

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

PLANNING & ZONING AND
REGULAR SESSION
APRIL 28, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, April 28, 2022, with ten members present via Zoom or on-site: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Johnson, Commissioner Fourth District, was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Misty Brown, Chief Counsel; Jeff Conway, Assistant Counsel; Kathleen VonAchen, Chief Financial Officer; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Gunnar Hand, Director of Planning & Urban Design; Janet Parker, Urban Planning & Design; Jeff Fisher, Executive Director of Public Works; Jonathan Gutierrez, Solid Waste Program Manager; Angel Obert, Director of Parks & Recreation; Brett Deichler, UG Clerk; and Monica Sparks, Deputy UG Clerk.

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

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

This is the Regular Session on April 28, 2022, for our Planning & Zoning. I will now call this meeting to order. Would the Clerk please call the roll?

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

Mayor Garner said tonight's invocation is going to be given by Pastor Sullivan, followed by the Pledge of Allegiance.

Mayor Garner said I'll ask the Clerk if there are any revisions to tonight's agenda. **Brett Deichler, UG Clerk**, said there were no revisions to tonight's agenda.

Mayor Garner said tonight, we have two distinct parts to our meeting. The Planning & 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 & Zoning portion of our meeting, followed by the items on the Planning & Zoning Consent Agenda.

Mr. Deichler read the statement, required by law, governing the Planning & Zoning portion of the meeting.

Mr. Deichler said at this time, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on tonight's agenda? **Mayor Garner** asked, do any commissioners have disclosures? **Commissioner Bynum** disclosed contact from proponents and opponents of Item A1 on Non-Consent, COZ2021-051. Also, on Non-Consent A2, COZ2022-001 and peripherally to those two items include B1, VAC2022-001; C1, MPL2021-028; and C2, MPL2022-001. **Commissioner Ramirez** disclosed contact with proponents and opponents on Non-Consent COZ2021-051, VAC 2022-001, and MPL2021-028. **Commissioner McKiernan** said just to make things simple, on Non-Consent, I've had contact with proponents and opponents of A1, A2, B1, C1, and C2. **Commissioner Townsend** said I have had contact with proponents and opponents on the Non-Consent Agenda concerning COZ2021-051, VAC2022-001, and MPL 2021-028. **Commissioner Burroughs** said on the Consent Agenda, A1, COZ2022-012; on the Non-Consent A1, COZ 2021-051, both opponents and proponents; and COZ2022-001 proponents and opponents. B1, VAC2022-001, both proponents and opponents. C1 and C2 of the review of applications 2021-028 and 2022-001, both proponents and opponents. **Commissioner Markley** disclosed Non-Consent Agenda Items A1, B1, and C1, opponents and proponents. **Commissioner Kane** disclosed same as Commissioner Markley. **Commissioner Davis** said I've had conversations with proponents and opponents of A1, B1, and D1. **Commissioner Stites**

disclosed on Non-Consent proponents and opponents of A1, B1, and C1. **Mayor Garner** said I've had proponents and opponents of Planning & Zoning Non-Consent Change of Zone Application COZ2021-051 as well as B, VAC2022-001 as well as C, MPL2021-028.

PLANNING AND ZONING CONSENT AGENDA

Mr. Deichler said I will now read the items on the Consent Agenda.

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

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

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

Mayor Garner said prior to those motions, I'll ask the Clerk if anyone joining virtually has their hands raised to set-aside an item. **Mr. Deichler** said seeing none, Mayor.

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

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

CHANGE OF ZONE APPLICATION

ITEM NO. 1 – 211514...CHANGE OF ZONE APPLICATION COZ2022-012 - MATT TOMASIC WITH POLICE ATHLETIC LEAGUE

Synopsis: Change of Zone from R-1(B) Single Family District to RP-5 Planned Apartment District to construct a pickleball court at 800 North 5th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Matt Tomasic, is proposing to rezone the

property from its current split zoning of RP-5 Planned Apartment District and R-1(B) Single-Family District to RP-5 Planned Apartment District, construct a pickleball court and new parking lot with nine (9) spaces and bring all accessory structures into compliance at the Police Athletic League at 800 North 5th Street. The Planning Commission voted 7 to 0 to recommend approval of Change of Zone Application COZ2022-012, subject to:

1. The proposed retaining wall material shall match that of the retaining wall on the south side of the property along Ann Avenue;
2. The applicant must ensure that the brick sidewalk shall not be damaged through the construction process;
3. The subject property is an identified Historic Landmark. A Certificate of Appropriateness is required prior to any demolition, alteration, construction, repair, change of occupancy, or change in use of the subject property. Please contact the Department of Planning and Urban Design at (913) 573-5750 or email planninginfo@wycokck.org to begin that process;
4. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal-related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
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 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,
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Change of Zone Application COZ2022-012, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 211515...SPECIAL USE PERMIT APPLICATION SP2022-003 - PETE DAVIS, JR. WITH AUTO PLUG LLC

Synopsis: Renewal of a Special Use Permit (SP-2019-112) for a car dealership and auto repair at 1830 Quindaro Boulevard, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Pete Davis Jr., is requesting to renew a Special Use Permit to operate a car dealership on the property. Besides the car dealership, the property will also engage in auto detailing, auto repair, and auto stereo installation. This property was approved for two (2) Special

Use Permits for this use (SP-2019-87 and SP-2019-112) in 2019, and obtained a variance for sight-distance triangle and building setbacks (BZA-2341) in 2019. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-003, subject to:

1. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
2. The applicant shall build a trash enclosure around the trash receptacle on the north side of their property;
3. The applicant shall remove the reflective glass from the windows, as it is in violation of Sec. 27-576 (h)(2) of the Commercial Design Guidelines, which states that “reflective or mirrored glass for use as windows is prohibited, unless determined otherwise by the director;
4. Section 27-467(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 12,847 square feet, requiring two (2) trees be provided;
5. Section 27-467(g) requires that a six (6) foot high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
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 his division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
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 buildinginspector@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 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 automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste

- tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 11. The applicant must maintain a current business occupation tax application;
 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. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, as applicable;
 14. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
 15. ADA compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
 16. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 - a. Sec 27-673(a) Any lights used to illuminate the parking area shall be so arranged, located or screened as to direct light away from any adjoining or abutting residential district;
 17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
 18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-003 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

ITEM NO. 2 – 211516...SPECIAL USE PERMIT APPLICATION SP2022-019 - JOE HEIDRICK WITH CACTUS BED PROPERTIES, LLC

Synopsis: Renewal of a Special Use Permit (SP-2020-4) for a Short-Term Rental at 4313 Rainbow Boulevard, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Joe Heidrick DBA Cactus Bed Properties, is seeking the renewal of the approval to operate a short-term rental at 4313 Rainbow Boulevard. This is their second renewal. The previous permit expired on January 30, 2022. The subject property is on the Rainbow Boulevard commercial corridor. The applicant owns the property next door, which is undergoing improvements and is also being proposed as a new short-term rental. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-019, subject to:

1. Applicant shall maintain a business license from the Wyandotte County Business License office;
2. Applicant shall post a Lead-Based Paint Notice and Asbestos Notice (if necessary) in the guest book or tenant guide;
3. Applicant shall provide a third-party home inspection report no older than 6 months upon next renewal;
4. Applicant shall provide evidence of repair for any repairs required as a result of the home inspection report;
5. Applicant shall provide a copy of the site plan indicating parking and common areas;
6. Applicant shall provide a floor plan;
7. Applicant shall improve the parking in the rear to ensure no more than 30% of the rear yard is utilized for parking;
8. Parking must be of an improved surface of asphalt or concrete;
9. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be eight (8) adults;
10. Guest parking must be provided off-street. Maximum number of guest vehicles shall be three (3);
11. Parking must take place off-street;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

13. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
14. 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;
15. 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. Include the contact information for Host Compliance: 913-246-5133 www.hostcompliance.com/tips;
16. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-019 for one year, subject to the stipulations. Roll call was taken and there were nine "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

ITEM NO. 3 – 211518...SPECIAL USE PERMIT APPLICATION SP2022-029 - TINA ALONGE WITH 913 LLC

Synopsis: Special Use Permit for alcohol sales and live music inside and outside of the building at 6102 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design, 573-5751. The Applicant, Tina Alonge, is requesting a Special Use Permit for Live Entertainment at a Drinking Establishment, The 913, located at 6102 State Avenue. This location had previously been the Red Eye Bar, which had operated 30 years until its closure in 2021. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-029, subject to:

1. The applicant shall pave over the unimproved surface on the east side of the property before they can continue to utilize that space as overflow parking, as parking on unimproved surfaces is prohibited per the Code of Ordinances Section 27-675(a);

2. The applicant shall restripe their parking lot and existing parking spaces, as well as add a marking on the pavement for their ADA compliant spaces;
3. The applicant shall not propose any construction or hold any event in the Zone AE floodplain in the rear of the property;
4. All live entertainment must cease by at least 1:30 a.m. indoors and 12:00 Midnight outside.
As a C-1 zone, per code Section 27-464 (c)(9) "Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day". Planning and Urban Design staff have determined that this use is beyond the 100-foot threshold, and thus may remain open until 1:30 AM;
5. Doors and windows must stay closed during any entertainment or performance;
6. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) professional security personnel stationed at the door at all times that is able to monitor any required parking area. Additional professional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
7. 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;
8. 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;
9. No amplified speakers are allowed in outdoor spaces, except for times specifically designated for entertainment;
10. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. 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;

13. If approved, the applicant must file and maintained a current business occupation tax application and entertainment license;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspecton@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
15. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
16. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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;
17. A Right-of-Way Permit is Required. The applicant is required to contact Andrew Roddy with the Public Works Department at (913) 573-5310 or by email at aroddy@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;
18. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
19. 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;
20. 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;

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

Action: Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-029 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

ITEM NO. 4 – 211517...SPECIAL USE PERMIT APPLICATION SP2022-034 - DR. JESSICA DAIN WITH PIPER SCHOOL DISTRICT USD 203

Synopsis: Renewal of a Special Use Permit (SP-2020-27) to continue to use a modular building with eight (8) classrooms at Piper Middle School at 4420 North 107th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Dr. Jessica Dain with Piper USD 203, is requesting the renewal of a special use permit that allows them to place a temporary structure adjacent to Piper Middle School for the purposes of having classrooms for 8th grade students. This is intended to be a temporary measure until funding and plans can be put in place for a more permanent solution. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-034, subject to:

1. This temporary classroom will be removed by 2024 as part of the Piper USD 203 Bond that was passed for modifications and programming to the school buildings within the district;
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 buildinginspector@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. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved and,
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-034 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

ITEM NO. 5 – 211519...SPECIAL USE PERMIT SP2022-036 - MANUEL GONZALEZ WITH MANOLO AUTO SALES

Synopsis: Special Use Permit for an automotive dealership with light repairs at 401 Kansas Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Manual Gonzales Farinas with Manolo Auto Sales, is requesting a Special Use Permit for the operation of an automotive sales facility at 401 Kansas Avenue. The subject property is on a corner parcel and has a total of 1,750 square feet and associated parking. This property is four (4) blocks from the Kansas River and Armourdale Gateway. The Applicant has an existing auto dealership at another location. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-036, for two (2) years, subject to:

1. Applicant shall make the following site improvements:
 - a. The brickwork must be reverted to original condition free of paint.
 - b. The sidewalk and landscaping must be installed per UG standards, including a minimum of one (1) tree.
 - c. Sidewalk completion requires a Right of Way Permit from the Public Works Department.
 - d. The mailbox and building numbers shall be properly installed.
 - e. Remove any debris from the rear of the building

- f. Exterior Lighting shall be updated for downward facing lights per the Commercial Design Guidelines.
 - g. The front and side fence shall be removed and replaced with a wrought-iron style fence with masonry columns per the Commercial Design Guidelines. The front fence should be moved six (6) feet from the front sidewalk to provide a six (6) foot landscape buffer.
 - h. Barbed wire shall be modified to project inward at the rear of the property.
2. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
 3. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27- 592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request.
 4. 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.
 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
 6. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
 7. The applicant is requesting a Special Use Permit for a property zoned M-2 General Industrial District. Therefore, this property is subject to, and must comply with, all applicable regulations under the Commercial Development Guidelines Overlay District (CDGOD). This subsection addresses the applicant's demonstrated compliance with relevant CDGOD regulations for SP2022-036. All listed requirements that are identified as "have not been meet" or "unclear if met" must be revised to be made compliant.

8. The following requirements of the Commercial Development Guidelines Overlay District have not been met:
 - a. The brickwork must be reverted to original condition free of paint.
 - b. The sidewalk and landscaping must be installed per UG standards, including a minimum of one (1) tree.
 - c. Sidewalk completion requires a Right of Way Permit from the Public Works Department.
 - d. The mailbox and building numbers shall be properly installed.
 - e. Remove any debris from the rear of the building
 - f. Exterior Lighting shall be updated for downward facing lights per the Commercial Design Guidelines.
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 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 and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-036 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

VACATION APPLICATION

ITEM NO. 1 – 211520...VACATION APPLICATION VAC2021-012 - CHRIS MCNUTT

Synopsis: Vacation of right-of-way at 3801 Lloyd Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Chris McNutt, is seeking approval for the vacation of the Right-of-Way at 3801 Lloyd Street. The subject property is a single-family residence on a dead-end street. The Vacation has been requested to allocate the driveway and side yard that is part of the adjacent parcel to the subject property. The adjacent property is being operated as a public utility substation. The Planning Commission voted 7 to 0 to recommend approval of Vacation Application VAC2021-012, subject to:

1. A driveway must be constructed to UG Standards as part of the Vacation Approval;
2. A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;
3. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
4. When funds are available in the future for the construction of a cul-de-sac at the end of Lloyd Street, the applicant and/or future landowner will provide the necessary access and any related easements accordingly; and,
5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Action: Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Vacation Application VAC2021-012, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

HISTORIC DESIGNATION APPLICATION

ITEM NO. 1 – 211505...HISTORIC DESIGNATION APPLICATION HD2022-001

SHELLY CUTCHLOW WITH ANTIOCH BAPTIST CHURCH

Synopsis: Consideration of Historic Designation of the Immanuel Baptist Church at 1335 Quindaro Boulevard, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

The applicant, Shelly Cutchlow, is requesting a Landmark Designation for 1335 Quindaro Boulevard. Growing out of an evangelistic tent meeting, the Yecker Avenue Baptist Church began in a wooden building at 15th and Yecker Avenue in 1904. The congregation renamed itself the Immanuel Baptist Church and moved with 44 charter members to the 1335 Quindaro Boulevard location where they built the brick facility in 1921. The original structure cost \$25,000 and was constructed by the Immanuel Baptist Pastor, Reverend Joseph W. MacDaniels.

A \$140,000 addition in 1951 added two (2) floors above the original church auditorium to be used for Sunday School. A new auditorium was built immediately to the east of the original building in 1956. An electric console organ was installed in the 1335 Quindaro church for \$2,000 in 1957.

The church would eventually be sold to the Evangelist Temple Church of God in Christ in 1970. In 1978, the church would be sold again to the Antioch Baptist Church, the current congregation in the building.

This property has been submitted by the applicant as a potential Historic Landmark. The Landmarks Commission voted unanimously to recommend approval of Historic Designation Application HD2022-001 for the Historic designation of the former Immanuel Baptist Church, subject to:

1. All future exterior work must obtain a Certificate of Appropriateness from the Planning and Urban Design Staff, prior to receiving the proper permits from the Building Inspection Division.

Action: Commissioner Kane made a motion, seconded by Commissioner Stites, to approve Historic Designation Application HD2022-001, subject to the stipulation. Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

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

ITEM NO. 1 - 211537...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2022-032) for the continuation of a security business office, at 428 North 5th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-54-22**, “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 security business office at 428 North 5th Street.” **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

ITEM NO. 2 – 211540...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2022-005) for the continuation of a security office trailer at 8130 Kaw Drive, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-55-22**, “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 security office trailer at 8130 Kaw Drive.” **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

ITEM NO. 3 – 211541...ORDINANCE

Synopsis: An ordinance rezoning property at 428 North 5th Street (COZ2022-011), from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-56-22**, “An ordinance rezoning property hereinafter described located at approximately 428 North 5th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.” **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and

there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

ITEM NO. 4 – 211542...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2022-013) for the continuation of a dirt fill at 1215 Merriam Lane, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-57-22**, “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 dirt fill at 1215 Merriam Lane.” **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

ITEM NO. 5 – 211543...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2022-004) to allow the continuation of two (2) concrete pits/sampling of a variety of pipes for training at 8535 Riverview Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-58-22**, “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 the continuation of two (2) concrete pits/sampling of a variety of pipes for training at 8535 Riverview Avenue.” **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Davis, Bynum.

ITEM NO. 6 – 211544...ORDINANCE

Synopsis: An ordinance authorizing a Special Use Permit (SP2022-012) for a Short-Term Rental at 527 Tenny Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: **ORDINANCE NO. O-59-22**, “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 short-term rental at 527 Tenny Avenue.” **Commissioner Kane made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 211521...CHANGE OF ZONE APPLICATION COZ2021-051 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP

Synopsis: Change of Zone from R-1(B) Single Family and C-O Non-Retail Business Districts to RP-6 Planned High-Rise Apartment District for a 148-unit apartment complex at 10 South Hallock, 525 Central Avenue and 529 Central Avenue, and

PLAN REVIEW APPLICATION ITEM NO. 1 – 211523...PLAN REVIEW APPLICATION MPL2021-028 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP

Synopsis: Master Plan Amendment from Urban Density to High-Rise Residential (Central Area Master Plan) at 10 South Hallock, 525 Central Avenue and 529 Central Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Mark Moberly, with Sunflower Development Group, wants to rezone 525 Central Avenue, 529 Central Avenue and 10 South Hallock Street from R-1(B) Single Family and CP-0 Planned Nonretail Business Districts to RP-6 Planned High-Rise Apartment District to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue. The Planning Commission voted 6 to 1 to

recommend approval of Master Plan Amendment MPL2021-028 and Change of Zone Application COZ2021-051, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-016. Approval of these petitions (Change of Zone and Master Plan Amendment) are contingent upon the decision of the Board of Zoning Appeals for variance BOZA2022-016;
2. As a part of the development agreement, the applicant will work with UG staff to address the issue of traffic, safety, transit enhancements, on-street parking, and a revitalized neighborhood gateway for the 6th and Central/6th and Hallock intersections as a proposed neighborhood benefit per the Central Area Master Plan;
3. As a part of the development agreement, the applicant will support the work of UG staff create a mixed-income community as a proposed neighborhood benefit per the Central Area Master Plan;
4. A replat of this property is required to vacate existing utility easements, dedicate new easements, vacate right-of-way, and consolidate parcels;
5. Sec. 27-461(c)(3) Lot area shall not be less than 1,500 square feet per dwelling unit; provided however, that an area equal to at least 40 percent of the site area is maintained as nonvehicular open space;
6. Sec. 27-461(c)2.e. For parking and other paved areas: Not less than 25 feet from any street line and not less than six (6) feet from any other property line;
7. Relocate the four (4) ADA spaces to the southern side of the surface parking lot and install a sidewalk that leads occupants to the front door;
8. Relocate the bike rack to the green wall next to the secondary entrance along 6th Street;
9. Add a pedestrian door at all garage entries;
10. Add a sidewalk to the new garage entrance/parking doors on the east side of the building to Hallock Street;
11. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
12. Relocate the crosswalk that extends south of the law office, in front of the head-in parking on the west side of 6th Street to the north, aligning with Hallock Street and create a new crosswalk parallel with 6th Street on Hallock Street to the northwest corner of the building;
13. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants;
14. Lighting cannot exceed one (1) footcandle at the property line. Uplighting is discouraged;
15. Interior parking lots lights must also be well lit without creating glare to the surrounding neighborhood;
16. Sec. 27-461(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. Sec. 27-700(b)(1) All multi-family residential projects shall include at least one (1) shade tree per eight (8) dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings, if required. The site is 1.09 acres, which requires eleven (11) trees, nineteen (19) additional shade trees and 148 shrubs per the zoning district;

17. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
18. All landscaping shall be irrigated;
19. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
20. Additional landscaping is necessary to screen the surface parking lot from South 6th Street;
21. The bulb-out on South 6th Street should incorporate abioswale;
22. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
23. All electrical meter banks, typically on the side of the building shall be screened from public view;
24. BPU transformer pad shall be completely screened on three (3) sides with 6-foot junipers setback (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
25. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
26. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
27. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [C](#) to begin this process;
28. 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,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

and

**VACATION APPLICATION ITEM NO. 1 – 211522...VACATION APPLICATION
VAC2022-001 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP**

Synopsis: Vacation of right-of-way at 10 South Hallock and 525 Central Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Mark Moberly with Sunflower Development Group, wants to vacate a portion of right-of-way along the south and west side of Hallock Street in order to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue. The Planning Commission voted 6 to 0 to recommend approval of Vacation Application VAC2022-001, subject to:

1. A replat of this property is required to vacate existing utility easements, dedicate new easements, and consolidate parcels;
2. As part of Planning staff's ongoing discussion with Planning Engineering and Public Works Department regarding the traffic study, improvements to the 6th Street and Central Avenue will be reviewed by a third party. Installation of a roundabout will be topic of discussion, as this area is the southern terminus of the bike boulevard along 6th Street – earmarked from Central Avenue to Ann Avenue along North 6th Street;
3. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing, or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
4. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

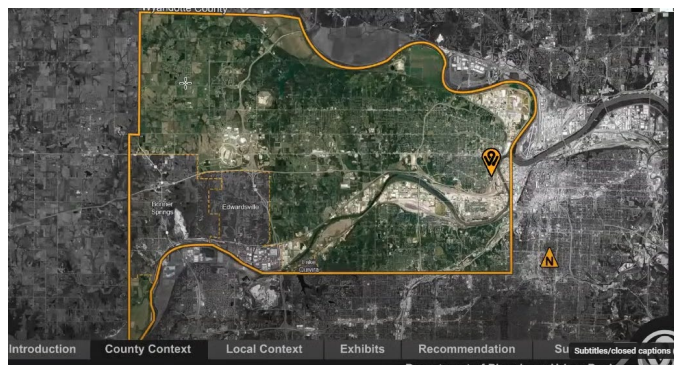
Brett Deichler, UG Clerk, said, Mayor, we need staff to make remarks under the Change of Zone Application items there for A1 down through the other two, VAC and C1. **Mayor Garner** said yes, A1, COZ2021-051; B1, VAC2022-001; and C1, MPL2021-028, Mark Moberly with Sunflower Development.

Under the Change of Zone Application, Item 1 is COZ2021-051, Mark Moberly for a change of zone from R-1 Single Family and C-O Non-Residential Business Districts to RP-6 Planned High-Rise Apartment District for 148-unit apartment complex at 10 S. Hallock, 525 Central Avenue, and 529 Central Avenue.

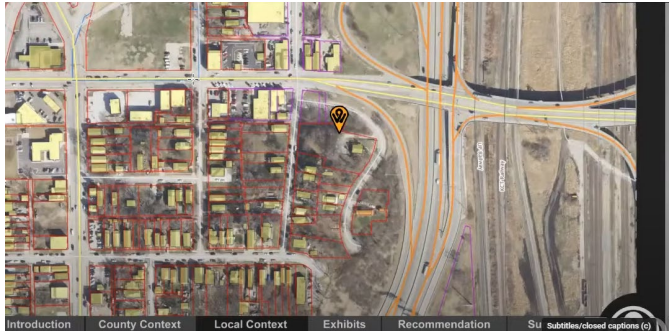
Also related to this property is Item B1, VAC 2022-001, vacation of the right-of-way; and Item C1, Master Plan Amendment MPL2021-028 from Urban Density to High-Density Residential. The Planning Commission recommended approval by a vote of six to one. I'll ask staff to make some opening remarks.

Case	
COZ2021-051, MPL2021-028 & VAC2022-001	
Petitioner	Address
Mark Moberly with Sunflower Development	10 South Hallock Street, 525 Central Avenue & 529 Central Avenue Kansas City, Kansas 66101
Synopsis	
To amend the Central Area Master Plan from Urban Density to High-Rise Residential, rezone from R-1(B) Single Family and CP-0 Planned Nonretail Business Districts to RP-6 Planned High-Rise Apartment District, and vacate right-of-way to build a 142-unit, six (6) story over two (2) story parking garage apartment building (eight (8) stories total) on 1.09 acres.	

Gunnar Hand, Director of Planning & Urban Design, said as you noted, Change of Zone 2021-051 is being heard tonight in conjunction with Vacation 2022-001 and Master Plan Amendment 2021-028. This is a redesign from a proposed multi-family apartment complex rezoning from R-1 to RP-6 Urban Density to High-Density Residential, as well a vacation of the public right-of-way.



This is in the Central Area Master Plan,



specifically, just south of the intersection, south and east of the intersection of 6th & Central. Staff has received multiple communications in support and multiple communications in opposition to this case.



There are no notice of violation on the current property. There's multiple conditions of approval as noted in the staff report. I'd highlight just a few of them this evening. Specifically, two primary issues related to public comment were the traffic at 6th & Central, as well as the creation of a mixed-income community as identified in the Central Area Master Plan, which was recently approved in the fall of 2020.

Staff added two conditions of approval related to that, namely that if and when this moves forward to a development agreement, that the applicant will work with the Economic Development Department to develop an agreement in their public benefit to address the redesign of 6th & Central. Staff also believes that this is an opportunity to create the identified gateway, as noted in the Central Area Master Plan, as you arrive along the corridor from the east.

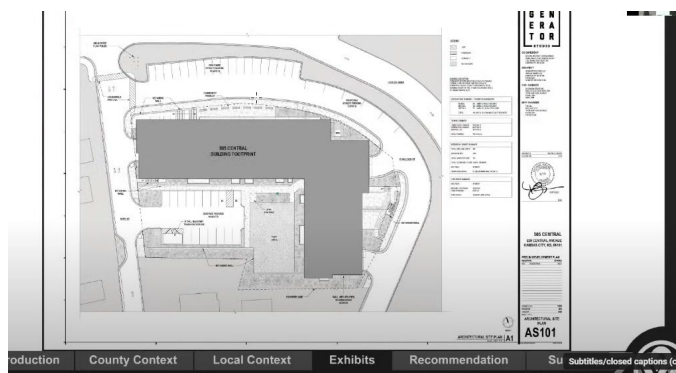
The second condition of approval of specific note is also related to the potential hearing of the development agreement with Economic Development as it relates to the mixed-income community. The Central Area Master Plan has a couple of conversations and throughout related to displacement, affordability, and mixed income. We believe that can and should be addressed

in the public benefit conversation as it relates to the development agreement if it moves forward accordingly.

Staff has worked extensively with the applicant and the neighborhood. We've worked on a couple of different redesigns as it relates to the height, massing, sight lines, and other site improvements and pedestrian connectivity. There is a nexus, as defined by in our review of the traffic analysis, for improvements at 6th & Central, although the applicant is not wholly responsible for the redesign or cost thereof to reduce that intersection. They do have to follow the multi-family design guidelines.

Earlier this month, the Board of Zoning Appeals denied BOZA Case 2022-016, which is a parking variance. There are multiple ways the applicant could address that issue moving forward as it relates to the unit mix. The current zoning code requires 1.5 parking spaces per two-family. If they removed all the two-family bedrooms, that would not get them enough based on the current supply of parking as designed in this entitlement. Therefore, staff believes some combination of a change in the unit mix, addition of off-street parking, on-site, and/or reduction in units is required. All of those changes, we believe, will address concerns raised by the community specifically to massing.

If you look along 6th Street, in particular, on one side of the street, the west side of the street, you have a one-story single-family home. On the other side of the street, you would have the six stories, the apartment complex. This is built into the hillside. It is technically eight stories. So, from Central or from the freeway, it'll look like eight stories. From 6th Street, based on the grade change in the development, it'll look like six stories. That is still a stark change from one side of the street to the other.



Again, we believe all of these issues, because they do not expand or exacerbate any of the issues as defined in this change of zone application, can be and should be heard in a final development plan. Essentially, final development plans follow up and take care of all the nuances of the architecture and any additional design decisions. There are several triggers that would move this case back to preliminary development plan. Again, none of the ones identified today, we believe, are being triggered back to Planning Commission as necessary.



I'll go through a couple of these slides as we kind of have our conversation. Again, specifically in the Central Area Master Plan, there were three sites across the entire area that were identified as catalytic sites. One of those sites is not this site; it is one block. Staff does recognize this is a significant change in a master plan category and in the zone related to that, but with all the conditions of approval, staff agrees with Planning Commission and recommends approval.

Mayor Garner said I'll ask the applicant or representative to come to the podium and present the application. Please state your name and address for the record.





Mark Moberly, Sunflower Development Group, 1125 Grand Boulevard, Suite 202, Kansas City, MO 64108, said with me I've got Tom Proebstle. I'll let him introduce himself. **Tom Proebstle, 1650 Baltimore, Kansas City, MO.** Mr. Moberly said our attorney, Pete Heaven, was not able to make it. He is on the call.

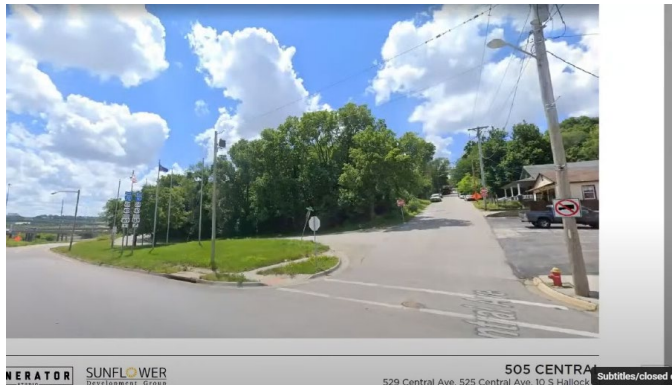
Thank you for the time. Thank you for everyone in the room. It's a lot of people and we expected that, so no shock there. We do appreciate the discussion, both the pros and the cons, because we do think it makes a better project. We do think the conversations we've had over the last really six months are going to turn out to be something, I hope, that maybe we're not all going to win, but it's going to be something we can at least say we worked through.



I'm going to keep this as brief as I can. There is a lot of information to cover so bear with me. Jason Swords is our Principal. I'm the Director of Development/Partner at Sunflower Development Group. You've probably heard of our company. We were the new market tax credit consultant on the MERC. We are the developer for the Margaritaville Resort out at the former Schlitterbahn site. Then we have a couple of forthcoming proposals for affordable housing in the UG, so you'll likely be seeing us in the near future.

With me tonight is Skyline Property Development. Tom Proebstle introduced himself. He is with Generator Studios. You can see their resume on the screen. They did Taco Republic, Margaritaville Resort. They are the design lead. Then he is leading the design of the Kansas City Current National Women's Soccer team stadium. Steve Simpson is also here as well, with Skyline Development. He's been a property owner in KCK since 2016. Tom and Steve, together, own the property currently. I also have Spencer Fane, our law firm, with me. Matthew Wine is in the audience and Pete Heaven is on the call.

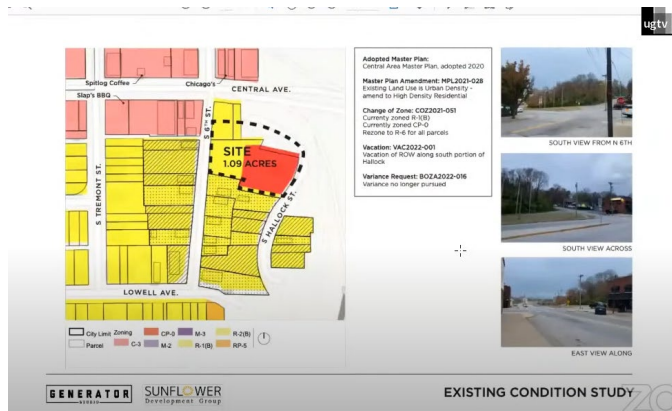
I'm going to turn it over to Tom for the next few slides.



Tom Proebstle, Co-Founder of Generator Studios, 1650 Baltimore, Kansas City, MO, said I want to take a few minutes and walk you through the design and familiarize you with the project. So, as most of you know, this image is from 6th & Central. We're basically standing at about Chicago's Bar looking south. Sixth Street goes up the hill and then the property, as you see there, is currently hilled, hilly and treed. When Steve and I bought the parcel, we saw the opportunity for this site to be a marquee, a gateway project here on this site, and so we're excited to talk about this project tonight as such.



This is a slightly different view going up in the air, if you will, with a drone shot looking at the trees around the neighborhood, as well as the existing building that's on there that, again, Steve and I own which is the former Alvarez Law Firm and has gone through a series of vacancies and then occupancy and vacancies over time.



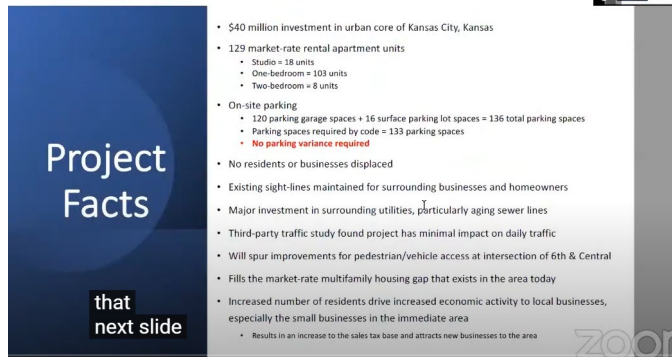
So, this planning diagram shows the current state of the site. Of note, the site itself is in the dashed line, as you can see. The red area is currently zoned CP-O and that does allow us to build to 12 stories as it's currently zoned. We don't want to build a 12 stories, though. Then adjacent to that to the west, the yellow site is a single-family residential. Then north of there that heads up to Central Avenue, that's also a Land Bank property, so that's currently with the Land Bank. We've been in discussions with them about this project as well, of course, as we consolidate the site into one development.

Again, as Gunner in Planning had mentioned, the Master Plan Amendment, the Change of Zone, and particular, the area in white that you see beneath the dashed line, is the vacation area that currently is with the Unified Government. In essence, it was left over land from the interchange over time that has never been addressed.



So, this is another view of the site. What's important here—and we want to recognize the businesses in the area. We wouldn't be here today talking about this project if it wasn't for all the great work of the businesses and their success from Slap's Barbecue to Chicago's and Splitlog

Coffee. These businesses have created motion and we're excited to help contribute to that motion in this neighborhood. It's very important to us to continue to do that.



Project Facts
that next slide

- \$40 million investment in urban core of Kansas City, Kansas
- 129 market-rate rental apartment units
 - Studio = 18 units
 - One-bedroom = 103 units
 - Two-bedroom = 8 units
- On-site parking
 - 120 parking garage spaces + 16 surface parking lot spaces = 136 total parking spaces
 - Parking spaces required by code = 133 parking spaces
 - **No parking variance required**
- No residents or businesses displaced
- Existing sight-lines maintained for surrounding businesses and homeowners
- Major investment in surrounding utilities, particularly aging sewer lines
- Third-party traffic study found project has minimal impact on daily traffic
- Will spur improvements for pedestrian/vehicle access at intersection of 6th & Central
- Fills the market-rate multifamily housing gap that exists in the area today
- Increased number of residents drive increased economic activity to local businesses, especially the small businesses in the immediate area
 - Results in an increase to the sales tax base and attracts new businesses to the area

Mr. Moberly said some facts about the project. This will represent a \$40M total investment in the urban core of Kansas City, KS. We have reduced the unit count. Gunner mentioned there were a couple of ways for us to move forward without the BOZA approval. We were at 142 units when we appeared in front of the BOZA. Tonight, we're at 129 units. I'm going to walk you through that reduction. A reduction does not require us to go backwards. We can move forward with a smaller project.

So, today, we have 18 studio units, 103 one-bedroom units, and 8 two-bedroom units. We did not get rid of all the two-bedroom units. They fit nicely at certain areas of the building. We do think there is a market demand for a two-bedroom unit, whether that be roommates, families, somebody that wants an office as a second bedroom, but we are primarily studio and one-bedroom units.

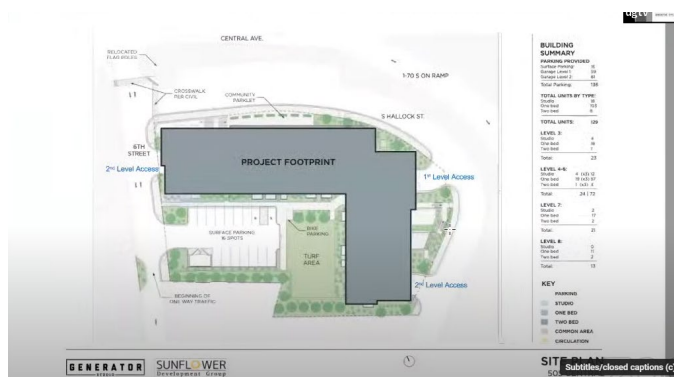
We have 120 parking spaces in our two levels of parking garage, and then we have a 16-stall surface parking lot on our site as well. That equates to 136 total parking spaces. So, 129 units with 136 parking spaces provided. We are parked plus three over code, so we no longer need that parking variance. I do want to just stress that we have made that concession by figuring out a way to still have a financially viable project with reducing unit count.

No residents or businesses displaced other than the property that Tom and Steve currently own. We'll show you how the existing site lines are maintained for the surrounding businesses and homeowners, and actually have continued to get more impactful where you can see that we're not impacting those sight lines with the reduction in unit count.

We have major investment planned in the surrounding utilities, particularly the aging sewer lines. We understand the state of those sewer lines and the water lines, that's part of our project budget.

There's a third-party traffic study that we've submitted to the Unified Government. It shows minimal impact on daily traffic, in fact, it shows we will increase traffic by less than 1%. We believe this will spur improvements for the pedestrian and vehicle access at the intersection of 6th & Central. Mr. Hand alluded to that. We do want to be a part of that and be a catalyst for change at the 6th & Central intersection.

We believe this fills a market-rate, multi-family housing gap that exists in the area today. With an increased number of residents, that drives increased economic development. That's a sales tax base. With more people living in the neighborhood, you have more people spending dollars. Sales tax goes up.

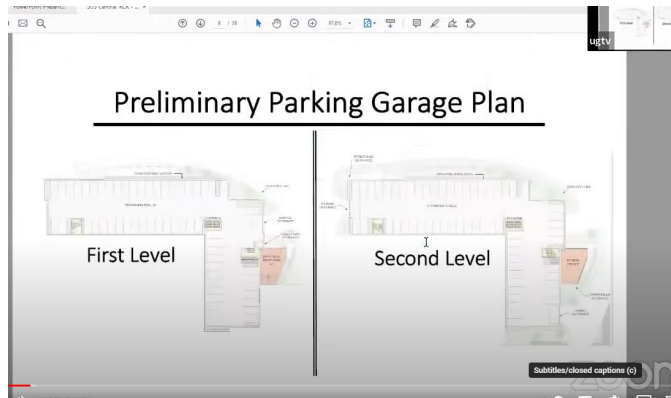


A little zoom in on our project footprint. There's a couple of things I want to point out here. As you come off of Central onto 6th Avenue today, it is two-way so that you can get onto Hallock. What we are proposing is that two-way get extended up the street to our surface parking lot, but no further than that. Sixth Street would remain a one-way street to the bump out that you see there with the arrow on the bottom left of the of the slide. That allows us to access not only our parking garage, the second level of our parking garage, but also the 16 surface spaces.

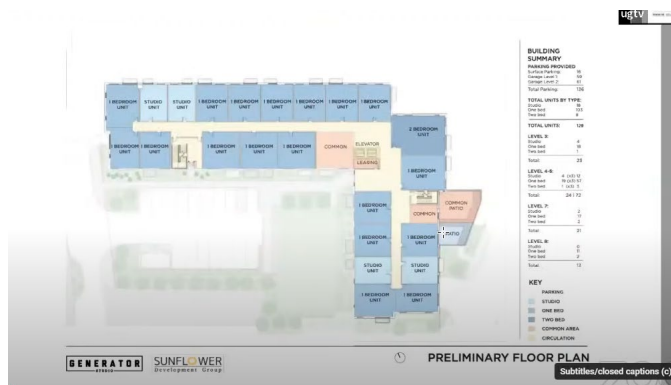
If you turned off of Central onto 6th and swung around Hallock, you would drive by our community park that is planned in front of the building and go up the hill to where you could access the first level of parking, or go on up the hill further to the second level of parking.

On this map, you will not see parallel parking plan for Hallock. We have removed that. We have heard the concern about safety, about fire truck access, and about school bus access.

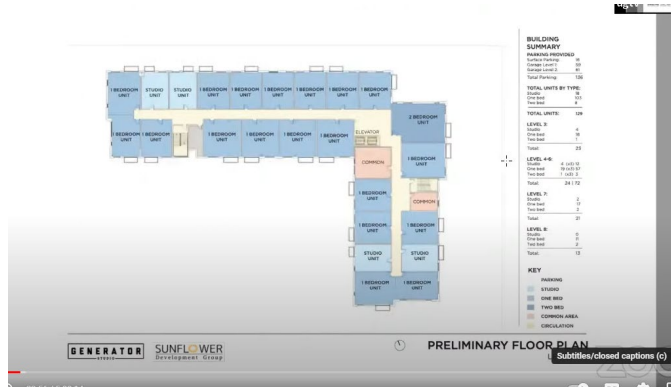
That is no longer part of this plan. There is a section in white where parking spaces could go. That is not on our property. We would love to talk about that with staff and the Planning Commission, should we move forward.



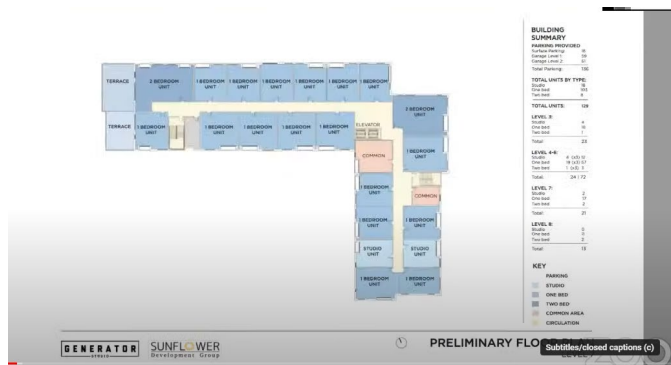
We're going to quickly go through our floor plan. The first level is parking. You can see on the right there, there is a FEMA rated shelter, so we have protection for our residents. On the right side is the second level of parking, almost identical, and the second floor of that FEMA shelter would be our fitness room. The elevators access the first and second levels, and we have two stair towers at both levels.



Then you get to the third level of the project which is the first level of units. You can see the light blue are our studio units, the dark blue are our one-bedroom units, and then the two-bedroom units, actually there's none on this—they're the darker blue there in the corner. We have some common areas programmed throughout the building. This would be the level where deliveries would come in and pedestrian foot traffic would primarily enter the building. Then we do have some greenspace programmed, as well, for our residents.



This is the floor plan for levels four through six. It is the same each level. I won't spend a lot of time on that, but you can see the nice mix of units throughout the project.



Level seven. This is where we start to change the building a little bit. You'll notice at the west side, there's terraces programmed. What we've done is, we've chopped off units at the west side because what we've heard and we've started to internalize is and appreciate, is that the mass of the building as you turn off of Central onto 6th is that six-story, big building directly across from a one level house.

So, what we're proposing is to cut the units back at the seventh floor so that when you're standing on the street and you look up, you will not see the seventh floor. That's what you're seeing here with those terraces. It's just rooftop. It is not covered.



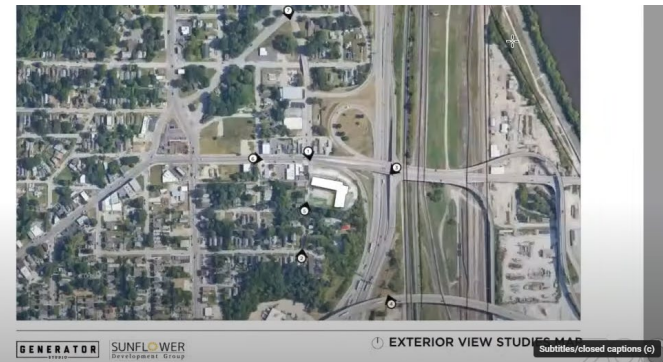
Go to the eighth and final top floor, and then further at the eighth floor, we'll set it back even more. I'll show this better with a rendering. What we're proposing here is not only a reduction in unit count so that we can fully park on the site, but also trying to understand and appreciate the mass of the building as it was originally submitted at 6th Street needs to change, and we're headed in that direction.



Here's a rendering of that. You've seen this picture before. We've updated it to show the setback at level seven as well as level eight. The important thing to understand is as you're on 6th Street, level one is underground. You're not even going to know it's there. Level two is the entrance to the parking garage, but as you go up to the top of the hill, you're above that at grade. As you're sitting at the surface parking lot entrance, you'll see levels three, four, five, and six. It's a four-story building. It's not an eight-story building towering over a one-story building. In addition to being built into the side of the hill, we've set it back to try to bring that mass down at that highest point of the project.

You'll see some improvements here to 6th & Central. Those are for show only. We like the idea of pedestrians, of bicycles, perhaps a gateway element, the flag park renewal, if that's

something that the stakeholders would like to see. We're going to talk a little bit about that after a bit.



Mr. Proebstle said we'd like to take a minute. When we were working with Planning on some of the concerns of the neighborhood, one of the things we did is we initiated a sight line study to look at the impact of the building to the neighborhood. One of the biggest concerns was whether we might block views to the Russian Orthodox Church up at the top of the hill. We, again with Planning, initiated this study and looked at multiple locations. We just want to talk about briefly and show you around the site a little bit.



The first one is on 6th looking at the corners of Central. Chicago's to the left. We're looking up the hill towards the Russian Orthodox Church or the onion dome of the Russian Orthodox Church, if you will. As you can see in the existing photo at the top, due to the trees and vegetation, it's pretty hard to see the onion dome, but regardless, we do not block it from that access point. You can see that we've updated the plan for the massing of the building as well, as Mark just alluded to. That shows the setback of the building.

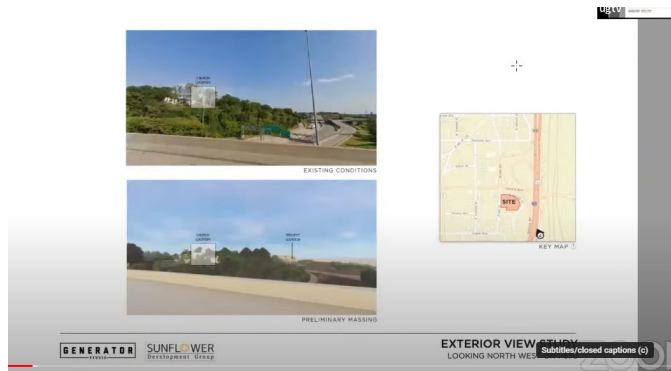
One thing I want to point out is that the lower part of the building and the architecture is all brick. We want that to be all brick because it relates to the neighborhood. It relates to the old buildings that are up and down 6th Street & Central, so that's why we are choosing and selecting that material that you see there. Then above that, we go to a much lighter architectural material that begins to blend away into the sky. It's a lighter material. The sky's light and it helps reduce the massing of the building.



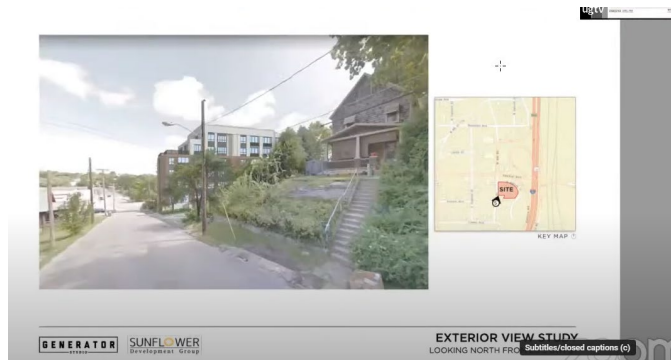
A view from the top of the hill, so from the church looking down. Really no impact there because the building itself is sitting at the bottom of the hill.



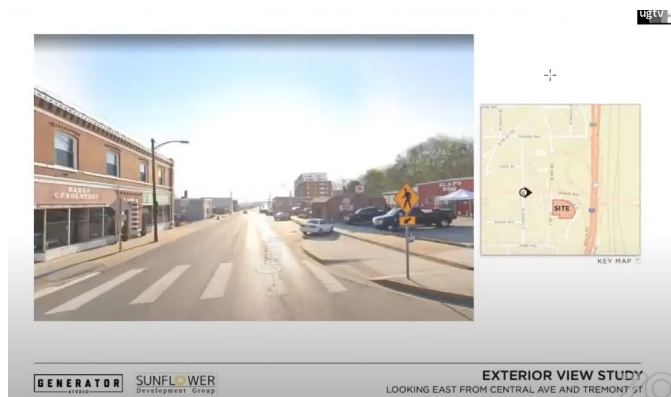
This is on Central Avenue towards the closed bridge looking westbound on Central. Again, we've boxed out where the onion dome is. Then we've dropped in, in the lower photo, the massing of the building. This is just a basic massing diagram. No entourage.



Then from 670, as you're heading westbound, again, and you see I-70 there in the distance going underneath, you almost don't see the building. You just see the very corner of the building sitting there in the lower photo to the right.



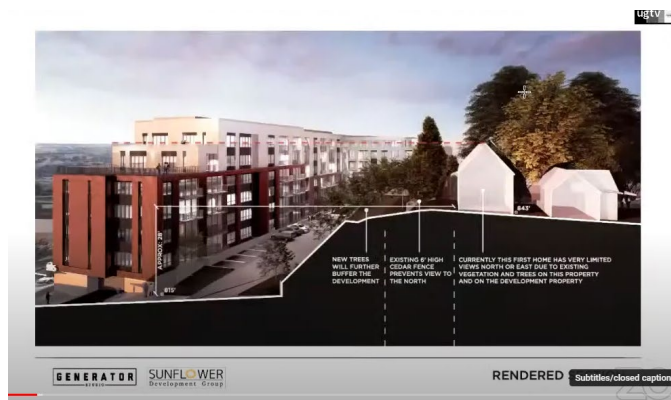
A couple of other images then on the street. This is up 6th Street, again, showing the setback of the massing, which we think works really well for the neighborhood. It is a big impact to pull the building back. In listening to the community feedback, it was a big move. We think it was a very good one, too, as well.



Then, again, looking down Central Avenue towards the east, you'll see the building there off in the distance. The end result of this is that we really couldn't find any sight lines that were blocked from anywhere. The existing homes up on 6th Street are all encased in heavy vegetation. Part of that vegetation is our site. There really are no views coming out of there. We couldn't find any. Planning believes they have found one view for one of the homes across 6th that might be partially blocked, and that's fine if they found that, but we couldn't find any. We also asked the neighborhood to find us images and send us photos where we could drop in a model and demonstrate what it might look like.



Then this is up Strawberry Hill looking south towards the project that you can see way off in the distance there. Again, you can see the setback of the building, the brick base which remains dark and fits in with the vegetation and the light part of the building at the top.

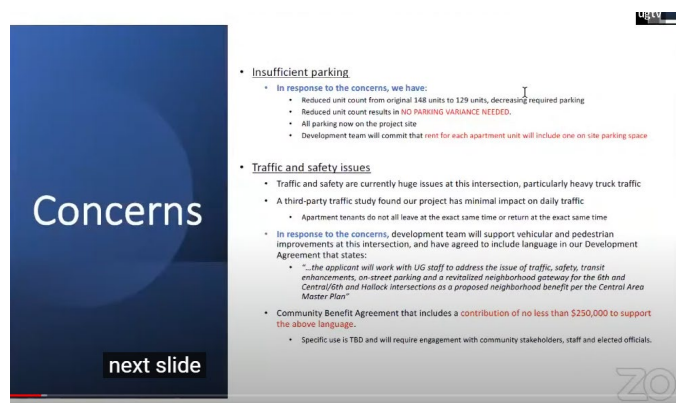


This section is important for a couple of different reasons. What we've done is we're basically cutting a section down 6th Street. It's like you take a loaf of bread, you slice it in half, and you can look at the side of it. We're doing that down 6th.

To the right are the existing homes. You can see how the hill goes steeply down. We're adding a retaining wall that helps as a buffer between the higher elevation and then where we cut in for the building. The closest home at the top is a two-story. The roof itself you'll see, it's a little hard to make out, you'll see the top of the roof is in line with our seventh floor. In spite of some of the comments there, the building is not mooning over the homes over there. It's set as far away as possible from those homes. In fact, it's actually at the same height as those homes up the hill.

In addition to that, the buffer between the existing home and our project will be significant with new vegetation with trees that will be planted there. There'll be quite a bit of buffer between the homes and the project itself.

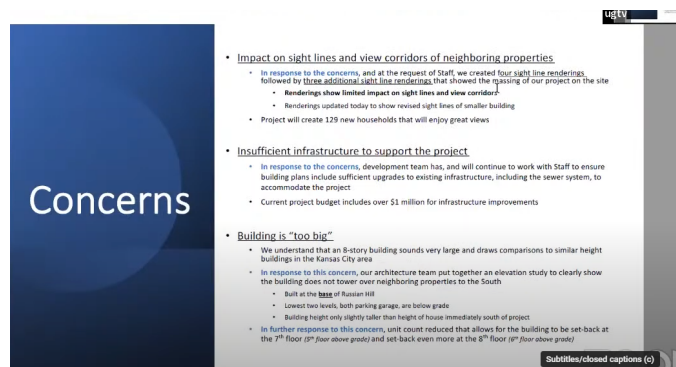
I'll hand it back to Mark.



Mr. Moberly said thanks for bearing with us. It comes as no shock that there's been a lot of public discussion and concerns about this project, so we wanted to address the concerns directly. We'll run through these quickly. Insufficient parking has been number one. I think we've explained that we've reduced our unit count from the 148 original down to 129 units to reduce our required parking. No parking variants needed. All project, all parking, parked on site.

The development will also commit to, and this is a big deal that we've heard feedback on, that each apartment rent will include one parking space. We've heard the concerns that our residents might move into the building, they'll rent an apartment, they say nah, I don't want to pay for an extra space, I don't have a car, I'll park elsewhere, and they'll end up on the street. We understand that concern and so to address that, we will include a parking space with each apartment rent in the project.

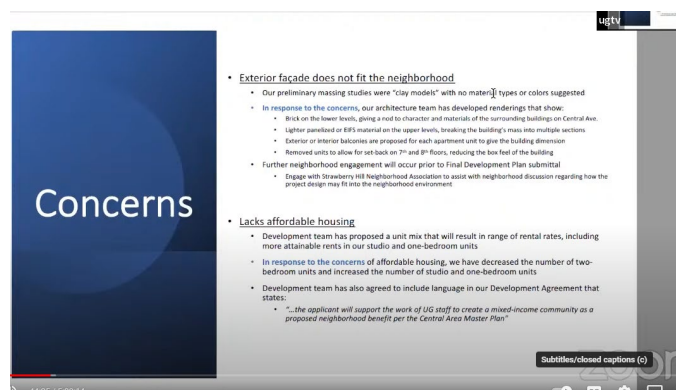
Traffic and safety issues. It's there today. I sat at Chicago's last night and we watched it. It's not good. We'll make it under 1% worse, but we hope by doing our project, we are a catalyst to making it ten times better. To that end, we are committing to no less than a \$250,000 contribution, through a community benefit agreement, to help start that process. What that looks like, we don't know. We just want to be a part of the conversation. Is it a study? Is it stoplights? Is it road; speed bumps? The ideas are endless, but we would like to see something change there. We've added language, agreed to add language to our development agreement, you can see on the screen, that commits us to that. We think that, hopefully, addresses the concerns that we see as a problem, and we agree. We want to be part of the solution.



The impact on sight lines and view corridors. I won't spend any more time on that. Tom ran you through those at the request of the Planning staff, but I will remind you that we have pulled the massing back at the top floors to address the sight lines further.

Insufficient infrastructure to support the project. I hit on this. We've got over a \$1M in our budget to increase and to upgrade the infrastructure at the site today to handle our units. I don't want toilets backing up in our apartment project any more than our neighbors do, so we'll make sure that that's ran through Planning accordingly and paid for on our dime.

The building is too big. We've heard that and that's a very subjective term. We appreciate that it is an eight-story building next to single-family homes. I wouldn't be proposing this if it was at the top of the hill. We're at the base of Russian Hill. We're setting it inside of the hill, so we do think that, in addition to some of the changes that we've made to reduce the unit count and reduce the massing, helps to somewhat address the too big concerns. You'll see here what we've talked about already just in a narrative.



A lot of conversations recently about the exterior facade. We started out with a clay model. We call it a clay model. It's something they do in their computer that's very initial, no color, no form, no substance. It's just a massing plan and it does look awful. We would never build that. That has sparked a lot of discussion about what this building will look like.

We evolved the rendering a bit to what we showed tonight, which is what it could be. Someone smarter than me said you're at step 3 of step 50. We've got a lot of steps left. One of those steps is a lot of community engagement and a lot of outreach after tonight. We want to hear what the neighbors think this building could look like within budget, within reason, within code, and we're committing to doing that. We committed to language today with the Strawberry Hill Neighborhood Association that they would be part of that process and help be the conduit for which we would get neighborhood feedback.

What you saw on the screen today is not what we're going to build. It will evolve. It will change. We're confident of that, but we do know we want to fit as part of the character of the neighborhood.

It lacks affordable housing. I do want to hit on this. It is not part of the requirement to do market-rate housing and the UG, as a company, we support affordable housing. We do affordable housing not only in Missouri in Kansas City, MO, but also in Kansas City, KS, and throughout the state of Kansas. We do not have affordable rents in this property. This is a market-rate project. This is not a luxury project. It has been termed that many times. Luxury would be setting the market that doesn't exist today. We are looking to charge the market rents that other comparable properties are charging when we open. That's an important distinction.

In terms of affordable, the only thing I can say is, we have gone heavy on studio units and one-bedroom units, which have a more attainable rent than a large one-bedroom or a large two-bedroom, but it isn't by no means an affordable unit. However, in response to those concerns,

we've committed to development agreement language, that you'll see on the screen, that we will support the work of the UG staff to create a mixed-income community as a proposed neighborhood benefit per the Central Area Master Plan. I'm confident we can keep that word because we're already doing it, and we would love to see an affordable or a mixed-income project come after this.

True or False

- Eminent Domain Being Used - **FALSE**
 - Not taking ownership or buying private property beyond the currently owned property and Rights Of Way location of Land Bank ground
 - Derived from a third-party traffic study and is not accurate
- Fire Trucks & School Buses Can Not Access Project - **FALSE**
 - No longer proposing parallel parking spaces on Hallock Street
 - Road does not become smaller
 - Work with Staff to ensure KCKFD equipment can access all points of the building
- No Community Engagement - **FALSE**
 - Voluntary and required neighborhood meetings (1)
 - Central Avenue Betterment Association (1)
 - Strawberry Hill Neighborhood Association (1) - **SUPPORT**
 - KCK Chamber (2) - **SUPPORT**
 - WYEDC (1) - **SUPPORT**
 - Staff, Commissioners and Mayor's office (14)
 - Individual outreach to neighbors and business owners (x20)
- No Highrises On Our Hills - **TRUE**
 - Highrise building ON a hill would be a bad fit
 - Proposed project is at the BASE of Mission Hill
 - Once at grade, only a six-story building
 - Top story is only 27% of building footprint
- No Willingness to Compromise - **FALSE**
 - Unit count: 148 -> 142 -> current 129
 - Parking: variance request -> current fully parked on site
 - Set back: 7 stories on 6th Street -> 5 stories with setback of 7th & 8th floors
- Opens floodgates to more developments in the Hills - **FALSE**
 - C022021-051, MPJ2021-028, and VAC2022-001 are specific to this site
 - Future projects would have to go through a new process from the beginning
- This is not the final step - **TRUE**
 - Many steps after tonight before project plan is final and shovel in ground
 - Community engagement will continue
 - Next step is designing and engineering towards Final Development

Subtitles/closed captions

This is the last slide. Bear with me. It's a lot of information. I'll run through it. There's some truths and there's some false that are out there. Eminent domain is being used. That is false. We are not imminent domaining anyone's property that currently owns private property. There was a traffic study we had done that showed a home not there. That was by no means what we were proposing. I want to make it clear that we are not using eminent domain.

Fire trucks and school buses cannot access the site. They can access it today. The road is not getting smaller. We have removed those five parking spaces on Hallock because there was a concern about fire trucks and school buses. This is a high-rise code building, so we will be fully sprinklered and we will ensure that KCKFD can access all points of our building.

I've heard a lot recently that we've not engaged with the community. Again, subjective. I feel like that's false. We had a voluntary meeting. We've had the required neighborhood meetings. We attended the Central Avenue Betterment Association's meeting at their invitation. We attended the Strawberry Hill Neighborhood Association meeting at their invitation, as well as two follow-up meetings with their board. That resulted in a letter of support from that organization today. We've met with the KCK Chamber twice. That resulted in a letter of support from that organization this morning that all the commissioners should have received. We've met with the Wyandotte EDC. They have publicly given support and will do so tonight. We've met with staff, commissioners, the Mayor's Office, to hear the feedback you're hearing from the

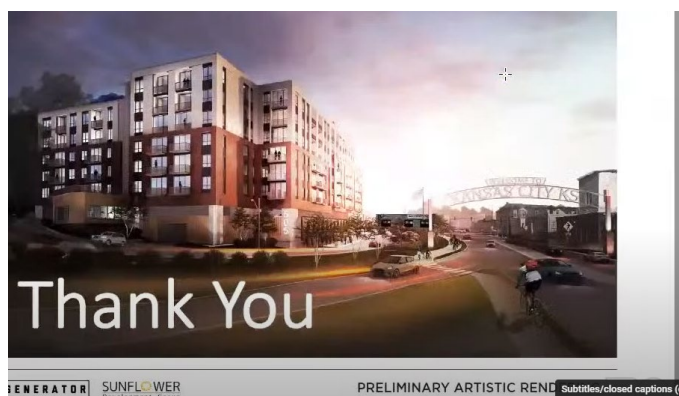
neighborhood, and then countless individual outreach to the neighbors and the business owners in the community. Quite frankly, if anyone asked to meet, we would meet with them. I had a coffee at 7:30 this morning with a resident of Russian Hill. We're meeting with people up until the day of our presentation. It's false to say we're not engaging with the community.

No high-rises on our hills has been the mantra for the last couple of weeks. That's true, no high-rises on our hills. We are not building a high-rise on the hill. We are building it at the base of the hill, and that is an important distinction because this would not fit at the top of the hill. Once at grade, it's a six-story building. Again, we're pulling that building back at the west side to even bring that massing down at the highest point of the building.

No willingness to compromise. We've gone from 148 units to 142 units to 129 units. Our parking variance request we heard loud and clear, denied. Okay, change your project to make sure you can park on site, and then we've setback the building in an effort to compromise.

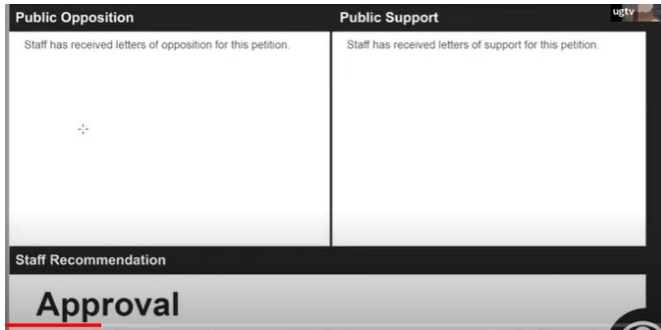
I've heard this will open the floodgates to more development on the hills. That's false unless you want to approve it. This is about our project site, not about the rest of the hill and the rest of the urban core of KCK. We're talking about our project site tonight. If another project wants to come forward and go through the same process we went through—and this is not the final step, that's true. We have a lot of work to do. Again, step 3 of 50.

Final development plan isn't a huge step. Tom talked about it today. I think we're thinking another 90 to 120 days before we could even submit a final development plan. We have a lot of drawing left to do with a lot of engagement left to do with the neighbors. I do want to make it clear, we're very early on even though we spent a lot of time on this thing already.



Thank you and we'll hand it over or take questions, whatever's appropriate.

Mayor Garner said thank you. I'll now open the public hearing and ask the Clerk if you received any notifications from the public who wish to express their comments in favor of this Item. **Mr. Deichler** said the Clerk's Office received a request from a Mr. Mike Pearce who wanted to appear in person. Mr. Pearce, if you are here, please come forward.



Mayor Garner said, also, please note, state your name and address for the record. You'll be given up to three minutes to state your comments.

Mike Pearce said along with my brother, Joe, we own and operate Slap's BBQ at 553 Central Avenue. In June of this year, we will be celebrating eight years in business at Slap's BBQ, and I've got all the gray hair to prove that. At the surface level, our job is to create great barbecue and serve the customers that come through our line. We have learned, however, that although this is important, creating opportunities through growth must always be our focus; and most of the time it needs to be our primary focus.

Our job is to create sustainability and opportunities for our staff through growth so we can continue to support them with great pay and benefits so that when they have earned that next role, title, etc., we have it to offer them. In doing this, we end up with an amazing team of operators that run our business in a way that allows us to expand and create more opportunities and from there, the cycle repeats. The one ingredient we must have for this is growth. Growth, for us, does not mean more locations across the city. It doesn't have to, although it's always an option but, in fact, we would prefer to keep our focus, time, and attention exclusively on this location. We're not greedy guys, but we are dying for more residents and visitors that want to eat, work, play, and live on or around Central Avenue.

We take a 25% to 50% hit on First Friday weekends. Our area is not attracting people to cross those rivers, especially not at 6:00 on a Wednesday evening to grab some dinner and hit up a couple of awesome bars. We just don't have the draw and we do not have the residents.

We've also had to scale back our evening hours after three years of being open past 7:00 due to a lack of traffic and revenue, and we routinely have to reduce employee's hours at lunch if lunch is slow because we know the dinner business will not carry that load.

I could go on and on, but this is all to say that it is extremely hard to operate a restaurant at this scale in an environment that does not have or is not attracting more traffic and residents. People eat and drink where they work, live, and play. We've been lucky with the working folks that join us for lunch and are super grateful for all those people, local and otherwise, that join us for dinner, but if we want to grow, if we want to create sustainability, we need development like the one proposed here tonight. **Ms. Sparks** said one minute remaining.

Mr. Pearce said we are all for this development which brings more people that eat, work, live, and play to our area; increases our chances of continuing to provide jobs, benefits, and growth to our team. If we do not begin the process of developing now, when will we? We are grateful for the developers that have selected our area and put so much time and effort into getting this right. We love the fact that they see the potential even if we collectively sometimes do not. I'll thank you guys, and we look forward to a vote in favor tonight. Thank you.

Mayor Garner said, thank you. Is there anyone else?

Wesley Summa said I'm married to Laura Summa, owners of Chicago's Bar at 534 Central Avenue, directly across the street from the project. I'll start off by saying that I've been spending the majority of my time in and around Strawberry Hill for about the last 18 years since I met Laura. It's been quite a long time. I know we have a limited time to speak so I'm going to direct focus to the business side of things so I can keep it specific. I would reiterate that I agree with, more or less, everything Mike just said about the business.

We bought Chicago's nine years ago because we loved the place when it was open, but more importantly, we loved the people that house the memories that we made. We both love Strawberry Hill. We love it with a passion. Even before we owned the business, we had always discussed how cool it would be if there was an apartment option that could capture the view. We

even talked about this exact location. We would be in support of this project for Strawberry Hill even if we didn't own the business. In my opinion, the community needs it desperately and it has for a long, long time.

We are a small business, 900 square feet at the moment, and we grind it out every year. There have been multiple times, especially in the last five years, where we have strongly considered selling the business and the property and just moving on. That's how predictable it has been. Every year it gets a little bit better, a little bit better, but it has been at a snail's pace.

We have worked hard to save our money, take little to pursue our bigger dream of improving the entire corner where Chicago's sits. That dream revision started from our passion and our love for this neighborhood, not to get rich. That has never been a realistic goal for this business. What is realistic is that we can expand and make our business bigger, beautify our little corner of the neighborhood and make our side of the entryway to the hill look better, more inviting like a place you want to go into.

In the 18 years that I've been running around over here and the lifetime that Laura and her parents have been here, we have seen buildings torn down, businesses come and go, and some of our favorite businesses closed for good. I'll always remember Felitza's on 5th Street. That was one of our favorite places.

I work every day at my 9 to 5 job, attend the Lions just down the hill from 10th & Central. I drive up and down Central Avenue at least...**Ms. Sparks** said one minute.

Mr. Summa said four days a week and have for about eight years now. y biggest question in this process is, if we can't allow this type of building to be constructed at the edge of the neighborhood with the view of KCMO to attract all kinds of young professionals from KCK and KCMO who want to live downtown, who have good paying jobs, who are the kind of people we want to walk out the door, go to the coffee shop, go to the restaurants, go to the shops, local taverns and bars, go to the many beautiful churches that litter these hills that need patrons as bad as most of the businesses over here do, then when are we going to do it?

How long are we going to guard the gates? How long are we going to have to drive up 5th Street, down 6th Street, 7th Street, up Central all the way to 18th Street and see buildings after buildings with nothing in them? I would go so far to say down Minnesota, down State, all the way to 18th Street as well, building after building needing renovated, repaired, a tenant who will do it, a buyer who will do it, anyone who will do it.

We talk about the fabric of the neighborhood, but buildings have literally been torn down because of not being used and others have been very close at times with holes in the ceiling just waiting for a buyer to come along. This, to me, along with the crime graffiti, etc. **Ms. Sparks** said your time has expired.

Mr. Summa said thank you. We support it.

Mayor Garner asked, can you please repeat your name one more time, sir, and your address? **Mr. Summa** said Wesley Summa, 534 Central Avenue, KCK, Chicago's.

Mayor Garner said thank you. Is there anyone else? Please state your name and address as well.

Kyle Ratcliff, 626 Tenny Avenue, said downtown KC needs this. It's needed this for a very long time. I've lived in various parts of KCK the majority of my life, and the last four years in Strawberry Hill. I love it here. When I heard of this development, I was eager to hear more, excited about it. I've honestly always wondered why we never had this here already.

Like a lot of the people around my age, we all have crippling student loan debt that puts a big fork in our purchasing and borrowing power, so we are forced to rent. Finding a decent rental home or apartment is impossible over here. Having these apartments open up so many opportunities for other people in so many ways that KCK needs, and more attractive and inviting for others to come live and work and spend money in our county.

Those opposed to this project have done everything but chain themselves to the trees on the hillside or the flagpoles in that flag park to voice their opinion or try to convince people this is the worst thing ever to happen. Progress is impossible without change. Those who cannot change their minds cannot change anything. It's time to change. I don't know about you, but I'm really sick of hearing the KCK type of rhetoric from people, and this is a sure way to start changing that.

I look forward to seeing a more inviting and appealing corner of 6th & Central Avenue. Maybe others in the county will follow suit and make seeing some positive changes in KCK because being stagnant and doing nothing to present progress and growth, it's not working. It's time to change. We need to put ourselves on the map. Thank you.

Mayor Garner said thank you. Was there anyone else? Please state your name and your address for record.

Heather Garrett, 2828 Tauromee Avenue, said I'll just speak from the heart tonight. My wife and I are homeowners not too far from here on Tauromee. We picked to buy a house in Wyandotte because we love the diversity and inclusion of this community. The one thing that we are tired of, and we're looking for progress and change in Wyandotte, is that we drive by dilapidated buildings, broken buildings, things like that all of the time. We really want to see great change and great progress here because this is a fabulous community; but if we don't start to change things, it's just going to stay the same. We're not going to attract more residents in my age range, more people to come here and shop our businesses, and go to restaurants if we don't do positive change like this project. Thank you.

Mayor Garner said thank you. Is there another? Name and address please.

Laura Westfall Summa said I own Chicago's at 534 Central Avenue. I agree with most of the people that have already come up here and talked tonight, Mike Pierce, my husband; Kyle and our neighbor who I have not met.

A little about me. I was born and raised at 5th & Ohio where my parents still live to date. I attended the now closed St. John/Holy Family grade school. In my early 20s I even lived in the Firehouse Lofts. When I was 30, we bought Chicago's. I have lived here. I've invested here. I've promoted here. I've given my time and love to Strawberry Hill the entirety of my life. This has always been my home base and I care deeply about the history of the community.

I, like they have said, have seen the neglected buildings and seeing the momentum in the neighborhood. We're taking steps in the right direction but the density, we need density to sustain and grow. There's a need for apartments in eastern Wyandotte County, specifically downtown. We haven't had a market-rate apartment in what I've heard for 40 to 50 years. We need that. We need apartment buildings and I think Strawberry Hill is lacking that.

One other thing. I have a lot of friends that work for the Fire Department, the Police Department, BPU, and the UG. They all have residency requirements. This would be a huge opportunity for our current employees and people that we want to attract to work here for those

residency requirements to live downtown. Not everyone wants to live out by the Legends, and there's a need for downtown living for our residency requirements as well. We've waited a long time for something like this. We have a great opportunity to grow here. I ask, if not them, who? And if not now, when? Thank you so much.

Mayor Garner said thank you. Is there anyone else? Please state your name and address.

Casey Bond, 35 S. 7th Street, said I own a business on Strawberry Hill as well and another house on 7th, right off Central. This type of project, it's exactly what we've been waiting years for. Frankly, I think what we deserve in our area. It not only will deter crime and increase the attractiveness of the area for new businesses to establish themselves. It will bring stability to the neighborhood.

I like the fact that it's going to create a destination not only to live, but by putting a visual marker for our area on the map where there was nothing but a hill with some overgrown trees before. It's creating a huge opportunity to design a welcoming entrance to our wonderful side of town which could use a facelift because, like some other people have said, the flag park really isn't doing a whole lot for us right now.

It also is aligning us to reflect current development across the metro. Eastern Kansas City, KS, has a real need for market-rate apartments and this is the perfect place, perfect opportunity, and perfect time to do so. The highway access, the view, and the door opens for Central to create a more welcoming front door to Kansas City, KS, finally aligned.

I think this is the perfect group of developers to do this. They had involvement with developing the MERC. They're doing Margaritaville at Schlitterbahn; the women's soccer stadium. There's really not a better group that's more in tune with the needs and wants of Kansas City. They aren't some foreign entity just looking here to make a quick buck. They really care about the neighborhood.

I've never met or even heard of a group of investors that sat down with the neighborhood and took the time to really listen to what people have to say. Every single objection that I've heard, they have met; not like digging in their heels, but they're adjusting what they're doing to what the neighborhood wants. They're trying to put their fingers on the pulse to feel what's going

to be best for us, not what's just best for them, which that's insanely like very cool. **Ms. Sparks** said one minute.

Ms. Bond asked, so where do we draw the line for how much influence a small number of people have over new development and what people are allowed to do with their own property? So many people I've talked to are in favor of this, and there's a lot of people who haven't spoken up who are in favor of it too that just have better things to do with their time than walk around with signs or get petitions together and that kind of thing like run their businesses.

There's some people against this project that don't even own property here. They're not the ones paying the taxes. They have no repercussions. Should their objections to this project thwart it, they can just move away and then what's it going to leave us taxpayers with? Nothing.

I just thank you for your time and consideration. I just look around everywhere else in the metro area and new apartments are being built left and right. There's a serious demand for housing. We haven't had anything like this, anything new east of 435 in years, so it's time for us to catch up so we can get back on the map. We can bring people back. **Ms. Sparks** said your time has expired. **Ms. Bond** said thank you.

Mayor Garner said thank you. Is there anyone else? Please state your name and address.

Chris Steineger, 4529 Francis Street, Rosedale, said my ancestors arrived in Wyandotte County in 1868. I arrived on Central Avenue in January of 1962 being born at the old Bethany Hospital. I think one of the commissioners was born there as well.

I support this project. I've been around Central Avenue as long as I can remember. Even my father taking me there in the 60s and early 70s shopping at Reagan's Meat Market, Sadecki's, the old-time places. I remember I had some of my first Mexican food at Casa De Tacos at 18th & Central back in the 70s.

In 1996, I was elected at the state senate representing the southern half of Wyandotte County up in Topeka, including Central Avenue. I've been attending the Central Avenue Betterment Association meetings from the early '90s until I got unelected, but the 1990s was a really tough time for downtown KCK.

We all remember the old truck stop at 18th & I-70. We remember the crack and the prostitution up and down Central. It looks so much better now than it did back then, but

redeveloping older urban areas takes a long time and it takes a lot of big projects. We had the nice new shopping center there at 18th & I-70 12 years ago. We had Pala Vista 25 years ago. It's not enough. Those of us that have been around here a long time know what it takes to get western Wyandotte going. It took the Kansas Speedway. It took the shops at Village West. It took the Hollywood Casino there. Those big three projects were enough to jumpstart all the other growth that happened out there in Wyandotte.

Downtown needs some big jumpstart and I believe this project will be the first. We need more. This apartment building alone won't really jumpstart the downtown, but it will help keep these existing small businesses and bars going. It'll send the signal to other investors that downtown KCK is a good place to invest millions of dollars.

I just remember all those tough, tough times in the '90s and 2000s when people were moving away. So many buildings on Central were closed up; so many houses. There's still a lot of closed-up buildings on Central Avenue...**Ms. Sparks** said one minute remaining.

Mr. Steineger said but a lot of closed-up buildings. I urge your support for this as it's a good project. It's a nice project and we need it. Thank you.

Mayor Garner said thank you. Any other comments? Please state your name and address.

Adam Wittmer, 548 Central Avenue, said I am a long-time neighboring property owner and developer and business owner. When my brother and I bought Sophie's Deli in 2013, we leased it to Slap's and we subsequently partnered with them on outdoor patios and rooftop decks. We also opened a café, Splitlog Coffee, across the street. We had a vision to see Strawberry Hill thrive. Strawberry Hill is somewhat thriving today, but if you talk to most business owners like Slap's and Chicago's among others, you will hear the same resounding answer: our local patrons are great, they're amazing, there just isn't enough of them.

At Splitlog, we have also run into the issue of a lack of local housing units for our employees to live in. It's a huge problem. This apartment complex alleviates many of the issues that we are facing as a community. There will be numerous infrastructure improvements based off already conducted traffic studies and sewer and electrical upgrades will no doubt be improved to support this project, not to mention the \$250,000 check the developers are going to write to the UG as a community benefit. That will resolve some of the challenges at 6th & Central.

This community benefit check can be used for infrastructure, lighting, or even a park. It's up to the community and the UG to decide how to best utilize these funds. We've been waiting a long, long time for a project like this in Strawberry Hill. Thank you.

Mayor Garner said thank you. Anyone else?

Daniel Parker, 535 Central, said we've been here 20 years almost; seen a lot of progress on Central Avenue. It's cleaned up, it's busy, it's lively, it's thriving. I think that there are a lot of benefits that will come along with this, including the traffic issues coming out of down the hill there on 6th turning onto Central. If there's a pickup or some big vehicle parked there, it's dangerous. There's a lot of traffic there that needs to be resolved. I feel this project would contribute to that issue.

As far as the density, I think that would be good. It's an acre of land that we're talking about. We're not talking about 20 acres, it's an acre, from what I was looking at. I think there'd be a lot of benefits, a lot of economic benefits, a lot of development benefits to the businesses, to the community. I think it would present well as a gateway, and I'm in favor of the project. Thank you.

Mayor Garner said thank you. Anyone else? 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.

Mr. Deichler said, Mayor, we have three hands raised. We will call them forward. **Ms. Sparks** said our first speaker is Rose.

Rose said, I'm calling in in opposition to the plan. **Mayor Garner** said this comment is for those that are in favor. You have to circle back.

Ms. Sparks said our next speaker is SHNA Secretary.

Willie Apala Flaherty, President, Strawberry Hill Neighborhood Association, 276 N. 6th Street, said I'm going to summarize a letter of commitment that was sent to the Mayor and commissioners this afternoon.

The Strawberry Hill Neighborhood Association has been in close conversation with the Sunflower Development Group and their partners in order to address neighbors' concerns with the project, namely building aesthetics, traffic congestion at the intersection, and affordability. The collaboration to address these issues is ongoing and in some cases, collaboration with the Unified Government will be required to achieve community goals. But as it stands, the SNHA broadly supports the proposed project as it believes development and density are good for the downtown area.

If the commissioners vote to approve the relevant items this evening, we do request the Economic Development Department work with neighborhood stakeholders on the community benefit agreement. Our ongoing support is contingent on the following commitments as agreed to by the developers which I'm just going to summarize.

In terms of traffic developers, SHNA both agree that the UG needs to make the intersection development a priority in conjunction with or prior to the development. SHNA asks that you consider that intersection development tonight before voting on the relevant items.

As far as aesthetics, the developers have agreed to a process to work with neighborhood stakeholders to review and address the design before it is presented in the final development plan.

Affordability. To address that concern, the developers support a discussion that involves the designation of a financial contribution to help maintain future affordability and also commit to exploring the use of housing vouchers to make a portion of units available to residents with a wider range of incomes.

I do want to note that while the neighborhood association has its own orientation to the project, we respect the concerns of all neighborhood stakeholders and believe that their concerns should be taken seriously. Thank you.

Ms. Sparks said our next speaker is Melvin Williams.

Melvin Williams said I can't really believe that we're having a discussion on this. Wyandotte County is so far stuck in the past. It's time to move forward. If these people see that a

development in their part of town would be a good thing, the rest of the businesses down there: Slap's, Chicago's, just think about other businesses once this development comes. They will come running to the area. Can you hear me? **Mayor Garner** said we can hear you. **Mr. Williams** said like I said, I can't even believe we have a discussion on this. We don't have nothing. This can be a trigger for the next development in the distressed area. It ain't like they're building luxury condos or whatnot.

Missouri and Johnson County have developments going on every year. What do we do every year? Try to catch up from 50 years in the past. It's time to move Wyandotte County forward. Thank you.

Ms. Sparks said our next speaker is Monica Brede.

Monica Brede, Senior Director of Business Retention and Workforce Solutions, Wyandotte Economic Development Council, 727 Minnesota Avenue, said I'm here on behalf of the WYDEC in support of the change of zone, right-of-way vacation, and master plan amendment as requested by Sunflower Development Group at 525 Central, 529 Central, and 10 S. Hallock Street.

The proposed land use as a multi-family development between the commercial corridor along Central Avenue overlooking Interstate 70, we believe is an appropriate land use in this commercial corridor. It adds residential support for the existing businesses nearby, particularly in the evenings and weekends. We believe the development brings value and investment to the community, while being sensitive to the materials used in that corridor.

The proposed development provides quality housing and amenities that do not exist presently in this area. There is demand for this kind of residence. The project provides more than adequate parking for the development, seeks to enhance the entrance to the community, and puts investment in the existing parkway.

We do not see any evidence that this proposed development will have a negative impact on the values of nearby properties, nor do we believe the development will obstruct lines of sight along the road to the interstate or to the church on the hill. As a community, we have been seeking investment in our urban areas. We have been seeking new residential options and we have been seeking projects that create catalytic transformation. This development checks all of those boxes.

This development team has worked in the community before. Some have mistakenly vilified the development team, but we know them to be thoughtful, respectful of our heritage and diversity, and have been open to working with the community. We ask the Board of the County Commission to approve the development. Thank you.

Ms. Sparks said our next speaker is Steven Jennings.

Steven Jennings, 515 Tauromee Avenue, said my partner and I bought and moved into the neighborhood in April of last year. We had fallen in love with the neighborhood and set our targets on finding a home here. We purchased a home and renovated it. It had been abandoned. A lot of other people had mentioned abandoned structures in the area.

I don't want to get too repetitive with what everyone else has been saying, but we're in support of this project. As I said, we fell in love with the neighborhood, but development doesn't necessarily mean change or certainly not negative change. We see this as a good thing for the neighborhood. It'll encourage growth, it'll encourage revitalization, and we're fully in support. Thank you.

Mr. Deichler said that represents everyone online in favor.

Mayor Garner said thank you. Clerk, have you received any notifications from the public who wish to express their comments in opposition of this item? **Mr. Deichler** said, Mayor, the Clerk received a request from a Colleen Squire who asked to speak, but she didn't know if she wanted to be in person or online, and we're still uncertain. Ms. Squire, if you're available. Seeing none. Seeing none online.

We also received a comment from a Ms. Kari Neill that I will actually read if I may. This is directly from her.

My dear father, in his sentiment, is semi-retired; substitutes in preschools. I love every detail about his experience. The first time I saw a stack of duck bucks on his dining room table, I audibly squealed. A duck buck is just a little paper ticket with an image of a duck and check boxes that indicate how you earned it. I was kind, I was safe, I was responsible.

Periodically, a prize cart is wheeled into the classroom and excitement is palpable. Kids can exchange their duck bucks for prizes. I asked my dad what's the best prize on the cart and if you saved up for it, what would it cost? He just looked at me and said you never know. It doesn't even matter. As soon as the cart rolls in, the kids pull out their duck bucks and they ask what I can get for these.

In regard to the proposed development on Hallock, it's important to consider all these angles. Have robust discussion and hear from many voices, importantly, not shut down debate prematurely. These old neighborhoods have hung on despite urban renewal missteps of previous generations on broader migration trends in the metro.

In the old neighborhoods, you get a duck buck. Every single day I see neighbors making improvements to their properties in large and small ways, being responsible stewards of this space. Hill neighbors, you get another duck buck. On next door and in person I see neighbors looking out for neighbors, sharing food, running errands, lending tools, demonstrating kindness. Hill neighbors, you've earned that duck buck.

In discussion of this proposed development, I've heard a lot of talk of what we might be able to buy from the prize cart with the duck bucks we have, rather than say, what can we get for these? We use terms like leverage and community betterment agreement. What I have not heard enough of is detailed conversation about and how it would become more of leadership and guidance around what is the right fit? What models are out there for being congruent with the neighborhood and addressing some aspect of the real housing issues of our community? Let's get creative. Let's look at how other innovative cities have approached it. Let's make sure this is a good human environment fit. We'll need sustained partnership to infill these neighborhoods. Let's get off on a strong footing that is needed for trust with a long wind in mind.

We can't rely on a developer who sees one acre lot, crunches the numbers and figures out the max profit that can be made from a very large cookie-cutter apartment complex. Sunflower is just doing its job. Business is right on that stretch of Central Avenue understandably excited about prospect of more sales. Again, they're doing their job. The prize cart has screeched in on two wheels. Oh, look at the bottom shelf. Do I spy a bike, boulevard, tens of millions of investment? The critical piece in all this is our community. Unified Government, we have a job too.

My ask is that the Commission send this question back to the Planning Commission to work with the community and the UG's Planning Department. Let's be deliberate and thoughtful and collaborative. Please give us an opportunity to choose wisely. Thank you for your time and consideration and our service of Wyandotte County.

Mr. Deichler said that is it, Mayor.

Mayor Garner said thank you, Clerk. Those present who would like to speak in opposition of this item, please come to the podium and state your name, one by one, and make sure you give your address as well. You'll be given up to three minutes to state your comments.

Buck Hessel, 31 S. Hallock, said thank you for your time this evening. My task tonight is to outline how my neighbors and I feel about this project. You will hear how our Hispanic neighbors have not been included in the discussions with the developers or the Unified Government. On many occasions, I was the first person to let them know the plans by going door-to-door getting petitions signed against this project. We will describe the parking and traffic situations in our neighborhoods. We will describe how this project does not fit the neighborhood characteristics, totally disregarding the recently published master plan.

The renderings provided to date are sophomoric at best. We do not need another Hilton Garden Inn clone on Central Avenue. We need something that blends with the neighborhood, is pleasing to the eye, something a little different that we can be proud of. This project does none of these. We are not against increased density or development. We are for density and development that makes sense physically and aesthetically. Please don't allow another debacle to happen like we had in the '70s on Minnesota Avenue. That was all eventually torn down.

We will describe how we've been mistreated by the developers using Zoom meetings only to promote their project rather than listening to our concerns. Thank God we are finally meeting in public. They never let us input our ideas and concerns, have published fabricated endorsements on their websites, operated an illegal Airbnb on the proposed site, and tried to nullify our protest petition waiting till the 14th day citing a clerical error. Do we really want to do business with these people? We want to make sure that you know how much we love our Strawberry, Russian, and Polish Hill neighborhoods.

We also want you to realize...**Ms. Sparks** said one minute.

Mr. Hessel said that we do not accept it. We also want you to realize we don't have to accept the first developer that comes knocking on our door. What's wrong with being quartered by other developers and they will come because we're that good. You will learn of the environmental impacts and hardships of our neighborhood, safety issues caused by already narrow streets and lack of parking. Bottom line, we live here. We put up with the gunfire at night in the West Bottoms, the noisy exhaust brakes on I-70, and the already bottlenecked intersection at 6th & Central. The developers don't live here. The business owners on Central Avenue don't live here. We live here. We vote here. Thank you.

Veronica Fernandez, 34 S. Hallock, said thank you for giving me the opportunity. I'm here to represent the hard-working community and the message tonight is we feel discriminated. We feel like you left us behind. Nothing was in writing in our native language. The people that are closer to these plans are Hispanic people, older people. I just see this developer as another service factor in our lives, in our community.

I'm a mother of four kids with different needs. I struggled for the last 10 years with the school district because they don't provide transportation because my district doesn't qualify. I also called the Fire Department last year because I had a fire in my backyard. They came and they were able to control it. The next day I had the Kansas City Chief of the firefighters giving me whole information and a speech how the firefighters struggled that day. Make sure always to be looking around your house because it's not going to be easy for us to get here.

I already have a lot of stress as a community member with the drunk drivers and the crime around our neighborhood. I don't think these developers will bring something good to our Wyandotte. I wish it would be something different and I just feel so sad. I agree they have a lot of positive things to say about it, but always to me, family comes first. We do already have a lot of crime. We lost a lot of kids in this community and why...**Ms. Sparks** said one minute remaining.

Ms. Fernandez said because we have to put family first all the time. We don't even want no more stress. We need programs that make our Wyandotte better, not just monetary. Thank you.

Jerri Molder Hessel, 31 S. Hallock, said first, believe it or not, I'm going to send out a thank you to the developers because they are the ones who proposed this massive, luxury high-rise apartment complex in our neighborhood. It has caused my husband, Buck Hessel, and I to leave the comfort of our lovely home and get out in front on the porches of our neighbors in Russian Hill, Strawberry Hill, and Polish Hill. Wow, we are grateful to have some really rocking neighbors. Friendships have been formed, people have volunteered, brain power, man-hours, money, everyone has stepped into the fray to protect and honor our history, the culture, the charm, and the character of our community.

Second, I want to ask you a question and I want you to think about this question when you vote tonight. Do you want to be in business with this owner and developer? Currently, there is an old Alvarez Law Office there. Exhibit A. This is an Airbnb screenshot, meaning this property is currently being used as an unlicensed, unlawful, against code, short-term rental. It is also being advertised as an event space. I am not sharing this with you with you to be a mean girl or a snitch. I am sharing with you because this speaks to integrity. Clearly, they are circumventing the rules. Now think about this, what will they do regarding this massive development to cut corners and increase profit?

Next, our neighboring city, Shawnee, recently fought the same battle with the same developer. I quote from the *Kansas City Star*, "In a marathon meeting, Shawnee"...**Ms. Sparks** said one minute remaining.

Ms. Hessel said anyway, Shawnee did not support this 189-unit complex. You want to know why? The reasons are going to sound familiar. I quote from the *Kansas City Star*, "The strong oppositions from hundreds of residents who worry about the building towering over their homes, hurting their character of their neighborhood, and adding to traffic congestion."

The last thing I want to show you is I am the elected committeewoman for the Democratic Party of Ward 5 in KCK, Precinct 1. I want to sing your praises. I want to go to our monthly meetings and I want to say you stood with our community, that you voted with your voters, that you are protecting us and living up to our master plan. We all spent a ton of time putting that master plan together. I went to millions of meetings and group discussions. Why are we just throwing that master plan...**Ms. Sparks** said your time has expired.

Mayor Garner asked, is there anyone else? Please come forward and state your name and address.

Karrin Huhmann, 23 S. 6th Street, said I live directly adjacent to the proposed development. I live in Russian Hill. I'm not sure why they've been drawing up plans and agreements with Strawberry Hill because we're the neighbors. We can't be members of the Strawberry Hill Neighborhood Association because it ends on Central before Russian Hill starts. So, it would be nice if people would include us.

I just want to say a little bit in our defense because the Kansas Bar Association actually has a book for lawyers of developers that gives them the advice to characterize opponents' arguments as being selfish, in their own interests, rather than the public interest. Well, I say that's a cynical tactic to use on one's future neighbors, but these proponents literally don't have to live with the decisions that you'll make tonight. I'm speaking as someone who does have to live with them.

What I'm going to say to you is sincere, not cynical, because this project is a very real threat to my home and its value to me. I don't mean monetary value. We didn't buy our home as a speculative investment. We chose to live here for its private tree lots, for the resident birds that we have with our trees, for the views, and our great neighbors. We had intended to live here, fix up our home over the years, and contribute to the community.

The threats to our home are very real. They range from the destruction of the very ground holding it up, to obliteration of the sweeping views we enjoy. It is the destruction of these values that the City Planning staff and the UG Planning Commission who have failed to consider in their recommendation to permit this outsized project to squeeze in next to us. In place of privacy, we'll have hundreds of hundreds of eyes looking into our yard from a few feet away. **Ms. Sparks** said one minute.

Ms. Huhmann said the vistas we enjoyably (inaudible) blocked by the rows of windows. The bird song will be drowned out by people partying on the pool deck. The removal of the hillside is liable to kill our mature trees. Our birds' habitat further out our privacy. Speaking of erosion, scraping flat the hillside next to our properties is existential threat to our home. Anyone who lives along these hills knows they slump and slide. We have grave reservations about the 18

foot cliff that they're planning to install on the other side of our property line as a poured concrete retaining wall. I haven't seen poured concrete retaining walls that last that long around here.

Finally, as committed urban dwellers, we don't really mind the lack of easy parking. We've cheered on the success of our local businesses even if they make it a little bit harder to park in our neighborhood, but the visitors and the traffic that are going to be brought into our tiny little Russian Hill streets, including that neighborhood or that intersection...**Ms. Sparks** said your time has expired. **Ms. Huhmann** said okay.

Rachel McMecahan, 556 Lowell Avenue, said I own the Russian Orthodox Church at the top of the hill, five doors up from this proposed project. What does diversity, equity, and inclusion look like to you in reflection to this project? As this proposal stands, the harm it will cause the immediate neighborhood, my home, my business, will be detrimental to my way of life and my ability to stay in business. The charming character of our sweet little area known as Russian Hill is nothing like I've known anywhere else in Kansas City. It's roughly four small blocks that present Russian Hill, and we have about 80 households made up of multi-generational families that have been here for 50 years. Immigrant families raising their children, the elderly, the artists the musicians. We are blue collar working class community thriving in our own way to our commitment in our homes, our community, and to each other.

The introduction of an eight-story 129-unit building, on a one-acre, in a residential area will create undue hardships for those of us that are here with traffic and parking. The parking plans developers show only providing about 136 spots. There's no mention of parking accommodations if any of these tenants have roommates, house guests, visitors, partners, spouses, delivery drivers, or other large gatherings for people at pool parties, holiday events, or gatherings of any kind.

Please note R-6 has no height limit. The zoning changes stay with the land and is dependent on the integrity of the Sunflower Group to maintain what they're promising us in this scale. Sixth Street, Hallock, and Lowell would take the brunt of the parking debacle that will follow. On these three small streets, we have 30 houses and 11 driveways. This puts the majority of our parking on the street. To give you an idea of the density of our parking, each home has between two and five cars registered to it. There are construction workers that have trucks parked

in front of their houses to bring tools in at night sitting alongside cars...**Ms. Sparks** said one minute remaining.

Ms. McMecahan said for personal use and extended family vehicles. We also see visitors, delivery drivers, and emergency vehicles that need access to our road that will become inaccessible with guests and residents of this proposed building. The best data that we have comes from the U.S Census Bureau. It suggests that there's an average of 2.124 vehicles per worker in the zip code and 87% of those workers drive to work, 2.8 use public transit, 2.7 walk, 0.5 bike, 2.8 use a taxi, and 53.5 work outside of the county. There is going to be traffic probably at the level of 275 people a day attributed to this building as compared to the 80 that are there now, 80 households as compared to what they're planning. **Ms. Sparks** said your time has expired.

Ms. McMecahan said there are twice the amount of people on our block, in our residence.

Mayor Garner asked, is there anyone else? Please state your name and address.

Patrick Serpe, 516 Northrup, Strawberry Hill, said I want to first of all thank the Commission for excellent infrastructure and our roads. Strawberry Hill's are wonderful. We're getting all new blacktops on a bunch of new roads. I'm an avid cyclist; I appreciate this. KCK has wonderful roads; nothing like Kansas City, MO, where the roads are really in bad shape. Thank you for that.

This project I'm against it. I'm surprised to hear that the Strawberry Hill Neighborhood Association has spoken in favor of it, has given a letter in favor of it. We did not authorize that. Where it was left was, we were going to take a vote before we were going to take a position, and I'm really quite shocked to hear that.

There are many people in Strawberry Hill who are opposed to this. The traffic, all of our traffic funnels through 6th & Central, so does I-70. The Central exit is not a central exit (inaudible) center on 6th Street and then that goes into it, so you have all this funneling into there. I would just say, please consider better development. This is not what we need.

This is going to be another gateway. If you look at Minnesota Avenue, that was a botched urban renewal project. There were 103 businesses and 557 families displaced by that urban renewal project and now it is a vacant wasteland, 3.6 acres. Put this tower there where they've got the view, where they've got all the amenities; it's flat. A much better project. We would want to see incentives for a location like that. We would not like to see a blight finding in this location.

I have a background in economic development. I'm disappointed to hear economic development professionals saying this is a good project for our community. This is the first thing that's come along, and we are not a power and light for a reason. We have distinctive neighborhoods as it says in our vision statement on the website for the county. Look at it. Distinctive neighborhoods. Russian Hill is a distinctive neighborhood. It is not too often grand and that's for a reason. Too often grand is in an area where there's a lot of development around it. This is on the very edge, and there's only three businesses there. This isn't going to have the spillover as something downtown would. This is not downtown; it's Russian Hill. I'll respect your time and I appreciate it. I'm sorry I talked too fast. Thank you very much.

Mayor Garner said please, approach the podium and state your name and address.

Anna Cole, 245 Orchard Street, Strawberry Hill, said I left my pitchfork of torture. I need to pull this up. I actually got caught up in a different meeting and I apologize. I wanted to print it out, so just a moment, please.

It's an exciting time for Wyandotte County. For the first time in at least two generations, we are finally beginning to gain traction in a multi-county and regional areas. For too long, we have been considered like the red-headed stepchild of the metropolitan area, complete with infighting, corruption, closed-off, and last in line for everything.

WyCo has a self-esteem problem. We're like that weird little girl in the back of the class, and we're all too happy that someone, anyone, is finally seeing our worth. But do we see our own worth, or are we cutting off our noses to spite our face in this new excitement and attention? Are we rushing in, and does that rushing in make us fools?

The Central Area Master Plan, that was drastically amended just over a year ago, called for a catalytic development to spur growth in our neighborhoods. Should we consider the \$1.4B already dedicated to the Kansas Riverfront Redevelopment directly underneath our neighborhoods, right behind both neighborhoods, including the \$526M levee raise, Sport KC \$450M bond as catalytic developments? How about the formation of a River Bridge District in the Kansas side of the West Bottoms, Kaw mile, or are those just afterthoughts?

Could it be that SDG is interested not in us and our worth, but in capitalizing on our riverfront development and asking us to pay for it? At this point, we are no longer in need of a

catalytic development. We have them, one. We need your protection, specifically, your protection. Adherence to the master plan is the only protection we have right now. **Ms. Sparks** said one minute.

Ms. Cole said we have over 600 signatures, and growing, of WyCo constituents that are also asking for your protection. Since I'm short on time, I'm going to just say, in this vote tonight, you all hold a tremendous amount of power. If you give this developer these specific entitlements, there is no taking that back. The entitlement goes with the land. R-6 zoning is as high as you can go. What if something happens, this falls through, then what? You work with a developer you don't know, then this all starts over again. This actually doesn't start over. We just go right on through so we don't even get to have this neighborhood conversation, not to this degree.

I'm asking if you would fully examine this, fully thought about it, can you comfortably say that this is absolutely the right thing to do. If so, what is the rush? A zoning commissioner said it best. What if it fails, what do we do then? We have no contingency plan. Right now, all we have is the master plan. No one in this room is against...**Ms. Sparks** said your time has expired. **Ms. Cole** said thank you.

Mayor Garner asked, is there anyone else? Please come to the podium and state your name and address.

Pat Lawson, 207 S. Tremont, Pala Vista, said I'm going to be very brief. First of all, this is not in the Strawberry Hill Neighborhood Association area. It's technically in the Watchdog area that we have not been consulted at all. I found out about it accidentally through a friend. Our executive board opposes the project.

The second thing I'd like to say is when you talk about consultation, I think it should be before this is in the works and that would be more meaningful consultation. I agree they have done some consultation, but it's not making a major change. It's trying to get it through, that's it. Thank you.

Mayor Garner asked, is there anyone else? Seeing none. Clerk, is there anyone joining us virtually who'd 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 state your comments. **Mr. Deichler** said yes, Mayor. We have three hands raised online.

Ms. Sparks said our first speaker is Rose.

Rose Eilts, 506 N. 4th Street, said I wanted to just say that I think I've talked to several of the commissioners and the Mayor, I talked to you the other day, Tuesday, so I think everybody's aware that I am definitely opposed to this project.

We have over 600 signatures on petitions from Wyandotte County, most of which are from Strawberry Hill and Russian Hill, opposing this project. To me, the key reason, I mean there's so many reasons to oppose it, but the key reason to oppose it is the actual harm, the hardship that it will bring upon the neighbors that live on Strawberry Hill and Russian Hill, mostly Russian Hill.

There's public safety issues, and I'm definitely against any kind of entitlements for these folks. The amount of money it's going to cost the UG to make this project work for them, it will take a long time to get paid back through any kind of taxes that they think they're going to pay. There's no guarantee that they'll ever pay them, and they're already getting a discount on those.

I want to say that I'm offended and I'm opposed to the Strawberry Hill Neighborhood Association saying that they support this project because I'm an active member of the Strawberry Hill Neighborhood Association. I know that in every meeting that I've been to when this topic came up, I said I was opposed and it seemed like the majority of the people opposed it. **Ms. Sparks** said one minute.

Ms. Eilts said I don't hold with the Strawberry Hill Neighborhood Association Board representing that the neighborhood is for this project because I believe they're wrong. I think that they've used and overstepped their position as members of the board.

Thank you for your time. I appreciate everything you've done. A solution for this would be for them to downsize this project to R-5. If they want to keep it that size to make it financially viable, they should move it to 7th & Central or west of there. Building it right on that slippery slope hillside is going to be extremely detrimental to Russian Hill. Thanks for your time.

Ms. Sparks said our next speaker is Amber Lear.

Amber Lear said I'm just going to be short and sweet here. My concern with this building is that it's going to bring in more, like they said, market-priced housing. To be honest, a lot of the ones that we've built here recently here in Strawberry Hill are, I mean, unless you have a very high paying job or you have more than one person living with you, completely unaffordable unless you have three jobs. I have two jobs myself. As a single mother, and I know it is very hard right now to find affordable housing.

I do think also that Russian Hill should have been included in this. I'm not sure why they were not, but you know gentrification of Strawberry Hill is a big thing in the next five years. This year alone they raised my grandpa's property taxes \$900 and people on fixed income, how are they supposed to afford that? On social security, how are you supposed to afford that? Are you supposed to let all your kids move in with you? No one's ever supposed to be independent. That's a whole other issue, but adding these high-rises, I don't think is going to help the issue in an already clogged area with some unaffordable housing now.

I know that there are ones that are affordable, but most of these new ones like the ones above the barber shop on 6th Street, I seen that those were like \$1,200 I wanna say for like a one-bedroom. Then the ones that are what used to be the formal Bubble Room, above Fat Matts, I seen one the other day going for \$2,000 a month. It looks very nice, but who makes \$2,000 a month by themselves? Like I said, that's a whole other issue, but the affordable housing is not happening here. **Ms. Sparks** said one minute remaining.

Ms. Lear said I think that we need to take into consideration what is going to happen in Strawberry Hill with gentrification in the next five years. It's going to push a lot of our elderly out and that is not okay, not just for me because it's my grandpa. I'm sure lots of other people around here have their grandmas, their grandpas, aunts, uncles, etc., and I think that they probably care about that issue just as much as I do. Thank you for your time.

Ms. Sparks said our next speaker is Leo Eilts.

Leo Eilts, 506 N. 4th Street, Strawberry Hill, said thank you for letting me speak for a few moments. I've lived in that building. I've owned it for about 15 years. I still feel like I'm a newcomer to the area. My neighbors are multi-generational residents who have seen Strawberry Hill go through a lot of changes over the years, not the least of which was in 1957 when about a

third of the neighborhood was wiped out so that an interstate highway could be built there. I think that the residents of Strawberry Hill have suffered a lot through that kind of misuse. I think that this corporation, this development that we're looking at smacks at the same sort of misuse.

The last thing it seems to me that is being considered in evaluating this project is the wish of those people that have lived there for generations. We're not talking about people who have come in the last few years and established businesses that are going to benefit maybe from the increased traffic, we should be listening more to the people.

There seems to be the overriding assumption that if you're not moving forward, you're moving backward. I don't think that's true. I don't think there's anything wrong with maintaining a neighborhood the way it's been established for decades; and that's what bothers me most about this because when I first moved to Strawberry Hill, I didn't assume anything. I spent a lot of time trying to get my neighbors, to talk to my neighbors, to find out what they thought was important. I kept my mouth shut and my eyes and ears opened and I learned to live in the neighborhood, interact with my neighbors, and that's how I found myself to be accepted in the neighborhood because I listened more than I talked.

I'm hoping that our voices can be held that way that now the people who have established themselves, that have cast their lot to enhance and live in Strawberry Hill...**Ms. Sparks** said one minute remaining.

Mr. Eilts said will be having their considerations appreciated and respected. I don't think it's true that we have to have change to continue. We can move forward. We've been moving forward for the past 15 years without the help of these new developers that are coming in and telling us what's best for our neighborhood. I think we should listen to our neighbors to tell you what they want and try to get that little respect. That's all I really have to say. Thank you so much for allowing me to speak.

Ms. Sparks said our next speaker is Steven Sudukem. We've lost connection with Mr. Sudukem.

Mr. Deichler said, Mayor, at this time we're seeing no others online in opposition. **Mayor Garner** said thank you. At this time, I'm going to close the public hearing. Would the petitioner like to make any closing comments or remarks? If so, please come to the podium.

Mr. Moberly said just a couple of quick comments, mostly a response. A couple of the public testimony made mention to an illegally operating business in the current property. That is accurate. We were notified of that. Tom and Steve are the owners, the landlords. They leased the space via a lease. When we were made aware that that business was operating without the proper permits, we worked with Mr. Hand's office, with the Economic Development Department, and the in-district commissioner to either get them the help they need to go through the proper permitting procedures or to shut the business down. So, that is a tenant; that is not Tom and Steve, as owners of the property.

There was also a mention made about a false endorsement on my company's website. We had an article that was a snippet of a Fox4 news article that quoted myself and it quoted the Executive Director of CABA. That was not a complete article. When we were notified of that, we discovered that we did not link directly to the Fox4 article to get the full story. We immediately took that page down. The entirety of that page was a headline, a comment by me and a comment by the Executive Director. Completely accurate, but not fully printed. We did take that down. I did want to be very clear about that. I think that's all. Appreciate the public testimony, both in support and against. Thank you.

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

Commissioner Kane said I was the one he was talking about. I was raised at Thorpe & Central. A two-bedroom, one-bathroom house with nine brothers and sisters, and mom and dad.

WYDEC and the KC Chambers say they endorse this, but they don't live here. If you drive up and down Central right now, there's more shops open now than there's ever been that I can remember. When somebody says it's going downhill, it's not. It's going uphill. If there's 600 signatures, the people in the community, we're voted to represent them. We're voted to be their voice.

I don't know how that when somebody says we're going to do this—if you look where the old Donnelly College is, they built all those homes over there, right, single-family homes, Quindaro single-family homes. You don't have to build something this big in that small of a place. If somebody really wants to live in something like that, you go right across the river.

They're there now. Well, I don't know. In my mind, they need to build something like this elsewhere.

Commissioner Ramirez said thank you, Mr. Moberly and to your group, and to all the community members who came out to speak. I am actually going through this in my own district in Rosedale at 47th & Rainbow where a developer wants to build an apartment complex that is large, overseeing homes, single-family homes. Now some members of the community like it; some community members of the neighborhood don't like it.

Another thing that's common with this is both projects want a master plan amendment. It's well known that I speak on master plans. I'm not for changing master plans. Those are the ultimate voices of the community. Hours and hours and hard work were put in to create those master plans and that was what, even with the development in my district, it's a good project, a beautiful project, but not in the location where it wants to be proposed, and I believe that's this project as well. As the Rosedale Master Plan states, they want housing in all price points, all price points; but in my mind, it has to be in line with what the community wants.

The Central Avenue Master Plan wants a catalytic event or project. Let's find that elsewhere where that can go where both the community and the developer can come to a compromise and find a good happy medium. I thank the developer for wanting, for changing plans and trying to work as best as you can with the community. The developer did the same with the project in my district. They changed things to try and lower the mass of the project and I thanked them for that but, again, goes against the master plan.

We have a tendency in the commission and past commissions of always doing master plan amendments and changing and changing. I know we need progress, but where does progress—why have progress if the community isn't going to be behind it? We need the full support of the community, not just part, full support.

At this point, I don't think I can support the project. It is amazing. It can be that catalytic event for the Central area, but just not in this location.

Commissioner Townsend said I would just like to get a couple of questions answered. It's all the community, it's all the community just have different views about what they want to see happen. I want you to know that I did visit this neighborhood and went as far, I guess, west of

the 7th Street boundary all the way over to Hallock in the most southern part where there are some great views and Central. What is the cost for these units? I'd just like to hear what that is and for different people, affordability will vary. I'd like to know from the developer what the costs are estimated to be.

Also, either from the developer and/or Mr. Hand, one of the concerns I have is how traffic might back up on that corner of 6th & Central. What would be the developer's obligation, if any, or the city's to fight congestion there? I applaud the developer for changing the number, lowering the number of units, and also the parking; but I am concerned about visualizing how guests of the tenants, the impact they would have at that corner which is a one-way street, I guess, on 6th Street going south.

Mr. Moberly said, Commissioner, I think you're referring to the construction cost, the cost to build the project. **Commissioner Townsend** said the cost of, if any, or what obligation you, as the developer, and/or the city would have to redo 6th & Central or how to alleviate any potential backup traffic.

The costs that I first mentioned were, I guess, rent. What are the rents? Sorry if I wasn't clear. **Mr. Moberly** said the rents, obviously, will vary based on size of the unit, location of the unit in the building, orientation of the unit, where it faces, rent premiums, things like that. Off the top of my head, we range from anywhere from \$1,000 to a small studio unit up to maybe \$2,500 a month for one of our big two-bedrooms that has an outdoor terrace on the setback of the westside and everything in between. We provide a range of units and, again, it's a market rate so it's what the market can support at the time. We're two years away, best case scenario, from opening today.

I think you asked another question about parking. Does that work? **Commissioner Townsend** said about parking, my concern would be that corner of 6th & Central and how the addition of these units might add to congestion at that corner; and what obligation, if any, would the developer have to alleviate that or to bear the cost for new traffic controls there? I don't know.

Mr. Moberly said I'll address the first part and then turn it over to Mr. Hand. I office at 1125 Grand Boulevard and we have 201 apartment units there. I park every day in our parking garage every morning and every night. I've never once had to wait for more than one car. Apartment dwellers leave at different times of the day and come home at different times of the day. We don't foresee a backup being an issue. I'm also reminded that we have three separate

entrances into our garage, as well as a fourth entrance to the surface lot. It's not 136 cars all going like to a concert in one entrance. It's just not how apartments typically operate.

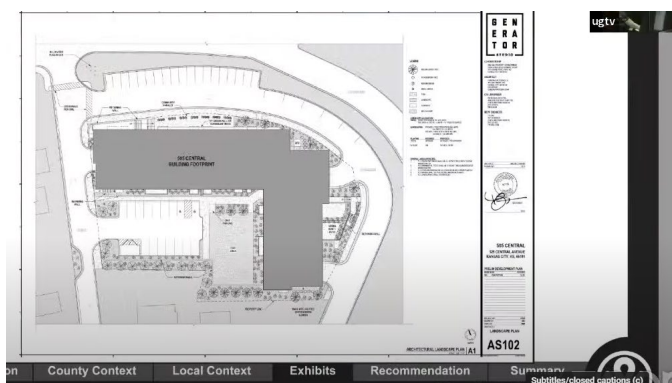
In regard to the 6th & Central, we're just committing the public funds to explore what would work. That's as about as far as we can go because it's not our property nor do we have the proper studies at hand.

Mr. Hand said to address the question in a little more detail. The staff has established a nexus between the project and the intersection of 6th & Central. I think it's important to understand that the current intersection at 6th & Central probably needs improvement in and of itself.

To start all over, I will for the record, staff has established a nexus between the project and the intersection of 6th & Centra. As such, we've developed a condition of approval, as the applicant just noted, contributing funds in the development agreement to address and define that issue. We've worked closely with the county engineer. Typically, how it works with Public Works is we like to design an intersection, and we essentially ask applicants to cut a check for us to either help with the design of that intersection and then program it into our CMIP Program.

Commissioner Townsend said I'm sorry. Did you say you had or had not established a nexus? **Mr. Hand** said we have. We have established a nexus. We've studied the traffic analysis with our third-party consultant. There is an impact, although it is minimal. Again, the intersection itself is already basically at a tipping point.

Commissioner Townsend said one last thing for clarity. Thank you, Mr. Hand. Mr. Moberly, you said there are several entrances to your property. So, not only would people go around, I guess that would be east on Hallock, but would there be entrances coming north off of 6th Street into your building? **Mr. Moberly** said there's an entrance into the parking garage at the west side off of 6th Street. If you go up the hill a few more feet, you enter the surface lot that has 16 spaces.



This is a good description. So, where the mouse is would be the first entrance into the parking garage. If you go on around Hallock and follow the cursor, there's another entrance to the parking garage. If you go on up Hallock, another entrance to the parking garage to make this and then the surface lot. There's four ingress/egress for parking. The parking garage does not have ramps. To get the number of parking spaces we need, they are flat spaces. They'll be assigned spaces so the resident will know which entrance to go in to access their space. It won't be a situation where they go in, look for parking, there's none available, they have to turn around and go to the next level, turn around and go to the surface lot. They'll be numbered and assigned spaces, secured with a key fob or a window tag to get into the garage.

Commissioner Townsend asked, and what, again, is your thought and our plan for persons who might visit the residents even if you have parking spots to accommodate the residents?

Mr. Moberly said great question. On this plan you'll see there's a former plan. There's 19 spaces facing north on Hallock. This one also shows the parallel spaces once upon a time that we had discussed. We didn't continue those spaces on up because of safety, but we've now understood that the safety isn't a concern for any of them, so we've removed those.

This is not part of the project plan. It is part of our discussion. We would love to continue that dialogue with Planning Commission about a parking district. How that is managed, how that moves forward, is to be determined. It's not included in our parking count to meet the parking required code. For guests, we think this is great. It's good urban design. It's folks that will be visiting Splitlog in the morning for overflow parking. It's lunch parking for Slap's, to walk over. It's happy hour visitors for Chicago's. It's overnight guests or weekend guests parking in those spaces. We think that's what urban design should strive for is multiple uses of a single-space. We would look forward to exploring that with the Planning Commission.

Commissioner Townsend said, thank you.

Commissioner Bynum said I have a series of comments and questions really. I'm going to start with Gunner Hand. Could you tell me, I realized this is a change of zone for RP-6, but we had one earlier tonight on Consent that was RP-5. What does RP-5 allow?

Mr. Hand said RP-5, basically, and RP-6 are essentially the same in that they both allow multi-family. RP-5 only allows up to four stories. RP-6 is managed by an AFR which is a floor-to-area ratio. It can go as high essentially as a ratio to the size of the lot.

Commissioner Bynum said the only reason I ask is because the very first item on our Consent Agenda tonight was RP-5 for 5th & Ann, so almost virtually the same allowance that's being requested here. The PAL, the Police Athletic League. **Mr. Hand** said, correct. **Commissioner Bynum** said we've heard discussion and we already know that the zoning stays with the property no matter who owns it. It was just interesting to me. It was on Consent with no discussion.

I want to speak to master plan amendments. I really appreciate master plans. I enjoy working on master plans. I participated in the creation of the master plan that we're seeking to amend tonight. It's not terribly unusual to amend master plans. They are guides. They are not chiseled in stone, and things change in communities that cause master plans to have amendments made to them.

The Piper-Prairie Master Plan was amended almost immediately upon its adoption around 2006 or so. I know for certain we amended it again in 2017 or '18. Both of the times that we did that for the Piper-Prairie Master Plan were to accommodate multi-family housing. I just feel like master plans, they are policy, they are adopted policy that we create; but planning is not zoning, as Murrell Bland is famous for saying.

I've been participating in and listening in on the sessions that have been held, the community meetings, both virtually and in person on this topic since last fall. I received numerous emails from neighbors, met in person with neighbors, met in person with the developer. In every case of communicating by email, in person with a neighbor, an organization, or the developer, I've tried to make it very clear that for us, as the elected members, it's inappropriate for us to take a position on this item until tonight. I hope you understand that we've tried really hard to uphold

that. We are not able to stand in favor of or opposition to any planning and zoning project until we cast our votes this evening. I just want to make sure people understand that.

I felt like I was receiving communications about commissioners not being responsive. I think we were trying very, very hard to listen, but that doesn't mean we can say you're right, because we cannot. We have to hear everything tonight in this setting. When we talk about planning and zoning issues, almost every time, I just try to make sure folks understand that.

I personally think I've watched the development team work really hard to try and accommodate the desires of the neighborhood. I can understand the concerns that have been expressed here from the neighbors, but I think I've seen the developers try to keep a project that they've brought forward and accommodate the concerns of the neighborhood. It may or may not be to the satisfaction of those who have brought the concerns forward, and I understand that.

The only other comment I really have is I know there's a parking concern and yet I also heard a resident tell us that right now, today, I guess the individual households have folks that either own or rent them that have three to five vehicles per household, which tells me there's a parking problem. Right now, I understand that part of that is the fear that that's going to be exacerbated, but I guess part of what I would ask is, has there been any grassroots effort, to date, on the part of the neighborhood to work with any city department on alleviating the current concern?

We've taken our parking concern to the developer and I think they've tried to solve it, but prior to that, given that I'm hearing three to five cars per household, has there been any effort on that in any sort of grassroots way? I appreciate every person who's spoken and every person who's tried in some form to communicate with me, because whether it's in favor of or against, because it's important that we hear from you. So, that's it. Those are my comments.

Mayor Garner asked, any other comments or questions from our Commission?

Commissioner Burroughs said I have a couple of questions for Gunner Hand if I may. It was mentioned in testimony tonight from one of the conferees that there were 600 signatures gathered. Do we know if those 600 signatures, have they been accepted? Do we know if they're all Wyandotte County residents? Do we know anything about the 600 signatures?

Mr. Hand said all the petition signatures that have been provided to us are provided in your packet as attachments in the staff report. I do not think it numbers 600 in total, but it is a significant amount of folks.

Commissioner Burroughs asked, and those signatures have been verified as residents? **Mr. Hand** said they've been reviewed. There are some that are residents. Predominantly most of them are residents of the local location. I could count them right now if you want in the staff report, but they've been in there.

Commissioner Burroughs said well, I think it's important that we do understand that if it's the public in our community that are concerned bringing this issue forward, that it's a community that we're listening to. I think that's an important aspect.

I think, and if I may, Gunner, one more question and I believe a couple of the commissioners brought it up. Of all the master plans, how many of them have we amended and changed? Do we know? I mean I've only been here four years and I know of a few, but I'm just curious as to why this master plan is held as a sacred document versus the other master plans?

Mr. Hand said in my experience in the last two years, we have amended almost all of them except for ones where no developments have come through. I do not think we've amended the Armourdale Area Master Plan since its adoption a year ago, as there hasn't been a project requesting it. There have been, in my knowledge, in Downtown, in Central, and Piper for sure, and one or two in the Northeast, but they're a little more limited in those locations as well.

To address your comment, I think in larger terms, although I'm a very strong component for long-range planning and development of master plans, they are vision documents. They are, if you will, north stars. I believe the entitlement process is put into place so that we can adjust those master plans based on market response. If this owner of this property had participated in the Central Area Master Plan update, we very well may have changed the map at that time, but they did not participate so we can also only work on master plans for those who show up to the table. We do our darndest to bring as many people in, as many voices of that conversation as possible.

Commissioner Burroughs said thank you, Gunner. I appreciate it. It wasn't my intent to put you on point this evening to the extent that I am. If I may. I've lived in this community my entire life. I've owned a home in this community for 40 years. I know when I hear about the property tax increases in our community, I think I paid for my home maybe twice because of the

increase in rate, but it's not just property taxes; it's the increase in value and that's because of the investment that has come into our community.

We must be mindful that when people are looking to invest in our community that we listen, we provide the feedback that helps guide the development, and that we engage them and let them know that, yes, we're open to investment. We want it to be fair and equitable, and we wanted to meet the criteria of our community.

It was stated that there was a number of meetings held by Mr. Moberly and Mr. Proebstle. I hope that's correct. I don't want to mispronounce your name, but I thank you for the patience you've given the community. It is difficult in today's times, under the circumstances we had with the pandemic, to have an opportunity to meet with as many people as you have.

It was stated that even some members of the Chamber don't live in our community. It's important to have community input, but it's also very important to be mindful that we are in charge of this community, as an elected body, and we're only as effective as the public allows us to be. There are many needs in this community. We're as diverse as any community in the nation

In my comments I made earlier that I've lived here 40 years, I can remember nearly leaving this community because I didn't have a home to move to. The homes were taken up by the seniors of the community. Young families didn't have a chance to move in. And not until we started getting development and taking some bold leadership that we started getting development in, and that's when the developers came in started building the apartment complex and started building new homes, which allowed my family and I to stay here, which I'm very grateful.

I want to thank our local business leaders that came out this evening and talked in favor of the project. I know how challenging it can be to do that because it affects your business by the approach of some of the residents who may not like the fact that you support that, but I want to thank you for investing in our community. I hope that you continue to stay here because there are those of us that want you to stay here, and we'll do what we can to assist in your success by economic development opportunities.

I would just state that if there are 600 signatures out there, it concerns me greatly that we may not know if they're all Wyandotte County residents. That's a large number for a small geographic area that we've talked about this evening. That's why I'm bringing it forward. I don't want to discredit it. I just want to ensure that that's an accurate number. It's a number I didn't pull out of a hat. It was shared with us publicly.

Gentlemen, I would ask that you continue to do your due diligence. I know you have aspirations and dreams to be a partner in our community.

Gunner, one last question. If we approve this tonight, all we're doing is approving a change of zone and a vacation of property, is that correct? We're not approving the project.

Mr. Hand said to address both of your questions quickly. Based on my review of the staff report, I do see a couple of repeats, but all of these zip codes seem to be within Kansas City, KS. There's over 100 submitted petition signatures in opposition. As a generalization, most folks in favor have been businesses; most folks in opposition have been residents. **Commissioner Burroughs** said thank you, Gunner. I appreciate it.

Mr. Hand said to answer your other question, no, this is three entitlements. We have a master plan amendment, a change of zone, and a vacation. If it moves forward, the project does need to come back for a final development plan where we go through, as the applicant mentioned, months more of design work to get to the point that meet our final development plan standards.

Commissioner Burroughs said I appreciate those comments. I would hope that the developers, should this move forward, would continue to meet with the community. Parking is a concern with any development and it's quite a challenging terrain. I truly encourage our community to be mindful that there was a time in this community that no one wanted to invest in us. They bypassed us and ignored us, and that is different today. It's kind of nice to have people interested in our county.

Commissioner McKiernan said I appreciate the conversation and Jerri and Buck and Brad and Karrin and Veronica. It seems like it was a long time ago I sat in your kitchen and we talked about this for the very first time.

Those of you who tune in regularly know I'm a Gemini, which means I see both sides of every issue so clearly it hurts. I can guarantee you; I see both sides of this issue very clearly. I've also told almost everybody in this room I know I've done my job right when everybody is at least a little bit mad at me, so let's see if we can get there.

Now, I've got a lot of thoughts to share. They're going to be somewhat disorganized and I'll probably come back for another bite at this comment apple in just a minute, but it seems to me that we have been talking about this forever. But, honestly, as Mr. Moberly said in terms of a development process, we're not even to halftime, yet. I mean, yeah, they've gone to Board of

Zoning Appeals. They've gone to the Planning Commission for this change of zone. But if they want this to move forward, they still have to go to the Economic Development Standing Committee. They're still going to need to come back to this body for that result. They're still going to need to go back to Planning Commission for a final plan review, which will then come back to this body for a final vote.

One of the things that's become very clear to me in this process is how we need to do a much better job of letting you all know how long and how many twists and turns there are in this process. We're not even to halftime yet.

It seems to me that, honestly, the best course of action is to approve the change of zone and the master plan amendment that are before us this evening and move this project along into the Economic Development Standing Committee for consideration of the potential development agreement. Now, moving the project along to Economic Development Standing Committee does not ensure it'll ever be done. This is the step where the specifics of the project construction will come into ever clearer focus, and where any economic incentives that may be requested will be defined and potentially agreed upon, and where potentially innovative agreements could continue to be crafted that would benefit the immediate and surrounding community.

I think the developers have already made several substantial improvements to the design as it has evolved. The development agreement process would allow us to continue making those changes. I am fully aware, however, that most of the immediate neighbors to the south, and I see a lot of you who I know live immediately south of this, are concerned about the scope and the size of this project.

So, in the spirit of making everybody mad, what I've heard from the neighbors is RP-6 is too much, but we'd be happy with R-5. Guess what I'd ask here? Is R-5 a killer or can we make it hurt just enough to bring this home? I don't necessarily expect you to answer that question tonight, but if we can get R-5 okay over here, and I understand it would mean scaling the project down and that would probably mean changes both in your budget and all sorts of changes, but we have the potential incentives that are still on the table to be discussed. We have a lot of negotiating we could still do. Are we dead in the water if we say, let's go R-5?

Mr. Moberly said I do think it is worth answering, at least giving a response. The short answer is no, not in its current form. We've run the financials, Commissioner, about every way you can run them. Construction costs are increasing, interest rates are increasing since we brought

this project before you and that makes our job harder. We know that. That's part of how we do business. It's part of what we do.

The density that we've achieved at 129 to 140 units allows us to spread those fixed costs out among a number of units, and I'll give you a good example. The \$1M we're going to spend on infrastructure, that's being spent if it's 100 units or if it's 129 units. It's the same size sewer. It's the same amount of water. It's the same investment. To spread that out on among a number of units is necessary to get the economy to scale.

As we get down to a level of four stories, we start to talk about we don't build two stories of parking because we wouldn't fill it. Now we're spending \$40,000, \$50,000 per parking space that probably won't get rented or used so we're down to one story of parking. Well, then, we can only build a certain number of units to be in parking code.

What I've communicated with you previously, all that being said, there is an economic development process forthcoming. You mentioned incentives. We've been very clear that we will need incentives because of the extraordinary cost of the parking garage. We've also been very clear in we're not going to ask for 100% abatement. This property will generate significantly more taxes than what it pays today as a result of our project. We are not going to take money today from the UG. We are increasing the taxes paid, but not the full tax rate because we've been very clear that we will go through an economic development process.

We're open to the discussion, but in its current form, the answer is no. I don't see how it works financially for us to move forward, and I've stated that publicly in the media as well.

Commissioner McKiernan said and I have told you previously that I have a position on this. I'll tell you right now, I'm willing to reconsider that position if we can bring home a project that will be a little bit acceptable to everybody and a lot acceptable to nobody, I guess, is what I'm trying to say here.

I grew up at 17th & Central. I've lived in Kansas City, KS, my whole darn life. I know Central Avenue. Man, I've got to tell you. Living at 17th & Central, somebody build this bad boy, that's so cool, but nobody did. All I've seen over my time on Central Avenue is stuff get torn down and now we want to put something back where actually, except for the Alvarez Law Firm building, there hasn't been a structure on this land in, I think, forever. I'm not really sure, but I just got to believe we can find a way to bring this because people have talked to me and said we

don't need an apartment, we need amenities. Until you get people, you don't get amenities, folks. That's just kind of the way it works.

People have said oh, you build this and my property taxes will go through the roof. Then the next breath they say, you build this and my property taxes will crater. I won't be able to sell my house for what I got in it when I want to leave this town. Which is it? I don't know.

I just look at this and say we've already got problems up on Russian Hill. Why don't we leverage this development as the opportunity to fix some stuff. Let's get a signal at 6th & Central. Let's reconfigure that intersection if that's what it takes. Let's get stuff for the community, both locally and broadly, through this process. That's what I want to see if we can do it. I've yakked enough. I'll be back, but I want to see if we can find a way to bring this.

Mr. Hand said, Commissioner McKiernan, just a quick point of clarification. Although, if the Commission did move forward with the entitlements tonight, it wouldn't entitle the property. The project would still need to go through a final development plan. That final development plan ends at Planning Commission. It does not come back to the Board of Commissioners.

Commissioner McKiernan said, well, but the development agreement would come back to us through the Economic Development Standing Committee. So, that's where we will have influence on this process. I guess what I'm asking about tonight is R-6 versus R-5. **Mr. Hand** said, again, you heard the response from the applicant about R-5/R-6. If this body did want to move forward to ask them to seek R-5, you would probably want to send them back to the Planning Commission to do that.

Commissioner Davis said that was lively. I waited on purpose for the Professor to go because, I'm like, I'm sure I'm going to learn quite a bit. No, I learned quite a bit. This is a very difficult position to be in because I completely—I've talked to both sides and I understand the arguments and the claims and the logic for both. We do need growth. We do need density.

One of the things that I worry about, and it was something that I ran on, was not whether or not to get development, we need development in Wyandotte County period. But how we develop and how we get not just economic stability, but political stability is super, super important to me.

As a commissioner that does not have an area master plan in their district and has to, basically, be relegated to a very, very old 2008 master plan, I almost envy my peers and my colleagues because they have something to reference. So, I absolutely want to value that because I do not want to be hypocritical and ask for a master plan only to change it. However, I think the compromise has come out which is, at the very least, giving Sunflower a chance to put together or at least give them time to come up with an (inaudible) development under R-5, would be the compromise. That's not to say that all the other issues—

I will say there was a comment that was made which was absolutely correct in that we, as public officials and as a Unified Government, need to probably do a better job in requiring some sort of bilingual public engagement when it comes to development. We talk about all the diversity, but then we're only doing public engagement in one language. I want to honor that because that is very, very correct and it's something that we needed to continue to do and something that I would encourage Sunflower to do as well.

I read or at least skimmed through the traffic study. I have some concerns about how trucks will be rerouted or if there's a Chiefs game, Chiefs go back to the Super Bowl, and everybody's having a party and there's an emergency and all of the public parking is taken up, where does it go? At the same time, we need density.

I do think, and I want to honor the fact that, Mark, you and your team have been working with us. I honestly thought you all were going to walk away after some of the public engagement processes. I don't have anything more insightful to add but that we are going to have to come to a compromise.

The last thing I'll say, and I'll close with this, I do not believe that for Wyandotte County to thrive, we have to take everything that comes our way. That's something, that I mean, that I just know. I am not from Wyandotte County. Many of you know that and so I don't know, maybe it's me not being from here and choosing Wyandotte County as opposed to being born and raised in Wyandotte County where that attitude comes from. But we, as a community, have to love ourselves if we want other people to love us. That self-love has to come and compromise, because all of you make Wyandotte County what it is, both business owners and residents.

I would be for, so that we get some sort of closure, maybe sending this back to the Planning Commission to see if there could be something working with the finances of the development in R-5, and then from there, we can have a discussion as a Commission. That's where I'm at.

Mr. Hand said I agree that our bilingual efforts really across the UG are woefully inadequate. I would make the note that our notification system does have a—at the very last sentence in our notifications—but there is a notification that says you can receive translation services. We do have two bilingual, Spanish and English, speakers in our department who have been very helpful over the last two years. Also, I would make the note that the Central Area Master Plan is wholly translated in Spanish. That is the first time that's ever happened in the Unified Government and, as far as we could tell, it's the first time that's ever happened in the state of Kansas.

Commissioner Davis said well, that's incredible. I did not know that. Please send that information to us. I think it would be good for us to make a process around that so that becomes common practice and we don't necessarily have these hiccups. Not that this is anything on you, but, I think, as a government, we can do a better job.

Commissioner Ramirez said this question is, well not really a question, but a clarification for the community, and as well, as our Chief Counsel. This has a valid protest petition. So, if Misty—it does not? I thought it had a valid protest. That's what it says here.

Misty Brown, Chief Counsel, said no, Commissioner. There is not a valid protest petition in there. **Commissioner Ramirez** said well then, we need to make sure the staff report says otherwise because it says otherwise that there is a valid protest petition.

Mr. Hand said if it says that, I apologize. We were operating off of things that we have not had access to the server due to the cyber-attack. We've had to address all of these staff reports based through old emails, pdfs, and using adobe acrobat pro. We didn't have the original files, namely the final staff report, so there was a protest petition filed. It was invalidated. **Commissioner Ramirez** said okay.

Commissioner Stites said the last thing you just said, the petition was invalid or valid? We can't hear. **Mr. Hand** said a protest petition was submitted by the community. It was invalid. **Commissioner Stites** said okay, thank you. **Mr. Hand** said we originally validated the protest petition. The applicant appealed. It was reviewed by Legal. They did find that some of the signatures were invalid, therefore, making it invalid.

Commissioner McKiernan said I'm inclined at this point, and I think I know the answer to the question that I'm about to ask, but if we do send this back to the Planning Commission, if we decide that we'd like to see this at R-5 rather than R-6, that necessarily throws your plan and your finances into complete disarray and we've got to regroup; and there may need to be more negotiation on public-private partnership before we can fully understand whether or not that works. Am I interpreting that correctly?

Mr. Moberly said I think that was a question. I'm going to give you a piece of information. Approving R-6 still means I can do a smaller building. Doesn't mean I have to go way up. So, approve the R-6. If you don't like what I'm doing, don't give me the economic incentives that I need to build, and then put me back down to a four-story building. If the finances don't work, we walk away.

To push us back to go look at an R-5, that's months of time to redesign, re-bid, decide if it's financially feasible, and then we're dead in the water if we're not. R-6 would just allow us to go here, doesn't mean we still can't go four-stories. An R-6 approval tonight, and I'm reiterating myself, still means we can do a four-story building if that is what we figure out can work. I don't think it can, but I'm not going to say never, especially when you start talking about economic incentive policy.

Commissioner McKiernan said so we're back to where I started a long time ago which was if we were to move this forward tonight and it goes to Economic Development Standing Committee, that's where the rubber is actually going to meet the road in terms of plan design, in terms of the financing of this whole thing, and that's where we could have an influence on the size of the project. **Mr. Moberly** said influence, I suppose, to vote my incentives yes or no, meaning direct control, fair. I mean, that's fair. **Commissioner McKiernan** said, yes. **Mr. Moberly** said yes. My counsel advises yes.

Commissioner Kane said now we've all been here for a heck of a long time. If we pass this, you'll at least take a hard look and not going up as high as what you said, is that correct? **Mr. Moberly** said, absolutely. We'll be open book. I'll sit down, I'll walk you through a schematic plan. I promise you we'll be willing to look at that. We have a general contractor that's been providing us very high-level budget estimates. We will be open book and show you why we think it works today and why we think it doesn't work. I don't want to put this bluntly, it's numbers.

I'm not passionate about 139 apartments. **Commissioner Kane** said all you got to do here brother is say yes. **Mr. Moberly** said yes. **Commissioner Kane** said thank you.

Commissioner Davis said okay, just to get some clarity on that because what I would like to see is not two completely different plans, but beyond scenarios, something on paper where we could compare. Would that be possible where we could see a very rough draft of eight-stories and then comparing it to four-stories, and then you also show us the financials as well? Then we make the decision. Would that also be possible?

Mr. Moberly said, Commissioner, anything's possible. We're happy to put that together. **Commissioner Davis** said, okay. **Mr. Moberly** said what I'm suggesting to you, and we've spent six months beating this plan every which way, alternates from my contractor to decrease units, to increase size to squeeze the building. I'm able to take those numbers and say, what if we lopped off 22 units and just cut a floor out? That changes the budget. I mean we do this real-time and so I don't want to just breeze over that. I don't think it works because I would have been here proposing that because this would have been a lot easier meeting if that would have worked. But, yes, I will commit that we will show you that type of concept. I can sit down and run you through the numbers about why it doesn't work in comparison to the same assumptions on why we think today's project does work financially. We won't pursue a project if it doesn't work financially because we're going to get to the finish line well after halftime and no one will give me any money to build it and we're all going home.

Mr. Hand said I think it's important that you understand that there's, again, two things at play here. There's this development and then there's the entitlement on the land. What I've heard the opposition say today was talking about the entitlement of the land and the development. What you're talking about right now is moving forward with the development leaving the entitlement higher than potentially what the development might actually occur as. Now granted, if the build is only going to have a 25, 50, 100-year lifespan potentially, if you want to move forward, you can do as you are speaking. You can also move forward with a super-majority vote if you choose to change the recommendation of the Planning Commission and go to RP-5 now. That's significantly restricts what the developer and development could potentially do.

So, the question is, do you move forward with greater flexibility but entitle higher, or do you address the entitlement now and restrict it now and make it harder for that flexibility? I think it's important considering the opposition in the room today to make that distinction

Commissioner Davis said gotcha. I have a question for Legal. If when you're ready, could we make a motion to approve for R-6 with the stipulation that we see plans for both eight-story and four-story? Is that even possible?

Ms. Brown said so I suppose anything is possible, Commissioner, but if you are approving for an R-6, then you're already approving this maximum height. You could ask for the plans, but the approval is already there for unlimited height. So, I think my recommendation would be providing some clarity to the developer one way or the other so they know what the expectations are today other than leaving it open.

Commissioner McKiernan said this is why it takes so long right here. So, what I'm hearing you say, Mr. Hand, is that if we were to just move this straight to standing committee now, the entitlement would be on the land and if for whatever reason this group was unable to complete their project, that entitlement would be on that land. If somebody came along tomorrow who didn't need us at all, they could go ahead and build RP-6 on that land.

Mr. Hand said yes, with one caveat. Because it is being rezoned to a potential planned district, it would have to go through the Planning Commission for a final development plan. **Commissioner McKiernan** said but the barrier to entry, so to speak, would be much lower if somebody new came in and it was already zoned. **Mr. Hand** said yes.

Commissioner McKiernan said okay, then that leads me to believe that our best path forward may be to stipulate R-5 and move it forward from here to standing committee. If that's the case, then I think we'll make everybody a little bit mad but, hopefully, we'll get somewhere where we actually have a development. You'll see Commissioner Davis, and myself, and Burroughs, and Stites, and Townsend at standing committee.

Commissioner Stites said I'm not clear if that was a motion or not, but I'm going to ask a question. Is that an option for the developer?

Mr. Moberly said no, not at this time. **Commissioner Stites** said there we go.

Commissioner Townsend said just a comment. I understand what you're saying. Right now, you speak that's not an option, but I go back to what was done earlier. I met with you all over a month ago and some of the things that you have acceded to tonight, I don't think were on the table at that time. So, I'm hoping this can be kept alive so everybody hurts a little bit, as Commissioner McKernan had said. That's my thought. I do want to recognize that things that weren't possible a month ago, have become more palatable.

Commissioner Bynum said I just want to clarify an answer to an earlier question because I thought that when we were discussing R-5/R-6, I was hearing the developer say we can talk about it, but that's not the answer you just gave when Commissioner Stites—yeah, that's why I'm asking my question because Commissioner Stites just said is R-5 an option and you just said no. But earlier, I thought you said we can talk. I just want to clarify because I think what you're seeing up here are nine commissioners who really want to help you move something forward while respecting what we've heard from folks who live very nearby. You can see what a difficult spot that's putting every single one of us in. I'm not trying to tie you to something. I guess I'm asking you, if we passed R-5 tonight, would you keep working with us to bring some kind of multi-family development that we can all live with. Would you do that?

Mr. Moberly said it's a tough question to answer. The first part of this was, would we be willing to work under an R-6 approval to study something smaller, and I said yes. Today, I don't have that path forward to build something under R-5. We've run the numbers. We can't figure out a way to make it work because, again, if we could, why wouldn't we have proposed that. We wouldn't be here right now. We would have gotten your approval because the four-stories is what we've said the opposition will support. I can't finance that.

So, today, under R-5, I mean, yes. We've got nine months into it. We're going to figure out if it's absolutely impossible and, again, incentives open up opportunities, but it doesn't work today. We've spent countless months fine-tuning what we know works on the financials.

Commissioner Townsend asked why was something not possible when we met with her that's possible today. We've not necessarily changed the revenue from the project. We've cut the unit count. We've made some pretty awesome units on those top floors that now have outdoor terraces. We can get into that.

I've got projects all over town that have penthouses that lease for stupid amounts of rent. I won't say those numbers because they are stupid. We think that there is always someone that was willing to live in that top floor with that penthouse. That is the same as building four units of rent and the cost is cheaper.

So, that's why, Commissioner Townsend, if I could address your comment. It is possible because we've decided that that is something that can happen here. We're proving it in other projects around the metro area. So, the clear answer to Commissioner Stites is no. I don't have a project that works today under R-5. My answer to Commissioner McKiernan is yes, we will commit to studying it under the R-6 to see if it will work. I will commit to being transparent with that study. But if you approve R-5 today, I don't have a path forward given as much time as we've invested in the project. Yes, we're going to study it. I would be shocked if we had anything that represented something that an economic incentive could support and fix. We've done this all over town.

The opposition brought up a project in Shawnee at the former Wonderscope site that we asked for four stories. It was voted down at city council. We could not figure out a way to make it work. We're trying to do town homes. It don't work—I've seen this movie before and we've tried already.

Commissioner Bynum said I was just hoping to have you help us help you. **Mr. Moberly** said I appreciate that. If I thought we could make a four-story building work on this site, I would tell you that.

Commissioner Bynum said I'm sorry. One more time. You said, and I'm paraphrasing, if we allow the R-6, you're willing to talk and study the lesser amount? **Mr. Moberly** said yes, that is absolutely accurate. **Commissioner Bynum** said at this point, I'm making sure I hear and understand. Okay. Thank you.

Mr. Moberly asked, if I can make a follow-up comment there. It was mentioned that if you approve R-6, someone could potentially come back. We could sell the ground and someone could come back and build a project without you. There is no way someone can build a project that high and park it on site without economic incentives. Now they might be able to build it without parking, but then they're going through BOZA and that was made loud and clear that the parking variance is not on the table. It's not going to happen.

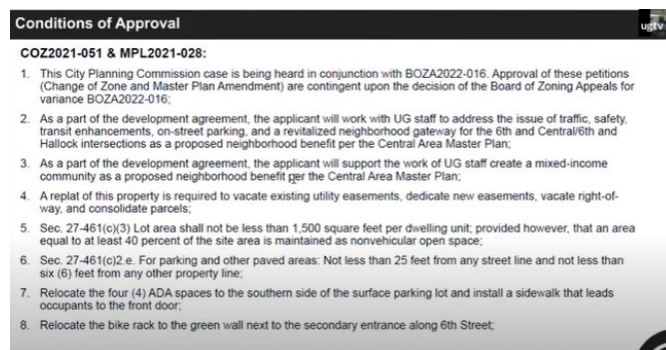
Mayor Garner asked, any more comments or questions from our commissioners?

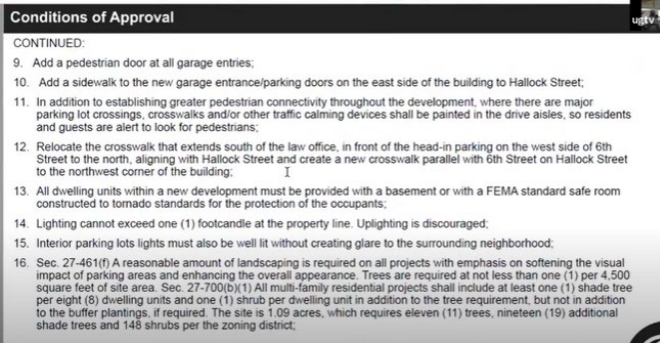
Mr. Hand asked, could I ask a question of the applicant? **Mayor Garner** said go ahead. **Mr. Hand** asked, in the same vein in the spirit of exhausting all potential options, would a month holdover be enough time to crunch the numbers, so to speak, to see if an R-5 project would work? The question is and, again, in the spirit of exhausting all options here to put before the Board of Commissioners, would a 30-day holdover allow you the time to crunch the numbers to determine if an R-5 zoned property would work for you?

Mr. Moberly said I don't believe so. We've spent nine months trying to figure out how to make this work. Thirty days to draw something, to get it to a point where a general contractor can provide me numbers that we can put stock in to tell you we have a project or not, I mean, again, we've spent a significant amount of time and resources to get to the point where we're at today. We're pricing some kinds of materials. We're pricing high-rise code. We're doing that level of bidding because we need to know what it costs to build something like this. Quite frankly, I don't think my rent levels stay the same when it goes to a four-story building.

Mr. Gunnar said I understand. Thank you.

Action: Commissioner Stites made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2021-051, subject to the stipulations.





Mayor Garner said I've got a motion and a second. I'll weigh in shortly. It sounds like we have a developer that is willing to bring something. It's not unique to our metro area, but it's something that's desperately needed in Wyandotte County. When you talk about revitalizing our downtown, our urban core, things east of 635, we have got to get those seeds here in Wyandotte County. We can't keep having developers come in and push them away or hit a roadblock of bureaucracy, which I've been hearing here in the Unified Government, and not having people willing to work with them in a way that can bring the types of goods and services, the types of housing, median-income, moderate income, upper income, low-income housing. We've got land here in Wyandotte County. The vision that I've been told is that we want people at all income levels to move east of 635, and I think there's enough room for that if we do things right.

I've heard this developer say he's looking at lower income and moderate, and low-income housing as well as an option. Am I correct? So, this is just the first step. There are many steps to go through, as Commissioner McKiernan said, before we even get to a final approval by this Commission.

People are watching what this Commission is doing tonight, and we cannot keep closing the door on developers that want to do business in Wyandotte County. I look across the water right downtown from my office, and they're building up because they're landlocked. I rode around in Johnson County, our neighbor to the south, they've got every type of development that you can think of. I go north, who would have thought Riverside, Briarcliff. Leavenworth County to our west. People have asked me, what are we doing wrong here in Wyandotte County to where nobody wants to build here and provide the goods, the services, the housing that we so much desperately need to broaden our tax base.

We can talk about taxes and incentives all the time, but we've got to get the type of brick-and-mortar businesses and the type of residentials so we can start doing the things that this Commission should be able to do and that's to have more tax revenue to provide the types of

amenities and the goods and services, and take care of our roads, our bridges, our recreation centers and things of those nature.

Is every plan a perfect plan? No, but I think this developer is willing to try and get as close to being perfect with the concerns of the neighbors that have raised their concerns. I don't know how much more we can ask. At the end of the day, we're not even close to a final approval. So, I stand in support of at least letting the process go through, see where we're at, and then when we get to the end of this road, then this Commission, based on what our community members say and this developer presents, they can make a better informed decision on the final outcome of this project.

So, I'm going to make—I've got a motion and a second for approval on the change of zoning for Application COZ2021-051. There's a motion and a second. Is there any further discussion?

Commissioner McKiernan said I do appreciate that. What I'm going to say to you all is what Commissioner Bynum said to you all a moment ago. We have heard you and we are committed to doing our best to meeting in the middle to creating the best public-private partnership that we can possibly create, to allow everyone in the community to benefit to some degree. That is going to be our goal. I'll speak for my chair of the Economic Development Committee, Commissioner Burroughs, and tell you that we will work very hard to see if we can bring this home so that everybody's just a little mad, but we all get to benefit from it. I do thank you for what you've done. I thank you all in advance for what we're about to do.

Commissioner Ramirez said I think I may be the only one that's going to vote against this. I'm not against development in any way, shape, or form. I'm not. We're talking about having developers come and be part of this community. We had a development for the Jack Reardon Center but unfortunately, that has been stalled. It was a development that was unanimously approved by this body. We need to make sure we're being consistent if we want developers to come in. That's all I ask.

Mayor Garner said I have a motion and I have a second. Any further discussion? Clerk, roll call.

Roll call was taken on the motion and there were eight “Ayes,” Burroughs, Townsend, McKiernan, Kane, Markley, Stites, Davis, Bynum; and one “No,” Ramirez.

Mayor Garner said I’ll entertain a motion for B1, Vacation Application VAC2022-001.

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve Vacation Application VAC2022-001, subject to the stipulations.**

Mayor Garner asked, is there any discussion? Seeing none, roll call.

Roll call was taken on the motion and there were eight “Ayes,” Burroughs, Townsend, McKiernan, Kane, Markley, Stites, Davis, Bynum; and one “No,” Ramirez.

Mayor Garner said I’ll entertain a motion for C1, MPL2021-028.

Action: **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve, subject to the stipulations.**

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

Roll call was taken on the motion and there were eight “Ayes,” Burroughs, Townsend, McKiernan, Kane, Markley, Stites, Davis, Bynum; and one “No,” Ramirez.

Mayor Garner said stand by with me just a second. We’ve been going at this for quite a while. We’re going to give our commissioners about a 10-minute break, so we will reconvene here at 10:15.

Mayor Garner reconvened the meeting at 10:20 p.m.

ITEM NO. 2 – 211446...CHANGE OF ZONE COZ2022-001 - TIM KATES WITH REMCO DEMOLITION LLC

Synopsis: Change of Zone from CP-3 Planned Commercial District to MP-2 Planned General Industrial District for a contractor staging area and heavy equipment storage for Remco Demolition at 14140 State Avenue,
and

PLAN REVIEW APPLICATION ITEM NO. 2 – 211448...MASTER PLAN AMENDMENT MPL2022-001 - TIM KATES WITH REMO DEMOLITION LLC

Synopsis: Master Plan Amendment from Planned Commercial (Prairie-Delaware-Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Tim Kates of Remco Demolition, is requesting a Change of Zone for the subject property at 14140 State Avenue. The Applicant is requesting a Change of Zone from CP-3 Planed Commercial District to MP2 General Industrial District. The Change of Zone has been requested so that the prospective buyer can use the site as a construction equipment storage and staging area. The subject property is currently vacant with two (2) large farm outbuilding structures and two (2) smaller accessory storage buildings with a total building square footage of 10,484 square feet. The applicant wishes to use the current buildings and add an asphalt area for materials and equipment storage on the rear of the property. A Master Plan Amendment has been included with this application to amend the land use from Commercial to Industrial. The Planning Commission voted 6 to 1 to uphold its previous recommendation and recommends approval of Change of Zone Application COZ2022-001 and Master Plan Amendment MPL2022-001, subject to:

1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas, odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.
2. All uses involving the storage, handling, se, or sale of hazardous and/or highly flammable or explosive materials (group H occupancies as defined by the International Building Code) shall be prohibited unless approved by Special Use Permit and approved by any other stipulation as stated in Section 27-469(4).
3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.
4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.

5. Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.
6. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
7. Any equipment visible from the public right of way or near fencing shall be removed or relocated to where fully concealed from public view.
8. Existing fencing and gated entrance shall be maintained.
9. The apron shall be continuously maintained as an improved surface of asphalt or concrete. Please contact the Public Works Department for more information at Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700.
10. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspector@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Mayor Garner said I'll ask the staff, do you have some opening remarks?

Case	
COZ2022-001 & MPL2022-001	
Petitioner	Address
Tim Kates	14140 State Avenue Kansas City, Kansas 66012
Synopsis	
To request a Change of Zone from C-3 Commercial District to M-2 General Industrial District for the ability to have a lay-down lot and staging area for equipment and contracting materials. To amend the Master Plan Land Use Designation from Planned Commercial to Industrial.	

Gunnar Hand, Director of Planning & Urban Design, said this is just an update. If you recall, these items were held over for 30 days from your March meeting. At that time, the Board of Commissioners motioned that the applicant was to develop a traffic study as it related to the conversation at that meeting and at the City Planning Commission hearing.

We have worked with our third-party consultant. They have submitted a bid for that work to the applicant. The applicant has yet to respond to that request or pay that bill. We've spoken with Legal. We believe that we should wait until that money is paid to us to proceed with that traffic study, at which time, we can then come back and hear this case. Staff recommends that we hold this over for another 30 days for that to happen.

Mayor Garner said I'll ask the applicant or representative to present his application. It doesn't appear like he's present. I'm gonna ask for a motion.

Commissioner Stites said just for clarification, has the applicant been in contact with us? **Mr. Hand** said the last communication we had was with the applicant's representative who confirmed receipt of the invoice essentially. Again, we don't want to move forward with the cost of that with our third-party consultant to do that traffic study and be left with the bag if the applicant were to walk away, withdraw from this application. We're not going to proceed until we have a check in hand. They do know that we are awaiting the response and that payment.

Commissioner Stites said I mean, has there been any—we need two weeks? We need a week? We need anything? **Mr. Hand** said no, just receipt; confirmation of receipt and that was two weeks ago.

Commissioner Kane asked, what happens if he doesn't do this next month? **Mr. Hand** said my recommendation be is if he doesn't pay by next month, we move forward with a recommendation for denial. **Commissioner Kane** said it works for me.

Mayor Garner said I'll now open the public hearing and ask the Clerk if he received any notification from the public who wish to express their comments in favor of this item. **Mr. Deichler** said no comments were received. **Mayor Garner** asked, is there anyone present who'd 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 make your comments. **Mr. Deichler** said seeing none. **Mayor Garner** asked, 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'll be given three minutes to state your comments. **Mr. Deichler** said seeing none, Mayor.

Mayor Garner said I'll the Clerk if he's received any notification from the public who wish to express their comments in opposition of this item. **Mr. Deichler** said no requests were received, Mayor. **Mayor Garner** asked, is there anyone present who would like to speak in opposition to this item? If so, please come to the podium and state your name and address for the record. You'll be given three minutes to state your comments. **Mr. Deichler** said seeing none. **Mayor Garner** asked, is there anyone joining us virtually who'd like to speak in opposition to this item? If so, please raise your hand to be acknowledged. Once you're acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments. **Mr. Deichler** said seeing none as well, Mayor.

Mayor Garner said I will close the public hearing.

Mayor Garner said if the petitioner happens to be present, would you like to make some closing arguments or comments? Doesn't appear he's present.

Do any of the members of the Commission have any additional questions or comments?

Mr. Hand said I would just state for the record, the applicant did know that we are hearing this tonight.

Mayor Garner said I will entertain a motion.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Markley, to approve a 30-day continuance, per the recommendation of our Planning Committee, for Change of Zone Application COZ2022-001.**

Mayor Garner said there's a motion and there's a second, based off the recommendation of our Planning Director. Is there any discussion before we move forward? Seeing none, roll call, please.

Roll call was taken and there were eight "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Davis, Bynum; and one "Abstain," Stites.

Mayor Garner said I'll now entertain a motion for C2, MPL2022-001.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Markley, to hold over master plan amendment (Plan Review Application MPL222-001) that accompanies the prior application for the 30-day time period.**

Mayor Garner said there's a motion and second. Is there any discussion? Seeing none, roll call.

Roll call was taken and there were eight "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Davis, Bynum; and one "Abstain," Stites.

VACATION APPLICATION

ITEM NO. 1 – 211522...VACATION APPLICATION VAC2022-001 – MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP

Synopsis: Vacation of right-of-way at 10 South Hallock and 525 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Application Item No. 1, COZ2021-051 – Mark Moberly with Sunflower Development Group.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 211523...MASTER PLAN AMENDMENT MPL2021-028 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP

Synopsis: Master Plan Amendment from Urban Density to High-Rise Residential (Central Area Master Plan) at 10 South Hallock, 525 Central Avenue and 529 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Application Item No. 1, COZ2021-051 – Mark Moberly with Sunflower Development Group.

ITEM NO. 2 – 211448...MASTER PLAN AMENDMENT MPL2022-001 – TIM KATES WITH REMO DEMOLITIN LLC

Synopsis: Master Plan Amendment from Planned Commercial (Prairie-Delaware-Piper Master Plan) to Industrial (City-Wide Master Plan) at 14140 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

Action: This item was previously heard with Change of Zone Application Item No. 2, COZ2022-001 – Tim Kates with Remco Demolition LLC.

Mayor Garner said that concludes the Planning and Zoning portion of tonight's meeting. We'll now move into the Regular portion of our agenda.

REGULAR AGENDA

Mayor Garner said I am going to move forward the Administrator's Agenda out of courtesy for the presentation related to our 2022 community survey results. Our only item is to review the results for the 2022 community survey.

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 211513...PRESENTATION: 2022 COMMUNITY SURVEY RESULTS

Synopsis: A presentation from ETC Institute representative to review the results of the 2022 Community Survey, submitted by Kathleen VonAchen, Chief Financial Officer.

Mayor Garner said I'll ask Kathleen VonAchen, our Chief Financial Officer, to make some opening remarks.

Kathleen VonAchen, Chief Financial Officer, said I'm happy to welcome our representative from ETC to make the presentation on our community survey results.

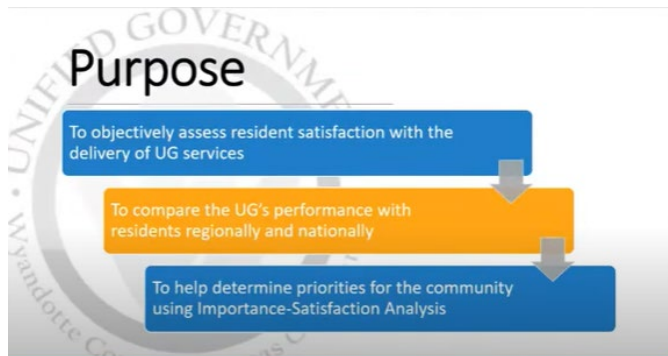
Chris Tatham, CEO, ETC Institute, said I've actually been doing surveys for the county since 1997. I've done statistically valid surveys about 70 times involving about 50,000 residents in this county. So, this is the latest survey that we've conducted directly for the Unified Government.

I'm going to walk you through a little bit about what we did. You've been here really long so I'm going to try to turn my one hour presentation into about a 15 to 20 minute version and give you the highlights.

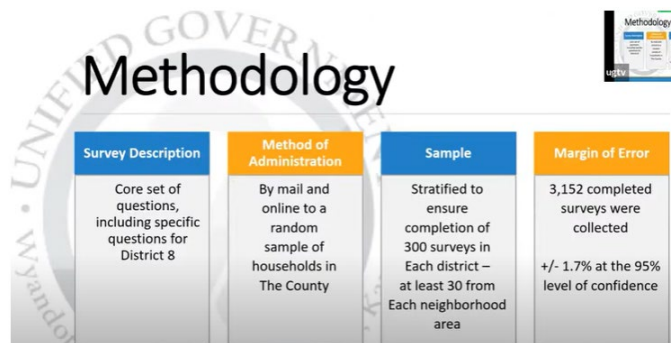
This is just the g whiz map. We are the leader internationally. We now have offices in Africa, in India, and we're a global company helping local governments make better decisions with community input.

I'm going to just walk you through briefly how we did the survey. It's statistically valid. You heard that issue earlier about whether the surveys are valid or not. This is actually representative of your community. It's usually used to objectively assess what your residents think of services. You hear a lot of input from meetings like this, which is really important, but we found when we did a survey a couple of years ago that only about 6% of people in the United

States report ever going to a public meeting. When you follow it up, over half of those people actually went to a meeting more than a year ago.

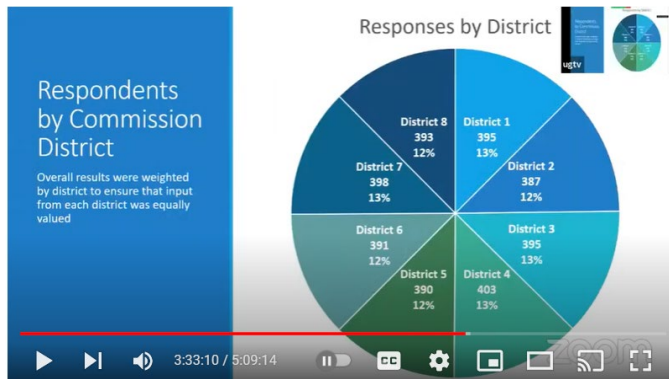


The top three reasons people go are to get recognition or see someone else get recognition, number one. To tell the local government what they don't like about something or to ask them to change the way things are done. The average residents going around their lives, they don't have time to really let you know how you're doing; so, without a tool like this, sometimes it's hard to know what the average resident thinks. With that said, you have a commitment—done a commitment now for several times which is one of the most significant commitments of any local government in the nation with regard to the number of residents that you survey.

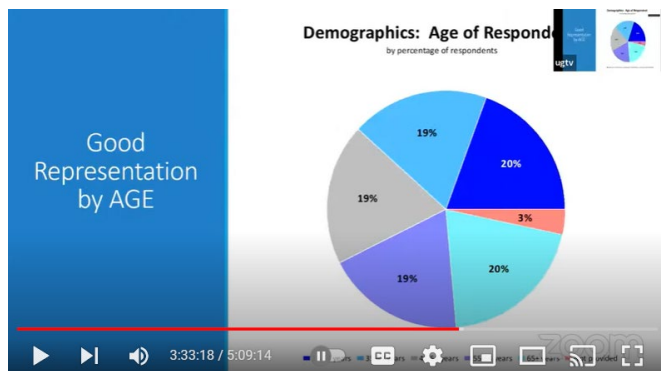


There are over 3,100 households that participated. Putting that in perspective, that's about 1 in every 20 households. Over 7,000 people are represented in these households, and the results are accurate to 1+ or -1.7% at the 95% level of confidence. If you don't know what that means, that means if we did the survey 100 times; 95 times out of 100, we get these same results within 2% or less. So, it's very accurate.

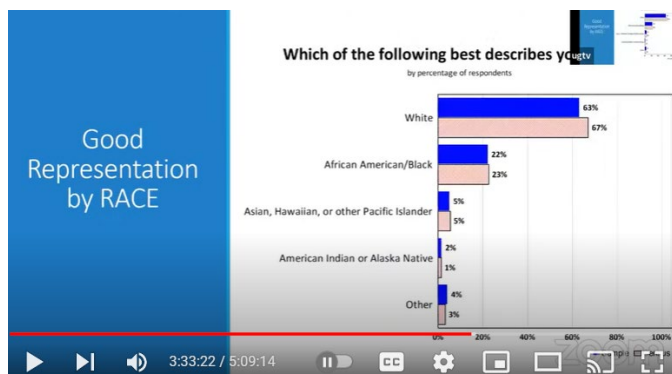
In addition, your sample is designed to make sure you get data from 47 different neighborhood areas in each of your commission districts. That's statistically significant. So, it's very, very comprehensive. One of the most comprehensive ones that we do.



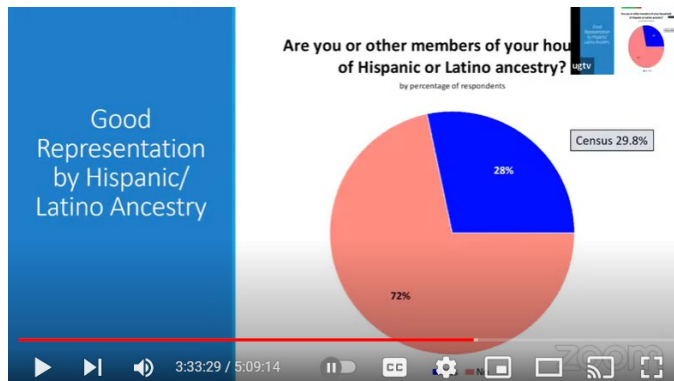
You can see here, the data's then weighted to make sure each district counts the same. We also check the demographics of the data to make sure we get good representation.



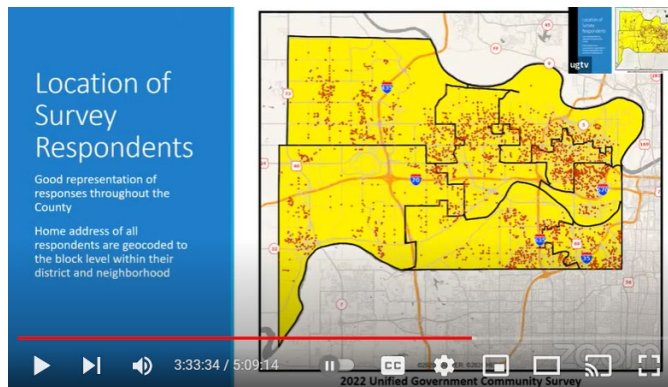
By age, good representation.



By race, compared to the census, which you can see there is in red versus the sample is in blue.

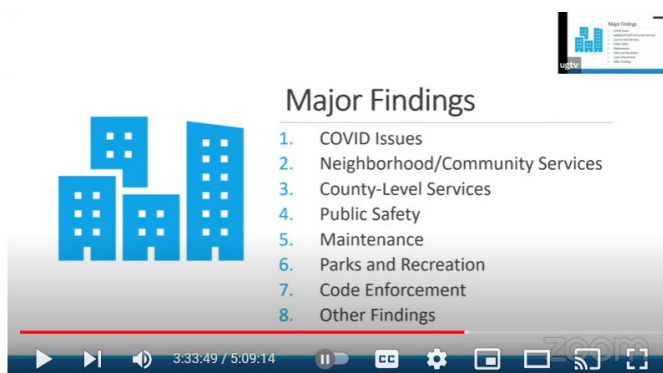


Good representation by Hispanic and Latino ancestry. You can see we're very close to the census on that.

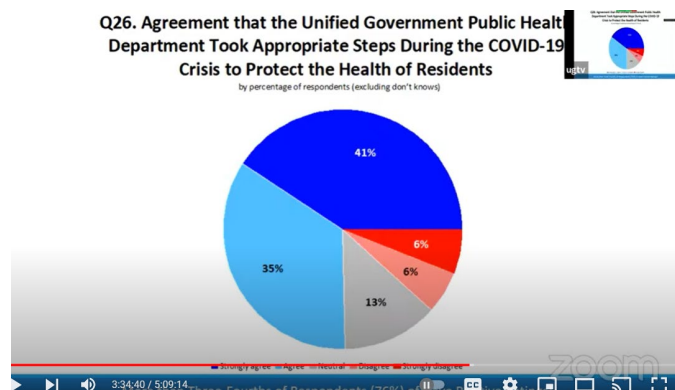


And good representation geographically. The dots in red show basically where the respondents live at the block level, so it's not their exact home address, but it gives you an idea where they're from. You can see we have good distribution from the entire county.

That's how the survey was done. I've gone through it quickly. If you have more questions at the end, I'll walk you through it.

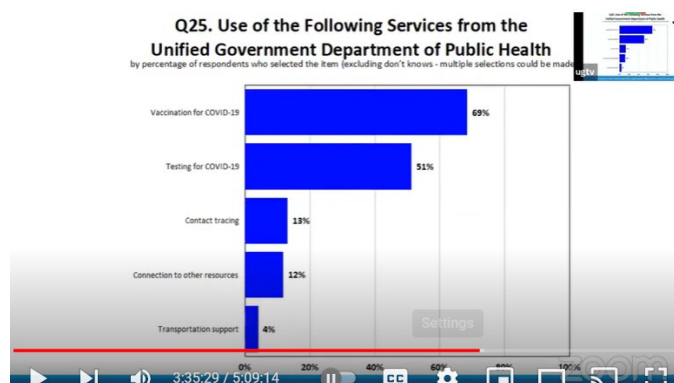


There were eight major things that we looked on the survey. I'm not going to spend a lot of time on each of them, but I do want to tell you up front that if you want to get the most bang out of your resources in the next two years to enhance overall satisfaction with the county, make the county look better. Appearance and cleanliness I'm seeing in every single area. The streets are issues. You have other issues to address that are extremely expensive, but the one item—I've done this for thousands of communities that I see in every area that would improve your overall satisfaction significantly happens to be in that area. It's not just slides not in the presentation, that's just the highlight of giving you up front in case you fall asleep.

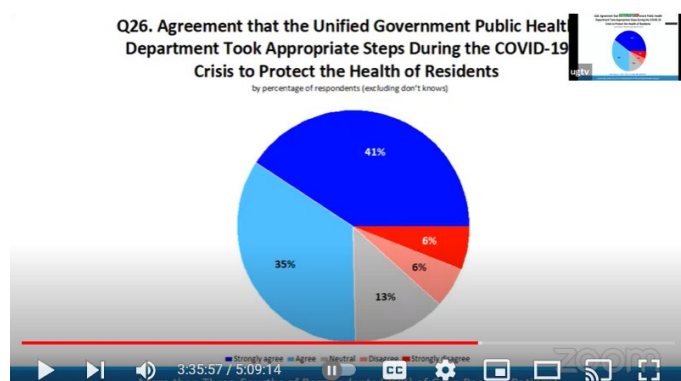


As far as the overall results, your public health services has done one of the best jobs of any community in the country. In fact, if you go to your website, we've been tracking a similar question to this almost every month since the start of the COVID pandemic. In April 2020, the results for this county were 57% positive. You'll notice they're now 76%. People are giving positive ratings. During that same period of time, the national average dropped. Went from 49% to 30%. So, in the average county, only 30% of people think their county has taken appropriate responses to help the COVID epidemic, and here it's 3 out of 4. You should be

really proud of your health services department. You've done a tremendous job. It's definitely a real highlight that I would greatly congratulate you on.



In addition, you've touched lots of lives. I just checked your data on vaccinations to see if this was comparable. It actually is pretty much on target, at least for the first vaccination. You've touched lots of people in this community, and I think that's one of the reasons is your touches on people's lives during the COVID pandemic was positive



which is the reason now you're 40% above the national average when it comes to people's view of how you handled it. So, great, great job. A lot for you to be proud of.

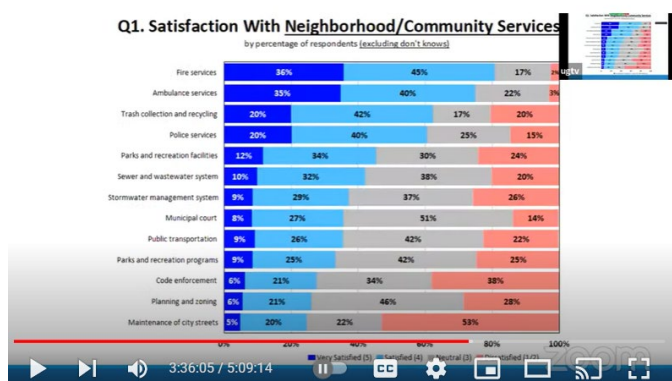


Neighborhood and Community Services

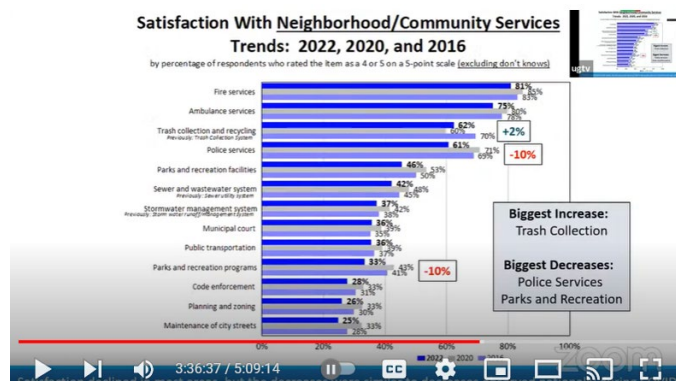
MAJOR FINDINGS #2



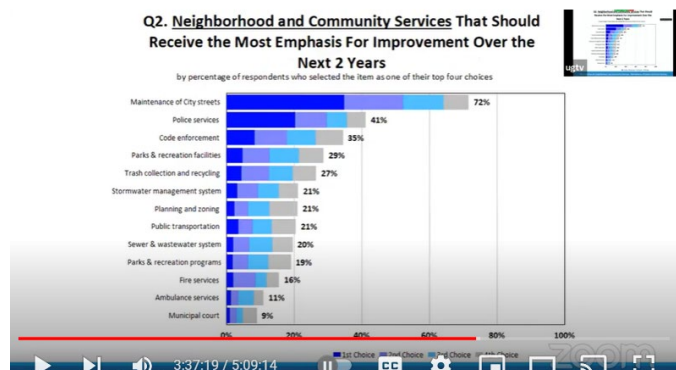
In addition, we look at some of the core services you provide at the neighborhood and community level.



These are a lot of your city-like services: your fire services, ambulance service, trash collection. I'm not going to read the whole list to you, but when you look at that, you'll notice that fire, ambulance, trash collection, police services, there's lots of blue. People are generally satisfied with those. If you work your way down, you'll see code enforcement, maintenance of streets, lots of red. There's a lot of dissatisfaction there. Those are the two areas that really stand out. Code enforcement's often a function of what people see around them, and you're going to see that theme in a number of areas that we look at.



When we look at some of the changes to your pre-COVID survey, the one we finished just before the pandemic hit, we've seen a lot of areas decrease. That's happened pretty much across the board for most communities. The area that's typically gotten down the most is police services. Nationally, it's down about 14%. You're down about 10%. You'll also notice that park and recreation programs are around 10%. That's down around 15% because, frankly, a lot of programs were shut down and not offered. So, the trends that we see in your data are pretty consistent. In spite of that, your trash collection services have actually improved, which was somewhat rare, and went in the opposite direction that we've seen. They're up 2%.



When we ask people what the top priorities are, that's what you see on here. Maintenance of streets clearly the top priority. I know you all have been focused on that. You've talked about that. That clearly resonates strongly with residents. In fact, you have almost as many people picking maintenance of streets as their number one choice as you do for the combined top four choices for everything else, except for police services.

Priorities for Improving Neighborhood/Community Services by District

Rank	Overall Priorities	# of Districts in Top 5	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8
1st	Maintenance of city streets	8	Maintenance of city streets	Maintenance of city streets	Maintenance of city streets	Maintenance of city streets	Maintenance of city streets	Maintenance of city streets	Maintenance of city streets	Maintenance of city streets
2nd	Code enforcement	8	Code enforcement	Code enforcement	Code enforcement	Code enforcement	Code enforcement	Code enforcement	Code enforcement	Code enforcement
3rd	Police services	7	Police services	Police services	Public transportation	Police services	Planning and zoning	Police services	Planning and zoning	Police services
4th	Parks and recreation facilities	5	Parks and recreation programs	Parks and recreation facilities	Stormwater management system	Parks and recreation facilities	Code enforcement	Public transportation	Public transportation	Planning and zoning
5th	Planning and zoning	4	Parks and recreation facilities	Planning and zoning	Police services	Stormwater management system	Parks and recreation programs	Parks and recreation facilities	Police services	Parks and recreation programs

Maintenance of city streets is the top priority in all 8 districts for the second consecutive survey.

When we do the analytics on this, we actually take a look at how does people rate each of these services as priorities within each of the districts. What shows me is your priorities are pretty similar when it comes to these types of services. Maintenance of streets is the top priority in every district. Code enforcement is top priority in seven of the eight districts. You'll see police services is in the top five in all eight districts. At the end of the day, your top priorities are very, very similar.

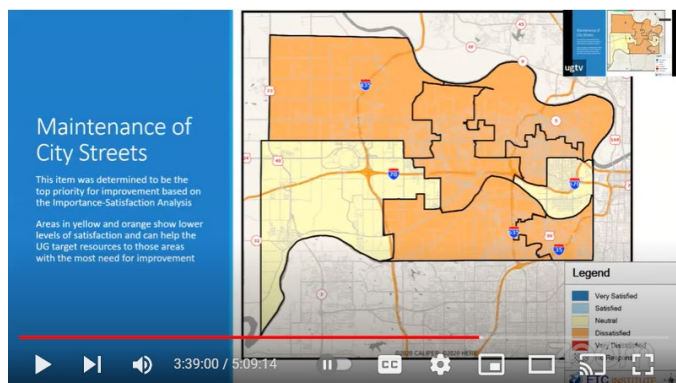
2022 Importance-Satisfaction Rating
Kansas City, Kansas & Wyandotte County Community Survey
Neighborhood/Community Services

Category of Service	Most Important %	Most Important Rank	Satisfaction %	Satisfaction Rank	Importance-Satisfaction Rating	I-S Rating Rank
Maintenance of city streets	72%	1	25%	13	0.5392	1
Code enforcement	35%	3	28%	11	0.2491	2
Police services	41%	2	61%	4	0.1623	3
Parks and recreation facilities	29%	4	46%	5	0.1567	4
Planning and zoning	21%	7	26%	12	0.1559	5
Stormwater management system	21%	6	37%	7	0.1333	6
Public transportation	21%	8	36%	9	0.1327	7
Parks and recreation programs	19%	10	33%	10	0.1272	8
Sewer and wastewater system	20%	9	42%	6	0.1133	9
Trash collection and recycling	27%	5	62%	3	0.1000	10
Municipal court	9%	13	38%	8	0.0579	11
Fire services	16%	11	81%	1	0.0298	12
Ambulance services	11%	12	75%	2	0.0274	13

Greatest Opportunities for Improvement: I-S Rating Above 1.0

When it comes to the analytics where we actually do a model to say if you were to invest time, resources, communication, or energy in an area, which of these areas would have the biggest return for you with regard to overall satisfaction with services. You'll see streets is right at the very top. Very, very expensive, but code enforcement is a close second. You'll notice there police services and parks and recreation. Those are the four neighborhood or community-level services that will make the biggest difference.

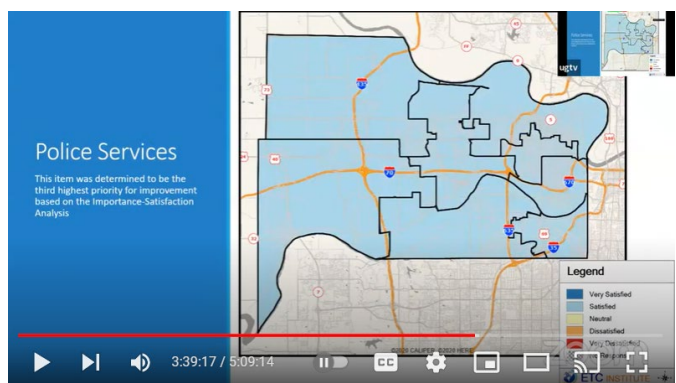
What I found, having done this for 20 some years, is not all investments are equal. Streets are super expensive. Takes years to change people's perceptions. Other things like code enforcement are much easier to do in the short term and can have a big impact on people's perceptions of the county, which is one of the reasons I highlighted that early on.



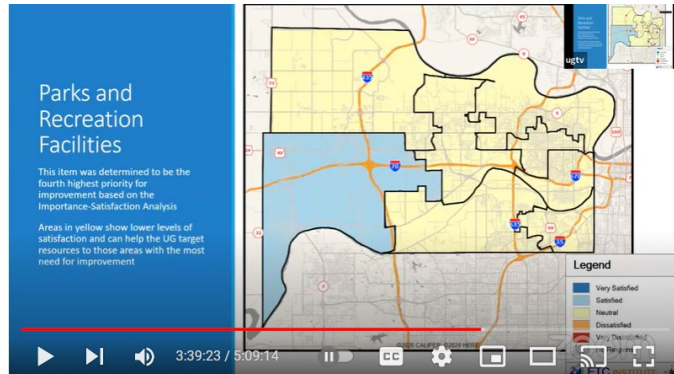
You'll notice the concern about streets when you see red and orange on our maps. That's dissatisfaction. You'll see there's concerns about that county-wide.



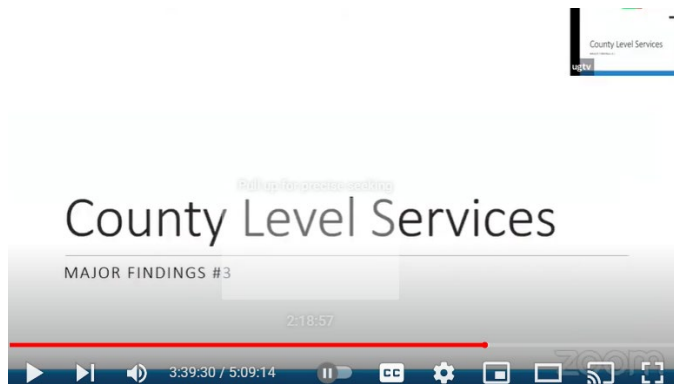
When it comes to code enforcement, you can see there's lower ratings. It's not as low as streets, but they're lower throughout the county.



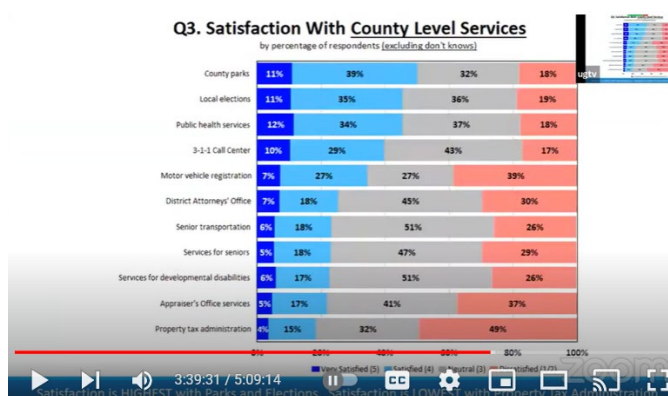
Police services is actually pretty good throughout the county, but it's very important to people.



Then, finally, parks and recreation is somewhat more in the middle. So, those are the things to take away when you're looking at your neighborhood and your kind of city-level services to focus on.

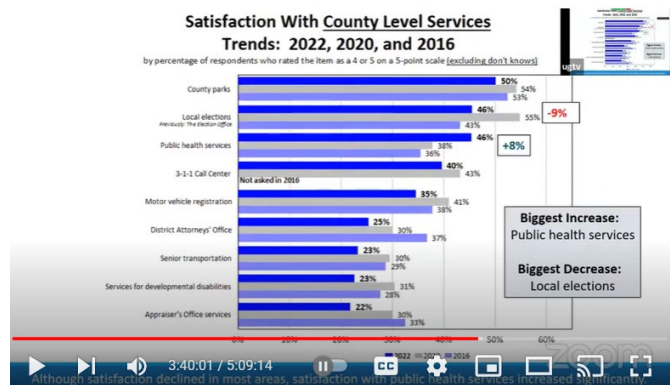


Next thing we looked at; the county-level services.



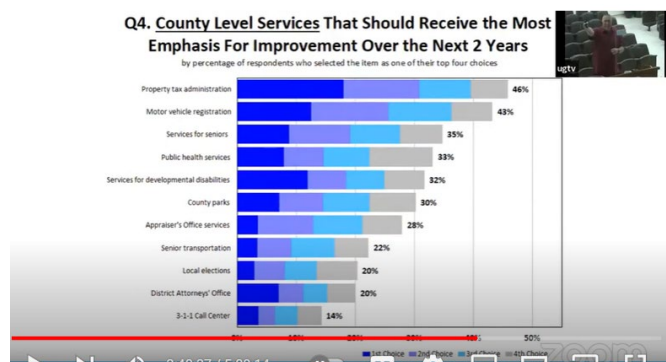
Again, we looked at everything from your parks to your elections to your health services. I won't read the entire list to you. You can see the things that people are most dissatisfied with are vehicle registration and property tax administration. Two of those things are highly

controlled by the state and those are challenges for you. I've seen challenges in other communities in our state that have dealt with the similar services. But all in all, those are the two that really stand out.



But your parks, local elections, and public health services get good ratings. In fact, your public health services, another testament to how well you've done, is in the middle of a pandemic where most ratings have gone down, your public health services have actually seen a significant improvement of 8% since the last survey. If you look and compare the last two surveys, our baseline, you can see it's 10%. So, you're doing a great job meeting those expectations during a period when that was one of the biggest concerns that the community had.

Local like elections, you'll see the area that dropped the most from the last survey. A lot of that had to do with a lot of the politics that happened during some of the recent elections.



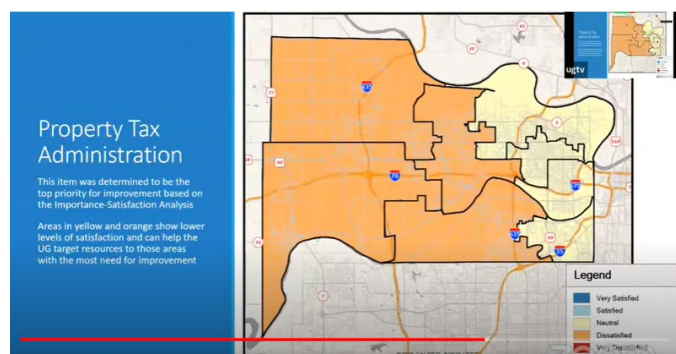
In addition, when you look at the priorities, property tax administration, vehicle or motor vehicle registration are at the top.

Priorities for Improving County Services by District										
Rank	Overall Priorities	# of Districts in Top 5	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8
1st	Property tax administration	8	Services for seniors	Services for seniors	Property tax administration	Property tax administration	Property tax administration	Property tax administration	Property tax administration	Property tax administration
2nd	Motor vehicle registration	8	Property tax administration	Property tax administration	Services for seniors	Services for seniors	Motor vehicle registration	Motor vehicle registration	Motor vehicle registration	Motor vehicle registration
3rd	Services for seniors	7	Motor vehicle registration	Services for developmental disabilities	Services for developmental disabilities	Services for developmental disabilities	Appraiser's Office services	Appraiser's Office services	Appraiser's Office services	Services for seniors
4th	Services for developmental disabilities	5	Services for developmental disabilities	Motor vehicle registration	Senior transportation	Motor vehicle registration	Services for seniors	Services for seniors	Services for seniors	Services for developmental disabilities
5th	Appraiser's Office services	4	Public health services	Public health services	Motor vehicle registration	Appraiser's Office services	District Attorneys' Office	Services for developmental disabilities	Services for developmental disabilities	Appraiser's Office services

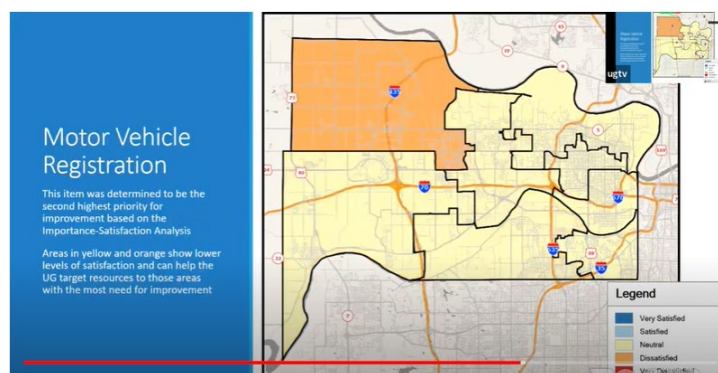
Then, when we looked across the board, those are priorities in every county. You'll notice on the county-level services, there's a lot more variation between what is one, two, or three, but the top three services: property tax administration, motor vehicle registration, and services for seniors and services for developmental disabilities are in the top five for most of the districts.

2022 Importance-Satisfaction Rating Kansas City, Kansas & Wyandotte County Community Survey County Level Services						
Category of Service	Most Important %	Most Important Rank	Satisfaction %	Satisfaction Rank	Importance-Satisfaction Rating	I-S Rating Rank
Property tax administration (Ranked in Top 5 for all 8 Districts)	46%	1	19%	11	0.3741	1
Motor vehicle registration (Ranked in Top 5 for all 8 Districts)	43%	2	35%	5	0.2832	2
Services for seniors (Ranked in Top 5 for all 8 Districts)	35%	3	23%	8	0.2676	3
Services for developmental disabilities	32%	5	23%	9	0.2458	4
Appraiser's Office services	28%	7	22%	10	0.2187	5
Public health services	33%	4	46%	3	0.1809	6
Senior transportation	22%	8	23%	7	0.1708	7
County parks	30%	6	50%	1	0.1509	8
District Attorneys' Office	20%	10	25%	6	0.1499	9
Local elections	20%	9	46%	2	0.1110	10
3-1-1 Call Center	14%	11	40%	4	0.0862	11

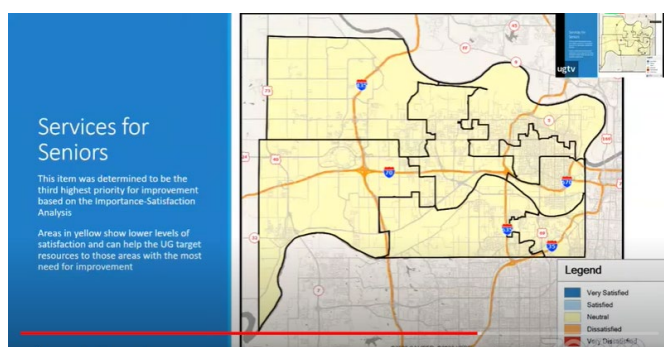
You'll notice when we do the analysis here, those items that I've already mentioned with the biggest dissatisfaction: the motor vehicle registration, your property tax administration are the ones that people are the most concerned about. So, you may want to be looking further down the list as to what are the things that the county can actually do something about, especially when sometimes you're dealing with state challenges.



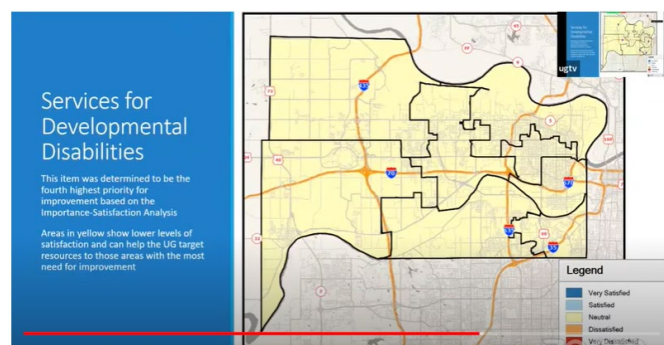
You'll notice that these are concerns county-wide.



Motor vehicles.



Services for seniors.



Then, also the services for developmental disabilities.

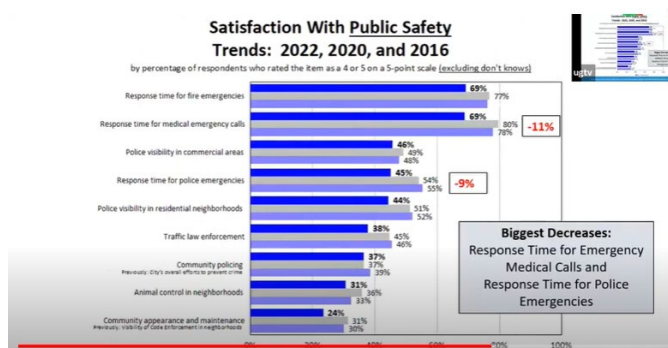
So, I'm flying through a lot of this stuff just so I can get to some of the other highlights which I think are really insightful.



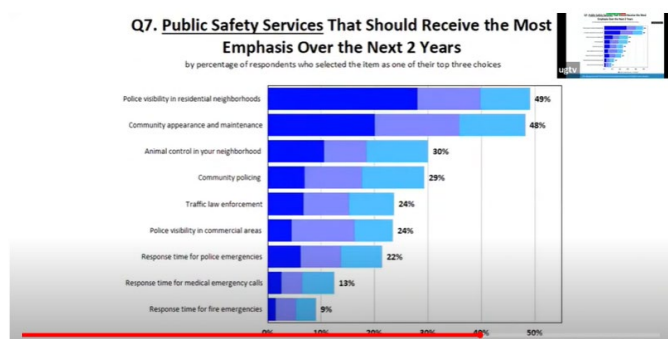
Public Safety Ratings and Priorities

MAJOR FINDINGS #4

On public services ratings and priorities,



this is probably really important because this has been one of those topics the last couple of years that has been very, very sensitive. The county has followed the path that we've seen in most of the rest of the nation. The areas that we saw the biggest decrease, though, were response time for medical emergency calls and response time for police emergencies. Those are the two things that we've seen the biggest decrease.



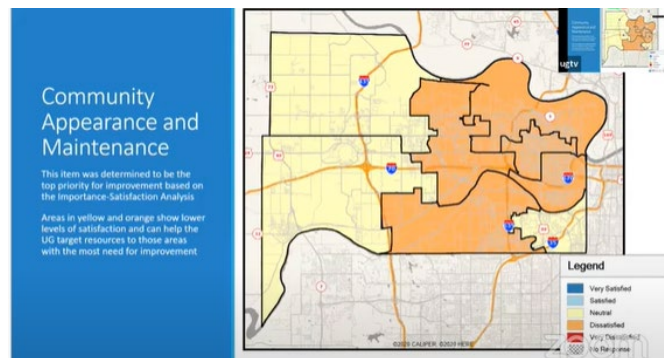
When we look at the overall priorities, you'll see the visibility of police in residential neighborhoods. And number two item, from a public safety perspective, is community appearance and maintenance. Almost as important as the visibility of police. This normally is only an issue when a community actually believes that if it looked better, it would feel safer.

So, not only is the appearance a code enforcement issue or neighborhood issue, things and improvements that you do here with regard to the appearance of the county will probably end up making people feel safer.

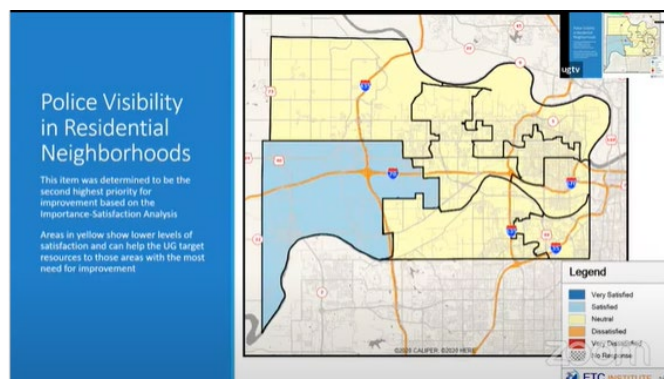
2022 Importance-Satisfaction Rating
Kansas City, Kansas & Wyandotte County Community Survey
Public Safety Services

Category of Service	Most Important %	Most Important Rank	Satisfaction %	Satisfaction Rank	Importance-Satisfaction Rating	I-S Rating Rank
Community appearance and maintenance	48%	2	24%	9	0.3695	1
Police visibility in residential neighborhoods	49%	1	44%	5	0.2736	2
Animal control in neighborhoods	30%	3	31%	8	0.2083	3
Community policing	29%	4	37%	7	0.1864	4
Traffic law enforcement	24%	5	38%	6	0.1474	5
Police visibility in commercial areas	24%	6	46%	3	0.1274	6
Response time for police emergencies	22%	7	45%	4	0.1178	7
Response time for medical emergency calls	13%	8	69%	2	0.0389	8
Response time for fire emergencies	9%	9	69%	1	0.0280	9

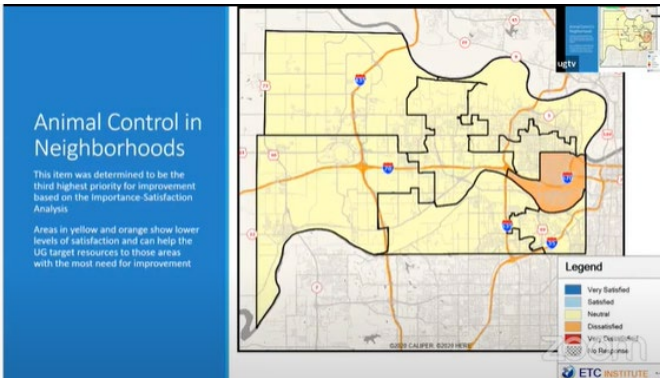
When we do the analysis that I showed you before, the number one opportunity for improvement in the category of public safety, is the appearance and maintenance of the community. That's one of the themes, I hope, that you're going to get from today's presentation.



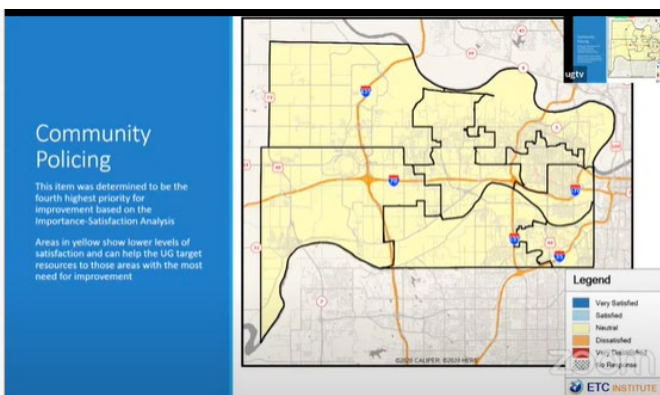
You'll see that this issue about community appearance and maintenance, there's concerns of much of the county.



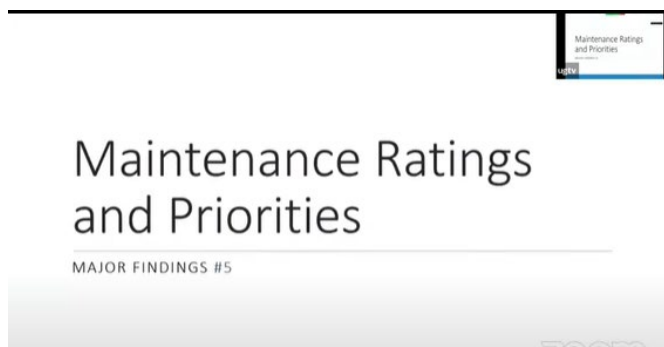
The visibility of police in neighborhoods is not as big a concern.



There are some issues with animal control.



Overall community policing gets similar ratings throughout the county.

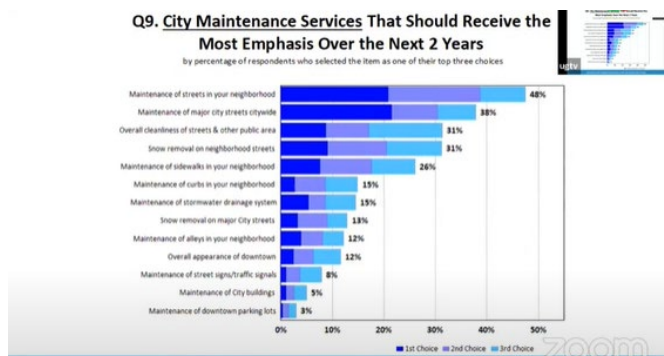


When it comes to maintenance priorities, the next major category we looked at,



you'll notice that the biggest decreases have to do with maintenance of major streets and the other one, overall cleanliness of streets in public areas. You'll see that actually has gone down 10% since the survey we did right before COVID.

The other thing I want to highlight here, though, is the maintenance of streets isn't just a major street issue, it's also a neighborhood issue. You'll notice that the rating for neighborhoods is actually lower than from major streets. So, this isn't just an issue on your major corridors.

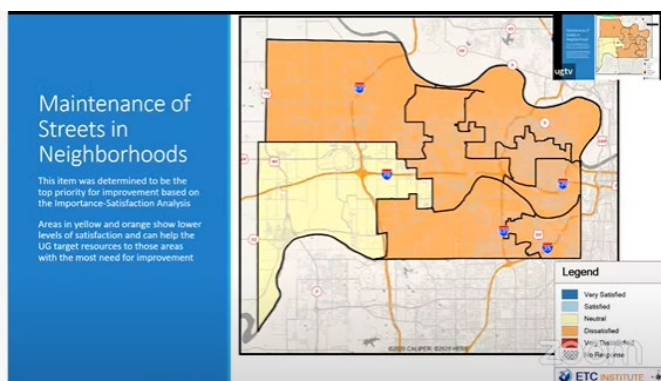


When we asked people what the top priority was, you'll see it's maintenance of streets in neighborhoods at the top followed by maintenance of major streets. Then you'll notice overall cleanliness of streets in public areas.

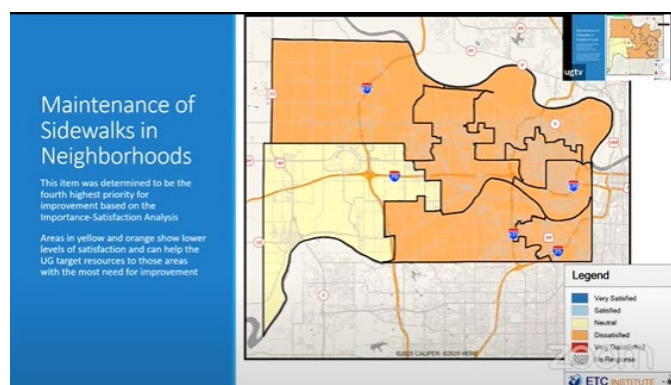
2022 Importance-Satisfaction Rating
Kansas City, Kansas & Wyandotte County Community Survey
Maintenance Services

Category of Service	Most Important %	Most Important Rank	Satisfaction %	Satisfaction Rank	Importance-Satisfaction Rating	I-S Rating Rank
Maintenance of streets in your neighborhood	48%	1	24%	9	0.3599	1
Maintenance of major city streets	38%	2	30%	7	0.2672	2
Overall cleanliness of streets/other public areas	31%	3	23%	10	0.2430	3
Maintenance of sidewalks in your neighborhood	26%	5	18%	12	0.2141	4
Snow removal on neighborhood streets	31%	4	33%	4	0.2091	5
Maintenance of curbs in your neighborhood	15%	6	22%	11	0.1173	6
Maintenance of alleys in your neighborhood	12%	9	12%	13	0.1084	7
Maintenance of stormwater drainage system	13%	7	32%	5	0.0988	8
Overall appearance of downtown	12%	10	31%	6	0.0807	9
Snow removal on major city streets	13%	8	55%	1	0.0585	10
Maintenance of street signs/traffic signals	8%	11	46%	2	0.0435	11
Maintenance of city buildings	5%	12	35%	3	0.0329	12
Maintenance of downtown parking lots	3%	13	28%	8	0.0224	13

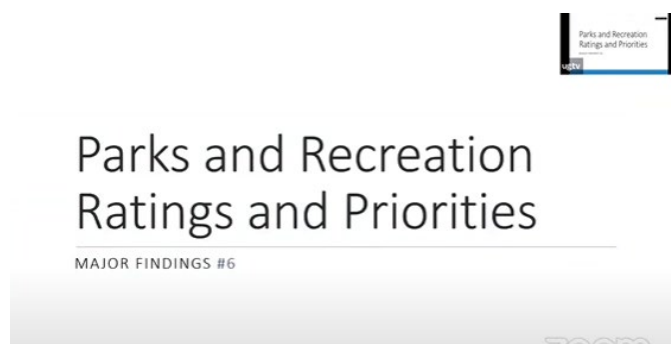
When we followed up this with the analytics, you'll see the street costs, which are probably in the billions perhaps if you actually did everything that you had in the county—the one item there that's a very high priority for you in the pink, again, overall cleanliness of streets and other public areas. So, it's not just a police issue,



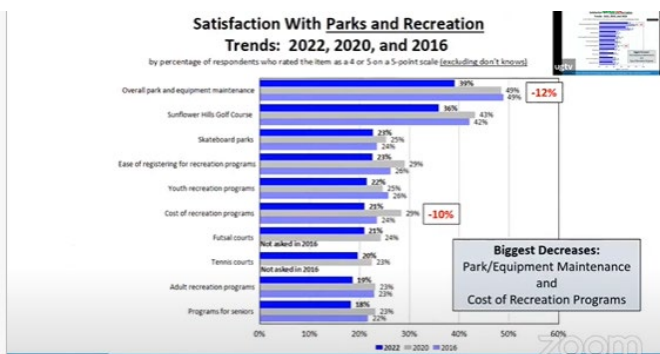
it's also a maintenance issue, and we see it in code enforcement as well,



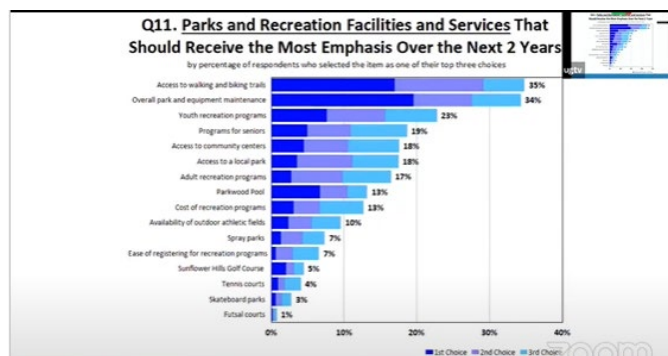
which is coming up in just a couple of slides.



When it comes to parks and recreation,



we asked people the same set of questions. Again, similar trends as I mentioned before. Parks and recreation did generally drop since the pre-COVID levels. You'll notice that the overall park and recreation maintenance of equipment at your parks and the park maintenance itself, is the area that we saw one of the biggest decreases of 12%. The cost of recreation programs also dropped 10%. Those are the two things that I flagged there as the biggest drops.

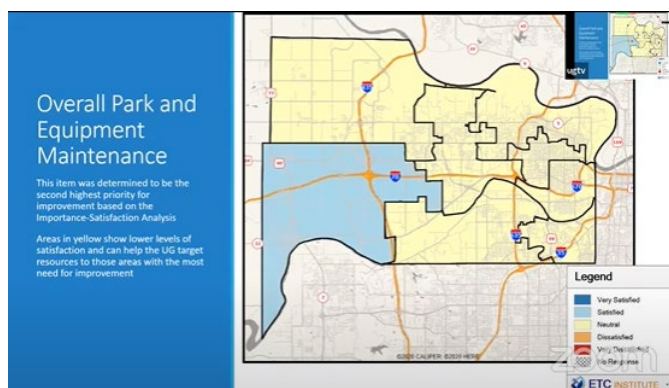
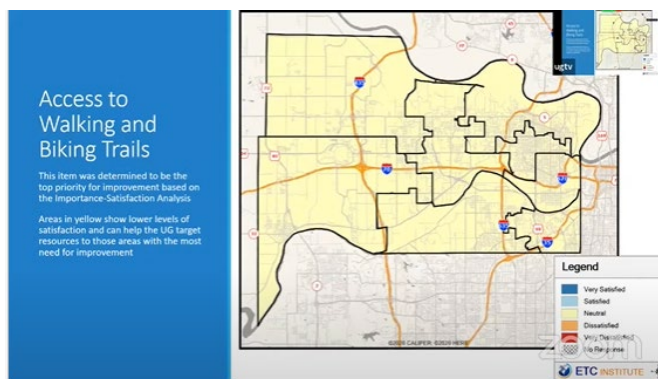


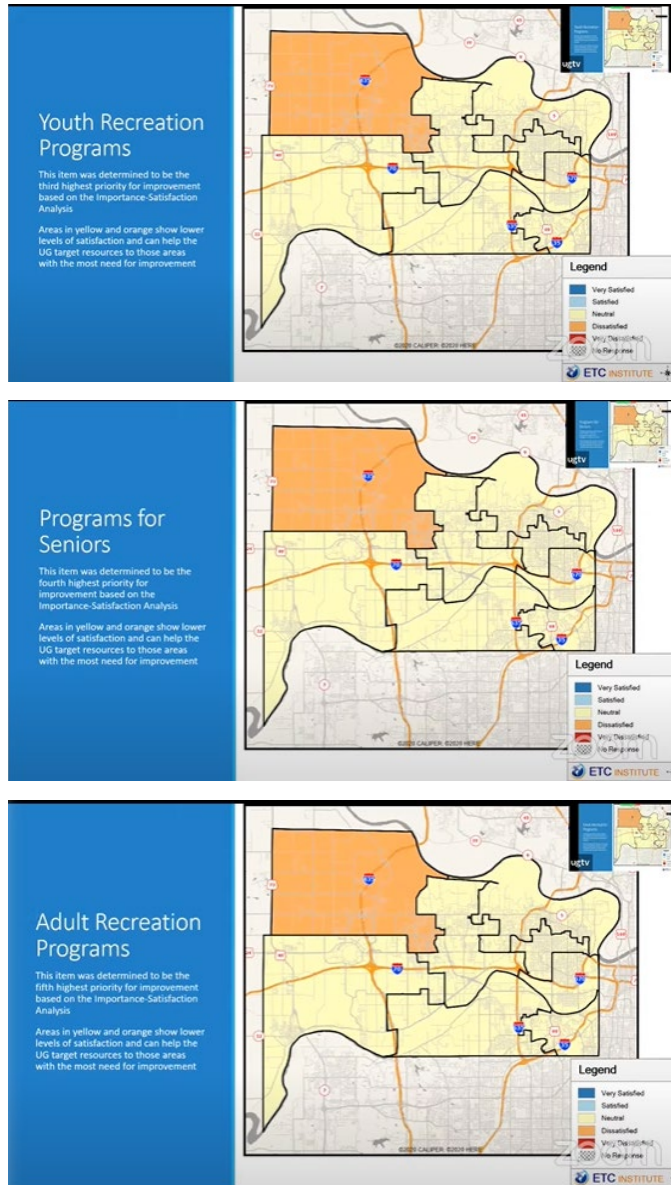
We look at the top priorities. People want access to walking and biking trails. That's not a surprise. But notice that number two priority, which is statistically equal to the number one, it's, again, taking care of what you have. The overall maintenance of your park equipment and your parks, making those things that people probably visit, look better, feel better, be in better shape.

2022 Importance-Satisfaction Rating
Kansas City, Kansas & Wyandotte County Community Survey
Parks and Recreation

Category of Service	Most Important %	Most Important Rank	Satisfaction %	Satisfaction Rank	Importance-Satisfaction Rating	I-S Rating Rank
Access to walking and biking trails	35%	1	32%	6	0.2380	1
Overall park and equipment maintenance	34%	2	39%	2	0.2085	2
Youth recreation programs	23%	3	22%	10	0.1790	3
Programs for seniors	19%	4	18%	15	0.1528	4
Adult recreation programs	17%	7	19%	14	0.1341	5
Parkwood Pool	13%	8	15%	16	0.1125	6
Access to community centers	18%	5	37%	3	0.1114	7
Cost of recreation programs	13%	9	21%	11	0.1002	8
Access to a local park	18%	6	51%	1	0.0851	9
Availability of outdoor athletic fields	10%	10	34%	5	0.0634	10
Spray parks	7%	11	28%	7	0.0534	11
Ease of registering for recreation programs	7%	12	23%	9	0.0510	12
Tennis courts	4%	14	20%	13	0.0329	13
Sunflower Hills Golf Course	5%	13	36%	4	0.0288	14
Skateboard parks	3%	15	23%	8	0.0216	15
Futsal courts	1%	16	21%	12	0.0063	16

When we did the analysis here, you'll see that access to walking and biking trails is at the top. Overall park and equipment maintenance is number two. Then you'll see that level of recreation programs for different groups is third. That's really as an afterthought of COVID. A lot of folks are now wanting to re-engage so there's a lot more expectations on that than there have been before.

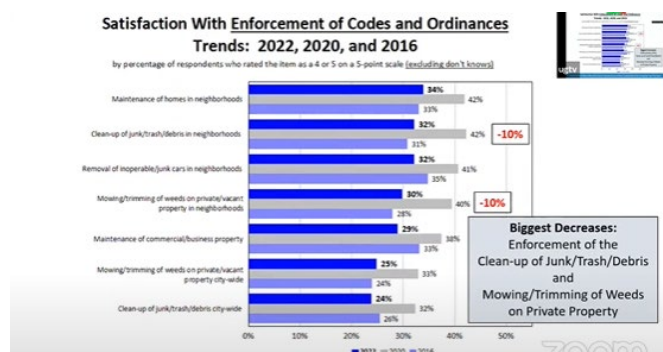




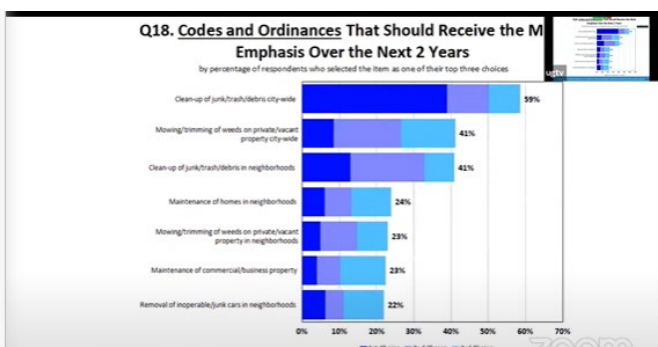
I'll just briefly go through some of the slides.



The seventh area we looked at is code enforcement.



You'll notice here, again, the biggest decreases: cleanup of junk and trash in neighborhoods, and mowing/trimming of weeds on private and vacant property in neighborhoods are the two areas that decreased the most since the last survey. Most everything is lower now across the board than it was before COVID.

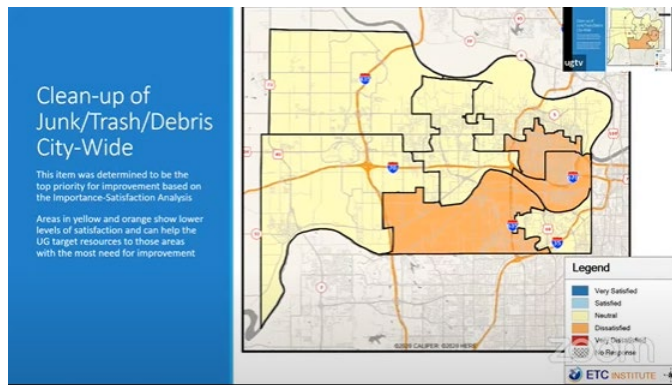


You'll notice that the cleanup of junk and debris city-wide is at the top of the list and that mowing/trimming is second. Again, cleanup of junk and debris in neighborhoods. This is the theme that you're seeing throughout here which is why, I think, this is an area, if you address it, could have some real significant impact on the community and their perceptions of the leadership and the direction that the county is going in a very positive way for much less cost than repaving every street and road in the county.

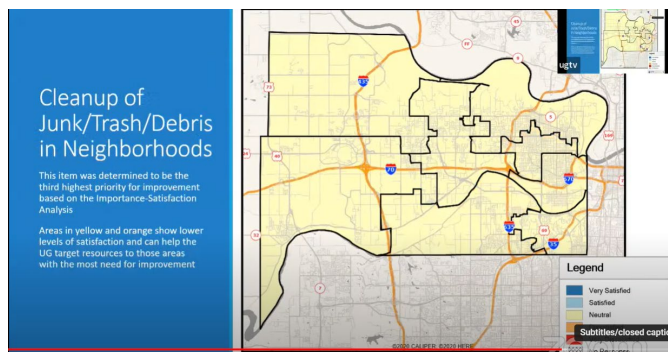
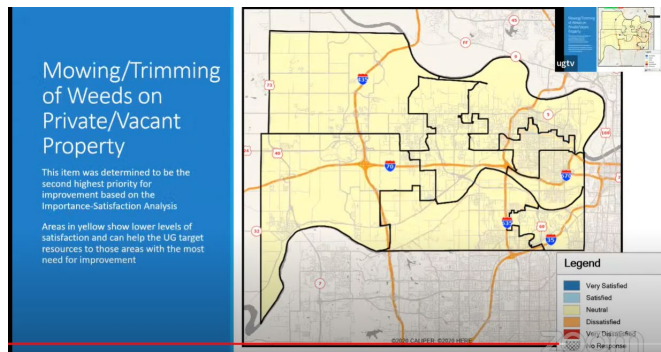
2022 Importance-Satisfaction Rating
Kansas City, Kansas & Wyandotte County Community Survey
Codes and Ordinances

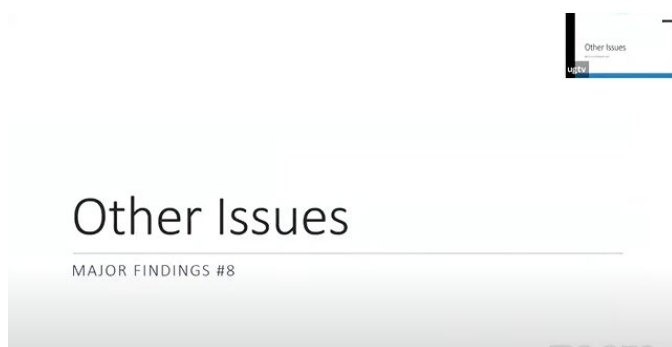
Category of Service	Most Important %	Most Important Rank	Satisfaction %	Satisfaction Rank	Importance-Satisfaction Rating	I-S Rating Rank
Clean-up of junk/trash/debris city-wide	59%	1	24%	7	0.4459	1
Mowing/trimming of weeds on private/vacant property city-wide	41%	2	25%	6	0.3094	2
Clean-up of junk/trash/debris in neighborhoods	41%	3	33%	2	0.2768	3
Mowing/trimming of weeds on private/vacant property in neighborhoods	23%	5	30%	4	0.1619	4
Maintenance of commercial/business property	23%	6	29%	5	0.1598	5
Maintenance of homes in neighborhoods	24%	4	34%	1	0.1586	6
Removal of inoperable/junk cars in neighborhoods	22%	7	32%	3	0.1492	7

You see, again, when we did the analytics, the cleanup is at the top of the list.



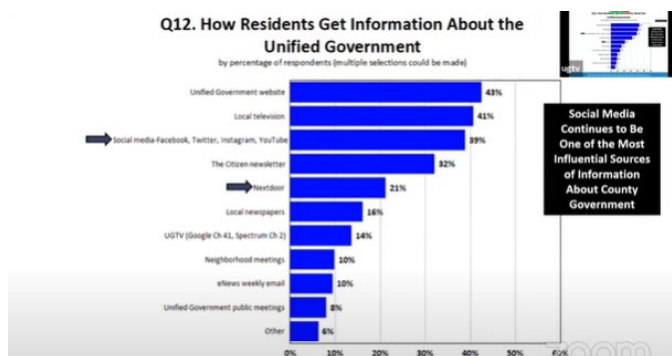
Then I'll just show you a couple of more maps before I get to some of the other issues.





Other Issues

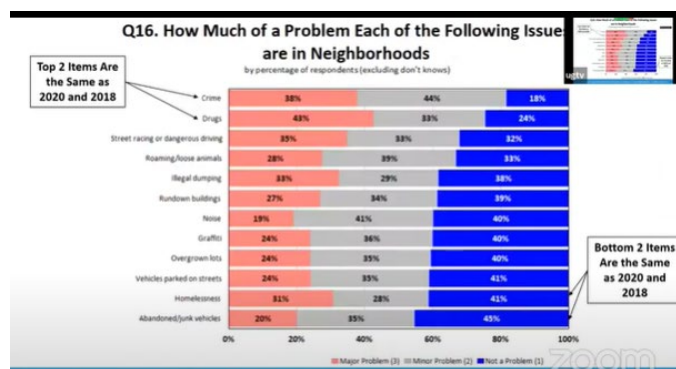
MAJOR FINDINGS #8



The last thing I'll share with you tonight is how residents get information. You might wonder how that is. Your website's the number one source and because of that, your website needs to be good, it needs to be updated, it needs to keep up with the changing times. If you're not continually improving your website, people are going to be dissatisfied with the information they get. So, that should be a high priority for the county. You can see local television/other.

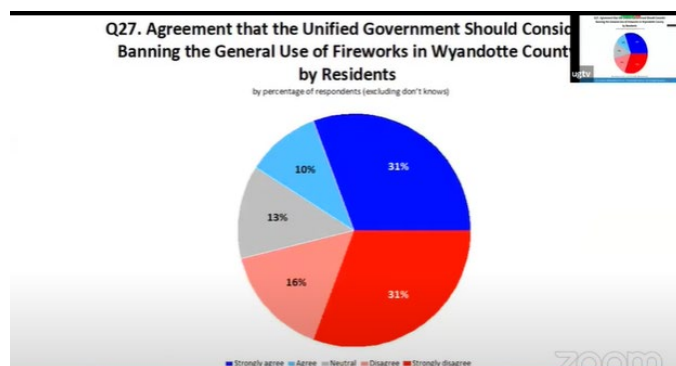
Look at the next thing that follows down that you control: your social media, your Twitter, Instagram, and YouTube. You've got to be aware of your footprint on social media; what people are saying and actively be engaged in that level these days, and if you're not, it can really hurt you in a negative way and cause people to lose confidence in their local government.

Notice that the other one that's on your list is Next Door which is growing. It's becoming more and more significant. It was actually the number two source of information for a presentation I gave in Fort Lauderdale this morning.

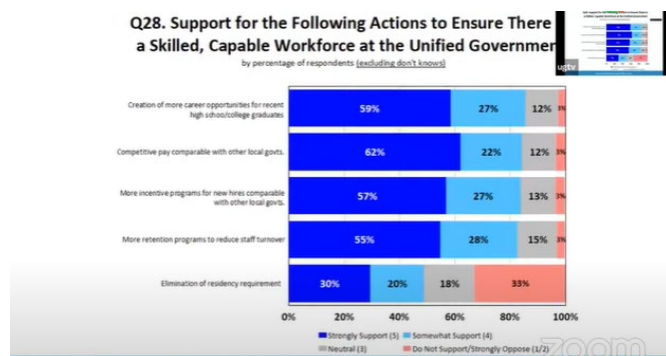


In addition, we asked people what the problems were. They haven't changed that much. Concerns about crime and drugs are still things that people care and the most concerned about in their neighborhoods. You'll see the things that they were still concerned about, but lower were homelessness and the abandoned of vehicles. But all of those items, if you actually look at them, you have at least one in five people having some concerns.

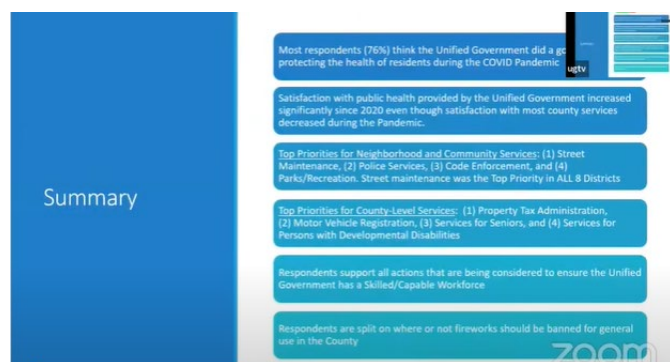
The tool I suggest that many of you look at, if you're not familiar with it, we've now provided the county with a dashboard that actually lets you drill down and see the data on maps of the county for each of the 47 neighborhoods. So, for those of you who are interested, you can actually see how things have changed from the last survey to this survey for many of these topics.



The last couple of things are, you probably don't get a good answer from the survey for this. Is should fireworks be allowed. The bottom line is the survey did not give you a definite answer. People are either for it, 31% strongly agree, and that's the people who are passionate about it; and 31% strongly disagree. You can see everybody else just kind of leans one way or the other. The survey tells you that the reason you probably ask the question is it seems like a divided issue and this just validates that you all get to make that wonderful decision for the community.



So, a couple of other things to support, one of the things that you might be able to do to basically attract a skilled and capable workforce. All of the ideas that were presented to residents were supported. There was some opposition to the elimination of the residence requirement, but you can see 50% of folks we asked actually supported it, and all those other items were supported as well.

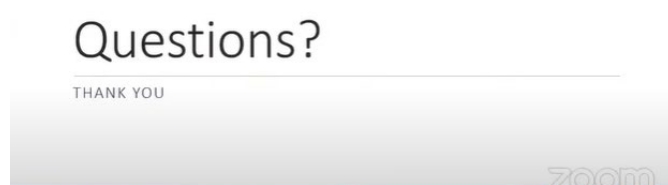


So, just to summarize. You got through a pandemic really well and the results may be down, but the biggest thing that really mattered the last couple of years for many communities is the public health issue and how did you deal with it. And at the end of the day, this county has done a much better job than the average county across the country. You're to be commended for that both in the way you compare nationally and the fact that your ratings went up in that area when pretty much everything went down.

But now that the pandemic's coming to an end, you do have a lot of issues to address. The biggest place you'll probably get return on your investment and time, resources, communication, and even mobilizing volunteers in the community is probably trying to make the community look better, because people believe if the community looks better, it'll be safer. They'll be more satisfied with the maintenance. They'll think code enforcement is better and

those issues in that area tend to be a lot less expensive than miles and miles of pavement, but that still needs to be addressed too.

So, with that, I know this was a much briefer presentation than I was planning. I didn't get into a lot of details, but I know it's really late for you.



So, I don't know if anyone may have questions, but it's been a privilege to be able to share with you tonight.

Commissioner Bynum said thank you very much. Even though it was fast, it was really exciting and insightful. I have a comment and a question. My comment is to our staff that are left in the room and those that are not, but I'm specifically right now talking to Public Works, Jeff Fisher, and Angel Obert because I believe I see you here. Survey results that speak to maintenance of city streets or for shortfalls with parks & recreation, I'm speaking for myself, but I'm looking at all of us because that is on us, not our staff. Our staff has made major strides, major, major strides in the way that they organize and analyze this work and the way that they prioritize and bring us regularly what needs to be done and now it's time for us to step up. So, that is a statement and I will stand by it.

My question for you is, does any part of the survey ask the community how they feel about delinquent taxes. **Mr. Tatham** said we didn't ask that but we had the ability. We included a question if people wanted to do follow-up surveys for the city. They gave us their contact information which we could send them an email or text to do so. If you have some additional follow-ups out of this survey, that could be done. **Commissioner Bynum** said thanks. I appreciate that.

Commissioner Markley said well, you guys all know that this is like my favorite day of the year. I love this survey. I think it's really critical for our work here. I would encourage everybody to spend some time with your survey, quality time. I'm happy to look at the survey with anyone, every day, all the time. So, just let me know if you're interested. We can schedule some time together. It's just great information.

It's depressing to see some fallback in our code enforcement because our last survey results, we saw some progress and we were sort of celebrating our victory. I think that it's sad, but we know we can succeed because we saw that increase previously. So, we've just got to do those same things and get back where we were. But it is sad because we had made so much progress and we're going to have to kind of pick back up where we left off there.

Then the last thing I will say is that Juliann VanLiew and her staff deserve all of our praise for our COVID situation and their handling of that situation. You know it's nice for us to hear that and feel a little bit of victory there too, but they did all the hard work so all the praise for them for the great results in terms of the COVID situation.

Commissioner Ramirez said I kind of echo everything Commissioner Markley was saying. During 2020 during the pandemic, we're still in the pandemic, but the height of the pandemic, it was a very politically volatile time for our community and to see that over 70% liked what we did was kind of eye-opening to me. All of the discussion and all of the pushback we received about the stay-at-home orders and the mask mandate, it's amazing to see that the majority of our community agreed and liked what we did. Again, kudos to Juliann VanLiew, the Director of our Public Health Department, for her and her staff who are still continuing to do the good work of our community.

As I've stated before, our public health department isn't a department that we hear a lot about. They do a lot of good work, but behind the scene, but last year and into 2021 and 2022, they were front and center. They were out in the community. Everyone knew that we had a public health department. So, I cannot thank her and her staff enough for all the work they did.

Now, pertaining to the survey, maintenance, maintenance, maintenance. That's all I'm getting out of this survey the most. Maintenance of our infrastructure and maintenance of our parks and recreation equipment, what have you. This right here is our guiding document during the budget. These are our marching orders. This is a statistically valid survey so we can most

like with certainty say, this is what the community of Wyandotte County, Kansas City, KS, wants. We're going through this budget season; this is our guiding document.

Commissioner Stites said this is my first Unified Government budget cycle and also survey, so I appreciate it. It was very informative. My question would be this. It's coming up on May, five months into the year, and we've been having budget discussions for a while now. What is the, I'm not being critical, I'm just asking, is there a possibility that we get this survey earlier so that we can drill down into this a little bit prior to going into budget discussions?

Mr. Tatham said absolutely and probably the best way to do that in the future, and we've talked about it, would be to get it designed late in the calendar year and then launch it right at the beginning of the year. We delayed the launch a little bit this year which was the reason it took a little bit longer to get it to you. But the next time you do it, if you do it, you just simply start the cycle probably in November.

Commissioner Stites said okay. It's interesting that we talk about the number one item is cleanliness. I've been working with the Code Enforcement Department for the last couple of weeks. It was interesting to find out that they are slotted for seven additional inspectors that they have not been allowed to fill, and I think that probably directly shows in this survey. If we don't have code enforcement officers out there being able to do their job in our neighborhoods enforcing, getting trash picked up, trash in the neighborhoods, cars being taken off the street, it shows. So, I would highly advocate that we start looking at getting those code enforcement officers hired back up and fully staffed out there so those guys and gals can do their job. I appreciate it.

Commissioner Davis said I want to echo everyone's sentiments on the Health Department. I hope we can sustain it. One of the issues that I had with using ARPA money to fund some of these innovative positions for the Health Department is that ARPA money doesn't stay. I'm worried about some of that sustainability with this when ARPA's done in 2024 and some of these positions are not renewed. What will that do, not only to that department, but what will it do to community perception? I don't know exactly what that looks like but I, at least, want to be on the record of, as we're having a conversation about the budget, if we can get some information from the Health Department regarding positions that they would like to keep

permanent. I would love to have that discussion so that they can maintain. But, yes, kudos to them.

I had two questions that you may be able to help me out here, sir. When you asked about property taxes administration, there's a lot of ways to interpret that, right? There's the actual bill itself, right, and there's the appraisal and then there's the process, right, of how it happens. Could you just provide insight on how our residents may have interpreted that question because I'm immediately thinking, yeah, the property taxes are too high, of course. We need to fix this.

Mr. Tatham said you're going to always have that nobody likes paying taxes. What we don't know from this survey—this survey is designed to identify the big buckets or the big areas, not necessarily give you all the answers. So, we drilled down into maintenance, we drilled down into code enforcement. That's where those subsets, but we didn't do that for that particular area so I can't tell you the reason. That could be something that if you were to do some additional follow-up, you might want to probe, of these three, which is the biggest concern or something like that, but we can't know from this survey what the actual reason is that people are dissatisfied, whether it is rates or process.

Commissioner Davis said gotcha. The other thing I'll say is I had a resident call me, this might have been a month ago, give or take, and they're like I love that we're doing the survey, but there are many reasons as to why our residents would have chosen these things, right? Cleanliness could be a dumping issue, right? It can be—and they're all related to code enforcement having rodents or whatever in your home, like there are a variety of things as to why. I'm assuming you don't have any more insight given the answer that you just gave me.

Mr. Tatham said this is a strategic, high level. You do it every couple of years so it's more of a report card in some ways—necessarily here's the corrective action or the specifics that you need to do, at least in all areas. There are a few areas where we dive into them, but that'd be one of those things if next time around, you identify that here's another area we'd like to look at, maybe we address that area in more depth.

Commissioner Davis said yeah, that would be interesting because I would like to know some of the why behind choosing, right? Why our residents chose these particular things and kind of align that with our actions. But thank you.

Mayor Garner asked, any more questions? I had one last question for you. Your sample, I might have missed it, what did that look like? Out of the 100 and almost 60 plus in Wyandotte County, and if you're looking at all of Wyandotte County or just KCK,.

Mr. Tatham said we selected about 15,000 households at random for the survey. A little over 3,000 of them actually completed it. So, the response rate was pretty good for a survey that is this long, and then we track the response for the 47 different neighborhoods to make sure that we get at least 30 per neighborhood and then at least 300 per commission district.

As the surveys are done, we actually monitor the distribution of the sample against the census with things like race, age, and other factors. So, if for some reason a certain group is less responsive, we'll do what's called over sampling. For example, if Hispanics were responding at a lower rate than they should, we would then do our follow-up efforts, more engaged, to make sure that Hispanics are well represented. Basically, when we're all finished, our goal is to make sure that the distribution of the sample, actually looks like the county's population. That's what we did.

Commissioner Bynum said I'm going to step back to Commissioner Davis because I feel like you asked a question in your comments that I think we, with respect to your concerns about ARPA money, that I think you deserve to know that someone heard it, that we can get back that answer. I just wanted to circle back around to what Commissioner Davis said because he was—I don't want to put words in your mouth, but he was asking a question with regard to the satisfaction of the Health Department's work, and that we were also pleased to put the ARPA funding there because we know it's needed, but we need to ensure some sustainability. So, I just wanted to put that in the universe, again, because I would like to know that staff heard the question and at some point will at least look, at least keep it on a radar.

Commissioner Davis said well, at some point, I know we're going to get some information from departments. What I was saying was to maintain the excellence of our Health Department. I think some of that, and I could be wrong, is in part due to the extra funding that they received from ARPA. If we can get recommendations from the Health Department of what positions and programs they'd like to keep in place permanently or in perpetuity, right, that would be good for us to consider as we are doing the budget.

Mayor Garner said just to follow up with my question. Out of all what you mailed out, right, just real quick simple math, how many did you get back and what's that percentage?

Mr. Tatham said well, we completed 31,052. Probably about half of those or a little over half, maybe 60%, came back by mail. The rest were done online. We gave people a QR code that they could scan. We sent people texts and we also sent people emails with links to the survey. Your sample is per capita; one of the most extensive surveys that we actually do.

I'd also commend you because, frankly, when you get results, this county owns them. A lot of communities right now, with the results haven't been the greatest in the world, have told me not to come present. I think your transparency, as leaders, really shows a lot of your commitment to being open with the community. Congratulations on the health, and I wish you the very best in the future.

Mayor Garner said thank you very much.

Action: For information only.

Mayor Garner said we're going to circle back around to the Mayor's Agenda.

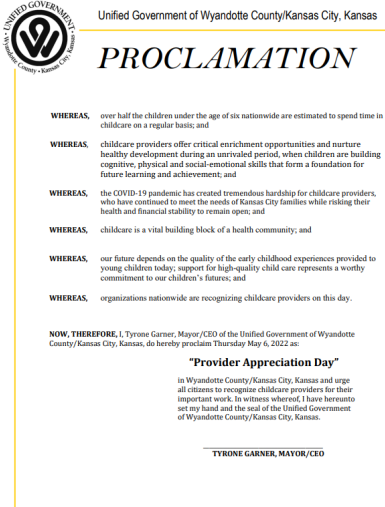
MAYOR'S AGENDA

ITEM NO. 1 – 211554...PROCLAMATION: PROVIDER APPRECIATION DAY

Synopsis: A Proclamation proclaiming May 6, 2022, as Provider Appreciation Day, submitted by Tyrone A. Garner, Mayor/CEO.

Mayor Garner said I'll ask the Clerk to read the proclamation.

Brett Deichler, UG Clerk, read the proclamation as follows:



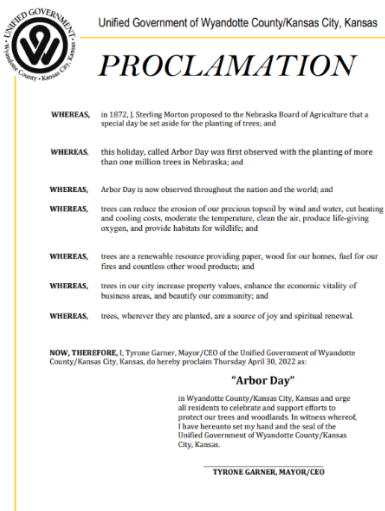
Action: The proclamation was read.

ITEM NO. 2 – 211555...PROCLAMATION: ARBOR DAY

Synopsis: A proclamation proclaiming Thursday, April 30, 2022, as Arbor Day, submitted by Tyronne A. Garner, Mayor/CEO.

Mayor Garner asked, Clerk, could you please read that proclamation?

Brett Deichler, UG Clerk, read the proclamation as follows:



Action: The proclamation was read.

April 28, 2022

Commissioner Ramirez said I have more of a correction. It should be Saturday, April 30th. Today is Thursday, April 28th. Friday's the 29th. I just wanted to bring it up as a correction. **Mayor Garner** said we'll look into that and make that correction. Clerk, we'll get that to you.

ITEM NO. 3 – 211546...PRESENTATION: HALF-CENT SALES TAX MEASURE

Synopsis: Presentation of potential sales tax measure options related to a potential half-cent sales tax measure, submitted by Kathleen VonAchen, Chief Financial Officer.

Mayor Garner said I'll ask Ms. VonAchen to make the presentation.

Kathleen VonAchen, Chief Financial Officer, said I just wanted to recap. During our special session, our departments went up and gave you an overview of all the projects that are potentially going to be funded by a sales tax measure, if you all entertain that.

Tonight, what I'm talking about with all of you is the last three slides of the PowerPoint from earlier this evening. Those have to deal with specifically the timeline for the measure as well as generally the structure of the measure if it were to be undertaken.



Before I start with that, I did want to point out or maybe answer a couple of questions that came up earlier this evening. So, \$200M is the estimate for the entire 10-year period. It starts with \$17M a year and that is the projection for 2023 of sales tax. It's based on the amount of sales tax that we're estimating will be collected in the EMS fund and then times two because the EMS fund is a quarter cent. Basically, it's the EMS. Another thing is it's not just sales tax, it's also a use tax. Right now, a use tax is really growing quite a bit because there's greater online sales. Taking the \$17M I'm estimating for 2023 and then inflating or compounding that each year by

3½% to account for growth and inflation, the annual amount grows. So, if you add them all up, it's about \$200M.

The other thing I wanted to answer is these are projects that were provided to me by departments and the estimates were provided by the departments. One of the things we need to undertake is to work with Buildings and Logistics to determine whether the cost estimates are valid. These are all just very preliminary estimates of what the projects would cost.

The other thing that I wanted to mention is only the fire station reconstructions that are listed on that list, are the ones that, in fact, well, one or two of them are in the current five-year CMIP. Then some of the four or five others are planned to be paid for in the City Debt Fund out past 2027. So, it's pulling all of those to current. Those actually are budgeted and planned for. All the other projects that were listed are unfunded. The prioritization, it's not –they aren't prioritized; they're unfunded. Basically, that's why we're looking for additional funding sources to pay for these. Did that answer some of your questions?

Next Steps

Project Review

- Ensure project total meets revenue limit - \$170M in projects (includes \$25M contingency)
- Develop criteria and prioritize projects
- Validate project cost estimates

Communications Strategy

- Plan for public engagement events
- Launch dedicated informational webpage



As we mentioned at the end of the presentation, there's a need to take some time to validate the estimates. There's also a need for further community engagement. There's also a need for identifying, through perhaps a consultant or from some additional survey work, to determine whether the sales tax measure would be successful. Of course, success really greatly depends on the education campaign, or not campaign, but education efforts of our community as well as events that would require a great deal more input from the community as well as the Commission. So, all of that effort still needs to be undertaken. This is not being presented as if it's completed. This is a very preliminary beginning conversation.

Commission Direction Needed

1

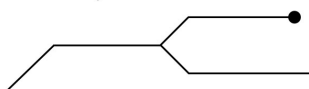
Timeline for Measure

- August 2022 Ballot, or
- November 2022 Ballot

2

General Purpose or Special Purpose?

- General purpose can be used for anything lawful
- Special purpose is specified in the ballot question



There's a couple of—there's two options for undertaking a sales tax measure. In terms of timing, that would be the August 22 ballot. If we were to do that, we would have to bring that measure before the ED&F Committee at the next meeting which is May 9th. After talking with our Election Commissioner, which is pretty soon, if we were to push it to the General Election, then it would be November of 2022, which means that would have to be on the June ED&F Committee for July.

The last thing that we actually—we're all just kind of talking about this being a special purpose ballot measure where the functions are dedicated in the language of the ballot measure, but there's also another option where you can do a general purpose where the dedication isn't necessarily explicit in the language. The general purpose would not have a sunset; the special purpose would. The purpose of the meeting or our presentation right now is really to gauge from all of you, where do you want to go with this proposal.

Sales Tax Measure Timeline

Options

- August 2, 2022 Primary Election – ED&F Committee approval of sales tax measure language on their May 9th agenda,
- November 8, 2022 General Election - ED&F Committee approval of sales tax measure language on their August 8th agenda

Factors to Consider

- Time to make decisions on sales tax structure - general/special purpose and amount of the sales tax measure
- Time to engage community stakeholders in projects to be undertaken



The factors to consider is that it takes time to make decisions about the sales tax structure in terms of general and special purpose as well as the amount of the sales tax measure. Should it be a 1/2 cent, a 1/4 cent, and then the time that's going to be needed to engage the community

stakeholders in the projects that are being undertaken. Tonight, we want to get your feedback. I'm not going to say any more, but I'm happy to answer any questions.

Commissioner McKiernan said this is going to piggyback on something that Commissioner Stites mentioned earlier tonight. We already have a 3/8 cent sales tax, Police, Fire, and Public Works. What if we tried something different? What if we added an 1/8 for Parks? That's a total of a half but 3/8s of it is already there. Then what we did is we go back to what we should have done after the economic downturn, which was return General Fund spending to the General Fund and not continue to fund it out of the 3/8 cent. If we took our current 3/8s and we returned it to its original objective, which was enhancement of programming, enhancement of facilities, add an 1/8 to that for Parks, you've covered everything that we talked about today. But what that does mean is that we've got to return some spending to the City General Fund and the County General Fund, and that's going to be on us to do that. So, just thought I'd throw that out.

Commissioner Ramirez said at special session I stated my position, 2023. That's when I would like—we can have the conversation as a Commission. We can go out in the community have that education and have the conversation, but not on this year's ballot, neither the August nor the November. That is my stance. I will stand by it. We haven't, as Commissioner McKiernan says, we have an opportunity to think outside of the box and look into something that we already have and try to work with what we already have. It's been said on this board that we have money—that we have more money than we do. Well then, let's get down into the budget and let's find it.

Commissioner Markley said I agree with Commissioner Ramirez. I think now is the time to start having a discussion about a future sales tax effort. I am not interested in doing it on either of the options that were presented, the August or November. I think if we want to do it, we need to have the discussions now so that in 2023, we're prepared to roll it out to the community in a way that's going to be successful.

Commissioner Bynum said I just want to reiterate a couple of comments I made in the special session. I'm going to focus in on my desire to have a legal opinion on the validity of utilizing a city sales tax, whether it's an 1/8 of a cent or a 1/2 cent, for county items such as county parks and the building of facilities that would house county offices. I'm going to ask—and I spoke with Legal Counsel Ms. Brown about it on the break just to reiterate that I'm going to want a legal opinion, and for me to better understand how it would be legal to use a city sales tax to pay for a county item.

Commissioner Davis said with all due respect and, Cheryl, if you can engage me here. I'm very worried on the amount of time that we are spending on a particular subject that I think, as the Commission, we've been very clear on our stance. This was similar to the conversation of revenue neutral where it was pretty clear where the Commission was, yet here we are talking about another thing that is not—the Commission wasn't even considered and we keep talking about it. I understand that the Mayor has the power of the agenda, but you have the power within the staff to say yes or no. I would think that we would be considered. I know we're going to have this code training come up, which I think is fitting because I'm just trying to understand how can we—why are we having this conversation right now if, as a Commission, there's not even six of us that are willing to support it? Can you just respond who have you talked to on this day as who's here, can you just give me a number that said yes, I would be in favor of, because you're our County Administrator.

Mayor Garner said I'll take that up. Commissioner, this is a democratic process. This meeting right here is designed to get the information that you wanted to you. It's not a vote. It's not permanent. It's to gauge what this Commission and the body want. Now you're one vote. You may not like it, but there's nine others...

Commissioner Davis said no, no, no, no, ask now. **Mayor Garner** said I'm going to call you to order. I'm speaking. **Commissioner Davis** said ask now. **Mayor Garner** said I'm going to call you to order. I'm speaking. **Commissioner Davis** said ask now. **Mayor Garner** said I'm going to call you to order. I'm speaking. **Commissioner Davis** said ask now. **Mayor Garner** said I'm going to call you to order. I'm speaking.

You may not like it, but everybody has a voice. What I've heard so far from the people that have spoken is, they don't like an August or November. So, what we're going to do is, and

the point is to gauge whether you want this or you want to push it out. I've heard from several commissioners they're not opposed but they want to push it out. Why is this important?

It's not about me, and it is not about—shouldn't be about any of us sitting here on this Commission. It's about the men and women wearing these uniforms, our Police, our Fire, and our Parks Director that said we needed facilities. It's about road projects that are unfunded and about the community that deserves these resources. That's why you bring conversations to the table based off what is community driven through your Mayor and through staff.

So, we're presenting you with the very information that you're asking for. This is the body to have that conversation in public view so people know where you stand. If you want to reject it, that's fine. It's not about stopping or stifling anything. It's about having a robust conversation and debate and respecting the full Commission on where you want to go. That's what Ms. VonAchen talked about. She said we want to gauge tonight what you want. It was thrown out. We need to do that in an official and professional way so we can move forward, but we cannot keep having these conversations about you've heard before, you've heard before, but we need to make things official and you've got to respect the process.

Commissioner Davis said okay, so...**Mayor Garner** said I didn't give you the floor. I didn't give you the floor. **Commissioner Davis** said I appeal the decision. **Mayor Garner** said I didn't give you the floor. **Commissioner Davis** said this is ridiculous. **Mayor Garner** said no, nothing is ridiculous. You've got to respect the process. **Commissioner Davis** said you're not respecting us. **Mayor Garner** said I'm going to call you to order. **Commissioner Davis** said okay, and I appeal the decision. **Mayor Garner** said I'm calling you to order. **Commissioner Davis** said I appeal the decision. **Mayor Garner** said I'm going to call you to order for the third time. **Commissioner Davis** said and I appeal the decision. **Mayor Garner** said I'm not done. **Commissioner Davis** said I know. I appeal the decision. We have to decide on it. That's Robert's Rules of Order, Mayor.

Mayor Garner said okay. Well, let me finish the conversation. What I want is, and I'm going to respect our CFO, she wanted to gauge something. That's why you're having this debate. She presented the information. Staff spent a lot of time on this. Your Police Chief, your Fire Chief, your Parks Director, and Jeff Fisher, your Public Works Director, these were items that they said aren't just things that we want, these are things that we need, and the community says these

are things that they deserve. So now you have an opportunity to gauge these things and let staff and your Administrator know on the direction. And whatever direction this body says you want to go, we'll respect it. I believe you put something on the floor, but I just want to make sure I've got more conversation here and other people that want to chime in.

Commissioner Davis said if I could just finish my statement. I feel as though we are wasting time. I feel as though in March, it was very clear where the Commission was, and I feel like you're not respecting that. I yield the floor.

Mayor Garner said well, you never had the floor. And I'm going to tell you this. When you're an elected official and you're here representing the people of this community, it's never a waste of time. If you feel you're wasting your time, then why are you here? The people of this community want you here to make these hard decisions. I've been here all day and I'm going to be here as long as it takes to work with this Commission to get things done. We've got to work together; we've got to have these debates. We have got to come together as a Commission to get the work of this community done. It's not a Mayor's thing.

Commissioner Davis said yes, it is. **Mayor Garner** said no it's not. **Commissioner Davis** said who on this Commission said yes? **Mayor Garner** said you're going back to that. **Commissioner Davis** said I yield the floor. **Mayor Garner** said I'm just saying you cannot interrupt. You've got to respect this process and what the ordinances are.

Misty Brown, Chief Counsel, said I am sorry to interrupt, but as parliamentarian here, I have to intervene. It is late, we are tired, and we are cranky, and we're not at our best selves right now. The Rules of Procedure do say, we need to refrain from interrupting each other when we're talking. When any member of this body is talking, they need to finish their sentence before they're interrupted. Then we need to stay with the matter at hand. So, I'm going to encourage everyone to continue to be courteous with each other, to not interrupt, and to get through this agenda. Thank you.

Mayor Garner said I'm going to proceed on to Commissioner Ramirez.

Commissioner Ramirez said in our one-on-ones, you've talked about you're wanting to work with the Commission, and I'm going to be civil. When have you asked us what we, as a Commission, would want? We've had several budget meetings, special sessions. When have you asked, okay, I see you guys don't agree with this. What would you like to see? That has not happened. I ask again—I'm going to say governing is give and take, meeting in the middle. That is governing. We are giving directions now. I ask, moving forward, that you meet us in the middle and you ask us what we would like. We gave you our thoughts about revenue neutral. Now you should ask okay, what can we do to provide tax relief to our community? You haven't done that.

Commissioner Kane said well, I don't know how many years in a row I've asked for a breakdown of the current sales tax. I haven't got it yet. I'm talking about years. Then when we saw the presentation that we got this afternoon or earlier about all these projects were supposed to be done, and one of them was Hutton and Leavenworth Road, which is already funded; they're supposed to be, and they're supposed to start on it. They showed that. I don't know why they would show that since that's already funded.

I will not vote for any sales tax ever until we, as commissioners, get to talk about what we want on that sales tax rate. I don't know any commissioner has had any involvement on what we wanted to talk about, what we thought the sales tax was supposed to be. I know staff showed us the stuff that they wanted, but what about the stuff that we wanted?

I'm telling you, and I'm tired of having to say, I don't have a park west of 435. Each area has a significant amount of parks and I've got nothing. The former Administrator sold the community center back to the school districts. I don't even have a community center, yet we're talking about building all this grandiose stuff, which we need, but I'd like to sit down because some of that stuff, I thought, was way overpriced. I'm sitting there going, oh wait. That's going to cost how much?

So, if we're not involved, I'm not going to push something forward. I'm not going to tell the community, hey I want you to do this just because. I want to be able to say we sat down, as a Commission, and said this is what we came up with and this is why we're asking for the sales tax increase. But now is not a good time. I don't think we could—I won't do it this year,

let me put it that way. Before we put this on a ballot, I'm going to be involved or I'm not going to support it at all, and District 5 will know I'm not supporting it.

We're here to represent each one of our districts and every time I turn around, well this park got vandalized, this park got vandalized, and that park got vandalized. I just want a park and I'll get people to clean the vandalism up.

We can't sit here and argue amongst ourselves when we're not sure what they're saying. I don't support some of these projects. There's some that I think are really, really good. I agree, but we need to not just the Police and the Fire, you've got to throw the Sheriff's folks in there to see what their needs are.

It's difficult for me because I've never had this happen. In all the budgets that we've done, we've always had the opportunity to speak our mind and say this is what we want for our area. We have not had that opportunity and it's frustrating. We have had—and there's nothing wrong with being—I'm probably the most vocal and the most passionate of anybody here. I don't want to get all excited, but if I didn't care, I wouldn't be here.

All of us are elected to represent our district as best they can, so we need to be able to voice our opinion because, I mean, some folks are pretty mellow and some aren't. I'm the least mellow of everybody. But until I have input on this, I will never support this until I get to say, hey you know what—because we own property in my district, the Unified Government does. There's no reason why we can't make a park out of some of the stuff that we own other than they keep saying it cost a couple of hundred thousand dollars and that is inaccurate. It's just the former, I'm not going to call him my name—the former group didn't want it in District 5. Then as the folks have been around for a while, I've said this same thing for 17 years, and I'm going to say it until I'm not here or until I get a park.

We need to work together to get this and move in the right direction. A lot of us have said this isn't going to work at this time. It'll never work for me until I get something like a park and I get to voice my opinion on what we want. There are things—I believe in a big community pool. I believe in a big community pool at Indian Springs. It's not near as much money as they talked about, but we have talked about this several times. I feel like we're beating a dead horse.

Mayor Garner said well, from the meeting earlier, let me just chime in. That was the plan, Commissioner, was to gather the information, see what the needs are based on what the

community said they wanted, at least some in the community when you talk about the things that were presented.

We met with our department heads. These are things that they said that were really significant needs, especially when you talk about public safety, and you talk about recreational facilities, and all those transportation and roads. A lot of that stuff is unfunded.

The plan was, and I mentioned that earlier, there was a lot of good questions that were brought forward about a lot of things that weren't answered. I ended that session earlier as the next step is to get with you all, staff and the commissioners, and take the information you've gotten from these department heads.

I would say, and it wasn't brought up tonight, but the Parks Board voted to support it. I've talked to both unions. They support it along with the chiefs. I think you were at one of the meetings, Commissioner. They support it. They don't support the timeline, but they do support getting behind this. I know that our Public Works Director supports it. So now, we brought this to you all to look at their recommendations and what they thought their needs were and just give you a broad view of what they came up with.

The next step would be to get with you all commissioners and let you chime in because the end of the day, you all have to vote and you have to decide whether you want to send this forward to the people. That's the process because you have to get with your constituents and see if this is something they even want to do. If it's not, I'm sure that your vote and your decision would reflect that.

Again, I go back to Ms. VonAchen, how she ended her presentation. She wants to see how you want to proceed forward and there's ways you can proceed forward. You can say we don't want to do this at all. We can gauge that. Or you can say, let's push this out. Let's talk to our department heads. Let's talk to our community and see what we can come up with and see where we're at. Those are your options.

You made it known that I think the majority said this year is out of the question. So, to answer Ms. VonAchen's question, those are the two options. Do you want to proceed forward with the sales tax initiative? If you do, I just need a straw poll. If you don't, then just tell staff that you want this to die right here and right now, and we can start working on other things like tax relief and some of the other major issues that we know are out there.

Commissioner McKiernan said what I think we really need to do is, do just what Commissioner Kane had suggested here earlier. Historically, we have spent a lot of time in prioritizing and discussing capital maintenance and improvement projects. We go through a prioritization process through standing committee every fall in advance of this time every year when we consider them. I think that is the right venue for bringing these projects in. We put them in with the other projects that we already have on the table. We see how they mesh. We reconsider what priority order they might all be ordered in.

I think the most important thing out of all of this is we consider more thoughtfully how we're going to maintain those things that we build. Since we've all spent this time in these subcommittees really confronting the fact that we have a built infrastructure that we cannot maintain in the condition that we want to maintain it for the use of our citizens. So, I would suggest that as we go through capital maintenance, we use our regular prioritization process through the Public Works and Safety Standing Committee, and that we bring the work of—and I keep going to Jeff because, Jeff, you have opened our eyes to this—that we bring the work of the infrastructure subcommittees home soon, and we confront how we're going to continue to maintain what we already have, and we're going to think about maintaining it before we build anything new.

Commissioner Townsend said I would refer those who didn't see or hear my comments at the 5:00 on this issue to the special session, but for those who didn't, I would not be in favor of moving forward with this this year. I'm not sure until I get some other basic questions and a better understanding moving forward at all next year, but I think that would be the time to look at it more thoroughly. I think we should go on with the regular budget process similar to what Commissioner McKiernan meant with the CMIP.

The juxtaposition of what we just heard Mr. Tatham talk about and the list that we got tonight is so vast. That, in my opinion, is what the community has said, and it goes back to the work of the subcommittee, infrastructure, trash.

Last year, I know, that was one of my 12 requests to the Administration, to upgrade the number of people we hire in Code Enforcement. Those are the simple things and they resonate with the community because those are the things you see every day. Would I like to see a new community center, well, yeah, with a big swimming pool. You know that's my thing.

But as I said earlier, why are we looking at that without knowing where it's going to be built. That's going to impact somehow how much we spend, but more importantly, I don't know yet what's going to happen with Parkwood and personnel. To talk about now building a swimming pool, Esther Williams lover that I am, who we're going to staff it with? I mean, these things, I think, we need to deal with at a later time.

Just go with the budget process. See how maybe we can prioritize spending in those areas that we just heard about as our major concerns for our populace. That's where I am.

Mayor Garner said so just briefly, the consensus I'm taking of this Commission is that based on the question Ms. VonAchen, so we don't waste any more staff time if it's not wanted, that we will table this until next year possibly and circle back on this conversation, or do we continue to explore the possibility and allow you all to chime in and weigh options as we go into next year. Just want to ask it right here, right now.

Commissioner Davis said I would be for having this conversation next year, however, there is a trend that keeps happening and I want to be very careful with this. The trend is that the Commission is not involved in these discussions, then these particular items are put on the agenda. Then the Commission reacts to it and then we're told well, we need to do something now, so we need to get more information.

If we can just be contacted prior to this becoming public, if we can have private meetings, if we can receive emails and information prior to this being put on the agenda, we don't even have to go here. We don't have to deal with this at all. So, yes, I'm all in favor of what you just said, Mayor, but if the way that this is done and the way that revenue neutral was done is also an issue. I would like for it not to be an issue going forward. We can solve that by having the discussion privately.

Commissioner Ramirez said I am supportive of us continuing to have the conversation this year, have the conversation amongst us, with the community with the deadline, not the deadline, but horizon of 2023 of putting sales tax on the ballot. I don't want us to completely axe it. We need to continue like, I believe, it was Commissioner Markley who said we need to have the conversation now amongst ourselves, with our community, with staff so that we can have the

sales tax that will be successful. So, I'm not in favor of axing it all together. Let's just continue to have the conversation until next year

Mayor Garner said all in favor of that, just unofficially, I guess, raise your finger if you're good with that. Okay, awesome. All right. Thank you. We're gonna move on. Ms. VonAchen, do you have any closing remarks? You got clear direction, Administrator? Okay.

Ms. VonAchen said no, only that staff will continue to work on making sure the cost estimates are right and incorporate the projects into our prioritization with other projects, and maybe look into possibly proposing as part of the upcoming budget maybe hiring a little bit of consulting help to determine the successfulness of the project or what we need to do. I don't know, so that's you.

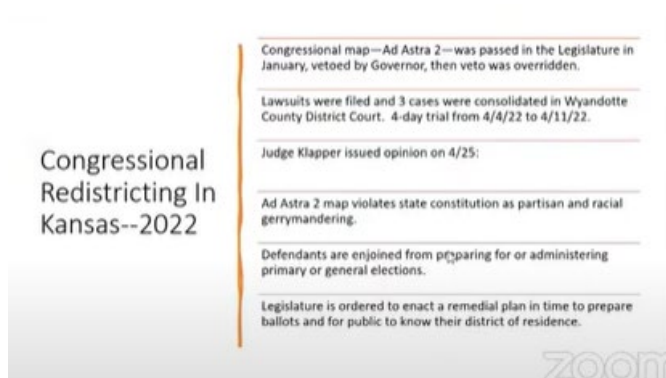
Action: For information only. The consensus of the Commission was to hold further conversations on this topic until next year.

ITEM NO. 4 – 211550...UPDATE: REDISTRICTING

Synopsis: Update on Redistricting and a projected timeline of events, submitted by Misty Brown, Chief Legal Counsel.

Misty Brown, Chief Counsel, said I'm going to defer this to Jeff Conway, an attorney in my office, who's been following this. Jeff and I discussed tonight that we're going to read the temperature of the room on how rapidly we go on redistricting and, Jeff, I think you can read the temperature of the room all right.

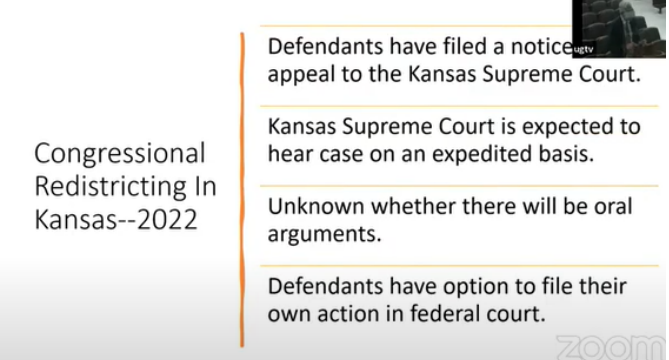
Jeff Conway, Assistant Counsel said hopefully I'm the palette cleanser here. I don't know.



I will go very quickly. I just wanted to cover just a few quick points. This is a pretty critical time. Every 10 years is the census. The legislature's job is to redraw not only the congressional lines but the legislative lines as well. As you probably are aware, they passed a plan called Ad Astra 2 and in that plan there were some interesting things, especially with respect to Wyandotte County. The plan split Wyandotte County and took basically the northern part and shoved it over into the Second District. The Third District retained the southern part of Wyandotte County and then tacked on some rural counties to the southwest. The northern part of Wyandotte County went over to Congressional District 2. That kind of overloaded Congressional District 2 so then they took Lawrence and added that onto the big First District. So, you can probably guess you could go from Lawrence all the way to the Colorado state line in one congressional district.

So, the Wyandotte folks had some plaintiffs and brought a lawsuit. There were two different lawsuits that were combined with another lawsuit from Lawrence and it was heard in Wyandotte County District Court and Judge Klapper issued his opinion recently, just on April 25th. I'm not going to go into the details because it was all the evidence was stretched over four days, but he essentially said it was a violation of the state constitution and it was basically with respect to partisan and racial gerrymandering. So, he ordered that the current plan would not be administered the way it is, that the legislature would have to go through a remedial plan in the meantime. As everybody could probably guess, that was appealed. When I say the state appealed it, the defendants in that case were the Secretary of State and our Election Commissioner, and the Attorney General was representing them. So, when I talk about defendants, that's who that is. So, that case is set and it goes straight to the State Supreme Court and that's set right now. The State Supreme Court asked the District Court to expedite the matter and it did. Now it's in the State Supreme Court and the defendants have requested an expedited schedule.

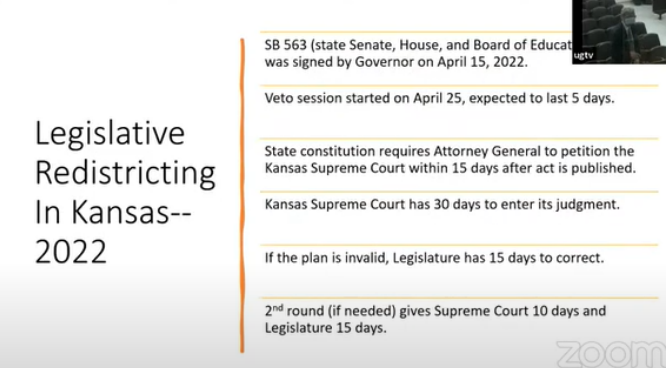
Just so you know, this isn't even on the PowerPoint, but I just found this out today that they're asking for the initial briefs on May 2nd, the response on May 9th, and the reply on May 12th with oral arguments scheduled for May 16th. If anybody knows anything about courts, that's moving pretty quickly.



Congressional Redistricting In Kansas--2022

- Defendants have filed a notice of appeal to the Kansas Supreme Court.
- Kansas Supreme Court is expected to hear case on an expedited basis.
- Unknown whether there will be oral arguments.
- Defendants have option to file their own action in federal court.

So, now I was going to talk about just a few things because they're kind of interrelated. The legislature draws the maps, draws the congressional maps, draws the legislative maps, and that determines where our precincts are going to be.

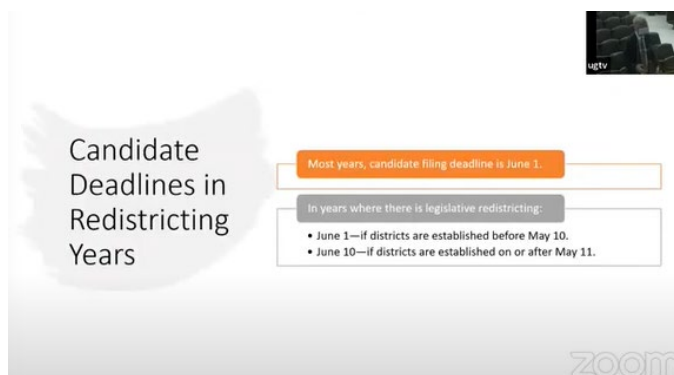


Legislative Redistricting In Kansas--2022

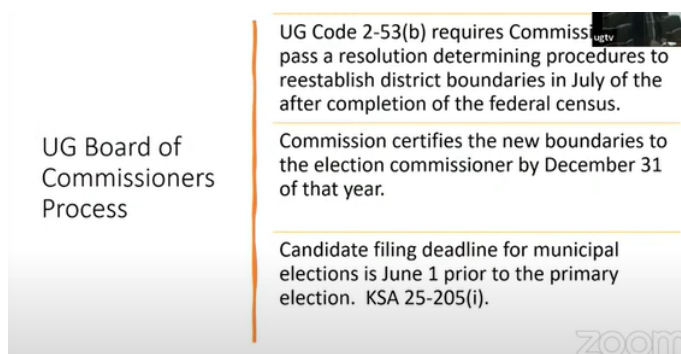
- SB 563 (state Senate, House, and Board of Education) was signed by Governor on April 15, 2022.
- Veto session started on April 25, expected to last 5 days.
- State constitution requires Attorney General to petition the Kansas Supreme Court within 15 days after act is published.
- Kansas Supreme Court has 30 days to enter its judgment.
- If the plan is invalid, Legislature has 15 days to correct.
- 2nd round (if needed) gives Supreme Court 10 days and Legislature 15 days.

That determines where our precincts are to be because the precincts cannot be cut by legislative lines. That's just one of the major things. That process is determined by the Election Commissioner and the Secretary of State. The Election Commissioner, once the legislative and congressional lines are set, then he can put together a map and it gets sent off to the Secretary of State. The Secretary of State approves it or sends it back or whatever, and then that sets the precincts. Once the precincts are set, then we can go ahead and put together the commissioners' districts based on, as you probably see, a lot of times it's not a map, it's just a listing of what precincts are in your commissioners' districts.

In a way, all of those things are interrelated there. People are doing different things at different times, but it's kind of a chain that has to play out. Unfortunately, we're waiting for the congressional and legislative lines to be set. Oddly enough, the legislative lines went pretty quickly and that Bill passed through the legislature, the Governor signed it, and then there's an odd state constitutional provision that says that here's a process. The Attorney General has to ask that the Supreme Court to ratify or basically certify that. That process is starting and oddly enough, the oral arguments for that is set for May 16th as well. So, they're going to be busy.



Some of the questions that have come up is what about candidate deadlines if you're running this year. There is a little bit of latitude, but not much. If the redistricting process is completed earlier, then the deadlines are the same as they always are on June 1st. But if there's a problem and it takes a little bit longer, then you get an extra 10 days, so it's June 10th. That's the two choices. It's either the 1st or the 10th.



Then, how does this affect the commissioners? Under the code, there's a requirement that you would have to determine the procedures in July. So, you just determine the procedures in July

and then you'd probably nail it down by December 31st which would mean your districts would be put in place in time for your filing deadline next year on June 1st.

I know I went through that quickly. I could answer any questions you have.

Mayor Garner said thank you.

Action: For information only.

ITEM NO. 5 – 211547...UPDATE: SAFE AND WELCOMING ORDINANCE

Synopsis: Update on the status of the Unified Government's Safe and Welcoming ordinance, submitted by Misty Brown, Chief Legal Counsel.

Mayor Garner said the update will be given by our Chief Legal Counsel Misty Brown.

Misty Brown, Chief Counsel, said it felt odd to give a presentation with my back to the Commission, so I thought I would step down here and do it.

Before I go into this very quick presentation on safe and welcoming, I would remind everyone we do have a midnight rule. If we wish to proceed through this, we will need to have a motion to suspend Rule 517 in order to proceed past midnight. I don't plan to take till midnight with my presentation unless you'd like me to, but I think we'll have time to go through it.



For the benefit of those watching, the Commission went through a vigorous process and we enacted our Safe and Welcoming Act the day after the Attorney General proposed legislation that

April 28, 2022

would invalidate numerous provisions of the Act that we passed. That was House Bill 2717. On April 11th, that was signed into law.

What we have today is we have a current Unified Government ordinance for the Safe and Welcoming Act that has numerous provisions that are now invalid due to the state's HB 2717. We also have provisions in there that are still in effect, so we have a bit of a conflict of, you know, its mixed of what we have in place.

The House Bill 2717, for the benefit of the public, restricts a local government from having any law in the books that would restrict local government employees or law enforcement from cooperating with federal authorities and also has some limitations on the use of any municipal ID and some provisions and penalties associated with that.

Due to this conflict that we have, the recommendation would be to bring this matter back to a standing committee and address to formally amend the ordinance to strike the provisions that are contrary to state law. They are arguably void already, but we don't want any questions of that, and we know we're going to have to touch portions of the municipal ID that passed in order to be in compliance with state law.

The plan is to put something together and also address some of the questions that were raised when we discussed the municipal ID and bring that to the Public Works and Safety Standing Committee on May 23rd, working with the commissioners that were part of this, and also the coalition that participated as well. At this point, that's the update and the plan that we hope to move forward.

Commissioner Bynum said I'm just clarifying that basically the plan right now is to bring your recommendations to Public Works and Safety. **Ms. Brown** said that's correct. **Commissioner Bynum** said thank you. That's good enough for me.

Mayor Garner said in the interest of time, standby. We need a motion to suspend, I believe it's Rule 517.

Action: **Commissioner Bynum made a motion to suspend Rule 517.**

Mayor Garner said right now, we need to go past 12 to get some of these other items. That's going to be another motion, but there's a motion to suspend 517.

Action: Commissioner Burroughs seconded the motion to suspend Rule 517.

Mayor Garner said I have a motion and a second.

Commissioner Townsend asked, is the intention to complete the agenda? **Mayor Garner** said no, I'm going to get into that here as soon as we get into that...**Commissioner Townsend** said but that would...**Mayor Garner** said the full agenda is not going to be the fullest. **Commissioner Bynum** said we should finish. We're almost done.

Mayor Garner said I have a motion and a second. I need a roll call from the Clerk.

Roll call was taken and there were eight "Ayes," Burroughs, Townsend, McKiernan, Ramirez, Kane, Markley, Stites, Bynum; and one "No," Davis.

Mayor Garner said I need a motion to defer to a future meeting, Item No. 6.

Action: Commissioner Burroughs made a motion, seconded by Commissioner Bynum, to defer Item No. 6 to a future meeting.

Mayor Garner asked, Clerk, can you give me a roll call?

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

ITEM NO. 6 – 211551...CODE REVIEW AND TRAINING

Synopsis: Reading of specific sections of the Municipal Code and updates on commission retreat and training, submitted by the Mayor's Office.

Action: **Item was deferred to a future meeting.**

REGULAR CONSENT AGENDA

Action: **Commissioner Markley made a motion, seconded by Commissioner Kane, to approve the items on the Regular Consent Agenda.**

Mayor Garner said I got a motion and I got a second for the Regular Consent Agenda. Is there any further discussion? Seeing none, roll call.

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

TEM NO. 1 – 211524...PLAT OF HOMEFIELD CAMPING WORLD 2ND PLAT

Synopsis: Plat of Homefield Camping World 2nd Plat located at 98th Street north of State Avenue. and being developed by HFS KCK, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 2 – 211525...PLAT OF LITTLE TURKEY CREEK ADDITION

Synopsis: Plat of Little Turkey Creek Addition is located at 86th Street south of Kansas Avenue, and being developed by Matthew Frances, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 3 – 211526...PLAT OF RIVERVIEW ESTATES

Synopsis: Plat of Riverview Estates located at 86th and Riverview, being developed by Matthew Frances, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 4 – 211527...PLAT OF SCHLITTERBAHN VACATION VILLAGE FIFTH PLAT

Synopsis: Plat of Schlitterbahn Vacation Village Fifth Plat is located at 98th Street and south of Parallel Parkway, being developed by HFS KCK. LLC and SVV1, LLC, submitted by Brent Thompson, County Surveyor; and Troy Shaw, County Engineer.

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

ITEM NO. 5 – 211545...NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:

- Jammie Johnson to the Wyandotte/Leavenworth Area Wide Advisory Council on Aging, 2/28/2022 to 12/15/2025, submitted by Commissioner Stites
- Jamey Rodriguez to the Wyandotte/Leavenworth Area Wide Advisory Council on Aging, 2/28/2022 to 12/11/2023, submitted by Commissioner Markley
- Tim Ryan to the Self-Supported Municipal Improvement District Advisory Board, 2/28/2022 to 12/11/2023, submitted by Commissioner Bynum

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

ITEM NO. 6 – MINUTES

Synopsis: Minutes from special session of March 31, 2022.

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

ITEM NO. 7 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated March 31, 2022.

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

PUBLIC HEARING AGENDA

No items of business

STANDING COMMITTEES’ AGENDA**ITEM NO. 1 – 211511...PUBLIC HEARING: SOLID WASTE MANAGEMENT PLAN**

Synopsis: The State of Kansas statutes require each county in the state of Kansas to have a Solid Waste Management Plan. The plan must be reviewed and updated on a five-year basis and a public hearing is required for the approval process, submitted by Jonathan Gutierrez, Public Works. This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on April 25, 2022. It was requested, and approved by the Mayor, to fast track this item to the April 28, 2022, full commission meeting.

Mayor Garner said I’ll ask Commissioner Bynum to make some opening remarks, followed by a presentation by Jonathan Gutierrez of Public Works.

Commissioner Bynum said with all due respect to Mr. Gutierrez and all the work that you’ve done over the multiple years that we worked on this, I thought that we had the public hearing at

the standing committee meeting and we heard it last month. There's a part of me that wants to let you talk because you've been here all night waiting, but maybe you're good if you don't.

Jonathan Gutierrez, Solid Waste Program Manager, said I'm good if I don't need to, I mean we're—as Commissioner Bynum did state, we did the public hearing that's required by Kansas statute this past Monday. We've done this presentation in the past to this full Commission back on March 31st.

At this point in time, actually we're going for the vote for the update of the Solid Waste Management Plan at this time.

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

Mayor Garner said we have to have a public hearing. **Commissioner Bynum** said what I'm saying is we did that. We complied with the law on Monday.

Mayor Garner said you're good. Just clarity from counsel is that was given at your standing? Okay, so we're good. So, move to approve.

Commissioner Bynum asked, did we have a motion? **Commissioner Markley** said I made a motion. We had a second. **Mayor Garner** said we have a motion and a second. Any more comments?

Commissioner Townsend said with all due respect to all of the work that's been done over here, I did have some questions. I'll defer to the page numbers in the presentation. I guess it was the first page of the Solid Waste Management Plan. It says some of the recommendations are intended to be implemented in the next five years are compatible with current contract for residential curbside. I think I asked the essence of this question the last time we talked about this in terms of litigation, so I'm a bit confused as to if we pass this, what that does to our position legally? I can add some more detailed questions about what this does to the cost to our residents for some of these residential recommendations like transition to a cart-based system? How much

trash we limit to on pickup for residents? So, I'll stop there and kind of let some of those questions be answered.

Misty Brown, Chief Counsel, said, Commissioner Townsend, those are great questions. I'm happy that you are asking them. I can, without trying to steal Mr. Gutierrez's thunder, this plan is recommendation based. We did very carefully, because of our litigation, review the recommendations and the plan internally in the Legal Department and then also with outside counsel. I am satisfied that entering into this plan, which is statutorily required, that our position is preserved; and that while there are recommendations from the committee, these are not requirements that we do these things that we transition to a cart-base. It's a recommendation that we consider it and that we consider doing these things in the future. As far as our lawsuit goes, I'm satisfied that the plan will not harm our position.

Commissioner Townsend said thank you, Counsel. So, these recommendations, if passed, accepted, does that bind us to moving forward on them as a must at some future time?

Mr. Gutierrez said, Commissioner, it does not. Keeping in mind that this is a county-wide solid waste management plan, so it looks at all the municipalities here in Wyandotte County. Again, as our Legal Counsel Brown mentioned, these are just recommendations. They are not requirements. The only requirement is that each county does have a solid waste management plan and that there's an update that does occur. We continue, though, as a requirement to review it annually as well. Again, these are just recommendations across the board for all the municipalities to possibly look at. This is work that came out of the Solid Waste Management Committee. That's also required by each county in the state of Kansas.

Commissioner Townsend said so a yes vote tonight, if a majority, just moves us to a position of saying we have a solid waste plan. Is that correct? **Mr. Gutierrez** said yes, that is correct that we've updated the plan as required by statute, and we do have a current plan as required.

Commissioner Townsend said so at some future date, if we go into the specific recommendations, again, as an example on page 15 of the presentation, we, the commissioners, received. Will we have an opportunity again to talk about possible cost increases or what it means to our constituents to move forward with these recommendations or not.

Mr. Gutierrez said you are correct, Commissioner. Again, this is a recommendation at a county level so each municipality, depending upon what the services are there, if we move

towards any of those recommendations then, yes, they would be brought forward to those elected bodies and those municipalities.

Commissioner Townsend said thank you. I understand better what my anticipated yes vote will mean. I'm not voting for higher trash cans or all that because I know we will get these questions.

Ms. Brown said I just would want to point out that this plan does not change our contract with our provider, nor does it obligate us to change the terms of our contract in the future with other future providers. It's a recommendation for things to consider in the future. I would not be in favor of doing something that was going to obligate our constituents to pay more money and have less service since we've spent so much time litigating those very issues.

Mayor Garner said there's a motion and a second. Is there any further discussion? Seeing none, roll call, please.

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

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 211513...PRESENTATION: 2022 COMMUNITY SURVEY RESULTS

Synopsis: A presentation from ETC Institute representative to review the results of the 2022 Community Survey, submitted by Kathleen VonAchen, Chief Financial Officer.

Action: This item was previously heard after the Planning and Zoning Agenda.

COMMISSIONERS' AGENDA

No items of business

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

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

ITEM NO. 1 – 211530...LAND BANK OPTION APPLICATIONS

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

A. New Construction - Single Family Homes – 3 Homes

1. Darrick & Jamie Shipley
1 N. 80th Ter. - 017906
2. Gordillo Ramon Hernandez
1960 N. 6th St. – 140670
3. Arthur Babick
2007 S. 19th St. – 112309

B. New construction – Garage

1. Leandro Chavez
909 Ann Ave. – 080645

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

Mayor Garner asked, does any member of the Commission or County Administrator, wish to set-aside any item on the Land Bank Consent Agenda? Seeing none, there's been a motion and a second. Is there any further discussion? Seeing none, roll call.

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

PUBLIC ANNOUNCEMENTS

No items

ADJOURN

Mayor Garner said thank you. That concludes our meeting. We are adjourned.

**MAYOR GARNER
ADJOURNED THE MEETING AT 12:07 A.M.
APRIL 29, 2022**

Brett A. Deichler
Unified Government Clerk

cg

April 28, 2022