

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

PLANNING & ZONING AND
REGULAR SESSION
JUNE 30, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, June 30, 2022, with ten members present on-site or via Zoom: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Markley, Commissioner Sixth District, was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Brett Deichler, Interim Assistant County Administrator; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Jeff Conway, Assistant Counsel; Gunnar Hand, Director of Planning & Urban Design; Lisa Rangel, Commission Office; Matt May, Director of Emergency Management; Katherine Carttar, Director of Economic Development; Greg Talkin, Neighborhood Resource Director; Anthony Hutchingson and Patrick Holton, Neighborhood Resource Center; Alley Porter, Commission Liaison; Jud Knapp, Land Bank Manager; 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 on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise that could disrupt this 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.

I will now call this meeting to order. Clerk, would you please give a roll call?

Roll call: McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend, Garner.

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

Mayor Garner said I'll now ask the Clerk if there are any revisions for tonight's agenda. **Monica Spark, Acting UG Clerk**, said yes, Mr. Mayor. We have revisions to tonight. We have under the Mayor's Agenda Item No. 10 has been added – a Presentation of A Partner in Excellence Award. We also have Item No. 11 – a Resolution Approving an Agreement to Settle Pending Litigation. Under the Administrator's Agenda, we have Item No. 4 – a Resolution for Memorandum of Understanding between the Unified Government and IAFF. Those are all the additions to the agenda.

Mayor Garner said tonight, we have two distinct parts to our meeting. The Planning and Zoning portion will be handled first followed by the Regular Commission meeting. I'll ask the Clerk to read the statement, required by state law, governing the Planning and Zoning portion of our meeting followed by the items on the Planning and Zoning Consent Agenda.

PLANNING AND ZONING CONSENT AGENDA

Monica Sparks, Acting UG Clerk, read the statement, required by law, governing the Planning & Zoning portion of the meeting.

Ms. Sparks asked, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? **Commissioner Ramirez** said I've had contact with opponents of COZ2021-034. **Commissioner Davis** said I've had contact with opponents of COZ2022-056.

Ms. Sparks read the items on the Consent Agenda.

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

I'll ask if anyone in attendance would like to set-aside an item. If so, please state your name and city for the record and the agenda item to be set-aside, and do so at the podium. Seeing

none in the audience. I'll ask the Clerk if anyone joining virtually has their hands raised to set aside an item. **Ms. Sparks** said we have Greg Hall with his hand raised.

Greg Hall said it's COZ2021-034, changing the zoning from single-family to multi-family at 4136 Springfield. At least eight neighbors are opposed to rezoning to allow three triplexes to be plopped into the middle of the block. It's all single-family on the entire block except at one end. New single-family houses have been built in the immediate area. Anyway, it just feels like we're not being heard. **Ms. Sparks** said, Mr. Hall, would you like to set this item aside for further discussion? **Mr. Hall** said I would.

Commissioner Davis said I'd also like to set aside COZ2022-056. **Gunnar Hand, Director of Planning & Urban Design**, said point of clarification. Is that SUP2202-056? **Commissioner Davis** said yes, SUP.

Mayor Garner said other than the set-asides, there are no other set-asides. I'll entertain a motion outside of those set-asides items, for approval of the Planning and Zoning Consent Agenda.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve all items as submitted, excluding the set-asides.**

Mayor Garner said I have a motion and a second. Roll call, please.

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

CHANGE OF ZONE APPLICATIONS

Item No. 1 – 211745...CHANGE OF ZONE APPLICATION COZ2021-034 - JEFF MEADOR WITH OPEN-DOOR HOMES

Synopsis: Change of Zone from RP-1(B) Planned Single Family District to RP-5 Planned Apartment District to build two (2) triplex units at 4136 Springfield Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Jeff Meador with Open

Door Homes, Inc., wants to rezone the property from R-1(B) Single Family District to RP-5 Planned Apartment District to build one (1) fourplex (rowhome) building, totaling four (4) units on 0.29 acres at 4136 Springfield Street. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application COZ2021-034, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2021-028, which seeks a variance to build one (1) fourplex building, totaling four (4) units between thirteen (13) and twenty (20) feet from the front property line on 0.29 acres at 4136 Springfield Street;
2. The rowhome (fourplex) attached single-family homes need to match the character of the neighborhood which is predominately single-family in nature. The existing residences along the Springfield Street have their front yards facing the west side of the street, whereas the rear of these singlefamily homes have access to Fisher Street by way of a rear yard driveway. The single-family homes on Fisher Street are on the west side of the street and abuts the rear lots of single-family residences along Lloyd Street;
3. Must comply with the Rosedale Urban Multi-Family Residential Design Guidelines;
4. Review the Urban Multi-Family Residential Design Guidelines, attached herein and incorporate these guidelines into the site plan and building elevations;
5. Provide a four (4) foot, pedestrian sidewalk to Springfield Street;
6. The driveway has been relocated to the rear, off Fisher Street and minimize the curb cuts by creating a semi-circle driveway for the four (4) units. Rear loaded garage and driveways matches the character of the single-family home neighborhood, specifically on the west side of Springfield Street;
7. Proposed site trees shall comply with the approved Parks Department Street Tree list;
8. The exterior building materials shall comply with the Rosedale Urban MultiFamily Residential Design Guidelines;
9. 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;
10. Three (3) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines;
11. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three 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-O, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. In district R-M and C-O, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property. All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;
12. If rented, a rental license from Rental Licensing Division shall be obtained;
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. All future driveways must feature curb cuts that are constructed to UG standards;
15. 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;
16. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
17. All four (4) units shall be on separate utilities (water, electrical, sanitary sewer, etc.);
18. 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,
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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.

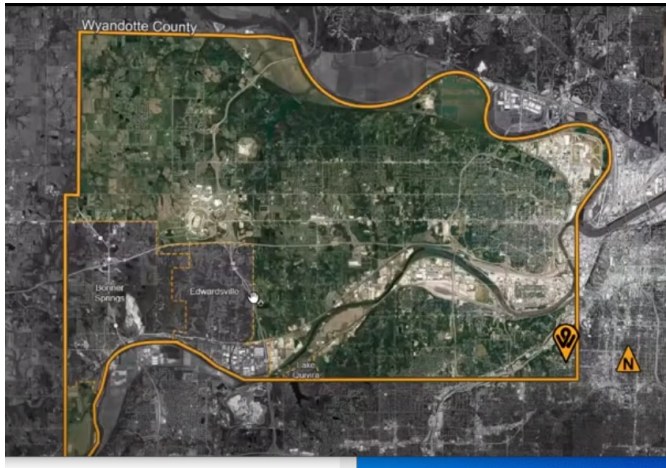
Mayor Garner said I'll recognize that person who set-aside that item.

Gunnar Hand, Director of Planning & Urban Design, said point of order, Mr. Mayor. Would you like me to give the presentation of the agenda item first before public comments? **Mayor Garner** said yes. I'm sorry. Go ahead.

Petitioner	Address
Jeff Meador	4136 Springfield Street Kansas City, Kansas 66103
Synopsis	
To rezone the property from R-1(B) Single Family District to RP-5 Planned Apartment District to build one (1) fourplex (rowhome) building, totaling four (4) units on 0.29 acres. This case was heard in conjunction with BOZA2021-028, which was approved by the Board of Zoning Appeals on June 13, 2022.	

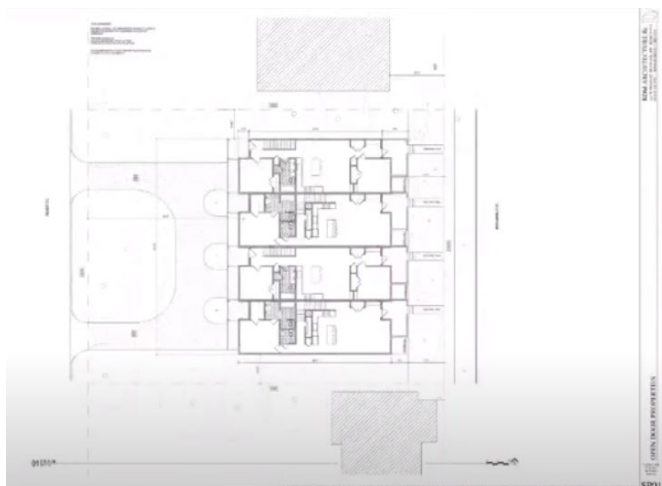
Mr. Hand said COZ2021-034 was heard in conjunction with the Board of Zoning Appeals 2021-028, which was approved by the Board of Zoning Appeals earlier this month for a front yard setback. This change of zone is requesting it from RP-1 to RP-5. It is in the mid-block about three parcels up from the corner lot. It is requesting, and the reason is here in the synopsis. Over the course of the entitlement process, staff was able to change this project from what was originally proposed as two triplex units to a single 4-unit townhome. This is in the Urban Residential Master Plan land use designation, which allows for townhomes.

This application is not requesting a master plan amendment. The property's currently vacant in the Rosedale Area Master Plan, and has received no letters of support. There has been local opposition both submitted to staff as well as at the City Planning Commission. There was a notice of violation for weeds on the property. That has since been remediated. Staff agrees with the Planning Commission's recommendation of approval.



Mayor Garner said I'll ask the applicant or representative to present their application. If present, please state your name and address for the record.





Jeff Meador, Open Door Homes, 4012 Elledge Drive, Roeland Park, said as Director Hand pointed out, we're trying to just bring the zoning in compliance with the General Urban Master Plan designation for this lot. There is RP-5 immediately to the west and actually, one lot removed to the south.



We did, through the neighborhood meetings, reduce the density from the triplexes to the quad. Listened to the neighborhood comments and took it from there.

June 30, 2022

Mayor Garner said I'll now open the public hearing. I'll ask the Clerk if she's received any notification from the public who wish to express their comments in favor of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in favor of this item? If so, please come to the podium and state your name and address for the record. You will be given up to three minutes to state your comments.

Seeing none, is there anyone joining us virtually who would like to speak in favor of this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You will be given up to three minutes to state your comments. Is there anyone virtually, Clerk? **Ms. Sparks** said Mr. Hall. There are no other hands raised.

Mayor Garner said there is no one in favor virtually. I'll ask the Clerk if she's received any notification from the public who wish to express their comments in opposition of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in opposition of this item? If so, please come to the podium and state your name and address for the record. You'll be given up to three minutes to state your comments.

Seeing none, is there anyone joining us virtually who would like to speak in opposition of this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You will be given up to three minutes to make your comments. **Ms. Sparks** said we have Joy online, who has raised her hand.

Joy McCann, 3915 Holmes, KCMO, said I own the house just north of this project and I want to just state my opposition to it. I know a number of the neighbors around there are opposed to it too. Everyone really wants single-family homes to continue the rest of the block, to continue with more single-family homes there. I just want to go on record as saying I'm very much in support of that as opposed to this fourplex.

Mayor Garner asked, Clerk, anyone else in opposition? **Ms. Sparks** said Mr. Hall.

Greg Hall said yes, I oppose the change to higher density. I want to see the entire blocks remain as is. It's like a virgin; it's pure. The Rosedale Master Plan also calls for neighborhood input and I don't feel like the neighbors have had a say. I guess we're having a say tonight. There are a lot of development that's going on right now, major developments in that Rosedale area, immediate area. Major 2-3-400 apartment unit complexes and there just aren't any single-family. I think there's maybe just one single-family going up in that area right now.

Single-family houses attract people to the neighborhood. It attracted me to invest in the neighborhood and others to invest in the neighborhood. I know, I went to school with a guy, that lives next door, 50 years ago. I went to Rosedale and graduated there. We're all opposed to changing it.

There was a single-family house on that property until just a few years ago. A newer house was just sold in the mid-\$200,000 here just a few months ago. The neighborhood supports single-family housing. I know it's a mixed neighborhood, but it just seems like it's just going to ruin the flow of the block. It just seems to be, its zoning would be for just one person for their economic interest. **Ms. Sparks** said one minute remaining.

Mr. Hall said I think I've said what I need to say.

Ms. Sparks said there are no other hands raised.

Mayor Garner said with no other one speaking in opposition, I'll close the public hearing. Would the petitioner like to come back forward and make any closing remarks or comments?

Mr. Meador said as Mr. Hall mentioned, the neighborhood did draw him to invest there. I've been a long-time investor in the neighborhood as well. We've built several single-family homes along the way and managed those as rental units. We've seen a lot of demand for housing in that neighborhood and that's what this is in response to, adding some density. That's what the master plan is seeking as well. So, we're trying to fulfill what the master plan designated with the general urban for this lot.

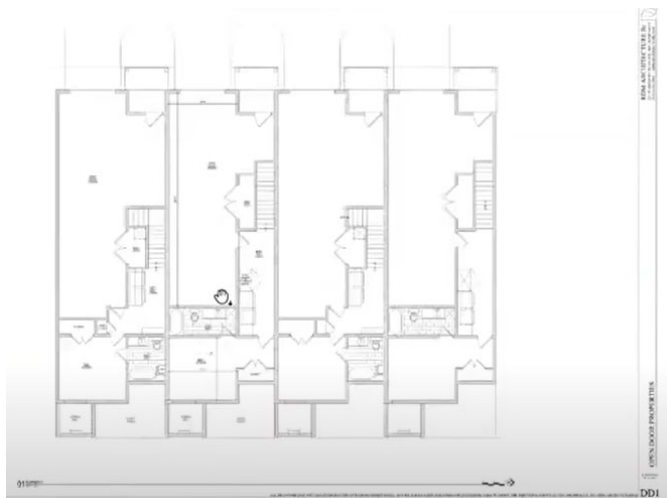
The other portion of that, one of the reasons that we're looking to do a quad is that it would allow us a little bit more building efficiency. I have plans to use some energy-efficient building techniques, specifically ground-source air track. That's going to be a lot more economically

feasible if we're doing all of them together at the same time. We've got some building efficiencies that we're seeking as well.

Mayor Garner asked, do any members of the Commission have any questions or comments they'd like to make?

Commissioner Ramirez said I know this land very well. I live down the street, further down on Springfield. Before, it was two triplexes. **Mr. Meador** said correct.

Commissioner Ramirez said and now it's one building with four different units of townhomes. **Mr. Meador** said correct.



Mr. Meador said the topography, when I looked at it originally, I felt it blended very well, the triplex, because it's a unique situation where Springfield is on the east side and Fisher is on the west side. It's not an alley. There are two full streets. I looked at doing two triplexes with front street loading garages, then a common area and a courtyard for the residents in between.

Digging into the General Urban Design Guidelines and getting feedback from the first neighborhood meeting where the six units were definitely not agreed to, we changed the design. Also, with that, we did have a modern design with the original one. That didn't fit the design guidelines also. So, we went with a traditional design, reduced it to a 4-unit which would allow the garages to load from the back off of Fisher.

Commissioner Ramirez said thank you for that. A lot of the times with developers, we're wanting them and trying to get them to fit within the guidelines of existing master plans that are there. So, I thank you for doing that, for wanting to fit into the guidelines. Most of my colleagues know, I'm a champion, all of us, for master plans and I'd like to keep them to what they are. The community built them together, along with staff and the Commission. I thank you for wanting to follow those guidelines and everything.

In my mind I have that—I sit with, chaired by Commissioner Davis—now, this isn't a Land Bank property, but it's a vacant land that's not producing much tax rolls, money to the tax rolls. This will, in the future. I think it's a good opportunity. Like I said, I know this piece of land very, very well. I'm having trouble finding a reason where I would oppose it because it's going to be another add to the neighborhood.

It is a very mixed neighborhood, especially Springfield. It's a beautiful neighborhood. I love it. I would like to see something there more that will bring in more families into the neighborhood because I know that's something Rosedale is very, they love about it, the single families and creating that sense of neighborhood and a sense of community. I think the townhomes can do that as well.

My last question. The reason from going to the two triplexes to the one townhome, the four individuals but one building, was it due to because of the guidelines? **Ms. Meador** said a combination of the guidelines, which didn't allow street-facing garages, and the neighborhood feedback of rejecting the six housing units there on that lot. So, we reduced it to four, in response to that, and then changed the arrangement of where the garages would go.

Commissioner Ramirez said to a comment that Mr. Hall made about the community not having input, was there any—I'm sure there had to have been, it's part of our process—neighborhood meetings pertaining to this project? **Mr. Meador** said we had the initial neighborhood meeting and then a follow-up neighborhood meeting to present the changes that we had made. There was still continued opposition just to the density. They only wanted the single-family designation there.

Commissioner Ramirez said okay. Thank you. That's all the questions I have.

Mayor Garner asked, are there any more questions or comments from our commissioners? Seeing none, I'll entertain a motion.

Public Opposition	Public Support
Concern was expressed to the applicant during the first of two (2) neighborhood meetings.	None to date.
Staff Recommendation Approval	

1. This City Planning Commission case is being heard in conjunction with BOZA2021-028, which is a variance to build one (1) fourplex building, totaling four (4) units between thirteen (13) and twenty (20) feet from the front property line on 0.29 acres at 4136 Springfield Street;
2. The rowhome (fourplex), attached single-family homes need to match the character of the neighborhood which is predominately single-family in nature. The existing residences along the Springfield Street have their front yards facing the west side of the street, whereas the rear of these single-family homes have access to Fisher Street by way of a rear yard driveway. The single-family homes on Fisher Street are on the west side of the street and abuts the rear lots of single-family residences along Lloyd Street;
3. Must comply with the Rosedale Urban Multi-Family Residential Design Guidelines;
4. Review the Urban Multi-Family Residential Design Guidelines, attached herein and incorporate these guidelines into the site plan and building elevations;
5. Provide a four (4) foot, pedestrian sidewalk to Springfield Street;
6. The driveway has been relocated to the rear, off Fisher Street and minimize the curb cuts by creating a semi-circle driveway for the four (4) units. Rear loaded garage and driveways matches the character of the single-family home neighborhood, specifically on the west side of Springfield Street;

CONTINUED:

7. Proposed site trees shall comply with the approved Parks Department Street Tree list;
8. The exterior building materials shall comply with the Rosedale Urban Multi-Family Residential Design Guidelines;
9. 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;
10. Three (3) trees are required to be planted in the front yard. Per Sec. 27-702 shade trees shall be at least two (2) inch caliper as measure twelve (12) inches above ground. Evergreen trees shall be between five (5) to six (6) feet in height. Trees shall not be planted within the utility easement or under water lines;

CONTINUED:

11. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one evergreen tree or one shade tree and three 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-O, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. In district R-M and C-O, buffer plantings may be required to be concentrated along potentially unsightly areas or where sensitive areas exist on adjacent property. All multifamily residential projects shall include at least one shade tree per eight dwelling units and one shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;
12. If rented, a rental license from Rental Licensing Division shall be obtained;
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;

CONTINUED:

14. All future driveways must feature curb cuts that are constructed to UG standards;
15. 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;
16. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
17. All four (4) units shall be on separate utilities (water, electrical, sanitary sewer, etc.);
18. 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,

CONTINUED:

19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and 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.

*See staff report for full summary of conditions



Action: Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2021-034, subject to the stipulations.

Mayor Garner said I have a motion and a second for approval. Roll call, please, Clerk.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 2 211746...CHANGE OF ZONE APPLICATION COZ2022-017 - KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISE LLC

Synopsis: Change of Zone from RP-5 Planned Apartment District to A-G Agriculture District to construct a single-family residence with urban farming at 3015 and 3020 Baltimore Street, and

SPECIAL USE PERMIT APPLICATION ITEM NO. 3 – 211747...SPECIAL USE PERMIT APPLICATION SP2022-045 – KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISE LLC

Synopsis: Home Occupation Special Use Permit to sell produce and farm goods grow on the property at 3015 and 3020 Baltimore Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Kalla McLaughlin with City Beautiful, LLC, is requesting a Change of Zone, Preliminary Plat, and Special Use Permit for the subject property, currently two (2) separate parcels at 3015 and 3020 North Baltimore Street. The Change of Zone is from RP-5 Planned Apartment District to A-G Agriculture District. The Preliminary Plat will combine the two (2) existing parcels, and vacates a public right-of-way and utility easement to create one (1) single-family parcel totaling 3.79 acres. The Special Use Permit is for the sale of produce and farm products that have been respectively grown and processed on the subject

property. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application COZ2022-017, subject to:

- 1) Compliance with all recommendations made by the Wyandotte County Conservation District, including those recommendations made through the site-specific conservation plan or other documents;
- 2) All relevant setback requirements must be met and properly demonstrated on the Final Plat;
- 3) Any additional violations created in the development process must receive a separate variance;
- 4) All relevant landscaping and screening requirements must be met within 18 months of approval;
- 5) The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;
- 6) If approved, the applicant must file and maintain a current business occupation tax application with this office;
- 7) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
- 8) The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning & Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;
- 9) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 10) All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);
- 11) Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
- 12) These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law.

The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application SP2022-045, subject to:

- 1) All relevant setback requirements must be met and properly demonstrated on the Final Plat;
- 2) Any additional violations created in the development process must receive a separate variance;
- 3) All relevant landscaping and screening requirements must be met within 18 months of approval;
- 4) The applicant must coordinate with the relevant UG departments and utility companies to address the existing power poles and streetlights, as well as the proposed on-site sanitary system;
- 5) If approved, the applicant must file and maintain a current business occupation tax application with this office;
- 6) 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;
- 7) The subject property is within the boundaries of the Parkwood Historic District. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, change in use, or change of zone of the subject property. Please contact the Department of Planning & Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;
- 8) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 9) All on-site driveways and parking areas must be constructed and paved in compliance with Section 27-675(b);
- 10) 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;
- 11) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 12) 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) These City Planning Commission cases are being heard in conjunction with BOZA2022-025. Any approval by the City Planning Commission or Board of Commissioners of these cases, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-025 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
 - 14) Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 - 15) The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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 & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-017 and Special Use Permit Application SP2022-045 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 3 – 211748...CHANGE OF ZONE APPLICATION COZ2022-018 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS

Synopsis: Change of Zone from AG (WYCO) Agriculture District to A-G (City) Agriculture District to subdivide the lot at 3430 N. 115th Street, submitted by Gunnar H. Hand, AICP, Director

of Planning & Urban Design. The applicant, Judith Tramposh, has submitted a Change of Zone from A-G Agriculture District (WyCo) to A-G Agriculture District (City) for the purposes of creating a preliminary and final plat for two (2) lots that will expand the subject property at 3430 North 115th Street. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application COZ2022-018, subject to:

1. The applicant shall ensure that gravel from their gravel driveway does not track onto North 115th Street. If any gravel tracks onto North 115th Street, the applicant shall clean the roadway;
2. 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;
3. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
4. 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 & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
5. The applicant must file and maintain a current business occupation tax application;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
10. 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,

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-018, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 4 – 211749...CHANGE OF ZONE APPLICATION COZ2022-019 - ANDREA WEISHAUBT WITH ATLAS SURVEYORS

Synopsis: Change of Zone from AG (WYCO) Agriculture District to A-G (City) Agriculture District to subdivide the lot at 3548 N. 115th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, John Sass, has submitted a Change of Zone from A-G Agriculture District (WyCo) to A-G Agriculture District for the purposes of creating a Preliminary and Final Plat on the property at 3548 North 115th Street. The Planning Commission voted 9 to 0 to recommend approval of Change of Zone Application COZ2022-019, subject to:

1. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. 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;
2. 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 & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
3. All existing and future driveways must feature curb cuts that are constructed to UG standards;
4. Proposed development within this plat will require civil drawings to be submitted, which may result in submitting a revised replat;
5. 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;
6. 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;

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-01, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

SPECIAL USE PERMIT APPLICATIONS

Item No. 1 – 211750...SPECIAL USE PERMIT APPLICATION SP2022-017 - ALMA BARAJAS

Synopsis: Renewal of a Home Occupation Special Use Permit (SP2016-85) for a beauty salon at 5044 Powell Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Alma Barajas, is seeking a renewal of a Special Use Permit for a Home Occupation (SP-2016-85) at 5044 Powell Avenue, to continue to operate a beauty salon. The Special Use permit was approved initially in 2009 (SP-2009-22) for two (2) years and was renewed in 2011 (SP-2011-19) and 2016 (SP-2016-85), both for five (5) years. Ms. Barajas’s takes care of her children and wishes to continue to operate the beauty salon at her home to continue to supervise her children during the day. The Planning Commission voted 9 to 0 to

recommend approval of Special Use Permit Application SP2022-017 for ten (10) years, subject to:

1. The applicant may not serve more than two (2) clients at a time;
2. The applicant shall not operate after 10:00 a.m. to 6:00 PM on any day;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
5. The applicant has filed and maintained a current business occupation tax application;
6. 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;
7. 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;
8. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. The Special Use Permit shall be valid for ten (10) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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,

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

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-017 for ten years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 2 – 211752...SPECIAL USE PERMIT APPLICATION SP2022-041 - HARIOT SINGH WITH ELITE MOTOR GROUP KC

Synopsis: Special Use Permit for auto sales at 2205 S. 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Hariot Singh DBA Elite Motor Group KC, is requesting a Special Use Permit for the operation of an automotive sales facility as a co-tenant inside the subject property at 2205 S. 88th Street. The subject property has a total of 11,882 square feet and the Applicant is proposing to co-exist with an additional tenant at the property. The automotive portion of the business involves the purchase of like-new vehicles for resale on a virtual platform without the regular or frequent presence of customers. The other tenant in the building is for a proposed automotive body shop for vehicles of passenger size through heavy trucks. The application will need to be heard separately to an additional applicant who is applying for heavy truck repair at the same address, SP2022-047. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application SP2022-041, subject to:

1. Please provide an inventory of all structures and their status with LOMR-F;
2. The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be repaired;
3. The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;
4. The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;
5. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;

6. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
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 & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;
12. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a one percent (1%) chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
14. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;
15. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

- a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
16. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
 - c. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
 - i. Certificate of elevation shall be provided when the top of the first floor has been constructed;
 - ii. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO);
17. 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;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. 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 permitholding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
20. Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;

21. 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;
22. Compliance with the Commercial Design Guidelines to be reviewed at the DRC;
23. 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 & 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,
24. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-041 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 3 – 211747...SPECIAL USE PERMIT APPLICATION SP2022-045 - KALLA MCLAUGHLIN WITH CITY BEAUTIFUL ENTERPRISE LLC

Synopsis: Home Occupation Special Use Permit to sell produce and farm goods grown on the property at 3015 and 3020 Baltimore Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application Item No. 2, COZ2022-017.

Item No. 4 – 211754...SPECIAL USE PERMIT APPLICATION SP2022-047 - MANJIT KAUR WITH CITY TRUCK & TIRE REPAIR

Synopsis: Special Use Permit for auto repair at 2205 S. 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Manjit Kaur DBA City Truck & Tire Repair, is requesting a Special Use Permit for the operation of an automotive sales facility as a tenant inside the subject property at 2205 S. 88th Street. The subject property has a total of 11,882 square feet and the Applicant is proposing to co-exist with an additional tenant at the property. The other tenant in the building is for a proposed automotive body shop for vehicles of passenger size through heavy trucks. The applicant currently operates at 6666 Inland Drive. This application will need to be heard separately to an additional applicant who is applying for heavy truck repair at the same address, SP2022-041. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application SP2022-047, subject to:

1. Please provide an inventory of all structures and their status with LOMRF;
2. The parking lot shall be restriped to demonstrate adequate parking for all tenants and combined uses. Deteriorating surfaces shall be repaired;
3. The Applicant shall construct a landscape buffer to screen the property and provide dust and environmental control for adjacent property owners towards the west near South 88th Street. Update the site plan to show landscaping in this area;
4. The condition of the underground storage tanks (UST) or DEF Tanks on the property has not been verified. Before these tanks can be utilized by the tenant, conditions of the tanks, their monitoring wells, and its last known service record and EPA Certifications shall be provided;
5. Any curbs or gutters near the parking lot entrance of the property shall be repaired and maintained in proper condition per UG Standards;
6. Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
7. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620;
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 & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure the floodplain prior to obtaining a building permit;

12. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
14. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding;
15. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
16. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
 - a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited;
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning;
 - c. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:

- i. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - ii. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO).
- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
- 20. 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 permitholding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 21. Compliance with the Commercial Design Guidelines and Code of Ordinance for this use;
- 22. 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 & 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,
- 23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-047f for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 5 – 211755...SPECIAL USE PERMIT APPLICATION SP2022-048 - COPART OF KANSAS, INC.

Synopsis: Renewal of a Special Use Permit (SP2020-21) to continue to store boats, trailers, vehicles, construction equipment, and farm equipment for retail sales at 8440 Gibbs Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Jay Healy with George Butler Associates Inc, is seeking the renewal of a Special Use Permit SP2020-029 which expires on July 30, 2022, to store damaged and undamaged boats, operable and inoperable trailers, vehicles, construction equipment, and farm equipment for retail sales at 8440 and 8600 Gibbs Road. The property will also be used for wholesales online retail auctions and will feature an accessory office to handle shipping and receiving as well as customer parking. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application SP2022-048, subject to:

1. Enhanced landscaping along the north property line approved by Staff in lieu of the masonry columns;
2. 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;
3. 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;
4. 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;

5. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
6. 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;
7. 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 & 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,
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve of Special Use Permit Application SP2022-04 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 6 – 211756...SPECIAL USE PERMIT APPLICATION SP2022-052 - LINDA SIEMENS WITH CULTIVATE KANSAS CITY

Synopsis: Special Use Permit to continue to keep storage containers and a moveable high-tunnel for a training farm and community garden at 1900 N. 1st Street (SP2019-2 expired 1/31/2021), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Linda Siemens with Cultivate KC and New Roots for Refugees, is requesting a Special Use Permit for the operation of an urban farm at 2089 North 1st Street on the Juniper Gardens Apartment Complex. The subject property is a large housing development in which half the buildings have been demolished, leaving the land vacant. This property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining, but only 95 of the 385 units have residents. Cultivate KC operates the New Roots for Refugees Training Farm at this location, which trains immigrant refugees from various countries. The program has a maximum of 12 participants who learn how to begin their own businesses selling produce and agricultural products over the course of four (4) years. The program does sell farm products on site during quarterly sales of starter plants and produce and utilizes various utility storage containers to store equipment and as coolers to store harvested produce before sales. Produce is sold at numerous farmer's markets throughout the metro and through a CSA subscription box or on-site. The applicant has maintained the program on the property since 2012. The Special Use Permits have been maintained except for last year's permit, as they had had no guidance on if their lease would be renewed at the time of the current Special Use Permit's Expiration. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application SP2022-052, for two (2) years, subject to:

- 1) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 2) The applicant must keep a current annual Business License/Occupation Tax Receipt;
- 3) Should additional shipping containers be needed beyond seven (7), a modification to the Special Use Permit is required;
- 4) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

- 5) Any business or land use in Kansas City, KS that is required to provide offstreet 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 & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin that process;
- 7) 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;
- 8) 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;
- 9) 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;
- 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) 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 & 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,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-052 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 7 – 211758...SPECIAL USE PERMIT APPLICATION SP2022-053 - BRIEN DARBY WITH CULTIVATE KANSAS CITY, INC.

Synopsis: Special Use Permit to keep storage containers and a greenhouse at 1810 N. 1st Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Linda Siemens with Cultivate KC and New Roots for Refugees, is requesting a Special Use Permit for the operation of an urban farm at 1810 North 1st Street as a continuation of the programming on the Juniper Gardens Apartment Complex. The subject property is known as Stowe Park and is adjacent to a large housing development in which half the buildings have been demolished, leaving the land vacant. The adjacent property is currently owned by the Kansas Housing Authority but is being divested by the Authority. Approximately 900 housing Units were originally built with approximately 385 remaining, but only 95 of the 385 units have residents. Cultivate KC operates the New Roots for Refugees Training Farm at this location, which trains immigrant refugees from various countries. The program has a maximum of 12 participants who learn how to begin their own businesses selling produce and agricultural products over the course of four (4) years. The program does not sell farm products on this site but utilizes the larger adjacent site at Juniper Gardens for sales. The Stowe Park site does incorporate plants and produce and utilizes various utility storage containers to store equipment and as coolers to store harvested produce before sales. Produce is sold at numerous farmer’s markets throughout the metro and through a CSA subscription box or on-site. The applicant has maintained the program on the

property at Juniper Gardens since 2012 and is looking to expand with the purchase of Stowe Park. The Applicant is proposing two additional storage containers, a greenhouse, and a garden shed. These structures are temporary until further determination of the course of action is decided at the adjacent Juniper Gardens site. The Planning Commission voted 8 to 0 to recommend approval of Special Use Permit Application SP2022-053, for two (2) years, subject to:

- 1) The applicant must keep a current annual Business License/Occupation Tax Receipt;
- 2) The granting of this Special Use Permit does not transfer with a change of ownership of the property;
- 3) Should additional shipping containers be needed beyond two (2), a modification to the Special Use Permit is required;
- 4) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
- 5) 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;
- 6) Any business or land use in Kansas City, KS that is required to provide offstreet 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.
- 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 & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin that process;
- 8) 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;

- 9) 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;
- 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) 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 & 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,
- 12) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-053 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 8 – 211759...SPECIAL USE PERMIT APPLICATION SP2022-055 - MARC WINKLER WITH PURPLE HOLDINGS, LLC

Synopsis: Special Use Permit to operate a short-term rental at 620 Tenny Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. : The applicant, Marc Winkler, is seeking approval to operate a short-term rental at 630 Tenny Avenue. The subject property is in the Strawberry Hill neighborhood. The applicant purchased the property within the last year and has completed some renovations as it was a distressed property. The Planning Commission voted

9 to 0 to recommend approval of Special Use Permit Application SP2022-055, for one (1) year, subject to:

1. The following building repairs must be made prior to any guest or tenant occupation:
 - a. Repair the mortar around the front wall near stairs.
 - b. Repair holes in the siding at ground level where pests could enter.
 - c. Repair mortar on garage.
 - d. Repair holes in soffit/fascia where there are signs of rodent/pest infestation.
 - e. Repair windows. All windows must be operable with ease.
 - f. Evidence of working GFCI outlet receptacles shall be given in the kitchen, bathrooms, or any weather exposed areas.
 - g. Smoke and Carbon Monoxide detectors must be present and in verifiable working condition.
 - h. The sump pump must be in working condition, complete with a cover.
 - i. Railing must be replaced on the front porch and up the front stairs.
2. Maximum number of guests shall be four (4);
3. All parking must be off-street, maximum number of vehicles is one (1);
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. 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);
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 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;
13. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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 & Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-055 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 9 – 211761...SPECIAL USE PERMIT APPLICATION SP2022-056 - TOBIAS SANDOVAL

Synopsis: Special Use Permit to store construction equipment at 3914 N. 59th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Tobias Sandoval-Suarez, wants to have employees park their personal vehicles at his house, then carpool to the job site, keep work trucks, equipment and material associated with the business on the property on 4.81 acres located at 3914 North 59th Street. The Planning Commission voted 9 to 0 to recommend approval of Special Use Permit Application SP2022-056, for two (2) years, subject to:

1. Temporary Use of Land for Commercial or Industrial Purposes shall not be approved for more than two (2) years, which means this Special Use Permit cannot be renewed for consecutive renewals. A zoning district, C-3/CP-3 Commercial District or higher must be sought elsewhere to park equipment, materials and facilitate parking employee parking;

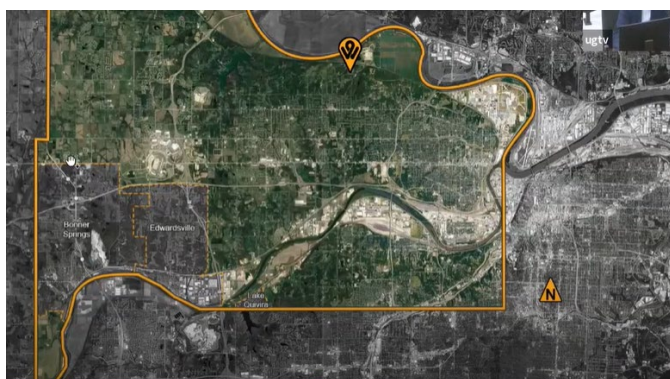
2. Upon expiration of this Special Use Permit, the equipment storage area and work vehicle parking shall be restored to grass;
3. For the duration of the Special Use Permit, no more than three (3) employees may park on the driveway on the property;
4. The hours of operation shall be 7:30 AM to 5:00 PM, Monday through Friday.
5. The equipment to be stored may only be a caterpillar loader (skid steer) and a fence stretcher;
6. Fencing along North 59th Street shall be at least forty (40%) open and may not exceed four (4) feet in height (in front of the residence). Any fencing behind the front plane of house, including side and rear yards may be up to six (6) feet in height;
7. Barbed wire is prohibited unless it is to enclose open farm land or where farm animals are otherwise permitted;
8. Access to North 60th Street for this Special Use Permit shall be restricted. All ingress and egress shall occur on North 59th Street;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards. The driveway apron on North 59th Street must be paved concrete in the right-of-way;
10. A Right-of-Way Permit is required for the driveway extension. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. No site grading or movement of earthen material may occur on the property without a separate Special Use Permit per Sec. 27-593(b)(15).
12. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27- 470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35- 492]. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be renewed per Sec. 27-593(a)(27). The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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 & 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.

Mayor Garner said I'll ask staff to make some opening remarks.

Case	
SP2022-056	
Petitioner	Address
Tobias Sandoval Suarez	3914 North 59 th Street Kansas City, Kansas 66104
Synopsis	
To have employees park their personal vehicles at his house, then carpool to the job site, keep work trucks, equipment and material associated with the business on the property on 4.81 acres.	

Gunner Hand, Director of Planning & Urban Design, said Mr. Sandoval is looking for a short-term use of land special use permit. According to the zoning code, short-term uses of land can only be approved for up to two years max. Mr. Sandoval is looking to do some outside storage of equipment and materials for his newly created business. This special use permit was brought to us as a result of a code enforcement case. Mr. Sandoval has already gone through the process to provide screening from his front yard for the materials from view.



This is in the City-Wide Master Plan area in the sort of northern midtown area, close to the—as you approach the Missouri River.

We have received some letters of support. Mr. Sandoval also had a gentleman from the neighborhood in support at the Planning Commission. We've also received some opposition. Again, I noted the code enforcement case.

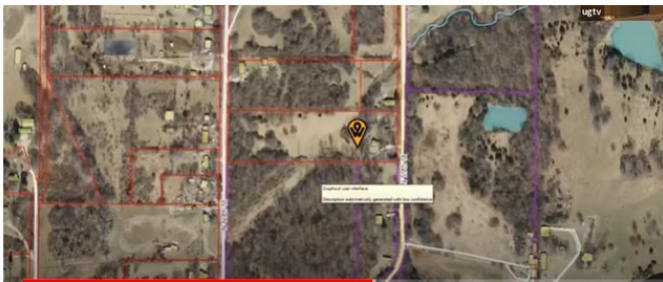
The conditions of approval assigned to this special use permit include hours of operation from 7:30 – 5:00, a maximum amount of time; a maximum limit of three employee cars parking there at one time. Mr. Sandoval owns a fence/post business so he's got a fence stretcher and a caterpillar. Those are the only two pieces of equipment that are allowed to be stored on the site. We've also asked Mr. Sandoval to redo his driveway to meet UG standards. It's currently a gravel driveway with apron. We're asking for him to build a concrete apron, accordingly, for the two years that he's going in and out of the property.

Again, Mr. Sandoval is well aware that this is provided to him in order to spend the next two years to find a permanent solution as opposed to having this operation on this site at his house. Staff agrees with the recommendation of the Planning Commission for approval for two years max.

Mayor Garner said I'll ask the applicant or representative to present their application, if they're present.

Mayor Garner said I'll now open the public hearing and ask the Clerk if she received any notification from the public who wished to express their comments in favor of this item.

Mr. Hand said, Mr. Mayor, Mr. Sandoval is online.



Tobias Sandoval, Applicant, said (inaudible) for two years for a special permit to run my business up at my house.



That's all I need to—that's all I want. I only have my stretcher and my loader to load up my materials or store my materials over here. I don't bother any of my neighbors because my neighbors there are quite far away. I mean, that's all I need.

Mayor Garner asked, does that conclude your comments? **Mr. Sandoval** said yes.





Mayor Garner said I'll now open the public hearing and ask the Clerk if she received any notification from the public who wish to express their comments in favor of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there any person present in the audience who would like to speak in favor of this item? If so, please come to the podium and state your name and address for the record. You will be given up to three minutes to state your comments. Seeing none.

Is there anyone joining us virtually who would like to speak in favor of this item? If so, please raise your hand to be acknowledged by the Clerk. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments. **Ms. Sparks** said no hands are raised.

Mayor Garner said I'll ask the Clerk if she received any notification from the public who wish to express their opposition of this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in opposition of this item? If so, please come to the podium and state your name and address for the record. You'll be given up to three minutes to state your comments. Seeing none.

Is there anyone joining us virtually who would like to speak in opposition of this item? If so, please raise your hand to be acknowledged by our Clerk. Once acknowledged, please state your name and address for the record. You'll be given up to three minutes to state your comments. **Ms. Sparks** said no hands are raised.

Mayor Garner said I will close the public hearing.

Mayor Garner asked, would the petitioner like to make any closing comments? **Mr. Sandoval** said no, thanks.

Mayor Garner asked, do any members of the Commission have any questions or comments?

Commissioner Davis said I just want to hold this item back and send it back to the Planning Commission. There's some concerns with the neighbors and I've been able to speak with them...some of those concerns. I've not had an opportunity to speak with Mr. Sandoval. So, I'd like to have more conversation and address some of those concerns and also work with staff and then have this come back before us and, hopefully, we'll be ready to go.

Action: **Commissioner Davis made a motion, seconded by Commissioner Johnson, to refer Special Use Permit Application SP2022-056 back to Planning & Urban Design.**

Mr. Hand said point of clarification. Can we pick a date of the Planning Commission? Would that be the August Planning Commission, or excuse me, the July Planning Commission? **Commissioner Davis** said yes. **Mr. Hand** said okay.

Mayor Garner asked, do any other commissioners have any questions or comments in regard to this item? Okay. We have a motion and we have a second. Clerk, roll call, please.

Public Opposition	Public Support
Staff has received a phone call from a neighbor who opposes the proposed use.	None to date.
	0.
Staff Recommendation	
Approval	



Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

June 30, 2022

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

Item No. 1 – 211770...AN ORDINANCE rezoning property at 2724 N. 13th Street, (COZ2022-006) from C-1 Limited Business District to CP-2 Planned General Business District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-78-22**, “An ordinance rezoning property hereinafter described located at approximately 2724 North 13th Street, in Kansas City, Kansas, by changing the same from its present zoning of C-1 Limited Business District to CP-2 Planned General Business District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 2 – 211771...AN ORDINANCE authorizing a Special Use Permit (SP2022-018) to operate a sports bar with event space/live entertainment at 2724 N. 13th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-79-22**, “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, to operate a sports bar with event space/live entertainment at 2724 N. 13th Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 3 – 211772...AN ORDINANCE rezoning property at 10 S. Hallock, 525 Central Avenue and 529 Central Avenue, (COZ2021-051) from R-1(B) Single Family and CP-O Planned

Nonretail Business Districts to RP-6 Planned High Rise Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-80-22**, “An ordinance rezoning property hereinafter described located at approximately 10 South Hallock, 525 Central Avenue and 529 Central Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family and CP-O Planned Nonretail Business Districts to RP-6 Planned High Rise Apartment District..” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 4 – 211773...AN ORDINANCE vacating an alley at 731 Tenny Avenue (VAC2021-011), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-81-22**, “An ordinance vacating Lot 13, Husted & Berrys Addition, a subdivision of land in Kansas City, Wyandotte County, Kansas 66101, Parcel 120019, commonly known as 731 Tenny, located at approximately 731 Tenny Avenue, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 5 – 211774...AN ORDINANCE vacating right-of-way at 3801 Lloyd Street (VAC2021-012), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-82-22**, “An ordinance vacating the right-of-way described as Kansas City Avenue in Rosedale Park Plat, adjacent to Lot 1, Block 3, Rosedale Park, a subdivision of land in Kansas City, Wyandotte County, Kansas, located at approximately 3801 Lloyd Street, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve**

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

Item No. 6 – 211775...AN ORDINANCE vacating right-of-way at 10 S. Hallock and 525 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-83-22,** “An ordinance vacating a tract of land being part of Block 21 and Block 23, River View a subdivision of land in the city of Kansas City, Wyandotte County, Kansas, located at approximately 10 South Hallock and 525 Central Avenue, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 7 – 211776...AN ORDINANCE authorizing a Special Use Permit (SP2022-003) for a car dealership with automotive repair, auto detailing, and auto stereo installation, at 1830 Quindaro Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-84-22,** “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a car dealership with automotive repair, auto detailing, and auto stereo installation, at 1830 Quindaro Boulevard.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 8 – 211777...AN ORDINANCE authorizing a Special Use Permit (SP2022-007) for a health clinic, serving uninsured and under-insured persons at 2002 S. 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-85-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for a health clinic, serving uninsured and under-insured persons at 2002 S. 51st Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 9 – 211778...AN ORDINANCE authorizing a Special Use Permit (SP2022-019) for the continuation of a Short-Term Rental at 4313 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-86-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a Short-Term Rental at 4313 Rainbow Boulevard.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 10 – 211781...AN ORDINANCE authorizing a Special Use Permit (SP2022-034) for continuation of a modular classroom at Piper Middle School at 4420 N. 107th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-87-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a modular classroom for Piper Middle School at 4420 N. 107th Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine

“Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 11 – 211782...AN ORDINANCE authorizing a Home Occupation Special Use Permit (SP2022-021) to operate a toy and gift merchandise sales shop at 2618 S. 48th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-88-22**, “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, to operate a toy and gift merchandise sales shop at 2618 S. 48th Terrace.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 12 – 211783...AN ORDINANCE designating property commonly known as the Antioch Baptist Church, at 1335 Quindaro Boulevard, as a Kansas City, Kansas Historic Landmark, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-89-22**, “An ordinance designating property hereinafter described, commonly known as the Antioch Baptist Church, located at 1335 Quindaro Boulevard, in Kansas City, Kansas, as a Kansas City, Kansas Historic Landmark.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 13 – 211784...AN ORDINANCE designating property commonly known as the Westheight Manor Historic District, in Kansas City, Kansas, listed on the National Register of Historic Places and Register of Historic Kansas Places, as a Kansas City, Kansas Historic District, bounded on the north by Wood Avenue and Everett Avenue; on the east by N. 18th Street; on the

south by State Avenue; and on the west by N. 22nd Street and N. 25th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **Ordinance No. O-90-22**, “An ordinance designating property hereinafter described, commonly known as the Westheight Manor Historic District, in Kansas City, Kansas, listed on the National Register of Historic Places and Register of Historic Kansas Places, as a Kansas City, Kansas Historic District.”
Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

PLANNING AND ZONING NON-CONSENT AGENDA

No items.

Mayor Garner said that concludes the Planning & Zoning portion of tonight’s meeting. We will now move to the regular portion of our Commission meeting agenda.

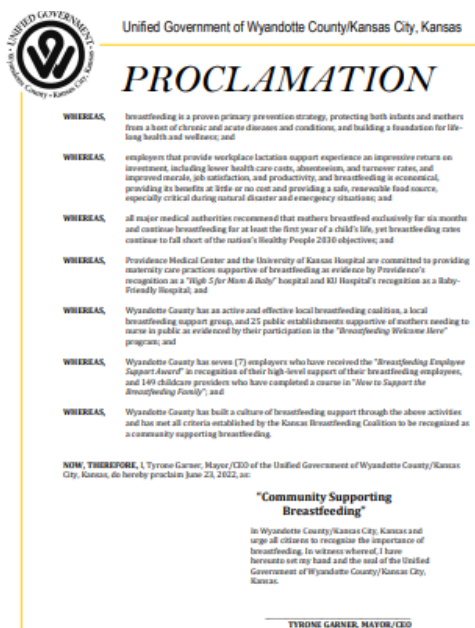
REGULAR AGENDA

MAYOR'S AGENDA

Item No. 1 – 211760...PROCLAMATION: COMMUNITY SUPPORTING BREASTFEEDING

Synopsis: Proclamation proclaiming May 2022 as Community Supporting Breastfeeding Month, submitted by Mayor Garner.

Mayor Garner said I’ll ask the Clerk to please read that proclamation. **Monica Sparks, Acting UG Clerk**, read the proclamation as follows:

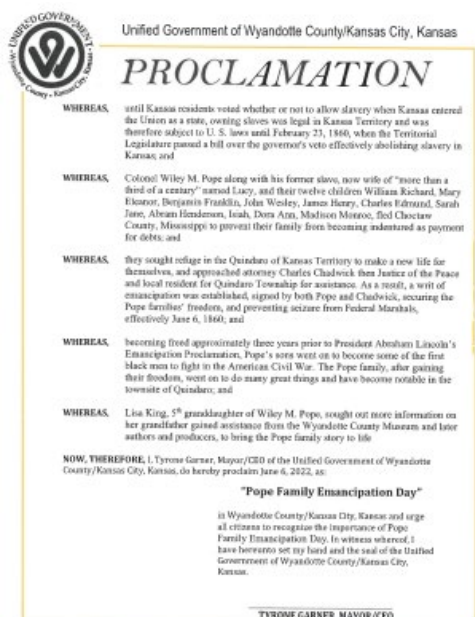


Action: The proclamation was read.

Item No. 2 – 211751...PROCLAMATION: POPE FAMILY EMANCIPATION DAY

Synopsis: Proclamation proclaiming June 6, 2022, as Pope Family Emancipation Day, submitted by Mayor Garner.

Mayor Garner said, Clerk, could you please read that. **Monica Sparks, Acting UG Clerk,** read the proclamation as follows:



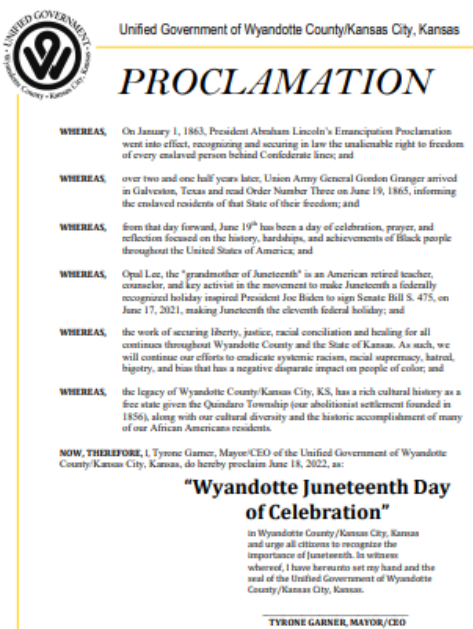
June 30, 2022

Action: The proclamation was read.

Item No. 3 – 211753...PROCLAMATION: WYANDOTTE JUNETEENTH DAY OF CELEBRATION

Synopsis: Proclamation proclaiming June 18, 2022, as Wyandotte Juneteenth Day of Celebration, submitted by Mayor Garner.

Mayor Garner said, Clerk, could you read that, please. **Monica Sparks, Acting UG Clerk**, read the proclamation as follows:

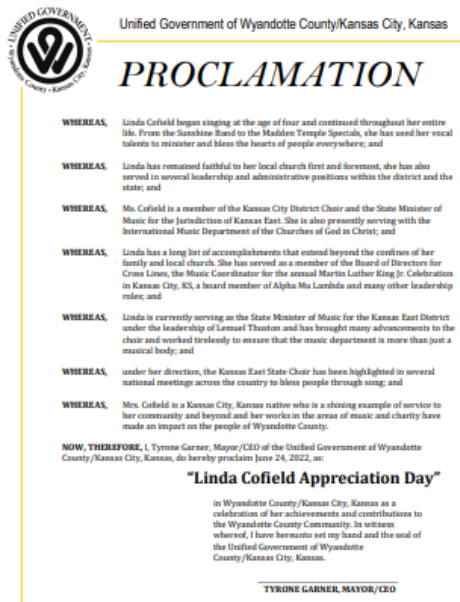


Action: The proclamation was read.

Item No. 4 – 211779...PROCLAMATION: LINDA COFIELD APPRECIATION DAY

Synopsis: Proclamation proclaiming June 24, 2022, as Linda Cofield Appreciation Day, submitted by Mayor Garner.

Mayor Garner said would you read that, Clerk. **Monica Sparks, Acting UG Clerk**, read the proclamation as follows:

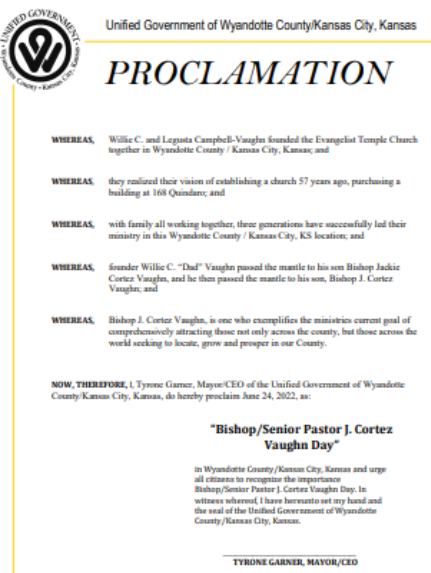


Action: The proclamation was read.

Item No. 5 – 211757...PROCLAMATION: BISHOP AND SENIOR PASTOR J. CORTEZ VAUGHN DAY

Synopsis: Proclamation proclaiming June 24, 2022, as Bishop and Senior Pastor J. Cortez Vaughn Day, submitted by Mayor Garner.

Mayor Garner said, could you read that, Clerk, please. **Monica Sparks, Acting UG Clerk,** read the proclamation as follows:



June 30, 2022

Action: The proclamation was read.

Item No. 6 – 211762...PROCLAMATION: PRIDE MONTH

Synopsis: Proclamation proclaiming June 2022 as Pride Month, submitted by Mayor Garner.

Mayor Garner said, Clerk, could you read that, please. **Monica Sparks, Acting UG Clerk**, read the proclamation as follows:



Action: The proclamation was read.

Item No. 7 – 211765...APPOINTMENT: WITNESS DESTRUCTION OF ELECTION BALLOTS AND RECORDS

Synopsis: Appoint Commissioner Christian Ramirez and Commissioner Chuck Stites to witness on July 11, 2022, the destruction of ballots and records that no longer need to be retained. Should the Primary be unable to attend, alternate appointments should be Commissioner Melissa Bynum and Commissioner Angela Markley, submitted by Lisa Rangel, Commission Office.

Mayor Garner said I should note this is a state function as opposed to a Unified Government function. I'll ask Legal to give some comments in that regard.

Jeff Conway, Assistant Counsel, said that is true. This item is brought on behalf of the Election Office. K.S.A. 25-2708 and 2709 do lay out the procedures for the destruction of the ballots. It requires that it be done six months after the Primary, I mean the local election, and then 22 months after for all the other materials that go with that. It also requires the designation of two witnesses, so this is simply carrying out the dictates of the statutes.

Mayor Garner asked, is there any discussion from our commissioners? Questions?

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve as submitted.**

Mayor Garner said seeing no further discussion, I have a motion and a second to approve. Roll call, please, Clerk.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 8 – 211780...RESOLUTION: EXTENDING THE STATE OF THE LOCAL HEALTH EMERGENCY ORDER THROUGH OCTOBER 1, 2022

Synopsis: Proposing a resolution to extend the state of Local Health Emergency for the COVID-19 pandemic for the County of Wyandotte, Kansas, through October 1, 2022, submitted by Matt May, Director of Emergency Management.

Mayor Garner said I’d like to have staff if someone can speak to that.

Matt May, Director of Emergency Management, said this is another resolution of the continuing saga of emergency declarations that we have done. Primarily, at this point, it is health related. We all know where we are with this. I’m sure everybody’s been paying attention to the fact that the number of cases, unfortunately, is rebounding back a little bit. But to keep and maintain our preparedness level, mostly for the Health Department to be able to do what they need to do, we ask that this declaration stay in place until such time as the funding goes with that is no longer available.

There is a slight change in the federal funding now at this point. As of tomorrow, it will change from a full 100% reimbursement to a 90% reimbursement, which is still significantly better than what is normal for this program, which is usually only 75%. So, my recommendation is to continue to keep this in play and allow the Health Department, in particular, to take advantage of that reimbursement.

Mayor Garner asked, are there any comments or questions?

Action: **Resolution No. R-24-22**, “A resolution extending the state of local health emergency for the COVID-19 pandemic for the county of Wyandotte, Kansas, through October 1, 2022.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.**

Commissioner Ramirez said thank you, Matt, for what you have done and the Health Department up to this point to try to get us through the pandemic. I say this comment every time this comes before us, but the community knows this is not a health order. This is not restricting anything in any way. This is just to reimburse the costs that we incur to continue to fight against COVID and to keep our community safe. So, this is not a shutdown order. This is not a mask order. This is just for us to continue to get reimbursed by the federal government.

Mayor Garner asked, any other further discussion? I believe I have a motion and a second. Let me clarify, that was for approval? **Commissioner McKiernan** said yes. **Mayor Garner** said okay. Seeing no further discussion, roll call, please.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 9 – 211724...UPDATE: COUNTY ADMINISTRATOR SEARCH PROCESS

Synopsis: Communication on County Administrator's Search Process submitted by Tyrone Garner, Mayor/CEO.

Mayor Garner said one of the commitments I made to our Commission as well as the public and all our stakeholders that have an interest in this process, is that I made a commitment to be timely and that it be open, thorough, deliberate, inclusive, and most importantly, transparent. I'm trying to say true to that.

If you do not know, there was an RFP put out for a search firm to assist with this process. I believe that closes on June 1st, which is tomorrow. So, as we get that process further down the line, you will be kept apprised of who will be selected. That selection will be made by staff. I've given them that luxury to do that based on their experience as far as the RFP process is concerned.

Outside of the search firm, I just—a lot of thought was put into this. When you talk about being transparent, thorough, inclusive, and one of the things I talked about was making sure that our staff, our Commission, and our stakeholders, and you can say the business community as well, all had, as well as our community at-large, all had some type of input in this process. To facilitate that, I really wanted to make sure that I did so in a manner that allowed for that. What I've come up with, and just walk you through it, and this is just a general draft. Nothing's been solidified in stone. As I walk through this, you can kind of get an idea of where I'm going. But we're really going to have a selection committee that will be put forth, a task force, if you want to call it that. I'm just going to walk through, kind of a step, of what that's going to look like.

We've already had the RFP process put out, which I had mentioned. What I will do from there is I'll assemble an administrative selection task force. That will be in collaboration with your Unified Government Commission. It will be a 12 body task force. Two of those members will be selected by me and that will be the chair and the co-chair. Mayor Harrington, from Bonner Springs, has already given his initial agreement to chair that task force. Mr. Johnson, with BPU, has agreed to co-chair that. So, those are the first two individuals that will be seated on this task force. Commissioner Bynum and Commissioner Burroughs, being the at-large commissioners, will represent the Unified Government Commission as far as selecting those individuals that will be seated as far as recommendations being forwarded to them from the Unified Government Commission.

Each commissioner will be asked to forward to Commissioners Bynum and Burroughs two recommendations of individuals that they'd like to see selected from their district. The two at-large commissioners will pick one individual from the at-large district as well, and also working with you, will select those individuals to round out the 10 members of this task force.

From there, collaboration with the task force, the search firm will identify a plan and a timeline and begin the process of obtaining feedback. When I say feedback, we will look at ways to do a survey. That's one way to do that. I don't really want to micromanage this for this task force, but that's an idea where they can, at least, do surveys from the community, from employees here at the Unified Government, as well as from the business community, and anyone else that they feel is of value to really help develop, with the search firm, what the job description will look like for any interested candidates that desire to be considered for the position of permanent county administrator.

It will be an open process. Once that happens, the search firm will present the job description and put that out. The task force will be tasked with working with the search firm to narrow down applicants to three. That may involve looking at resumes, doing interviews, having discussions all in collaboration with the search firm. That's pretty much that process. But, again, I want to leave that open for that task force to really decide what that will look like for them.

Towards the end, the three candidates, after all that takes place, will be brought in for a full round of Q&A with senior and executive UG staff, selected by the Interim County Administrator. That includes the labor unions as well as other leadership, business community representatives, employees. We also would like to include WYEDC which is the Wyandotte Economic Development Corporation, Bonner Springs and Edwardsville Chamber of Commerce, the Administrators from both Bonner Springs and Edwardsville, employees of the Unified Government, any other stakeholders that this task force deems necessary to follow-up with a community roundtable with key community residents with these three leaders.

That information will be taken back by the chair and co-chair of this task force for review, discussion, and recommendation to the task force body where they will narrow it down to two candidates, which will be the semi-finalists. Finally, those two candidates will be allowed to have a meeting with the Unified Government commissioners in a manner that we would have to do a 3-on-3 to make sure that we're in compliance with open meeting obligations.

The information from the commissioners will be brought back to the task force as far as their initial impressions. The task force will reconvene and send me a recommendation with the one candidate recommendation to be, hopefully, the best choice for me to consider as the permanent county administrator, with the runner-up still being in the run.

So, I'll interview the recommended candidate. If I'm satisfied, that individual will be brought forward as far as an appointment to the full Commission; if not, the runner-up will be interviewed and will be brought forward if I deem necessary. In the event that I don't deem either candidate is appropriate, then we will start the process over. I don't see that happening. I believe the recommendations from this group of individuals and the work that I know that they'll be putting in, with the search firm, should produce a candidate of choice based on the information and qualifications and experience and all the things that will be brought forward as far as what, hopefully, we all can agree would be the best candidate to lead administratively the Unified Government forward.

So, that is pretty much the process. We're going to start here pretty quick. I will be sending out probably in the next week or two, calls for interest through the two at-large commissioners, to the eight commissioners, on the two individuals that they would like to add to this task force. If there's any comments or concerns, please get with me. If there's anything that I'm missing, any blind spots that may be there as we move forward, I'm open to being inclusive and taking any and all recommendations that you all think would be of value as we move through this process.

Hopefully, we will have the selection committee, the actual firm, I'm sorry, selected prior to next commission meeting. That is the hope. If so, I will announce what that selection was from our administrative staff at that time.

So, outside of this meeting, please get with me if there's any comments or questions in that regard. I'm looking forward to this process. I think, hopefully, this process will allow for it to be as transparent, inclusive, and really, as the result, bring forth the best qualified candidate to lead the Unified Government far into the future from the administrative seat.

Action: For information only.

Item No. 10 – 211797...PRESENTATION: PARTNER IN EXCELLENCE AWARD

Synopsis: Presentation to the Unified Government of the Partner in Excellence Award from the Kansas University Health System, submitted by Mayor Tyrone A. Garner.

Mayor Garner said they gave this award to the Unified Government. The Partner in Excellence Award, which was given on June 15, 2022, was part of their Hall of Fame celebrating those who advanced and shared in their vision. The Partner in Excellence Award that was given to the Unified Government of Wyandotte County/Kansas City, KS, honors companies or organizations investing in the health system's growth and successes through philanthropy, volunteerism and/or business partnerships.

They've given us a nice award and I wanted to hand this off to our Administrator because it's not an award for any one person. This is an award for everybody and anybody that calls Wyandotte County home as well as our Unified Government. I've asked our Administrator to make sure that we put this in a place where anyone that comes to our Unified Government could see this and really enjoy this and really celebrate this award to our Unified Government and really highlight the partnership that we have with KU in helping keep our community healthy and improving the livelihood of our residents. So, thank you, KU.

Action: **For information only.**

Item No. 11 – 211800...APPROVING EXECUTION AND DELIVERY OF SETTLEMENT AGREEMENT

Synopsis: Resolutions approving execution and delivery of agreement to settle litigation and authorizing the issuance of General Obligation Bonds to fund the settlement, submitted by Misty Brown, Chief Legal Counsel.

Mayor Garner said this was added as a pink sheet. I'll turn this matter over to our Chief Legal Counsel for a presentation.

Misty Brown, Chief Counsel, said I, in turn, I'm going to recognize Mr. David Cooper, our outside counsel in this matter.

David Cooper said I'm lead outside council in the litigation of McIntyre v. Unified Government, et al. We come before the Commission this evening with the request for action presenting two resolutions with the recommendation that both be adopted, that they must be done serially.

The first is a resolution approving the execution and delivery of a settlement agreement to settle pending litigation. That is presented with the recommendation of both outside legal counsel and chief legal counsel.

Mayor Garner asked, is there any discussion? Seeing none, I'll entertain a motion.

Action: **Resolution No. R-25-22**, "A resolution approving the execution and delivery of an agreement to settle litigation in the federal District of Kansas alleging violations of Kansas State law and 42 U.S.C §1983 in *Lamonte McIntyre and Rose McIntyre v. Unified Government of Wyandotte County and Kansas City Kansas, et al.* Case No. 18- cv-2545-KHV." **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.**

Mayor Garner said I need to be clear, does this—do we need to add the issuance of bonds? **Mr. Cooper** said if this resolution passes, that will be the next action. **Mayor Garner** said okay. Thank you. So, we have a motion and a second for the first resolution. Is there any other further discussion? Seeing none, roll call, please.

Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs. (Townsend's vote is shown below)

Commissioner Townsend said, Mayor, just a point of order. I had my hand up. I did have questions when you called for discussion. If you don't mind and since I do not have that resolution in front of me, could counsel summarize or read what that is. Does this talk about the amount in either one of these and/or the matter of financing? I think bonding was mentioned. Over what period of time and how will that reflect on our budget?

Mr. Cooper said, Commissioner Townsend, I'd be happy to address—I'll address your first question and assuming the vote on this one, I'll address your question regarding the bonds, the amounts, when presenting that resolution.

This is a resolution to approve the settlement agreement of which the plaintiffs have offered to settle pending litigation for the total sum of \$12.5M with each partner to be responsible

for their own court costs and attorney fees and expenses. That the plaintiff shall be responsible for any liens, subrogated interests, or hold the Unified Government at all harmless there from and agree to dismiss the lawsuit with prejudice. Those are the terms.

Commissioner Townsend asked, do we have any numbers yet on our costs or is that part of this resolution, or is that stated somewhere else? **Mr. Cooper** said that is not a part of this resolution. You're not approving—you're authorizing staff—the subsequent resolution authorizes staff to investigate the use of general obligation bonds to fund the settlement. It does not obligate them to do so. They will undertake to present the most efficient means forward, whether that's with bonds or otherwise.

Commissioner Townsend said I'm sorry, Counselor. I didn't hear the last part. Whether it's bonding or what? **Mr. Cooper** said or otherwise. **Commissioner Townsend** said thank you for that insight, Counselor. I just want to say before I vote just so it is clear to the public, this would not mean the Unified Government is admitting to any wrongdoing. It brings final resolution. It's an expensive choice in the matter. It will be a reminder to all of us as staff goes about day-to-day decisions. With that said, I'll reluctantly, sadly that there's a need for this, vote to approve.

Roll call: Commissioner Townsend voted to approve (as noted above).

Commissioner Townsend said thank you, Mayor. Thank you outside counsel and our in-house counsel, as well, for the work they've done. Thank you.

Mayor Garner said we have the other item.

Action: **Resolution No. R-26-22**, "A resolution authorizing the issuance of general obligation bonds of the Unified Government of Wyandotte County/Kansas City, Kansas to fund a civil litigation settlement (*Lamonte McIntyre and Rose McIntyre v. Unified Government of Wyandotte County and Kansas City Kansas, et al.* Case No. 18- cv-2545-KHV) in the amount of \$12,500,000." **Commissioner**

McKiernan made a motion, seconded by Commissioner Davis, to adopt the resolution.

Mayor Garner asked, any discussion? Seeing none, Clerk, roll call, please.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

REGULAR 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 an item is not set-aside, all items on the Regular Consent Agenda will be voted on by one vote.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve.**

Mayor Garner said I have a motion and a second. Any discussion? Seeing none, roll call, please.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 1 – 211712...RESOLUTION: ROCK ISLAND BRIDGE IRB SALES TAX EXEMPTION

Synopsis: Resolution of Intent to Issue Industrial Revenue Bonds in the amount not to exceed \$13,000,000 to finance the costs of acquiring, constructing, improving, and equipping a multi-purpose commercial project for the benefit of Flying Truss, LLC, submitted by Katherine Carttar, Director of Economic Development. On June 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

Action: **Resolution No. R-27-22**, “A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount of not to exceed \$13,000,000 to finance the costs of acquiring, constructing, improving and equipping a multi-purpose commercial project for the benefit of Flying Truss, LLC, and its successors and assigns (sales exemption only).” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 2 – 211714...RESOLUTION: TERMINATION OF SCAVUZZO'S FOODIE PARK

Synopsis: Resolution authorizing the approval of the termination of Foodie Park Development Agreement and subsequent amendments submitted by Katherine Carttar, Director of Economic Development. On June 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

Action: **Resolution No. R-28-22**, “A resolution authorizing the approval of the termination of Foodie Park Development agreement.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 3 – 211715...ORDINANCE: REPEALING 2019 MIDTOWN REDEVELOPMENT PROJECT PLAN

Synopsis: Ordinance repealing the 2019 Midtown Redevelopment Project Plan, submitted by Katherine Carttar, Director of Economic Development. On June 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

Action: **Ordinance No. O-91-22**, “An ordinance of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas terminating the redevelopment project plan for Project Area 1 of the Midtown Redevelopment District.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 4 – 211716...RESOLUTION: BROTHERHOOD BANK BUILDING SPECIAL NRA

Synopsis: Resolution approving a special project application for a rebate on incremental property taxes pursuant to the Neighborhood Revitalization Act Plan for the redevelopment of the Brotherhood Bank Building at 753 State Avenue, Kansas City, KS into residential apartment units and upgraded office space, submitted by Katherine Carttar, Director of Economic Development. On June 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

Action: **Resolution No. R-29-22**, “A resolution approving a special project application for a rebate on incremental taxes pursuant to the Neighborhood Revitalization Act Plan for redevelopment of the Brotherhood Bank building at 753 State Ave., Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 5 – 211717...RESOLUTION: BROTHERHOOD BANK BUILDING IRB SALES TAX EXEMPTION

Synopsis: Resolution of Intent to issue bonds in the amount not to exceed \$12,000,000 to finance the costs of acquiring, constructing, improving, and equipping a multi-purpose commercial project for the benefit of KDG, LLC, submitted by Katherine Carttar, Director of Economic Development. On June 9, 2022, the Economic Development and Finance Standing Committee,

chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **Resolution No. R-30-22**, “A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount of not to exceed \$12,000,000 to finance the costs of acquiring, constructing, improving and equipping a multi-purpose commercial project for the benefit of KDG, L.L.C, and its successors and assigns (sales exemption only).” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 6 – 211587...RESOLUTION: MARC KC REGIONAL CLIMATE ACTION PLAN

Synopsis: Consideration of a resolution to support the Mid-America Regional Council’s KC regional Climate Action Plan and for UG staff to conduct a Citywide Risk and Vulnerability Assessment in order to encourage greater community resiliency, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. On June 6, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the full commission.

Action: **Resolution No. R-31-22**, “A resolution endorsing the Mid-America Regional Council’s Regional Climate Action Plan.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 7 – 211577...ORDINANCE: AMENDING SEC. 27-593 FOR TELECOMMUNICATIONS TOWERS ON STADIUM LIGHT POLES IN RESIDENTIAL ZONES

Synopsis: Amendment to Section 27-593, allowing telecommunications towers in residential zones by special use permit if they are integrated into stadium and athletic field light tower, submitted by Gunnar Hand, Director of Planning & Urban Design. On May 23, 2022, the Administration & Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to the full commission.

Action: **Ordinance No. O-92-22**, “An ordinance regarding special use permits for telecommunications towers on light poles used for stadiums and athletic fields in residential zones; amending Section 27-593 of Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 8 – 211786...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nomination for Boards and Commissions.

Daniel Serda to the Kansas City Area Transportation Authority (KCATA) Board, 7/1/2022 to 7/1/2026, submitted by Mayor Garner.

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

Item No. 9 – MINUTES

Synopsis: Minutes from Planning & Zoning and Regular Session on January 27 and February 10, 2022, and special sessions on April 28 and May 19, 2022.

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

Item No. 10 – WEEKLY BUSINESS

Synopsis: Weekly business material dated April 7 and 14, 2022, and May 12 and 19, 2022.

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

PUBLIC HEARING AGENDA

Item No. 1 – 211719...RESOLUTION: CRITERION MULTIFAMILY PROJECT IRB

Synopsis: Resolution of Intent to issue Industrial Revenue Bonds in the amount not to exceed \$62,000,000 to finance the costs of acquiring, constructing, improving, and equipping a commercial multifamily facility for the benefit of Criterion Development Partners, LLC, submitted by Katherine Carttar, Director of Economic Development. On June 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.

Mayor Garner said I’ll ask Katherine Carttar, Director of Economic Development, to make some opening remarks.

Katherine Carttar, Direct of Economic Development, said we have a little presentation that I will just kind of zip through. This will be a junketed version of the longer presentation that was given at Economic Development and Finance where this was approved unanimously. Of course, there is a public hearing, which is why you are hearing it tonight.

CRITERION
MULTIFAMILY

Public Hearing &
Resolution

A resolution of intent to issue industrial revenue bonds in the amount of \$62,000,000 to finance a commercial multifamily facility for the benefit of Criterion Development Partners, LLC.

Criterion Projects

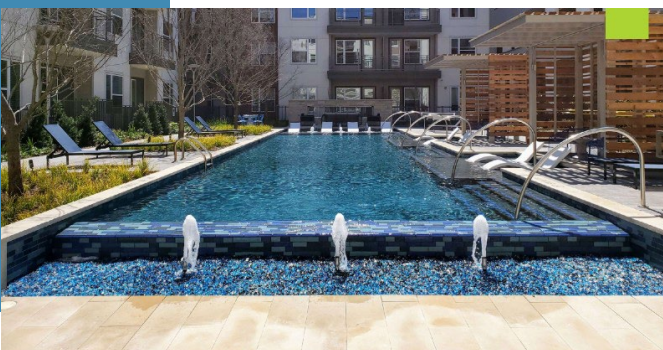


Criterion is the developer. They primarily have been focused in Boston and Dallas. They do high-quality, multifamily development.

Criterion Projects



Criterion Projects

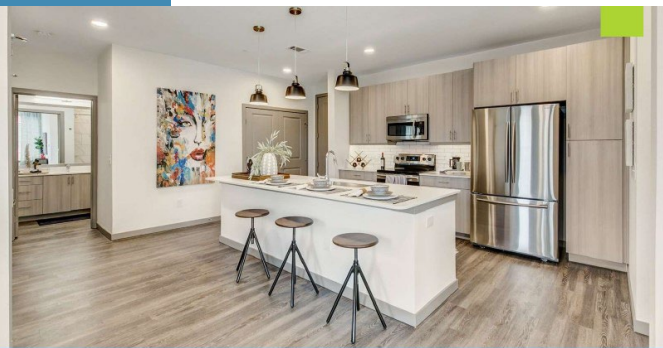


Criterion Projects



This just gives you an idea of the quality of development that they do.

Criterion Projects



Criterion Projects



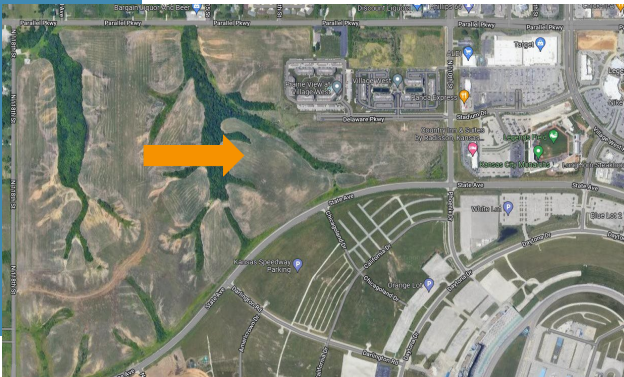
This would be their first project in the Kansas City metro area.

June 30, 2022

Criterion Projects



Project Site - Aerial



This site that we are talking about tonight is just to the west of Village West, south of Delaware Parkway. You've got the two current apartment complexes there. This would be just to the south of those. The product is a little different from anything that we have elsewhere in really the metro at the moment. This is kind of a hot new product where the developer explains it as horizontal apartments.

Project Site



So, we're talking about kind of a duplex type thing, but each one—this is exactly where the site is.

Conceptual Site Plan



As you can see, this is how it would be laid out. This is not exactly. This is a conceptual plan. But each one of those boxes there on the left, each one of those represents eight different units. So, each of those are kind of in a pod. The idea is to create community while multi-family units. There'd be a wide variety of different types and sizes, but still highly amenitized as many of the apartment complexes that we've have approved in recent years are. You've got the pool, the fitness center, and all of that.

Inspirational Photos



These are inspirational photos. They have not gone to the point where they have formal renderings yet,

Inspirational Photos



but this gives you a good idea of the type of product that they are planning to build.

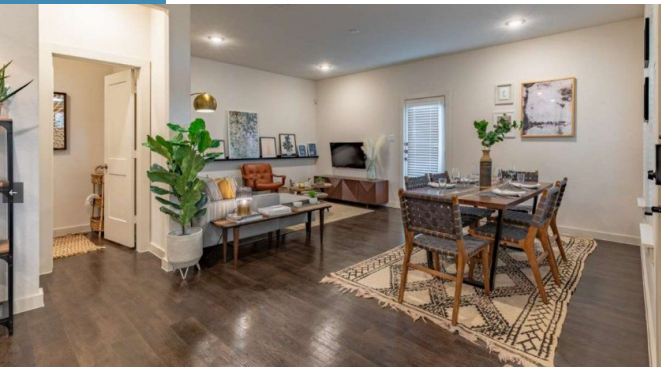
Inspirational Photos



Inspirational Photos



Inspirational Photos



Project Description

- 232 units of Single Family Rental
- New product in KC metro area
- \$62,000,000 estimated budget

Amenity List

- + Pool
- + Fitness Center
- + Business Center
- + Club Room
- + Grilling Area



We're looking at 232 units with an estimated budget of around \$18M.

Industrial Revenue Bond Financing

- 10 year, 100% PILOT based on a projected per unit value of \$135,000 (an average of \$1,455 annual PILOT per door)
- Starts at \$308,328 annual PILOT with a 2% annual escalator
- UG will collect a total of \$3.4 million in PILOT over 10 years
- LBE/MBE/WBE goals are in place with a 4% escalator as an annual penalty with penalty starting year 1
- Additional tax payments (8 mills) for the statutorily required school district's capital outlay levy will be collected separately

Annual Benefits

- *Before:* Property currently pays approximately \$1,300 in property taxes annually (zoned ag)
- *During:* Property will pay an average of \$337,610 in PILOTs annually
- *After:* Property will pay over \$600,000 in property taxes annually
- Additional sales tax generation for area retail due to more residents
- UG PILOT (via BPU bill will be paid as normally)

This would be done through—the request is industrial revenue bonds. I'll do a quick review of what those are to be clear for our viewing public. But what that does, it's a 10-year tool. It provides 100% tax abatement, but, very important, we then put a payment schedule in place that provides a predictable payment, which is in lieu of those taxes. So, they get the 100% tax abatement, however, that is just how that mechanism works. We are not actually providing 100%. So, in lieu of that, they have a payment, and we have it down to the cent so that they can plan ahead as they are working and kind of scaling up their product and getting people moving in. They know exactly, to the penny, how much in taxes they are paying.

What we are looking at is this PILOT payment, which is a payment in lieu of taxes, different from the PILOT that you see on your BPU bill. That would still be paid as normal on all the electricity bills. What we'll see with this predictable PILOT schedule, this predictable payment schedule, it will start at just over \$300,000 a year. I would like to put this in perspective. Right now, this property is zoned agriculture and pays roughly \$1,300 a year in taxes. So, in that first year that this is up and running, we'll go from about \$1,300 in taxes all the way to over \$300,000 in taxes. So, a pretty good jump. Then every year after that, there'll be a 2% annual escalator. There are LMW goals in place. If those are not reached, which we fully anticipate they will be and we will work with them to ensure that is the case, but on the off chance they are not, there is a penalty and that escalator would increase to 4% starting that first year.

Additionally, there are 8 mills that are set-aside, that are not part of this predictable payment schedule, that would go directly to the school district.

Once that 10 years is up, the Unified Government and taxing jurisdictions will have received about \$3.4M in payment in lieu of taxes. That will go onto the normal property tax rolls. We're estimating just over \$600,000, but that will kind of depend on how it is appraised.

PREDICTABLE PAYMENT SCHEDULE					
Year		L/M/W Achieved		L/M/W Failed	
		Annual PILOT	PILOT per Unit	Annual PILOT	PILOT per Unit
1		\$308,328	\$1,329	\$320,661	\$1,382
2		314,495	1,356	333,488	1,437
3		320,784	1,383	346,827	1,495
4		327,200	1,410	360,700	1,555
5		333,744	1,439	375,128	1,617
6		340,419	1,467	390,133	1,682
7		347,227	1,497	405,739	1,749
8		354,172	1,527	421,968	1,819
9		361,255	1,557	438,847	1,892
10		368,481	1,588	456,401	1,967
		\$3,376,106		\$3,849,892	

Here's just a quick snapshot of what that payment schedule would be.

PREDICTABLE PAYMENT SCHEDULE			
Business Category	Participation Percentage Goal		
	Construction	Professional Services	
LBE	18%	18%	
MBE	15%	13%	
WBE	7%	8%	

*Year 1 represents the first calendar year after the issuance of the Bonds.

Taxing Entity	Benefit to Cost Ratio
City of Kansas City	2.29
Wyandotte County	1.60
Piper-Kansas City USD 203	3.54
Bonner Springs USD 204	3.79
KC Community College	1.64
Wyandotte County Library	1.48
State of Kansas	1.70

The LMW goals. These are our traditional goals for pretty much every project that we do. I'd also like to mention that we do have a cost benefit agreement on every industrial revenue bond project that we do that has to do with property taxes. As you can see here, every single one of the different taxing entities will be getting a pretty significant benefit. Our kind of rule of thumb is anything over \$1.3. So, for every \$1 that is abated, the various taxing entities will get at least \$1.30 in return. In some cases, that gets almost up to \$4, kind of \$3.50 when you're looking at the school districts. So, a pretty good rate of return for them.

CRITERION
MULTIFAMILY

Public Hearing &
Resolution

A resolution of intent to issue industrial revenue bonds in the amount of \$62,000,000 to finance a commercial multifamily facility for the benefit of Criterion Development Partners, LLC.

That is it. If there are any questions. Also, the developer and his representative are here if there are any questions for them as well.

Mayor Garner said I'll now open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments regarding this item. **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak on this item? If so, please raise your hand to be recognized. Once you've been acknowledged, we ask that you provide your name and city of residence for the record. You'll be given up to three minutes to state your comments.

Greg Kindle, President of the Wyandotte Economic Development Council, 727 Minnesota, and a resident of Kansas City, KS, said just a couple of quick comments. To reinforce the fact that not only does this over \$300,000 in new taxes annually to the Unified Government, the one part that doesn't often get captured is the amount of sales taxes that these residents will pay through electricity through the BPU bills as well. These are particular sales, city, county, and what we would normally call franchise fees that every other community would pay. That's about 11.9%. Those do rack up pretty quickly so that's an additional revenue stream to the Unified Government.

In addition, I think it is important to note that these kinds of developments contribute to the increase of our population. I know, as a resident, we don't always like to see more traffic, but if we want to continue to attract and retain retail and bring more retailers in, it is important to continue our growth. Today, we're at about .7% population growth. We need to be closer to 1% to keep up with the retail demand that we see. I just kind of wanted to point that out. But the

most important part is that this generates over \$300,000 in new taxes annually to the Unified Government.

Thank you for the work that Katherine and others have put into this project. Appreciate it.

Mayor Garner asked, is there anyone else who'd like to comment? **Ms. Sparks** said there are no other hands raised.

Mayor Garner said with no further comments, I will close the public hearing.

Mayor Garner asked, do any members of the Commission have any questions or comments?

Commissioner Davis said, Katherine, just one quick question? Is this the development where the PILOT payments would not go to the General Fund, it would go toward something else, or is that a different project?

Ms. Carttar said great question. The PILOT payments would go to the General Fund, however—and thank you for bringing this up—the issuance fee that's about \$130,000 that would be paid at the time of the bonds being issued—that we have written into the agreement that—well, we don't have a housing trust fund or anything like that at this moment—we requested that those go into a separate account at such a time that we either have a housing trust fund and this could be used as potential seed money for that, or the way we've termed it in the development agreement is that it would have to go toward economic development projects. We're pretty flexible there, but thank you. That is a nuance that is good to mention.

Commissioner Davis said thank you so much. I think it does lay the groundwork for us to think about as these different projects come in, how we can satisfy some of our residents' desires.

Commissioner Ramirez said thank you, Katherine, for your hard work. I like that idea of setting aside the issuance for whatever work (inaudible) it is, it would be nice, very beneficial for our community if we did build or create a housing trust fund of some type and use that as seed money.

I'm excited for that because that's also another discussion that we, as a Commission, can have a discussion of what we want to do.

Now, is this going to be a one time thing with this project, or is this something that you may want to look for in the future continuing—who have IRBs and the issuance fees be directed toward this so-called fund or whatever we create it to be. Is that a plan for the future?

Ms. Carttar said that would be my recommendation. I would, of course, take all of your policy directions on that, but I would recommend that. That's a great way to kind of capture some funds upfront right when a project goes through that would then be kind of set aside and create a benefit elsewhere in the community.

Commissioner Ramirez said okay. Thank you. I would hope that we, as a Commission, have that discussion because I see an amazing project, an amazing initiative that we can try to start for our community.

Action: **Resolution No. R-32-22**, “A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount of not to exceed \$62,000,000 to finance the costs of acquiring, constructing, improving and equipping a commercial multifamily facility for the benefit of Criterion Development Partners, LLC, and its successors and assigns.” **Commissioner Johnson made a motion, seconded by Commissioner McKiernan, to adopt the resolution.**

Commissioner Johnson said thank you, Katherine, for all your work.

Mayor Garner asked, any further discussion? We do have a motion and a second for approval. No further discussion, roll call, please.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

COVID-19 Emergency Ordinances

March 2020 – Beginning of COVID-19 pandemic forces indoor public spaces to close

April 2020 – ReStart WyCo economic recovery plan is developed to help local businesses through the pandemic

Fall 2020 – Board of Commissioners approves emergency ordinances to:

1. Allow outdoor dining and retail sales
2. Expand mobile vending and farmer's markets
3. Allow outdoor taverns
4. Permit recreational "open streets"

Dec. 2020 – Extended through 2021

Dec. 2021 – Extended again through June 30, 2022



Department of Planning + Urban Design
City of Wyandotte, Kansas

Now these five ordinances and two resolutions that were adopted over the course of the summer of 2020 at the onset of the COVID-19 pandemic set the standards for business activities in public realm and cut the red tape to implement quickly.

COVID-19 Emergency Ordinances

• WHEREAS, securing the **health, safety and welfare** of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

• WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of **COVID-19**—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and

• WHEREAS, in a rush of local and state orders pertaining to **social distancing**, many businesses face restrictions on the number of people who may be inside the business at any one time; and

• WHEREAS, in order to accelerate the economic recovery plan set forth in ReStart WyCo: Road to Recovery, it is necessary to take certain actions in order to **encourage customers to visit local businesses** and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and

• WHEREAS, the Unified Government has determined that due to the COVID-19 pandemic, and the public health, safety and welfare concerns associated therewith, that enforcement of certain provisions of the Unified Government Code of Ordinances should be suspended for a limited amount of time;

• WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an **active and attractive pedestrian environment** for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, and vendor persons in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life;

• WHEREAS, **reasonable regulation** of street and sidewalk vending is necessary to protect the public health, safety, and



Department of Planning + Urban Design
City of Wyandotte, Kansas

The reasons for these emergency ordinances, such as creating more safe and environ streetlights and encouraging entrepreneurship

COVID-19 Emergency Ordinances

• WHEREAS, securing the **health, safety and welfare** of residents, businesses and visitors to Wyandotte County is the Unified Government's top priority; and

• WHEREAS, Wyandotte County is facing a crisis—the pandemic and public health emergency of **COVID-19**—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Wyandotte County citizens and businesses; and

• **WHEREAS, in a rush of local and state orders pertaining to social distancing, many businesses face restrictions on the number of people who may be inside the business at any one time; and**

• **WHEREAS, in order to accelerate the economic recovery plan set forth in ReStart WyCo: Road to Recovery, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and**

• **WHEREAS, in order to accelerate the economic recovery plan set forth in ReStart WyCo: Road to Recovery, it is necessary to take certain actions in order to encourage customers to visit local businesses and in order to allow those local businesses to accommodate the number of customers that they need in order to be profitable; and**

• WHEREAS, vending on the public streets and sidewalks may promote the public interest by contributing to an **active and attractive pedestrian environment** for businesses and customers. The purpose of accommodating vending carts, sidewalk sales, and vendor persons in pedestrian-oriented commercial areas is to increase economic activity, attract pedestrians, extend their visits and enhance overall community quality of life;

• WHEREAS, **reasonable regulation** of street and sidewalk vending is necessary to protect the public health, safety, and welfare;



Department of Planning + Urban Design
City of Wyandotte, Kansas

are all still valid reasons to move forward, even though we are still in a global pandemic, but currently without public health orders.

June 30, 2022

Emergency Ordinances

- Outdoor service and sales
 - *Street cafes, outdoor taverns, walk-up market*
- Farmer's markets
 - *Seasonal and weekly*
- Mobile vending
 - *Food trucks, food trailers, push carts*
- Mobile market
 - *Dotte Mobile Market*
- Open streets
 - *Expanded safety on residential streets*



Department of Planning + Urban Design
United Government of Escondido County and Kansas City, Kansas

Now, for those of you who were on the Board of Commissioners in the summer of 2020, this might be a bit of a refresher, so I will move expeditiously especially since AHS heard this just earlier this week. Streets for people will continue to support local businesses and neighborhood vitality by allowing things like street cafes in our public rights-of-way, expanding where farmer's markets and local vending can occur, and making it easier for the mobile markets to provide its services around our community as well as continuing our open streets program.

Enumerated Businesses

- Restaurants & bars
- Food trucks & mobile vendors
- Art galleries
- Books & paper goods
- Professional services
- Plants & seeds
- Clothing
- Jewelry & accessories
- Homemade crafts & goods
- Non-profits
- *Repair work outside the building is NOT allowed*

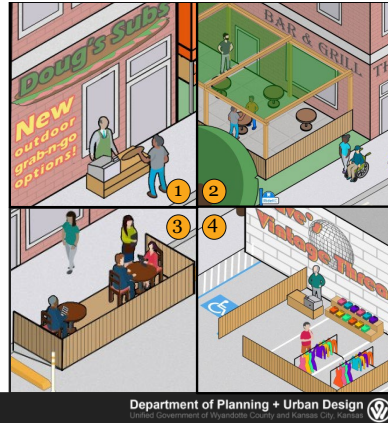


Department of Planning + Urban Design
United Government of Escondido County and Kansas City, Kansas

It still does not allow all businesses to participate in these opportunities. So, no outside repairs allowed. Pawn shops and appliance stores still have to do their business within their four walls.

Operating Standards

- All entities must have business license or 501(c)(3) status
- Hours of operation defined
- All outdoor service and retail sales limited to 4 defined areas:
 1. Sidewalks;
 2. Front/side/rear yard setbacks;
 3. On-street parklet (temporary or semi-permanent); and/or,
 4. Off-street surplus parking



So, after two years of implementation, testing, enforcement, we have these two ordinances, again, which are Item Nos. 1 and 2, really reflect more of a refinement than any major sweeping changes.

We start by defining where outdoor sales are allowed.

Safety Standards

- Maintain ADA accessibility on sidewalk and into businesses
- 4 feet clearance from all street furniture
- Safe space for queuing
- 15 feet clearance from fire hydrants and bus stops
- ADA parking and loading zones maintained
- Sight distance triangles maintained
- Enforcement powers delegated to Fire, Public Health, Codes and Zoning

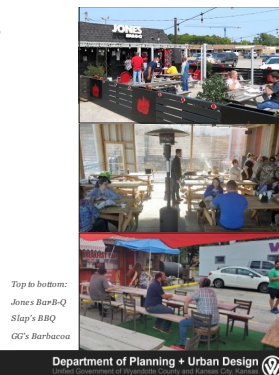


We still have a strong focus on safety standards, minus all of the social distancing requirements from the original ordinances. All of these ordinances and standards reflect a strong focus on enforcement on the backend as opposed to application and burdensome red tape on the frontend.

Yard (Rear/Side/Front) Standards

Yard and surplus parking service and sales in Chapter 27:

- Structures may not interfere with a building's access to light or drainage
- Must provide clear pedestrian pathway, ingress and egress
- Administrative review for semi-permanent/permanent structures
- Mobile vending, mobile market and farmer's markets require permission of property owner



Top to bottom:
Jones Bar-B-Q
Slap's BBQ
GG's Barbacoa

I will say, though, that these major changes if you had a chance to read all the text, it is a lot of text. It does not reflect a lot of changes in that text. If you remember, one of the resolutions specifically for Chapter 32, which is everything in the public right-of-way, whereas Chapter 27 is everything on private property. The resolution just simply said we're not going to enforce this stuff. One's a real easy resolution. It's one page. To then make all of those things permanent is a bit of work.

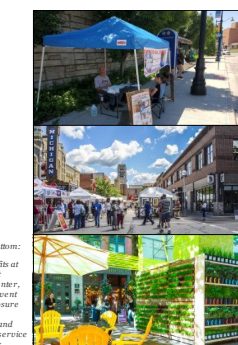
So, as we were moving forward with these resolutions, for instance in Chapter 27, within a private parcel such as maintaining ingress and egress to and from the building.

ROW Sales Standards

Sidewalk and street service and sales in Chapter 32:

- Keep clear of street furniture and provide for ADA clearance
- Sale of alcohol allowed (outdoor service and outdoor taverns) with ABC approval
- Everything must be brought indoors while businesses are closed, except semi-permanent parklets
- Non-profits allowed with owner's permission

Top to bottom:
Non-profits at
5th Street
transit center,
special event
street closure
farmer's
market, and
outdoor service
and sales

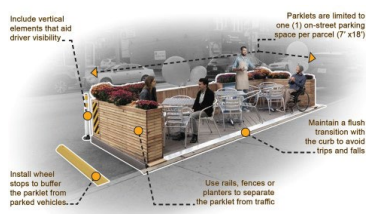


Department of Planning + Urban Design

We also have changes reflected in Chapter 32, again, in the public right-of-way such as providing for ADA accessibility.

On-Street Parklets

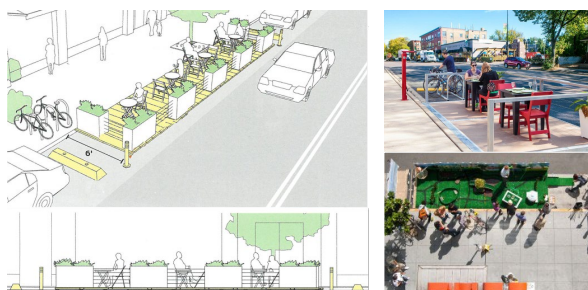
- One (1) space allowed per parcel (if available)
- Must be 20 feet from an intersection or street corner (site lines)
- Structure can be temporary or semi-permanent
- Seating at least three (3) feet from traffic
- Only allowed on street with speed limits up to 40 mph
- Constructed to Nation Association of City Transportation Officials (NACTO) standards



Department of Planning + Urban Design

It still allows for parklets as of right with certain standards to be constructed to the National Association of City Transportation officials.

On-Street Parklet Gallery

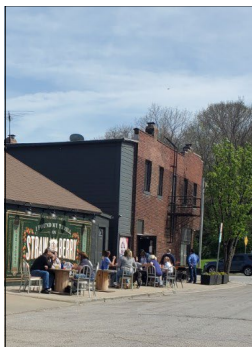


Department of Planning + Urban Design
 Kansas Department of Transportation and Kansas City, Kansas

These parklets by right can be both temporary sort of day-by-day, if you will, for businesses or they can be something a little bit more quasi or semi-permanent.

Outdoor Taverns

- Must comply with all Kansas ABC regulations
- Outdoor taverns must cease after 10:00PM in ROW and 1:00AM on private property
- Must comply with all noise ordinance regulations
- Must stay within the ABC designated areas of sale and consumption



Department of Planning + Urban Design
 Kansas Department of Transportation and Kansas City, Kansas

As it relates to outdoor taverns, we were able to adjust, based on input and some of the feedback, terms of hours of operation. I will be asking for an oral amendment to both Chapters 27 and 32 to further clarify some language, although the times currently are still recommended by staff where we would require outdoor taverns to close in the public right-of-way, i.e., on the streets, by 10 p.m., but still allow for outdoor taverns on private property, i.e., like a backdoor patio/a rear yard patio until 1 a.m. That is a reflection of other nuisance use of code standards in our zoning codes.

On-Street Mobile Food Vending

- NO sales allowed on streets with a speed limit greater than 40 mph
- Must feed the meter if applicable, but does not need to conform to posted time limits
- Not allowed to park on residential streets unless invited to block party, open street or special event
- Queues must be at least five (5) feet from passing traffic
- Cannot be located in one location for more than four (4) hours at one time
- Cannot park in front of existing brick -and-mortar restaurant (unless directly associated with said business)



Department of Planning + Urban Design

We're still allowing for mobile vending to expand in all districts, but adding, based on feedback, additional restrictions in residential districts. Potentially, food trucks are only allowed in residential districts if they're invited to like a block party. Since it's getting hot right now, I think it's important to note that mobile vending is separate from ice cream trucks. Ice cream trucks are their separate code section within the ordinance, not reflected in these ordinances.

Farmers Markets

- Allowed in any zoning category
- Must submit a site plan for an administrative review
- Farmer's markets must occur on improved parking lot (food trucks allowed)
- 4 times a week no more than 3 consecutive days
- Allowed from 6:00AM to 8:00PM, but no longer than 6 hours at a time



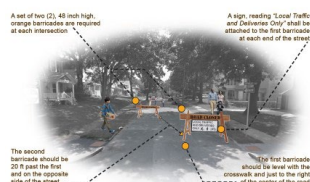
Top:
Rosedale
Farmers Market
Bottom:
Downtown
Farmers Market

Department of Planning + Urban Design

We worked closely with the non-profit organization that runs all the farmer's markets in Wyandotte County to better support urban farming in our community.

Open Streets

- Provide an expanded public realm for safe recreation
- Streets must be designated as residential, neighborhood, or local to be eligible
- Allows local traffic only
- Barricades must be easily moved to allow emergency vehicle and delivery access
- Open Street Block Captain is responsible for all maintenance and administration
- Application process and barricade standards enumerated



Department of Planning + Urban Design

Again, we still allow for the open streets program. This is essentially kind of a more semi-permanent block party type permit. It does not close the street down completely. It closes it down to through traffic so it still allows for local traffic and deliveries. It requires the dedication of a block captain to basically take the signage back and forth every day. If you've ever been in a residential street neighborhood and seen one of those little signs of a guy holding a flag that says, drive like your kids run here, is basically what open streets is. It's an awareness for people to slow down. It's run by, again, private citizens through the application process.

Conclusion

- Support local businesses, expand vibrancy of our commercial corridors, and enhance public health
- Cleaned up accessory use, outdoor vending, collection facility and donation bin sections
- Will continue to monitor and enforce standards
- Will continue to conduct outreach to business community and public



In conclusion, streets for people is about economic development, placemaking, walkability, and improving the quality of life for our citizens in Wyandotte County. When we went through all of these code sections, it also allowed us the room to make some adjustments and refinements within those sections of the code. We did find some weird stuff in there when we dug into the code and we were able to correct some of that stuff, specifically around outdoor vending collection facilities and donation bins.

Staff has been and will continue to work with enforcement staff on training to make sure that we get this right. We went back to the well with all the working groups of the previous emergency ordinances in the summer of 2020 to review these ordinances before you this evening. Staff will continue to do outreach with the business community so that we can expand these opportunities accordingly.

In conclusion, as was noted, A&HS moved this forward as well. Chapter 27 section of it was also unanimously recommended for approval by the City Planning Commission earlier this month.

I'd be happy to take any questions. Staff recommends approval.

Commissioner Bynum said I just wanted to clarify as much as we possibly can that the ordinance, Item 1, in Chapter 32, we don't seek to close a private patio of any bar or restaurant at 10 p.m. **Mr. Hand** said correct. **Commissioner Bynum** said it's not what we are doing. We did agree among the standing committee members that if under the temporary allowance, a bar or restaurant had moved an operation onto a public sidewalk or right-of-way, that would be stopped at 10 p.m. But what we're proposing tonight is on the public right-of-way or sidewalk, that's a 10 p.m. stop. If you, as a bar owner, are doing business on your private property outdoors on a patio, that is 1 a.m. I just wanted to kind of hit that again to make it very clear.

Mr. Hand said that is correct, Commissioner. 10 p.m. close for outdoor taverns, and only outdoor taverns on the public right-of-way. 1 a.m. on private property.

Commissioner Burroughs said I'm in strong support of this. I think it's long overdue. If anything, the pandemic shared with us how to change, how we approach business and make our community more welcoming. International travel, you will see this in other countries, other cities. I'm in strong support of this. I'm glad to see it come forward and be permanent to help our small businesses and encourage participation in the community, enhance our overall business community with these little cubicles along the streetways. I think it will become a normal thing as we move forward. So, I'm a strong supporter.

Mayor Garner asked, do any other commissioner have comments. Okay. Seeing none, I'll entertain a motion.

Action: **Ordinance No. O-93-22**, "An ordinance expanding the ability of businesses and individuals to sell food, drinks and merchandise on sidewalks, streets, parking lots and parklets, making permanent many of the 'Streets for People' changes previously approved and adding new language, amending Sections 32-62, 32-93, 32-96, 32-97, 32-100, 32-101, 32-102, 32-103, 32-127, 32-182, 32-183, 32-185, 32-186, 32-187, 32-188, 32-380 and 32-381 to, and removing Sections 32-180 and 32-382 from, Chapter 32, Article III of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City,

Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner Burroughs, to approve the ordinance.**

Mayor Garner said we have a motion and a second. Clerk.

Roll call was taken, “Aye,” McKiernan...

Misty Brown, Chief Counsel, said, Mayor, I just want to clarify the motion to approve as adopting the oral amendments that Mr. Hand proposed. **Mayor Garner** said I’ll refer that back to the petitioners for those motions. Clarity, who made the original motion?

Commissioner Ramirez said the motion is to approve. **Mr. Hand** said if you need, I can read the oral amendments out loud. **Mayor Garner** said yes, please.

Mr. Hand said under hours of operation for outdoor taverns, it should read food establishments shall not operate an outdoor café or walkup market outside of food establishments published hours of operation. Taverns shall not operate an outdoor tavern in the public right-of-way outside of the business’s published hours of operation. If the business’ published hours of operation goes past 10 p.m., then the outdoor tavern must cease operation in the public right-of-way by no later than 10 p.m.

Action: **Commissioner Ramirez said move to approve oral arguments submitted by staff.**

Mayor Garner said we have a motion and a second.

Commissioner Townsend asked, Mr. Hand, is there any ordinance that currently allows businesses on a private patio to be open until 1? **Mr. Hand** said I’m sorry. Could you repeat that question? **Commissioner Townsend** said the question is, is there currently any provision, an ordinance in place that allows a bar or restaurant to operate on its private patio, not in the public right-of-way, until 1? **Mr. Hand** said our current code requires all business activities to happen within four walls, so no.

Commissioner Townsend said so this would be a major change then for that type of activity outside. **Mr. Hand** said this would legalize practice for the last three decades. **Commissioner Townsend** asked, who's practice? **Mr. Hand** said certainly since the smoking ban occurred when all of that sort of got pushed out. We just never went back and addressed the code. So, this would correct all of that.

Commissioner Townsend said I'm sorry. What is it correcting? **Mr. Hand** said the non-conforming use of property based on our code that we have not been enforcing. Again, all businesses in the Unified Government are required to operate within their four walls.

Commissioner Townsend asked, but are you saying that there have been some that have not and this would bring—we're addressing those non-conforming uses now with this proposal? **Mr. Hand** said it would legalize all those non-conforming uses, correct.

Commissioner Bynum said I was just going to clarify that for Commissioner Townsend. That's exactly what we are doing. Many, many bars and taverns have been operating outdoors on private patios for a very long time and we are codifying that with this action. **Commissioner Townsend** said thank you.

Mayor Garner asked, any more discussion? For clarity, again, I know we have a motion by Commissioner Ramirez. Is there a petitioner for the second? We had a second from Commissioner Burroughs. Clerk, roll call.

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

Item No. 2 – 211586...ORDINANCE: AMENDING SECTIONS OF CHAPTER 27 OF THE 2008 CODE OF ORDINANCE AND RESOLUTIONS

Synopsis: At the onset of the COVID-19 pandemic, the Unified Government adopted multiple emergency ordinances relating to outdoor service and retail sales, farmer's markets, mobile vending, mobile markets, and open streets on a temporary basis that will sunset on June 30, 2022. These ordinances are now being proposed to be made permanent. Chapter 27 amendments pertain to all 'Streets for People' changes on private property, submitted by Gunnar Hand, Director of

Planning & Urban Design. This item was scheduled to appear before the Administration and Human Services Standing Committee, chaired by Commissioner Markley, on June 27, 2022. It was requested and approved by the Mayor, to fast-track this item to the June 30, 2020, full commission meeting.

Mayor Garner said I believe I'll ask Commissioner Bynum to make some remarks.

Commissioner Bynum said, Mayor, this goes along with Chapter 32. Unless Gunnar Hand has more comments to make, I would make a motion for approval.

Action: **Ordinance No. O-94-22**, "An ordinance expanding the ability of farmer's markets, mobile vending, and mobile markets to sell food, drinks and merchandise on public rights-of-way and parking lots, and making permanent many of the 'Streets for People' changes previously approved and adding new language, amending Sections 27-340, 27-608, 27-609, 27-610, 27-611, 27-612, 27-613, 27-614, 27-617, 27-618, 27-619, 27-620, and 27-621 and wholly adding Section 27-622 to Chapter 27, Article VIII of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas." **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve the ordinance.**

Gunnar Hand, Director of Planning & Urban Design, said no further comments.

Mayor Garner said, Mr. Hand, just for clarity for those that may be watching that may need some clarity, just a brief synopsis of what this Chapter 27 of the 2008 Code entails.

Mr. Hand said Chapter 27 pertains to only uses within the parcel. Chapter 27 is the zoning code. Chapter 32 is our public right-of-way code. So, Chapter 32 dealt with all the expanded uses in the public realm and the public right-of-way. Chapter 27 addresses all the expanded uses into private property outside the building.

Mayor Garner asked, any discussion? I have a motion and a second. Clerk, roll call.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 3 – 211718...CONTRACT: REAL ESTATE PURCHASE AGREEMENT FOR 742 MINNESOTA

Synopsis: Option contract for real estate purchase agreement between KDG, LLC and the Unified Government for the real estate at 742 Minnesota Avenue, Kansas City, KS, submitted by Katherine Carttar, Director of Economic Development. On June 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 5 to 1 to approve and forward to the full commission.

Mayor Garner said I’ll ask Commissioner Burroughs to make some remarks and a presentation will be followed by Katherine Carttar, of Economic Development.

Commissioner Burroughs said there was much discussion in reference to what the impact would be of creating a parking lot on our downtown area and the impact that it might have. There were suggestions and comments made to the developer. With that, I would ask that Katherine Carttar to discuss what the committee came forward with and what the developer has come to present this evening.

Katherine Carttar, Director of Economic Development, said this is the Brotherhood Bank building. As was approved in the Consent Agenda today, some of the things that the developer—this was long time owned by the Brotherhood Bank. About four years ago, was sold to a developer who’s interested in kind of renovating it fully. Has spent the last couple of years going through the process and putting it on the historic designation both with the state and the federal level. They’ve received a historic tax credit for this project, so we’re very encouraged by what their plan is for this building.

They’re looking to do 29 residential units and then have the rest be brought up to really class A style office space. This is a huge need for our downtown. We have a lot of space, but a lot of it needs really significant renovation at the owners’ expense. So, this would actually provide a significant amount of office space that a number of small businesses would be able to rent.

The question in front of you today is regarding the property just to the east of this building. This is a property that was the former EPA building. It has been in the Unified Government's ownership since 2014. It has been emptied for decades. It is in very bad condition. I personally have gone through with a number of contractors and tried to come up with creative ways to reuse this building and renovate it. Every single one of them has said when we left that it should be torn down. It is not historic. I've had historic folks also come and look at it. That does not mean that our only choice is to demolish it, but that is the choice in front of us today.

So, the request would be to demolish the building. They would pay all the back taxes for it. Demolish it and turn it into a surface lot. That surface lot would be used specifically to service the residential units. So, the thought is that those residential units, if you are wanting to make sure that those are competitive units for our downtown, you need to have a secured, well lit, approximate parking that would go along with that building.

One of the robust conversations that we've had in the standing committee was, what would that look like. So, if we are going down the direction of having a surface lot in this location, we want to make sure that it is elevated, it looks elevated in design, not in height. But a highly elevated design that would look good from the street.





It would not just look like a gaping hole as others may—there are some lovely renderings. I think the long and the short of it is that from staff’s perspective, this is no one’s first choice, however, we do feel that this is kind of the necessary next steps in terms of getting what we are looking for with the Brotherhood Bank building and ensuring that we get some get use and complete renovation of that building. We view this as what we would recommend.

Any questions?

Commissioner McKiernan said as I said in the standing committee, in an ideal world, this building would stay up. This is not an ideal world. I am convinced that this is right now the best use for this property. I think the developer’s going to work hard to make this an asset on that block, even though the building will be gone, it will be a positive presence on that block. When the time is appropriate, I would be glad to move for approval of this item.

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

Commissioner Burroughs said there was much discussion in reference to that. We talked about keeping the façade. If the Commission will remember, we had a presentation made by the Landmarks Commission. One of the comments that stood out to me was demolition by neglect. That’s where we are with this particular building, but it still has a beautiful façade on the front. So, members of the committee strongly suggested instead of having just a bare parking lot that would not be an enhancement to our featured storefronts all along Minnesota Ave., to give consideration to keeping the façade or building a façade and a fence. And we wanted to address

the safety issues of them going in and out of the parking lot. So, Katherine, I do hope that there's been some progress in that so that we'll have a chance to hear it this evening.



Ms. Carttar said this building here on the right, that's the one that we're referring to.



This is a first pass rendering of what the lot could look like.



As you can see, trying to have some different stone, make this more appealing. This would have to go through the planning process. I know our Director of Planning & Urban Design has kind of looked at it and given some early comments, so I think there's a long way to go. We will certainly keep working to ensure that if this does become a surface lot, it will be a nice surface lot and look good from Minnesota so that it does not detract from the rest of the block that is quite intact.

Commissioner Townsend said I agree with my fellow Commissioners McKiernan and Burroughs that this may not be the desired choice that we have to demolish the building, but I agree with them that this would be an improvement to new development on the block. I have to commend the developer for hearing the comments of my fellow commissioners and me about enhancing the parking lot in some fashion. These renderings were not even available to us during the discussion at standing committee. So, it appears from their submission, that they gave promise consideration to work and come forward with something to enhance just the lot. So, the absence of the building wouldn't be as great. I support them.

Mayor Garner asked, any further discussion? Seeing none, we have a motion and a second, I believe, for approval. Is that correct? Okay. Clerk, roll call, please.

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

Item No. 4 – 211727...ORDINANCE: ADOPTING THE 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, 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.

Mayor Garner said I'll turn the matter over to Greg Talkin, Director of Neighborhood Resource Center, for his presentation.

Greg Talkin, Director of Neighborhood Resource Center, said I'll try to provide an explanation of where we're at this moment because what we're presenting to you tonight is a little bit different than the way we presented last time. Last time, we tried to put this all in one package, which it would have been one vote or ten votes. I'm not too sure how that would have worked. But this time, we're breaking it up into three different packets.

Item 1 of 3: Codes being Proposed:

Our most recent code adoptions occurred in 2016 with the 2012 Codes and the 2009 International Energy Conservation Code (IECC).

The following codes will be adopted under a single ordinance:

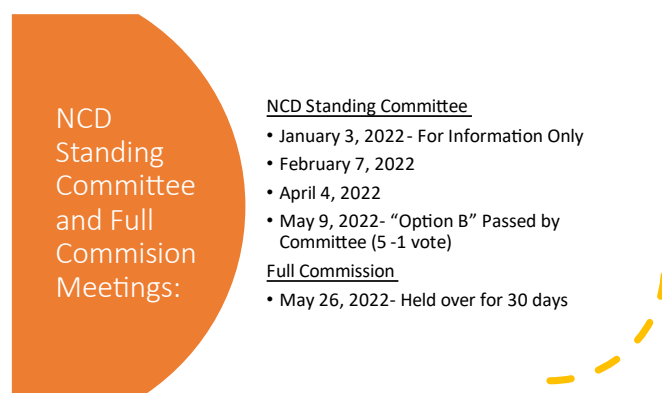
-
- | | |
|--|---|
| • 2018 International Building Code (IBC) | • 2018 Uniform Plumbing Code (UPC) |
| • 2018 International Existing Building Code (IEBC) | • 2017 NFPA 70 - National Electrical Code (NEC) |
| • 2018 International Mechanical Code (IMC) | • 2018 International Property Maintenance Code |
| • 2018 International Energy Conservation Code (IECC) | |

The first package will be seven of those codes that we recommended for adoption, as staff. These are the codes that—I'll go over them real quick. They're the International Building Code, the International Existing Building Code, the International Mechanical Code, the International Energy Conservation Code, Uniform Plumbing Code, NFPA 70 Electrical National Code, and International Property Maintenance Code. None of those codes had any type of discussion throughout the governing body process. There were no issues or concerns brought up about them. So, that will be Item No. 1 that will be discussed.

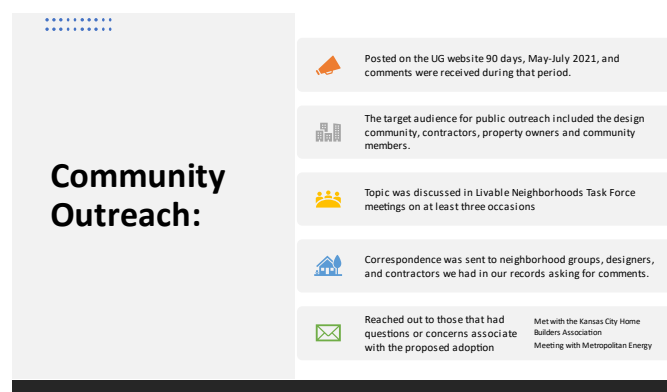
Item No. 2 is broken out separately because it's in Chapter 15. It's not in Chapter 8 like the majority or all of the other ordinances that we're proposing. It will be the Fire and Life Safety Code, the IFC and the Life Safety Code 2018 version.

Once again, throughout the process of being in front of standing committee and the governing body, there was never any discussion by the public or anything on concerns with the adoption of these standards.

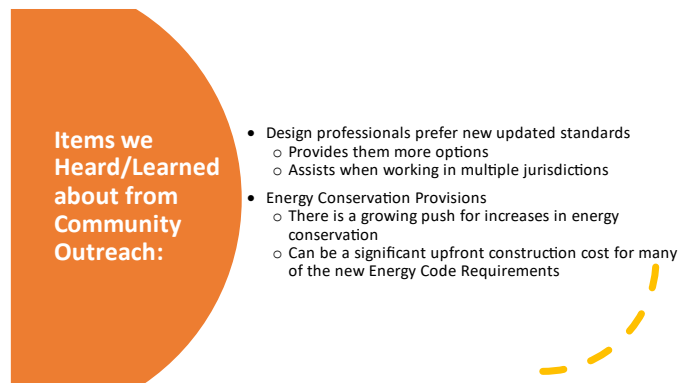
Item No. 3 that we'll present at the end, that will be the one that's had the most discussion throughout this whole process, the Residential Code. On the energy provisions is where the discussions have been. I will tell you on Item No. 3, you will have, once again, as requested by the standing committee, you'll have three options there so you have three separate ordinances for that presentation and that ordinance request.



So going back to Item No. 1. Once again, we've been to standing committee on a few occasions and full commission back on the 26th.



I'm going to go over this slide. This one, it's in the other slide because community input and output is very important, but we did several things in an effort to do community outreach during the pandemic. We did post this on the website for 90 days and then we requested comments through that process. Our target outreach audience was the design community, contractors, property owners, and community members. The topic was discussed in Livable Neighborhoods Task Force on at least three separate occasions. We did send correspondence out to neighborhood groups, designers, and contractors. We had in our records asking for comments. We did reach out in a number of instances where there were concerns expressed to talk to those individuals and work through those issues. Two of those were the Kansas Home Builders Association and Metropolitan Energy.



So, on these codes and standards, the issues we heard, design professionals preferred new updated codes and standards. It offers them a lot of options because design and technology and construction practices change and allows newer practices. It also helps align us with our metro jurisdictions that have already adopted this code making it easier for contractors to know what they're doing and not requiring anything special and above what other jurisdictions request.

This also had concerns brought up about the energy code and conservation provisions because before it got to standing committee, we actually did have some amendments in there, but we modified, actually amended all of the amendments through that process on the commercial side. I'll talk briefly about that again here in another slide.

Local-Regional Adoptions:

Efforts to be similar/consistent with surrounding jurisdictions

- Easier for designers and contractors to design and build
- Easier to educate contractors
- Easier to educate/train our staff
- Easier to enforce

City/County	Codes Adopted	IECC	City/County	Codes Adopted	IECC
	International Building Code	International Energy Conservation Code		International Building Code	Energy Conservation
KCK - current	2012	2009	Leawood	2018	2018
KCK - proposed	2018	2018	Olathe	2018	2018
Bonner Springs	2015	n/a	Gardner	2018	n/a
Edwardsville	2012	n/a	Fairway	2012	2012
De Soto	2018	2018	Spring Hill	2006	n/a
Mission Hills	2018	2018	Johnson County	2018	2018
Shawnee	2018	2018	Douglas County	2012	n/a
Lenexa	2018	2012	Lees Summit Mo	2018	n/a
Overland Park	2018	2018	Kansas City Mo	2018	2012
Prairie Village	2018	2018	Gladstone Mo	2021	2021

So, this is a chart of all of the majority of local jurisdictions around us making it clear that our goal here throughout this process, once again, is try to be consistent across the metro area making it easier to understand what we're requiring by the contractors and the general public, not being somebody that is requesting something above and beyond what others do and we have a contractor come here and start something and not realize that we have more stringent requirements. It's also easier to educate staff. It's easier to find education.

2018 International Property Maintenance Code® (IPMC®)

Amendments:

- Clarification on weatherization issues associated with Industrial areas/buildings.
- Brought over the same Administrative Amendments from Previous Adoption:
 - Enforcement and Penalties including Administrative Citations
 - To align provisions with State Statutes including notice requirements

In the 2018 International Property Maintenance Code, just a couple of amendments. We make clarification on weatherization issues associated with industrial areas, buildings in industrial areas. Basically, the clarification wasn't there. A building that is constructed of materials that are weatherized in the first place, they don't need to be painted or repainted.



Amendments:

- Brought over the same Administrative Amendments from Previous Adoption
- Align provisions with State Statutes including notice requirements

Then there's the 2018 International Building Code. We made no amendments to the actual code itself. We made amendments to the administrative portions just mainly to lineup with what we had in the past, but also to match state statutes and notice provisions that are required by the state.



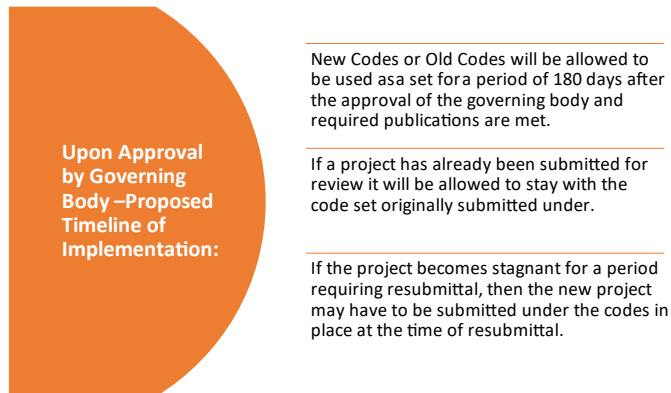
Amendments:

- Note changes from previous proposed ordinance
- Clarification added
 - One- and Two-Family Dwellings three stories or less covered by the International Residential Code IRC

The 2018 International Energy Conservation Code. The one amendment I referenced a while ago that we have in there, I need to back up just a hair. I'm going to try my best not to confuse this. The International Energy Code is the code, of course, that covers energy. It covers commercial and it does cover residential. When we get to the residential code, as I stated in previous meetings, the residential code is a one code for building one- and two-family dwellings, three stories or less. You don't have to go to any other code book. You can build completely out of that code book if you're doing a prescriptive method.

When we only had the one option, we originally had carried over what we were proposing in the amendments, which is now Option A, into this code. We didn't realize that until we reviewed it before we brought it before you. So, we removed that amendment out of there. What we put back in its place is to refer to the clarification and that is one- and two-family dwellings,

three stores or less, covered by the International Residential Code and referring you to that code and that way, no matter what option's adopted tonight in that code, it's referred to here for that purpose.



Once again, none of these standards really have been questioned once brought to the governing body. If adopted, upon approval, the new codes and the old codes will be accepted for a period of six months after the publication. If a project's been submitted for review, it will be allowed to stay with the codes that it's originally submitted under. If a project becomes stagnant in the review process and the individuals are notified that they have to renew their submission, then the new project may have to be submitted under the new codes in place at the time of resubmittal.

I do want to go back and add one clarification with the top item. Something was brought to my attention. They all have to choose the set of codes they're submitting under, new or old. They can't pick and choose between the 2012 and the 2018. It has to be the entire set because they're made to work together.

That's the end of this presentation. Request for the first set.

Mayor Garner said before we go to the Commission, I believe we have—I'm going to allow for public comment. Clerk, is that online? **Ms. Sparks** said we do not have any hands raised.

Commissioner McKiernan said so, Mr. Talkin, just to clarify that all of the items in our Agenda Item No. 4, which is an ordinance adopting the Building and Safety Code 1, all of these, what is it, seven individual items under here, if we approve these, we are adopting staff recommendations. These are not the points where we've had much discussion about what we should do going

forward. These are ones in which there has been no disagreement among all the parties and we would be accepting staff recommendations and move forward with these.

Mr. Talkin said you're correct. There's been no discussion on these in any commission or standing committee.

Commissioner McKiernan said when the time is appropriate, I would move to approve as submitted.

Action: **Ordinance No. O-95-22**, “An ordinance relating to adoption of the updated suite of international building codes contained in Chapter 8, Articles II (2018 International Building Code), III (2017 NFPA 70 Electrical Code), V (2018 International Mechanical Code), VI (2018 Uniform Plumbing Code), VIII (2018 International Property Maintenance Code), XVI (2018 International Energy Conservation Code), and XVII (2018 International Existing Building Code), and amending original Sections 8-23, 8-24, 8-58, 8-125, 8-126, 8-281, 8-282, 8-350, 8- 351, 8-431, 8-432, 8-653, 8-654, 8-655, and creating new sections 8-656, 8-657, and 8-658 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance.**

Mayor Garner asked, is there any more discussion? Questions? I have a motion and a second for approval. If there is no further discussion, Clerk, roll call.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 5 – 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, 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.

Mayor Garner said I'll turn this matter over again to Mr. Greg Talkin, Director of the Neighborhood Resource Center.



Fire and Life Safety Code Adoption and Amendments

June 30, 2022

Unified Government Board of Commissioners Meeting

Presented/Prepared by: Greg Talkin, NRC Director
John Dropelman, Fire Marshal

Greg Talkin, Director of the Neighborhood Resource Center, said once again, this is item two of three.

Item 2 of 3: Codes being Proposed:

The most recent Fire and Life Safety Code adoptions for the City of Kansas City, KS occurred in 2016 with the 2012 International Fire Code and the 2012 NFPA Life Safety Code. The International Code Council (ICC) and the National Fire Protection Association (NFPA) are both developers and publishers of model codes, that are updated on a 6-year cycle.

The following codes will be adopted under a single ordinance:

- **2018 International Fire Code (IFC)**
- **2018 NFPA 101-Life Safety Code**

It's a request to adopt the 2018 International Fire Code, the IFC, and the 2018 NFP 101-Life Saving Code. We once again brought this before several standing committee meetings and the governing body. This is another one that there's been no real input, well, there hasn't been any input or requests from the public for discussion on these two codes. These two codes need to line up, at least the International Fire Code needs to line up with at least the IBC at the most. All the jurisdictions put up there before that have adopted the IBC in those packages have adopted the

June 30, 2022

IFC. A few of them have adopted the Life Safety Code, but every one of them had adopted the IFC.

Community Outreach:

- Posted on the UG website 90 days, May-July 2021, and comments were received during that period.
- The target audience for public outreach included the design community, contractors, property owners and community members.
- Topic was discussed in Livable Neighborhoods Task Force meetings on at least three occasions
- Correspondence was sent to neighborhood groups, designers, and contractors we had in our records asking for comments.
- Reached out to those that had questions or concerns associated with the proposed adoption
- Met with the Kansas City Home Builders Association
- Meeting with Metropolitan Energy

Once again, outreach was the same.

Local-Regional Adoptions:		City/County	Current Fire Code (IFC) Adopted	City/County	Current Fire Code (IFC) Adopted
Efforts to be similar/ consistent with surrounding jurisdictions - Easier for designers and contractors to design and build - Easier to educate contractors - Easier to educate/train our staff - Easier to enforce		KCK - current	2012	Prairie Village	2018
		Bonner Springs	2015	Leawood	2018
		Edwardsville	2012	Olathe	2018
		Fairway	2012	Spring Hill	2006
		De Soto	2018	Gardner	2018
		Mission Hills	2018	Johnson County	2018
		Edgerton	2006	Douglas County	2012
		Shawnee	2018	Lees Summit Mo	2018
		Lenexa	2018	Kansas City Mo	2018
		Overland Park	2018	Gladstone Mo	2021

There's the cities again, all the same. Codes adopted. Same reason, trying to—for ease of designers and contractors. Equal to or close to what the majority of the metro areas have adopted.

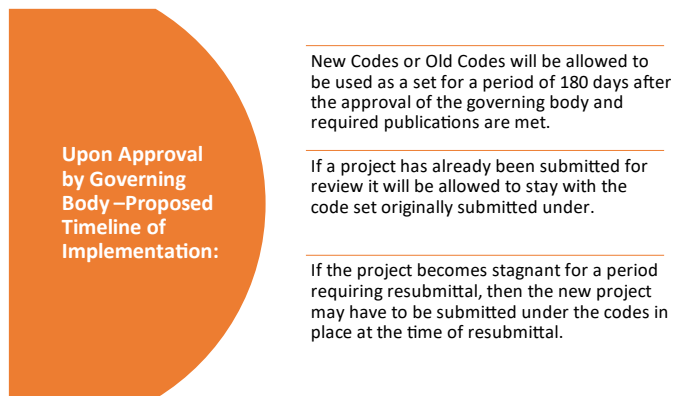
2018
International
Fire Code®
(IFC®)

Amendments:

- Developments of 1 or 2 family dwellings where the number of dwelling units exceeds 75 (increased from 30) shall have separate approved fire apparatus access roads
- The Fire Code Official shall have the authority to issue a municipal summons and/or tow illegal parked vehicles in designated fire apparatus access lanes and parked within 15-feet of a fire hydrant, at the owner's expense.
- A fire safety and evacuation plan shall be prepared and maintained for buildings containing Group F or S1 occupancies where certain conditions apply.
- Fire Access Road Language added: The curb, or pavement if a curb is absent, shall be painted red, 4 -inch wide stripes when pavement is marked, with white 3 -inch letters indicating "NO PARKING FIRE LANE".
- Administrative provisions that put us in line with other UG ordinances
- Administrative provisions to meet State of Kansas requirements

So, the amendments in the code here. Development of one or two family dwellings with a number of the dwelling units that exceed 75 shall have separate approved fire apparatus access roads. The code reads 30. They've increased it to 75 to keep continuity, which happened in the past.

The Fire Code official shall have the authority to issue a municipal summons and/or tow illegal parked vehicles in designated fire apparatus access lanes and parked within 15 feet of a fire hydrant at the owner's expense. Fire safety and evacuation plans shall be prepared and maintained for buildings containing Group F and S1. Occupancies for certain conditions apply. Fire access road lanes were added. The curb or pavement. If a curb is absent, shall be painted red, four-inch wide stripes when pavement is marked, with white 3-inch letters indicating no parking, fire lane. That amendment is just to clarify size and what they wanted there. Administrative provisions that put us in line with other UG ordinances and administrative provisions to meet the state of Kansas requirements.



Once again, the same policy for the adoption if approved.

Commissioner McKiernan said so once again, Mr. Talkin, just to clarify that these are coming forward as staff recommendations as they have been all along. Adopting this would put us on a par with other jurisdictions, and we have not had conversation or disagreement about these 2018 Life Safety Code and 2018 International Fire Code. **Mr. Talkin** said that's correct, Commissioner.

Action: **Ordinance No. O-96-22**, “An ordinance relating to adoption of the updated suite of life safety and international fire codes contained in Chapter 15, Articles II (2018 Life Safety Code) and III (2018 International Fire Code), and amending original Sections 15-21, 15-52, and 15-54 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner McKiernan made a**

motion, seconded by Commissioner Johnson, to approve the ordinance as submitted.

Mayor Garner asked, is there any further discussion? Seeing none, I have a motion and a second to approve. Clerk, roll call.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend.

Item No. 6 – 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, 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
- 2018 IRC, Option B
- 2018 IRC, Option C

This item was previously before the full Commission on May 26, 2022.

Mayor Garner said I’ll turn this matter over again to Mr. Greg Talkin, Director of the Neighborhood Resource Center.



Residential Code Adoption and Amendments

June 30, 2022

Unified Government Board of Commissioners Meeting

Presented/Prepared by: Greg Talkin, NRC Director

Greg Talkin, Director of the Neighborhood Resource Center, said this is the Residential Code.

Item 3 of 3: Residential Code being Proposed:

Our most recent code adoptions occurred in 2016 with the 2012 International Residential Code (IRC).

The following code will be adopted under a single ordinance:

- **2018 International Residential Code(IRC)**

This is the one code that had a lot of discussion throughout the process, both before and even to the governing body in several governing body meetings.

NCD
Standing
Committee
and Full
Commission
Meetings:

NCD Standing Committee

- January 3, 2022 - For Information Only
- February 7, 2022
- April 4, 2022
- May 9, 2022- "Option B" Passed by Committee (5 -1 vote)

Full Commission

- May 26, 2022- Held over for 30 days

Once again, same process as the other codes that we've been through in the standing committee and full commission.

June 30, 2022

Community Outreach:

-  Posted on the UG website 90 days, May-July 2021, and comments were received during that period.
-  The target audience for public outreach included the design community, contractors, property owners and community members.
-  Topic was discussed in Livable Neighborhoods Task Force meetings on at least three occasions
-  Correspondence was sent to neighborhood groups, designers, and contractors we had in our records asking for comments.
-  Reached out to those that had questions or concerns associated with the proposed adoption
-  Met with the Kansas City Home Builders Association
-  Meeting with Metropolitan Energy

Same community outreach.

Local-Regional Adoptions:

Efforts to be similar/consistent with surrounding jurisdictions

- Easier for designers and contractors to design and build
- Easier to educate contractors
- Easier to educate/train our staff
- Easier to enforce

City/County	Code Adopted	IECC	City/County	Code Adopted	IECC
	International Residential Code	International Energy Conservation Code		International Residential Code	Energy Conservation
KCK - current	2012	2009	Leawood	2018	2018
KCK - proposed	2018	2018	Olathe	2018	2018
Bonner Springs	2015	n/a	Gardner	2018	n/a
Edwardsville	2012	n/a	Fairway	2012	2012
De Soto	2018	2018	Spring Hill	2006	n/a
Mission Hills	2018	2018	Johnson County	2018	2018
Shawnee	2018	2018	Douglas County	2012	n/a
Lenexa	2018	2012	Lenexa Summit Mo	2018	n/a
Overland Park	2018	2018	Kansas City Mo	2018	2012
Prairie Village	2018	2018	Gladstone Mo	2021	2021

Here, this probably becomes a little bit more important to express my concerns and trying to document staff's recommendation here. This is our effort, once again, to adopt similar to what the majority of the jurisdictions around us have adopted. It's all about simplicity, trying to make it easy for contractors to build here. Not to require anything above and beyond, or at least not too much above and beyond what other cities are requiring. What staff is recommending puts us in line with the majority of the metro area jurisdictions.

Past Concerns

- The item(s) of concern were around the amendments in the Energy provisions in the IRC.**
 - Proposal from staff is an effort to be in line with majority of metropolitan jurisdictions that have adopted the 2018 standards.
 - Concerns that the proposed amendments weakened the energy provisions
 - Concerns that increased energy efficiency requirements significantly increase price of home
 - No options for Commission to consider outside of staff recommendations.

- Lower Energy Efficiency Requirements=
 - Lower Consumer Purchase Price
 - Higher Utility Bills
- Higher Energy Efficiency Requirements=
 - Higher Consumer Purchase Price
 - Lower Utility Bills

Some of the concerns to this process. The proposal from staff is an effort to be in line, once again, with the majority of the metropolitan jurisdictions that have adopted the 2018 standards. Concerns that the proposed amendments weaken the energy provisions. Once again, I'll clarify that the discussion has all been around in this code, the energy provision of this code. Nothing else has really been questioned since it's been to the governing body or discussed.

Concerns that increased energy efficiency requirements significantly increase the price of homes possibly knocking some homebuyers out of their ability to buy a house. No options originally were proposed for Commission to consider outside of staff's recommendations.

I'm going to add—just kind of go back over kind of two separate bullets that were up above just to make sure and to be clear. Lower energy provisions requirements would lower the consumer purchase price of a home. May result or probably result in somewhat a little bit higher utility bill. Higher energy efficiency requirements would mean the homebuyer is going to be purchasing a property at a higher price but, in turn, lower utility bills.

Option A (Staffs Recommendation)	Option B (Passed by NCD Standing Committee 5-1 vote)	Option C
1102.1.2 (R402.1.2)-Wood frame wall cavity insulation amended to R-13 - Section N1102.4.1.2 -Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing is required. - Section N1102.4.4 Rooms Containing Fuel Burning Appliances - This section was deleted - Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope. - Table N1106.4 - This Table was amended to an ERI of 80.	- Table 1102.1.2 (R402.1.2)-Wood frame wall cavity insulation amended to R-15 - Section N1102.4.1.2 -Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing is required. - Section N1102.4.4 Rooms Containing Fuel Burning Appliances - This section was deleted - Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope. - Table N1106.4 -This Table was amended to an ERI of 75.	No Amendments Adopt as Written

So, at this time, I tried my best to put all the options side by side. They've previously been on separate slides. These are all of the amendments that are proposed for both A and B options. The amendments that are proposed, the two items that are different are highlighted, so let me go over Option A real quick.

So, in Option A, staff is recommending that wall construction be allowed to be built with an R-13 insulation value. Amend the building leakage rate to 5 air changes per hour and eliminate climate zones outside our area. With eliminating climate zones, you don't really need them. We're just taking the ones out that don't matter. Rooms containing fuel burning appliances, we're deleting that section out. Building cavities that are used for return air plenums that are not in exterior walls, they must be sealed—would be allowed to be used. Then the last item, well, let

me note that the seams would have to be tapped and sealed in that cavity. Then the last item we amended, the ERI, which is the energy rating index, to 80.

Option B is exactly the same with the exception we're increasing the wall frame cavity insulation to R-15, which still can be done in a 2x4 wall. It doesn't require any type of change in the construction techniques that are used with R-13. Then the last one is an increase in the ERI to 75 on Option B.

Option C is no amendments. It's to adopt as written.

	Fenestration U-factor Footnote b	Skylight U-factor Footnote b	Glazed Fenestration SHGC Footnote b	Ceiling R-Value Footnote g	Wood Frame Wall R-value	Mass Wall R-value	Floor R-Value	Basement Wall R-Value Footnote c	Slab R-Value & Depth	Crawl Space Wall R-value Footnote c	Energy Rating Index
	lower is better	lower is better	lower is better	higher is better	higher is better	higher is better	higher is better	higher is better	higher is better	higher is better	lower is better
2018 IRC/IECC UG Current (2009)	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62
UG Option A	.35	.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13	baseline
UG Option B	.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	75
UG Option C	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62
Shawnee	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Overland Park	0.34	0.55	0.31	49	13	8/13	30	10/11, 3 ft	10, 2 ft	10/13	68
Prairie Village	0.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	68
Lenexa	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Leawood	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Olathe	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Gardner	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Kansas City, Missouri	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	75
Johnson County	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Gladstone (202)	0.32	0.55	0.40	38	13	8/13	19	10/13	10, 2 ft	5/13	56
	doesn't meet 2018		meets 2018		doesn't meet 2018, but closer than majority of metro		outlier/requires explanation		doesn't meet 2018, but closer than all others in the metro		

So, the colors don't show up real close here, but the point to be made is that all of the green throughout there are consistent. The two columns that are under question here are the R value in the wall and if you look down through that section, you will see most jurisdictions adopted R-13. Then, the same with the energy rating index. If you look over in that in the very last right-hand column, you will see that the majority of the jurisdictions adopted ERI 80. We are proposing, as staff option, for an ERI of 80 for Option A and then Option B is 75. Option C is the full standard, as adopted, would be 62.

Over on the insulation section, Option A is 13, Option B is 15 with the R value. Option C would go to 20 or a 13+ 5, which is basically using—you can still get away with 2x4 studs, but you'd have to put an R-5 somehow on the outside of that increasing the cost significantly and still having to extend door frames and window frames, plus the additional cost of some possible framing issues around having foam or wind bracing purposes.

	Option A	Option B	Option C
Section N1103.3.5 Building Cavities.			
Options A - Amended this section-Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope.			
Option A- Same as Option A	No Additional Cost	No Additional Cost	
Option C- No Amendments as wrote			\$750.00
Table N1106.4			
Option A- This Table was amended to an ERI of 80.			
Option B- This Table was amended to an ERI of 75 (Furnace and Heat Pump- To get to the rating a 2 stage furnace and AC would be needed-96% furnace/16 SEER AC)	No Additional Cost		
Option C- No Amendments as wrote- ERI of 62 (Furnace and Heat Pump- To get to the rating a 2 stage furnace and AC would be needed-96% furnace/16 SEER AC)		\$4,530.00	
Real Estate Commission, Builder overhead and profit	\$225.00	\$3,795.00	\$4,120.00
TOTAL ADDITIONAL ESTIMATED COST TO CONSUMER TO MEET ENERGY CODE OPTION	\$900.00	\$9,000.00	\$20,000.00
Source: This information has been provided by the KCHBA and a local builder			

So, in this process, I think it was Commissioner Burroughs had asked if we could reach out and get some pricing on what the effects of the adoption of the standards would bring forward. On the very end of this slide, we had—I did as I reached out to both Kansas City Home Builders Association and I reached out to Emily Wolfe with Energy Compliance and asked for them to provide information to what they see the increased cost for each one of these options would be.

The local builder in our jurisdiction submitted this work. So, what he has estimated is that for Option A, once again we are having some increases, would be \$900 basically to the homebuyer because he has included building overhead and that. Option B would add approximately an additional \$9,000 to the price of the home to the purchaser. Option C, the full compliance, would add an additional approximately \$16,000-\$20,000 to the homebuyer.

Information Provided by Metropolitan Energy Efficiency Alliance

Comparison of Current Kansas City Code against the 2018 IECC
 If the unamended 2018 IECC were adopted, a future homeowner could expect to reduce energy use by 29% and save ~\$267 per year on energy bills.

	Annual Energy Savings Per Home	Annual Energy Cost Savings Per Home	Estimated Incremental Costs ²	Simple Payback Period ²	Net Positive Cash Flow ²	Life-Cycle Cost Savings ²
Climate Zone 4	42.2 MMBTU	\$267	\$4013	15 years	4 years	\$1501

What we received from Metropolitan Energy is basically what it would cost, what they estimate the cost to be from going from the code that we're under currently up to the 2018, they estimated \$4,000. I don't know if that includes any type of overhead or any of that cost, or if it's just straight construction costs. I'm not sure. But somewhere between all of those values lies what the additional costs would cost the homebuyer in the end.

Additional Cost Information Provided by KCHBA(2019 Data)

Item	House: 2444 Sq Ft 2 story
Ext Wall 2X6, jam extensions	\$4,250
Mechanical Ventilation	\$780
Sealed combustion furnace & Calculations	\$1,300
R49 ceiling & raised heel	\$770
Basement Insulation	\$1,500
Return air in metal	\$1,800
Sealed Water Heater	\$390
Blower Door Testing	\$750
TOTAL	\$11,540

This is one more cost that was provided by HBA, however, it was done in 2019, pre-pandemic, so the values that are provided there, I'm assuming, have significantly increased due to materials and labor.

Wrap up Comments:
• All options provide additional energy efficiencies over what we currently have adopted • Cost Estimates for meeting code requirements were provided in the last meetings ◦ Reached out to both KCHBA and Metro Energy for information that was provided • Options provided to the Governing Body for consideration • Staffing Recommendations/Resources to implement and enforce major energy provision changes

	Fenestratio U-factor	Skylight U-factor Footnote b	Glazed Fenestratio SHGC Footnote b	Ceiling R-Value Footnote b	Wood Fram Wall R-value	Mass Wall R-value	Floor R-Value Footnote c	Basement Wall R-Value Footnote c	Slab R-Value & Depth	Crawl Space Wall R-value Footnote c	Energy Rating Index
	lower is better	lower is better	lower is better	higher is better	higher is better	higher is better	higher is better	higher is better	higher is better	higher is better	lower is better
UG Current (2009)	.35	.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13	baseline
UG Option A	.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	80
UG Option B	.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	75
UG Option C	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62

To kind of go back over and wrap-up, once again, all the options that staff has provided does have some form of increase in energy efficiency, one way or another. Cost estimates for meeting those code requirements were provided in this meeting, once again, from the Home Builders Association and Metro Energy. We did provide the options to the government body. You have three options to consider. Staff, once again, because of resources and just simplicity, we are recommending Option A. Below is the same chart, basically, just going and providing the options below that we're considering.

**Upon Approval
by Governing
Body –Proposed
Timeline of
Implementation:**

New Codes or Old Codes will be allowed to be used as a set for a period of 180 days after the approval of the governing body and required publications are met.

If a project has already been submitted for review it will be allowed to stay with the code set originally submitted under.

If the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under the codes in place at the time of resubmittal.

The last slide is no different for this code than the other codes that we proposed.

Commissioner McKiernan asked, can we go back?

Option A (Staffs Recommendation)	Option B (Passed by NCD Standing Committee 5-1 vote)	Option C
1102.1.2 (R402.1.2) Wood frame wall cavity insulation amended to R-13 - Section N1102.4.1.2 -Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing is required. - Section N1102.4.4 Rooms Containing Fuel Burning Appliances - This section was deleted - Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope. - Table N1106.4 - This Table was amended to an ERI of 80.	Table 1102.1.2 (R402.1.2)-Wood frame wall cavity insulation amended to R-15 - Section N1102.4.1.2 - Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing is required. - Section N1102.4.4 Rooms Containing Fuel Burning Appliances - This section was deleted - Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope. Table N1106.4 -This Table was amended to an ERI of 75.	No Amendments Adopt as Written

Everybody who's heard me talk about this before already knows where I come from on this. On the far left, as we look at it, Option A is staff recommendations for amending, reducing the requirement based on the published 2018 code. The other Option C is a completely unamended 2018 code. **Mr. Talkin** said correct. **Commissioner McKiernan** said Option A here would put us the most on a par with all other surrounding jurisdictions in the metro area. **Mr. Talkin** said that's correct.

Commissioner McKiernan said we would be the most on par with them. My suggestion was B. Those two highlighted areas represent still an amendment to the 2018 code, but not as much of a reduction as staff proposes in A. What I said in those two cases was, there is at least one jurisdiction in the metro area that has amended but not farther than what's listed there. So we, in general, take staff's recommendation for all the items except for those two where we would then meet the amendment that is kind of like the highest standard of any jurisdiction in the metro area.

I completely understand the positions of people on both sides of this issue that if we adopt Option A, it minimizes the upfront costs, but it potentially, potentially maximizes energy payments down the road as people live in that structure. I want to point out, from my opinion, having a minimum building code does not mean you cannot build above it. You certainly can.

On the other hand, Option C, which is a fully unamended code, will, undoubtedly, raise the upfront price, but will have the added benefit of reducing ongoing energy payments for people living in that house over the long term.

As I usually do, I like to make everybody mad and I'm going to stick right there in the middle. My preference, although I am absolutely open to all the input from my fellow commissioners, my preference is for Option B where we amend but we take the highest level amendment of any of the surrounding jurisdictions.

Commissioner Bynum said I'm going to support Option A for two very quick and distinct reasons. Number one, I appreciate very much that we are trying to mirror or match, as much as we are able, the metro. By the way, Greg, thank you so much for all of the time and energy that you've spent on this, not only talking to us, but listening to us and dealing with everyone else.

The second reason, so first of all, supporting Option A because I think that best mirrors the rest of the metropolitan area. Secondly, because to me, the other two options, by adding the costs, they just seem to me that they squeeze existing housing stock even further than it already is because when you add costs to new home builds, you're putting even further out of reach to our community members than it already is right now. So, I'm supporting Option A.

Commissioner Townsend said I'm supporting Option A for several of the reasons already mentioned by Commissioner Bynum. One was it was staff's recommendation. They thought this would make us more similar, if not identical, to the other jurisdictions who adopted this version of the code, and make it easier for builders going across one jurisdiction from the other to come into WyCo and be assured to some degree, maybe that's the wrong word, but the compatibility aspect here is similar to the other jurisdictions that they're building in.

So, we had a discussion earlier tonight about our budget. It was mentioned by the Mayor and others, and I agree with this, we've been saying it for years about the ability to add housing stock. Option A, of all of them, will make it apparently easier for persons to get into the housing

market. While it may, in some cases, raise cost of utilities, I would still favor the ability for people to get into the market and then the homeowners that are in the best position, based on their financing and timing and other circumstances, to decide how they want to address those energy costs. Does that mean keeping the thermostat a few degrees lower than you might want to, putting on additional clothing, or when their budget dictates, they can make changes.

The proposal in A merely sets a floor. It still allows a homeowner to make adjustments at their time and proclivities and finances allow. So, again, this has, in my opinion, budgetary impact if we select an option that makes it easier for persons to purchase homes in Wyandotte County and leave any additional improvements or betterments to them at their time and discretion.

Again, though, I want to thank you—we’ve had numerous discussions, that has already been stated, in standing committee—to all of the parties and people who gave input and to our hard-working staff, Mr. Talkin and his staff.

Action: **Commissioner Townsend made a motion to approve Option A.**

Commissioner Kane said I hadn’t realized this rack was quite so high until the last 48 hours or whatever where I’ve gotten multiple phone calls from friends on both sides. I respect every phone call I got. Like I said, I didn’t realize this thing was as big as it was. I’m a firm believer that if there’s three options, half the folks wanted this one, half the folks wanted that one, that there’s something—I’ve been negotiating stuff for a long time. So, I’d have to support B. I think we’re heading in the right direction. I don’t think it’s going to cost them monthly that much more to do that. Would I like to see C. At my age, I would buy a house with C. But if you’re a new person, I don’t think this is going to hurt them that bad. It’s actually going to frustrate the folks that I’m supporting B because you’ve got to come up with something. We just can’t do something either.

Commissioner Davis said, Mr. Talkin, I first want to thank you for your efforts. I think our first conversation we had about this was back in maybe February as this was brought to, I think, the Neighborhood and Community Development Standing Committee multiple times. I was the vote against it that brought it to the full Commission so that we could have a more extensive conversation about this because it is very, very important.

I do have a question. So, what are the standards for non-residential buildings, and are we making any amendments to those?

Mr. Talkin said no. Non-residential in the energy code, that we talked about in the first set, the first presentation, there was proposed, originally, before it got to the governing body, there were some small amendments that were talked about and discussed. Through the discussions, staff eliminated those amendments. Most of the commercial design community, which mostly was input from architects, engineers, and professionals, they were wanting to build to the complete set. They didn't mind the increased energy efficiency requirements.

Now, granted, we may have a builder come along, a large commercial builder for instance, for apartments. Don't know. But they didn't know they were coming when we were doing input, but there was very little input from the commercial side because there weren't any projects in the works that would have been affected by those at the time. We did get quite a bit of input to take out all the amendments on the commercial side. Once again, the residential side there were.

Now, well, I'm not going to confuse it, but, yes, there's no amendments on the commercial side.

Commissioner Davis said okay. So, just to kind of get some clarity. Is that consistent throughout the metro area?

Mr. Talkin said some of those smaller amendments that we proposed that got changed, that was really like 50/50 that cities did change. Let me back up. Before we even start an adoption, there's a number of jurisdictions. There's the Johnson County Building Officials Organization, which I'm a member of, but also, all the jurisdictions in the metro area get together and discuss where we're going with this adoption. We're involved in that every time. So, everybody started with that, those same recommendations, but going through this process with our own governing bodies, there were minor changes throughout. Otherwise, you probably would have seen that table up there very consistent.

Commissioner Davis said for clarity for my colleagues on the dais, we are not in line with rest of the metro area when it comes to non-residential buildings. I just want to make that very, very clear. So, if we're talking about some congruency within the metro area, that's already done when we're talking non-residential. Staff has already made that decision, brought it to us, we've already made it. So, we're not in line. There is going to be a mixed pattern depending upon where you go if you want to do some non-residential building. Would that be accurate?

Mr. Talkin said it would. Once again, the amendments we did were minor. I'm trying to remember what they were. They were very minor in nature and wouldn't apply to most projects actually.

Commissioner Davis said gotcha, gotcha. Okay. So, I wanted to make that clear. We're not all in line when we look at other areas of the code, right, so now we are considering this one. There's also a possibility where we all may not be in line, right, which is fine because different jurisdictions have different standards and different ideas.

My position on this is Option C. The reason why I'm for Option C is because I want us long term to think about the impact of health, the impact of utility affordability, and the impact of sustainability of the new homes that are being built in Wyandotte County. I do not buy the argument that the codes drive the cost of homes. That just, to me, does not make any sense.

Right now, we're in 2009 for our codes. If you look at the price of homes in Wyandotte County right now, under 2009 codes, a lot of people are complaining that they're not affordable. So, to me, it does not make any sense to forgo some of these standards that we've already said for commercial. For non-residential, we are not going to amend. Lets be consistent with what we've already adopted with those particular things with staff recommendations and let's not amend for residential.

I want to make it easier. Let me say this, I want to make it easier to build here in Wyandotte County. I do not believe this is where we need to compromise. We can look at other programs. We can work with the state. We can work with the federal government. I do not believe when it comes to the health and safety and affordability that we compromise on this to make it easier to build.

Mayor Garner asked, any more comments or questions? Okay. Before I try and figure this out because we've got three—can you take us to the slide with the three options? We had another slide that had them color coded.

	Fenestration U-factor Footnote b	Skylight U-factor Footnote b	Glazed Fenestration SHGC Footnote b	Ceiling R-Value Footnote a	Wood Frame Wall R-value Footnote a	Mass Wall R-value Footnote a	Floor R-Value Footnote c	Basement Wall R-Value Footnote c	Slab R-value & Depth Footnote c	Crawl Space Wall R-value Footnote c	Energy Rating Index
	lower is better	lower is better	lower is better	higher is better	higher is better	higher is better	higher is better	higher is better	higher is better	higher is better	lower is better
2018 IRC/IECC	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62
UG Current (2009)	.35	.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13	baseline
UG Option A	.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	80
UG Option B	.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	75
UG Option C	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62
Shawnee	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Overland Park	0.34	0.55	0.31	49	13	8/13	30	10/11, 3 ft	10, 2 ft	10/13	68
Prairie Village	0.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	68
Lenexa	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Leawood	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Olathe	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Gardner	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Kansas City, Missouri	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	75
Johnson Count	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Gladstone (202	0.32	0.55	0.40	38	13	8/13	19	10/13	10, 2 ft	5/13	56
	doesn't meet 2018		meets 2018		doesn't meet 2018, but closer than majority of metro		outliers/requires explanation		doesn't meet 2018, but closer than all others in the metro		

Mr. Talkin said this, we're talking about basically the wall insulation cavity and ERI, yes.

Mayor Garner said okay. I guess, is there anything that you all, that staff is recommend, I guess you recommended A, correct? **Mr. Talkin** said correct. **Mayor Garner** said if you wanted to go up to the highest level, I believe that's C, correct? **Mr. Talkin** said correct.

Mayor Garner asked is there anything in code that would preclude, say I wanted to build a home for me, if I could afford it, to on my own opt for Option C? If we do this, if the Commission votes and they approve Option A tonight, am I boxed in as someone wanting to build here just with that or could I say I want B or I want C?

Mr. Talkin said no, sir. Staff loves when somebody goes above code because it makes our job that much easier. There's nothing that prevents anybody from going above and beyond what is the minimum standard that we're requesting to be adopted.

Mayor Garner said okay. So, the minimum standard is a baseline? **Mr. Talkin** said correct. **Mayor Garner** said that offers affordability to, I guess, residents based on their financial capacity. Is that correct? **Mr. Talkin** said yes. **Mayor Garner** asked, so if my financial capacity is as such that I wanted the most air tight house available to me, I could exceed that? **Mr. Talkin** said yes. **Mayor Garner** said okay. I just wanted clarity for that for those that may be watching.

Mayor Garner said several commissioners have come up with several options that they prefer. I'm going to go down the line. We've got three options and I'm going to make a motion for each one to approve. (Indistinct talking) I get that, but I'm going to start with A and we'll go there depending on, just give me a second.

Commissioner Townsend said I just wanted to make sure it was clear. I know there have been several comments about almost all the options, but I did make a motion, so we're looking for a

second or not, but I just want to make sure that everyone recalled there's a motion pending a second that's out there.

Action: **Commissioner Bynum seconded Commissioner Townsend's motion to approve Option A.**

Mayor Garner said okay. Let me get some clarity. We have a motion and a second for which option? For Option A, okay, so clarity there. Is there any discussion on that? All right. Clerk, roll call.

Roll call was taken and there were two "Ayes," Bynum, Townsend; and seven "Nos," McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Burroughs. (motion fails)

Mayor Garner said all right. We've got two options left. I'll entertain a motion.

Action: **Ordinance No. O-97-22, "An ordinance relating to adoption of the updated international residential code for one- and two-family dwellings contained in Chapter 8, Article VII, and amending original Sections 8-411 and 8-412 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas."**
Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to approve Option B.

Mayor Garner said I've got a motion and a second for Option B. Any discussion? Clerk, roll call.

Roll call was taken and there were seven "Ayes," McKiernan, Johnson, Kane, Stites, Bynum, Burroughs, Townsend; and two "Nos," Ramirez, Davis. (motion carries)

Mr. Talkin said I just wanted to thank the governing body and Commission. This is my third set of codes I've taken through that's been my responsibility, and I've never had the interest before

in it and I do appreciate that. It pushed me and it stretched me, and I do appreciate that. So, thank you.

ADMINISTRATOR'S AGENDA

Item No. 1 – 211766...RECOMMENDATIONS: DISBURSEMENT OF 2022 CASINO GRANT FUNDS

Synopsis: Request approval to disburse 2022 UG/Hollywood Casino Grant Funds as recommended by the Mayor and Commissioners, submitted by Alley Porter, Commission Liaison.

Mayor Garner said I'll turn to our Interim County Administrator to present this item to you.

Cheryl Harrison-Lee, Interim County Administrator, said this is the annual allocation of \$500,000 that was part of the application based on the healthy study for Wyandotte County. The choices for the grant are based on healthy food choices as well as physical fitness. We have Alley Porter here to answer any questions that you might have.

Alley Porter, Commission Liaison, said I don't have anything to add. I told staff I'd try to keep this to 30 seconds or less. The timeline has been shared with you all. Any questions?

Mayor Garner asked, any questions for either our Administrator or Ms. Porter, from the Commission?

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve.**

Mayor Garner said I have a motion and a second for approval. Any discussion?

Commissioner Stites said I'll make this very quick. This is my first time being afforded this opportunity to use, obviously I've just been elected, but I am really appreciative of that amount of money that we—it's a small amount, in my opinion, but it's an amount that is very important

to our 501(c)(3)s. I'm very thankful for them in District 7 and across all of Wyandotte County. I'm glad we could offer some money. Hopefully, that can continue to increase and we have more money to spread out through the county.

Mayor Garner said I believe I have a motion and a second. Any further discussion? Seeing none, roll call, please.

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

Item No. 2 – 211787...RESOLUTION: MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIFIED GOVERNMENT AND LiUNA

Synopsis: A resolution authorizing execution of a Memorandum of Understanding (MOU) between the Unified Government and LiUNA Public Service Employees Local Union #1290PE, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Mayor Garner said I'll ask our Interim County Administrator for the presentation.

Cheryl Harrison-Lee, Interim County Administrator, said this item certainly aligns with what you told us earlier in the budget session about workforce retention. We are pleased to announce that we've been able to reach an agreement. We have outside counsel, Ryan Denk, here to answer any questions that you might have or make any further comments.

Ryan Denk, outside counsel, said I don't have any further comments. You've got the agreement in your packet. It's an agreement with LiUNA. That union covers Streets, Fleets, Parks, and Transit. It goes through the end of 2023. I'd be willing to stand for any questions.

Mayor Garner asked, are there any questions from our commissioners?

Action: **Resolution No. R-33-22**, "A resolution authorizing the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, to execute in

the name of the Unified Government of Wyandotte County/Kansas City, Kansas, the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and LiUNA! Public Service Employees Local Union 1290 for the period from January 1, 2020, through December 31, 2023.” **Commissioner Bynum made a motion, seconded by Commissioner Burroughs, to adopt the resolution.**

Mayor Garner said I’ve got a motion and a second for approval. Any discussion? Seeing none, roll call, please.

Roll call was taken and there were seven “Ayes,” McKiernan, Ramirez, Johnson, Davis, Bynum, Burroughs, Townsend. (Commissioners Kane and Stites left the meeting at 10:12 p.m. and returned at 10:14 p.m.)

Item No. 3 – 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 Cheryl Harrison-Lee to make the presentation.

Cheryl Harrison-Lee, Interim County Administrator, said you’ve been provided with an update on the grants. This is a standing item, just to make sure that you’re aware of grant opportunities that the UG has to apply for. I’ll answer any questions that you might have at this time.

Mayor Garner asked, do any commissioners have any questions, comments? This information from our Administrator was just informational.

Action: **For information only.**

Item No. 4 – 211798...RESOLUTION: MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIFIED GOVERNMENT AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL NO. 64

Synopsis: A resolution authorizing the Memorandum of Understanding (MOU) between the Unified Government and the International Association of Firefighters Local No. 64, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Mayor Garner said this was added tonight as a blue sheet, with my approval. I'll ask our County Administrator for a presentation.

Cheryl Harrison-Lee, Interim County Administrator, said to our workforce retention and investment, happy to say that we—this is long, long overdue, since 2018. We've reached consensus and agreement with the union for the firefighters. We have outside counsel, Attorney Denk, here to answer any questions or provide further comments that you deem appropriate.

Ryan Denk, outside counsel, said I don't really have anything to add. You have the agreement in your packet. This agreement takes us through the end of 2024, so it should button up this contract for some time to come. We stand for any questions that you might have.

Action: **Resolution No. R-34-22,** “A resolution authorizing the County Administrator of the Unified Government of Wyandotte County/Kansas City, Kansas, to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, the Memorandum of Understanding between the Unified Government of Wyandotte County/Kansas City, Kansas, and the International Association of Firefighters Local No. 64 for the period of 2019 - 2024.” **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to adopt the resolution.**

Mayor Garner asked, is there any discussion? I'd just like to say that these two union contracts, and especially this one, when we look at how we value our employees, it was kind of disturbing to me that it took this long to get a union contract brought forward to this Commission in a manner

that, at least, showed good faith. So, I'm really happy that we got to this point to where our public servants, and our other employees that are union members, have gotten the due diligence they deserve to get a contract that, at least, can support the good work they do for our awesome residents here in Wyandotte County.

I just ask moving forward, that we continue to operate and negotiate in good faith, and make sure that we're supporting our greatest assets here at the Unified Government, which is our employees, and work with our union members in a way that reflects that value. So, I'd just like to thank everybody involved.

Commissioner Townsend said while I appreciate all the efforts and work done by all aspects of our public safety, I was in favor of a raise but not at the percentage given here in this contract.

I'll tell you again, we've had discussions earlier regarding our budget and personnel costs and we look at public safety, that is one of the largest segments in our budget. As we look to try to increase services, whether we increase or decrease, I'd rather be an increase in the mill rate. We have to keep these incremental costs in mind, what that does when we hire any employee and go from the date they become our employee through and including their retirement and what these incremental increases do to our budget and the obligation. So, while I was in favor of some increase, not the one in this contract. Thank you for the opportunity to comment.

Mayor Garner said I have a motion and a second. Any further discussion? Roll call.

Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs; and one "No," Townsend. (motion carries)

Mayor Garner said that concludes the portion of our regular meeting and I adjourn us in that capacity. I'm now going to call us back to order as the Land Bank Board of Trustees.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner asked, does any member of the Commission or County Administrator wish to set-aside any item on the Land Bank Consent Agenda?

Item No. 1 – 211707...LAND BANK PROPERTY TRANSFERS

Synopsis: Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager. On June 9, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the Land Bank Board of Trustees.

E. Yard Extensions - 2

1. Kendall Blakeney
4967 Oak Ave. – 107430
2. Diana S. Davila
1522 S. 8th St. – 156010

Action: Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve all as submitted.

Mayor Garner said I have a motion and a second to approve. Is there any further discussion on this matter?

Commissioner Ramirez said I have a question. It pertains to Land Bank, but not to the item that we're going to vote on, so I'll wait until after our vote.

Mayor Garner said we'll hold Commissioner Ramirez's question until after the vote. Is there any further discussions or comments? Seeing none, roll call, please.

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

Commissioner Ramirez said the question I have is we found out through other people, and my question is, when were you going to notify the Commission that you had instituted a moratorium on the Land Bank? I believe, and my opinion, that's within the authority of the Board of Trustees, not a unilateral action of the Mayor.

Mayor Garner asked, what was your question again? A moratorium? **Commissioner Ramirez** said yes. Were you going to notify the Commission that you had instituted this?

Mayor Garner said well, it's not so much a moratorium as is I'm not allowing any of these items to move forward due to some of the concerns brought forth by one of our NBRs about the policy being allegations of inequities. I know that Commissioner McKiernan, through his standing committee, appointed Commissioner Davis to work with our community members and other commissioners to look at this policy.

In all fairness, until we can get a handle on what this Commission wants to do with that policy and move forward and make that decision to address some of these concerns and issues, I just think it was in the best interest to use the authority that the Mayor had to hold these Land Bank items moving forward until the decision of this Commission could be made.

That was done in actual hearing. I believe that notification went out—it should have went out to you all through the administrative channel. If it didn't, I apologize, but that's where we're at. You're hearing it from me and that's where we're at.

I encourage you, if you have those questions, my door is always open, Commissioner. I've noted that you've cancelled some of your meetings with me. I would love to have you engage with me one on one monthly so we can have these meetings and these questions can be answered, and any concerns and we can have that dialogue so we can work collaboratively together to address these issues in a way that, hopefully, best reflects the will of this Commission and brings value to our residents in our community that have these types of concerns.

Commissioner Ramirez said I appreciate that and I appreciate—I hope and wish that we had been notified before. I still think within that, it should have been within our authority as the Board of Trustees. I understand you did it for your agenda powers, but our authority, as the Board of Trustees, is through the charter and ordinance. The agenda powers is through the rules of procedure. I feel like that should have been our decision. It has been in the past—there has been in the past a moratorium on the Northeast, as Commissioner Bynum told me, but that was voted on by the Board of Trustees to implement that moratorium.

I just ask to continue to have open dialogue and communication with us. If that was something that you had wanted to do, I wish you had put it on the agenda so that we had a discussion about this. If that's sometime that if an NBR does have an issue with, I wouldn't have—if the evidence was brought forward, I wouldn't have had an issue with it, but we weren't notified. We weren't told.

Commissioner Bynum said just a question for you and then probably Administrator Cheryl Harrison-Lee. In the duration, what should staff and I guess the commissioners direct folks to do should they seek a Land Bank parcel? Should we tell them to go ahead and make the application?

Mayor Garner said I would say, continue to make those applications. Really, I know that Commissioner Davis and Commissioner McKiernan have taken this issue seriously. I know they're working diligently, I believe, with yourself and Commissioner Markley, and I believe, from what I've been told, some people from my staff and the plan is with the community to get this matter resolved expeditiously. That's the hope. When we cross that bridge and a policy has been adjusted in a matter that this Commission feels is appropriate, then, I believe, that would be the best time to open up the Land Bank so everybody can, at least, benefit from the policy decisions that this Commission deems appropriate moving forward.

Commissioner Davis said I echo the sentiments of Commissioner Ramirez. I want to be on record because I've spoken with some of the individuals that have wanted kind of this agenda block or this moratorium from the Mayor's Office. What I told them, and what I'll say now, is that there are multiple NBRs. There are multiple—just talked about making it easier to build homes in Wyandotte County, right? We adopted a code. The intention then now is we have this, which is, in my opinion, doing the complete opposite. I think that from a trust perspective, when those conversations are had, it would be good for them to be made public. That way, it doesn't feel as though any one group is having some sort of special access or some sort of way. I would be fine with hearing all of the reasonings and for us, at the very least, have a public conversation.

I think in our last meeting it was a woman that came up here begging us and asking us why we were withholding her application. It was just kind of sad that we couldn't really say anything or provide any real relief because that decision was made behind closed doors.

That is just a process standpoint. As I lead this commissioners-led effort to look at our Land Bank policy, it is my intention that we really work with our community, everyone in our community, that we're transparent in that process. I'm absolutely open to having meetings, but when we're making those concrete decisions, I would hope that there's just transparency.

Mayor Garner said, again, that invitation, as I started out when I became Mayor, extends to all of you. You, as well, Commissioner Davis. I welcome the opportunity to continue to work with

this Commission. Any meetings that are available, my door is open. Please utilize those opportunities to meet with me and discuss some of these matters.

I'm optimistic that under the leadership that you and Commissioner McKiernan are going to provide in this matter, with our community, that this is the best course of action. I utilized the powers that's welded through the charter, vested in me to be the Mayor to, hopefully, do this in a manner that would move this along in an expeditious manner, to get this matter resolved quickly so as not to become problematic to those individuals that are seeking development. I'm confident that just hearing from you all that that will be the case.

With that being said, there's no further business before this governing body.

ADJOURN

Mayor Garner said I will entertain a motion to adjourn.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Burroughs, to adjourn.

Mayor Garner said I've got a motion and a second. Roll call, please.

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

Mayor Garner said thank you. This meeting is adjourned. Have a good evening.

MAYOR GARNER

ADJOURNED THE MEETING AT 10:30 P.M.

June 30, 2022

Monica L. Sparks
Acting Unified Government Clerk

cg

June 30, 2022