five. That project was not withdrawn by the Mayor or anyone else. That project had a drop-dead date that expired on December 31st. When that project reached December 31, its contract was null and void and that is what happened to the Lanier Project for the Reardon Center.

I have personally spoken with Mr. Lanier and Mr. Lanier has come back with a proposal that will allow the Unified Government to keep its only convention center in our community and also build what he proposes in an apartment building attached to the convention center as opposed to tearing it down. When that project was taken before the standing committee last month or so, Mr. Lanier presented a third project, if you will, on the UMB Bank site. I was surprised that he didn't mention the alternative of attaching his building to the convention center and I know maybe some of you have seen the plans for that. I know when I learned of it, I took it to Commissioner McKiernan. Why, because it's in his district and Mr. McKiernan viewed that and I thought when

he came before the standing committee that would be presented. It wasn't, but I want you to know that the Mayor has said to Mr. Lanier, I have said to Mr. Lanier, we want to work with you but we need a convention center too and there was an option to accommodate Mr. Lanier and also have a first-rate convention center.

I just wanted to point out that no one killed that project. It had a drop-dead date of December 31 and it didn't meet the requirements by that date. Mr. Lanier will tell you that, but we are still communicating with him and we're trying to bring that project forward.

Mayor Garner said I can say just for the record, I have spoken to Mr. Lanier and he wants to accommodate a redevelopment project at the Reardon Center and beyond. I've talked to our Administrator on several occasions. For the record, nobody is trying to keep an African American developer out of Wyandotte County, me of all people, right, would try and do that. We want a good quality project. People have said they want a first-class convention center to get some of the residual flow over from Kansas City, Missouri. I support Mr. Lanier in his efforts, I support his new proposal that he brought back, I encourage staff to work with him because he is the only developer that we know of that is willing to do something in that area. I don't care who it is, if they are shovel-ready and they can bring the types of good services and resources that Wyandotte County deserves, my thing is, let's make it happen and I've given staff that option.

I'll go a step further, back in, I believe it was August, Mr. Murray brought developers to this dais as well. Over half of them were minorities that had historically been shut out from this Unified Government. They couldn't even get a seat at the table and to this day, for whatever reason, because that meeting turned very chaotic, in which it shouldn't have, and you can go back and roll the tape and decide for yourself who caused the chaos. Some of those developers said they will never come back to Wyandotte County again. Shameful. None of them needed money. They had the financing, they were ready to go and they were ready to do the things that Mr. Murray and myself asked them to do and that was develop east of 635 in the disenfranchised, disinvested areas in the most poorest zip codes anywhere that you can find in the state of Kansas from areas where people have been begging for development, redline areas, and these people have historically not had a seat at the table. We offered them to at least bring forth their vision and they still haven't had that opportunity. We got to do better.

Commissioner Johnson said I think I would say relative to Mr. Lanier, I just ask that to all parties that are involved, let's get us something to the Commission that we can vote on, up or down. I know we have procedures in place to go through standing committees, they have timelines and they've gone over some timelines with some amendments, but I'm saying, whatever it takes. This has drug on for far too long. Just get something to the Commission that we can vote on, up or down, up or down, that's my only request.

Relative to the document that is before us tonight, I think Commissioner Bynum mentioned that we could come to her committee, the Administration & Human Services Standing Committee. It looks to me that the next meeting would be on the 13th of this month. Is that correct? (Inaudible). **Commissioner Johnson** said so I ask that—my ask would be that if we can get that through standing committee, can it be fast-tracked to the full commission meeting on the 16th? That is my request. If we can get through that document, can it be fast-tracked and get some assurance that it can be fast-tracked to the full commission meeting because it appears to me the next full commission meeting won't be until March the 9th. At least that's what my calendar shows. That the request that I would have that if we get it approved in standing committee, can it be moved—fast-tracked to the full commission meeting.

Mayor Garner said just to clarify, I have worked with our Administrator and she is actively working, her and staff, with Mr. Lanier and they are trying to get something before this body and they have made that commitment to continue working with him.

Commissioner Bynum said I seek two things, to clarify what Commissioner Markley had brought forward earlier, returning this or sending this to what I'm hearing is Administration & Human Services for work and proposed action that would come as a fast-tracked item to the next full commission meeting. I want to make sure that I'm hearing what you heard for one thing and what the Commission seems to be having consensus around and then just secondarily, the technical pieces of getting all of this onto a February 13 agenda, which we just had agenda review for this morning and we were proposing to have an agenda ready to publish tomorrow. So, I'll look to Administrator and Chief Counsel and you Mayor for the direction on that, but I think that's what I'm seeing consensus around here tonight.

Mayor Garner said I will make a commitment that, you know, I want to work with you all as well on the standing committee to make sure that we—you know the language is something that we all can live with that, and that yes, if we can get the work done, we'll do everything we can. That's a pledge and a commitment from me. I'll make sure that I give clear direction to the Administrator to fast-track as soon as you all get the language completed and you vote to move it forward. I have no reason to obstruct, withhold, hold it back, stop it. I want you all to review it, get it to this full body and you vote on it so we can move to the things that are really more important than that, so yes, you have my commitment.

Commissioner Ramirez said I thank our Administrator for working with all parties to bring something forward and this will be the last thing I say on it until it comes before us. Again, we wouldn't have these issues if we had a fully staffed Economic Development Department and with all due respect, Mr. Murray is an advisor to the Mayor's Office, not to the Commission Office. He does not recommend to us, that is staff. He's a staff of the Mayor's Office, not of the Commission, so that as department—Economic Development Director's duty is to be our advisor on economic development projects.

Mayor Garner said that is true, Mr. Murray is an advisor out of my office. I ask that you please respect his years of experience and his knowledge and the connections that he has in this community. He does not advise to this Commission, he advises to me. He does help citizens, bridge them to staff to try and get them the help that they sometimes otherwise can't get in a very timely manner and that's his role. He's a bridge, he's a great source of information and a lot of people in this community come to him looking for knowledge and looking to how best to move things forward through the Unified Government especially this time, as you mentioned Commissioner Ramirez, where we do have staffing shortage.

Commissioner Davis said I'll just say very, very quickly, when Mr. Lanier came before us for Economic Development and Finance, the overwhelming response and direction to staff was get the original project to the standing committee so that we, as Commissioner Johnson had referenced, can finally put this to bed. I would hope that is what we do. Myself, Commissioner Townsend, Commissioner Stites—Commissioner Burroughs didn't say much, I would assume so,

but I know for a fact Commissioner McKiernan and even BPU member Senator Haley, we all agreed, at least no one said anything other than agreeing, that Mr. Lanier's original project is the desire of at least half of us sitting up here close to it. So, that would be my comment on that, that we wouldn't just get a project, but the specific project that we gave staff guidance on.

Mayor Garner said I want to remind you, you do have a Mayor, I do have a role, I do have a voice, I do represent the majority of the people in this town that voted for me throughout county-wide and part of my job duty is to project the vision, leadership, direction, financial security of this town. You can look it up yourself to include economic development and so I need to be at the table. The original plan you talked about is a plan that happened before I became Mayor. Because I do compromise, we embrace that plan, but we also embrace, not because I want it, but because we went out and actually talked to people in this community, which are the stakeholders, that said we want a first-class convention center to coincide with the Lanier Project. So, Mr. Lanier brought forth a compromise. It really brought past project and future vision together that could be even a bigger project and so that's just something that you need to think about and that is the power of collaboration, communication and meeting each other halfway to get things done for Wyandotte County that, hopefully, can at least meet the regional by expectations that everyone has when it comes to these types of projects.

There was a request on the floor to give direction. I guess we did talk about a straw poll. For those that coincide with Commissioner Markley's, Commissioner Bynum, I believe Commissioner Johnson, Commissioner Davis, Commissioner Ramirez—if I'm wrong; I guess a show of hands in support and I believe our Administrator will have clear direction on how to move in that regard. Okay, I think we have a majority there.

So, with that direction moving forward, we do have to move into our commission meeting. Thank you all. I'm going to entertain a motion to adjourn.

Commissioner Markley made a motion, seconded by Commissioner Ramirez, to adjourn.

Mayor Garner said I will say that prior to the vote, our commissioners need about 10 minutes to take a break, so we will start sharp, and I do mean sharp, at exactly 7:15.

Roll call was taken and there were ten “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum.

MAYOR GARNER ADJOURNED
THE MEETING AT 7:06 p.m.

Brett Deichler
Unified Government Clerk

dt

February 2, 2023

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

EXECUTIVE SESSION, THURSDAY, FEBRUARY 21, 2023
4:00 p.m.

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Executive Session, Thursday, February 21, 2023, with ten members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Johnson, Commissioner Fourth District; was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; and Misty Brown, Chief Counsel.

MAYOR GARNER called the meeting to order.

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

NOTICE OF EXECUTIVE SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held on Thursday, February 21, 2023, at 4:00 p.m. in the fifth floor conference room of the Municipal Office Building for discussion regarding a private personnel matter as permitted under the Kansas Open Meetings Act.

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.

Commissioner McKiernan made a motion, seconded by Commissioner Markley, for the Commission to go into Executive Session until 5:30 p.m. to allow the Commission to discuss a candidate for employment, a private personnel matter related to specific individuals(s), as

permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the discussion, and that we reconvene in open session at 5:30 p.m. Roll call was taken on the motion and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO presiding. **Staff present:** Cheryl Harrison Lee, Interim County Administrator, and Misty Brown, Chief Counsel. **Others present:** David Johnson (arrived at 4:13 p.m. and departed at 6:00 p.m.)

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to extend the Executive Session until 6:00 p.m. Roll call was taken on the motion and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to extend the Executive Session until 6:30 p.m. Roll call was taken on the motion and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

Commissioner McKiernan made a motion, seconded by Commissioner Markley, to extend the Executive Session until 6:45 p.m. Roll call was taken on the motion and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

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

MAYOR GARNER ADJOURNED
THE MEETING AT 6:45 p.m.

Brett Deichler
Unified Government Clerk

dt

February 16, 2023



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: February 9, 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 February 2, 2023 - February 9, 2023

1. PUBLIC NOTICE:

- Alandon Tow Service, 6224 Kansas Avenue, KCK 66111, held a public auto auction on January 12, 2023, at Alandon Tow Service.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED February 8, 2023:

Section I -Appointments

Name	Department/Division	Eff. Date	Job Title
Denise Hammond	DA's Office	2/2/23	ADA I

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Leslielisa Lopez	Health	1/19/23	Program Specialist	Program Specialist

Action: Received and filed. Copy previously forwarded to Payroll.

3. CLAIM FOR DAMAGES:

Araceli Alvarado, 8001 N. Stoddard Ave., KCMO, alleging damage from hitting a hole on 7th St. right off I-70 exit, on January 29, 2022.

Action: Received and filed. Copy previously forwarded to Legal.

4. TRAVEL REQUESTS:

Jakob Blackman, KCK Police Department, travel to Davenport, IA, February 5 – 7, 2023, to testify as a witness, ATF Funded.

Monica Macias-Leyva, NRC/Administration Division, travel to Las Vegas, NV, February 26 – March 1, 2023, to attend Educate 2023, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

5. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Deep Roots Restaurant and Bar LLC/Jeremy Love dba Deep Roots Restaurant and Bar, 4801 Shawnee Dr.

Rosedale Barbeque, Inc/Heather Tuttle dba Rosedale Barbeque, 600 Southwest Blvd.

Action: Referred to License.

6. PRIVATE SECURITY BUSINESS:

Whelan Event Staffing Services DBA Garda World Security Services /James Schwartz dba Whelan Event Staffing Services DBA Garda Work Security Services, 9613 W. 149th St., Overland Park, KS.

Whelan Event Staffing Services DBA Garda World Security Services /Joseph Smith dba Whelan Event Staffing Services DBA Garda Work Security Services, 1699 S. Hansley Rd., Ste. 350, St. Louis, MO 63144

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: February 16, 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

BM

Weekly Business Material for February 10, 2023 – February 16, 2023

1. COMMUNICATION:

- Republic Services 2022 Annual Compliance Report for the Forest View Landfill, SUP No. 2002-42

Action: Received and filed.

2. PUBLIC NOTICE:

- Alandon Tow Service, 6224 Kansas Avenue, KCK 66111, held a public auto auction on February 7, 2023, at Alandon Tow Service.

Action: Received and filed.

3. CLAIM FOR DAMAGES:

Shannon French, 409 NE 101st St., alleging damage to the vehicle tires on 12/23/22, Barnett St., between 6th & 7th St.

Action: Received and filed. Copy previously forwarded to Legal.

4. SUMMONS:

- Unified Government vs Celiz Carreon, Case No:18 PT 03
- Unified Government vs Gloria Abarca, ETAL., Case No: 2022-CV-000758

Action: Received and filed. Copies previously forwarded to Legal.

5. TRAVEL REQUESTS:

Tony Burks, KCKPD, travel to Broomfield, CO, May 8 – 12, 2023, to attend Faro Scene Laser Scanner certification & training, Employee training, and travel.

Timothy Fowler, KCKPD, travel to Louisville, KY, April 9 – 14, 2023, to attend Basic Homicide Investigations Course, employee training and travel.

Jeffery Gardner, KCKPD, travel to Florence, AL, March 6 – 10, 2023, to attend NIEF Training, FBI funding.

Monica Kennedy, KCKPD, travel to New Orleans, LA, July 30 – August 3, 2023, to attend NOVA (Nat'l Org Victim Assistance), VOCA travel and training.

Wendy Medina, KCKPD, travel to San Francisco, CA, August 21 – 24, 2023, to attend National Sexual Assault Conference, 100% VOCA training and travel.

Cotarino Mendez, KCKPD, travel to Charlotte, NC, April 2 – 6, 2023, to attend Leads Online Leadership Conference, employee training and travel.

Karl A. Oakman, KCKPD, travel to Grapevine, TX, to attend the 2023 IACP Policy Council Midyear Meeting, April 13 – 16, 2023, employee training and travel.

Racheal Ontiveros, KCKPD, travel to Orlando, FL, to attend Nat'l Institute of Crime Prevention DV & SA Training, May 7 – 11, 2023, 100% VOCA training and travel.

John Russell, Sheriff's Dept., travel to Fayetteville, AR, to attend Supervising & Managing the FTO Unit, March 12 – 16, 2023, employee training and travel.

George Sims, KCKPD, travel to Columbia, IL, to attend Ground Control/Knife Defense Instructor Trainer, March 19 – 24, 2023, employee training and travel.

Action: Approved by Administrator's Office and received and filed.

6. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:

- Crowd Systems, Inc.
- Twin City Security, Inc.
- Andy Frain Services, Inc.
- Maderos Lawn & Landscaping LLC
- PBM Securities, LLC

Action: Referred to License.

7. BUSINESS BONDS:

- Electrical Bonds:
 - Global Rock Enterprise LLC d/b/a GRE Electric
 - Sitelogiq, Inc
 - General Dynamics Information Technology Inc.
 - Facility Solutions Group, Inc.
 - Electrical Corporation of America, Inc.
 - KC1 Service Co.
 - Superior Electrical Construction, Inc.
 - A.B. May Company
 - Empire Electric Services & Technologies LLC
 - Indiana Industrial Services LLC
 - Phillip Lopez d/b/a Pleasant Hill Electric

- Mechanical/HVAC Bonds:
 - MJC Electric Company, LLC
 - Automated Control Systems Corp.
 - Shawnee Heating & Cooling, Inc.
 - P&L Mechanical, LLC
 - Balance Point H&C Inc., d/b/a Balance Point Heating & Cooling
 - A.B. May Company
 - Prairie Center Plumbing, Heating & A/C Inc
 - B.L. Air, Inc
 - PS Property Services LLC
 - Summit Heating & Cooling, LLC

- Plumber's Bonds:
 - Neil Inscore Plumbing
 - Axiom Plumbing LLC
 - Kris Tressin, d/b/a KMZC Plumbing, Inc.
 - Best Plumbing LLC
 - Full Nelson Plumbing, Inc
 - Anthony Ficara, d/b/a Quick Relief Plumbing
 - Cates Service Company, d/b/a Cates Heating and A/C Service
 - Action Plumbing, Inc
 - TD Plumbing, Inc
 - Ladd Service Company LLC
 - N & E Plumbing LLC
 - A.B. May Company
 - Homemeister, LLC
 - K Jett Services, LLC
 - Prairie Center Plumbing, Heating & A/C Inc
 - PS Property Services LLC
 - P1 Service, LLC

Action: Referred to License.

8. CONTINUATION CERTIFICATE:

- Miscellaneous Bonds:
 - Septic Tank and Cesspool Installer and Cleaner's Bond, Liquid Environmental Solutions
 - Septic Tank and Cesspool Installer and Cleaner's Bond, Honey Bee Septic Service LLC
 - Septic Tank and Cesspool Installer and Cleaner's Bond, Koontz Construction LLC d/b/a Koontz Septic
 - Septic Tank and Cesspool Installer and Cleaner's Bond, Deffenbaugh Industries, Inc., d/b/a Johnny on the Spot
 - Velex Inc
 - Madden Rentals LLC
 - Metro Pawn, Inc.
 - H & H Septic Service, Inc.
 - James Manderscheid d/b/a Digger Jim
 - Apex Underground LLC

- Plumbing Bond:
 - Age Mechanical Inc
 - Climate Control Heating & Cooling, Inc.
 - Summit Heating & Cooling LLC
 - Taylor Mechanical Inc.
 - Deer Creek Plumbing Inc.
 - IPLUMBKC LLC
 - Jim Glover d/b/a Jim Glover Plumbing
 - B & D Contracting LLC
 - Adam N Leon Sr. d/b/a Lion's Plumbing
 - DGO Plumbing Co. d/b/a DGO Plumbing Co.
 - J-Hawk Plumbing Inc.
- Electrical Bond:
 - Sachs Electric Company
 - Advanced Services DS, LLC
 - Mag-Tronics Industrial, Inc.
 - JMC Services Inc
 - Kansas City Community Electric
 - Gerald Reinhold
- Mechanical/HVAC Bond:
 - Romved, Inc. d/b/a Al-Ham Heating & Cooling
 - Steve Chontos d/b/a Chontos Heating & Cooling
 - Pro Metals, LLC
 - Alejandro Ledesma d/b/a Alex Heating and Cooling

Action: Referred to License.

9. CANCELLATION NOTICE OF INSURANCE/BOND:

- Plumbing Bond:
 - Ameripure Water Company Inc
 - American Residential Services, LLC. d/b/a Roger The Plumber
- Mechanical/HVAC Bond:
 - Alex HVAC Services LLC

Action: Referred to License.

10. REINSTATEMENT NOTICE:

- Electrical Contractor's Bond:
 - A.B. May Company
 - Power Up Electric LLC
 - Lynch Electrical, Inc.
 - TDR Electrical Services LLC

- Plumbing Bond:
A.B. May Company
- Mechanical/HVAC Bond:
River City Heating & Cooling Inc
All About Comfort Heating & Co. (2)
Comfort Engineering LLC
P&L Mechanical LLC
- Miscellaneous Bonds:
Green Rocket Services LLC

Action: Referred to License.

11. RIDER:

- Miscellaneous Bonds:
Boyce Industries LLC d/b/a Missouri Neon Company, SIGNLINK

Action: Referred to License.

12. APPLICATIONS FOR CMB LICENSE (PKG):

Himalayan Grocery LLC, Robin Ghimire, d/b/a Himalayan Grocery LLC, 1406 Minnesota Ave.
Family Dollar, Inc, Teri L Wilson, d/b/a Family Dollar Store #31247, 800 Kansas Ave.
Family Dollar, Inc, Teri L Wilson, d/b/a Family Dollar Store #30758, 8049 Leavenworth Rd.
Family Dollar, Inc, Teri L Wilson, d/b/a Family Dollar Store #30647, 1999 N 63rd Dr.
Family Dollar, Inc, Teri L Wilson, d/b/a Family Dollar Store #31511, 4601 Parallel Pkwy.
Express Stop KS LLC, Andrew Talge, d/b/a Fresco Express, 2104 Metropolitan Ave.

Action: Referred to License.

13. APPLICATIONS FOR CMB LICENSE (OP):

Burritos La Chiquita LLC, Viridiana Hernandez, d/b/a Burritos La Chiquita, 1328 Minnesota Ave.

Action: Referred to License.

14. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Naree Cuisine LLC, Nareerat Lekphaijit, d/b/a Naree Kitchen Thai & Sushi, 7933 State Ave - Suite 105.
Tina Alonge, Christine Bergen, d/b/a The 913, 6102 State Ave.

Matt Brentano/Tan 39 Rain LLC, James Hendricks, d/b/a Tanner's Bar & Grill, 3900 Rainbow Blvd.

Dave & Buster's of Kansas, Inc., Kimberly A. Groves, d/b/a Dave & Buster's, 1843 Village West Pkwy - Suite 201.

Action: Referred to License.

15. APPLICATION FOR CATERER/DRINK EST/HOTEL LICENSE:

Jose R. Romo, Lilia F. Torres, d/b/a Taqueria Mexica #4, 3300 Rainbow Blvd.

Action: Referred to License.

16. APPLICATION FOR LIQUOR TEMPORARY LICENSE:

Teamsters Hispanic Caucus, Manuel Abarca, Valentine's Day Fundraiser at Memorial Hall, 600 N 7th St. for 2/11/23, 5:00 p.m. – 11:00 p.m.

Action: Referred to License.

17. APPLICATION FOR PRECIOUS METAL DEALERS:

Sean Boyd, d/b/a Little Joe's Pawn & Gun, 5101 Leavenworth Rd.

Gold Rush LLC, Paul Boyd, d/b/a Gold Rush Pawn, 1809 Minnesota Ave.

Boyd Inc, Paul Boyd, d/b/a Little Joes Pawn & Gun, 7907 State Ave.

Action: Referred to License.

18. APPLICATION FOR PAWN:

Gold Rush LLC, Paul Boyd, d/b/a Gold Rush Pawn, 1809 Minnesota Ave.

Boyd Inc, Paul Boyd, d/b/a Little Joes Pawn & Gun, 7907 State Ave.

Sean Boyd, d/b/a Little Joe's Pawn & Gun, 5101 Leavenworth Rd.

Action: Referred to License.

19. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Andy Frain Services, Inc., d/b/a Andry Frain Services, Inc., 761 Shoreline Dr. Aurora, IL 60504.

Twin City Security, d/b/a Twin City Security, 6340 Glenwood St. #109, Overland Park, KS 66202.

PBM Security LLC, d/b/a PBM Security LLC, 10707 Augusta Dr. Kansas City, KS 66109.

Daniels Security Service Inc., d/b/a Daniels Security Service Inc., 4105 N 112th St. Kansas City, KS 66109.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 212299

Full Commission Meeting Date: 3/30/23

Committee: Economic Development & Finance

Date of Standing Committee Action: 3/6/23

(If none, please explain):

Publication Required: No

<u>Date:</u> 03/23/2023	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

Resolution of Intent to Issue Industrial Revenue Bonds in the amount not to exceed \$90,000,000 to finance the acquisition, construction, improving, and equipping of a manufacturing facility for the benefit of Infinity Windows, LLC, submitted by Patrick Waters, Deputy Chief Counsel.

Action Requested:

To Adopt the Resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent - Infinity Windows (UG), Unified Government Presentation - Public Hearing Item #1 - Infinity Windows IRB, Developer Presentation - Public Hearing Item #1 - Infinity Windows LLC, CBA_Infiniti_02222023_With_LMW, CBA_Infiniti_02222023_without_LMW

RESOLUTION NO. R-__-23

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AGGREGATE AMOUNT OF NOT TO EXCEED \$90,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MANUFACTURING FACILITY FOR THE BENEFIT OF INFINITY WINDOWS, LLC, AND ITS SUCCESSORS AND ASSIGNS

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Infinity Windows, LLC, a Minnesota limited liability company (together with permitted successors and assigns, the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, purchasing, constructing, installing and equipping an approximately 400,000 square foot manufacturing facility located generally at 9822 Leavenworth Road, in the City of Kansas City, Kansas, as more fully described in the Application (collectively, the “Project”) through the issuance of its industrial revenue bonds in one or more series in the principal amount of not to exceed \$90,000,000 (the “Bonds”), and to lease the Project to the Company in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act, in the aggregate principal amount of not to exceed \$90,000,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be generally located at 9822 Leavenworth Road, in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$90,000,000, to be issued pursuant to the Act.

Section 3. Ad Valorem Tax Abatement. In consideration of the Company's decision to acquire, construct, improve and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Unified Government under Kansas law, including the school district's capital outlay levy) for all property (including real property, building improvements, machinery and equipment) financed with the proceeds of the Bonds.

In consideration of the Unified Government's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax as set forth on **Exhibit A** hereto, and such amounts shall be set forth in the performance-based agreement between the Unified Government and Company (the "Performance Agreement") and subject to adjustment as set forth therein. The Project shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued.

Section 4. Provision for the Bonds. Subject to the conditions of this Resolution of Intent (this "Resolution"), the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be reasonably acceptable to the Company and determined by ordinance of the Unified Government (the "Ordinance"); (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 5. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds and ad valorem tax abatement; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 6. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be reasonably acceptable to the Unified Government.

Section 7. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a lease agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Trust Indenture to be entered into between the Unified Government and the trustee for the Bonds (the "Indenture"). The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision

thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 8. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of the Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS “THE UNIFIED GOVERNMENT” AND “LITIGATION - THE UNIFIED GOVERNMENT” HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 9. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 10. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 11. Termination of Resolution. This Resolution shall terminate eighteen (18) months from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Unified Government for the Project. The Unified Government, upon the written request of the Company, may extend this time period.

Section 12. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company, assign all or a portion of the Company’s interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 13. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 14. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

[Remainder of page intentionally blank.]

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON MARCH 30, 2023.**

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk

Approved as to Form:

By: _____
Office of Chief Counsel

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Below is an approximate PILOT schedule based on a facility square footage of 406,960, which may be adjusted as set forth in the Performance Agreement. Local, Minority, and Women Business Enterprise (L/M/W) goals will be further specified in the Performance Agreement or other separate agreement. PILOT payments do not include the school district's capital outlay levy that cannot be abated under Kansas law.

Year 1 PILOT	\$323,727
Facility Square Footage	406,960
Annual Increase	2.00%
Annual Increase if LMW Failure	4.00%

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$323,727	\$336,676
2	329,654	350,143
3	335,700	364,148
4	341,867	378,714
5	348,156	393,863
6	354,572	409,617
7	361,116	426,022
8	367,791	443,062
9	374,599	460,785
10	381,544	479,216

Business Category	Participation Percentage Goal Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

^(a) Year 1 refers to calendar year beginning January 1 after issuance of Bonds.

^(b) Does not include school district capital outlay levy. PILOTs anticipate issuance of Bonds no later than December 31, 2024. A 2% annual inflator will be applied to the PILOTs for each year thereafter the Bonds are issued. E.g., if the Bonds are issued in the calendar year 2025, each annual PILOT shown above will be increased by 2%.

Unified Government Board of Commissioners

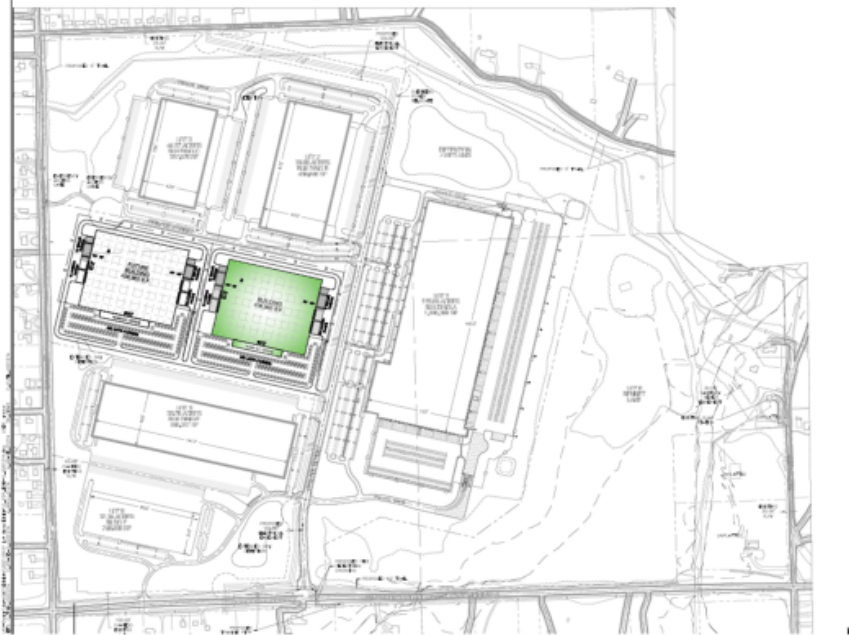
March 30, 2023

**Public Hearing and Resolution:
Intent to Issue Industrial Revenue Bonds
for the Benefit of Infinity Windows LLC**



PROJECT OVERVIEW

INFINITY[®] from MARVIN[®] REPLACEMENT WINDOWS



SITE INFO

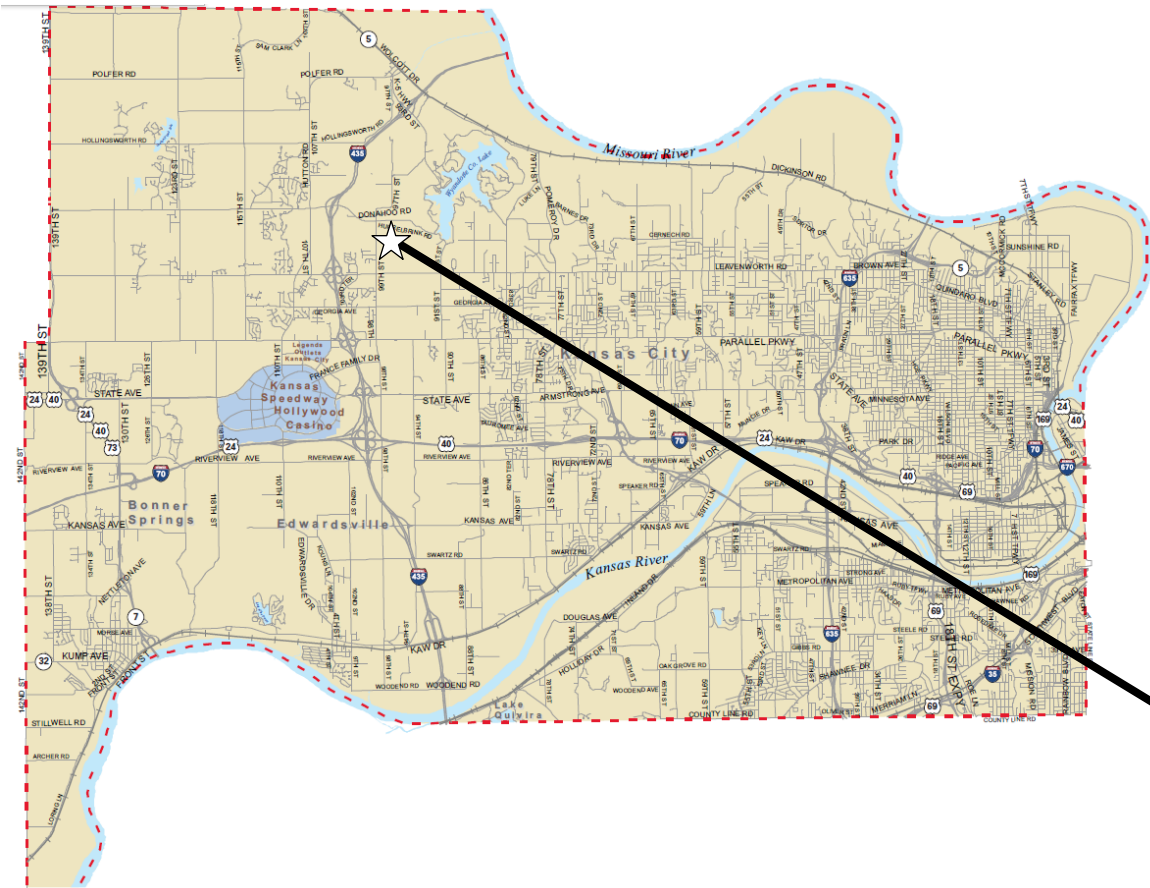
- 406,960 square feet
- 600 net new jobs
- 56-acre site
- Operational early 2024
- \$90,000,000 investment (land, construction, equipment)

TAXES

- Current Taxes: \$27,372
- Request: 65%/10-year Property Tax Abatement
- Taxes Year 1 PILOT: \$323,727
- Taxes Paid Over the Initial 10 years: \$3,518,728
- Taxes Paid After Abatement Term: \$1,081,767 est.

COMMUNITY BENEFITS

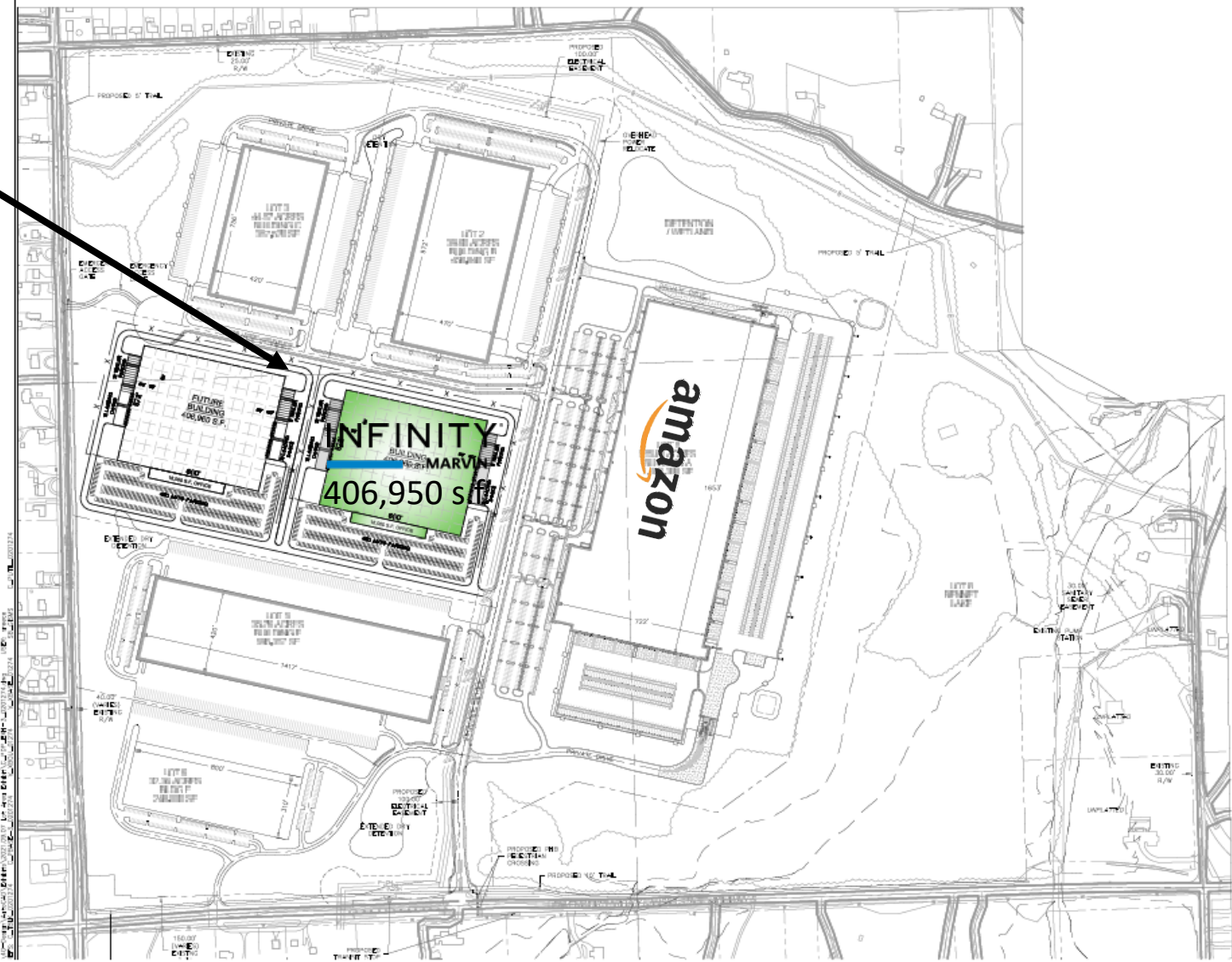
- Local, Minority, Woman-Owned Goals
- Working with KCK Community College, Piper School District
- Local Hiring Focus



INFINITY[®]

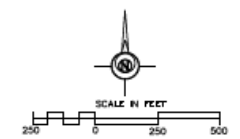
from **MARVIN[®]**

REPLACEMENT WINDOWS



PROPOSED:
PROJECT SITE
July 27, 2022

435 Logistics Park - Proposed Master Plan KANSAS CITY, KS



Planning & Zoning / Full Commission

March 30, 2023

INFINITY[®]

 from **MARVIN[®]**

REPLACEMENT WINDOWS

Table of Contents

1-3	About Marvin
4-5	About Infinity
6	Marvin Facilities
7-8	The Project

About Marvin

Marvin is a fourth-generation, family-owned and lead business, headquartered in Warroad, Minnesota, with more than 7,000 employees across 16 cities throughout North America.

Marvin's product portfolio includes the Signature, Elevate, and Essential Product Collections, which offer an extensive selection of made-to-order window and door solutions, as well as Infinity Replacement Windows, providing homeowners with a premier line of replacement windows sold and installed by local professionals. The company's portfolio also includes TruStile Doors, the leading manufacturer of made-to-order architectural interior doors and Coastline Windows & Doors, a leading manufacturer of impact-resistant windows and doors for residential and commercial construction.

Since the company's inception, Marvin has earned a reputation as an innovator and industry thought leader. Today, the company is driven by a purpose to imagine and create better ways of living.

For more information, please visit: <https://www.marvin.com/our-story>



INFINITY
from **MARVIN**
REPLACEMENT WINDOWS

About Marvin

At Marvin, we're driven by this purpose: to imagine and create better ways of living

As people spend more time indoors, we recognize that our work isn't just about building better windows and doors — it's about opening new possibilities for how people live, work, think and feel inside a Marvin space. Since the day we opened our doors in 1912 as a family-owned and operated cedar and lumber company, we've looked for ways to help people live better. We continue to evolve by raising the bar, building quality, beauty and simplicity into people's everyday lives.

Design for people

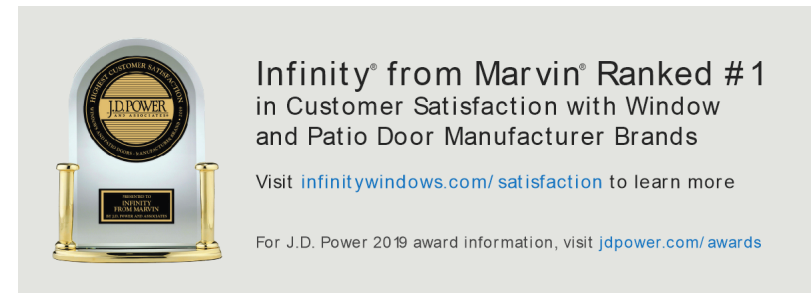
We design for how people live and work, imagining new ways to help them feel healthier and happier in the spaces where they live, work, and play

A natural connection

Warm sunlight, fresh air, and a connection to the natural world can instantly change the mood of a home or office. We design our products to make that connection feel seamless — even in the most challenging of spaces.

Thoughtful details

We are committed to design that is as functional and intuitive as it is beautiful. Crafted with exceptional skill, our products deliver quality you can see, touch, and feel; beauty that brings joy, and performance that stands the test of time.



INFINITY
from **MARVIN**
REPLACEMENT WINDOWS

About Marvin

Our Values

Do the right thing. Be stronger together. **Think differently.** Raise the bar. **Believe it's possible.**

Building community

We put people first — not just in how we design, but in how we build for the future. We commit to long-lasting and trusting relationships with our employees, customers, partners, and communities, and are there for them when they need us most.

Committed to sustainability

We're used to taking the long-term view, and we recognize that a serious commitment to sustainable operations is just good business. We are committed to sustainable practices, both for the environment and for the communities in which we operate. At Marvin, sustainability goes beyond “green” business practices. This year, we were recognized with two prestigious awards related to our building: NAIOP — Presented by the Colorado Chapter of the Commercial Real Estate Association and ULI — Urban Land Institute. As we work towards more sustainable manufacturing of our products and construction of our buildings, we are also making efforts to build sustainable communities across the U.S., where Marvin products are manufactured.

Putting communities first

Inc. Magazine, known for its annual ranking of the fastest-growing companies, named Marvin one of its 2022 Best in Business honorees. The list highlights businesses that demonstrate foresight, caring, and dedication to prioritize impact — for clients and customers, community, industry, environment, and even on society as a whole. This recognition couldn't speak more clearly to our values and guiding principles and it's an honor to be included.

“Together, we can help people live better through beautiful design and exceptional quality.”

— Paul Marvin, CEO

About Infinity

Infinity Replacement Windows was developed when Marvin recognized an opportunity to provide high-quality fiberglass replacement windows and doors to discerning homeowners. Sold and professionally installed by retailers, Infinity products are made of Ultrex® pultruded fiberglass and expertly designed to replicate the look of traditional wood windows while providing modern features and low maintenance. The combination of superior materials and professional installation has resulted in a product line that is high performing, energy efficient, and long lasting.

For more information, please visit: <https://www.infinitywindows.com/>



DOUBLE HUNGS



CASEMENT AND
SPECIAL SHAPE



AWNINGS AND
SPECIAL SHAPES



SLIDER AND
ROUND TOP



SLIDING FRENCH DOOR



SLIDING PATIO DOOR



INSWING FRENCH DOOR



BI-FOLD DOOR

About Infinity

Strength

Our Ultrex® fiberglass delivers lasting performance

- Expands 87% less than vinyl — resists expanding and contracting in any climate
- 8 times stronger than vinyl — protects the integrity of your home
- Resistant to leaks, seal failures, and stress cracks — all things that can affect energy efficiency

Style

Acclaimed design that withstands the test of time

- Ultrex's fiberglass windows and doors strength delivers narrow profiles for expanded views and more daylight
- Our proprietary acrylic finish is fade-resistant and virtually maintenance-free
- We offer a complete collection of styles, features, and options to complement any home



Marvin Facilities

- Warroad, MN: company headquarters and manufacturing★
- Eagan, MN: marketing, sales, IT, legal, and design lab
- Ripley, TN: Marvin door manufacturing★
- Fargo & West Fargo, ND: manufacturing and distribution for Elevate, Infinity, Modern, Awaken/Skylight, and Marvin Composite★★★★
- Grafton, ND: window manufacturing
- Roanoke, VA: manufacturing for Essential Collection and Marvin Composite★
- Baker City, OR: wood cut stock plant★
- Denver, CO: TruStile manufacturing
- Northwood, IA: TruStile manufacturing
- Delray Beach, FL: Coastline Collection manufacturing
- Mississauga, Ontario: distribution center
- Boston, MA: brand experience center
- Retail locations in: Austin, TX; Charlotte, NC; Cincinnati, OH; Cleveland, OH; Columbus, OH; Dallas, TX; Long Island, NY; Philadelphia, PA; Portland, OR; Raleigh, NC; Seattle, WA; Warroad, MN; West Palm Beach, FL
- Distribution nationally through a network of independent dealers and distributors. Exported internationally to Canada, Asia, Latin America, Europe, and the Middle East.



The Project

Investment from IRB application (approx. amount requested)

- Land \$ 10M
- Building \$ 50M
- M&E \$ 27M
- Other \$ 3M
- **Total \$ 90M**

Location

- 9822 Leavenworth Rd, Kansas City, KS 66109 (Quick Ref ID #R20722, Parcel ID #243300)
- +/- 400,000 SF manufacturing facility

Employees (compensation expected at county average from time of state application submissions)

	2024		2025		2026		2027		Total	
	New FT Jobs	Avg Hrly Wage	New FT Jobs	Avg Hrly Wage	New FT Jobs	Avg Hrly Wage	New FT Jobs	Avg Hrly Wage	New FT Jobs	Avg Hrly Wage
Mfg. / Fab / Assembly	50	21.28	200	21.28	150	21.28	120	21.28	520	21.28
Leadership	5	60.10							5	60.10
Office	5	38.46	15	38.46	15	38.46	10	38.46	45	38.46
Part Time Employees			10	19.00	10	19.00	10	19.00	30	19.00
New Jobs & Wages	60	25.95	225	22.32	175	22.62	140	22.34	600	22.78

Employee benefits include insurance for medical, dental, vision, supplemental, disability, basic life, supplemental life, and legal; health savings account / flexible spending account; 401(k) retirement plan; PTO; well-being reimbursement; employee assistance program; mental health support; tuition reimbursement; training; and more.

Our Partnership Is Important

This location was chosen after an extensive real estate search, including dozens of cities in multiple states. How did we decide?

- Strong workforce
- State and local commitment to education
- Compatible company and regional values
- Pro-business state and local government
- Collaborative & honest approach to economic development

We are very excited about this project and taking the next step to becoming a long-term partner with the state and community. We are committed to hiring local employees, working with local construction companies, and partnering with local education institutions. We are confident that this project will be successful for our customers, employees, and community. **Thank you** to everyone present today and all of those who have helped along the way.



**A Tax Abatement Cost-Benefit Analysis of
Infiniti Windows, LLC
(With LMW)
for the Unified Government of Kansas City/Wyandotte County**

Completed by
Municipal Consulting, LLC
2/22/2023

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.
- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.
- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future performance could be substantially different.

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	2.80	18%
Wyandotte County	2.69	17%
Piper-Kansas City USD 203	4.64	36%
KC Community College	2.01	10%
Wyandotte Co. Library	2.20	8.02%
State of Kansas	5.19	42%

Each of the taxing entities has a positive benefit-to-cost ratio in excess of the desired 1.3. This report assumes that the Unified Government will approve a 65% property tax abatement for 10 years and the firm will receive a sales tax exemption on construction materials and machinery and equipment. This report assumes that the existing sales tax rates for the city, county and state will remain the same. The proposed average salary of the new jobs is below the county average wage and we adjusted retail spending estimates accordingly. A PILOT payment which includes the existing property tax is included in this analysis.

If you have any questions or comments, you may reach me with the contact information below.

R. Steven Robb

Digitally signed by R. Steven

Robb

Date: 2023.02.22 09:12:53 -06'00'

R. Steven Robb

Sole Owner

Municipal Consulting, LLC

Cell: 620-704-6495 E-Mail: steverobb@ckt.net

2207 N. Free King Hwy, Pittsburg, KS 66762-8418

Column1	Column2	Column3	Column4	Column5	Column6
COST-BENEFIT ANALYSIS PROJECT SUMMARY					
PROJECT NAME:	Infiniti Windows, LLC		(With LMW)		
DATE:			2/22/2023		
GOVERNMENTAL ENTITIES INVOLVED:					
CITY:			City of Kansas City		
COUNTY:			Wyandotte County		
SCHOOL DISTRICT:			Piper-Kansas City USD 203		
SPECIAL TAXING DISTRICT #1			KC Community College		
SPECIAL TAXING DISTRICT #2			Wyandotte Co. Library		
STATE:			State of Kansas		
INFLATION RATE:		2.60%			
DISCOUNT RATE		7.25%			

The project involves purchase of land at 9822 Leavenworth Road and construction of a 400,000 square foot manufacturing facility that will create an estimated 600 new full and part-time jobs over the next 10 years.

The assumption of the inflation rate is based on the latest 5-year moving average.

The discount rate is estimated at the current commercial loan rate.

Infiniti Windows, LLC (With LMW)

Column1	Column2	Column3	Column4	Column6	Column7	Column11
Community Data Inputs:						
	City of Kansas City	Wyandotte County	Piper-Kansas City USD 203	KC Community College	Wyandotte Co. Library	State
Mill Levy	38.476593	37.328383	63.647492	27.375176	6.122008	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a
Enterprise Rev/HsHld	\$56.40	n/a	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$0.00	n/a	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$60.17	\$59.24	n/a	\$104.11	\$20.08	\$1,511.19
Marg. Cost/Res./Student	\$100.03	\$37.66	\$1,417.44	\$65.00	\$5.61	\$654.19
Other Revenues/Worker	\$57.10	\$56.21	n/a	\$98.78	\$19.05	\$1,296.05
Marginal Cost/New Worker	\$94.91	\$35.74	n/a	\$61.67	\$5.33	\$561.06
State Funding/Pupil	n/a	n/a	\$8,737.46	n/a	n/a	\$10,173
Federal Funding/Pupil	n/a	n/a	\$5,436.95	n/a	n/a	\$1,022
Visitor Daily Spending	\$50.00	\$50.00				\$75.00
Average Hotel Room Rate	\$125	\$125	Total Mill Levy:	174.449652		n/a
Retail Pull Factor	0.94	0.96				n/a
Percent of County Share	90.50%	100.00%				n/a
Ann. Local Per Capita Sales Tax	\$294	\$184				n/a
Ann. State Per Capita Sales Tax	\$1,051	\$1,075				\$1,078
Annual Per Capita Retail Sales	\$16,176	\$16,535				\$16,581
Average Household Size	2.68	2.67				2.49
Avg. Wage-All Occupations	\$55,918	\$55,918				\$49,680

Infiniti Windows, LLC (With LMW)

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15
Firm Data Inputs:														
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Investment in Land			\$10,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$10,000,000
Investment in Building			\$44,000,000											
Investment in M & E			\$13,000,000											
Contingencies & Soft Costs			\$3,000,000											
Total Project Investment			\$70,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City Incentive of Sales Tax Exemption			\$731,250	County Sales Tax Exemption		\$450,000	State Sales Tax Exemption		\$2,925,000			Total Sales Tax Exemption:		\$4,106,250
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$20,000,000	\$30,000,000	\$33,000,000	\$36,000,000	\$39,000,000	\$42,000,000	\$45,000,000	\$48,000,000	\$51,000,000	\$54,000,000	\$398,000,000
Purchases		0.00%		\$80,000	\$84,000	\$88,200	\$92,610	\$97,240	\$102,103	\$107,208	\$112,568	\$118,196	\$124,106	\$1,006,231
Net Enterprise Rev - Firm		2.60%	\$0	\$766	\$786	\$806	\$827	\$849	\$871	\$893	\$916	\$940	\$965	\$8,618
Net Enterprise Rev-Employees		2.60%	\$0	\$620	\$2,720	\$5,462	\$7,309	\$7,499	\$7,694	\$7,894	\$8,100	\$8,310	\$8,526	\$64,135
PILOT- City			\$0	\$71,401	\$72,708	\$74,042	\$75,402	\$76,789	\$78,204	\$79,648	\$81,120	\$82,622	\$84,153	\$776,090
PILOT - County			\$0	\$69,270	\$70,539	\$71,832	\$73,152	\$74,498	\$75,871	\$77,271	\$78,699	\$80,156	\$81,642	\$752,930
PILOT - State			\$0	\$2,784	\$2,835	\$2,887	\$2,940	\$2,994	\$3,049	\$3,105	\$3,162	\$3,221	\$3,281	\$30,256
PILOT - School			\$0	\$118,111	\$120,273	\$122,479	\$124,729	\$127,024	\$129,365	\$131,752	\$134,188	\$136,671	\$139,205	\$1,283,798
PILOT - Comm. Coll.			\$0	\$50,800	\$51,730	\$52,679	\$53,647	\$54,634	\$55,641	\$56,667	\$57,715	\$58,783	\$59,873	\$552,169
PILOT- Library			\$0	\$11,361	\$11,569	\$11,781	\$11,997	\$12,218	\$12,443	\$12,673	\$12,907	\$13,146	\$13,390	\$123,484
New Employees				55.0	180.0	225.0	140.0	0.0	0.0	0.0	0.0	0.0	0.0	600
New to the City			20%	11.0	36.0	45.0	28.0	0.0	0.0	0.0	0.0	0.0	0.0	120
New to the County			40%	22.0	72.0	90.0	56.0	0.0	0.0	0.0	0.0	0.0	0.0	240
New to the State				3.0	3.0	3.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	10
New students in K-12				5.5	18.0	22.5	14.0	0.0	0.0	0.0	0.0	0.0	0.0	60
New employee average salary				\$44,259	\$45,144	\$46,047	\$46,968	\$47,907	\$48,865	\$49,842	\$50,839	\$51,856	\$52,893	N/A
Tax Abatement-Land				65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	N/A
Tax Abatement-Bldg.				65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	N/A
Visitors		0.0%	0	100	100	100	100	100	100	100	100	100	100	1,000
				City	County	State								
Percentage of sales taxable in the				0%	0%	0%								
Percentage of purchases taxable in the				80%	80%	80%								
Assumed Inflation Rate				2.60%										

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY								
PROJECT NAME:		Infiniti Windows, LLC		(With LMW)		Ratio of		
DATE:		2/22/2023				NPV of Net		
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$6,813,553	\$2,431,153	\$4,382,400	\$2,668,696	\$1,687,542	1.58	2.80	18%
Wyandotte County	\$5,461,964	\$2,026,707	\$3,435,257	\$2,141,873	\$1,377,755	1.55	2.69	17%
Piper-Kansas City USD 203	\$13,098,292	\$2,820,794	\$10,277,498	\$6,745,518	\$1,383,098	4.88	4.64	36%
KC Community College	\$2,396,340	\$1,190,501	\$1,205,840	\$823,109	\$680,379	1.21	2.01	10%
Wyandotte Co. Library	\$526,063	\$238,871	\$287,192	\$195,377	\$152,156	1.28	2.20	8%
State of Kansas	\$18,670,039	\$3,595,962	\$15,074,077	\$8,845,260	\$2,962,281	2.99	5.19	42%

SUMMARY OF COSTS AND BENEFITS FOR:

City of Kansas City

PROJECT: Infiniti Windows, LLC (With LMW)

DATE: 2/22/2023

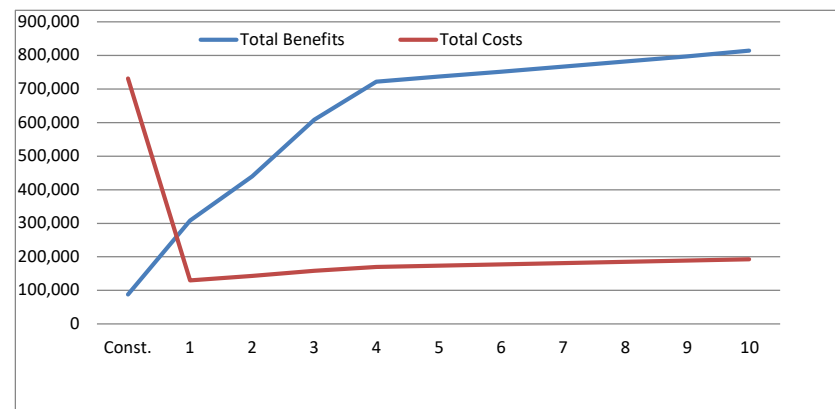
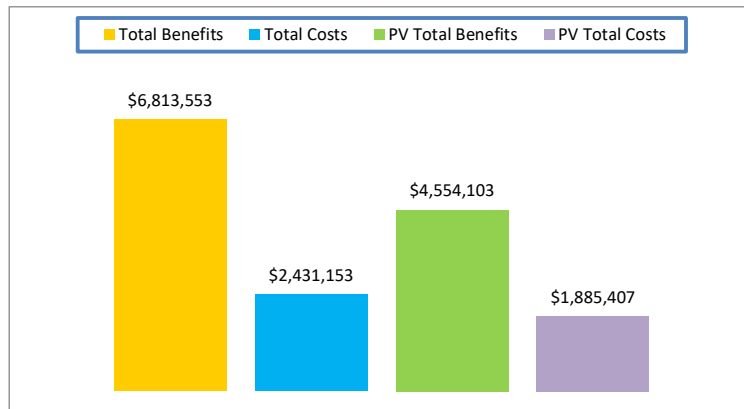
DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.80

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.42

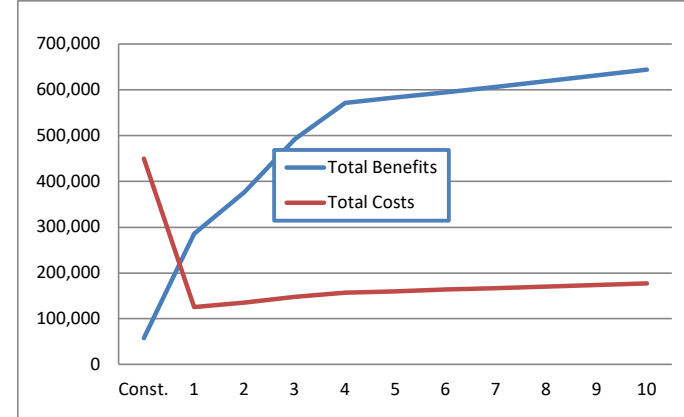
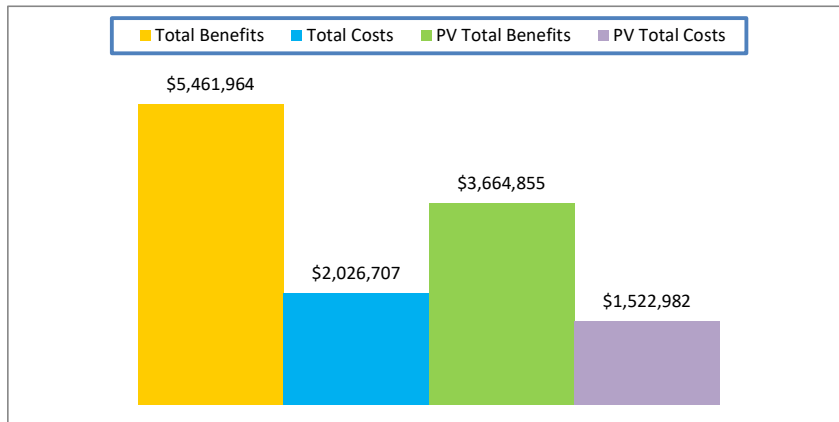
(Typical desired ratio would be 1.3 to 1) Average ROI 18.03%

Year	Sales and Transient Guest Taxes	New Property Taxes	Enterprise Revenues	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various City Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	88,237	0	0	0	0	88,237	88,237	0	731,250	0	731,250	731,250	-643,012	-643,012	-643,012	731,250
1	37,603	195,730	1,386	71,401	1,785	307,906	287,092	2,968		127,225	130,193	121,392	177,713	-465,299	165,700	118,625
2	155,753	199,645	3,505	72,708	7,827	439,439	382,035	13,011		129,769	142,780	124,129	296,659	-168,640	257,907	112,818
3	308,543	203,638	6,268	74,042	15,718	608,209	493,016	26,130		132,365	158,494	128,476	449,715	281,075	364,540	107,295
4	409,725	207,711	8,136	75,402	21,035	722,009	545,700	34,968		135,012	169,980	128,472	552,029	833,104	417,227	102,043
5	417,962	211,865	8,348	76,789	21,582	736,546	519,055	35,877		137,712	173,590	122,331	562,956	1,396,060	396,724	97,048
6	426,367	216,102	8,565	78,204	22,143	751,382	493,716	36,810		140,466	177,277	116,484	574,105	1,970,165	377,231	92,297
7	434,941	220,424	8,788	79,648	22,719	766,520	469,615	37,767		143,276	181,043	110,918	585,477	2,555,642	358,698	87,779
8	443,693	224,833	9,016	81,120	23,310	781,971	446,696	38,749		146,141	184,890	105,618	597,081	3,152,723	341,079	83,482
9	452,623	229,329	9,016	82,622	23,916	797,505	424,774	39,757		149,064	188,821	100,571	608,685	3,761,408	324,203	79,396
10	461,731	233,916	9,491	84,153	24,538	813,828	404,166	40,790		152,045	192,836	95,767	620,993	4,382,400	308,399	75,509
Total	\$3,637,178	\$2,143,194	\$72,519	\$776,090	\$184,573	\$6,813,553	\$4,554,103	\$306,827	\$731,250	\$1,393,076	\$2,431,153	\$1,885,407	\$4,382,400	\$4,382,400	\$2,668,696	\$1,687,542



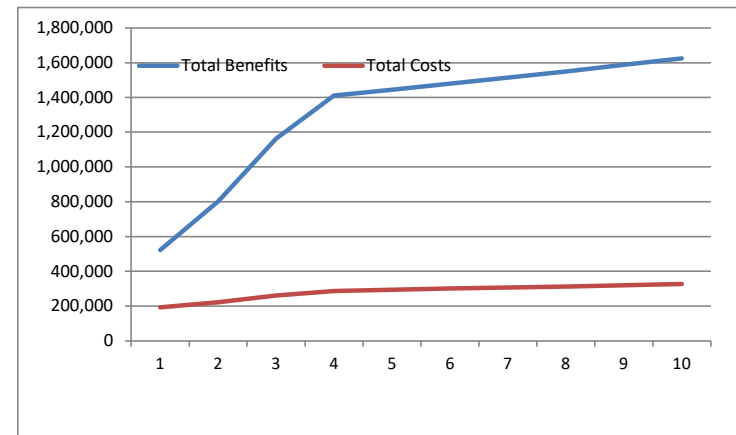
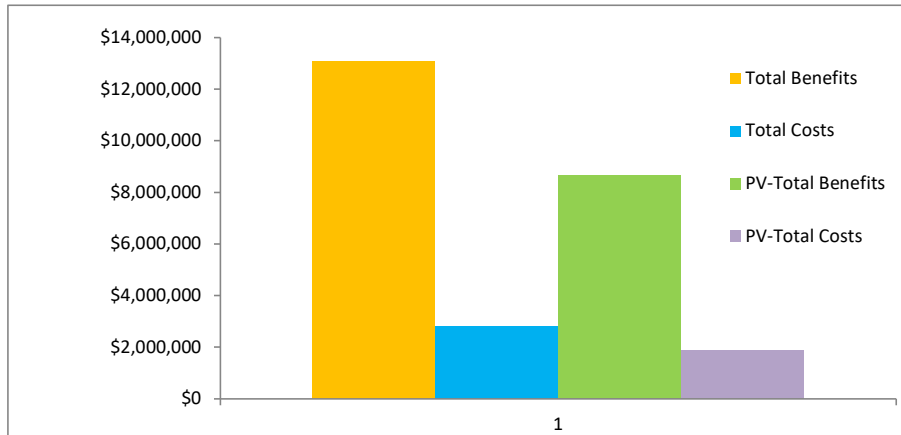
* The development agreement calls for 1% of the city's 1.625% sales tax and 7.84% of the transient guest tax on sales in the project area to be applied toward the project Star bonds.

SUMMARY OF COSTS AND BENEFITS FOR:								Wyandotte County							
PROJECT: Infiniti Windows, LLC (With LMW)								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.69							
DATE: 2/22/2023								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.41							
DISCOUNT RATE: 7.25%								(Typical desired ratio would be 1.3 to 1) Average ROI 16.95%							
Year	Sales Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	57,600	0	0	0	57,600	57,600	0	450,000	0	450,000	450,000	-392,400	-392,400	-392,400	450,000
1	22,934	189,889	69,270	3,426	285,520	266,219	2,178	0	123,428	125,606	117,116	159,913	-232,487	149,103	115,085
2	96,999	193,687	70,539	15,020	376,245	327,097	9,549	0	125,897	135,446	117,753	240,799	8,312	209,344	109,451
3	192,783	197,561	71,832	30,165	492,342	399,094	19,178	0	128,415	147,593	119,639	344,749	353,061	279,454	104,093
4	256,208	201,512	73,152	40,369	571,241	431,748	25,666	0	130,983	156,649	118,396	414,593	767,654	313,352	98,998
5	261,354	205,542	74,498	41,419	582,813	410,717	26,333	0	133,603	159,936	112,709	422,877	1,190,531	298,008	94,152
6	266,605	209,653	75,871	42,496	594,625	390,714	27,018	0	136,275	163,292	107,296	431,332	1,621,863	283,419	89,543
7	271,962	213,846	77,271	43,600	606,680	371,688	27,720	0	139,000	166,720	102,143	439,959	2,061,823	269,545	85,160
8	277,430	218,123	78,699	44,734	618,986	353,592	28,441	0	141,780	170,221	97,238	448,765	2,510,588	256,354	80,991
9	283,008	222,486	80,156	45,897	631,547	336,380	29,180	0	144,616	173,796	92,569	457,751	2,968,339	243,811	77,026
10	288,698	226,936	81,642	47,090	644,366	320,007	29,939	0	147,508	177,447	88,124	466,919	3,435,257	231,883	73,256
Total	\$2,275,581	\$2,079,237	\$752,930	\$354,217	\$5,461,964	\$3,664,855	\$225,203	\$450,000	\$1,351,504	\$2,026,707	\$1,522,982	\$3,435,257	\$3,435,257	\$2,141,873	\$1,377,755



* The development agreement calls for 93.4368% of the county's 1% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

SUMMARY OF COSTS AND BENEFITS FOR:								Piper-Kansas City USD 203							Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:			4.64
PROJECT:								Infiniti Windows, LLC (With LMW)							Ratio of Present Value of Total Benefits to Present Value of Total Costs:			4.54
DATE: 2/22/2023					DISCOUNT RATE:			7.25%		(Typical desired ratio would be 1.3 to 1)			Average ROI		36.43%			
Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Marginal Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated				
1	283,088	118,111	40,687	79,986	521,872	486,594	7,796	184,007	191,803	178,837	330,069	330,069	307,757	171,568				
2	288,749	120,273	41,501	350,645	801,169	696,513	34,176	187,687	221,863	192,881	579,306	909,375	503,632	163,170				
3	294,524	122,479	42,331	704,214	1,163,549	943,176	68,637	191,441	260,078	210,820	903,471	1,812,846	732,356	155,182				
4	300,415	124,729	43,178	942,422	1,410,744	1,066,250	91,854	195,270	287,124	217,010	1,123,620	2,936,466	849,240	147,586				
5	306,423	127,024	44,041	966,925	1,444,413	1,017,900	94,242	199,175	293,417	206,775	1,150,996	4,087,462	811,124	140,362				
6	312,552	129,365	44,922	992,065	1,478,904	971,753	96,693	203,158	299,851	197,025	1,179,053	5,266,515	774,728	133,491				
7	318,803	131,752	45,820	1,017,859	1,514,234	927,709	99,207	207,222	306,428	187,736	1,207,806	6,474,321	739,973	126,956				
8	325,179	134,188	46,737	1,044,323	1,550,426	885,672	101,786	211,366	313,152	178,886	1,237,274	7,711,595	706,786	120,742				
9	331,682	136,671	47,672	1,071,476	1,587,501	845,548	104,432	215,593	320,026	170,455	1,267,475	8,979,071	675,093	114,831				
10	338,316	139,205	48,625	1,099,334	1,625,480	807,251	107,148	219,905	327,053	162,422	1,298,427	10,277,498	644,829	109,210				
Total	\$3,099,729	\$1,283,798	\$445,514	\$8,269,251	\$13,098,292	\$8,648,366	\$805,970	\$2,014,824	\$2,820,794	\$1,902,848	\$10,277,498	\$10,277,498	\$6,745,518	\$1,383,098				



SUMMARY OF COSTS AND BENEFITS FOR: KC Community College

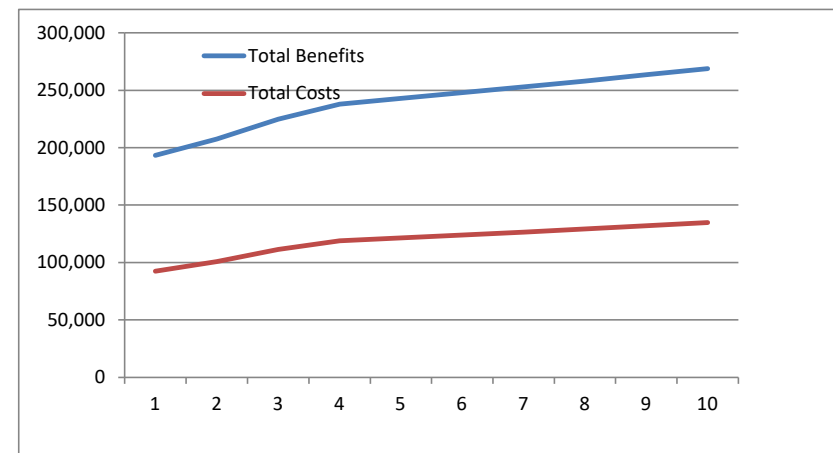
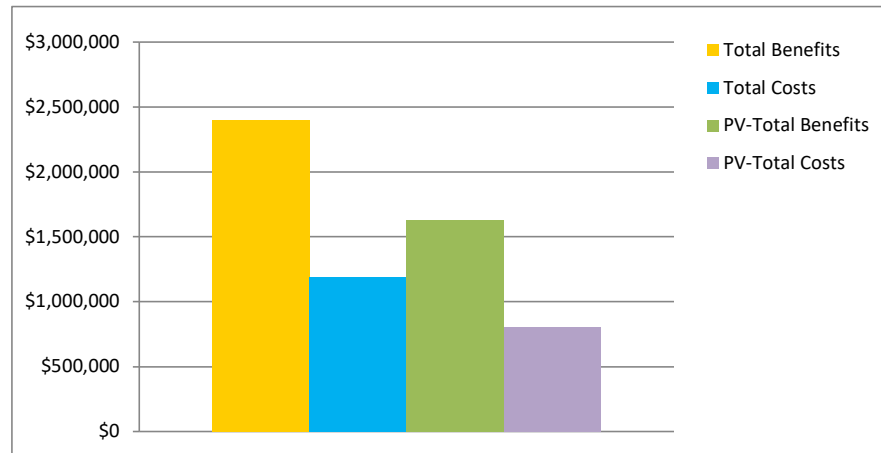
PROJECT: Infiniti Windows, LLC (With LMW)

DATE: 2/22/2023

DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:	2.01
Ratio of Present Value of Total Benefits to Present Value of Total Costs:	2.02
(Typical desired ratio would be 1.3 to 1)	Average ROI 10.13%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	139,258	50,800	3,089	193,147	180,090	1,928	90,517	92,446	86,197	100,701	100,701	93,894	84,398
2	142,043	51,730	13,541	207,314	180,233	8,454	92,328	100,781	87,616	106,533	207,234	92,617	80,267
3	144,884	52,679	27,195	224,758	182,189	16,978	94,174	111,152	90,100	113,606	320,840	92,089	76,338
4	147,781	53,647	36,394	237,822	179,748	22,721	96,058	118,778	89,773	119,044	439,883	89,974	72,601
5	150,737	54,634	37,341	242,711	171,042	23,311	97,979	121,290	85,475	121,421	561,304	85,567	69,047
6	153,752	55,641	38,311	247,703	162,760	23,917	99,939	123,856	81,383	123,848	685,152	81,377	65,667
7	156,827	56,667	39,307	252,801	154,881	24,539	101,937	126,477	77,487	126,325	811,477	77,394	62,453
8	159,963	57,715	40,329	258,007	147,385	25,177	103,976	129,153	73,778	128,854	940,331	73,607	59,396
9	163,162	58,783	41,378	263,324	140,254	25,832	106,056	131,887	70,247	131,436	1,071,767	70,007	56,488
10	166,426	59,873	42,454	268,753	133,469	26,503	108,177	134,680	66,885	134,072	1,205,840	66,583	53,723
Total	\$1,524,831	\$552,169	\$319,340	\$2,396,340	\$1,632,051	\$199,361	\$991,140	\$1,190,501	\$808,942	\$1,205,840	\$1,205,840	\$823,109	\$680,379



SUMMARY OF COSTS AND BENEFITS FOR:

Wyandotte Co. Library

PROJECT: Infiniti Windows, LLC (With LMW)

DATE: 2/22/2023

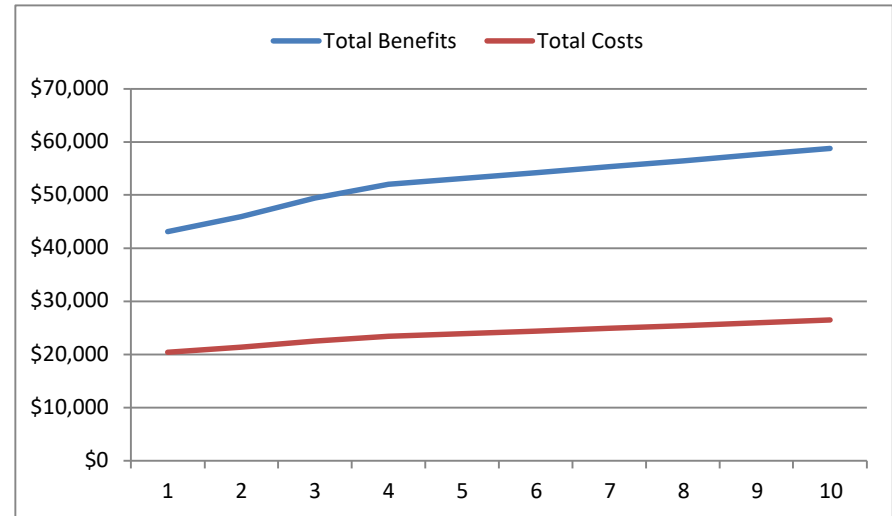
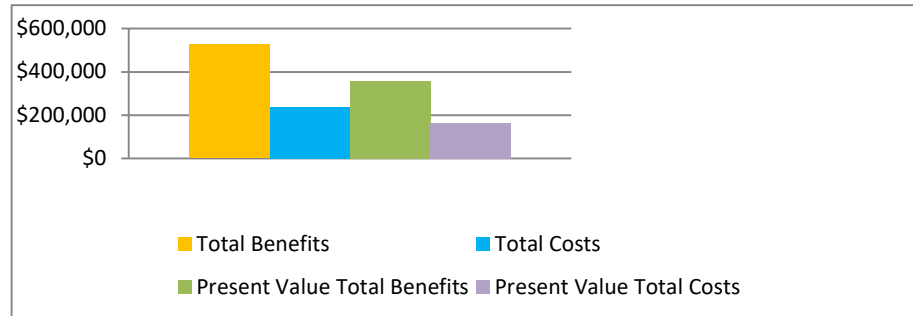
DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.20

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.20

(Typical desired ratio would be 1.3 to 1) **Average ROI** 8.02%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$31,143	\$11,361	\$596	\$43,099	\$40,185	\$167	\$20,243	\$20,409	\$19,030	\$22,690	\$22,690	\$21,156	\$18,874
2	\$31,766	\$11,569	\$2,611	\$45,945	\$39,943	\$730	\$20,648	\$21,378	\$18,585	\$24,567	\$47,257	\$21,358	\$17,950
3	\$32,401	\$11,781	\$5,244	\$49,425	\$40,064	\$1,466	\$21,061	\$22,527	\$18,260	\$26,899	\$74,156	\$21,804	\$17,072
4	\$33,049	\$11,997	\$7,018	\$52,064	\$39,350	\$1,962	\$21,482	\$23,444	\$17,719	\$28,620	\$102,775	\$21,631	\$16,236
5	\$33,710	\$12,218	\$7,200	\$53,128	\$37,440	\$2,013	\$21,911	\$23,925	\$16,860	\$29,203	\$131,978	\$20,580	\$15,441
6	\$34,384	\$12,443	\$7,387	\$54,214	\$35,623	\$2,066	\$22,350	\$24,415	\$16,043	\$29,799	\$161,777	\$19,580	\$14,685
7	\$35,072	\$12,673	\$7,579	\$55,324	\$33,895	\$2,119	\$22,797	\$24,916	\$15,265	\$30,408	\$192,185	\$18,630	\$13,967
8	\$35,773	\$12,907	\$7,776	\$56,457	\$32,250	\$2,175	\$23,253	\$25,427	\$14,525	\$31,029	\$223,214	\$17,725	\$13,283
9	\$36,489	\$13,146	\$7,979	\$57,613	\$30,686	\$2,231	\$23,718	\$25,949	\$13,821	\$31,664	\$254,879	\$16,865	\$12,633
10	\$37,218	\$13,390	\$8,186	\$58,794	\$29,198	\$2,289	\$24,192	\$26,481	\$13,151	\$32,313	\$287,192	\$16,047	\$12,014
Total	\$341,003	\$123,484	\$61,576	\$526,063	\$358,636	\$17,219	\$221,652	\$238,871	\$163,260	\$287,192	\$287,192	\$195,377	\$152,156



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Infiniti Windows, LLC

DATE: 2/22/2023

State of Kansas

(With LMW)

DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

5.19

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

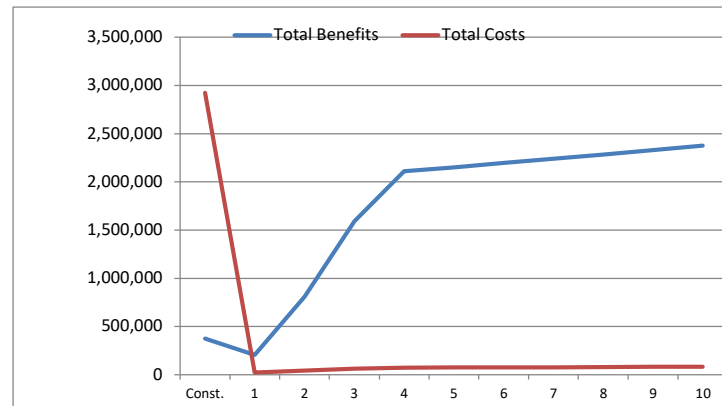
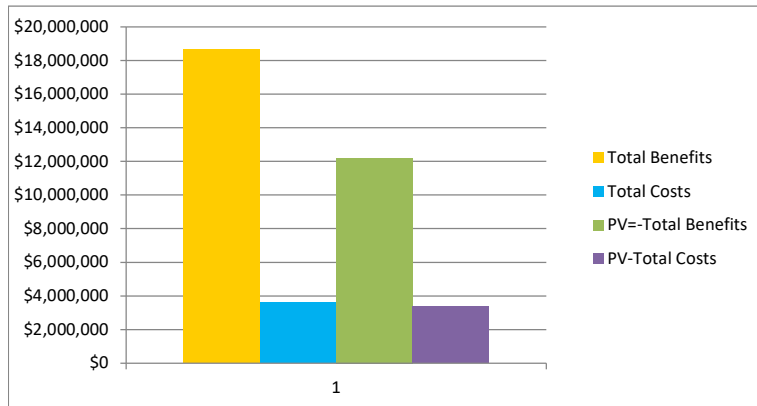
3.63

(Typical desired ratio would be 1.3 to 1)

Average ROI

41.92%

Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	374,400	\$0	0	0	0	374,400	374,400	0	\$0	\$0	\$2,925,000	2,925,000	2,925,000	-2,550,600	-2,550,600	-2,550,600	2,925,000
1	131,642	\$7,631	51,119	2,784	11,703	204,878	191,028	4,980	13,447	\$4,960	0	23,387	21,806	181,491	-2,369,109	169,222	4,625
2	554,541	\$7,783	222,786	2,835	24,014	811,958	705,893	10,220	27,593	\$5,059	0	42,872	37,271	769,087	-1,600,022	668,622	4,398
3	1,101,445	\$7,939	444,814	2,887	36,957	1,594,041	1,292,134	15,728	42,466	\$5,160	0	63,354	51,355	1,530,687	-69,335	1,240,779	4,183
4	1,463,596	\$8,098	591,797	2,940	42,131	2,108,560	1,593,664	17,930	48,411	\$5,263	0	71,604	54,119	2,036,956	1,967,621	1,539,545	3,978
5	1,493,011	\$8,259	603,628	2,994	43,227	2,151,119	1,515,926	18,396	49,670	\$5,369	0	73,434	51,750	2,077,685	4,045,306	1,464,175	3,783
6	1,523,030	\$8,425	615,699	3,049	44,350	2,194,553	1,441,990	18,874	50,961	\$5,476	0	75,312	49,485	2,119,241	6,164,547	1,392,504	3,598
7	1,553,651	\$8,593	628,009	3,105	45,504	2,238,862	1,371,659	19,365	52,286	\$5,586	0	77,237	47,320	2,161,625	8,326,172	1,324,340	3,422
8	1,584,908	\$8,765	640,571	3,162	46,687	2,284,093	1,304,774	19,869	53,646	\$5,697	0	79,211	45,249	2,204,882	10,531,054	1,259,525	3,255
9	1,616,800	\$8,940	653,386	3,221	47,900	2,330,248	1,241,156	20,385	55,040	\$5,811	0	81,237	43,269	2,249,011	12,780,065	1,197,887	3,095
10	1,649,329	\$9,119	666,452	3,281	49,146	2,377,326	1,180,635	20,915	56,471	\$5,927	0	83,314	41,376	2,294,012	15,074,077	1,139,260	2,944
Total	\$13,046,353	\$83,552	\$5,118,261	\$30,256	\$391,618	\$18,670,039	\$12,213,261	\$166,662	\$449,991	\$54,309	\$2,925,000	\$3,595,962	\$3,368,001	\$15,074,077	\$15,074,077	\$8,845,260	\$2,962,281



* The development agreement calls for 100% of the state's 6.5% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

Infiniti Windows, LLC (With LMW)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	55	600
Construction jobs created	260	0
Number of New Residents in the Community	29	322
Number of Additional Students in the Local School District	6	60
Increase in Local Personal Incomes	\$2,434,245	\$243,726,705
Increase in Local Retail Sales	\$52,442,763	\$643,584,367
Increase in the Community's Property Tax Base	\$44,000,000	\$44,000,000
Estimated Property Tax Revenue after the abatement period ends:		
	City	\$238,594
	County	\$231,474
	School	\$394,679
	Comm. Coll.	\$169,754
	Library	\$39,496
	State	\$9,302
	Total	\$1,083,299

Infiniti Windows, LLC (With LMW)

Overall Cost-Benefit Summary

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS		INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				Property Taxes Abated	Cost of Educating New Students	ALL INDIRECT COSTS		
City of Kansas City	3,637,178	776,090	2,143,194			72,519	6,628,980	184,573	6,813,553	1,393,076	0	306,827	1,699,903	5,113,650
Wyandotte County	2,275,581	752,930	2,079,237				5,107,748	354,217	5,461,964	1,351,504	0	225,203	1,576,707	3,885,257
Piper-Kansas City USD 203		1,283,798	3,545,244	8,269,251			13,098,292		13,098,292	2,014,824	805,970	0	2,820,794	10,277,498
KC Community College		552,169	1,524,831				2,077,000	319,340	2,396,340	991,140	0	199,361	1,190,501	1,205,840
Wyandotte Co. Library		123,484	341,003				464,487	61,576	526,063	221,652		17,219	238,871	287,192
State of Kansas	13,046,353	30,256	83,552	0	5,118,261		18,278,421	391,618	18,670,039	54,309	449,991	166,662	670,962	17,999,077
TOTALS	\$18,959,112	\$3,518,726	\$9,717,060	\$8,269,251	\$5,118,261	\$72,519	\$45,654,928	\$1,311,323	\$46,966,252	\$6,026,505	\$1,255,961	\$915,272	\$8,197,738	\$38,768,514

**A Tax Abatement Cost-Benefit Analysis of
Infiniti Windows, LLC
(Without LMW)
for the Unified Government of Kansas City/Wyandotte County**

Completed by
Municipal Consulting, LLC
2/22/2023

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.
- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.
- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future performance could be substantially different.

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	2.99	20%
Wyandotte County	2.91	19%
Piper-Kansas City USD 203	5.00	40%
KC Community College	2.24	12%
Wyandotte Co. Library	2.47	9.82%
State of Kansas	5.20	42%

Each of the taxing entities has a positive benefit-to-cost ratio in excess of the desired 1.3. This report assumes that the Unified Government will approve a 60% property tax abatement for 10 years and the firm will receive a sales tax exemption on construction materials and machinery and equipment. This report assumes that the existing sales tax rates for the city, county and state will remain the same. The proposed average salary of the new jobs is below the county average wage and we adjusted retail spending estimates accordingly. A PILOT payment which includes the existing property tax is included in this analysis.

If you have any questions or comments, you may reach me with the contact information below.

R. Steven Robb Digitally signed by R. Steven Robb
Date: 2023.02.22 07:46:55 -06'00'

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

Column1	Column2	Column3	Column4	Column5	Column6
COST-BENEFIT ANALYSIS PROJECT SUMMARY					
PROJECT NAME:	Infiniti Windows, LLC			(Without LMW)	
DATE:	2/21/2023				
GOVERNMENTAL ENTITIES INVOLVED:					
CITY:	City of Kansas City				
COUNTY:	Wyandotte County				
SCHOOL DISTRICT:	Piper-Kansas City USD 203				
SPECIAL TAXING DISTRICT #1	KC Community College				
SPECIAL TAXING DISTRICT #2	Wyandotte Co. Library				
STATE:	State of Kansas				
INFLATION RATE:	2.60%				
DISCOUNT RATE	7.25%				

The project involves purchase of land at 9822 Leavenworth Road and construction of a 400,000 square foot manufacturing facility that will create an estimated 600 new full and part-time jobs over the next 10 years.

The assumption of the inflation rate is based on the latest 5-year moving average.

The discount rate is estimated at the current commercial loan rate.

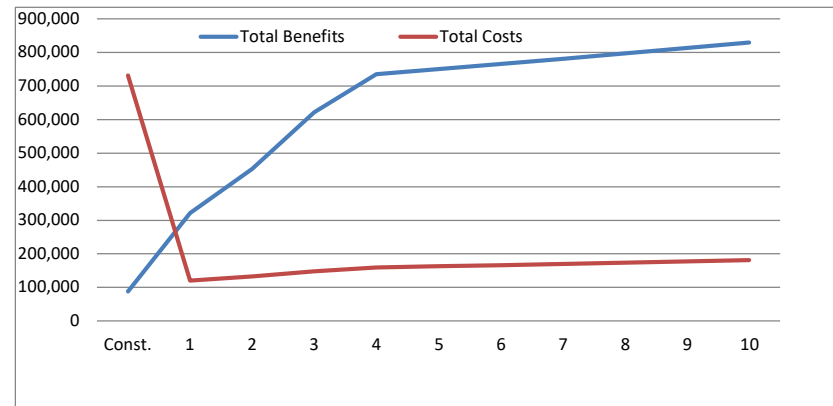
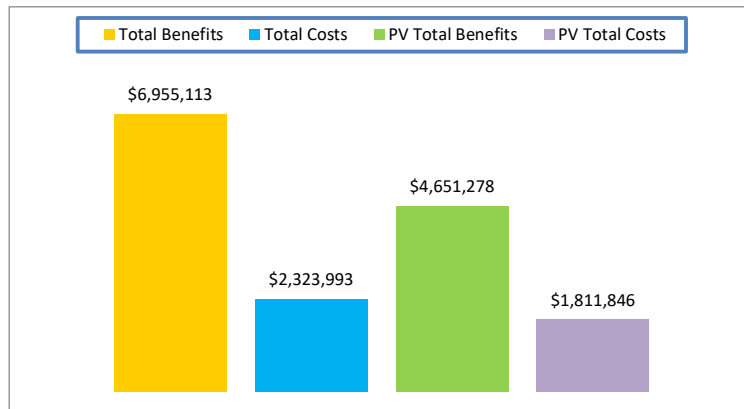
Infiniti Windows, LLC (Without LMW)

Column1	Column2	Column3	Column4	Column6	Column7	Column11
Community Data Inputs:						
	City of Kansas City	Wyandotte County	Piper-Kansas City USD 203	KC Community College	Wyandotte Co. Library	State
Mill Levy	38.476593	37.328383	63.647492	27.375176	6.122008	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a
Enterprise Rev/HsHld	\$56.40	n/a	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$0.00	n/a	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$60.17	\$59.24	n/a	\$104.11	\$20.08	\$1,511.19
Marg. Cost/Res./Student	\$100.03	\$37.66	\$1,417.44	\$65.00	\$5.61	\$654.19
Other Revenues/Worker	\$57.10	\$56.21	n/a	\$98.78	\$19.05	\$1,296.05
Marginal Cost/New Worker	\$94.91	\$35.74	n/a	\$61.67	\$5.33	\$561.06
State Funding/Pupil	n/a	n/a	\$8,737.46	n/a	n/a	\$10,173
Federal Funding/Pupil	n/a	n/a	\$5,436.95	n/a	n/a	\$1,022
Visitor Daily Spending	\$50.00	\$50.00				\$75.00
Average Hotel Room Rate	\$125	\$125	Total Mill Levy:	174.449652		n/a
Retail Pull Factor	0.94	0.96				n/a
Percent of County Share	90.50%	100.00%				n/a
Ann. Local Per Capita Sales Tax	\$294	\$184				n/a
Ann. State Per Capita Sales Tax	\$1,051	\$1,075				\$1,078
Annual Per Capita Retail Sales	\$16,176	\$16,535				\$16,581
Average Household Size	2.68	2.67				2.49
Avg. Wage-All Occupations	\$55,918	\$55,918				\$49,680

Infiniti Windows, LLC			(Without LMW)											
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15
Firm Data Inputs:														
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Investment in Land			\$10,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$10,000,000
Investment in Building			\$44,000,000											
Investment in M & E			\$13,000,000											
Contingencies & Soft Costs			\$3,000,000											
Total Project Investment			\$70,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City Incentive of Sales Tax Exemption			\$731,250	County Sales Tax Exemption		\$450,000	State Sales Tax Exemption		\$2,925,000			Total Sales Tax Exemption:		\$4,106,250
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales			0.00%	\$20,000,000	\$30,000,000	\$33,000,000	\$36,000,000	\$39,000,000	\$42,000,000	\$45,000,000	\$48,000,000	\$51,000,000	\$54,000,000	\$398,000,000
Purchases			0.00%	\$80,000	\$84,000	\$88,200	\$92,610	\$97,240	\$102,103	\$107,208	\$112,568	\$118,196	\$124,106	\$1,006,231
Net Enterprise Rev - Firm			2.60%	\$0	\$766	\$786	\$806	\$827	\$849	\$871	\$893	\$916	\$940	\$965
Net Enterprise Rev-Employees			2.60%	\$0	\$620	\$2,720	\$5,462	\$7,309	\$7,499	\$7,694	\$7,894	\$8,100	\$8,310	\$8,526
PILOT- City				\$0	\$84,329	\$85,895	\$87,492	\$89,121	\$90,783	\$92,478	\$94,207	\$95,970	\$97,769	\$99,604
PILOT - County				\$0	\$81,813	\$83,332	\$84,881	\$86,462	\$88,074	\$89,718	\$91,396	\$93,106	\$94,851	\$96,631
PILOT - State				\$0	\$3,288	\$3,349	\$3,411	\$3,474	\$3,539	\$3,605	\$3,673	\$3,741	\$3,811	\$3,883
PILOT - School				\$0	\$139,497	\$142,087	\$144,729	\$147,424	\$150,172	\$152,976	\$155,836	\$158,753	\$161,728	\$164,763
PILOT - Comm. Coll.				\$0	\$59,998	\$61,112	\$62,249	\$63,408	\$64,590	\$65,796	\$67,026	\$68,281	\$69,560	\$70,866
PILOT- Library				\$0	\$13,418	\$13,667	\$13,921	\$14,180	\$14,444	\$14,714	\$14,989	\$15,270	\$15,556	\$15,848
New Employees					55.0	180.0	225.0	140.0	0.0	0.0	0.0	0.0	0.0	600
New to the City			20%		11.0	36.0	45.0	28.0	0.0	0.0	0.0	0.0	0.0	120
New to the County			40%		22.0	72.0	90.0	56.0	0.0	0.0	0.0	0.0	0.0	240
New to the State					3.0	3.0	3.0	1.0	0.0	0.0	0.0	0.0	0.0	10
New students in K-12					5.5	18.0	22.5	14.0	0.0	0.0	0.0	0.0	0.0	60
New employee average salary					\$44,259	\$45,144	\$46,047	\$46,968	\$47,907	\$48,865	\$49,842	\$50,839	\$51,856	\$52,893
Tax Abatement-Land					60%	60%	60%	60%	60%	60%	60%	60%	60%	N/A
Tax Abatement-Bldg.					60%	60%	60%	60%	60%	60%	60%	60%	60%	N/A
Visitors		0.0%	0		100	100	100	100	100	100	100	100	100	1,000
				City	County	State								
Percentage of sales taxable in the				0%	0%	0%								
Percentage of purchases taxable in the				80%	80%	80%								
Assumed Inflation Rate				2.60%										

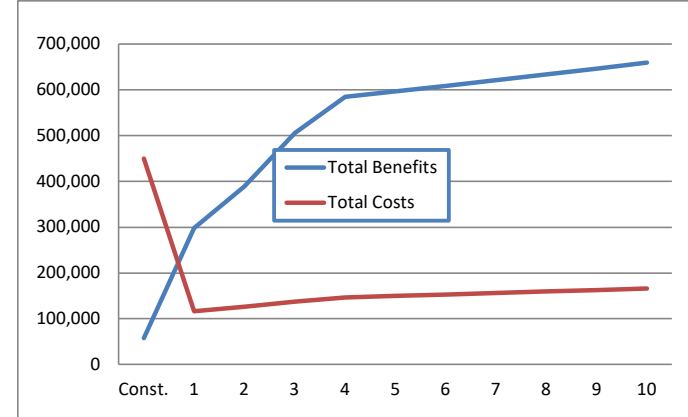
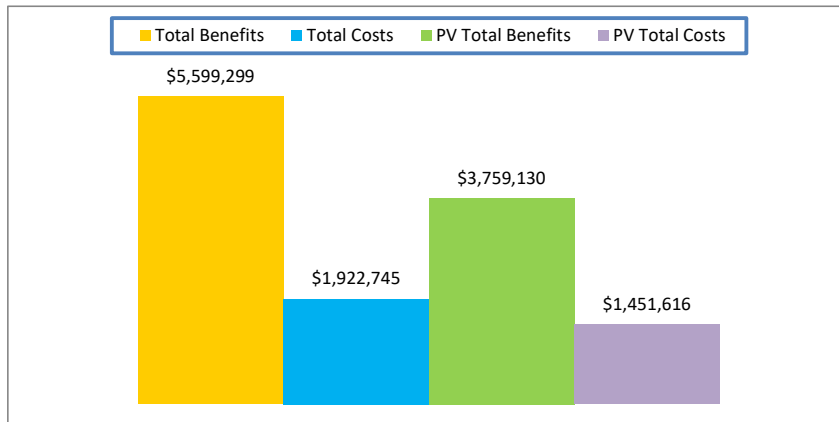
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY				(Without LMW)				
PROJECT NAME:	Infiniti Windows, LLC (Without LMW)					Ratio of		
DATE:		2/21/2023				NPV of Net		
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$6,955,113	\$2,323,993	\$4,631,119	\$2,839,431	\$1,613,981	1.76	2.99	20%
Wyandotte County	\$5,599,299	\$1,922,745	\$3,676,554	\$2,307,514	\$1,306,389	1.77	2.91	19%
Piper-Kansas City USD 203	\$13,332,458	\$2,665,807	\$10,666,650	\$7,012,656	\$1,276,706	5.49	5.00	40%
KC Community College	\$2,497,056	\$1,114,259	\$1,382,797	\$944,584	\$628,042	1.50	2.24	12%
Wyandotte Co. Library	\$548,586	\$221,821	\$326,765	\$222,542	\$140,451	1.58	2.47	10%
State of Kansas	\$18,675,558	\$3,591,785	\$15,083,773	\$8,851,916	\$2,959,413	2.99	5.20	42%

SUMMARY OF COSTS AND BENEFITS FOR: City of Kansas City								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.99								
PROJECT: Infiniti Windows, LLC (Without LMW)								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.57								
DATE: 2/21/2023					DISCOUNT RATE: 7.25%			(Typical desired ratio would be 1.3 to 1) Average ROI 19.93%								
Year	Sales and Transient Guest Taxes	New Property Taxes	Enterprise Revenues	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various City Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	88,237	0	0	0	0	88,237	88,237	0	731,250	0	731,250	731,250	-643,012	-643,012	-643,012	731,250
1	37,603	195,730	1,386	84,329	1,785	320,834	299,146	2,968		117,438	120,406	112,267	200,428	-442,585	186,879	109,500
2	155,753	199,645	3,505	85,895	7,827	452,625	393,500	13,011		119,787	132,798	115,450	319,828	-122,757	278,049	104,139
3	308,543	203,638	6,268	87,492	15,718	621,660	503,919	26,130		122,183	148,312	120,222	473,347	350,591	383,697	99,042
4	409,725	207,711	8,136	89,121	21,035	735,729	556,069	34,968		124,626	159,595	120,623	576,134	926,725	435,446	94,193
5	417,962	211,865	8,348	90,783	21,582	750,540	528,917	35,877		127,119	162,996	114,866	587,543	1,514,268	414,051	89,583
6	426,367	216,102	8,565	92,478	22,143	765,655	503,094	36,810		129,661	166,471	109,385	599,184	2,113,452	393,710	85,197
7	434,941	220,424	8,788	94,207	22,719	781,079	478,535	37,767		132,255	170,022	104,165	611,057	2,724,509	374,370	81,027
8	443,693	224,833	9,016	95,970	23,310	796,822	455,180	38,749		134,900	173,649	99,196	623,173	3,347,682	355,984	77,061
9	452,623	229,329	9,016	97,769	23,916	812,653	432,842	39,757		137,598	177,354	94,464	635,299	3,982,981	338,378	73,288
10	461,731	233,916	9,491	99,604	24,538	829,279	411,839	40,790		140,350	181,140	89,958	648,139	4,631,119	321,881	69,701
Total	\$3,637,178	\$2,143,194	\$72,519	\$917,649	\$184,573	\$6,955,113	\$4,651,278	\$306,827	\$731,250	\$1,285,916	\$2,323,993	\$1,811,846	\$4,631,119	\$4,631,119	\$2,839,431	\$1,613,981



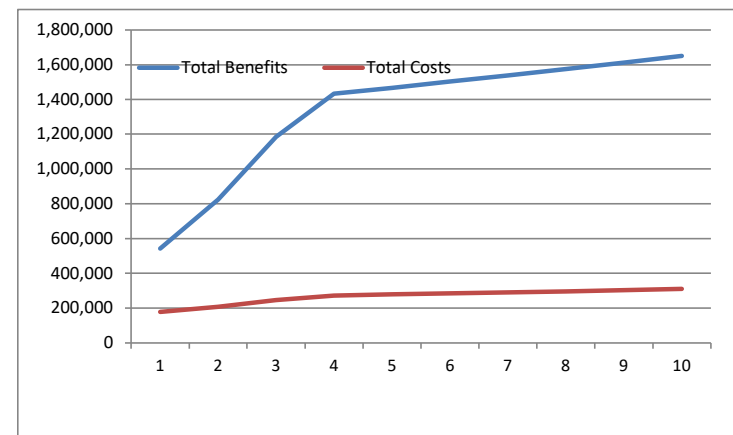
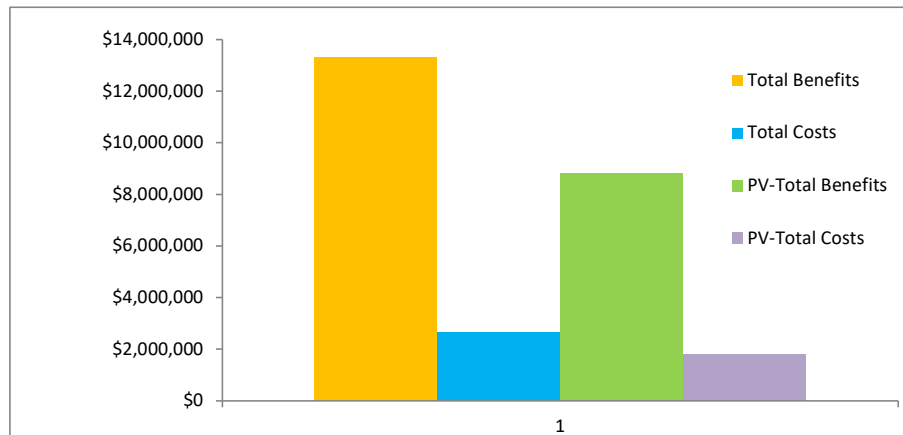
* The development agreement calls for 1% of the city's 1.625% sales tax and 7.84% of the transient guest tax on sales in the project area to be applied toward the project Star bonds.

SUMMARY OF COSTS AND BENEFITS FOR: Wyandotte County								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.91							
PROJECT: Infiniti Windows, LLC (Without LMW)								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.59							
DATE: 2/21/2023					DISCOUNT RATE: 7.25%			(Typical desired ratio would be 1.3 to 1) Average ROI 19.12%							
Year	Sales Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	57,600	0	0	0	57,600	57,600	0	450,000	0	450,000	450,000	-392,400	-392,400	-392,400	450,000
1	22,934	189,889	81,813	3,426	298,062	277,914	2,178	0	113,934	116,112	108,263	181,950	-210,450	169,651	106,232
2	96,999	193,687	83,332	15,020	389,038	338,219	9,549	0	116,212	125,762	109,334	263,276	52,827	228,885	101,032
3	192,783	197,561	84,881	30,165	505,391	409,671	19,178	0	118,537	137,715	111,632	367,676	420,503	298,039	96,086
4	256,208	201,512	86,462	40,369	584,551	441,808	25,666	0	120,907	146,573	110,781	437,978	858,481	331,027	91,383
5	261,354	205,542	88,074	41,419	596,389	420,284	26,333	0	123,325	149,658	105,467	446,731	1,305,211	314,818	86,909
6	266,605	209,653	89,718	42,496	608,472	399,813	27,018	0	125,792	152,810	100,408	455,663	1,760,874	299,405	82,655
7	271,962	213,846	91,396	43,600	620,804	380,341	27,720	0	128,308	156,028	95,592	464,776	2,225,651	284,749	78,609
8	277,430	218,123	93,106	44,734	633,393	361,822	28,441	0	130,874	159,315	91,008	474,078	2,699,729	270,814	74,761
9	283,008	222,486	94,851	45,897	646,242	344,207	29,180	0	133,491	162,672	86,644	483,571	3,183,300	257,563	71,101
10	288,698	226,936	96,631	47,090	659,355	327,451	29,939	0	136,161	166,100	82,489	493,255	3,676,554	244,962	67,621
Total	\$2,275,581	\$2,079,237	\$890,265	\$354,217	\$5,599,299	\$3,759,130	\$225,203	\$450,000	\$1,247,542	\$1,922,745	\$1,451,616	\$3,676,554	\$3,676,554	\$2,307,514	\$1,306,389

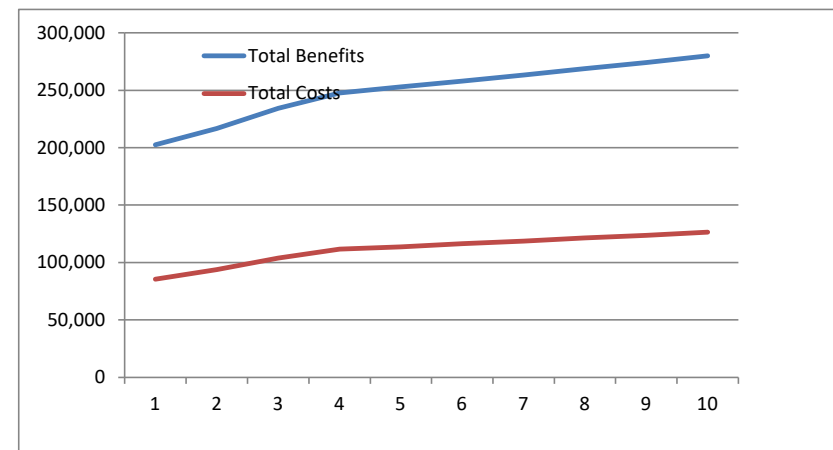
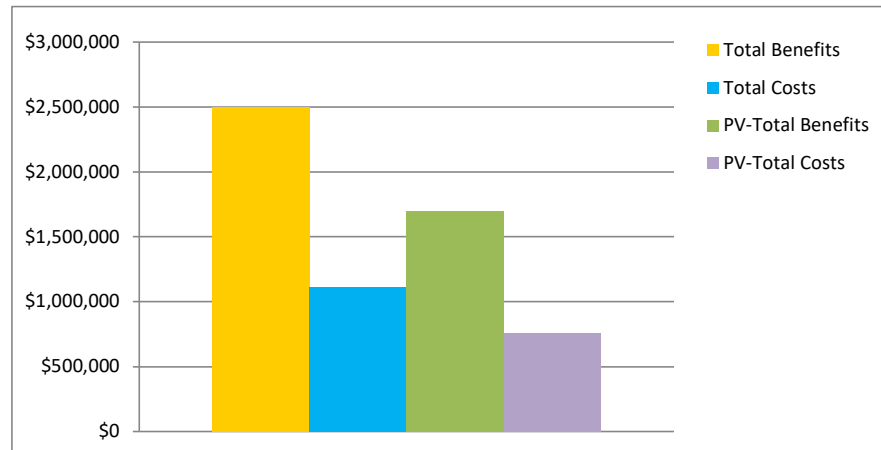


* The development agreement calls for 93.4368% of the county's 1% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

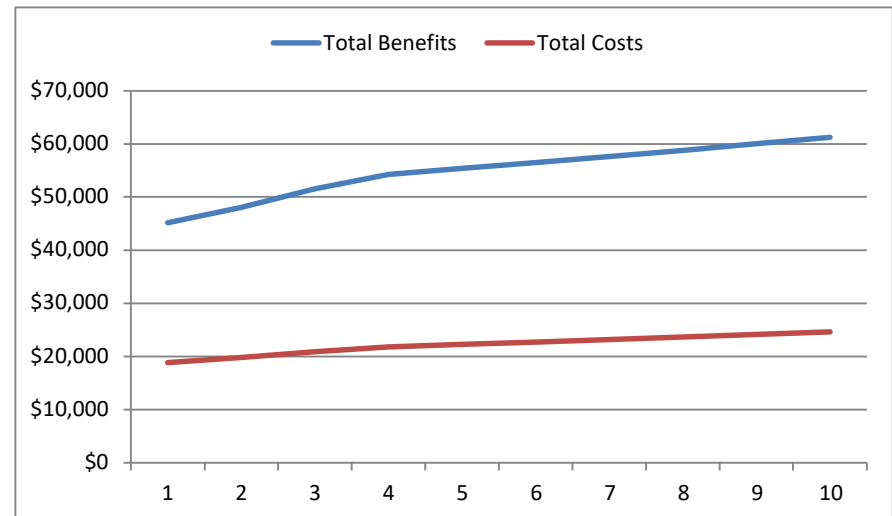
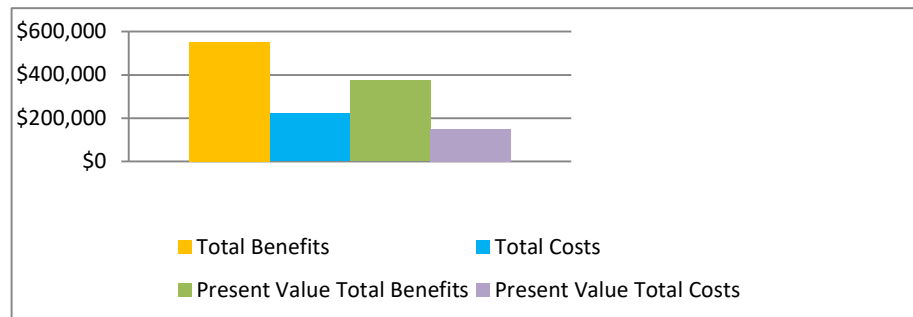
SUMMARY OF COSTS AND BENEFITS FOR: Piper-Kansas City USD 203									Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 5.00					
PROJECT: Infiniti Windows, LLC (Without LMW)									Ratio of Present Value of Total Benefits to Present Value of Total Costs: 4.90					
DATE: 2/21/2023					DISCOUNT RATE: 7.25%				(Typical desired ratio would be 1.3 to 1) Average ROI 40.01%					
Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Marginal Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	283,088	139,497	40,687	79,986	543,257	506,534	7,796	169,853	177,648	165,640	365,609	365,609	340,894	158,371
2	288,749	142,087	41,501	350,645	822,982	715,477	34,176	173,250	207,425	180,330	615,556	981,165	535,147	150,618
3	294,524	144,729	42,331	704,214	1,185,798	961,211	68,637	176,715	245,351	198,883	940,447	1,921,612	762,329	143,245
4	300,415	147,424	43,178	942,422	1,433,438	1,083,402	91,854	180,249	272,103	205,657	1,161,335	3,082,948	877,745	136,233
5	306,423	150,172	44,041	966,925	1,467,562	1,034,213	94,242	183,854	278,096	195,978	1,189,466	4,272,413	838,234	129,565
6	312,552	152,976	44,922	992,065	1,502,515	987,268	96,693	187,531	284,223	186,757	1,218,291	5,490,705	800,511	123,222
7	318,803	155,836	45,820	1,017,859	1,538,318	942,464	99,207	191,282	290,488	177,970	1,247,830	6,738,535	764,494	117,190
8	325,179	158,753	46,737	1,044,323	1,574,992	899,704	101,786	195,107	296,893	169,598	1,278,099	8,016,633	730,106	111,454
9	331,682	161,728	47,672	1,071,476	1,612,558	858,894	104,432	199,009	303,442	161,622	1,309,116	9,325,749	697,272	105,998
10	338,316	164,763	48,625	1,099,334	1,651,038	819,944	107,148	202,989	310,137	154,021	1,340,901	10,666,650	665,922	100,809
Total	\$3,099,729	\$1,517,963	\$445,514	\$8,269,251	\$13,332,458	\$8,809,112	\$805,970	\$1,859,838	\$2,665,807	\$1,796,456	\$10,666,650	\$10,666,650	\$7,012,656	\$1,276,706



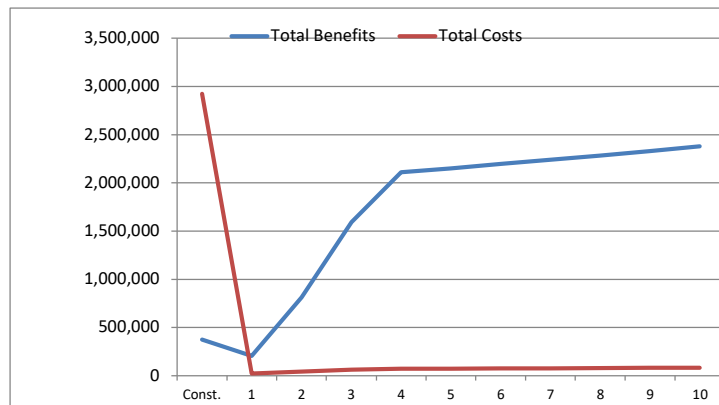
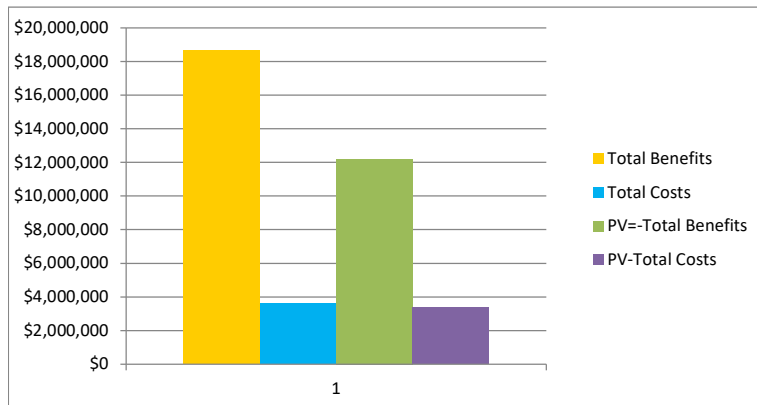
SUMMARY OF COSTS AND BENEFITS FOR: KC Community College								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.24					
PROJECT: Infiniti Windows, LLC (Without LMW)								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.25					
DATE: 2/21/2023				DISCOUNT RATE: 7.25%				(Typical desired ratio would be 1.3 to 1) Average ROI 12.41%					
Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	139,258	59,998	3,089	202,345	188,666	1,928	83,555	85,483	79,704	116,862	116,862	108,962	77,906
2	142,043	61,112	13,541	216,696	188,389	8,454	85,226	93,679	81,442	123,017	239,879	106,947	74,093
3	144,884	62,249	27,195	234,327	189,946	16,978	86,930	103,908	84,228	130,420	370,298	105,719	70,466
4	147,781	63,408	36,394	247,583	187,125	22,721	88,669	111,389	84,189	136,194	506,492	102,936	67,016
5	150,737	64,590	37,341	252,667	178,058	23,311	90,442	113,753	80,164	138,914	645,406	97,895	63,736
6	153,752	65,796	38,311	257,859	169,433	23,917	92,251	116,168	76,332	141,691	787,097	93,102	60,616
7	156,827	67,026	39,307	263,160	161,227	24,539	94,096	118,635	72,683	144,525	931,622	88,544	57,649
8	159,963	68,281	40,329	268,573	153,421	25,177	95,978	121,155	69,209	147,418	1,079,040	84,212	54,827
9	163,162	69,560	41,378	274,101	145,994	25,832	97,897	123,729	65,902	150,371	1,229,411	80,092	52,143
10	166,426	70,866	42,454	279,745	138,928	26,503	99,855	126,359	62,753	153,386	1,382,797	76,175	49,590
Total	\$1,524,831	\$652,885	\$319,340	\$2,497,056	\$1,701,189	\$199,361	\$914,899	\$1,114,259	\$756,605	\$1,382,797	\$1,382,797	\$944,584	\$628,042



SUMMARY OF COSTS AND BENEFITS FOR: Wyandotte Co. Library							Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.47						
PROJECT: Infiniti Windows, LLC (Without LMW)							Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.47						
DATE: 2/21/2023				DISCOUNT RATE: 7.25%			(Typical desired ratio would be 1.3 to 1) Average ROI 9.82%						
Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$31,143	\$13,418	\$596	\$45,156	\$42,103	\$167	\$18,686	\$18,852	\$17,578	\$26,304	\$26,304	\$24,526	\$17,422
2	\$31,766	\$13,667	\$2,611	\$48,043	\$41,767	\$730	\$19,059	\$19,789	\$17,204	\$28,254	\$54,558	\$24,563	\$16,570
3	\$32,401	\$13,921	\$5,244	\$51,566	\$41,799	\$1,466	\$19,440	\$20,907	\$16,947	\$30,659	\$85,216	\$24,852	\$15,759
4	\$33,049	\$14,180	\$7,018	\$54,247	\$41,000	\$1,962	\$19,829	\$21,792	\$16,470	\$32,455	\$117,671	\$24,530	\$14,987
5	\$33,710	\$14,444	\$7,200	\$55,354	\$39,009	\$2,013	\$20,226	\$22,239	\$15,672	\$33,115	\$150,786	\$23,337	\$14,253
6	\$34,384	\$14,714	\$7,387	\$56,485	\$37,115	\$2,066	\$20,630	\$22,696	\$14,913	\$33,789	\$184,576	\$22,202	\$13,556
7	\$35,072	\$14,989	\$7,579	\$57,640	\$35,314	\$2,119	\$21,043	\$23,162	\$14,191	\$34,478	\$219,053	\$21,123	\$12,892
8	\$35,773	\$15,270	\$7,776	\$58,819	\$33,600	\$2,175	\$21,464	\$23,638	\$13,503	\$35,181	\$254,234	\$20,097	\$12,261
9	\$36,489	\$15,556	\$7,979	\$60,023	\$31,970	\$2,231	\$21,893	\$24,124	\$12,849	\$35,899	\$290,133	\$19,121	\$11,661
10	\$37,218	\$15,848	\$8,186	\$61,252	\$30,419	\$2,289	\$22,331	\$24,620	\$12,227	\$36,632	\$326,765	\$18,192	\$11,090
Total	\$341,003	\$146,007	\$61,576	\$548,586	\$374,098	\$17,219	\$204,602	\$221,821	\$151,555	\$326,765	\$326,765	\$222,542	\$140,451



SUMMARY OF COSTS AND BENEFITS FOR:										State of Kansas							
PROJECT: Infiniti Windows, LLC										(Without LMW)							
DATE: 2/21/2023										DISCOUNT RATE: 7.25%							
										Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 5.20							
										Ratio of Present Value of Total Benefits to Present Value of Total Costs: 3.63							
										(Typical desired ratio would be 1.3 to 1)							
										Average ROI 42.00%							
Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	374,400	\$0	0	0	0	374,400	374,400	0	\$0	\$0	\$2,925,000	2,925,000	2,925,000	-2,550,600	-2,550,600	-2,550,600	2,925,000
1	131,642	\$7,631	51,119	3,288	11,703	205,382	191,498	4,980	13,447	\$4,578	0	23,006	21,450	182,376	-2,368,224	170,048	4,269
2	554,541	\$7,783	222,786	3,349	24,014	812,472	706,340	10,220	27,593	\$4,670	0	42,483	36,933	769,990	-1,598,234	669,407	4,060
3	1,101,445	\$7,939	444,814	3,411	36,957	1,594,566	1,292,559	15,728	42,466	\$4,763	0	62,957	51,033	1,531,609	-66,625	1,241,526	3,861
4	1,463,596	\$8,098	591,797	3,474	42,131	2,109,095	1,594,069	17,930	48,411	\$4,859	0	71,199	53,813	2,037,896	1,971,271	1,540,256	3,672
5	1,493,011	\$8,259	603,628	3,539	43,227	2,151,665	1,516,310	18,396	49,670	\$4,956	0	73,021	51,459	2,078,643	4,049,914	1,464,851	3,492
6	1,523,030	\$8,425	615,699	3,605	44,350	2,195,109	1,442,355	18,874	50,961	\$5,055	0	74,890	49,209	2,120,219	6,170,133	1,393,147	3,321
7	1,553,651	\$8,593	628,009	3,673	45,504	2,239,430	1,372,007	19,365	52,286	\$5,156	0	76,807	47,057	2,162,623	8,332,755	1,324,950	3,159
8	1,584,908	\$8,765	640,571	3,741	46,687	2,284,672	1,305,105	19,869	53,646	\$5,259	0	78,773	44,999	2,205,899	10,538,654	1,260,106	3,004
9	1,616,800	\$8,940	653,386	3,811	47,900	2,330,838	1,241,470	20,385	55,040	\$5,364	0	80,790	43,031	2,250,048	12,788,703	1,198,440	2,857
10	1,649,329	\$9,119	666,452	3,883	49,146	2,377,929	1,180,934	20,915	56,471	\$5,471	0	82,858	41,149	2,295,071	15,083,773	1,139,785	2,717
Total	\$13,046,353	\$83,552	\$5,118,261	\$35,774	\$391,618	\$18,675,558	\$12,217,050	\$166,662	\$449,991	\$50,131	\$2,925,000	\$3,591,785	\$3,365,133	\$15,083,773	\$15,083,773	\$8,851,916	\$2,959,413



* The development agreement calls for 100% of the state's 6.5% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

Infiniti Windows, LLC (Without LMW)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	55	600
Construction jobs created	260	0
Number of New Residents in the Community	29	322
Number of Additional Students in the Local School District	6	60
Increase in Local Personal Incomes	\$2,434,245	\$243,726,705
Increase in Local Retail Sales	\$52,442,763	\$643,584,367
Increase in the Community's Property Tax Base	\$44,000,000	\$44,000,000
Estimated Property Tax Revenue after the abatement period ends:		
	City	\$238,594
	County	\$231,474
	School	\$394,679
	Comm. Coll.	\$169,754
	Library	\$39,496
	State	\$9,302
	Total	\$1,083,299

Infiniti Windows, LLC (Without LMW)

Overall Cost-Benefit Summary

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS		INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				Property Taxes Abated	Cost of Educating New Students	ALL INDIRECT COSTS		
City of Kansas City	3,637,178	917,649	2,143,194			72,519	6,770,540	184,573	6,955,113	1,285,916	0	306,827	1,592,743	5,362,369
Wyandotte County	2,275,581	890,265	2,079,237				5,245,082	354,217	5,599,299	1,247,542	0	225,203	1,472,745	4,126,554
Piper-Kansas City USD 203		1,517,963	3,545,244	8,269,251			13,332,458		13,332,458	1,859,838	805,970	0	2,665,807	10,666,650
KC Community College		652,885	1,524,831				2,177,716	319,340	2,497,056	914,899	0	199,361	1,114,259	1,382,797
Wyandotte Co. Library		146,007	341,003				487,010	61,576	548,586	204,602		17,219	221,821	326,765
State of Kansas	13,046,353	35,774	83,552	0	5,118,261		18,283,940	391,618	18,675,558	50,131	449,991	166,662	666,785	18,008,773
TOTALS	\$18,959,112	\$4,160,544	\$9,717,060	\$8,269,251	\$5,118,261	\$72,519	\$46,296,746	\$1,311,323	\$47,608,070	\$5,562,928	\$1,255,961	\$915,272	\$7,734,160	\$39,873,909



Staff Request for Commission Action

Tracking No. 212300

Full Commission Meeting Date: 3/30/23

Committee: Economic Development & Finance

Date of Standing Committee Action: 3/6/23

(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>
03/23/2023	Patrick Waters	x5079	patrickwaters@wycokck.org	Economic Development

Item Description:

Resolution of Intent to issue Industrial Revenue Bonds in the amount not to exceed \$19,000,000 to finance the acquisition, construction, improving, and equipping of a senior living facility for the benefit of Village of the Legends, Inc., submitted by Patrick Waters, Deputy Chief Counsel.

Action Requested:

To Adopt the Resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent - Village of the Legends (UG), Performance Agreement - Village of the Legends (UG), UG Presentation - Public Hearing Agenda Item #2 - Village of the Legends, Developer Presentation - Public Hearing Item #2 - Village of the Legends, CBA_Village_of_the_Legends_02162023, CBA_Village_of_the_Legends_02162023_without_LMW

RESOLUTION NO. R-__-23

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE AGGREGATE AMOUNT OF NOT TO EXCEED \$19,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A COMMERCIAL SENIOR LIVING FACILITY FOR THE BENEFIT OF VILLAGE OF THE LEGENDS, INC. AND ITS SUCCESSORS AND ASSIGNS

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Village of the Legends, Inc., a Kansas not-for-profit corporation (together with permitted successors and assigns, the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, purchasing, constructing, installing and equipping an approximately 58-unit commercial senior living facility located generally at the southwest corner of Delaware Parkway and 110th Street, as more fully described in the Application (collectively, the “Project”) through the issuance of its industrial revenue bonds in one or more series in the principal amount of not to exceed \$19,000,000 (the “Bonds”), and to lease the Project to the Company, or its successors and assigns, in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act, in the aggregate principal amount of not to exceed \$19,000,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company; and

WHEREAS, to set forth certain terms of the Project and the proposed property tax abatement, the Unified Government desires to approve the Performance Agreement between the Unified Government and Company (the “Performance Agreement”) and authorize the Mayor/CEO’s execution thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The

Project shall be generally located at the southwest corner of Delaware Parkway and 110th Street, in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$19,000,000, to be issued pursuant to the Act.

Section 3. Ad Valorem Tax Abatement. In consideration of the Company's decision to acquire, construct, improve and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Unified Government under Kansas law, including the school district's capital outlay levy) for all property (including real property, building improvements, machinery and equipment) financed with the proceeds of the Bonds.

In consideration of the Unified Government's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax as set forth on **Exhibit A** hereto, and such amounts shall be set forth in the Performance Agreement and subject to adjustment as set forth therein. The Project shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued.

Section 4. Performance Agreement. The Mayor/CEO is authorized and directed to execute and deliver the Performance Agreement between the Unified Government and the Company on behalf of, and as the act and deed of the Unified Government, in substantially the same form as presented to the governing body on this date with such corrections or amendments thereto as the Mayor/CEO, upon recommendation of the Chief Counsel of the Unified Government, may approve.

Section 5. Provision for the Bonds. Subject to the conditions of this Resolution of Intent (this "Resolution"), the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be reasonably acceptable to the Company and determined by ordinance of the Unified Government (the "Ordinance"); (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 6. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds and ad valorem tax abatement; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 7. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be reasonably acceptable to the Unified Government.

Section 8. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement (as defined in the Performance Agreement) with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Trust Indenture to be entered into between the Unified Government and the trustee for the Bonds (the "Indenture"). The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 9. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of the Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED GOVERNMENT" AND "LITIGATION - THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 10. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 11. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 12. Termination of Resolution. This Resolution shall terminate eighteen (18) months from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Unified Government for the Project, or as otherwise set forth in the Performance Agreement. The Unified Government, upon the written request of the Company, may extend this time period.

Section 13. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company or as otherwise provided in the Performance Agreement, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 14. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 15. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

[Remainder of page intentionally blank.]

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON MARCH 30, 2023.**

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk

Approved as to Form:

By: _____
Office of Chief Counsel

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Payments in lieu of tax (“PILOTs”) shall be determined on a per-apartment-unit basis as further set forth in the Performance Agreement. Below is an approximate PILOT schedule based on 58 units, which may be adjusted as set forth in the Performance Agreement.

Local, Minority, and Women Business Enterprise (L/M/W) goals are set forth in the Performance Agreement. PILOT payments do not include the school district’s capital outlay levy that cannot be abated under Kansas law.

Number of units	58
Year 1 PILOT per unit	\$2,000
Year 1 PILOT	\$116,000
Annual Increase	2.00%
Annual Increase if LMW Failure	4.00%

Year^(a)	Annual PILOT^(b)	PILOT per Door^(b)	Annual PILOT if L/M/WBE Failure^(b)	PILOT per Door^(b)
1	\$116,000	\$2,000	\$116,000	\$2,000
2	118,320	2,040	120,640	2,080
3	120,686	2,081	125,466	2,163
4	123,100	2,122	130,484	2,250
5	125,562	2,165	135,704	2,340
6	128,073	2,208	141,132	2,433
7	130,635	2,252	146,777	2,531
8	133,248	2,297	152,648	2,632
9	135,912	2,343	158,754	2,737
10	138,631	2,390	165,104	2,847

Business Category	Participation Percentage Goal Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

^(a) Year 1 refers to calendar year beginning January 1 after issuance of Bonds.

^(b) Does not include school district capital outlay levy.

PERFORMANCE AGREEMENT

Dated as of March 30, 2023

BETWEEN THE

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

AND

VILLAGE OF THE LEGENDS, INC.

Prepared By:

**Gilmore & Bell, P.C.
Kansas City, Missouri**

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, dated as of the date first set forth above (this “**Agreement**”), between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation organized and existing under the laws of the State of Kansas (the “**Issuer**”), and **VILLAGE OF THE LEGENDS, INC.** a Kansas not-for-profit corporation, or assigns (the “**Company**”);

WITNESSETH:

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “**Act**”), to acquire, construct and improve certain facilities for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for said projects, and to issue revenue bonds for the purpose of paying the cost of any such facilities;

WHEREAS, pursuant to such authorization, the governing body of the Issuer has adopted a Resolution (the “**Resolution**”) indicating the Issuer’s intent to issue one or more series of taxable industrial revenue bonds in the principal amount of not to exceed \$19,000,000 (the “**Bonds**”), for the purpose of acquiring, constructing, improving, installing, furnishing and equipping the Project and authorizing the Issuer to enter into this Agreement;

WHEREAS, the Issuer is authorized and empowered under the Act and K.S.A. 79-201a, as amended (the “**Abatement Statute**”) to exempt from ad valorem taxation all or any portion of the Project financed with the proceeds of the Bonds, subject to the limitations set forth in the Abatement Statute and this Agreement; and

WHEREAS, pursuant to the foregoing, the Issuer desires to enter into this Agreement with the Company in consideration of the Company’s desire to acquire, construct, improve, install, furnish and equip the Project as more fully described in the hereinafter defined Application upon the terms and conditions hereinafter set forth and in the Lease Agreement to be entered into between the Issuer and the Company relating to the Project (the “**Lease Agreement**”).

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein contained, the Issuer and the Company hereby represent, covenant and agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions of Words and Terms. The following words and terms as used herein shall have the following meanings:

“**Abatement Statute**” means K.S.A. 79-201a, as amended.

“**Ad valorem taxes**” or “**ad valorem taxation**” means all property taxes imposed on real or personal property (including fixtures) and eligible for exemption pursuant to the Abatement Statute.

“Agreement” means this Performance Agreement between the Issuer and the Company, as from time to time amended and supplemented in accordance with the provisions hereof.

“Application” means the Application for Issuance of Industrial Revenue Bonds filed with the Issuer by the Company in connection with the request for the issuance of the Bonds, a copy of which is attached hereto as **Exhibit A**.

“Board of Tax Appeals” means the State of Kansas Board of Tax Appeals.

“Bond Financed Portion of the Project” means that portion of the Project financed in whole from the proceeds of the Bonds as evidenced by the requisitions submitted by the Company to the bond trustee in accordance with **Section 2.7** hereof.

“Bonds” means the Issuer’s taxable industrial revenue bonds issued in relation to the Project in the maximum aggregate principal amount of \$19,000,000.

“Company” means Village of the Legends, Inc., a Kansas not-for-profit corporation, and its successors and assigns as set forth in this Agreement.

“Event of Default” means any Event of Default as described in **Section 5.1** hereof.

“Exempt Period” means the ten (10) calendar years beginning on the January 1 following the issuance of the Bonds.

“Exempt Property” means all Property that is exempt from taxation pursuant to K.S.A. 79-201(a) *Second* and/or *Twenty-Fourth* by reason that such property was constructed or purchased with the proceeds of the Bonds authorized by and in accordance with the Abatement Statute.

“Force Majeure” means acts of God, strikes, lockouts, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate government authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the Issuer to timely approve the plans or construction documents relating to the Project, war, terrorism, pandemic (including a material worsening of the conditions related to the COVID-19 pandemic existing as of the date hereof) or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement.

“Future Facility Additions” means any additions, improvements or renovations to or equipping of the Bond Financed Portion of the Project following the receipt of a final certificate of occupancy for the final building comprising the Project. As used herein, **“Future Facility Additions”** shall never include any future additions, improvements or renovations to or equipping of the Project that are exempt from ad valorem taxes.

“Issuer” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Property” means all real and personal property subject to taxation pursuant to K.S.A. 79-101.

“Project” means acquiring and constructing an approximately 58-unit Class A commercial senior living facility, as further described in **Section 3.3**, including land, buildings, structures, improvements and fixtures, that will be generally located at the southwest corner of Delaware Parkway and 110th Street.

“Project Costs” means all costs and expenses of every nature paid from proceeds of the Bonds and relating to the acquisition, construction, improvement, installation, furnishing and equipping of the Project.

“Project Site” means all of the real property described in **Exhibit B** attached hereto and by this reference made a part hereof.

“Tax Payment” means a payment-in-lieu of taxes to be paid by the Company in the amounts set forth in **Section 2.3** and **Exhibit C** hereof.

ARTICLE II

EXEMPTION; PAYMENTS IN LIEU OF TAX

Section 2.1. Exempt Property. During the Exempt Period, and so long as the Bonds are outstanding and the Company remains in compliance with this Agreement, the Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be and remain Exempt Property.

Section 2.2 Agreement to Make Tax Payments. The Company covenants and agrees that, for each calendar year during the Exempt Period that the Bond Financed Portion of the Project is Exempt Property, the Company will make a Tax Payment in lieu of ad valorem taxes to the Issuer (or, if the Issuer shall direct, to the County Treasurer). For each such calendar year, 50% of the Tax Payment with respect to such calendar year shall be due and payable on or before the date that the first installment of ad valorem taxes for real property are due (and in any event, not later than December 20th), and the balance of such Tax Payment with respect to such calendar year shall be due and payable on or before the date that the second installment of ad valorem taxes for real property are due (and in any event, not later than May 10th of the immediately succeeding calendar year).

Section 2.3. Amount of Tax Payment. The Tax Payments shall be in the amounts shown in **Exhibit C**. The parties acknowledge that such Tax Payments do not include special assessments, if any, and the school district’s capital outlay levy that cannot be abated under Kansas law and that the Tax Payments are subject to adjustment as set forth in **Exhibit C**.

Section 2.4. Term of Agreement. This Agreement shall become effective upon execution, and subject to earlier termination pursuant to the provisions of this Agreement (including particularly **Article V** hereof), shall terminate upon the later of (i) the expiration of the Exempt Period or (ii) the date of the final Tax Payment.

Section 2.5. No Abatement of Special Assessments and Certain Property Taxes. The Issuer and the Company hereby agree that the Abatement Statute and any tax abatement with respect to the Project shall not apply to special assessments and property taxes that cannot be abated under Kansas law. In the event special assessments are ever abated, the Company hereby agrees that 100% of the amount of such abated special assessments shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement.

Section 2.6. Obligation of Issuer to Effect Tax Abatement. The Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be Exempt Property during the Exempt Period and agrees to make all filings required by the Wyandotte County Board of Commissioners or the Board of Tax Appeals; provided, however, the Issuer shall not be liable for any failure of the Board of Tax Appeals to effect the exemption permitted by the Abatement Statute. The Issuer covenants that it will not knowingly

take any action that the Issuer has knowledge may cause the Bond Financed Portion of the Project to no longer be Exempt Property. In the event the Bond Financed Portion of the Project is determined to no longer be Exempt Property, the Issuer shall, at the Company's request, cooperate with the Company in all reasonable ways to cause the Bond Financed Portion of the Project to be Exempt Property, including cooperating with the Company in any related litigation. The Company agrees to pay to the Issuer the costs that the Issuer incurs (including legal fees and expenses) in cooperating with the Company in the manner required by this Section.

Section 2.7. Compliance. Within ten (10) business days following the request of the Issuer, the Company shall provide the Issuer with (i) copies of the requisitions submitted by the Company to the bond trustee in accordance with the Lease Agreement for the preceding calendar year, (ii) a list containing a brief description and the amount of all costs of the Bond Financed Portion of the Project, and (iii) the total costs of the Project, all in such reasonable detail as the Issuer shall request.

Section 2.8. Value of the Project Not Determined by Bonds. The Issuer and the Company acknowledge that it is not the intent of the parties that the principal amount of the Bonds be used for the purpose of determining the appraised value of the Project or any portion thereof for tax purposes.

Section 2.9. Company's Right to Protest. Nothing in this Agreement shall be construed to limit or in any way restrict the ability of the Company to utilize any provision of Kansas law to appeal, protest or otherwise contest any property tax valuation, assessment or similar action with respect to the Project Site or any portion thereof.

Section 2.10. Credits for Tax Payments; No Duplicate Tax Liability. Nothing in this Agreement shall be construed to require the Company to make duplicate tax payments. The Company shall receive as a credit against its obligations to pay the Issuer Tax Payments, the amount of any ad valorem taxes (other than special assessments and property taxes that cannot be abated under Kansas law) paid by the Company to the County to the extent that the amounts paid to the County include any taxes due with respect to the Exempt Property.

Section 2.11. No Abatement on Appraised Value of Future Facility Additions. In the event any Future Facility Additions are determined to be Exempt Property as a result of the issuance of the Bonds, this Agreement or for any other reason, so long as this Agreement remains in effect, the Company hereby agrees that 100% of the amount of such abated ad valorem taxes attributable to the Future Facility Additions shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement. This provision shall not be construed as restricting the Company from applying to the Issuer or to any other governmental entity for any future tax abatement in connection with the Future Facility Additions.

Section 2.12. Tax Abatement Order; Adjustment of Tax Payment. The Issuer and the Company acknowledge that, prior to the Bond Financed Portion of the Project being determined to be Exempt Property, an order from the Board of Tax Appeals approving tax abatement on the Bond Financed Portion of the Project for the Exempt Period must be obtained. In the event the Board of Tax Appeals issues an order stating that less than 100% of the Bond Financed Portion of the Project is Exempt Property, the parties agree that the Tax Payment shall be decreased by an amount necessary to result in the sum of the new Tax Payment plus the payment of ad valorem taxes by the Company with respect to the Bond Financed Portion of the Project is equal to the original Tax Payment. In the event the Board of Tax Appeals issues an order stating that none of the Bond Financed Portion of the Project is Exempt Property, then the Tax Payment shall be reduced to 0.

Notwithstanding the foregoing, if (i) the entire Bond Financed Portion of the Project is not determined to be Exempt Property, or (ii) the Board of Tax Appeals issues an order that less than 100% of the Bond

Financed Portion of the Project is Exempt Property, and such determination or order is a result of the Company's failure to comply with the terms and provisions of this Agreement (after any applicable notice and cure period), the Issuer shall be under no obligation to decrease the Tax Payment as provided in this Section. Furthermore, in no event shall the Issuer be under any obligation to make any payment to the Company as a result of the Board of Tax Appeals determining that less than 100% of the Bond Financed Portion of the Project is Exempt Property. Notwithstanding any provisions herein to the contrary, in no event shall the Company be liable for the payment of any amounts, including the Tax Payments, which are in the aggregate greater than the amount of ad valorem taxes on the Project in the event there is no abatement of the same.

Section 2.13. Determination of Appraised Value and Assessments. The Company acknowledges that the county appraiser independently determines the appraised value of Property. The Company further acknowledges that the Issuer does not have input in or in any way control the determination of the appraised value of Property or the assessment of Property, and that the Issuer cannot and is not attempting to bind the county appraiser or any other governmental authority with respect to a determination of the appraised value of the Bond Financed Portion of the Project.

ARTICLE III

COVENANTS OF THE COMPANY

Section 3.1. Construction. The Project will be constructed, equipped and operated (or caused to be operated) in a manner that is consistent with the description of the Project herein. In the event the Project is constructed in a manner that the Issuer determines, in its reasonable discretion, is materially inconsistent with the description of the Project herein, the Issuer reserves the right to declare an Event of Default in accordance with **Section 5.1** hereof.

Section 3.2. Completion Date. Subject only to Force Majeure, the Company agrees to commence construction on or before April 1, 2024, and substantially complete construction of the Project on or before July 1, 2026. "Commence construction" shall mean that the Company has entered into a contract with a licensed contractor for the construction of the Project and the Issuer has issued a building permit therefor. "Substantially complete," for purposes of this Section, shall mean that the Project can be occupied or utilized for its intended purpose as a Class A senior living facility, as evidenced by receipt by the Company of one or more temporary certificates of occupancy for the Project. The parties agree that the governing body of the Issuer will consider an ordinance authorizing the issuance of the Bonds on or about such time, but in no event will the Bonds be issued later than December 31, 2026.

Section 3.3. Development of Project. The Issuer and Company hereby agree that the Project shall be as described below. The Company covenants that the Project, including all buildings, parking facilities, and other improvements constituting the Project shall be developed, constructed, completed, and operated (or caused to be operated) on the Project Site in substantial accordance and compliance with the terms and conditions of this Agreement and the final site plan approval from the Issuer's Planning Commission, and this Agreement shall not be construed to waive such Planning Commission's discretion in approving or disapproving the same. On and subject to the terms and provisions set forth in this Agreement, Company shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Project, and shall operate (or cause to be operated) and use the Project in the manner described herein. The parties further agree as follows:

(a) The Project shall be designed, developed, and constructed as a Class A senior living facility that shall include approximately 58 units, including site amenities and related infrastructure. Project amenities shall be suitable for a Class A senior living facility, including the items generally depicted and described in **Exhibit E** attached hereto, though the parties acknowledge the depiction in **Exhibit E** is conceptual and is subject to modification pursuant to the Issuer's planning process.

(b) Company stipulates and agrees that its signage shall be subject to all applicable laws and requirements of the Issuer and any special use permits granted by the Issuer's governing body.

(c) The Project shall include parking improvements containing at least the number of spaces required by the Issuer's applicable laws and requirements.

(d) The Company's plans for landscaping on the Project Site shall be considered in accordance with all applicable laws and requirements of the Issuer and the Issuer's approval thereof will not be unreasonably withheld.

Section 3.4. Maintenance and Use. The Company shall cause the Project and the Project Site to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with a Class A senior living facility in the greater metropolitan Kansas City area, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Project Site. Company specifically understands and agrees that the Issuer shall not undertake or have any obligation under this Agreement for snow or ice removal on sidewalks located at or adjacent to the Project.

Section 3.5. Inspection. The Company agrees that the Issuer and its duly authorized agents shall have the right at reasonable times (during business hours), subject to at least 48 hours advance notice and to the Company's usual business proprietary, safety and security requirements, to enter upon the Project Site to examine and inspect the Project and the records of the Company which demonstrate compliance with this Agreement, including, but not limited to, inspections necessary to confirm compliance with **Section 3.3**.

Section 3.6. Compliance with Laws. The Project will comply in all material respects with all applicable building and zoning, health, environmental and safety ordinances and regulations and all other applicable laws, rules and regulations.

Section 3.7. Employment Certification. Beginning on March 1 in the calendar year following the issuance of Bonds, and on each March 1 thereafter and at any other time that the Issuer may request, for the term of this Agreement, the Company shall provide a written certification to the Issuer stating the total number of full-time employees employed at the Project.

Section 3.8. Payment of Fees and Reimbursement or Payment of Costs.

(a) The Company agrees to pay to the Issuer the standard fees charged by the Issuer in connection with tax abatement projects and the issuance of industrial revenue bonds. These fees include, but are not limited to, an initial application fee (which the Issuer agrees has been paid in full), a service fee that is due at the time of issuance of the Bonds and an annual administrative fee.

The Company acknowledges receipt of a fee schedule from the Issuer and acknowledges that the fee schedule may be adjusted or amended by the Issuer at any time.

(b) The Company agrees to promptly reimburse the Issuer, within ten (10) business days following receipt by the Company of an invoice from the Issuer and reasonable supporting documentation, for any amounts that the Issuer pays to any other party as a result of the Issuer pursuing, obtaining or maintaining the tax abatement granted to the Company pursuant to this Agreement. These costs shall include, but shall not be limited to, all fees and expenses for filings with the Board of Tax Appeals (including the application fee and annual administration fee), legal notice publication expenses, and the costs and expenses of the Issuer's legal counsel. The Company agrees that the Issuer may, in lieu of seeking reimbursement from the Company, forward any invoice received by the Issuer to the Company, which invoice is for a cost which the Issuer could seek reimbursement from the Company pursuant to this paragraph, and the Company agrees to promptly pay such invoice and to promptly provide the Issuer with evidence of such payment.

Section 3.9. Abatement of Property. The Abatement Statute provides that, with certain exceptions, any property constructed or purchased in part with the proceeds of revenue bonds issued under the authority of the Act is exempt from taxation for a period of up to ten years to the extent of the value of that portion of the property financed by the revenue bonds. The tax abatement commences in the year following the year in which the Bonds are issued.

Company understands that property will be exempt under the Abatement Statute only if such property is purchased or reimbursed with the proceeds of the Bonds. In order to be purchased or reimbursed with Bond proceeds, the trustee for the Bonds must receive a requisition request from the Company and must make a draw on the Bonds and use the money to either (a) pay, or (b) reimburse the Company for the cost of the property, which the parties acknowledge and agree may be documented via book entry.

The Abatement Statute also provides that if property purchased with proceeds of the Bonds is used in any retail enterprise identified under the NAICS sectors 44 and 45 ("**Prohibited NAICS**"), the property will not be exempt from taxation, unless the property is a facility used exclusively to house the headquarters or back office operations of a prohibited retail enterprise.

The Abatement Statute further provides that property purchased with bond proceeds is not exempt from taxation if the property is (i) a swine production facility (as described in K.S.A. 12-1749b), (ii) property located in a redevelopment project area established under the authority of K.S.A. 12-1770 or (iii) a poultry or rabbit confinement facility (as described in K.S.A. 17-5903).

Company hereby represents that the NAICS code for the Project is not included within the list of Prohibited NAICS and agrees that during the term of the tax abatement, the property purchased with the proceeds of the Bonds will not be used in any of the Prohibited NAICS. Company understands that if any property purchased with the proceeds of the Bonds is used in a Prohibited NAICS, that property will not be subject to property tax abatement under Kansas law.

Company represents that the Project is not, and will not become, a swine production facility, a poultry or rabbit confinement facility or inventory, and that the Project is not located in a redevelopment project area as defined in K.S.A. 12-1770 *et seq.*

Section 3.10. Solid Waste Services. Until termination of this Agreement, the Company agrees that it and all of its tenants, subtenants, operators and licensees shall exclusively use the solid waste services of the Unified Government for the Project. This requirement shall not apply to the Company or any user if the Company or user demonstrates that solid waste services provided by the Issuer are inadequate to serve such user's reasonable needs.

Section 3.11. LBE/MBE/WBE Employment Opportunity Goals. The Company agrees to comply with the goals set forth on **Exhibit D** in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses. The Company hereby understands and agrees that if it shall fail to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** for the Construction (as those terms are defined therein) of the Project, then the Tax Payments shall be increased as set forth in **Exhibit C**. The parties agree that failure to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** shall not cause an Event of Default hereunder, and the Issuer's sole remedy will be increasing the amount of Tax Payments as set forth in **Exhibit C**.

ARTICLE IV

SALE AND ASSIGNMENT

Except as otherwise provided herein, the Company will not, without the prior written consent of the Issuer, (a) assign, sell, lease, or otherwise transfer the Project Site, the Project, or equipment that comprises the Project or any part thereof or any interest therein; (b) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (c) assign this Agreement. The Issuer shall have the right to grant or withhold its consent to any of the aforesaid in its reasonable discretion after inquiry and delivery of information to the Issuer as to whether the proposed assignee has sufficient financial wherewithal and experience to successfully complete and/or operate the Project according to the terms hereof. If an assignment is approved by the Issuer, the assignee shall assume and agree to pay and perform each and all of terms and provisions hereof. Notwithstanding the foregoing, the parties hereby agree that the Company may do any of the following without written consent of the Issuer:

(a) The Company may lease the Project's units and/or transfer shares in the Company to residents in the ordinary course of its business.

(b) The Company may grant a mortgage, leasehold mortgage, or other security on the Project to a lender in order to finance construction of the Project or refinance the Project, including, but not limited to, collateral assignment of all or any portion of its rights or obligations under this Agreement or any other documents entered into in connection with the Bonds.

(c) Once all occupancy permits have been issued for the Project, the Company may sell, lease, assign, transfer or mortgage the Project (and this Agreement and any other documents entered into in connection with the Bonds including without limitation the Resolution, in connection with the same) upon written request to the Issuer and the approval of the County Administrator or his/her designee; provided, if the County Administrator or his/her designee disapproves any such disposition, the Company will have the right to appeal such decision to the Issuer's governing body within a reasonable time. The consent of the Issuer to any such disposition described in this subsection shall not be unreasonably withheld or delayed.

(d) The Company may terminate this Agreement, and thereafter freely sell, assign, transfer or mortgage.

(e) The Company, upon written notice to the Issuer, may freely sell, assign, lease or transfer all or any portion of the Project or Project Site, and/or its rights or obligations under this Agreement and any other documents entered into in connection with the Bonds (including, without limitation, the Resolution), to an entity managed by or under common control of or by the Company or one or more of its principals.

Upon the sale, assignment, or transfer of the Project as set forth herein, the Company (as assignor) shall be relieved of all further liability occurring on and after the effective date of such disposition, except as may be otherwise set forth in the Lease Agreement.

ARTICLE V

DEFAULT AND REMEDIES

Section 5.1. Events of Default. If any one or more of the following events shall occur and be continuing, it is hereby defined as and declared to be and to constitute an “Event of Default” hereunder:

- (a) the Company shall fail to perform any of its obligations hereunder;
- (b) the Company shall breach any covenant contained herein or any representation of the Company contained herein or in the Application shall prove to be materially false or erroneous; or
- (c) the Company shall be in default under the Lease Agreement.

Section 5.2. Remedies on Default. Upon the occurrence of an Event of Default hereunder, the Company shall be given 60 days (or such longer period as the Issuer and the Company may agree), following written notice by the Issuer to the Company of the occurrence of such Event of Default, to cure such Event of Default; provided that, if such Event of Default is of a nature that it cannot reasonably be cured within 60 days, then such occurrence will not constitute an Event of Default so long as Company: (a) commences to cure such failure within such 60-day period; and (b) diligently pursues such cure to completion. If such Event of Default is not cured within such time, this Agreement may be terminated by written notice to the Company from the Issuer. Such termination shall be effective immediately following delivery of such written notice. Upon the termination of this Agreement, the Company shall make a payment to the Issuer (or as the Issuer may otherwise direct) in an amount equal to the sum of (i) all due but unpaid Tax Payments attributed to prior calendar years, (ii) the pro rata total Tax Payments that would be due with respect to the current calendar year, (iii) the pro rata amount of any taxes that would be due for the remaining portion of the current calendar year assuming the Bond Financed Portion of the Project was not Exempt Property, and (iv) the amount of any costs and attorneys’ fees incurred by the Issuer as a result of such Event of Default and in enforcing this Agreement.

Section 5.3. Payments on Defaulted Amounts. Any amounts due hereunder which are not paid when due shall bear interest at the interest rate imposed by Kansas law on overdue ad valorem taxes from the date such payment was first due. In addition, amounts payable hereunder in lieu of ad valorem taxes that are not paid when due shall be subject to the same penalties imposed by Kansas law on overdue ad valorem taxes.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.1. Notice and Waiver of Company. The Issuer reserves the right to grant tax abatement for projects that are located adjacent to or in the proximity of the Project or for projects that are located elsewhere within the Issuer but are similar to the Project in amounts that are above or below the amounts set forth herein. The Company acknowledges and agrees that the Tax Payment, the Exempt Period and the other terms of the tax abatement granted by the Issuer with respect to such other projects may be more favorable than the terms provided for in this Agreement. As a condition to the Issuer entering into this Agreement, the Company waives any claim it may have against the Issuer as a result of the Issuer granting tax abatement to other projects with terms that are more favorable than the terms provided for in this Agreement. Additionally, the Company agrees that it will not request that the Issuer modify this Agreement because the Issuer plans to grant or has granted tax abatement to another project or projects on terms that are more favorable than the terms provided for in this Agreement. Upon the occurrence of the Company's breach of its obligations set forth in this Section to waive any claim it may have against the Issuer as described above, the Issuer shall have the right to immediately terminate this Agreement and the associated tax abatement and require that the Company pay to the Issuer the amounts specified in **clauses (i) through (iv) of Section 5.2.**

Section 6.2. Severability. If for any reason any provision of this Agreement shall be determined to be invalid or unenforceable, the validity and enforceability of the other provisions hereof shall not be affected thereby.

Section 6.3. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Kansas.

Section 6.4. Execution in Counterparts. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

Section 6.5. Waiver. The Issuer and the Company acknowledge and agree that the amounts payable hereunder shall constitute payments due the Issuer under the Lease Agreement. The Company shall not be entitled to any extension of payment of such amounts as a result of a filing by or against the Company in any bankruptcy court.

Section 6.6. Notices. All notices, certificates or other communications required or desired to be given hereunder shall be in writing and shall be given to or filed with the Issuer and the Company as set forth below:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: 913-573-5260
Email: bdeichler@wycokck.org

with a copy to:

Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: 913-573-5060
Email: mbrown@wycokck.org

And a copy to:

Gilmore & Bell, P.C.
Kevin Wempe
2405 Grand Blvd., Suite 1100
Kansas City, Missouri 64108
Telephone: 816-221-1000
Email: kwempe@gilmorebell.com

and to the Company at:

Village of the Legends, Inc.
Attn: Andrew Schaefer
1303 Corporate Center Dr., Suite #400
Eagan, Minnesota 55121
Telephone: 651-760-8303
Email: aschaefer@redevelopment.com

with a copy to:

Curt Petersen
Polsinelli PC
900 W. 48th Place, Suite 900
Kansas City, Missouri 64112
Telephone: 913-234-7458
Email: cpetersen@polsinelli.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

Section 6.7. Further Assurances. The parties each agree to do, execute, acknowledge and deliver any and all other documents and instruments and to take all such further action as shall be reasonably necessary or reasonably required in order to fully carry out this Agreement and to fully consummate and effect the transactions contemplated hereby.

Section 6.8. Authority, etc. Each party to this Agreement represents and warrants to each other party as follows: (i) that such party has the requisite power and authority to enter into and perform this Agreement; (ii) that this Agreement has been duly authorized by all necessary action on the part of such party; (iii) that the execution and deliver and performance by each party of this Agreement will not conflict with or result in a violation of such party's organizational documents or any judgment, order or decree of any court or arbiter to which such party is bound; and (iv) that this Agreement constitutes the valid and binding obligation of such party, and is enforceable against such party in accordance with its terms, subject to applicable bankruptcy, insolvency, reorganization, creditor's rights and other similar laws.

Section 6.9. Electronic Storage and Transactions. The parties agree that the transactions described herein may be conducted and related documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers, all as of the date first above written.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

(SEAL)

By: _____
Mayor/CEO

ATTEST:

By: _____
Unified Government Clerk

Approved as to Form:

By: _____
Office of Chief Counsel

VILLAGE OF THE LEGENDS, INC.
a Kansas not-for-profit corporation

By:_____

Name:_____

Title:_____

EXHIBIT A

APPLICATION FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS

EXHIBIT B

PROJECT SITE

[Legal Description]

EXHIBIT C

TAX PAYMENT SCHEDULE

Tax Payments (or “PILOTS”) shall be determined on a per-unit basis. Below is an approximate PILOT schedule based on 58 living units, and the parties acknowledge that the Tax Payments may be adjusted in accordance with the table below depending on the ultimate number of units constructed.

Tax Payments shown below do not include the school district’s capital outlay levy that cannot be abated under Kansas law.

Number of units	58
Year 1 PILOT per unit	\$2,000
Year 1 PILOT	\$116,000
Annual Increase	2.00%
Annual Increase if LMW Failure	4.00%

Year^(a)	Annual PILOT^(b)	PILOT per Door^(b)	Annual PILOT if L/M/WBE Failure^(b)	PILOT per Door^(b)
1	\$116,000	\$2,000	\$116,000	\$2,000
2	118,320	2,040	120,640	2,080
3	120,686	2,081	125,466	2,163
4	123,100	2,122	130,484	2,250
5	125,562	2,165	135,704	2,340
6	128,073	2,208	141,132	2,433
7	130,635	2,252	146,777	2,531
8	133,248	2,297	152,648	2,632
9	135,912	2,343	158,754	2,737
10	138,631	2,390	165,104	2,847

Business Category	Participation Percentage Goal Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

^(a) Year 1 refers to calendar year beginning January 1 after issuance of Bonds.

^(b) Does not include school district capital outlay levy.

EXHIBIT D

LBE/MBE/WBE PARTICIPATION AGREEMENT

THIS LBE/MBE/WBE PARTICIPATION AGREEMENT (the “**Agreement**”), by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the “**UG**”) and Village of the Legends, Inc. or assigns (the “**Developer**”), sets forth procedures and goals for the utilization of local business, minority and women enterprises in connection with the development of an approximately 58-unit Class A commercial senior living facility in Kansas City, Kansas (the “**Project**”), as defined below.

I. SCOPE

A. These procedures are applicable to the Construction (as defined below) of the Project, as further described in that certain Performance Agreement between the UG and Developer, dated March 30, 2023 (the “**Performance Agreement**”), whether performed by or on behalf of Developer, including, but not limited to, all aspects of Construction of the Project and related facilities including labor, materials and supplies, and construction related services whether undertaken by or on behalf of Developer, but not including Specialized Services.

II. DEFINITIONS

A. “**Construction**” means all aspects of the construction of the Project including labor, materials and supplies, and construction related services, whether performed or contracted for by or on behalf of Developer; provided, however, “Construction” shall not include: (i) Specialized Services; and (ii) Professional Services.

B. “**Contractor**” means the Proposer selected by the Developer for the Project.

C. “**Local Business Enterprise**” (or “**LBE**”) means a business headquartered or which maintains a Substantial Local Office that performs the significant functions of the business in Wyandotte County or a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County. There is no formal certification process for LBE designation and it is determined and assigned based upon the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

D. “**Minority Business Enterprise**” (or “**MBE**”) means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of a person who is a member of an American ethnic minority group including African-American, Asian-Indian, Asian-Pacific, Hispanic and Native American.

E. “**Professional Services**” means advisory or consulting activities including, but not limited to, architectural, engineering, legal, accounting, financial, marketing, environmental studies, and financial services contracted for by or on behalf of Developer for the design, development and construction of the Project.

F. “**Project**” means the Construction of a new approximately 58-unit Class A commercial senior living facility and as legally described in Exhibit 1 to this Agreement.

G. “Proposer” means a construction firm that submits a proposal in response to a solicitation for proposals issued by Developer with respect to the Construction of the Project or with respect to the annual operations of the Project.

G. “Specialized Services” means expertise, services, or products that are only available through sole source providers or national vendors or are unique to the business of the Project.

H. “Substantial Local Office” means an office operated and financially supported by a firm that has sufficient space, staff and equipment to carry on the local business of the firm and that is engaged in significant, on-going local involvement with the business community in Wyandotte County, KS. The term “Substantial Local Office” shall specifically exclude any office that has been established for the sole purpose of participating in a specific Project.

I. “Women Business Enterprise” (or “WBE”) means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of one or more women who are U.S. citizens or legal resident aliens.

III. GOALS FOR LBE/MBE/WBE PARTICIPATION.

Developer and its Contractor will use Best Efforts to meet the LBE/MBE/WBE participation percentage goals listed in the below chart based upon the total cost of the Construction of the Project. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. These goals are based upon a disparity study performed for the Kansas City Metropolitan Area for LBE, MBE, and WBE participation. These goals are not quotas or set asides.

Business Category	Participation Percentage Goal – Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

It is the intent of the UG to give preference to the utilization of LBEs so long as all other factors relating to the award of an individual contract are equal. If the factors relating to an award of an individual contract are equal, the Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs.

IV. ELIGIBILITY FOR CREDIT

A. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification by the Kansas Department of Commerce, the City of Kansas City, Missouri, the State of Missouri, the Missouri Department of Transportation, the MidAmerica Minority Business Development Council, and/or the Women’s Business Enterprise National Council or any other applicable or appropriate public or private entity or other entity mutually acceptable to the UG and the Developer (each, an “approved” business) may be counted towards the participation goals in Section III above.

B. In the event that a contract has been awarded on the Project to an approved LBE, MBE, or WBE business, and such LBE, MBE or WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall receive credit towards the goal for only that portion of work performed or services provided up to the point such business becomes unapproved.

V. CONSTRUCTION UTILIZATION

A. The goals set forth in Section III may be met by the expenditure of dollars with approved LBE, MBE and/or WBE businesses, contractors, labor suppliers, regular dealers, manufacturers, material suppliers, subcontractors, software vendors, consultants, other Construction-related products, suppliers, and/or services, or through joint ventures with approved LBEs, MBEs or WBEs. The participation of certified LBE, MBE and/or WBE Proposers may count toward a goal for which they qualify.

B. A joint venture involving an approved LBE, MBE, and/or WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount for which the approved LBE, MBE, and/or WBE is responsible; provided that if the LBE, MBE, and/or WBE is the majority partner in such joint venture, then the entire joint venture contract amount shall be counted, less any work subcontracted to the non LBE, MBE, and/or WBE joint venture partner. To receive credit, the approved LBE, MBE, and/or WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

C. Participation by a certified MBE owned by a minority woman may be counted as MBE participation or as WBE participation; however, this participation cannot be counted both for MBE and WBE participation. However, a certified MBE or WBE that also qualifies as an LBE may also be counted towards the LBE goal. For additional clarification purposes, a qualified LBE, which also certified as an MBE or WBE, shall be counted toward both the LBE and the MBE or WBE goals in the Developer's sole discretion.

D. The LBE, MBE, or WBE must be responsible for the execution of a distinct element of the work by actually performing, managing, or supervising its function in the work identified in the agreement with such LBE, MBE or WBE. Brokering is not credited.

VI. CONTRACT AWARD COMPLIANCE PROCEDURES

A. Solicitation Documents. The solicitation documents, for each contract for which goals are established, shall contain a description of the requirements set forth in this Agreement and the LBE, MBE, and WBE goals. Upon request by the UG, Developer shall submit the solicitation documents and the bid list to the UG.

B. Subcontractor Relations – Documentation of Subcontracting Agreements. All subcontracting services for LBE, MBE and/or WBE businesses shall be evidenced by an agreement which shall include the scope of work to be performed and the amount to be paid for performance of the work. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

C. Best Efforts. For each LBE/MBE/WBE participation percentage goal that is not achieved, Developer shall be deemed to have used “**Best Efforts**” to meet such goal(s) if Developer shall have taken substantially all of the following actions:

- i. Developer is seeking or has sought timely assistance of the UG to identify qualified LBEs, MBEs, and WBEs;
- ii. Developer is advertising or has advertised contract opportunities in local, minority, and women media;
- iii. Developer is providing or has provided reasonable written notice of opportunities and/or informational meetings to approved LBEs, MBEs, and WBEs;

- iv. Developer is following up or has followed up initial solicitations of interest by contacting LBEs, MBEs, and WBEs;
- v. Developer is segmenting or has segmented portions of the work to increase the likelihood of LBE, MBE, and WBE participation, where feasible;
- vi. Developer is or has provided interested LBEs, MBEs, and WBEs with timely and accurate information about the plans, specifications, requirements, deadlines, and bidding procedures of the contracts;
- vii. Developer is negotiating or has negotiated in good faith with interested LBEs, MBEs, and WBEs, not rejecting them as unqualified without sound reasons, based on a thorough review of their capabilities and prior work history;
- viii. Developer is seeking or has sought to educate and assist LBEs, MBEs, and WBEs in obtaining bonding, lines of credit or insurance required to perform the contract; and
- ix. Developer is working or has worked with local, minority, and women contracting, professional, civic, and community organizations, government officers and any other organization or persons, as identified by the UG, that provide assistance in the recruitment of LBEs, MBEs, and WBEs.

Failure by Developer to take all of the foregoing actions shall not be determinative that Developer has not used its Best Efforts. The parties acknowledge that all of the foregoing actions may not apply to every scope of the Project.

VII. UG'S ASSISTANCE TO PROJECT

The UG shall use its best efforts to provide assistance to Developer and its agents so that Developer may fulfill its participation goals as set forth in this Agreement. The Developer assumes all responsibility for using Best Efforts to meet the goals and complying with the procedures and processes set forth herein. Examples of such assistance by the UG include but are not limited to:

- A.** providing information and technical assistance regarding this Project to the Developer and its agents including the Contractor and any other contractors, subcontractors, LBEs, MBEs, WBEs, officials and other interested persons;
- B.** developing and maintaining a registry of approved LBE, MBE and WBE businesses;
- C.** assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;
- D.** updating the Developer and its agents on current or proposed affirmative action legislation enacted by the UG that may affect the Project;
- E.** frequently reviewing Developer and the Contractor and any other contractor or subcontractor performance and LBE, MBE, and/or WBE participation on the Project;
- F.** providing advice relative to utilization and compliance matters;

- G. conducting compliance reviews and audits of LBE, MBE, and WBE and participation;
- H. assisting the Developer and its agents in addressing issues related to the goals and procedures set forth in this Agreement;
- I. reviewing complaints from LBEs, MBEs, WBEs, and any other interested persons regarding these goals and procedures with Developer and its agents; and
- J. assisting in the Developer's development of forms to document compliance with these procedures.

VIII. DEVELOPER COMPLIANCE; RECORDS AND REPORTS.

A. Records. Developer shall maintain those records as may reasonably be required to demonstrate compliance (and/or its Best Efforts to comply) with the goals and procedures set forth in this Agreement. These records shall be made available to the UG at Developer's offices during business hours and upon reasonable advance notice.

B. Construction Utilization Plan Reports. Developer shall provide the UG with information sufficient to document the participation under this Agreement, which may include periodically providing the Construction Utilization Plan as set forth on Exhibit 2. Such information may include for each LBE, MBE, or WBE whose participation is utilized by Developer to be applied to the goals set forth herein: business name and address of each LBE, MBE, and/or WBE; and a brief description of the work to be performed by each such LBE, MBE and/or WBE.

C. Remedies. If, after review of the Developer's construction and related reports by the Unified Government Contract Compliance Department, the UG determines that the participation goals contained in this Agreement for the Construction of the Project have not been met, and that the Best Efforts described herein have not been met, then the UG shall have, as its sole and exclusive remedies: such remedy as set forth in Section 3.11 of the Performance Agreement; and (ii) UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects undertaken by the Company in the UG.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____
Cheryl Harrison-Lee
Interim County Administrator
Date: _____

VILLAGE OF THE LEGENDS, INC.

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT 1
Legal Description

[Legal Description]

EXHIBIT 2
Construction Utilization Plan

EXHIBIT E

CONCEPTUAL RENDERING AND AMENITY LIST



PROJECT AMENITY LIST

Interior Features

- Personalized interior selections and upgrades available.
- Kitchen appliances: refrigerator, microwave, dishwasher, oven, garbage disposal.
- Kitchen island or peninsula with a breakfast bar.
- Roll-out cabinet shelving in kitchen base cabinets & pantry.
- Primary Bath – oversized shower with adjacent corner seat.
- Secondary Baths – tub and shower combination.
- Full-size washer and dryer in laundry room.
- Lever-handle locksets.
- Wood trim and baseboards.
- Storage room and shelving (see home plan).
- Window blinds.
- Carpet throughout living areas.
- Luxury Vinyl Tile flooring in kitchen, baths, laundry/storage.
- Telephone and TV outlets: living room and bedrooms.

Technology & Energy Efficiency Features

- Energy-efficiency appliances throughout.
- Low-E Insulated, double pane windows.
- Low-VOC paint, carpet and flooring.
- Maintenance-free, private balcony or patio.
- High efficiency Heating and Cooling separately metered and ventilated.
- Central re-circulating, high-efficiency hot water heaters.

Garage & Exterior Features

- Secure parking areas.
- Remote control garage entry.

- Ample visitor parking spaces.
- Storage spaces available (nominal fee).
- Convenient bike racks located in garage.
- Raised garden beds and generous landscaping.
- Outdoor barbeque grill.

Safety Features

- Secured entry at all access points.
- Secure, temperature-controlled underground parking.
- Monitored fire and carbon monoxide systems.
- Sprinkler-protection system throughout (including patios).
- Security camera monitoring protection at public entrances.
- “Away from Home” services (included).

Social & Common Areas Features

- Community Room area with full-size kitchen.
- Club area.
- Reading areas and mail station.
- Artwork throughout common areas.
- Guest Suite for visitors (nominal fee).
- Fitness Room.
- Hobby Room.
- Patio or Deck area seating.

Unified Government Board of Commissioners

March 30, 2023



Public Hearing and Resolution: Intent to Issue
Industrial Revenue Bonds
for the Benefit of
Village Cooperative of the Legends
and Performance Agreement

Number of units	58
Year 1 PILOT per unit	\$2,000
Year 1 PILOT	\$116,000
Annual Increase	2.00%
Annual Increase if LMW Failure	4.00%

Year^(a)	Annual PILOT^(b)	PILOT per Door^(b)	Annual PILOT if L/M/WBE Failure^(b)	PILOT per Door^(b)
1	\$116,000	\$2,000	\$116,000	\$2,000
2	118,320	2,040	120,640	2,080
3	120,686	2,081	125,466	2,163
4	123,100	2,122	130,484	2,250
5	125,562	2,165	135,704	2,340
6	128,073	2,208	141,132	2,433
7	130,635	2,252	146,777	2,531
8	133,248	2,297	152,648	2,632
9	135,912	2,343	158,754	2,737
10	138,631	2,390	165,104	2,847

Estimated annual taxes in Year 11 - \$260,000



Village Cooperative of The Legends



March 6, 2023 Economic Development & Finance Committee

Future Village Cooperative of The Legends



Future Village Cooperative of The Legends



Future Village Cooperative of The Legends



**A Tax Abatement Cost-Benefit Analysis of
Village of the Legends, Inc.
(With LMW)
for the Unified Government of Kansas City/Wyandotte County**

Completed by
Municipal Consulting, LLC
2/16/2023

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.

- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.

- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future performance could be substantially different.

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	2.13	11%
Wyandotte County	2.50	15%
Piper-Kansas City USD 203	5.52	45%
KC Community College	2.53	15%
Wyandotte County Library	2.86	12%
State of Kansas	1.06	1%

Each of the taxing entities has a positive benefit-to-cost ratio. This report assumes that the Unified Government will approve a 55% property tax abatement for 10 years. A graduated PILOT payment has been considered in this analysis. This report assumes that the firm will obtain a sales tax exemption on construction materials and FFE and that the existing sales tax rates for the city, county and state will remain the same. We point out that the main economic benefits of this project are from new residents rather than new jobs.

We used conservative assumptions that the units would be 50% leased in Year 1, 75% in Year 2 and 95% in Year 3, and that only 50% of the new residents would come from outside the city.

If you have any questions or comments, you may reach me with the contact information below.

R. Steven Robb Digitally signed by R. Steven Robb
Date: 2023.02.16 14:30:29 -06'00'

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

Column1	Column2	Column3	Column4	Column5	Column6
COST-BENEFIT ANALYSIS PROJECT SUMMARY					
PROJECT NAME:	Village of the Legends, Inc.				(With LMW)
DATE:			2/16/2023		
GOVERNMENTAL ENTITIES INVOLVED:					
CITY:			City of Kansas City		
COUNTY:			Wyandotte County		
SCHOOL DISTRICT:			Piper-Kansas City USD 203		
SPECIAL TAXING DISTRICT #1			KC Community College		
SPECIAL TAXING DISTRICT #2			Wyandotte County Library		
STATE:			State of Kansas		
INFLATION RATE:		2.60%	DISCOUNT RATE:		7.25%

This project involves construction of 58 units of senior housing at a cost of \$16 million, which will provide housing for about 55 families, of which 29 are new to Kansas City. The requested property tax abatement is 55% for 10 years with a graduated PILOT of \$2,000 per unit.

Village of the Legends, Inc.

(With LMW)

Column1	Column2	Column3	Column4	Column6	Column7	Column11
Community Data Inputs:						
	City of Kansas City	Wyandotte County	Piper-Kansas City USD 203	KC Community College	Wyandotte County Library	State
Mill Levy	38.476593	37.328383	63.647492	27.375176	6.122008	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a
Utility Revenue/HsHld	\$56.40	n/a	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$0.00	n/a	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$71.32	\$59.24	n/a	\$104.11	\$20.08	\$1,511.19
Marg. Cost/Res./Student	\$100.03	\$37.66	\$1,417.44	\$65.00	\$5.61	\$654.19
Other Revenues/Worker	\$67.67	\$56.21	n/a	\$98.78	\$19.05	\$1,296.05
Marginal Cost/New Worker	\$94.91	\$35.74	n/a	\$61.67	\$5.33	\$561.06
State Funding/Pupil	n/a	n/a	\$8,737.46	n/a	n/a	\$10,173
Federal Funding/Pupil	n/a	n/a	\$5,436.95	n/a	n/a	\$1,022
Visitor Daily Spending	\$50.00	\$50.00				\$75.00
Average Hotel Room Rate	\$100	\$100		Total Mill Levy		n/a
Retail Pull Factor	0.94	0.96		174.449652		n/a
Percent of County Share	90.90%	100.00%				n/a
Ann. Local Per Capita Sales/Use Tax	\$211	\$184				n/a
Ann. State Per Capita Sales/Use Tax	\$926	\$1,075				\$1,078
Annual Per Capita Retail Sales	\$14,248	\$16,535				\$16,581
Average Household Size	2.68	2.67				2.49
Avg. Wage-All Occupations	\$55,918	\$55,918				\$48,609

Village of the Legends, Inc. (With LMW)

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15
Firm Data Inputs:			Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Totals	
			\$762,300											762,300
			\$16,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	16,000,000	
			\$175,000										175,000	
			\$2,062,700										2,062,700	
			\$19,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	19,000,000	
			\$145,844	County Sales Tax Exemption:		\$89,750	State Sales Tax Exemption:		\$583,375	\$818,969				
	Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total	
Sales	0.00%		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Purchases	0.00%		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Net City Util. Revenue	3.00%	\$0	\$1,043	\$1,611	\$2,083	\$2,125	\$2,167	\$2,210	\$2,255	\$2,300	\$2,346	\$2,393	\$20,532	
PILOT- City		\$0	\$25,585	\$26,097	\$26,619	\$27,151	\$27,694	\$28,248	\$28,813	\$29,389	\$29,977	\$30,576	\$280,148	
PILOT - County		\$0	\$24,821	\$25,318	\$25,824	\$26,341	\$26,868	\$27,405	\$27,953	\$28,512	\$29,082	\$29,664	\$271,788	
PILOT - State		\$0	\$997	\$1,017	\$1,038	\$1,058	\$1,080	\$1,101	\$1,123	\$1,146	\$1,169	\$1,192	\$10,921	
PILOT - School		\$0	\$42,322	\$43,169	\$44,032	\$44,913	\$45,811	\$46,727	\$47,662	\$48,615	\$49,587	\$50,579	\$463,417	
PILOT - Comm. Coll.		\$0	\$18,203	\$18,567	\$18,938	\$19,317	\$19,704	\$20,098	\$20,500	\$20,910	\$21,328	\$21,754	\$199,319	
PILOT- Library		\$0	\$4,071	\$4,152	\$4,235	\$4,320	\$4,406	\$4,495	\$4,584	\$4,676	\$4,770	\$4,865	\$44,574	
New Resident Households²	0	29	15	11	0	0	0	0	0	0	0	0	55	
Households new to the city	50%	15	8	6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	28.0	
Households new to the county	40%	12	6	4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	22.0	
Households new to the state	40.0%	12	6	4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	22.4	
New students in K-12		2	1	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0	
New Employees	FTE's	4	2	2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8.0	
New employee average salary	2.60%	\$36,000	\$36,936	\$37,896	\$38,882	\$39,893	\$40,930	\$41,994	\$43,086	\$44,206	\$45,355	N/A		
Tax Abatement-Land			55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A	
Tax Abatement-Bldg.			55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A	
Visitors	0.0%	0	0	0	0	0	0	0	0	0	0	0	0	
			City	County	State									
Percentage of sales taxable in the			0%	0%	0%									
Percentage of purchases taxable in the			0%	0%	0%									
Assumed Inflation Rate			2.60%											

It is assumed that occupancy will reach 50% in Year 1, 75% in Year 2 and 95% in Year 3.

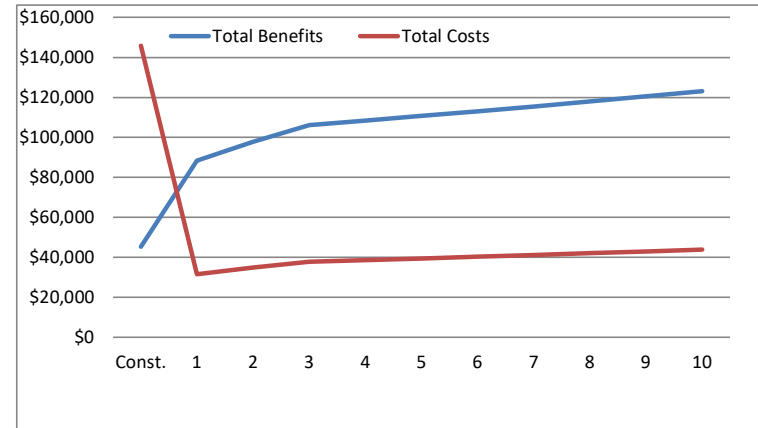
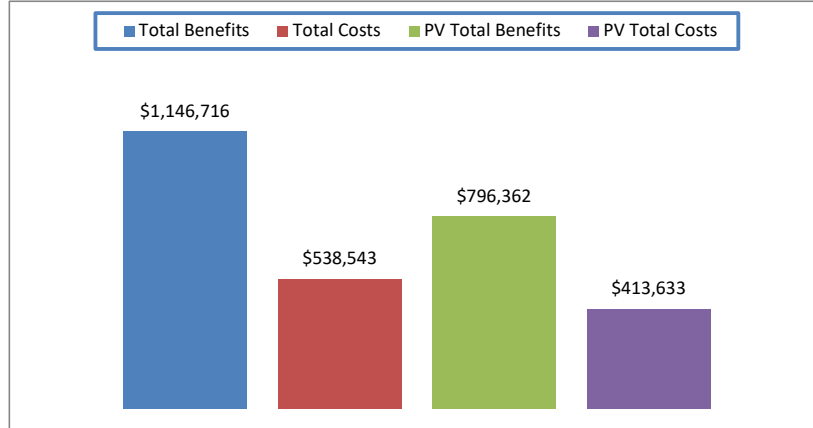
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY								
PROJECT NAME:	Village of the Legends, Inc.			(With LMW)	Ratio of			
DATE:	2/16/2023				NPV of Net			
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$1,146,716	\$538,543	\$608,173	\$382,729	\$344,941	1.11	2.13	11%
Wyandotte County	\$1,008,733	\$403,544	\$605,188	\$393,852	\$282,905	1.39	2.50	15%
Piper-Kansas City USD 203	\$3,450,762	\$625,624	\$2,825,138	\$1,906,889	\$287,956	6.62	5.52	45%
KC Community College	\$664,703	\$262,662	\$402,041	\$275,394	\$141,653	1.94	2.53	15%
Wyandotte County Library	\$145,871	\$51,011	\$94,860	\$64,899	\$31,678	2.05	2.86	12%
State of Kansas	\$2,251,501	\$2,132,196	\$119,305	-\$17,180	\$591,137	-0.03	1.06	1%
Totals	\$8,668,285	\$4,013,580	\$4,654,705	\$3,006,584	\$1,680,270	1.789	2.16	n/a

SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Village of the Legends, Inc.

City of Kansas City
(With LMW)

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.13
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 1.93
DISCOUNT RATE: 7.25% (Typical desired ratio would be 1.3 to 1) **Average ROI 11.29%**

Year	Sales and Transient Guest Taxes	New Property Taxes	Utilities and Franchise Fees	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Incentives and Cost of Various City Services	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	\$45,377	\$0	\$0	\$0	\$0	\$45,377	\$45,377	\$145,844	\$0	\$145,844	\$145,844	-\$100,466	-\$100,466	-\$100,466	\$145,844
1	\$9,907	\$48,160	\$1,043	\$25,585	\$3,613	\$88,308	\$82,338	\$5,068	\$26,488	\$31,555	\$29,422	\$56,752	-\$43,714	\$52,916	\$24,697
2	\$15,395	\$49,123	\$1,611	\$26,097	\$5,611	\$97,836	\$85,056	\$7,869	\$27,018	\$34,887	\$30,330	\$62,949	\$19,235	\$54,726	\$23,488
3	\$19,941	\$50,105	\$2,083	\$26,619	\$7,297	\$106,045	\$85,960	\$10,235	\$27,558	\$37,793	\$30,635	\$68,252	\$87,487	\$55,326	\$22,339
4	\$20,460	\$51,107	\$2,125	\$27,151	\$7,487	\$108,329	\$81,876	\$10,501	\$28,109	\$38,610	\$29,182	\$69,719	\$157,207	\$52,694	\$21,245
5	\$20,991	\$52,130	\$2,167	\$27,694	\$7,681	\$110,663	\$77,986	\$10,774	\$28,671	\$39,445	\$27,797	\$71,218	\$228,425	\$50,189	\$20,205
6	\$21,537	\$53,172	\$2,210	\$28,248	\$7,881	\$113,049	\$74,282	\$11,054	\$29,245	\$40,299	\$26,479	\$72,750	\$301,175	\$47,802	\$19,216
7	\$22,097	\$54,236	\$2,255	\$28,813	\$8,086	\$115,486	\$70,754	\$11,341	\$29,830	\$41,171	\$25,224	\$74,315	\$375,491	\$45,530	\$18,275
8	\$22,672	\$55,320	\$2,300	\$29,389	\$8,296	\$117,977	\$67,394	\$11,636	\$30,426	\$42,062	\$24,028	\$75,915	\$451,405	\$43,366	\$17,381
9	\$23,261	\$56,427	\$2,346	\$29,977	\$8,512	\$120,522	\$64,194	\$11,939	\$31,035	\$42,973	\$22,889	\$77,549	\$528,954	\$41,305	\$16,530
10	\$23,866	\$57,555	\$2,393	\$30,576	\$8,733	\$123,123	\$61,146	\$12,249	\$31,655	\$43,904	\$21,804	\$79,219	\$608,173	\$39,342	\$15,721
Total	\$245,505	\$527,334	\$20,532	\$280,148	\$73,197	\$1,146,716	\$796,362	\$248,509	\$290,034	\$538,543	\$413,633	\$608,173	\$608,173	\$382,729	\$344,941



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Village of the Legends, Inc.

(With LMW)

Wyandotte County

DATE: 2/16/2023

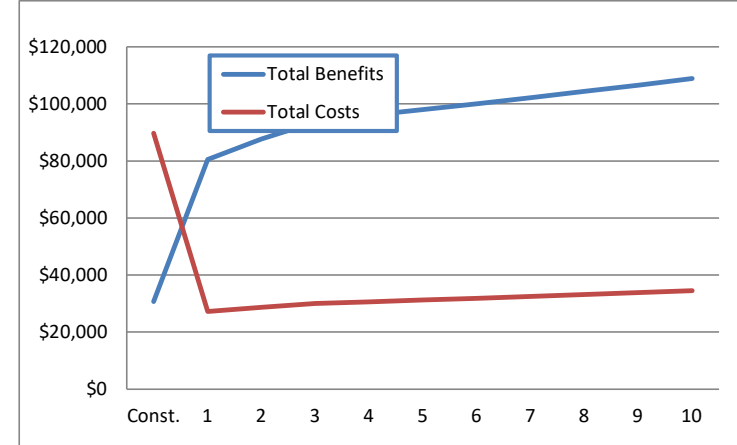
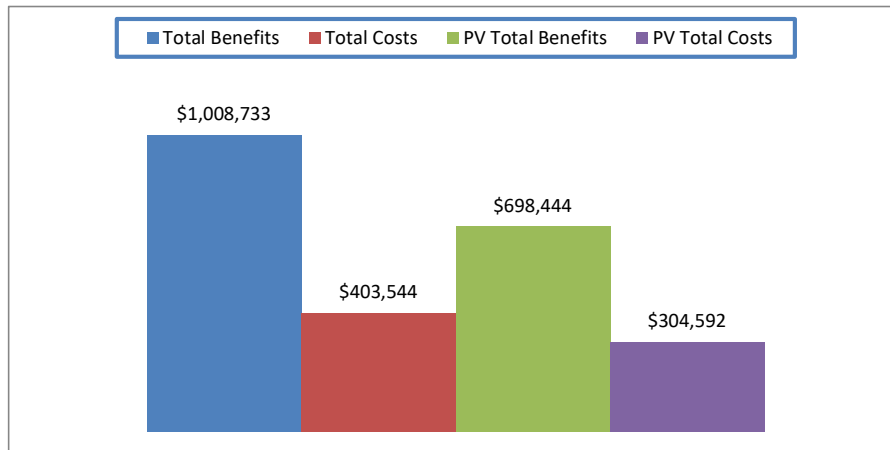
DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.50

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.29

Average ROI 15.00%

Year	Sales and Transient Guest Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Incentives and Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
Const.	\$30,720	\$0	\$0	\$0	\$30,720	\$30,720	\$0	\$89,750	\$89,750	\$89,750	-\$59,030	-\$59,030	-\$59,030	\$89,750
1	\$7,178	\$46,722	\$24,821	\$1,890	\$80,611	\$75,162	\$1,597	\$25,697	\$27,295	\$25,450	\$53,317	-\$5,713	\$49,713	\$23,960
2	\$11,151	\$47,657	\$25,318	\$3,564	\$87,690	\$76,235	\$2,480	\$26,211	\$28,691	\$24,943	\$58,999	\$53,286	\$51,292	\$22,787
3	\$14,473	\$48,610	\$25,824	\$4,731	\$93,638	\$75,903	\$3,232	\$26,736	\$29,968	\$24,292	\$63,670	\$116,956	\$51,611	\$21,672
4	\$14,849	\$49,582	\$26,341	\$5,182	\$95,954	\$72,523	\$3,316	\$27,270	\$30,587	\$23,118	\$65,367	\$182,323	\$49,405	\$20,611
5	\$15,235	\$50,574	\$26,868	\$5,317	\$97,993	\$69,057	\$3,403	\$27,816	\$31,218	\$22,000	\$66,775	\$249,098	\$47,057	\$19,602
6	\$15,631	\$51,585	\$27,405	\$5,455	\$100,076	\$65,758	\$3,491	\$28,372	\$31,863	\$20,936	\$68,213	\$317,312	\$44,821	\$18,643
7	\$16,037	\$52,617	\$27,953	\$5,597	\$102,204	\$62,616	\$3,582	\$28,939	\$32,521	\$19,924	\$69,683	\$386,995	\$42,692	\$17,730
8	\$16,454	\$53,669	\$28,512	\$5,742	\$104,378	\$59,625	\$3,675	\$29,518	\$33,193	\$18,961	\$71,185	\$458,180	\$40,664	\$16,862
9	\$16,882	\$54,743	\$29,082	\$5,892	\$106,599	\$56,778	\$3,771	\$30,109	\$33,879	\$18,045	\$72,720	\$530,900	\$38,733	\$16,037
10	\$17,321	\$55,838	\$29,664	\$6,045	\$108,868	\$54,066	\$3,869	\$30,711	\$34,579	\$17,173	\$74,288	\$605,188	\$36,893	\$15,252
Total	\$175,931	\$511,598	\$271,788	\$49,416	\$1,008,733	\$698,444	\$32,415	\$371,129	\$403,544	\$304,592	\$605,188	\$605,188	\$393,852	\$282,905



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Village of the Legends, Inc.

(With LMW)

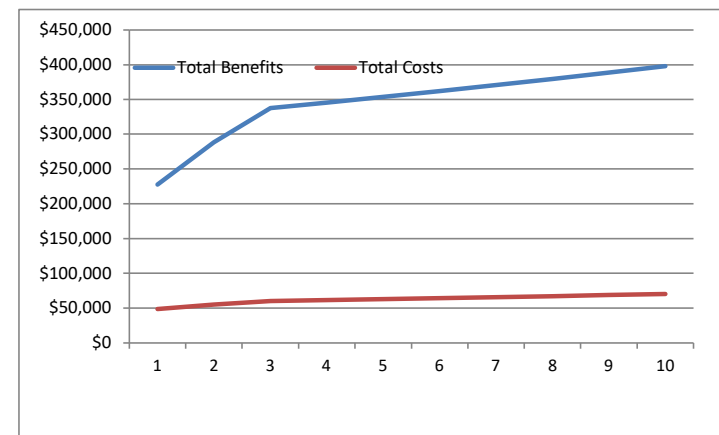
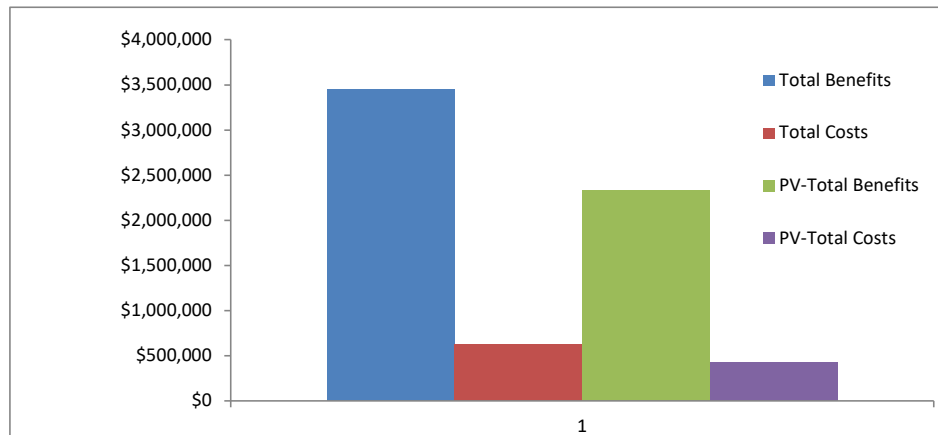
Piper-Kansas City USD 203

DATE: 2/16/2023

DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 5.52
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 5.48
(Typical desired ratio would be 1.3 to 1) **Average ROI** 45.16%

Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$69,654	\$42,322	\$10,011	\$105,436	\$227,424	\$212,050	\$10,276	\$38,310	\$48,586	\$45,302	\$178,838	\$178,838	\$166,748	\$35,720
2	\$71,047	\$43,169	\$10,211	\$164,132	\$288,559	\$250,865	\$15,997	\$39,076	\$55,073	\$47,879	\$233,486	\$412,323	\$202,986	\$33,971
3	\$72,468	\$44,032	\$10,416	\$210,499	\$337,414	\$273,509	\$20,516	\$39,857	\$60,374	\$48,939	\$277,041	\$689,364	\$224,570	\$32,308
4	\$73,917	\$44,913	\$10,624	\$215,972	\$345,426	\$261,075	\$21,050	\$40,654	\$61,704	\$46,637	\$283,721	\$973,085	\$214,438	\$30,727
5	\$75,396	\$45,811	\$10,836	\$221,587	\$353,630	\$249,208	\$21,597	\$41,468	\$63,065	\$44,443	\$290,565	\$1,263,650	\$204,766	\$29,223
6	\$76,904	\$46,727	\$11,053	\$227,348	\$362,032	\$237,883	\$22,159	\$42,297	\$64,456	\$42,352	\$297,577	\$1,561,227	\$195,531	\$27,792
7	\$78,442	\$47,662	\$11,274	\$233,259	\$370,637	\$227,074	\$22,735	\$43,143	\$65,878	\$40,361	\$304,759	\$1,865,986	\$186,713	\$26,432
8	\$80,010	\$48,615	\$11,500	\$239,324	\$379,449	\$216,758	\$23,326	\$44,006	\$67,332	\$38,463	\$312,118	\$2,178,104	\$178,295	\$25,138
9	\$81,611	\$49,587	\$11,730	\$245,547	\$388,474	\$206,912	\$23,932	\$44,886	\$68,818	\$36,655	\$319,656	\$2,497,759	\$170,258	\$23,907
10	\$83,243	\$50,579	\$11,964	\$251,931	\$397,717	\$197,515	\$24,555	\$45,784	\$70,338	\$34,932	\$327,379	\$2,825,138	\$162,584	\$22,737
Total	\$762,691	\$463,417	\$109,619	\$2,115,035	\$3,450,762	\$2,332,850	\$206,144	\$419,480	\$625,624	\$425,961	\$2,825,138	\$2,825,138	\$1,906,889	\$287,956



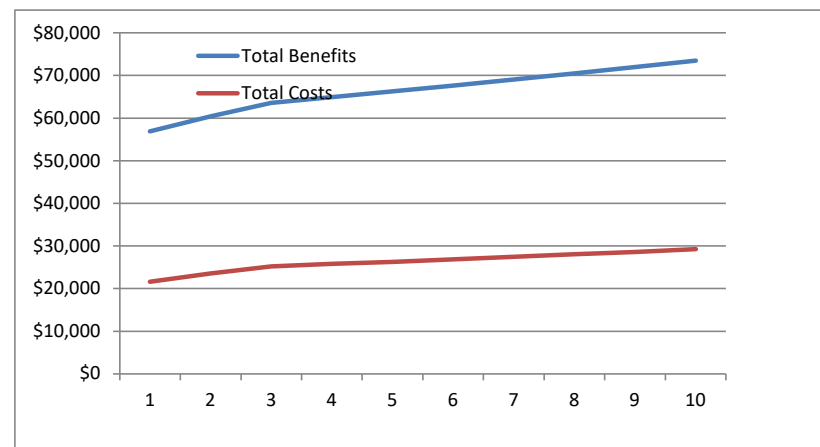
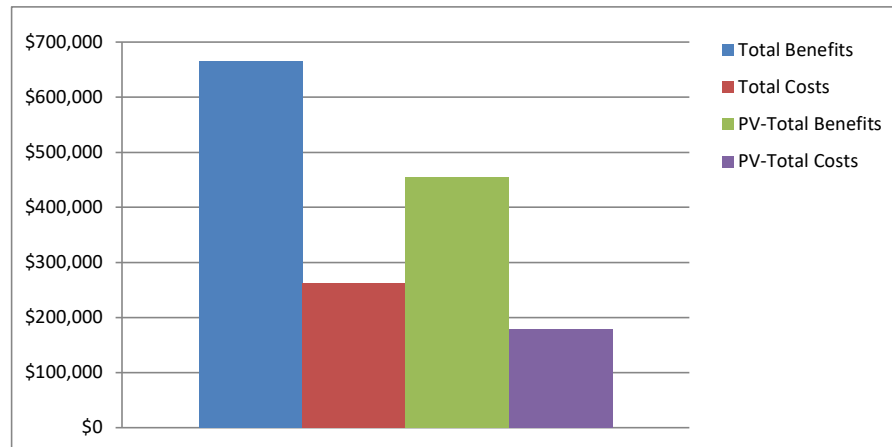
SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Village of the Legends, Inc.
DATE: 2/16/2023

KC Community College
(With LMW)

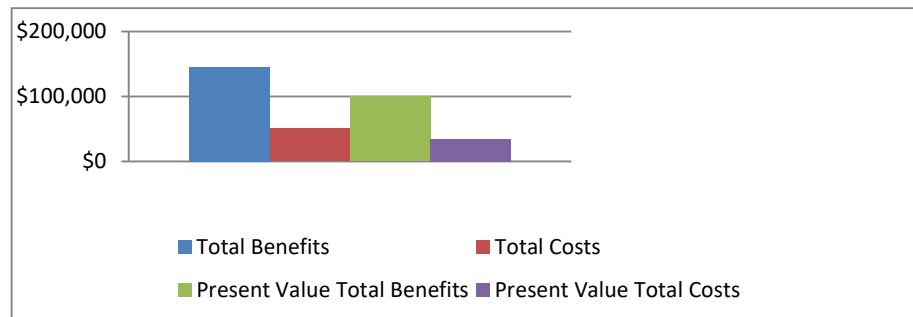
DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.53
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.54
(Typical desired ratio would be 1.3 to 1) **Average ROI** 15.31%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$34,264	\$18,203	\$4,444	\$56,911	\$53,064	\$2,774	\$18,845	\$21,620	\$20,158	\$35,292	\$35,292	\$32,906	\$17,571
2	\$34,950	\$18,567	\$6,898	\$60,415	\$52,523	\$4,306	\$19,222	\$23,529	\$20,455	\$36,886	\$72,178	\$32,068	\$16,711
3	\$35,649	\$18,938	\$8,995	\$63,582	\$51,540	\$5,615	\$19,607	\$25,222	\$20,445	\$38,360	\$110,538	\$31,095	\$15,893
4	\$36,362	\$19,317	\$9,228	\$64,907	\$49,057	\$5,761	\$19,999	\$25,760	\$19,470	\$39,147	\$149,685	\$29,588	\$15,115
5	\$37,089	\$19,704	\$9,468	\$66,261	\$46,695	\$5,911	\$20,399	\$26,310	\$18,541	\$39,951	\$189,636	\$28,154	\$14,375
6	\$37,831	\$20,098	\$9,715	\$67,643	\$44,447	\$6,065	\$20,807	\$26,872	\$17,657	\$40,771	\$230,407	\$26,790	\$13,672
7	\$38,587	\$20,500	\$9,967	\$69,054	\$42,307	\$6,222	\$21,223	\$27,445	\$16,815	\$41,609	\$272,016	\$25,492	\$13,002
8	\$39,359	\$20,910	\$10,226	\$70,495	\$40,270	\$6,384	\$21,647	\$28,032	\$16,013	\$42,463	\$314,479	\$24,257	\$12,366
9	\$40,146	\$21,328	\$10,492	\$71,966	\$38,331	\$6,550	\$22,080	\$28,631	\$15,249	\$43,336	\$357,815	\$23,082	\$11,761
10	\$40,949	\$21,754	\$10,765	\$73,468	\$36,486	\$6,720	\$22,522	\$29,242	\$14,522	\$44,226	\$402,041	\$21,964	\$11,185
Total	\$375,186	\$199,319	\$90,199	\$664,703	\$454,720	\$56,310	\$206,352	\$262,662	\$179,325	\$402,041	\$402,041	\$275,394	\$141,653



SUMMARY OF COSTS AND BENEFITS FOR:							Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.86						
PROJECT: Village of the Legends, Inc.							Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.86						
DATE: 2/16/2023							Average ROI 12.40%						
DISCOUNT RATE: 7.25%							(Typical desired ratio would be 1.3 to 1)						
Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$7,663	\$4,071	\$857	\$12,590	\$11,739	\$240	\$4,214	\$4,454	\$4,153	\$8,136	\$8,136	\$7,586	\$3,930
2	\$7,816	\$4,152	\$1,330	\$13,298	\$11,561	\$372	\$4,299	\$4,671	\$4,061	\$8,628	\$16,764	\$7,501	\$3,737
3	\$7,972	\$4,235	\$1,734	\$13,942	\$11,301	\$485	\$4,385	\$4,870	\$3,947	\$9,072	\$25,836	\$7,354	\$3,554
4	\$8,132	\$4,320	\$1,779	\$14,231	\$10,756	\$498	\$4,472	\$4,970	\$3,756	\$9,261	\$35,097	\$7,000	\$3,380
5	\$8,294	\$4,406	\$1,826	\$14,526	\$10,237	\$511	\$4,562	\$5,072	\$3,575	\$9,454	\$44,551	\$6,662	\$3,215
6	\$8,460	\$4,495	\$1,873	\$14,828	\$9,743	\$524	\$4,653	\$5,177	\$3,402	\$9,651	\$54,202	\$6,341	\$3,057
7	\$8,629	\$4,584	\$1,922	\$15,136	\$9,273	\$537	\$4,746	\$5,284	\$3,237	\$9,852	\$64,054	\$6,036	\$2,908
8	\$8,802	\$4,676	\$1,972	\$15,450	\$8,826	\$551	\$4,841	\$5,393	\$3,080	\$10,057	\$74,112	\$5,745	\$2,765
9	\$8,978	\$4,770	\$2,023	\$15,771	\$8,400	\$566	\$4,938	\$5,504	\$2,931	\$10,267	\$84,379	\$5,469	\$2,630
10	\$9,158	\$4,865	\$2,076	\$16,098	\$7,995	\$580	\$5,037	\$5,617	\$2,790	\$10,481	\$94,860	\$5,205	\$2,501
Total	\$83,904	\$44,574	\$17,392	\$145,871	\$99,831	\$4,864	\$46,147	\$51,011	\$34,932	\$94,860	\$94,860	\$64,899	\$31,678



SUMMARY OF COSTS AND BENEFITS FOR:

State of Kansas

PROJECT: Village of the Legends, Inc. (With LMW)

DATE: 2/16/2023

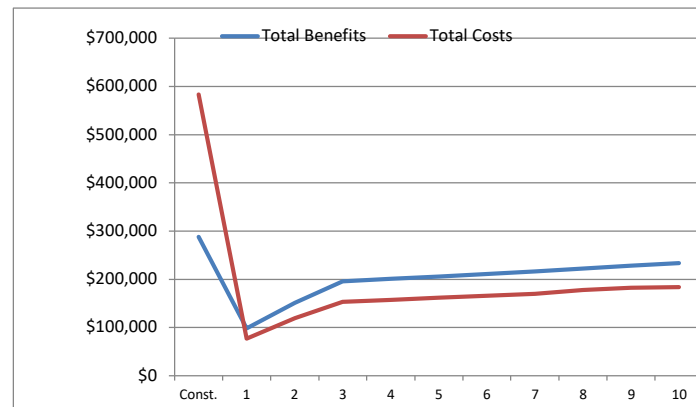
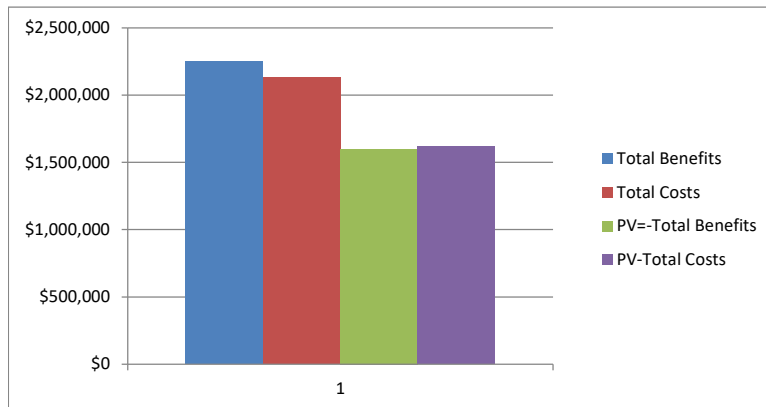
DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.06

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 0.99

Average ROI 0.56%
(Typical desired ratio would be 1.3 to 1)

Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Other Costs & Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	\$208,000	\$0	\$80,000	\$0	\$0	\$288,000	\$288,000	\$0	\$0	\$0	\$583,375	\$583,375	\$583,375	-\$295,375	-\$295,375	-\$295,375	\$583,375
1	\$36,098	\$1,877	\$17,396	\$997	\$42,007	\$98,376	\$91,726	\$24,187	\$51,995	\$1,033	\$0	\$77,214	\$71,994	\$21,162	-\$274,213	\$19,731	\$963
2	\$56,077	\$1,915	\$27,027	\$1,017	\$65,254	\$151,290	\$131,527	\$37,592	\$80,940	\$1,053	\$0	\$119,585	\$103,964	\$31,705	-\$242,508	\$27,563	\$916
3	\$72,782	\$1,953	\$35,060	\$1,038	\$84,714	\$195,547	\$158,511	\$48,649	\$103,805	\$1,074	\$0	\$153,529	\$124,451	\$42,019	-\$200,490	\$34,060	\$871
4	\$74,674	\$1,992	\$35,972	\$1,058	\$86,917	\$200,614	\$151,625	\$49,914	\$106,504	\$1,096	\$0	\$157,514	\$119,050	\$43,100	-\$157,390	\$32,575	\$828
5	\$76,615	\$2,032	\$36,907	\$1,080	\$89,177	\$205,811	\$145,038	\$51,212	\$109,273	\$1,118	\$0	\$161,603	\$113,884	\$44,209	-\$113,181	\$31,154	\$788
6	\$78,607	\$2,073	\$37,867	\$1,101	\$91,495	\$211,144	\$138,738	\$52,543	\$112,115	\$1,140	\$0	\$165,798	\$108,942	\$45,346	-\$67,835	\$29,796	\$749
7	\$80,651	\$2,114	\$38,851	\$1,123	\$93,874	\$216,614	\$132,711	\$53,909	\$115,029	\$1,163	\$0	\$170,102	\$104,214	\$46,513	-\$21,322	\$28,497	\$712
8	\$82,748	\$2,157	\$39,862	\$1,146	\$96,315	\$222,227	\$126,946	\$55,311	\$121,089	\$1,186	\$0	\$177,586	\$101,445	\$44,641	\$23,319	\$25,501	\$678
9	\$84,900	\$2,200	\$40,898	\$1,169	\$98,819	\$227,985	\$121,431	\$56,749	\$124,237	\$1,210	\$0	\$182,196	\$97,043	\$45,789	\$69,108	\$24,389	\$644
10	\$87,107	\$2,244	\$41,961	\$1,192	\$101,388	\$233,892	\$116,156	\$58,224	\$124,237	\$1,234	\$0	\$183,696	\$91,227	\$50,197	\$119,305	\$24,929	\$613
Total	\$938,259	\$20,558	\$431,802	\$10,921	\$849,961	\$2,251,501	\$1,602,410	\$488,290	\$1,049,225	\$11,307	\$583,375	\$2,132,196	\$1,619,589	\$119,305	\$119,305	-\$17,180	\$591,137



Village of the Legends, Inc. (With LMW)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	4	8
Construction jobs created	85	85
Number of New Residents in the Community	39	74
Number of Additional Students in the Local School District	2	4
Increase in Local Personal Incomes	\$999,500	\$20,184,732
Increase in Local Retail Sales	\$12,436,412	\$25,281,290
Increase in the Community's Property Tax Base	\$10,884,000	\$10,884,000
Estimated new annual tax revenues after 10 years:		Property Taxes
	City	\$58,706
	County	\$56,954
	School	\$97,111
	Comm. Coll.	\$41,768
	Library	\$9,341
	State	\$2,289
	Totals	\$266,169

Village of the Legends, Inc.

(With LMW)

OVERALL COST-BENEFIT SUMMARY

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS	INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				PROPERTY TAXES ABATED	ALL INDIRECT COSTS		
City of Kansas City	\$245,505	\$280,148	\$527,334			\$20,532	\$1,073,519	\$73,197	\$1,146,716	\$290,034	\$248,509	\$538,543	\$608,173
Wyandotte County	\$175,931	\$271,788	\$511,598				\$959,317	\$49,416	\$1,008,733	\$371,129	\$32,415	\$403,544	\$605,188
Piper-Kansas City USD 203		\$463,417	\$872,310	\$2,115,035			\$3,450,762	\$0	\$3,450,762	\$419,480	\$206,144	\$625,624	\$2,825,138
KC Community College		\$199,319	\$375,186				\$574,504	\$90,199	\$664,703	\$206,352	\$56,310	\$262,662	\$402,041
Wyandotte County Library		\$44,574	\$83,904				\$128,478	\$17,392	\$145,871	\$46,147	\$4,864	\$51,011	\$94,860
State of Kansas	\$938,259	\$10,921	\$20,558		\$431,802		\$1,401,540	\$849,961	\$2,251,501	\$11,307	\$1,537,514	\$1,548,821	\$702,680
TOTALS	\$1,359,694	\$1,270,168	\$2,390,890	\$2,115,035	\$431,802	\$20,532	\$7,588,121	\$1,080,164	\$8,668,285	\$1,344,449	\$2,085,756	\$3,430,205	\$5,238,080

**A Tax Abatement Cost-Benefit Analysis of
Village of the Legends, Inc.
(W/O LMW)
for the Unified Government of Kansas City/Wyandotte County**

Completed by
Municipal Consulting, LLC
2/16/2023

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.

- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.

- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future performance could be substantially different.

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	2.24	12%
Wyandotte County	2.67	17%
Piper-Kansas City USD 203	5.87	49%
KC Community College	2.73	17%
Wyandotte County Library	3.12	14%
State of Kansas	1.06	1%

Each of the taxing entities has a positive benefit-to-cost ratio. This report assumes that the Unified Government will approve a 50% property tax abatement for 10 years. A graduated PILOT payment has been considered in this analysis. This report assumes that the firm will obtain a sales tax exemption on construction materials and FFE and that the existing sales tax rates for the city, county and state will remain the same. We point out that the main economic benefits of this project are from new residents rather than new jobs.

We used conservative assumptions that the units would be 50% leased in Year 1, 75% in Year 2 and 95% in Year 3, and that only 50% of the new residents would come from outside the city.

If you have any questions or comments, you may reach me with the contact information below.

R. Steven Robb Digitally signed by R. Steven Robb
Date: 2023.02.16 16:09:49 -06'00'

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

Column1	Column2	Column3	Column4	Column5	Column6
COST-BENEFIT ANALYSIS PROJECT SUMMARY					
PROJECT NAME:	Village of the Legends, Inc.			(W/O LMW)	
DATE:			2/16/2023		
GOVERNMENTAL ENTITIES INVOLVED:					
CITY:			City of Kansas City		
COUNTY:			Wyandotte County		
SCHOOL DISTRICT:			Piper-Kansas City USD 203		
SPECIAL TAXING DISTRICT #1				KC Community College	
SPECIAL TAXING DISTRICT #2				Wyandotte County Library	
STATE:			State of Kansas		
INFLATION RATE:		2.60%	DISCOUNT RATE:		7.25%

This project involves construction of 58 units of senior housing at a cost of \$16 million, which will provide housing for about 55 families, of which 29 are new to Kansas City. The requested property tax abatement is 50% for 10 years with a graduated PILOT of \$2,000 per unit.

Village of the Legends, Inc.

(W/O LMW)

Column1	Column2	Column3	Column4	Column6	Column7	Column11
Community Data Inputs:						
	City of Kansas City	Wyandotte County	Piper-Kansas City USD 203	KC Community College	Wyandotte County Library	State
Mill Levy	38.476593	37.328383	63.647492	27.375176	6.122008	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a
Utility Revenue/HsHld	\$56.40	n/a	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$0.00	n/a	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$71.32	\$59.24	n/a	\$104.11	\$20.08	\$1,511.19
Marg. Cost/Res./Student	\$100.03	\$37.66	\$1,417.44	\$65.00	\$5.61	\$654.19
Other Revenues/Worker	\$67.67	\$56.21	n/a	\$98.78	\$19.05	\$1,296.05
Marginal Cost/New Worker	\$94.91	\$35.74	n/a	\$61.67	\$5.33	\$561.06
State Funding/Pupil	n/a	n/a	\$8,737.46	n/a	n/a	\$10,173
Federal Funding/Pupil	n/a	n/a	\$5,436.95	n/a	n/a	\$1,022
Visitor Daily Spending	\$50.00	\$50.00				\$75.00
Average Hotel Room Rate	\$100	\$100		Total Mill Levy		n/a
Retail Pull Factor	0.94	0.96		174.449652		n/a
Percent of County Share	90.90%	100.00%				n/a
Ann. Local Per Capita Sales/Use Tax	\$211	\$184				n/a
Ann. State Per Capita Sales/Use Tax	\$926	\$1,075				\$1,078
Annual Per Capita Retail Sales	\$14,248	\$16,535				\$16,581
Average Household Size	2.68	2.67				2.49
Avg. Wage-All Occupations	\$55,918	\$55,918				\$48,609

Village of the Legends, Inc. (W/O LMW)

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15
Firm Data Inputs:				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Totals
Investment in Land				\$762,300										762,300
Investment in Buildings				\$16,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	16,000,000
Investment in Furn, Fixtures, Equip.				\$175,000										175,000
Soft Costs/Financing/Contingencies				\$2,062,700										2,062,700
Total Project Investment				\$19,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	19,000,000
City Incentives-Sales Tax Exemption:				\$145,844	County Sales Tax Exemption:		\$89,750	State Sales Tax Exemption:		\$583,375				\$818,969
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Purchases		0.00%		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Net City Util. Revenue		3.00%	\$0	\$1,043	\$1,611	\$2,083	\$2,125	\$2,167	\$2,210	\$2,255	\$2,300	\$2,346	\$2,393	\$20,532
PILOT- City			\$0	\$25,585	\$26,097	\$26,619	\$27,151	\$27,694	\$28,248	\$28,813	\$29,389	\$29,977	\$30,576	\$280,148
PILOT - County			\$0	\$24,821	\$25,318	\$25,824	\$26,341	\$26,868	\$27,405	\$27,953	\$28,512	\$29,082	\$29,664	\$271,788
PILOT - State			\$0	\$997	\$1,017	\$1,038	\$1,058	\$1,080	\$1,101	\$1,123	\$1,146	\$1,169	\$1,192	\$10,921
PILOT - School			\$0	\$42,322	\$43,169	\$44,032	\$44,913	\$45,811	\$46,727	\$47,662	\$48,615	\$49,587	\$50,579	\$463,417
PILOT - Comm. Coll.			\$0	\$18,203	\$18,567	\$18,938	\$19,317	\$19,704	\$20,098	\$20,500	\$20,910	\$21,328	\$21,754	\$199,319
PILOT- Library			\$0	\$4,071	\$4,152	\$4,235	\$4,320	\$4,406	\$4,495	\$4,584	\$4,676	\$4,770	\$4,865	\$44,574
New Resident Households ²		0	29	15	11	0	0	0	0	0	0	0	0	55
Households new to the city		50%	15	8	6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	28.0
Households new to the county		40%	12	6	4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	22.0
Households new to the state		40.0%	12	6	4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	22.4
New students in K-12			2	1	1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.0
New Employees		FTE's	4	2	2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8.0
New employee average salary		2.60%	\$36,000	\$36,936	\$37,896	\$38,882	\$39,893	\$40,930	\$41,994	\$43,086	\$44,206	\$45,355		N/A
Tax Abatement-Land			55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A
Tax Abatement-Bldg.			55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A
Visitors		0.0%	0	0	0	0	0	0	0	0	0	0	0	0
				City	County	State								
Percentage of sales taxable in the				0%	0%	0%								
Percentage of purchases taxable in the				0%	0%	0%								
Assumed Inflation Rate				2.60%										

It is assumed that occupancy will reach 50% in Year 1, 75% in Year 2 and 95% in Year 3.

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY								
PROJECT NAME: Village of the Legends, Inc. (W/O LMW)						Ratio of		
DATE: 2/16/2023						NPV of Net		
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$1,146,716	\$512,176	\$634,540	\$400,829	\$326,841	1.23	2.24	12%
Wyandotte County	\$1,008,733	\$377,964	\$630,768	\$411,412	\$265,346	1.55	2.67	17%
Piper-Kansas City USD 203	\$3,450,762	\$587,489	\$2,863,273	\$1,933,067	\$261,779	7.38	5.87	49%
KC Community College	\$664,703	\$243,903	\$420,800	\$288,272	\$128,775	2.24	2.73	17%
Wyandotte County Library	\$145,871	\$46,816	\$99,055	\$67,779	\$28,798	2.35	3.12	14%
State of Kansas	\$2,251,501	\$2,131,168	\$120,333	-\$16,474	\$590,431	-0.03	1.06	1%
Totals	\$8,668,285	\$3,899,516	\$4,768,769	\$3,084,884	\$1,601,970	1.926	2.22	n/a

SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Village of the Legends, Inc.

DATE: 2/16/2023

City of Kansas City

(W/O LMW)

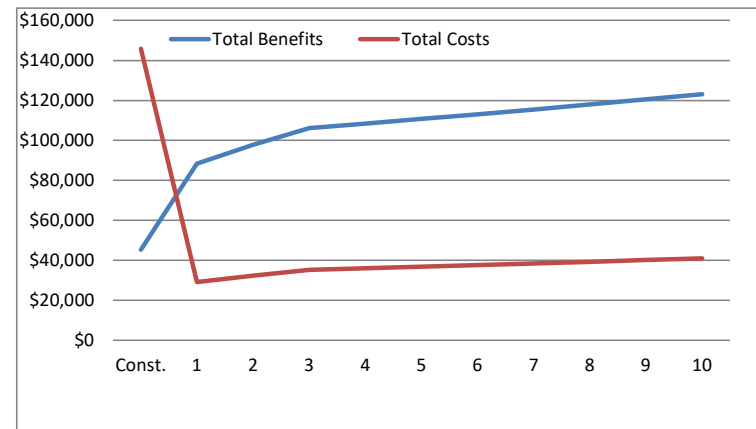
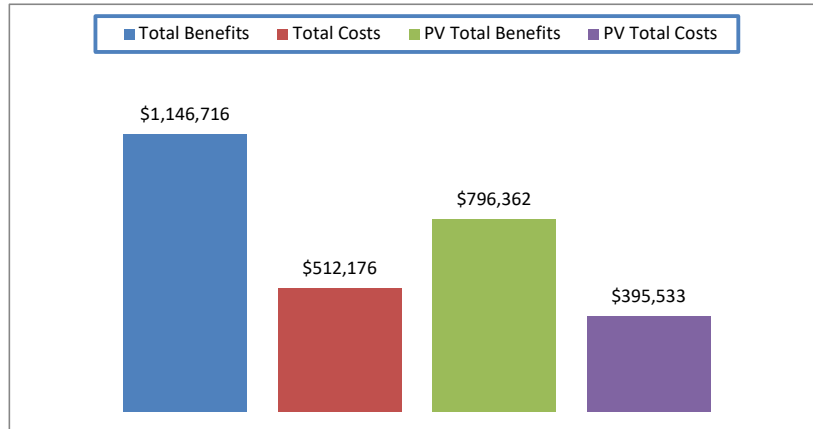
DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.24

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.01

(Typical desired ratio would be 1.3 to 1) **Average ROI** 12.39%

Year	Sales and Transient Guest Taxes	New Property Taxes	Utilities and Franchise Fees	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Incentives and Cost of Various City Services	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	\$45,377	\$0	\$0	\$0	\$0	\$45,377	\$45,377	\$145,844	\$0	\$145,844	\$145,844	-\$100,466	-\$100,466	-\$100,466	\$145,844
1	\$9,907	\$48,160	\$1,043	\$25,585	\$3,613	\$88,308	\$82,338	\$5,068	\$24,080	\$29,147	\$27,177	\$59,160	-\$41,306	\$55,161	\$22,452
2	\$15,395	\$49,123	\$1,611	\$26,097	\$5,611	\$97,836	\$85,056	\$7,869	\$24,561	\$32,431	\$28,194	\$65,405	\$24,099	\$56,861	\$21,353
3	\$19,941	\$50,105	\$2,083	\$26,619	\$7,297	\$106,045	\$85,960	\$10,235	\$25,053	\$35,287	\$28,604	\$70,758	\$94,857	\$57,356	\$20,308
4	\$20,460	\$51,107	\$2,125	\$27,151	\$7,487	\$108,329	\$81,876	\$10,501	\$25,554	\$36,054	\$27,250	\$72,275	\$167,131	\$54,626	\$19,314
5	\$20,991	\$52,130	\$2,167	\$27,694	\$7,681	\$110,663	\$77,986	\$10,774	\$26,065	\$36,839	\$25,961	\$73,825	\$240,956	\$52,026	\$18,368
6	\$21,537	\$53,172	\$2,210	\$28,248	\$7,881	\$113,049	\$74,282	\$11,054	\$26,586	\$37,640	\$24,732	\$75,409	\$316,365	\$49,549	\$17,469
7	\$22,097	\$54,236	\$2,255	\$28,813	\$8,086	\$115,486	\$70,754	\$11,341	\$27,118	\$38,459	\$23,562	\$77,027	\$393,392	\$47,191	\$16,614
8	\$22,672	\$55,320	\$2,300	\$29,389	\$8,296	\$117,977	\$67,394	\$11,636	\$27,660	\$39,296	\$22,448	\$78,681	\$472,073	\$44,946	\$15,801
9	\$23,261	\$56,427	\$2,346	\$29,977	\$8,512	\$120,522	\$64,194	\$11,939	\$28,213	\$40,152	\$21,386	\$80,370	\$552,443	\$42,808	\$15,027
10	\$23,866	\$57,555	\$2,393	\$30,576	\$8,733	\$123,123	\$61,146	\$12,249	\$28,778	\$41,027	\$20,375	\$82,097	\$634,540	\$40,771	\$14,292
Total	\$245,505	\$527,334	\$20,532	\$280,148	\$73,197	\$1,146,716	\$796,362	\$248,509	\$263,667	\$512,176	\$395,533	\$634,540	\$634,540	\$400,829	\$326,841



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Village of the Legends, Inc.

DATE: 2/16/2023

Wyandotte County

(W/O LMW)

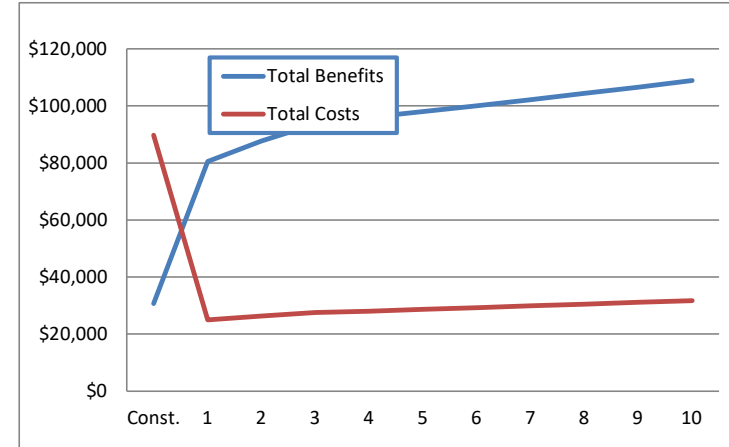
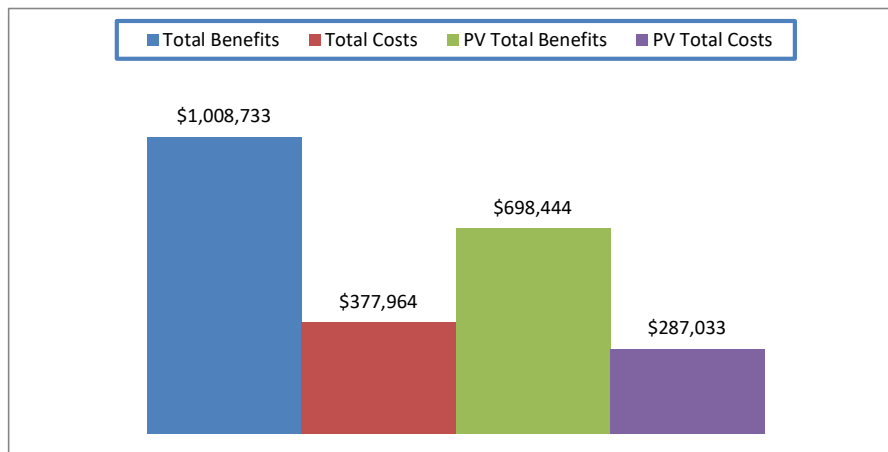
DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.67

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.43

Average ROI 16.69%

Year	Sales and Transient Guest Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Incentives and Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
Const.	\$30,720	\$0	\$0	\$0	\$30,720	\$30,720	\$0	\$89,750	\$89,750	\$89,750	-\$59,030	-\$59,030	-\$59,030	\$89,750
1	\$7,178	\$46,722	\$24,821	\$1,890	\$80,611	\$75,162	\$1,597	\$23,361	\$24,959	\$23,271	\$55,653	-\$3,377	\$51,891	\$21,782
2	\$11,151	\$47,657	\$25,318	\$3,564	\$87,690	\$76,235	\$2,480	\$23,828	\$26,308	\$22,872	\$61,382	\$58,005	\$53,364	\$20,716
3	\$14,473	\$48,610	\$25,824	\$4,731	\$93,638	\$75,903	\$3,232	\$24,305	\$27,537	\$22,322	\$66,101	\$124,106	\$53,581	\$19,702
4	\$14,849	\$49,582	\$26,341	\$5,182	\$95,954	\$72,523	\$3,316	\$24,791	\$28,107	\$21,244	\$67,846	\$191,952	\$51,279	\$18,737
5	\$15,235	\$50,574	\$26,868	\$5,317	\$97,993	\$69,057	\$3,403	\$25,287	\$28,690	\$20,218	\$69,304	\$261,256	\$48,839	\$17,820
6	\$15,631	\$51,585	\$27,405	\$5,455	\$100,076	\$65,758	\$3,491	\$25,793	\$29,284	\$19,242	\$70,793	\$332,048	\$46,516	\$16,948
7	\$16,037	\$52,617	\$27,953	\$5,597	\$102,204	\$62,616	\$3,582	\$26,309	\$29,890	\$18,313	\$72,314	\$404,362	\$44,304	\$16,118
8	\$16,454	\$53,669	\$28,512	\$5,742	\$104,378	\$59,625	\$3,675	\$26,835	\$30,510	\$17,428	\$73,869	\$478,231	\$42,197	\$15,329
9	\$16,882	\$54,743	\$29,082	\$5,892	\$106,599	\$56,778	\$3,771	\$27,371	\$31,142	\$16,587	\$75,457	\$553,688	\$40,191	\$14,579
10	\$17,321	\$55,838	\$29,664	\$6,045	\$108,868	\$54,066	\$3,869	\$27,919	\$31,787	\$15,786	\$77,080	\$630,768	\$38,280	\$13,865
Total	\$175,931	\$511,598	\$271,788	\$49,416	\$1,008,733	\$698,444	\$32,415	\$345,549	\$377,964	\$287,033	\$630,768	\$630,768	\$411,412	\$265,346



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Village of the Legends, Inc.

DATE: 2/16/2023

Piper-Kansas City USD 203

(W/O LMW)

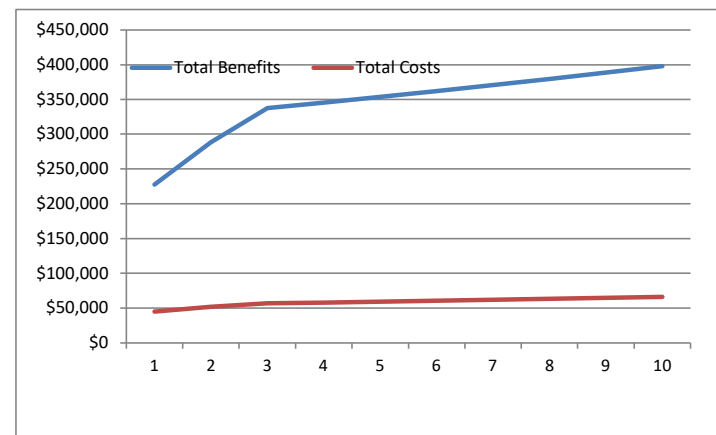
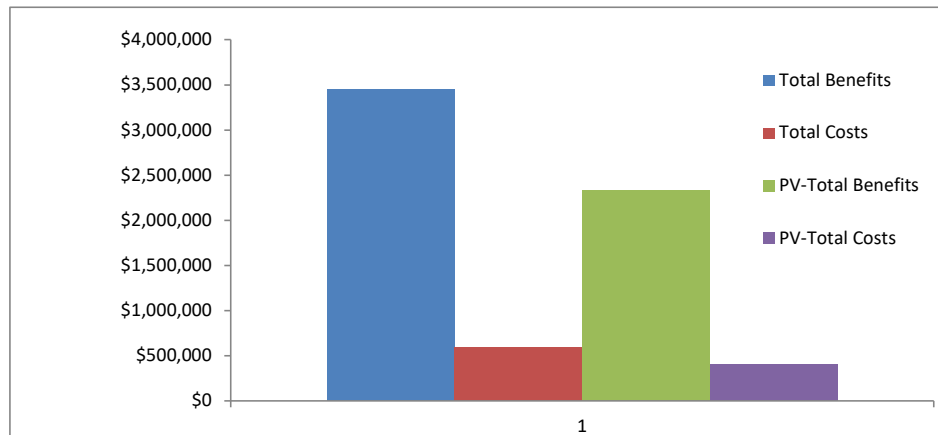
DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 5.87

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 5.84

(Typical desired ratio would be 1.3 to 1) **Average ROI** 48.74%

Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$69,654	\$42,322	\$10,011	\$105,436	\$227,424	\$212,050	\$10,276	\$34,827	\$45,103	\$42,054	\$182,320	\$182,320	\$169,996	\$32,473
2	\$71,047	\$43,169	\$10,211	\$164,132	\$288,559	\$250,865	\$15,997	\$35,523	\$51,521	\$44,791	\$237,038	\$419,358	\$206,074	\$30,883
3	\$72,468	\$44,032	\$10,416	\$210,499	\$337,414	\$273,509	\$20,516	\$36,234	\$56,750	\$46,002	\$280,664	\$700,022	\$227,507	\$29,371
4	\$73,917	\$44,913	\$10,624	\$215,972	\$345,426	\$261,075	\$21,050	\$36,959	\$58,009	\$43,843	\$287,417	\$987,439	\$217,232	\$27,934
5	\$75,396	\$45,811	\$10,836	\$221,587	\$353,630	\$249,208	\$21,597	\$37,698	\$59,295	\$41,786	\$294,335	\$1,281,774	\$207,422	\$26,566
6	\$76,904	\$46,727	\$11,053	\$227,348	\$362,032	\$237,883	\$22,159	\$38,452	\$60,610	\$39,826	\$301,422	\$1,583,196	\$198,057	\$25,266
7	\$78,442	\$47,662	\$11,274	\$233,259	\$370,637	\$227,074	\$22,735	\$39,221	\$61,956	\$37,958	\$308,681	\$1,891,877	\$189,116	\$24,029
8	\$80,010	\$48,615	\$11,500	\$239,324	\$379,449	\$216,758	\$23,326	\$40,005	\$63,331	\$36,178	\$316,118	\$2,207,995	\$180,581	\$22,853
9	\$81,611	\$49,587	\$11,730	\$245,547	\$388,474	\$206,912	\$23,932	\$40,805	\$64,738	\$34,481	\$323,736	\$2,531,732	\$172,431	\$21,734
10	\$83,243	\$50,579	\$11,964	\$251,931	\$397,717	\$197,515	\$24,555	\$41,621	\$66,176	\$32,865	\$331,541	\$2,863,273	\$164,651	\$20,670
Total	\$762,691	\$463,417	\$109,619	\$2,115,035	\$3,450,762	\$2,332,850	\$206,144	\$381,345	\$587,489	\$399,783	\$2,863,273	\$2,863,273	\$1,933,067	\$261,779



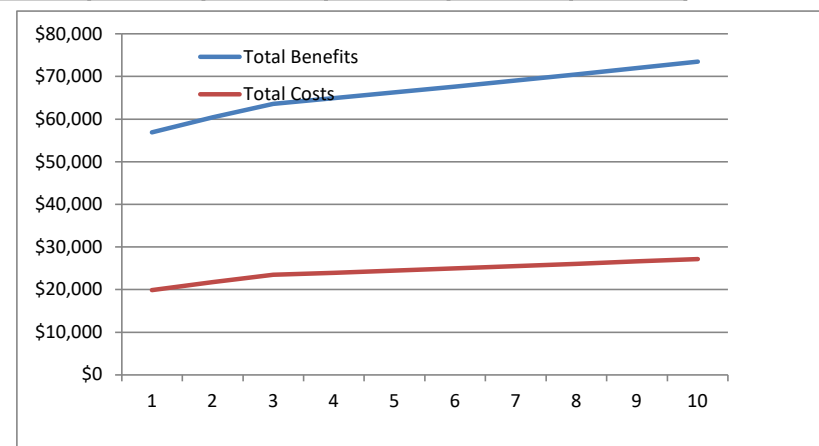
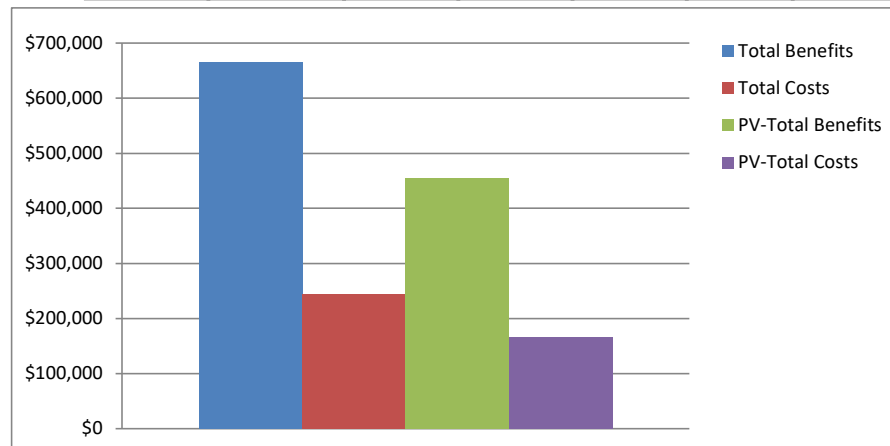
SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Village of the Legends, Inc.
DATE: 2/16/2023

KC Community College
(W/O LMW)

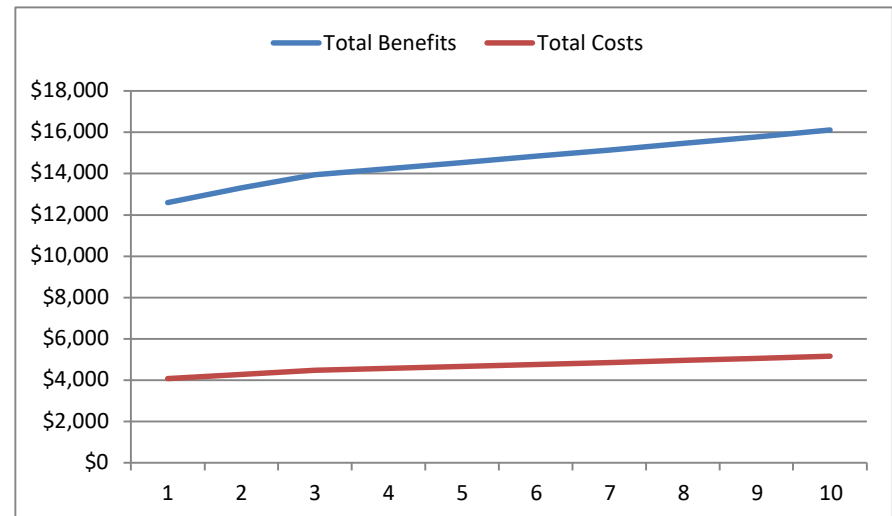
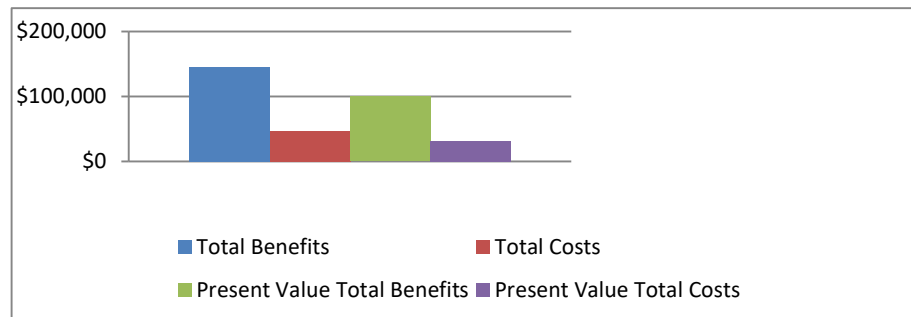
DISCOUNT RATE: 7.25%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.73
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.73
(Typical desired ratio would be 1.3 to 1) **Average ROI** 17.25%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$34,264	\$18,203	\$4,444	\$56,911	\$53,064	\$2,774	\$17,132	\$19,907	\$18,561	\$37,005	\$37,005	\$34,503	\$15,974
2	\$34,950	\$18,567	\$6,898	\$60,415	\$52,523	\$4,306	\$17,475	\$21,781	\$18,936	\$38,634	\$75,639	\$33,587	\$15,192
3	\$35,649	\$18,938	\$8,995	\$63,582	\$51,540	\$5,615	\$17,824	\$23,440	\$19,000	\$40,142	\$115,781	\$32,539	\$14,448
4	\$36,362	\$19,317	\$9,228	\$64,907	\$49,057	\$5,761	\$18,181	\$23,942	\$18,096	\$40,965	\$156,746	\$30,962	\$13,741
5	\$37,089	\$19,704	\$9,468	\$66,261	\$46,695	\$5,911	\$18,544	\$24,455	\$17,234	\$41,805	\$198,552	\$29,461	\$13,069
6	\$37,831	\$20,098	\$9,715	\$67,643	\$44,447	\$6,065	\$18,915	\$24,980	\$16,414	\$42,663	\$241,214	\$28,033	\$12,429
7	\$38,587	\$20,500	\$9,967	\$69,054	\$42,307	\$6,222	\$19,294	\$25,516	\$15,633	\$43,538	\$284,752	\$26,674	\$11,820
8	\$39,359	\$20,910	\$10,226	\$70,495	\$40,270	\$6,384	\$19,680	\$26,064	\$14,889	\$44,431	\$329,184	\$25,381	\$11,242
9	\$40,146	\$21,328	\$10,492	\$71,966	\$38,331	\$6,550	\$20,073	\$26,623	\$14,180	\$45,343	\$374,527	\$24,151	\$10,692
10	\$40,949	\$21,754	\$10,765	\$73,468	\$36,486	\$6,720	\$20,475	\$27,195	\$13,506	\$46,273	\$420,800	\$22,980	\$10,168
Total	\$375,186	\$199,319	\$90,199	\$664,703	\$454,720	\$56,310	\$187,593	\$243,903	\$166,448	\$420,800	\$420,800	\$288,272	\$128,775



SUMMARY OF COSTS AND BENEFITS FOR:							Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 3.12						
PROJECT: Village of the Legends, Inc.							Ratio of Present Value of Total Benefits to Present Value of Total Costs: 3.11						
DATE: 2/16/2023							(Typical desired ratio would be 1.3 to 1)						
DISCOUNT RATE: 7.25%							Average ROI 14.11%						
Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$7,663	\$4,071	\$857	\$12,590	\$11,739	\$240	\$3,831	\$4,071	\$3,796	\$8,519	\$8,519	\$7,944	\$3,572
2	\$7,816	\$4,152	\$1,330	\$13,298	\$11,561	\$372	\$3,908	\$4,280	\$3,721	\$9,018	\$17,538	\$7,840	\$3,397
3	\$7,972	\$4,235	\$1,734	\$13,942	\$11,301	\$485	\$3,986	\$4,471	\$3,624	\$9,471	\$27,009	\$7,677	\$3,231
4	\$8,132	\$4,320	\$1,779	\$14,231	\$10,756	\$498	\$4,066	\$4,563	\$3,449	\$9,668	\$36,676	\$7,307	\$3,073
5	\$8,294	\$4,406	\$1,826	\$14,526	\$10,237	\$511	\$4,147	\$4,658	\$3,282	\$9,869	\$46,545	\$6,955	\$2,923
6	\$8,460	\$4,495	\$1,873	\$14,828	\$9,743	\$524	\$4,230	\$4,754	\$3,124	\$10,074	\$56,619	\$6,619	\$2,780
7	\$8,629	\$4,584	\$1,922	\$15,136	\$9,273	\$537	\$4,315	\$4,852	\$2,973	\$10,284	\$66,903	\$6,300	\$2,643
8	\$8,802	\$4,676	\$1,972	\$15,450	\$8,826	\$551	\$4,401	\$4,952	\$2,829	\$10,498	\$77,400	\$5,997	\$2,514
9	\$8,978	\$4,770	\$2,023	\$15,771	\$8,400	\$566	\$4,489	\$5,055	\$2,692	\$10,716	\$88,116	\$5,708	\$2,391
10	\$9,158	\$4,865	\$2,076	\$16,098	\$7,995	\$580	\$4,579	\$5,159	\$2,562	\$10,939	\$99,055	\$5,433	\$2,274
Total	\$83,904	\$44,574	\$17,392	\$145,871	\$99,831	\$4,864	\$41,952	\$46,816	\$32,052	\$99,055	\$99,055	\$67,779	\$28,798



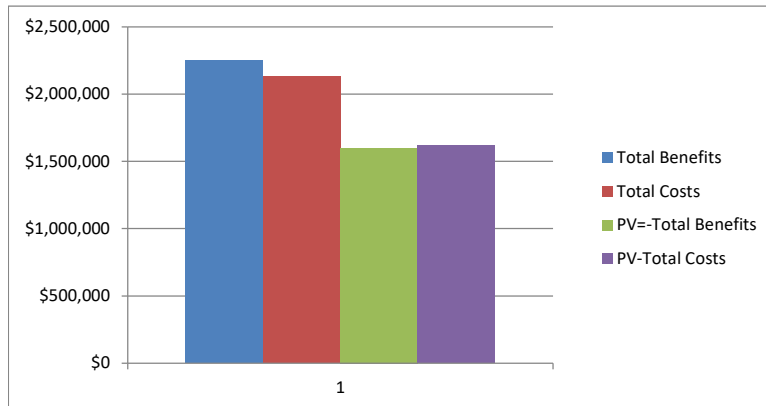
SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Village of the Legends, Inc.
DATE: 2/16/2023

State of Kansas
(W/O LMW)

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.06
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 0.99
Average ROI 0.56%
(Typical desired ratio would be 1.3 to 1)

DISCOUNT RATE: 7.25%

Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Other Costs & Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	\$208,000	\$0	\$80,000	\$0	\$0	\$288,000	\$288,000	\$0	\$0	\$0	\$583,375	\$583,375	\$583,375	-\$295,375	-\$295,375	-\$295,375	\$583,375
1	\$36,098	\$1,877	\$17,396	\$997	\$42,007	\$98,376	\$91,726	\$24,187	\$51,995	\$939	\$0	\$77,120	\$71,907	\$21,256	-\$274,119	\$19,819	\$875
2	\$56,077	\$1,915	\$27,027	\$1,017	\$65,254	\$151,290	\$131,527	\$37,592	\$80,940	\$958	\$0	\$119,490	\$103,881	\$31,801	-\$242,319	\$27,647	\$832
3	\$72,782	\$1,953	\$35,060	\$1,038	\$84,714	\$195,547	\$158,511	\$48,649	\$103,805	\$977	\$0	\$153,431	\$124,372	\$42,116	-\$200,202	\$34,140	\$792
4	\$74,674	\$1,992	\$35,972	\$1,058	\$86,917	\$200,614	\$151,625	\$49,914	\$106,504	\$996	\$0	\$157,414	\$118,975	\$43,199	-\$157,003	\$32,650	\$753
5	\$76,615	\$2,032	\$36,907	\$1,080	\$89,177	\$205,811	\$145,038	\$51,212	\$109,273	\$1,016	\$0	\$161,501	\$113,812	\$44,310	-\$112,693	\$31,226	\$716
6	\$78,607	\$2,073	\$37,867	\$1,101	\$91,495	\$211,144	\$138,738	\$52,543	\$112,115	\$1,036	\$0	\$165,694	\$108,874	\$45,450	-\$67,243	\$29,864	\$681
7	\$80,651	\$2,114	\$38,851	\$1,123	\$93,874	\$216,614	\$132,711	\$53,909	\$115,029	\$1,057	\$0	\$169,996	\$104,150	\$46,619	-\$20,625	\$28,561	\$648
8	\$82,748	\$2,157	\$39,862	\$1,146	\$96,315	\$222,227	\$126,946	\$55,311	\$121,089	\$1,078	\$0	\$177,478	\$101,383	\$44,749	\$24,124	\$25,563	\$616
9	\$84,900	\$2,200	\$40,898	\$1,169	\$98,819	\$227,985	\$121,431	\$56,749	\$124,237	\$1,100	\$0	\$182,086	\$96,984	\$45,899	\$70,024	\$24,447	\$586
10	\$87,107	\$2,244	\$41,961	\$1,192	\$101,388	\$233,892	\$116,156	\$58,224	\$124,237	\$1,122	\$0	\$183,583	\$91,172	\$50,309	\$120,333	\$24,985	\$557
Total	\$938,259	\$20,558	\$431,802	\$10,921	\$849,961	\$2,251,501	\$1,602,410	\$488,290	\$1,049,225	\$10,279	\$583,375	\$2,131,168	\$1,618,884	\$120,333	\$120,333	-\$16,474	\$590,431



Village of the Legends, Inc. (W/O LMW)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	4	8
Construction jobs created	85	85
Number of New Residents in the Community	39	74
Number of Additional Students in the Local School District	2	4
Increase in Local Personal Incomes	\$999,500	\$20,184,732
Increase in Local Retail Sales	\$12,436,412	\$25,281,290
Increase in the Community's Property Tax Base	\$10,884,000	\$10,884,000
		Property Taxes
Estimated new annual tax revenues after 10 years:	City	\$58,706
	County	\$56,954
	School	\$97,111
	Comm. Coll.	\$41,768
	Library	\$9,341
	State	\$2,289
Totals		\$266,169

Village of the Legends, Inc.

(W/O LMW)

OVERALL COST-BENEFIT SUMMARY

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS	INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				PROPERTY TAXES ABATED	ALL INDIRECT COSTS		
City of Kansas City	\$245,505	\$280,148	\$527,334			\$20,532	\$1,073,519	\$73,197	\$1,146,716	\$263,667	\$248,509	\$512,176	\$634,540
Wyandotte County	\$175,931	\$271,788	\$511,598				\$959,317	\$49,416	\$1,008,733	\$345,549	\$32,415	\$377,964	\$630,768
Piper-Kansas City USD 203		\$463,417	\$872,310	\$2,115,035			\$3,450,762	\$0	\$3,450,762	\$381,345	\$206,144	\$587,489	\$2,863,273
KC Community College		\$199,319	\$375,186				\$574,504	\$90,199	\$664,703	\$187,593	\$56,310	\$243,903	\$420,800
Wyandotte County Library		\$44,574	\$83,904				\$128,478	\$17,392	\$145,871	\$41,952	\$4,864	\$46,816	\$99,055
State of Kansas	\$938,259	\$10,921	\$20,558		\$431,802		\$1,401,540	\$849,961	\$2,251,501	\$10,279	\$1,537,514	\$1,547,793	\$703,708
TOTALS	\$1,359,694	\$1,270,168	\$2,390,890	\$2,115,035	\$431,802	\$20,532	\$7,588,121	\$1,080,164	\$8,668,285	\$1,230,385	\$2,085,756	\$3,316,141	\$5,352,144



Staff Request for Commission Action

Tracking No. 212301

Full Commission Meeting Date: 3/30/23

Committee: Economic Development & Finance

Date of Standing Committee Action: 3/6/23

(If none, please explain):

Publication Required: No

<u>Date:</u> 03/23/2023	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

Resolution of Intent to amend previously adopted Resolution 91-21, and to issue Industrial Revenue Bonds in the amount not to exceed \$64,000,000 to finance the acquisition, construction, improving, and equipping of a commercial multifamily facility for the benefit of Hudson Apartments, LLC, submitted by Patrick Waters, Deputy Chief Counsel.

Action Requested:

To Adopt the Resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent - Amended - Hudson Apartments (UG), UG Presentation - Public Hearing Agenda Item #3 - Hudson Apartments IRB, CBA_Hudson_Revised_02212023_with_LMW, CBA_Hudson_Revised_02212023_Without_LMW

RESOLUTION NO. R __-23

RESOLUTION AMENDING RESOLUTION 91-21 PREVIOUSLY ADOPTED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, DETERMINING ITS INTENT TO ISSUE INDUSTRIAL REVENUE BONDS TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A COMMERCIAL MULTIFAMILY FACILITY FOR THE BENEFIT OF HUDSON APARTMENTS, LLC, AND ITS SUCCESSORS AND ASSIGNS

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the Unified Government adopted Resolution No. 91-21 on December 2, 2021 (the “Original Resolution of Intent”) determining the intent of the governing body to issue its industrial revenue bonds (the “Bonds”) in the aggregate amount not to exceed \$48,000,000, to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility consisting of approximately 228 units located generally at 3600 Rainbow Boulevard (as further described in the Original Resolution of Intent, the “Project”) for the benefit of Hudson Apartments, LLC, a Kansas limited liability company (the “Company”); and

WHEREAS, the governing body, at the request of the Company, desires to amend the Original Resolution of Intent to increase the aggregate amount of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Findings. The governing body of the Unified Government hereby finds that all procedural items prescribed by the Act with regard to this Resolution have been undertaken, including the public hearing held on this date (and publication and provision of notice thereof) and preparation of a cost-benefit analysis.

Section 2. Intent to Increase the Authorized Amount of Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$64,000,000, to be issued pursuant to the Act. All references to the authorized amount of Bonds in the Original Resolution of Intent are hereby amended to refer to \$64,000,000.

Section 3. Effectiveness of Resolution of Intent. Except as amended herein, all other provisions of the Resolution of Intent are hereby ratified and shall remain in full force and effect.

Section 4. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government,

are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 5. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON MARCH 30, 2023.

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk

Approved as to form:

By: _____
Office of Chief Counsel

Resolution of Intent – Amended
Hudson Apartments, LLC

Unified Government Board of Commissioners

March 30, 2023

**Public Hearing and Resolution:
Intent to Issue Industrial Revenue Bonds
for the Benefit of Hudson Apartments LLC**





Request: Increase IRB amount from \$48 million to \$64 million due to increase in construction costs.

PROPOSED PILOT SCHEDULE

Year	Annual PILOT	PILOT per Door	Annual PILOT if L/M/WBE Failure	PILOT per Door
1	\$203,280	\$924	\$203,280	\$924
2	\$207,346	\$942	\$211,411	\$961
3	\$211,493	\$961	\$219,868	\$999
4	\$215,722	\$981	\$228,662	\$1,039
5	\$220,037	\$1,000	\$237,809	\$1,081
6	\$224,438	\$1,020	\$247,321	\$1,124
7	\$228,926	\$1,041	\$257,214	\$1,169
8	\$233,505	\$1,061	\$267,503	\$1,216
9	\$238,175	\$1,083	\$278,203	\$1,265
10	\$242,938	\$1,104	\$289,331	\$1,315
	<u>\$2,225,859</u>		<u>\$2,440,601</u>	

Estimated taxes in Year 11 - \$508,000

**A Tax Abatement Cost-Benefit Analysis of
Hudson Apartments, LLC
for the Unified Government of Kansas City/Wyandotte County**
Completed by
Municipal Consulting, LLC
Revised on 2/21/2023

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.
- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.
- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	1.34	3%
Wyandotte County	1.17	2%
Kansas City USD 500	2.31	13%
KC Community College	1.19	2%
State of Kansas	2.19	12%

Each of the taxing entities has a positive benefit-to-cost ratio. This report assumes that the Unified Government will approve a 100% property tax abatement for 10 years. A graduated PILOT payment has been considered in this analysis. This report assumes that the firm will obtain a sales tax exemption on construction materials and FFE and that the existing sales tax rates for the city, county and state will remain the same. We point out that the main economic benefits of this project are from new residents rather than new jobs.

We used conservative assumptions that the apartments would be 50% leased in Year 1, 75% in Year 2 and 95% in Year 3, and that only 65% of the new residents would come from outside the city.

If you have any questions or comments, you may reach me with the contact information below.

R. Steven Robb Digitally signed by R. Steven Robb
Date: 2023.02.21 14:02:43 -06'00'

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

Column1	Column2	Column3	Column4	Column5	Column6
COST-BENEFIT ANALYSIS PROJECT SUMMARY					
PROJECT NAME:	Hudson Apartments, LLC				(With LMW)
DATE:			2/21/2023	(Revised)	
GOVERNMENTAL ENTITIES INVOLVED:					
CITY:			City of Kansas City		
COUNTY:			Wyandotte County		
SCHOOL DISTRICT:			Kansas City USD 500		
SPECIAL TAXING DISTRICT #1			KC Community College		
STATE:			State of Kansas		
INFLATION RATE:		2.60%	DISCOUNT RATE:		7.50%

Hudson Apartments, LLC

Column1	Column2	Column3	Column4	Column6	Column11
Community Data Inputs:					
	City of Kansas City	Wyandotte County	Kansas City USD 500	KC Community College	State
Mill Levy	38.476593	37.328383	60.829259	27.375176	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a
Utility Revenue/HsHld	\$0.93	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$512.25	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$71.31	\$72.15	n/a	\$250.24	\$1,511.19
Marg. Cost/Res./Student	\$103.90	\$36.50	\$1,602.43	\$23.10	\$654.19
Other Revenues/Worker	\$66.73	\$67.52	n/a	\$234.17	\$1,296.05
Marginal Cost/New Worker	\$97.23	\$34.15	n/a	\$21.62	\$561.06
State Funding/Pupil	n/a	n/a	\$11,887.38	n/a	\$10,173
Federal Funding/Pupil	n/a	n/a	\$4,136.89	n/a	\$1,022
Visitor Daily Spending	\$50.00	\$50.00		Total Mill Levy	\$75.00
Average Hotel Room Rate	\$100	\$100		165.509411	n/a
Retail Pull Factor	0.96	0.97			n/a
Percent of County Share	90.80%	100.00%			n/a
Ann. Local Per Capita Sales/Use Tax	\$211	\$155			n/a
Ann. State Per Capita Sales/Use Tax	\$994	\$1,011			\$1,078
Annual Per Capita Retail Sales	\$15,297	\$15,561			\$16,581
Average Household Size	2.68	2.67			2.49
Avg. Wage-All Occupations	\$55,838	\$55,838			\$48,609

Hudson Apartments, LLC

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15
Firm Data Inputs:				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Investment in Land				\$280,000										
Investment in Building				\$60,000,000										
Investment in Furniture, Fixtures & Equip.				\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,500,000
Contingencies				\$2,220,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,220,000
Total Project Investment				\$64,000,000										
City sales tax exemption on materials & FFE:				\$511,875	County Sales Tax Exemption		\$315,000	State Sales Tax Exemption:		\$1,950,000				\$2,776,875
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Purchases		0.00%		\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$1,500,000
Net City Util. Revenue		3.00%	\$0	\$2,179	\$2,279	\$2,377	\$2,448	\$2,522	\$2,597	\$2,675	\$2,756	\$2,838	\$2,923	\$25,595
Franchise Fees		3.00%	\$0	\$41,599	\$62,395	\$80,374	\$82,785	\$85,269	\$87,827	\$90,462	\$93,176	\$95,971	\$98,850	\$818,708
PILOT- City			\$0	\$48,976	\$49,955	\$50,954	\$51,973	\$53,013	\$54,073	\$55,155	\$56,258	\$57,383	\$58,531	\$536,270
PILOT - County			\$0	\$47,514	\$48,464	\$49,434	\$50,422	\$51,431	\$52,460	\$53,509	\$54,579	\$55,670	\$56,784	\$520,267
PILOT - State			\$0	\$1,909	\$1,947	\$1,986	\$2,026	\$2,067	\$2,108	\$2,150	\$2,193	\$2,237	\$2,282	\$20,906
PILOT - School			\$0	\$77,428	\$78,976	\$80,556	\$82,167	\$83,810	\$85,486	\$87,196	\$88,940	\$90,719	\$92,533	\$847,812
PILOT - Comm. Coll.			\$0	\$34,845	\$35,542	\$36,253	\$36,978	\$37,717	\$38,472	\$39,241	\$40,026	\$40,827	\$41,643	\$381,544
New Resident Households ²		0		114	57	46	0	0	0	0	0	0	0	217
Households new to the city		65%		74.1	37.1	29.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	141.0
Households new to the county		33%		37.1	18.5	14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	70.0
Households new to the state		5.0%		5.7	2.9	2.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.9
New students in K-12		50%		37.1	18.5	14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	70.9
New Employees				7.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	7.0
New employee average salary		2.60%		\$42,918	\$44,034	\$45,179	\$46,354	\$47,559	\$48,795	\$50,064	\$51,366	\$52,701	\$54,071	N/A
Tax Abatement-Land				100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	N/A
Tax Abatement-Bldg.				100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	N/A
Visitors		0.0%	0	0	0	0	0	0	0	0	0	0	0	0
				City	County	State								
Percentage of sales taxable in the				0%	0%	0%								
Percentage of purchases taxable in the				50%	50%	75%								
Assumed Inflation Rate				2.60%										

¹ Fixtures, furniture and equipment costs are exempt from sales taxes, but are included here to reflect the firm's total investments.

² Assumption is that apartments will be 50% leased in Year 1, 75% in Year 2 and 95% by Year 3 and thereafter.

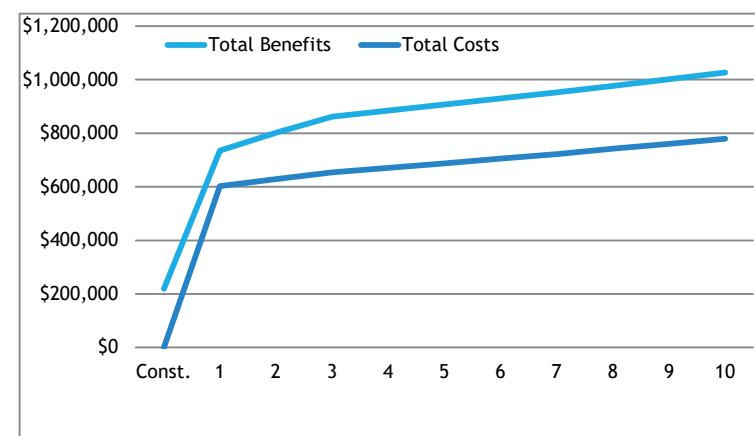
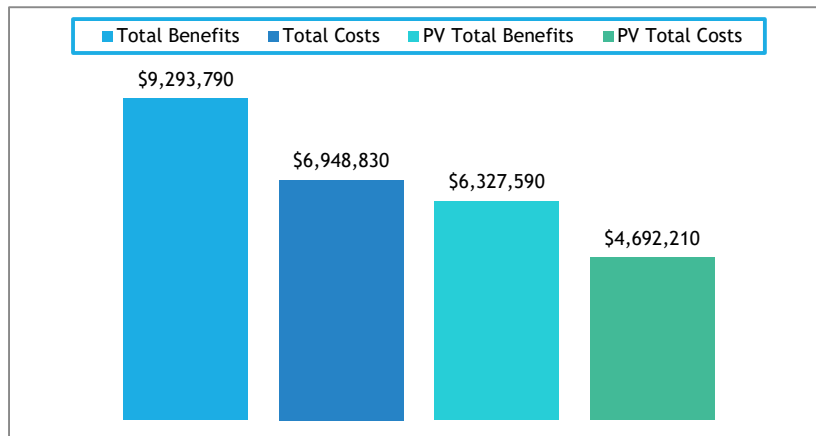
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY								
PROJECT NAME:		Hudson Apartments, LLC				Ratio of		
DATE:		2/21/2023				NPV of Net		
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$9,293,790	\$6,948,830	\$2,344,960	\$1,635,381	\$4,405,386	0.37	1.34	3%
Wyandotte County	\$7,472,086	\$6,401,678	\$1,070,408	\$763,387	\$4,273,921	0.18	1.17	2%
Kansas City USD 500	\$23,377,870	\$10,139,785	\$13,238,085	\$8,782,855	\$6,049,111	1.45	2.31	13%
KC Community College	\$5,564,944	\$4,686,875	\$878,069	\$588,593	\$3,134,327	0.19	1.19	2%
State of Kansas	\$2,524,257	\$1,154,713	\$1,369,544	\$1,311,929	\$171,743	7.64	2.19	12%

SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Hudson Apartments, LLC
DATE: 2/21/2023

City of Kansas City
(With LMW)
DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.34
Ratio of Present Value of Total Benefits to Present Value of Total Cost: 1.35
(Typical desired ratio would be 1.3 to 1) **Average ROI:** 3.37%

Year	Sales and Transient Guest Taxes	New Property Taxes	Utilities and Franchise Fees	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Incentives and Cost of Various City Services	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	\$219,375	\$0	\$0	\$0	\$0	\$219,375	\$219,375	\$0	\$0	\$0	\$0	\$219,375	\$219,375	\$219,375	\$0
1	\$47,080	\$578,996	\$43,777	\$48,976	\$15,784	\$734,613	\$683,361	\$22,997	\$578,996	\$601,993	\$559,993	\$132,620	\$351,995	\$123,367	\$538,601
2	\$69,814	\$594,050	\$64,674	\$49,955	\$23,474	\$801,967	\$693,968	\$34,202	\$594,050	\$628,251	\$543,646	\$173,715	\$525,710	\$150,321	\$514,051
3	\$88,992	\$609,495	\$82,751	\$50,954	\$29,962	\$862,155	\$694,000	\$43,656	\$609,495	\$653,151	\$525,761	\$209,004	\$734,714	\$168,240	\$490,619
4	\$90,767	\$625,342	\$85,234	\$51,973	\$30,570	\$883,886	\$661,854	\$44,541	\$625,342	\$669,883	\$501,609	\$214,003	\$948,717	\$160,246	\$468,256
5	\$92,578	\$641,601	\$87,791	\$53,013	\$31,190	\$906,173	\$631,202	\$45,445	\$641,601	\$687,045	\$478,567	\$219,127	\$1,167,844	\$152,635	\$446,913
6	\$94,426	\$658,282	\$90,425	\$54,073	\$31,823	\$929,029	\$601,975	\$46,367	\$658,282	\$704,649	\$456,585	\$224,380	\$1,392,224	\$145,390	\$426,542
7	\$96,311	\$675,398	\$93,137	\$55,155	\$32,469	\$952,469	\$574,106	\$47,307	\$675,398	\$722,705	\$435,614	\$229,765	\$1,621,989	\$138,492	\$407,099
8	\$98,235	\$692,958	\$95,931	\$56,258	\$33,127	\$976,509	\$547,531	\$48,267	\$692,958	\$741,225	\$415,607	\$235,284	\$1,857,273	\$131,924	\$388,543
9	\$100,198	\$710,975	\$98,809	\$57,383	\$33,799	\$1,001,164	\$522,191	\$49,246	\$710,975	\$760,221	\$396,519	\$240,943	\$2,098,216	\$125,672	\$370,833
10	\$102,200	\$729,460	\$101,774	\$58,531	\$34,485	\$1,026,450	\$498,027	\$50,246	\$729,460	\$779,706	\$378,309	\$246,744	\$2,344,960	\$119,719	\$353,930
Total	\$1,099,977	\$6,516,556	\$844,303	\$536,270	\$296,683	\$9,293,790	\$6,327,590	\$432,274	\$6,516,556	\$6,948,830	\$4,692,210	\$2,344,960	\$2,344,960	\$1,635,381	\$4,405,386



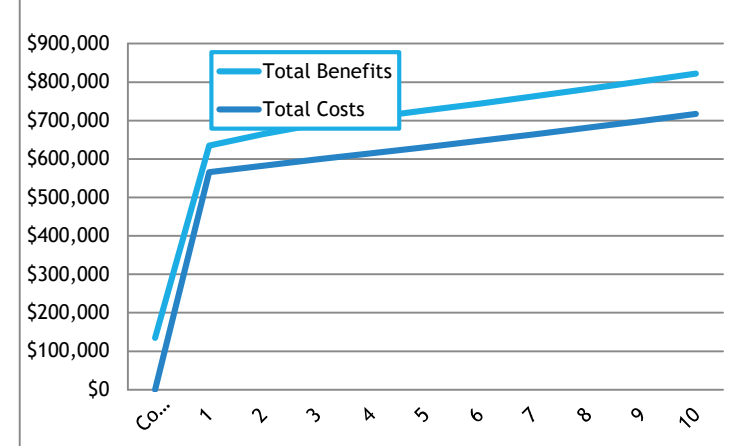
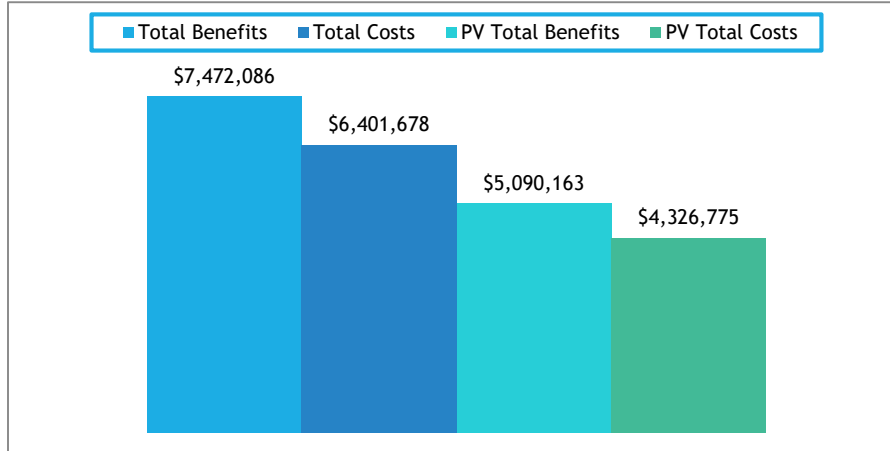
SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Hudson Apartments, LLC
DATE: 2/21/2023

Wyandotte County
(With LMW)

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.17
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 1.18
Average ROI 1.67%

Year	Sales and Transient Guest Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
Const.	\$135,000	\$0	\$0	\$0	\$135,000	\$135,000	\$0	\$0	\$0	\$0	\$135,000	\$135,000	\$135,000	\$0
1	\$18,724	\$561,718	\$47,514	\$7,307	\$635,263	\$590,943	\$4,365	\$561,718	\$566,082	\$526,588	\$69,181	\$204,181	\$64,355	\$522,528
2	\$27,096	\$576,322	\$48,464	\$12,502	\$664,384	\$574,913	\$6,341	\$576,322	\$582,663	\$504,198	\$81,721	\$285,902	\$70,716	\$498,710
3	\$34,164	\$591,307	\$49,434	\$15,801	\$690,705	\$555,990	\$8,010	\$591,307	\$599,317	\$482,426	\$91,388	\$377,290	\$73,564	\$475,978
4	\$34,847	\$606,681	\$50,422	\$16,125	\$708,074	\$530,206	\$8,175	\$606,681	\$614,855	\$460,404	\$93,219	\$470,509	\$69,802	\$454,283
5	\$35,543	\$622,454	\$51,431	\$16,456	\$725,884	\$505,621	\$8,343	\$622,454	\$630,797	\$439,387	\$95,087	\$565,596	\$66,234	\$433,576
6	\$36,254	\$638,638	\$52,460	\$16,793	\$744,145	\$482,177	\$8,514	\$638,638	\$647,152	\$419,330	\$96,993	\$662,590	\$62,848	\$413,813
7	\$36,980	\$655,243	\$53,509	\$17,138	\$762,869	\$459,823	\$8,689	\$655,243	\$663,931	\$400,188	\$98,938	\$761,528	\$59,635	\$394,951
8	\$37,721	\$672,279	\$54,579	\$17,490	\$782,068	\$438,507	\$8,867	\$672,279	\$681,146	\$381,920	\$100,922	\$862,450	\$56,587	\$376,948
9	\$38,477	\$689,758	\$55,670	\$17,849	\$801,754	\$418,182	\$9,049	\$689,758	\$698,807	\$364,486	\$102,947	\$965,396	\$53,695	\$359,766
10	\$39,248	\$707,692	\$56,784	\$18,215	\$821,939	\$398,800	\$9,235	\$707,692	\$716,927	\$347,849	\$105,012	\$1,070,408	\$50,951	\$343,368
Total	\$474,054	\$6,322,090	\$520,267	\$155,675	\$7,472,086	\$5,090,163	\$79,587	\$6,322,090	\$6,401,678	\$4,326,775	\$1,070,408	\$1,070,408	\$763,387	\$4,273,921



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Hudson Apartments, LLC

DATE: 2/21/2023

Kansas City USD 500

(With LMW)

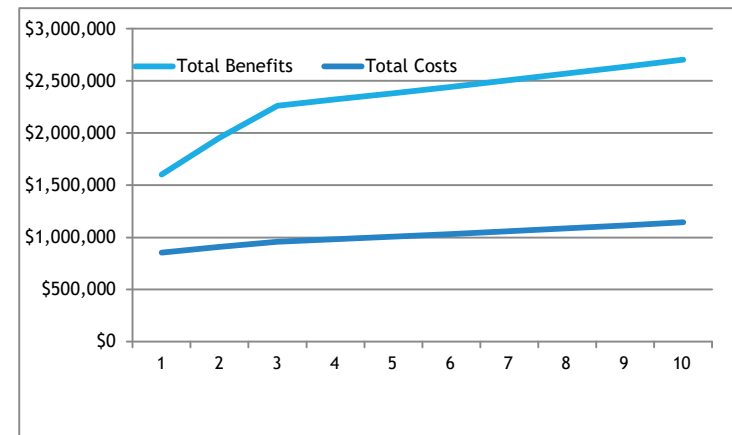
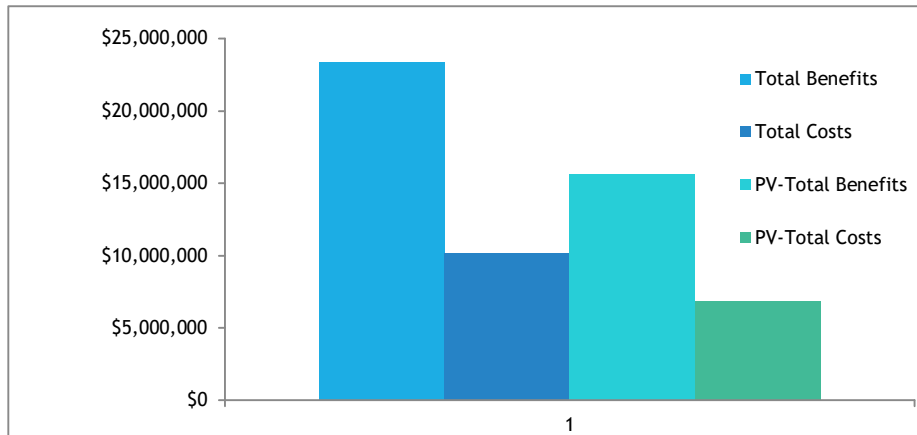
DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.31

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.28

(Typical desired ratio would be 1.3 to 1) **Average ROI** 13.06%

Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$795,029	\$77,428	\$120,330	\$609,135	\$1,601,922	\$1,490,160	\$59,370	\$795,029	\$854,399	\$794,790	\$747,523	\$747,523	\$695,370	\$739,562
2	\$815,700	\$78,976	\$123,458	\$937,459	\$1,955,594	\$1,692,239	\$91,370	\$815,700	\$907,070	\$784,917	\$1,048,523	\$1,796,046	\$907,322	\$705,852
3	\$836,908	\$80,556	\$126,668	\$1,218,322	\$2,262,454	\$1,821,186	\$118,745	\$836,908	\$955,653	\$769,263	\$1,306,801	\$3,102,847	\$1,051,923	\$673,678
4	\$858,668	\$82,167	\$129,962	\$1,249,998	\$2,320,794	\$1,737,812	\$121,832	\$858,668	\$980,500	\$734,199	\$1,340,295	\$4,443,142	\$1,003,613	\$642,971
5	\$880,993	\$83,810	\$133,341	\$1,282,498	\$2,380,642	\$1,658,257	\$125,000	\$880,993	\$1,005,993	\$700,733	\$1,374,649	\$5,817,791	\$957,524	\$613,663
6	\$903,899	\$85,486	\$136,807	\$1,315,843	\$2,442,036	\$1,582,345	\$128,250	\$903,899	\$1,032,149	\$668,793	\$1,409,887	\$7,227,679	\$913,553	\$585,692
7	\$927,400	\$87,196	\$140,364	\$1,350,055	\$2,505,016	\$1,509,911	\$131,584	\$927,400	\$1,058,984	\$638,308	\$1,446,032	\$8,673,710	\$871,603	\$558,995
8	\$951,513	\$88,940	\$144,014	\$1,385,157	\$2,569,623	\$1,440,793	\$135,006	\$951,513	\$1,086,518	\$609,213	\$1,483,105	\$10,156,816	\$831,580	\$533,515
9	\$976,252	\$90,719	\$147,758	\$1,421,171	\$2,635,900	\$1,374,842	\$138,516	\$976,252	\$1,114,768	\$581,444	\$1,521,132	\$11,677,948	\$793,397	\$509,197
10	\$1,001,634	\$92,533	\$151,600	\$1,458,121	\$2,703,889	\$1,311,910	\$142,117	\$1,001,634	\$1,143,752	\$554,941	\$1,560,137	\$13,238,085	\$756,969	\$485,987
Total	\$8,947,995	\$847,812	\$1,354,302	\$12,227,761	\$23,377,870	\$15,619,456	\$1,191,790	\$8,947,995	\$10,139,785	\$6,836,601	\$13,238,085	\$13,238,085	\$8,782,855	\$6,049,111



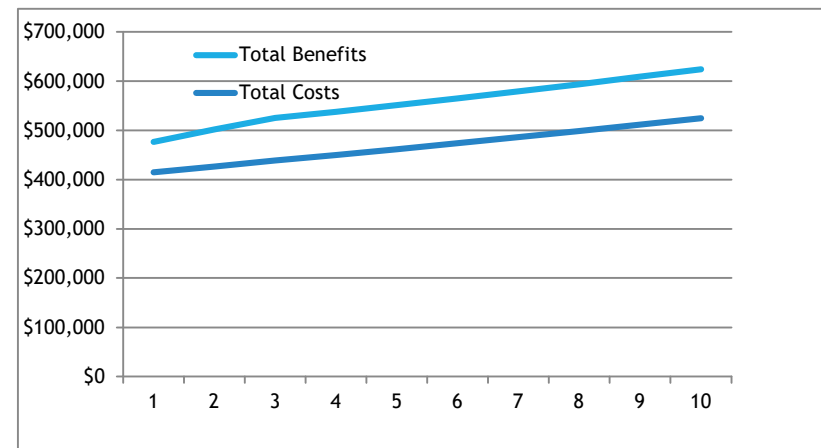
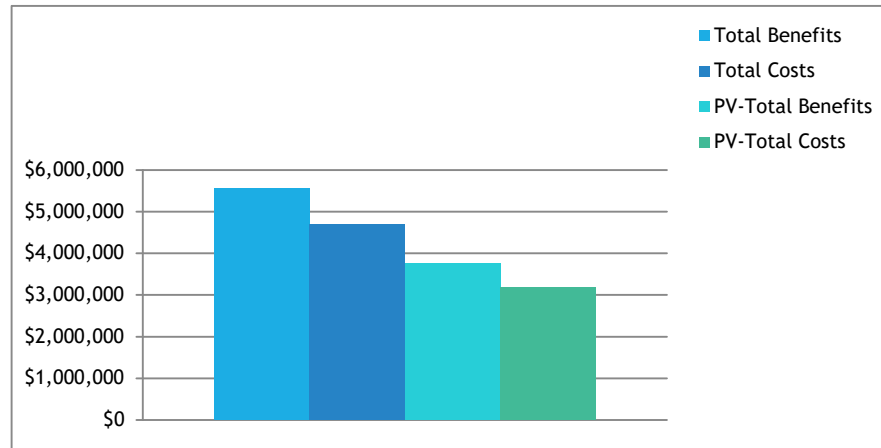
SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Hudson Apartments, LLC
DATE: 2/21/2023

KC Community College
(With LMW)

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.19
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 1.19
(Typical desired ratio would be 1.3 to 1) **Average ROI** 1.87%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$411,942	\$34,845	\$30,045	\$476,832	\$443,564	\$2,774	\$411,942	\$414,715	\$385,782	\$62,116	\$62,116	\$57,783	\$383,202
2	\$422,652	\$35,542	\$43,599	\$501,794	\$434,218	\$4,025	\$422,652	\$426,677	\$369,218	\$75,116	\$137,233	\$65,001	\$365,735
3	\$433,641	\$36,253	\$55,048	\$524,941	\$422,557	\$5,082	\$433,641	\$438,723	\$353,155	\$86,218	\$223,451	\$69,402	\$349,064
4	\$444,916	\$36,978	\$56,178	\$538,072	\$402,908	\$5,186	\$444,916	\$450,102	\$337,037	\$87,970	\$311,421	\$65,872	\$333,153
5	\$456,484	\$37,717	\$57,332	\$551,533	\$384,175	\$5,293	\$456,484	\$461,776	\$321,654	\$89,757	\$401,177	\$62,521	\$317,968
6	\$468,352	\$38,472	\$58,510	\$565,334	\$366,315	\$5,402	\$468,352	\$473,754	\$306,974	\$91,580	\$492,757	\$59,340	\$303,474
7	\$480,529	\$39,241	\$59,712	\$579,483	\$349,286	\$5,513	\$480,529	\$486,042	\$292,964	\$93,441	\$586,198	\$56,322	\$289,641
8	\$493,023	\$40,026	\$60,940	\$593,989	\$333,051	\$5,626	\$493,023	\$498,649	\$279,594	\$95,340	\$681,538	\$53,457	\$276,439
9	\$505,842	\$40,827	\$62,192	\$608,860	\$317,571	\$5,742	\$505,842	\$511,583	\$266,833	\$97,277	\$778,815	\$50,738	\$263,839
10	\$518,994	\$41,643	\$63,471	\$624,107	\$302,813	\$5,860	\$518,994	\$524,853	\$254,656	\$99,254	\$878,069	\$48,157	\$251,813
Total	\$4,636,374	\$381,544	\$547,027	\$5,564,944	\$3,756,459	\$50,502	\$4,636,374	\$4,686,875	\$3,167,866	\$878,069	\$878,069	\$588,593	\$3,134,327

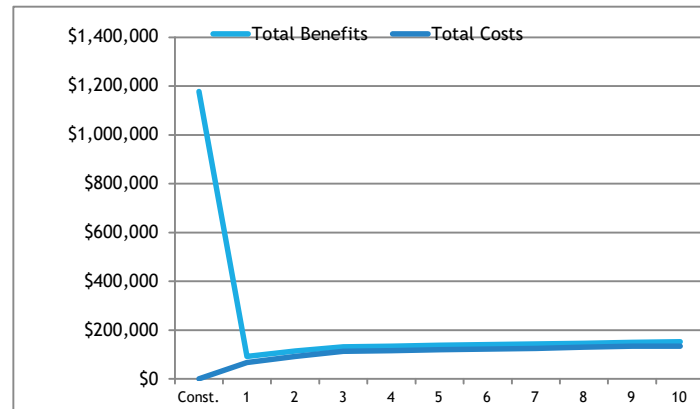
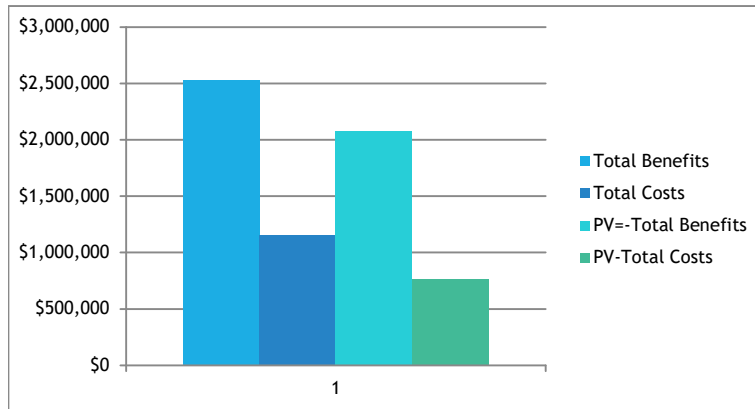


SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Hudson Apartments, LLC
DATE: 2/21/2023

State of Kansas
(With LMW)

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.19
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.71
DISCOUNT RATE: 7.50% (Typical desired ratio would be 1.3 to 1) Average ROI 11.86%

Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Other Costs & Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	\$877,500	\$0	\$300,000	\$0	\$0	\$1,177,500	\$1,177,500	\$0	\$0	\$0	\$0	\$0	\$0	\$1,177,500	\$1,177,500	\$1,177,500	\$0
1	\$37,516	\$22,572	\$13,098	\$1,909	\$16,808	\$91,903	\$85,491	\$10,193	\$34,760	\$22,572	\$0	\$67,525	\$62,814	\$24,377	\$1,201,877	\$22,677	\$20,997
2	\$46,110	\$23,159	\$16,860	\$1,947	\$25,716	\$113,792	\$98,468	\$15,596	\$53,495	\$23,159	\$0	\$92,250	\$79,827	\$21,542	\$1,223,419	\$18,641	\$20,040
3	\$53,424	\$23,761	\$20,061	\$1,986	\$33,225	\$132,457	\$106,623	\$20,150	\$69,523	\$23,761	\$0	\$113,434	\$91,310	\$19,024	\$1,242,443	\$15,313	\$19,127
4	\$54,439	\$24,379	\$20,502	\$2,026	\$33,889	\$135,235	\$101,264	\$20,553	\$71,330	\$24,379	\$0	\$116,262	\$87,057	\$18,973	\$1,261,416	\$14,207	\$18,255
5	\$55,477	\$25,013	\$20,953	\$2,067	\$34,567	\$138,076	\$96,178	\$20,964	\$73,185	\$25,013	\$0	\$119,161	\$83,003	\$18,915	\$1,280,331	\$13,175	\$17,423
6	\$56,538	\$25,663	\$21,414	\$2,108	\$35,258	\$140,981	\$91,351	\$21,383	\$75,088	\$25,663	\$0	\$122,134	\$79,138	\$18,848	\$1,299,179	\$12,213	\$16,629
7	\$57,623	\$26,330	\$21,885	\$2,150	\$35,964	\$143,952	\$86,768	\$21,811	\$77,040	\$26,330	\$0	\$125,181	\$75,453	\$18,771	\$1,317,950	\$11,314	\$15,871
8	\$58,732	\$27,015	\$22,367	\$2,193	\$36,683	\$146,990	\$82,418	\$22,247	\$81,098	\$27,015	\$0	\$130,360	\$73,093	\$16,630	\$1,334,580	\$9,325	\$15,147
9	\$59,866	\$27,717	\$22,860	\$2,237	\$37,416	\$150,097	\$78,288	\$22,692	\$83,207	\$27,717	\$0	\$133,616	\$69,692	\$16,481	\$1,351,061	\$8,596	\$14,457
10	\$61,026	\$28,438	\$23,363	\$2,282	\$38,165	\$153,273	\$74,367	\$23,146	\$83,207	\$28,438	\$0	\$134,790	\$65,399	\$18,483	\$1,369,544	\$8,968	\$13,798
Total	\$1,418,251	\$254,046	\$503,362	\$20,906	\$327,691	\$2,524,257	\$2,078,715	\$198,734	\$701,933	\$254,046	\$0	\$1,154,713	\$766,786	\$1,369,544	\$1,369,544	\$1,311,929	\$171,743



Hudson Apartments, LLC (With LMW)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	7	7
Construction jobs created	304	
Number of New Residents in the Community	199	377
Number of Additional Students in the Local School District	37	71
Increase in Local Personal Incomes	\$4,502,935	\$85,315,345
Increase in Local Retail Sales	\$48,399,952	\$109,459,663
Increase in the Community's Property Tax Base	\$60,280,000	\$60,280,000
		Property Taxes
Estimated new annual tax revenues after 10 years:	City	\$748,426
	County	\$726,092
	School	\$1,183,218
	Comm. Coll.	\$532,487
	State	\$29,177
	Totals	\$3,219,401

Hudson Apartments, LLC

(With LMW)

OVERALL COST-BENEFIT SUMMARY

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS	INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Guest & Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				PROPERTY TAXES ABATED	ALL INDIRECT COSTS		
City of Kansas City	\$1,099,977	\$536,270	\$6,516,556			\$844,303	\$8,997,106	\$296,683	\$9,293,790	\$6,516,556	\$22,997	\$6,539,553	\$2,754,237
Wyandotte County	\$474,054	\$520,267	\$6,322,090				\$7,316,411	\$155,675	\$7,472,086	\$6,322,090	\$79,587	\$6,401,678	\$1,070,408
Kansas City USD 500		\$847,812	\$10,302,297	\$12,227,761			\$23,377,870	\$0	\$23,377,870	\$8,947,995	\$1,191,790	\$10,139,785	\$13,238,085
KC Community College		\$381,544	\$4,636,374				\$5,017,917	\$547,027	\$5,564,944	\$4,636,374	\$198,734	\$4,835,108	\$729,836
State of Kansas	\$1,418,251	\$20,906	\$254,046		\$503,362		\$2,196,566	\$327,691	\$2,524,257	\$254,046	\$198,734	\$452,780	\$2,071,476
TOTALS	\$2,992,282	\$2,306,800	\$28,031,363	\$12,227,761	\$503,362	\$844,303	\$46,905,871	\$1,327,076	\$48,232,947	\$26,677,062	\$1,691,842	\$28,368,904	\$19,864,043

**A Tax Abatement Cost-Benefit Analysis of
Hudson Apartments, LLC
for the Unified Government of Kansas City/Wyandotte County**
Completed by
Municipal Consulting, LLC
Revised on 2/21/2023 (Without LMW)

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.
- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.
- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	1.34	3%
Wyandotte County	1.18	2%
Kansas City USD 500	2.31	13%
KC Community College	1.20	2%
State of Kansas	2.19	12%

Each of the taxing entities has a positive benefit-to-cost ratio. This report assumes that the Unified Government will approve a 100% property tax abatement for 10 years. A graduated PILOT payment has been considered in this analysis. This report assumes that the firm will obtain a sales tax exemption on construction materials and FFE and that the existing sales tax rates for the city, county and state will remain the same. We point out that the main economic benefits of this project are from new residents rather than new jobs.

We used conservative assumptions that the apartments would be 50% leased in Year 1, 75% in Year 2 and 95% in Year 3, and that only 65% of the new residents would come from outside the city.

If you have any questions or comments, you may reach me with the contact information below.

R. Steven Robb

Digitally signed by R. Steven
Robb

Date: 2023.02.21 20:47:32 -06'00'

R. Steven Robb

Sole Owner

Municipal Consulting, LLC

Cell: 620-704-6495 E-Mail: steverobb@ckt.net

2207 N. Free King Hwy, Pittsburg, KS 66762-8418

Column1	Column2	Column3	Column4	Column5	Column6
COST-BENEFIT ANALYSIS PROJECT SUMMARY					
PROJECT NAME:	Hudson Apartments, LLC				(Without LMW)
DATE:			2/21/2023	(Revised)	
GOVERNMENTAL ENTITIES INVOLVED:					
CITY:			City of Kansas City		
COUNTY:			Wyandotte County		
SCHOOL DISTRICT:			Kansas City USD 500		
SPECIAL TAXING DISTRICT #1			KC Community College		
STATE:			State of Kansas		
INFLATION RATE:		2.60%	DISCOUNT RATE:		7.50%

Hudson Apartments, LLC

Column1	Column2	Column3	Column4	Column6	Column11
Community Data Inputs:					
	City of Kansas City	Wyandotte County	Kansas City USD 500	KC Community College	State
Mill Levy	38.476593	37.328383	60.829259	27.375176	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a
Utility Revenue/HsHld	\$0.93	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$512.25	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$71.31	\$72.15	n/a	\$250.24	\$1,511.19
Marg. Cost/Res./Student	\$103.90	\$36.50	\$1,602.43	\$23.10	\$654.19
Other Revenues/Worker	\$66.73	\$67.52	n/a	\$234.17	\$1,296.05
Marginal Cost/New Worker	\$97.23	\$34.15	n/a	\$21.62	\$561.06
State Funding/Pupil	n/a	n/a	\$11,887.38	n/a	\$10,173
Federal Funding/Pupil	n/a	n/a	\$4,136.89	n/a	\$1,022
Visitor Daily Spending	\$50.00	\$50.00		Total Mill Levy	\$75.00
Average Hotel Room Rate	\$100	\$100		165.509411	n/a
Retail Pull Factor	0.96	0.97			n/a
Percent of County Share	90.80%	100.00%			n/a
Ann. Local Per Capita Sales/Use Tax	\$211	\$155			n/a
Ann. State Per Capita Sales/Use Tax	\$994	\$1,011			\$1,078
Annual Per Capita Retail Sales	\$15,297	\$15,561			\$16,581
Average Household Size	2.68	2.67			2.49
Avg. Wage-All Occupations	\$55,838	\$55,838			\$48,609

Hudson Apartments, LLC

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15
Firm Data Inputs:				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Investment in Land				\$280,000										
Investment in Building				\$60,000,000										
Investment in Furniture, Fixtures & Equip.				\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,500,000
Contingencies				\$2,220,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,220,000
Total Project Investment				\$64,000,000										
City sales tax exemption on materials & FFE:				\$511,875	County Sales Tax Exemption		\$315,000	State Sales Tax Exemption:		\$1,950,000				\$2,776,875
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Purchases		0.00%		\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$1,500,000
Net City Util. Revenue		3.00%	\$0	\$2,179	\$2,279	\$2,377	\$2,448	\$2,522	\$2,597	\$2,675	\$2,756	\$2,838	\$2,923	\$25,595
Franchise Fees		3.00%	\$0	\$41,599	\$62,395	\$80,374	\$82,785	\$85,269	\$87,827	\$90,462	\$93,176	\$95,971	\$98,850	\$818,708
PILOT - City			\$0	\$48,976	\$50,935	\$52,972	\$55,091	\$57,295	\$59,587	\$61,970	\$64,449	\$67,027	\$69,708	\$588,007
PILOT - County			\$0	\$47,514	\$49,415	\$51,391	\$53,447	\$55,585	\$57,808	\$60,121	\$62,525	\$65,026	\$67,628	\$570,460
PILOT - State			\$0	\$1,909	\$1,986	\$2,065	\$2,148	\$2,234	\$2,323	\$2,416	\$2,513	\$2,613	\$2,718	\$22,923
PILOT - School			\$0	\$77,428	\$80,525	\$83,746	\$87,096	\$90,579	\$94,203	\$97,971	\$101,890	\$105,965	\$110,204	\$929,606
PILOT - Comm. Coll.			\$0	\$34,845	\$36,239	\$37,688	\$39,196	\$40,764	\$42,394	\$44,090	\$45,854	\$47,688	\$49,595	\$418,353
New Resident Households ²		0		114	57	46	0	0	0	0	0	0	0	217
Households new to the city		65%		74.1	37.1	29.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	141.0
Households new to the county		33%		37.1	18.5	14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	70.0
Households new to the state		5.0%		5.7	2.9	2.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	10.9
New students in K-12		50%		37.1	18.5	14.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	70.9
New Employees				7.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	7.0
New employee average salary		2.60%		\$42,918	\$44,034	\$45,179	\$46,354	\$47,559	\$48,795	\$50,064	\$51,366	\$52,701	\$54,071	N/A
Tax Abatement-Land				100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	N/A
Tax Abatement-Bldg.				100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	N/A
Visitors		0.0%	0	0	0	0	0	0	0	0	0	0	0	0
				City	County	State								
Percentage of sales taxable in the				0%	0%	0%								
Percentage of purchases taxable in the				50%	50%	75%								
Assumed Inflation Rate				2.60%										

¹ Fixtures, furniture and equipment costs are exempt from sales taxes, but are included here to reflect the firm's total investments.

² Assumption is that apartments will be 50% leased in Year 1, 75% in Year 2 and 95% by Year 3 and thereafter.

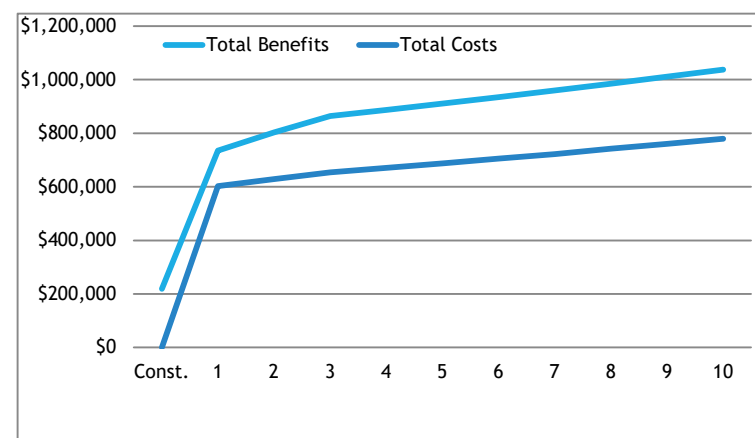
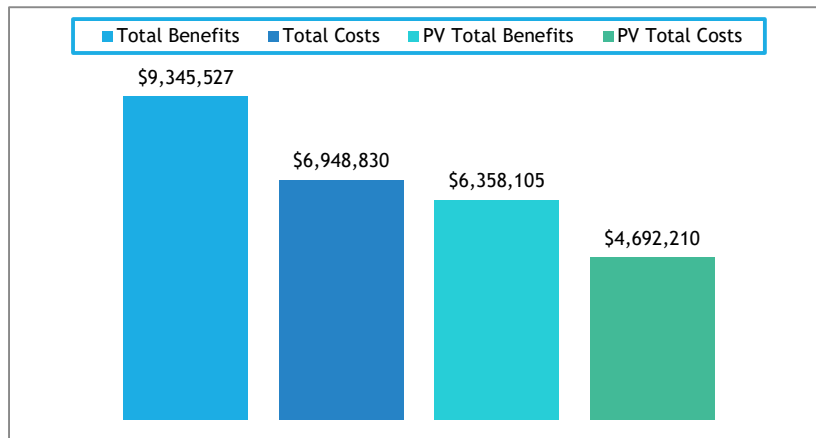
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY					(Without LMW)			
PROJECT NAME:		Hudson Apartments, LLC				Ratio of		
DATE:		2/21/2023				NPV of Net		
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$9,345,527	\$6,948,830	\$2,396,697	\$1,665,896	\$4,405,386	0.38	1.34	3%
Wyandotte County	\$7,522,279	\$6,401,678	\$1,120,602	\$792,992	\$4,273,921	0.19	1.18	2%
Kansas City USD 500	\$23,459,663	\$10,139,785	\$13,319,879	\$8,831,097	\$6,049,111	1.46	2.31	13%
KC Community College	\$5,601,754	\$4,686,875	\$914,879	\$610,304	\$3,134,327	0.19	1.20	2%
State of Kansas	\$2,526,274	\$1,154,713	\$1,371,561	\$1,313,118	\$171,743	7.65	2.19	12%

SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Hudson Apartments, LLC
DATE: 2/21/2023

City of Kansas City
(Without LMW)
DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.34
Ratio of Present Value of Total Benefits to Present Value of Total Cost: 1.36
(Typical desired ratio would be 1.3 to 1) **Average ROI:** 3.45%

Year	Sales and Transient Guest Taxes	New Property Taxes	Utilities and Franchise Fees	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Incentives and Cost of Various City Services	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	\$219,375	\$0	\$0	\$0	\$0	\$219,375	\$219,375	\$0	\$0	\$0	\$0	\$219,375	\$219,375	\$219,375	\$0
1	\$47,080	\$578,996	\$43,777	\$48,976	\$15,784	\$734,613	\$683,361	\$22,997	\$578,996	\$601,993	\$559,993	\$132,620	\$351,995	\$123,367	\$538,601
2	\$69,814	\$594,050	\$64,674	\$50,935	\$23,474	\$802,946	\$694,815	\$34,202	\$594,050	\$628,251	\$543,646	\$174,695	\$526,690	\$151,169	\$514,051
3	\$88,992	\$609,495	\$82,751	\$52,972	\$29,962	\$864,172	\$695,625	\$43,656	\$609,495	\$653,151	\$525,761	\$211,022	\$737,711	\$169,864	\$490,619
4	\$90,767	\$625,342	\$85,234	\$55,091	\$30,570	\$887,004	\$664,189	\$44,541	\$625,342	\$669,883	\$501,609	\$217,120	\$954,832	\$162,580	\$468,256
5	\$92,578	\$641,601	\$87,791	\$57,295	\$31,190	\$910,454	\$634,185	\$45,445	\$641,601	\$687,045	\$478,567	\$223,409	\$1,178,241	\$155,617	\$446,913
6	\$94,426	\$658,282	\$90,425	\$59,587	\$31,823	\$934,542	\$605,547	\$46,367	\$658,282	\$704,649	\$456,585	\$229,893	\$1,408,134	\$148,962	\$426,542
7	\$96,311	\$675,398	\$93,137	\$61,970	\$32,469	\$959,285	\$578,214	\$47,307	\$675,398	\$722,705	\$435,614	\$236,580	\$1,644,714	\$142,600	\$407,099
8	\$98,235	\$692,958	\$95,931	\$64,449	\$33,127	\$984,700	\$552,124	\$48,267	\$692,958	\$741,225	\$415,607	\$243,475	\$1,888,189	\$136,517	\$388,543
9	\$100,198	\$710,975	\$98,809	\$67,027	\$33,799	\$1,010,808	\$527,221	\$49,246	\$710,975	\$760,221	\$396,519	\$250,587	\$2,138,776	\$130,702	\$370,833
10	\$102,200	\$729,460	\$101,774	\$69,708	\$34,485	\$1,037,627	\$503,450	\$50,246	\$729,460	\$779,706	\$378,309	\$257,921	\$2,396,697	\$125,142	\$353,930
Total	\$1,099,977	\$6,516,556	\$844,303	\$588,007	\$296,683	\$9,345,527	\$6,358,105	\$432,274	\$6,516,556	\$6,948,830	\$4,692,210	\$2,396,697	\$2,396,697	\$1,665,896	\$4,405,386



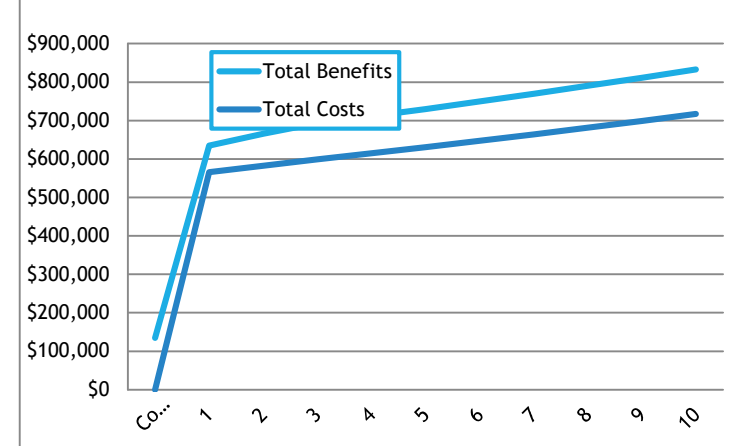
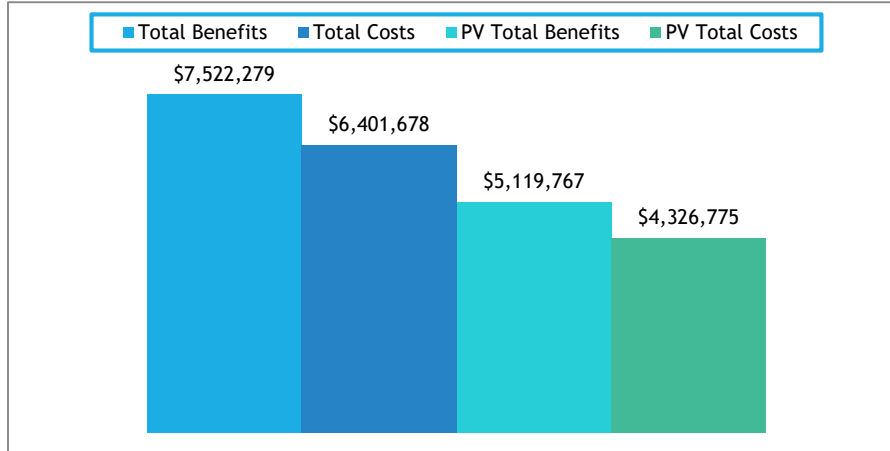
SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Hudson Apartments, LLC
DATE: 2/21/2023

Wyandotte County
(Without LMW)

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:	1.18
Ratio of Present Value of Total Benefits to Present Value of Total Costs:	1.18
Average ROI	1.75%

Year	Sales and Transient Guest Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
Const.	\$135,000	\$0	\$0	\$0	\$135,000	\$135,000	\$0	\$0	\$0	\$0	\$135,000	\$135,000	\$135,000	\$0
1	\$18,724	\$561,718	\$47,514	\$7,307	\$635,263	\$590,943	\$4,365	\$561,718	\$566,082	\$526,588	\$69,181	\$204,181	\$64,355	\$522,528
2	\$27,096	\$576,322	\$49,415	\$12,502	\$665,335	\$575,736	\$6,341	\$576,322	\$582,663	\$504,198	\$82,671	\$286,853	\$71,538	\$498,710
3	\$34,164	\$591,307	\$51,391	\$15,801	\$692,662	\$557,566	\$8,010	\$591,307	\$599,317	\$482,426	\$93,345	\$380,198	\$75,139	\$475,978
4	\$34,847	\$606,681	\$53,447	\$16,125	\$711,099	\$532,471	\$8,175	\$606,681	\$614,855	\$460,404	\$96,243	\$476,442	\$72,067	\$454,283
5	\$35,543	\$622,454	\$55,585	\$16,456	\$730,038	\$508,514	\$8,343	\$622,454	\$630,797	\$439,387	\$99,241	\$575,683	\$69,127	\$433,576
6	\$36,254	\$638,638	\$57,808	\$16,793	\$749,494	\$485,643	\$8,514	\$638,638	\$647,152	\$419,330	\$102,342	\$678,025	\$66,314	\$413,813
7	\$36,980	\$655,243	\$60,121	\$17,138	\$769,481	\$463,809	\$8,689	\$655,243	\$663,931	\$400,188	\$105,550	\$783,575	\$63,621	\$394,951
8	\$37,721	\$672,279	\$62,525	\$17,490	\$790,015	\$442,963	\$8,867	\$672,279	\$681,146	\$381,920	\$108,869	\$892,443	\$61,043	\$376,948
9	\$38,477	\$689,758	\$65,026	\$17,849	\$811,110	\$423,062	\$9,049	\$689,758	\$698,807	\$364,486	\$112,302	\$1,004,746	\$58,575	\$359,766
10	\$39,248	\$707,692	\$67,628	\$18,215	\$832,783	\$404,061	\$9,235	\$707,692	\$716,927	\$347,849	\$115,856	\$1,120,602	\$56,212	\$343,368
Total	\$474,054	\$6,322,090	\$570,460	\$155,675	\$7,522,279	\$5,119,767	\$79,587	\$6,322,090	\$6,401,678	\$4,326,775	\$1,120,602	\$1,120,602	\$792,992	\$4,273,921



SUMMARY OF COSTS AND BENEFITS FOR:

PROJECT: Hudson Apartments, LLC

DATE: 2/21/2023

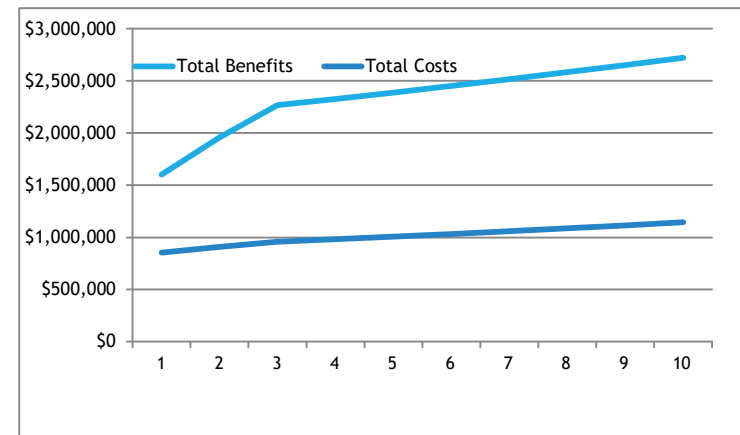
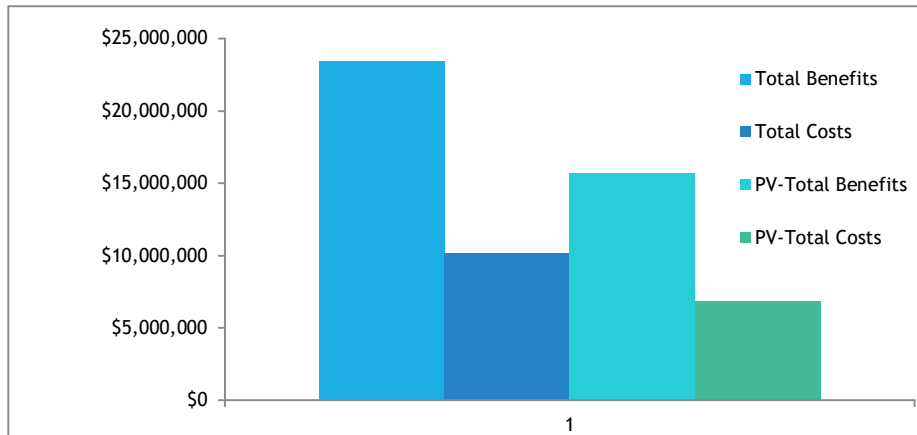
Kansas City USD 500

(Without LMW)

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:	2.31
Ratio of Present Value of Total Benefits to Present Value of Total Costs:	2.29
(Typical desired ratio would be 1.3 to 1) Average ROI	13.14%

Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$795,029	\$77,428	\$120,330	\$609,135	\$1,601,922	\$1,490,160	\$59,370	\$795,029	\$854,399	\$794,790	\$747,523	\$747,523	\$695,370	\$739,562
2	\$815,700	\$80,525	\$123,458	\$937,459	\$1,957,142	\$1,693,579	\$91,370	\$815,700	\$907,070	\$784,917	\$1,050,072	\$1,797,595	\$908,662	\$705,852
3	\$836,908	\$83,746	\$126,668	\$1,218,322	\$2,265,644	\$1,823,754	\$118,745	\$836,908	\$955,653	\$769,263	\$1,309,991	\$3,107,586	\$1,054,491	\$673,678
4	\$858,668	\$87,096	\$129,962	\$1,249,998	\$2,325,723	\$1,741,503	\$121,832	\$858,668	\$980,500	\$734,199	\$1,345,223	\$4,452,809	\$1,007,304	\$642,971
5	\$880,993	\$90,579	\$133,341	\$1,282,498	\$2,387,411	\$1,662,972	\$125,000	\$880,993	\$1,005,993	\$700,733	\$1,381,418	\$5,834,228	\$962,239	\$613,663
6	\$903,899	\$94,203	\$136,807	\$1,315,843	\$2,450,752	\$1,587,993	\$128,250	\$903,899	\$1,032,149	\$668,793	\$1,418,604	\$7,252,832	\$919,201	\$585,692
7	\$927,400	\$97,971	\$140,364	\$1,350,055	\$2,515,790	\$1,516,405	\$131,584	\$927,400	\$1,058,984	\$638,308	\$1,456,806	\$8,709,638	\$878,097	\$558,995
8	\$951,513	\$101,890	\$144,014	\$1,385,157	\$2,582,573	\$1,448,054	\$135,006	\$951,513	\$1,086,518	\$609,213	\$1,496,055	\$10,205,692	\$838,841	\$533,515
9	\$976,252	\$105,965	\$147,758	\$1,421,171	\$2,651,146	\$1,382,794	\$138,516	\$976,252	\$1,114,768	\$581,444	\$1,536,378	\$11,742,071	\$801,350	\$509,197
10	\$1,001,634	\$110,204	\$151,600	\$1,458,121	\$2,721,559	\$1,320,484	\$142,117	\$1,001,634	\$1,143,752	\$554,941	\$1,577,808	\$13,319,879	\$765,543	\$485,987
Total	\$8,947,995	\$929,606	\$1,354,302	\$12,227,761	\$23,459,663	\$15,667,698	\$1,191,790	\$8,947,995	\$10,139,785	\$6,836,601	\$13,319,879	\$13,319,879	\$8,831,097	\$6,049,111



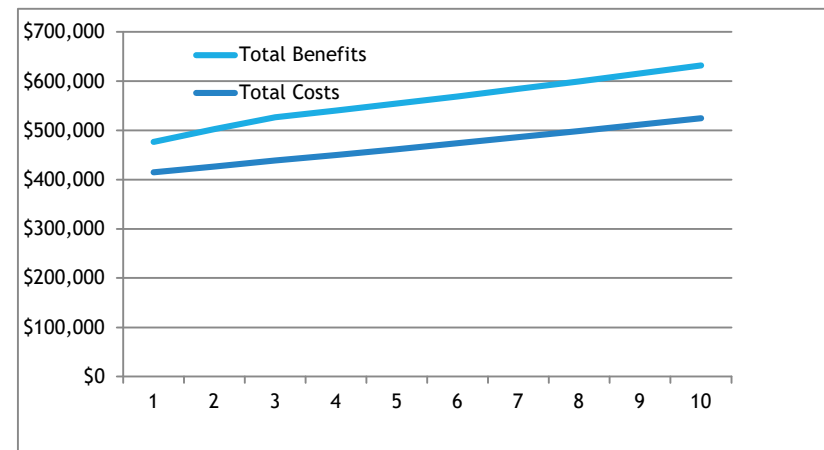
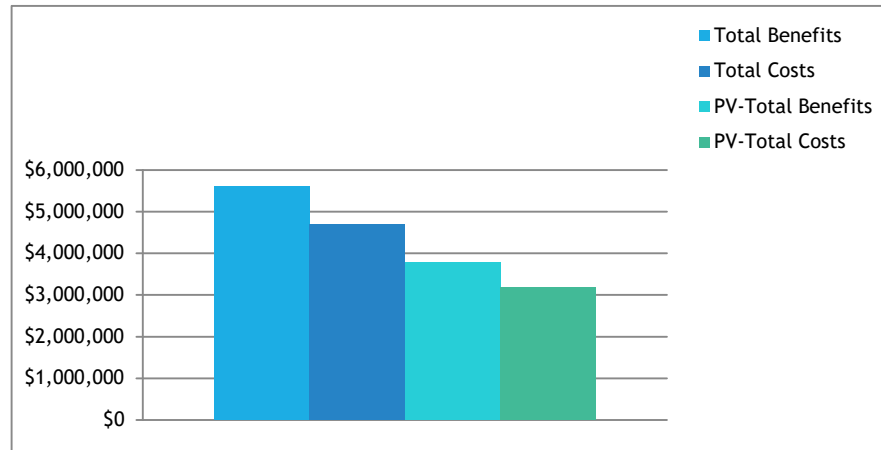
SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Hudson Apartments, LLC
DATE: 2/21/2023

KC Community College
(Without LMW)

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.20
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 1.19
(Typical desired ratio would be 1.3 to 1) **Average ROI** 1.95%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$411,942	\$34,845	\$30,045	\$476,832	\$443,564	\$2,774	\$411,942	\$414,715	\$385,782	\$62,116	\$62,116	\$57,783	\$383,202
2	\$422,652	\$36,239	\$43,599	\$502,490	\$434,821	\$4,025	\$422,652	\$426,677	\$369,218	\$75,813	\$137,930	\$65,604	\$365,735
3	\$433,641	\$37,688	\$55,048	\$526,377	\$423,713	\$5,082	\$433,641	\$438,723	\$353,155	\$87,654	\$225,583	\$70,558	\$349,064
4	\$444,916	\$39,196	\$56,178	\$540,290	\$404,569	\$5,186	\$444,916	\$450,102	\$337,037	\$90,188	\$315,771	\$67,533	\$333,153
5	\$456,484	\$40,764	\$57,332	\$554,579	\$386,297	\$5,293	\$456,484	\$461,776	\$321,654	\$92,803	\$408,574	\$64,643	\$317,968
6	\$468,352	\$42,394	\$58,510	\$569,257	\$368,856	\$5,402	\$468,352	\$473,754	\$306,974	\$95,503	\$504,077	\$61,882	\$303,474
7	\$480,529	\$44,090	\$59,712	\$584,332	\$352,209	\$5,513	\$480,529	\$486,042	\$292,964	\$98,290	\$602,367	\$59,245	\$289,641
8	\$493,023	\$45,854	\$60,940	\$599,816	\$336,318	\$5,626	\$493,023	\$498,649	\$279,594	\$101,167	\$703,534	\$56,725	\$276,439
9	\$505,842	\$47,688	\$62,192	\$615,722	\$321,150	\$5,742	\$505,842	\$511,583	\$266,833	\$104,138	\$807,672	\$54,317	\$263,839
10	\$518,994	\$49,595	\$63,471	\$632,059	\$306,671	\$5,860	\$518,994	\$524,853	\$254,656	\$107,206	\$914,879	\$52,016	\$251,813
Total	\$4,636,374	\$418,353	\$547,027	\$5,601,754	\$3,778,170	\$50,502	\$4,636,374	\$4,686,875	\$3,167,866	\$914,879	\$914,879	\$610,304	\$3,134,327



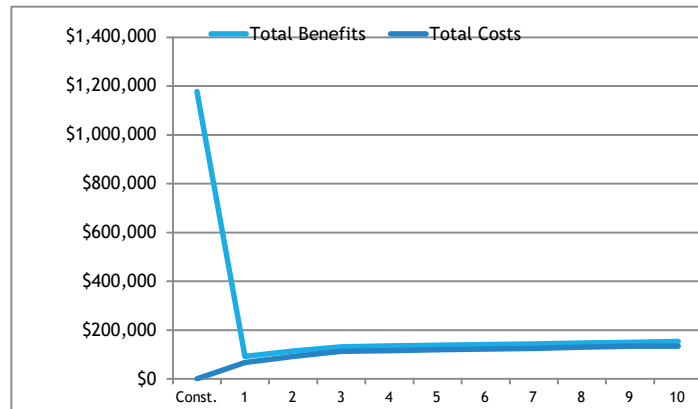
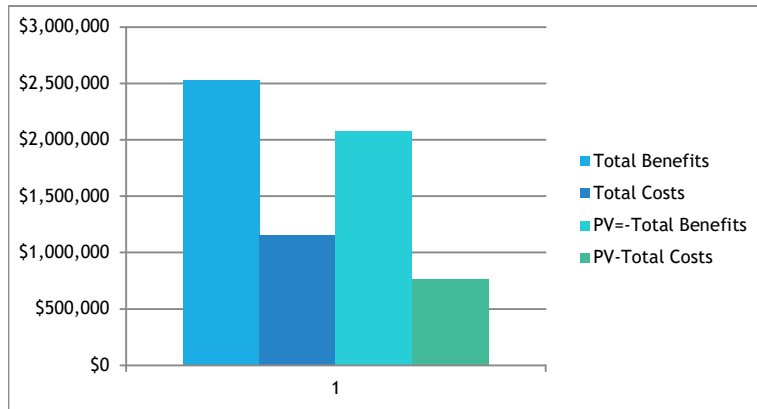
SUMMARY OF COSTS AND BENEFITS FOR:
PROJECT: Hudson Apartments, LLC
DATE: 2/21/2023

State of Kansas
(Without LMW)

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.19
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.71
Average ROI 11.88%
(Typical desired ratio would be 1.3 to 1)

Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Other Costs & Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	\$877,500	\$0	\$300,000	\$0	\$0	\$1,177,500	\$1,177,500	\$0	\$0	\$0	\$0	\$0	\$0	\$1,177,500	\$1,177,500	\$1,177,500	\$0
1	\$37,516	\$22,572	\$13,098	\$1,909	\$16,808	\$91,903	\$85,491	\$10,193	\$34,760	\$22,572	\$0	\$67,525	\$62,814	\$24,377	\$1,201,877	\$22,677	\$20,997
2	\$46,110	\$23,159	\$16,860	\$1,986	\$25,716	\$113,830	\$98,501	\$15,596	\$53,495	\$23,159	\$0	\$92,250	\$79,827	\$21,580	\$1,223,457	\$18,674	\$20,040
3	\$53,424	\$23,761	\$20,061	\$2,065	\$33,225	\$132,536	\$106,686	\$20,150	\$69,523	\$23,761	\$0	\$113,434	\$91,310	\$19,102	\$1,242,559	\$15,377	\$19,127
4	\$54,439	\$24,379	\$20,502	\$2,148	\$33,889	\$135,357	\$101,355	\$20,553	\$71,330	\$24,379	\$0	\$116,262	\$87,057	\$19,095	\$1,261,654	\$14,298	\$18,255
5	\$55,477	\$25,013	\$20,953	\$2,234	\$34,567	\$138,243	\$96,294	\$20,964	\$73,185	\$25,013	\$0	\$119,161	\$83,003	\$19,082	\$1,280,736	\$13,292	\$17,423
6	\$56,538	\$25,663	\$21,414	\$2,323	\$35,258	\$141,196	\$91,490	\$21,383	\$75,088	\$25,663	\$0	\$122,134	\$79,138	\$19,063	\$1,299,799	\$12,352	\$16,629
7	\$57,623	\$26,330	\$21,885	\$2,416	\$35,964	\$144,218	\$86,928	\$21,811	\$77,040	\$26,330	\$0	\$125,181	\$75,453	\$19,037	\$1,318,836	\$11,475	\$15,871
8	\$58,732	\$27,015	\$22,367	\$2,513	\$36,683	\$147,309	\$82,597	\$22,247	\$81,098	\$27,015	\$0	\$130,360	\$73,093	\$16,949	\$1,335,785	\$9,504	\$15,147
9	\$59,866	\$27,717	\$22,860	\$2,613	\$37,416	\$150,473	\$78,484	\$22,692	\$83,207	\$27,717	\$0	\$133,616	\$69,692	\$16,857	\$1,352,642	\$8,792	\$14,457
10	\$61,026	\$28,438	\$23,363	\$2,718	\$38,165	\$153,709	\$74,579	\$23,146	\$83,207	\$28,438	\$0	\$134,790	\$65,399	\$18,919	\$1,371,561	\$9,179	\$13,798
Total	\$1,418,251	\$254,046	\$503,362	\$22,923	\$327,691	\$2,526,274	\$2,079,905	\$198,734	\$701,933	\$254,046	\$0	\$1,154,713	\$766,786	\$1,371,561	\$1,371,561	\$1,313,118	\$171,743



Hudson Apartments, LLC (Without LMW)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	7	7
Construction jobs created	304	
Number of New Residents in the Community	199	377
Number of Additional Students in the Local School District	37	71
Increase in Local Personal Incomes	\$4,502,935	\$85,315,345
Increase in Local Retail Sales	\$48,399,952	\$109,459,663
Increase in the Community's Property Tax Base	\$60,280,000	\$60,280,000
		Property Taxes
Estimated new annual tax revenues after 10 years:	City	\$748,426
	County	\$726,092
	School	\$1,183,218
	Comm. Coll.	\$532,487
	State	\$29,177
	Totals	\$3,219,401

Hudson Apartments, LLC (Without LMW)

OVERALL COST-BENEFIT SUMMARY

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS	INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Guest & Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				PROPERTY TAXES ABATED	ALL INDIRECT COSTS		
City of Kansas City	\$1,099,977	\$588,007	\$6,516,556			\$844,303	\$9,048,844	\$296,683	\$9,345,527	\$6,516,556	\$22,997	\$6,539,553	\$2,805,974
Wyandotte County	\$474,054	\$570,460	\$6,322,090				\$7,366,605	\$155,675	\$7,522,279	\$6,322,090	\$79,587	\$6,401,678	\$1,120,602
Kansas City USD 500		\$929,606	\$10,302,297	\$12,227,761			\$23,459,663	\$0	\$23,459,663	\$8,947,995	\$1,191,790	\$10,139,785	\$13,319,879
KC Community College		\$418,353	\$4,636,374				\$5,054,727	\$547,027	\$5,601,754	\$4,636,374	\$198,734	\$4,835,108	\$766,646
State of Kansas	\$1,418,251	\$22,923	\$254,046		\$503,362		\$2,198,583	\$327,691	\$2,526,274	\$254,046	\$198,734	\$452,780	\$2,073,493
TOTALS	\$2,992,282	\$2,529,350	\$28,031,363	\$12,227,761	\$503,362	\$844,303	\$47,128,422	\$1,327,076	\$48,455,497	\$26,677,062	\$1,691,842	\$28,368,904	\$20,086,593



Staff Request for Commission Action

Tracking No. 212320

Full Commission Meeting Date:

Committee: Public Works & Safety

Date of Standing Committee Action: 3/27/23

(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>
03/22/2023	Matt May	x6337	mmay@wycokck.org	Emergency Management

Item Description:

To adopt a new section in the Unified Government Code of Ordinances that would establish the authority for the Unified Government to provide assistance to other jurisdictions within or without the state of Kansas during a declared disaster emergency, in alignment with K.S.A. 12-16,117, submitted by Matt May and Susan McMahan, Emergency Management Department.

Action Requested:

To approve the ordinance.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Mutual Aid Ordinance

(Published _____)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ADD A NEW SECTION TO PROVIDE ASSISTANCE TO OTHER JURISDICTIONS BOTH WITHIN OR WITHOUT THE STATE DURING DISASTERS.

WHEREAS, K.S.A. 12-16,117 permits a municipality to adopt a policy regarding the provision of assistance to other municipalities and public safety agencies located in other municipalities located within or without the state of Kansas;

WHEREAS, K.S.A. 12-16,117 requires that such a policy be established by adoption of the appropriate ordinance or resolution;

WHEREAS, K.S.A. 12-16,117 requires such an ordinance or resolution to include the procedure for the provision of assistance during times of disaster and to be consistent with the applicable local or interjurisdictional plan adopted pursuant to K.S.A. 48-901 *et seq.*, and amendments thereto;

WHEREAS, K.S.A. 12-16,117 provides that any municipality and public safety agency providing assistance pursuant to such an ordinance or resolution are subject to the provisions of all laws, including those providing immunity from liability, as if such municipality or public safety agency was acting within such municipality; and

WHEREAS, K.S.A. 12-16,117 similarly provides that any public safety agency of another state providing assistance in this state pursuant to such an ordinance or resolution, shall be subject to the provisions of all laws of this state, including those providing immunity from liability, as if such public agency was a public agency within the state of Kansas.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That Article II of Chapter 12 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby amended by the addition of a new section to read as follows:

Sec. 12-36. - Mutual aid policy.

(a) This section is intended to provide assistance in any form of service including, but not limited to, police, fire, emergency medical service, emergency management, public works, as well as administrative and clerical support during times of disaster as defined in K.S.A. 12-16,117.

(b) In the event of a disaster, when there is a request for assistance from another municipality within or without the state, if the county can provide assistance without unduly jeopardizing the protection of its own community, the county administrator, or his or her designee, in coordination with the director of emergency management, is hereby authorized to provide such assistance as may be requested under authority granted by K.S.A. 12-16,117, with all the privileges and immunities provided therein.

(c) Any assistance offered or provided pursuant hereto shall not be in conflict with:

- (1) The county emergency operations plan;
- (2) Other county resolutions or any existing interlocal agreement;
- (3) Automatic aid;
- (4) Intergovernmental or mutual aid agreement or the authority to enter into any such future agreements.

(d) The requesting jurisdiction must be operating under a state or local declaration of disaster emergency as provided for in applicable state statutes.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS
____ DAY OF _____, 2023.**

Approved:

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Assistant Counsel



Staff Request for Commission Action

Tracking No. 212319

Full Commission Meeting Date:

Committee: Public Works & Safety

Date of Standing Committee Action: 3/27/23

(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>
03/22/2023	Matt May	x6337	mmay@wycokck.org	Emergency Management

Item Description:

To adopt a resolution endorsing and adopting the Greater Kansas City Regional Resource Sharing Agreement. The Agreement serves as a safety net mutual aid agreement when Kansas City metro municipalities share requested resources during times of emergency, submitted by Matt May and Susan McMahan, Emergency Management Department.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

RRSA Resolution

RESOLUTION NO. _____

A RESOLUTION ENDORSING AND ADOPTING THE GREATER KANSAS CITY REGIONAL RESOURCE SHARING AGREEMENT.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas has a Department of Emergency Management and the State of Kansas has a “state emergency disaster agency”;

WHEREAS, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas desires to render assistance that may be requested of the Unified Government to support other governing bodies and jurisdictions both within and without the state of Kansas;

WHEREAS, the Greater Kansas City Regional Resource Sharing Agreement (“RRSA”) was developed by a workgroup of emergency managers, approved by the Regional Homeland Security Coordinating Council (“RHSCC”) and the Policy Committee of the RHSCC as well as the Mid-America Regional Area Council (“MARC”) Board of Directors to provide a document intended for all jurisdictions in the MARC region willing to share resources with other jurisdictions;

WHEREAS, the RRSA was developed to serve as a safety net mutual aid agreement to fill in the gaps between the various, typical mutual aid agreements which serve law enforcement, fire service etc.;

WHEREAS, the RRSA will strengthen the current mutual aid agreements by establishing a basic understanding regarding liability issues and procedures;

WHEREAS, the RRSA will clarify in writing the typical handshake agreement that jurisdictions have often relied upon when requesting and sharing resources;

WHEREAS, the RRSA provides an understanding of which jurisdictions are willing to participate in a sharing agreement to support the requests of other jurisdictions to meet their needs; and

WHEREAS, the concept of the RRSA is considered a best practice by the Federal Emergency Management Agency (FEMA).

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. The Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas hereby endorses and adopts the Greater Kansas City Regional Resource Sharing Agreement (“RRSA”).

Section 2. The Mayor/Chief Executive Officer, or the County Administrator or his or her designee, of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government the Greater Kansas City Regional Resource Sharing Agreement.

Section 3. All other employees and agents of the Unified Government are hereby authorized to carry out and implement the purposes of this resolution.

Section 4. That original Resolution No. 37952 of the City Council of the City of Kansas City, Kansas, adopted on August 4, 1994, is hereby repealed.

Section 5. This resolution shall take effect and be in full force from and after its passage and approval.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS
____ DAY OF _____, 2023.**

Approved:

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Assistant Counsel



Staff Request for Commission Action

Tracking No. 212311

Full Commission Meeting Date:

Committee: Public Works & Safety

Date of Standing Committee Action: 3/27/23

(If none, please explain):

Publication Required: No

<u>Date:</u> 03/22/2023	<u>Contact Name:</u> Matt May	<u>Contact Phone:</u> x6337	<u>Contact Email:</u> mmay@wycokck.org	<u>Department/Division:</u> Emergency Management
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Item Description:

To adopt a resolution to extend the state of emergency for the COVID-19 pandemic from May 1, 2023 through May 11, 2023, submitted by Matt May and Susan McMahan, Emergency Management Department.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Mayor's Declar 60-day w Commiss.ext to 5-11-23 (final)

(Published _____)

RESOLUTION NO. _____

A RESOLUTION EXTENDING THE STATE OF EMERGENCY FOR THE COVID-19 PANDEMIC FOR THE COUNTY OF WYANDOTTE, KANSAS, THROUGH MAY 11, 2023.

WHEREAS, on the 13th day of March, 2020, the Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas declared there was a state of local public disaster emergency in Wyandotte County, Kansas, resulting in potential or occurring pandemic known as COVID-19, in Wyandotte County, Kansas;

WHEREAS, on the 19th day of March, the Unified Government Commission adopted Resolution R-18-20 extending the state of local public health emergency through May 18, 2020;

WHEREAS, on the 14th day of May, 2020, the Unified Government Commission adopted Resolution R-30-20, extending the state of local public health emergency through July 17, 2020;

WHEREAS, on the 9th day of July, 2020, the Unified Government Commission adopted Resolution R-37-20, extending the state of local public health emergency through September 15, 2020;

WHEREAS, on the 3rd day of September, 2020, the Unified Government Commission adopted Resolution R-66-20, extending the state of local public health emergency through December 14, 2020;

WHEREAS, on the 3rd day of December, 2020, the Unified Government Commission adopted Resolution R-83-20, later corrected as Resolution R-83a-20 and published on February 4, 2021, extending the state of local public health emergency through March 15, 2021;

WHEREAS, on the 11th day of March, 2021, the Unified Government Commission adopted Resolution R-16-21 and published on March 18, 2021, extending the state of local public health emergency through June 15, 2021;

WHEREAS, on the 10th day of June, 2021, the Unified Government Commission adopted Resolution R-40-21 and published on June 17, 2021, extending the state of local public health emergency through September 15, 2021;

WHEREAS, on the 9th day of September, 2021, the Unified Government Commission adopted Resolution R-61-21 and published on September 16, 2021, extending the state of local public health emergency through December 16, 2021;

WHEREAS, on the 2nd day of December, 2021, the Unified Government Commission adopted Resolution R-86-21 and published on December 9, 2021, extending the state of local public health emergency through April 1, 2022;

WHEREAS, on the 31st day of March, 2022, the Unified Government Commission adopted Resolution R-20-22 and published on April 7, 2022, extending the state of local public health emergency through July 1, 2022;

WHEREAS, on the 30th day of June, 2022, the Unified Government Commission adopted Resolution R-24-22 and published on July 7, 2022, extending the state of local public health emergency through October 1, 2022;

WHEREAS, on the 29th day of September, 2022, the Unified Government Commission adopted Resolution R-58-22 and published on October 6, 2022, extending the state of local public health emergency through February 1, 2023;

WHEREAS, on the 15th day of December, 2022, the Unified Government Commission adopted Resolution R-84-22 and published on December 22, 2022, extending the state of local public health emergency through May 1, 2023;

WHEREAS, the threat to the public health from the COVID-19 pandemic continues, as evidenced by the national count of 102,736,819 cases and 1,110,364 deaths as of February 15, 2023; in Kansas, there have been 930,148 cases and 9,995 deaths; and in Wyandotte County there have been 54,198 cases and 550 deaths;

WHEREAS, in Wyandotte County, while 66.7% of the total population has received at least one dose of the vaccine, only 10% of the population has received the new, updated bivalent COVID-19 booster vaccine, which protects against the newer omicron variant and newly vaccinated numbers remain stagnant;

WHEREAS, Wyandotte County is still classified in the “Substantial” category with a weekly cumulative incidence rate of 52 per 100,000 population;

WHEREAS, many Wyandotte County residents have transitioned to utilizing their own at-home tests and not officially reporting the results, making it much more difficult to assess the scope of community spread;

WHEREAS, Wyandotte County residents continue to rely on the UG Public Health Department to provide access to COVID-19 resources, including testing, vaccinations, social support, access to health care, communications, and education, and those resources cannot be provided without the 90% federal match through FEMA;

WHEREAS, the Unified Government Board of Commissioners recognizes that a prolonged public health crisis requires the timely commitment of federal resources that flow to local units of government under an uninterrupted declared emergency;

WHEREAS, the past two winters have brought pronounced increases in COVID-19 cases, hospitalizations, and deaths and the cyclical nature of COVID-19 indicates that a similar increase is likely when newer variants are identified;

WHEREAS, new variants of COVID continue to be identified, including most recently, XBB.1.5, and such variants can spread more easily in the community and become more resistant to vaccines and treatments such as monoclonal antibodies.

WHEREAS, federal and state funding for local health department COVID-19 mitigation strategies has declined substantially and requires greater reliance on FEMA reimbursement for COVID-19 activities;

WHEREAS, the Unified Government Board of Commissioners has the authority to further extend the declaration beyond May 1, 2023, as such conditions continue to endanger the public health, safety, and welfare of persons within the borders of Wyandotte County, Kansas.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

1. That the state of local public health emergency in Wyandotte County, Kansas, initially declared on the 13th day of March 2020, shall continue and remain in effect through May 11, 2023, unless terminated earlier.
2. That the response and recovery aspects of all local disaster plans which are applicable to Wyandotte County, Kansas, shall initiate the rendering of aid and assistance thereunder.
3. That any rights or powers lawfully exercised or any actions taken pursuant to local disaster emergency plans shall continue and have full force and effect as authorized by law through May 11, 2023, unless modified or terminated in the manner prescribed by law.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS, THIS ____ DAY OF _____, 2023.**

[Signatures on following page]

Approved:

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk



Staff Request for Commission Action

Tracking No. 212330

Full Commission Meeting Date: Fast tracked to Full Commission, March 30, 2023

Committee: Public Works & Safety

Date of Standing Committee Action: 3/27/2023

(If none, please explain):

Publication Required: No

<u>Date:</u> 03/22/2023	<u>Contact Name:</u> Jeff Fisher	<u>Contact Phone:</u> x5415	<u>Contact Email:</u> jfisher@wycokck.org	<u>Department/Division:</u> Public Works
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Item Description:

Approval of resolutions to fund 25% of the Illegal Dump Program by the Kansas Department of Health and Environment (KDHE) for the following properties

- 4600 Sortor Drive - up to a maximum of \$14,000 to recover costs associated with repair and clean up.
- 3651 Minnesota - up to a maximum of \$3,000 to recover costs associated with repair and clean up.
- 3650 Minnesota - up to a maximum of \$1,000 to recover costs associated with repair and clean up.

submitted by Jeff Fisher, Executive Director of Public Works.

Action Requested:

Approval

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution - 4600 Sortor, Resolution - 3651 Minnesota, Resolution - 3650 Minnesota

RESOLUTION NO. R-_____

**A RESOLUTION REGARDING THE CLEANUP OF THE PROPERTY
LOCATED AT 4600 SORTOR DRIVE, KANSAS CITY, KANSAS, AND
PROVIDING FOR COOPERATION WITH THE KANSAS DEPARTMENT OF
HEALTH AND ENVIRONMENT IN ACHIEVING SAID REPAIR AND
CLEANUP.**

WHEREAS, the Board of Commissioners after study and review has determined as follows, to-wit:

THAT the property located at 4600 Sortor Drive, Kansas City, Kansas, is an illegal solid waste dumping area pursuant to K.S.A. 65-3415(a).

THAT, K.S.A. 65-3415a(c)(7) authorizes the Secretary of KDHE to take corrective action where the release of solid waste presents an actual or potential threat to human health or the environment if the owner or operator has not been identified or is unable or unwilling to perform corrective action.

THAT, K.S.A. 65-3415a (d) requires that the person(s) responsible for the operation or long-term care of a disposal area whose failure to comply with the solid waste act, rules and regulations or permit conditions resulted in the determination that expenditures from the solid waste fund are responsible for repayment of those funds and the Secretary shall take the appropriate action to recover those funds.

THAT, the Secretary has determined that the site presents an actual or potential threat to human health or the environment and the owner or operator is unable or unwilling to perform the necessary corrective action. The Secretary has further determined that the person(s) responsible for the long-term care of the site has not violated the solid waste act, rules, regulations, or permit conditions resulting in the determination that funds should be expended and therefore is not responsible for repayment of funds expended.

THAT, the City of Kansas City, Kansas should enter into an agreement to remediate the human health or environmental hazards at the site located in Wyandotte County, Kansas known as 4600 Sortor Drive, Kansas City, as the same represents a threat to the safety of the citizens of the City of Kansas City, Kansas and Wyandotte County, Kansas.

THAT, the Secretary has determined that it is most cost effective for the City of Kansas City, Kansas to contract for performance of the tasks necessary to remediate the site.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY
OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS:**

Section 1. Authorization. The County Administrator is hereby authorized to enter into an agreement with the Kansas Department of Health and Environment for the repair and clean up of 4600 Sortor Drive, Kansas City, Kansas, and to provide for a work plan for said repair and clean up, and to perform all acts necessary to contract for the performance of the tasks necessary to accomplish the same and to enter into a reimbursement agreement with KDHE, up to a maximum of Fourteen Thousand Dollars and No/100 (\$14,000.00), to recover the actual costs associated in performing said services.

Section 2. Further Action. The Mayor/CEO, County Administrator, and other officers, agents, and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Resolution.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____ 2023.**

UNIFIED GOVERNMENT CLERK

Approved as to Form:

Chief Counsel

RESOLUTION NO. R-_____

**A RESOLUTION REGARDING THE CLEANUP OF THE PROPERTY
LOCATED AT 3651 MINNESOTA AVENUE, KANSAS CITY, KANSAS, AND
PROVIDING FOR COOPERATION WITH THE KANSAS DEPARTMENT OF
HEALTH AND ENVIRONMENT IN ACHIEVING SAID REPAIR AND
CLEANUP.**

WHEREAS, the Board of Commissioners after study and review has determined as follows, to-wit:

THAT the property located at 3651 Minnesota Avenue, Kansas City, Kansas, is an illegal solid waste dumping area pursuant to K.S.A. 65-3415(a).

THAT, K.S.A. 65-3415a(c)(7) authorizes the Secretary of KDHE to take corrective action where the release of solid waste presents an actual or potential threat to human health or the environment if the owner or operator has not been identified or is unable or unwilling to perform corrective action.

THAT, K.S.A. 65-3415a (d) requires that the person(s) responsible for the operation or long-term care of a disposal area whose failure to comply with the solid waste act, rules and regulations or permit conditions resulted in the determination that expenditures from the solid waste fund are responsible for repayment of those funds and the Secretary shall take the appropriate action to recover those funds.

THAT, the Secretary has determined that the site presents an actual or potential threat to human health or the environment and the owner or operator is unable or unwilling to perform the necessary corrective action. The Secretary has further determined that the person(s) responsible for the long-term care of the site has not violated the solid waste act, rules, regulations, or permit conditions resulting in the determination that funds should be expended and therefore is not responsible for repayment of funds expended.

THAT, the City of Kansas City, Kansas should enter into an agreement to remediate the human health or environmental hazards at the site located in Wyandotte County, Kansas known as 3651 Minnesota Avenue, Kansas City, as the same represents a threat to the safety of the citizens of the City of Kansas City, Kansas and Wyandotte County, Kansas.

THAT, the Secretary has determined that it is most cost effective for the City of Kansas City, Kansas to contract for performance of the tasks necessary to remediate the site.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY
OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS:**

Section 1. Authorization. The County Administrator is hereby authorized to enter into an agreement with the Kansas Department of Health and Environment for the repair and clean up of 3651 Minnesota Avenue, Kansas City, Kansas, and to provide for a work plan for said repair and clean up, and to perform all acts necessary to contract for the performance of the tasks necessary to accomplish the same and to enter into a reimbursement agreement with KDHE, up to a maximum of Three Thousand Dollars and No/100 (\$3,000.00), to recover the actual costs associated in performing said services.

Section 2. Further Action. The Mayor/CEO, County Administrator, and other officers, agents, and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Resolution.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____ 2023.**

UNIFIED GOVERNMENT CLERK

Approved as to Form:

Chief Counsel

RESOLUTION NO. R-_____

**A RESOLUTION REGARDING THE CLEANUP OF THE PROPERTY
LOCATED AT 3650 MINNESOTA AVENUE, KANSAS CITY, KANSAS, AND
PROVIDING FOR COOPERATION WITH THE KANSAS DEPARTMENT OF
HEALTH AND ENVIRONMENT IN ACHIEVING SAID REPAIR AND
CLEANUP.**

WHEREAS, the Board of Commissioners after study and review has determined as follows, to-wit:

THAT the property located at 3650 Minnesota Avenue, Kansas City, Kansas, is an illegal solid waste dumping area pursuant to K.S.A. 65-3415(a).

THAT, K.S.A. 65-3415a(c)(7) authorizes the Secretary of KDHE to take corrective action where the release of solid waste presents an actual or potential threat to human health or the environment if the owner or operator has not been identified or is unable or unwilling to perform corrective action.

THAT, K.S.A. 65-3415a (d) requires that the person(s) responsible for the operation or long-term care of a disposal area whose failure to comply with the solid waste act, rules and regulations or permit conditions resulted in the determination that expenditures from the solid waste fund are responsible for repayment of those funds and the Secretary shall take the appropriate action to recover those funds.

THAT, the Secretary has determined that the site presents an actual or potential threat to human health or the environment and the owner or operator is unable or unwilling to perform the necessary corrective action. The Secretary has further determined that the person(s) responsible for the long-term care of the site has not violated the solid waste act, rules, regulations, or permit conditions resulting in the determination that funds should be expended and therefore is not responsible for repayment of funds expended.

THAT, the City of Kansas City, Kansas should enter into an agreement to remediate the human health or environmental hazards at the site located in Wyandotte County, Kansas known as 3650 Minnesota Avenue, Kansas City, as the same represents a threat to the safety of the citizens of the City of Kansas City, Kansas and Wyandotte County, Kansas.

THAT, the Secretary has determined that it is most cost effective for the City of Kansas City, Kansas to contract for performance of the tasks necessary to remediate the site.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY
OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS:**

Section 1. Authorization. The County Administrator is hereby authorized to enter into an agreement with the Kansas Department of Health and Environment for the repair and clean up of 3650 Minnesota Avenue, Kansas City, Kansas, and to provide for a work plan for said repair and clean up, and to perform all acts necessary to contract for the performance of the tasks necessary to accomplish the same and to enter into a reimbursement agreement with KDHE, up to a maximum of One Thousand Dollars and No/100 (\$1,000.00), to recover the actual costs associated in performing said services.

Section 2. Further Action. The Mayor/CEO, County Administrator, and other officers, agents, and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Resolution.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____ 2023.**

UNIFIED GOVERNMENT CLERK

Approved as to Form:

Chief Counsel



Staff Request for Commission Action

Tracking No. 212268

Full Commission Meeting Date: 3/30/23

Committee: Administration & Human Services

Date of Standing Committee Action: 3/27/23

(If none, please explain):

Publication Required: No

<u>Date:</u> 03/22/2023	<u>Contact Name:</u> Deasiray Bush	<u>Contact Phone:</u> x5110	<u>Contact Email:</u> dbush@wycokck.org	<u>Department/Division:</u> AAA
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Item Description:

This is a resolution for acceptance of an extension to a grant the Area Agency on Aging (AAA) has received from the Kansas Department for Aging and Disability Services (KDADS). The grant amount is \$62,567.33 and it must be used for staff retention, incentives/bonuses and to increase the workforce for Senior Care Act providers offering SCA services in Kansas, submitted by Deasiray Bush, Fiscal Manager, Area Agency on Aging.

Action Requested:

To adopt the resolution and **fast-track** this item to the 3/30/23 Full Commission if approved by the Standing Committee.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Acceptance of SCA Grant Extension - resolution FINAL, SFY 2022 SCA PowerPoint Presentation

RESOLUTION NO. _____

A RESOLUTION FOR THE ACCEPTANCE OF AN EXTENSION TO THE SENIOR CARE ACT GRANT AGREEMENT BETWEEN THE KANSAS DEPARTMENT OF AGING AND DISABILITY SERVICES AND THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS AND WYANDOTTE/LEAVENWORTH AREA AGENCY ON AGING, AND THE ALLOCATION OF FUNDS FOR ELIGIBLE USES

WHEREAS, on July 1, 2022, the Wyandotte/Leavenworth Area Agency on Aging (AAA) entered into an extension of its long-time Senior Care Act grant from the Kansas Department of Aging and Disability Services (KDADS) in the amount of \$729,082 for FY2023, with no match required; and

WHEREAS, KDADS is now offering Wyandotte County an additional extension in the amount of \$62,567.33, with no match required; and

WHEREAS, the grant funds are restricted to the following eligible uses:

1. One-time retention/recruitment bonus;
2. Payroll expenses (back to 7/1/2022);
3. Shift differential and/or incentive pay (back to 7/1/2022);
4. Bonus program (back to 7/1/2022);
5. Onboarding and staff training expenses (back to 7/1/2022);
6. In state or out of State Conferences for SCA staff development (back to 7/1/2022);
7. Staffing agency expenses (7/1/2022);
8. Advertising jobs and recruitment expenses (back to 7/1/2022);
9. Staff incentive payments (back to 7/1/2022);
10. Payroll taxes;
11. Retroactive payroll tax expenses (back to 7/1/22);
12. Retroactive payroll expenses (back to 7/1/22);
13. Startup cost for new providers (back to 7/1/2022);
14. SCA primary and associated costs - Costs such as: Personnel (Gross wages paid to persons who provide SCA case management, including senior and junior case manager personnel, SCA data entry personnel, attendant care service personnel, homemaker service personnel, home health service providers, SCA respite service providers (persons), training Costs; training that contributes to the improvement service provision or training that positively contributes to employee morale. Consumable Supplies for example paper goods, printing information, ink, and toner cartridges. Personnel or consumable supplies such as the following are not allowable expenses, funds cannot be used for these: includes bulk purchase of supplies, storage, shelving, area remodeling, license cost, rent and utilities, maintenance and repair of office and office equipment such as laptops/ desktops equipment;
15. SCA program staff transportation - Expenses directly related to the delivery of Senior Care Act Services such as roundtrip SCA in-home visits, service to be render by a

contracted provider worker, cost of transportation for local events, conference, fairs related to SCA services etc.;

16. SCA customer's co-pay on outstanding balances- Remaining co-pay balance payments for customers who are at risk of termination of services due to outstanding balances as of 2/1/2023. Exclusion to this would be paying a customer's cumulative balances for future co-pay, this is not an allowable expense; and

WHEREAS, AAA intends to use the funds for retention and recruitment bonuses, incentive pay, jobs advertising, to support its Homemaker Services, as provided in the attached Budget Narrative.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. The Unified Government Board of Commissioners hereby approves the acceptance of the \$62,567.33 SCA grant extension between KDADS and the Wyandotte/Leavenworth Area Agency on Aging.

Section 2. The Unified Government Board of Commissioners hereby approves allocation of the grant extension funds as detailed in AAA's Budget Narrative.

**APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS MARCH 30, 2023.**

Tyron Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:



Area Agency on Aging

Presenter: Deasiray Bush

Senior Care Act Program

- The Kansas Legislature established the Senior Care Act (SCA) program to assist older Kansans who have functional limitations in self-care and independent living but who are able to reside in a community-based residence if some in-home services are provided.
- The Kansas Department for Aging and Disability Services administers the program through the Area Agency on Aging (AAA).
- The program provides in-home services to persons who contribute to the cost of services based on their ability to pay.
- Services are offered on a sliding fee scale based on income and assets for customers who functionally qualify.
- A plan of care outlining the services needed is developed based on a functional assessment.

Acceptance of an Extension to the Senior Care Act Program

- Additional \$62,567.33 (100% Wyandotte County)
- No Match Required
- Eligible Uses:
 - One-time retention/recruitment bonus
 - Payroll expenses
 - Incentive pay
 - Onboarding and staff training
 - Staff development
 - Start cost for a new in-home provider

Senior Care Act Proposal

Eligible Activity	Total	Description
Personnel	\$22,100.00	Staff bonuses for 17 employees @ 1300 each
Healthcare Provider New Staff	\$24,000.00	for 60 new staff @400 sign on bonus
Marketing	\$9,000.00	Healthcare Providers to market new-hire and bonus for workers @1500 for each agency.
Supplies	\$7,467.33	Healthcare Providers cleaning supply budget to support Homemaker services @1244.56 for each agency
Total	\$62,567.33	





Staff Request for Commission Action

Tracking No. 212302

Full Commission Meeting Date: 03/30/2023

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 03/06/2023

(If none, please explain):

Publication Required: No

<u>Date:</u> 03/23/2023	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> 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 13 Single Family Homes 6 Multi Family Units 1 Commercial				
<u>Action Requested:</u> Approve and forward to Land Bank Board of Trustees				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> FC Memo Land Bank Options 03.30.23				



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: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: March 23, 2023

SUBJECT: Option applications for consideration
The following **option application(s)** were presented at the 03/06/2023 meeting:
Please visit the new site to review the applications below
<https://experience.arcgis.com/experience/b63e9cb3cca44be59f458765dbeddc8/>

A. Single Family Homes – 17 Homes

1. Steven Kinney – 1 home
 - i. 1640 S Valley St – 143116
2. Sasche Robinson – 1 home
 - i. 4029 Orville Ave – 912712
7. Ashley Scott – 5 or 6 homes
 - ii. 5551 Leavenworth Rd – 037513
 - iii. 5563 Leavenworth Rd – 037516
 - iv. 3003 N 56th St – 037511
8. Joel Rodriguez – 1 home
 - v. 1620 S 16th St – 143218
 - vi. 1630 S 16th St – 143220
9. Leslie Gooley – 5 homes
 - vii. 3049 N Getty St – 293018
 - viii. 3053 N Getty St – 293019
 - ix. 3052 N Getty St – 293020
 - x. 3048 N Getty St – 293021
 - xi. 3044 N Getty St – 293022

B. Multi Family – 6 Units

1. Andrew Tanner – 2 Units
 - i. 1428 N 59th St – 004205
2. Dennis Mendoza – 4 Units
 - i. 5542 Freeman Ave - 003706

C. Commercial – 1

1. Shonda Gonzales – Retail center to sell modular homes
 - i. 6133 Leavenworth Rd - 000334



Staff Request for Commission Action

Tracking No. 212303

Full Commission Meeting Date: 03/30/2023

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 03/06/2023

(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>
03/23/2023	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

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 Transfers to City of Edwardsville

Action Requested:

Approve and forward to Land Bank Board of Trustees

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

NCD Memo Land Bank Property Transfers 03.06.23



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: Neighborhood & Community Development Standing Committee

FROM: Jud Knapp, Land Bank Manager

DATE: February 22, 2023

SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** are being presented at the 03/06/2023 meeting:

Please visit the new site to review the applications below

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

PT – Property Transfers

1. City of Edwardsville
 - i. 1729 Edwardsville Dr - 186411
2. City of Edwardsville
 - i. 1955 S 98th St - 939808

