

**MAY 25, 2023 UNIFIED GOVERNMENT BOARD OF
COMMISSIONERS MEETING
ORDER OF BUSINESS
MEETING TO CONVENE AT 7:00 PM**

Location: Hybrid

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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86919347785>

Or One tap mobile:

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY DANIEL FREEMAN, NEW BEGINNING MISSIONARY
BAPTIST CHURCH**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, MAY 25, 2023, AGENDA**

VI. CLERK'S STATEMENT

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

VII. PLANNING AND ZONING CONSENT AGENDA

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVI. LAND BANK BOARD OF TRUSTEES' NON-CONSENT AGENDA

XVII. PUBLIC ANNOUNCEMENTS

XVIII. ADJOURN

VI. CLERK'S STATEMENT

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

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATION

1. COZ2023-010 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING

Synopsis: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the existing parcel into two (2) residential lots at 13400 Donahoo Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212473

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-012 - JOHN E. BROWN WITH RED BRICK INVESTMENTS, LLC

Synopsis: Special Use Permit for grading to prepare the site for future development at 924 North 98th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 212474

2. **SP2023-013 - RUPINDER DHILLION WITH KVL TIRES, LLC**
Synopsis: Special Use Permit for tire sales and servicing for trucks and semi-trucks at 336 South 42nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 212475
3. **SP2023-014 - STEVE SCRAGGS WITH YMCA OF GREAT KANSAS CITY**
Synopsis: Special Use Permit for YMCA summer day camp at 3130 North 122nd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**
Tracking #: 212476
4. **SP2023-015 - ROBERTA LAIRD**
Synopsis: Renewal of a Home Occupation Special Use Permit (SP2021-032) for a gift, craft and antique shop at 3704 North 99th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**
Tracking #: 212467
5. **SP2023-018 - CURTIS PETERSEN WITH POLSINELLI PC**
Synopsis: Renewal of a Special Use Permit for live entertainment at Chateau Avalon Hotel at 695 and 701 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**
Tracking #: 212469

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

1. AN ORDINANCE rezoning property at 915 Barnett Avenue (COZ2022-037) from R-1(B) Single Family District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212477
2. AN ORDINANCE authorizing a Special Use Permit for a group home/transitional housing (SP2022-092) at 915 Barnett Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212478
3. AN ORDINANCE authorizing a Special Use Permit for a Short-Term Rental (SP2023-003) at 4101 Fisher Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212479
4. AN ORDINANCE authorizing a Special Use Permit for a stealth telecommunications monopole tower (SP2022-066) at 715 North 16th Street

submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212480

5. AN ORDINANCE vacating right-of-way (VAC2023-001) at 438 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212484

6. AN ORDINANCE authorizing a Special Use Permit to operate an event center (SP2022-123) at 1957 North 63rd Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212485

7. AN ORDINANCE REPEALING ORDINANCE NO. 0-27-23 AND ENACTING A NEW ORDINANCE authorizing a Special Use Permit (SP2022-111) for a Short-Term Rental at 4112 Booth Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212486

8. AN ORDINANCE authorizing a Special Use Permit for the continuation of tractor-trailer truck parking at the American Motel (SP2023-007) at 7949 Splitlog Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212487

9. AN ORDINANCE authorizing a Special Use Permit for a drinking establishment with live entertainment (SP2023-005) at 1639 Southwest Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212488

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2022-045 - CHAD SCHIMKE

Synopsis: Change of Zone from A-G Agriculture (WYCO) District to CP-3 Planned Commercial District to construct a self-storage facility at 13700 Marxen Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL - 6/1 VOTE)**

Tracking #: 212470

2. COZ2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.

Synopsis: Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District to convert an office building into a mixed-use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 7/1 VOTE)**

Tracking #: 212400

3. **COZ2023-008 - JULIAN FLORES WITH 1 CORE CONSTRUCTION LLC**

Synopsis: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for a duplex at 410 Ann Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL - 5/2 VOTE)**

Tracking #: 212472

B. SPECIAL USE PERMIT APPLICATION

1. **SP2022-117 - JESSICA BETTS**

Synopsis: Renewal of a Special Use Permit (SP2021-071) to operate a short-term rental at 749 Locust Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 6/1 VOTE)**

Tracking #: 212468

C. MASTER PLAN AMENDMENT APPLICATION

1. **MPL2022-026 - CHAD SCHIMKE**

Synopsis: Master Plan Amendment from Planned Low-Density Residential (Prairie-Delaware-Piper Master Plan) to Planned Mixed Business/Commercial (Prairie-Delaware-Piper Master Plan) at 13700 Marxen Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR DENIAL - 6/1 VOTE)**

Tracking #: 212471

2. **MPL2023-001 - DAVID BLOCK WITH BLOCK AND COMPANY, INC.**

Synopsis: Master Plan Amendment from Regional Commercial (Prairie-Delaware-Piper Area Plan) to Mixed-Use (City-Wide Comprehensive Plan) to convert an office building into a mixed-use apartment building at 10200 Abilities Way, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, 573-5751. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212401

IX. MAYOR'S AGENDA

Item No. 1 - PRESENTATION: YOUNG ADVISORY COUNSEL

Synopsis: A presentation announcing the formation of a Youth Advisory Counsel, submitted by Tyrone Garner, Mayor/CEO.

Tracking #: 212495

Item No. 2 - PROCLAMATION: HISTORIC PRESERVATION MONTH

Synopsis: Proclamation proclaiming the month of May 2023, as Historic Preservation Month, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212481

Item No. 3 - PROCLAMATION: NATIONAL SALVATION ARMY WEEK

Synopsis: Proclamation proclaiming the week of May 15th-21st, 2023, as National Salvation Army Week, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212482

Item No. 4 - PROCLAMATION: ANTHONY CLARK JR DAY

Synopsis: Proclamation proclaiming May 30th, 2023, as Anthony Clark Jr. Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212483

X. REGULAR CONSENT AGENDA

Item No. 1. - RESOLUTION: A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND SUPPLEMENTAL INDENTURE WITH REGARD TO THE TAXABLE INDUSTRIAL REVENUE BONDS (DAIRY FARMERS OF AMERICA, INC. PROJECT-BUILDING)

Synopsis: A resolution authorizing the execution of a second supplemental indenture with regard to the taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. Project — Building), Series 2017A, previously issued by the Unified Government of Wyandotte County/ Kansas City, Kansas, submitted by Patrick Waters, Interim Chief Counsel.

*On May 8, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 212429

Item No. 2 - PLAT: THE ESTATES OF HOLLINGSWORTH MEADOWS

Synopsis: Plat of The Estates of Hollingsworth Meadows, located at 12501 Polfer Road, and being developed by Maderos/King, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212490

Item No. 3 - PLAT: 5-RIVER TRUCK CENTER

Synopsis: Plat of 5-Rivers Truck Center, located at 26th and Cheyenne Avenue, and being developed by 5-Rivers LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212491

Item No. 4 - MINUTES

Synopsis: Minutes from the Full Commission meeting on September 15, 2022, the Special Session meeting on April 27, 2023, and from the Executive Session on May 11, 2023.

Tracking #: MINUTES

Item No. 5 - WEEKLY BUSINESS

Synopsis: Weekly business materials dated May 4th, 2023.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

Item No. 1. - RESOLUTION: AUTHORIZING UG TO ENTER INTO TWO REAL ESTATE PURCHASE AGREEMENTS WITH KCKCC

Synopsis: A resolution authorizing the Unified Government to enter into two real estate purchase agreements with the Kansas City Kansas Community College, submitted by Patrick Waters, Acting Chief Counsel.

*On May 8, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted 5/1 to approve and forward to the full commission.*

Tracking #: 212428

Item No. 2. - RESOLUTION: PROCESSING ACCESS TO METRO 24 FUNDS

Synopsis: Resolution for the process of accessing Metro 24 Funds, submitted by Angel Ferrara, Director of Parks and Recreation.

*On May 22, 2023, the **Administration and Human Services Standing Committee**, chaired by Commissioner Bynum, voted unanimously to approve and forward to the full commission*

Tracking #: 212459

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

Item No. 1 - TRAVEL REQUEST: COMMISSIONER RAMIREZ

Synopsis: Request to travel for Unified Government business to Tacoma, Washington, to attend the National League of Cities(NLC) Summer Board and Leadership meeting, submitted by Commissioner Ramirez.

Tracking #: 212492

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Item No. 1 - LAND BANK OPTION APPLICATIONS

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

Please visit the new site to review the applications below.

<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 2 Homes

11. Justin Sorto – 1 home
23 S 18th St – 107737
12. Clarisia L Balladares – 1 home
28 N Tremont St – 120402

B. Multi Family – 15 Units

1. DreSean Johnson – 3 Units
1837 S 35th St – 170215
2. RA Engineering – 10 Units
3038 Suntree Plz – 125603
3. Darlene Dunn – 2 Units
5666 Yecker Ave – 037189

C. Commercial – 1

1. Roberto & Nancy Rodriguez – Insurance Agency
961 Pacific Ave – 069269

*On May 8, 2023, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the full commission.*

Tracking #: 212430

Item No. 2 - LAND BANK PROPERTY TRANSFERS

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

Please visit the new site to review the applications below.

<https://gisapp.wycokck.org/Landbank.html>

PT – Property Transfers

1. Lillie Williams
812 Lafayette Ave - 111593

*On May 8, 2023, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the full commission.*

Tracking #: 212431

Item No. 3 - LAND BANK HOLD AREA

Synopsis: Requesting consideration for the Wyandotte County Land Bank to hold all properties held by it within the boundaries of Quindaro Boulevard to the North, 5th Street to the East, Parallel Parkway to the South and 7th Street to the West for the future acquisition by Mt. Carmel Redevelopment Corporation. Submitted by Jud Knapp, Land Bank Manager.

*On May 8, 2023, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted unanimously to approve and forward to the full commission.*

Tracking #: 212432

XVI. LAND BANK BOARD OF TRUSTEES' NON-CONSENT AGENDA

Item No. 1 - LAND BANK OPTION APPLICATIONS

Synopsis: Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager
Please visit the site to review the applications below.

<https://gisapp.wycokck.org/Landbank.html>

- A. Single Family Homes – 10 Homes
 - 1. Mark & Rhonda Hamilton – 1 home
2916 N 26th St – 163438
 - 2. Maria Hill – 1 home
3240 N 46th St - 066341
 - 3. JBLOC LLC – 1 home
4907 Lathrop Ave - 178733
 - 4. Jorge Alfaro – 1 home
3306 N 33rd St – 165213
 - 5. Omar Jurado – 1 home
3032 N 33rd St - 100178
 - 6. Miguel Cortes – 1 home
1116 Washington Blvd – 080158
 - 7. Dania Pilar – 1 home
930 Central Ave – 069286
 - 8. DreSean Johnson – 1 home
3040 N 27th St – 116502
 - 9. David Bean – 1 home
257 S Mill St – 122060
 - 10. Georgia Dubois – 1 home
1112 Ruby Ave – 143024
1108 Ruby Ave – 143025
1104 Ruby Ave – 143026

*On May 8, 2023, the **Neighborhood and Community Development Standing Committee**, chaired by Commissioner McKiernan, voted 5/1 to approve and forward to the full commission.*

Tracking #: 212489

XVII. PUBLIC ANNOUNCEMENTS

XVIII. ADJOURN



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: Change of Zone Petition COZ2023-010

GENERAL INFORMATION

Applicant:

Austin Thompson

Status of Applicant:

Representative

Atlas Land Consulting

14500 Parallel Parkway, Unit R

Basehor, KS 66007

Requested Actions:

Change of Zone from A-G Agriculture District (WYCO) to A-G Agriculture District (City).

Date of Application:

March 24, 2023

Purpose:

To plat two (2) residential lots in order to separate an existing home due to a sale/new owner from the existing greenhouse.

Property Location:

13400 Donahoo Road

Kansas City, KS 66109



Commission District:

Commissioner At Large, District #1: Melissa Bynum
District #5 Commissioner: Michael (Mike) Kane

Existing Zoning:	A-G Agriculture District (WYCO)
Adjacent Zoning:	North: A-G Agriculture District (WYCO) South: A-G Agriculture District (WYCO) East: R-1 Single Family District West: A-G Agriculture District (WYCO)
Adjacent Uses:	North: Large lot single family home and agricultural farmland South: Large lot single family home and agricultural farmland East: Agricultural farmland and single-family home West: Agricultural land and Family Tree Nursery greenhouse
Total Tract Size:	39.49 Acres
Master Plan Area:	Prairie Delaware Piper Area Plan
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates this property as Low Density Residential which allows single family homes on lots ranging from three (3) acres to 1/3 of an acre.
Major Street Plan:	The Major Street Plan classifies Donahoo Road as a Class C Thoroughfare.
Required Parking:	Sec. 27-452(d) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Two (2) off-street parking spaces are required. Four (4) parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – April 13, 2023 Letters to Property Owners – Change of Zone – April 14, 2023; Plat – April 14, 2023
Public Hearings:	May 8, 2023 and May 25, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant and representative, Atlas Land Consulting, seeks to rezone 13400 Donahoo Road from A-G Agriculture District (WYCO) to A-G Agriculture District (City) and plat to subdivide the existing parcel into two (2) residential lots on 40.03 acres.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. Various permits between 2005 – 2021 for electrical, plumbing, mechanical and residential construction permits for a single-family home and accessory structures.

Outstanding or Related Permits and Cases:

1. COZ 2795 – rezoning from A-G Agriculture District (WYCO) to CP-0 Planned Nonretail Business District to have an office in 2004. Petition was withdrawn.
2. SP2012-26 – home occupation for a photography studio in 2012.
3. SP-2020-72/73 – operate a microbrewery and an event space and in 2020.
4. BOZA 2400 – to keep existing gravel drive in conduction with event space and microbrewery.
5. SP2022-115 – operate a microbrewery (re-application of SP-2020-72)/

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised primarily of large lot single family homes and farmland. The area is very rural in nature with significant setbacks between residences.

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

The zoning and uses of properties nearby are set out above. The proposed use is reasonably compatible with the surrounding properties as the majority of the properties are large lot, single family homes with agricultural related uses – crop propagation, growing hay, and raising livestock.

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

The removal of the restrictions should not detrimentally affect nearby property because the site and buildings on the parcel are not changing.

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

The property is not vacant.

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

The proposed rezoning and platting are reasonably necessary for the property owner, but not for the convenience and welfare of the public and will not substantially injure the appropriate use, visual quality or marketability of nearby property.

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

The proposed development will not increase traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems because the existing uses are not changing. The rezoning and plat are filed to simply to separate the house from the greenhouse and Lot 2 is less than the A-G Agriculture District (WYCO) 20-acre lot area requirement.

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

The proposed use conforms to the Prairie Delaware Piper Area Plan as Low Density Residential land designation, which allows single family homes on lots ranging from three (3) acres to 1/3 of an acre.

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

The proposed use does not change the existing condition of the property. Stormwater runoff will continue to sheet flow through the property to the curb and gutter along Donahoo Road.

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

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

a. *Water service*

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #228

e. Fire

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

f. Transit

Kansas City ATA does not provide transit service near this property. The closest transit stop is approximately 5.5 miles southeast at 109th and Village West Parkway (Plaza at the Speedway), Route #101.

g. Schools

Public education is provided by Piper USD 203.

h. Streets

See item #6 above.

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

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

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. If this application is denied, the owners will still have property that is able to be developed, however, not in the intensity they originally sought to redevelop it as.

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

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

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

Streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land uses. A 40-foot-wide access easement is dedicated on the plat to ensure proper access from Lot 2 to Donahoo Road.

15. Assurance that buildings, lots, blocks, parcels and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection, and to provide for long-term sustained real estate values.

Buildings, parcels, and streets are so arranged as to afford adequate light, open space or air, to facilitate fire protection and to provide for long-term sustained real estate values. No future development is proposed between these two (2) lots and there is a proposed 40-foot-wide access easement for street access from Lot 2 to Donahoo Road.

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

There is no proposed development at this time, simply separating the single-family home from the greenhouse. Therefore, all existing natural features of the land and vegetation will be protected and enhanced.

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

The Final Plat creates two (2) lots in the A-G Agriculture District. The creation of two (2) lots does not require any amenities.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of April 24, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Future Development
Site Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-010:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. The 40-foot access easement from Lot 2 through Lot 1 to Donahoo Road shall be platted in perpetuity as a plat restriction and may not be removed unless there is solely, direct access to a public street without crossing through another parcel;
3. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
4. Utility easements shall connect with easements established in adjoining properties;
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
6. Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all

- applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
 11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-010** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

May 8, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Final Plat
Site Photographs taken by Staff on April 12, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 8, 2023	May 25, 2023
Rezoning	Approval	
Public Hearing		
Final	May 8, 2023	Not Required
Plat	Approved	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-010** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-010** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 8, 2023 City Planning Commission Minutes:

Hearing starts at 2:54:25:

CHANGE OF ZONE APPLICATION COZ2023-010 – AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Change of Zone from AG Agriculture (WYCO) District to A-G Agriculture (City) District to subdivide the existing parcel into two (2) residential lots at 13400 Donahoo Road.

PLAT APPLICATION PLAT2023-012 - AUSTIN THOMPSON WITH ATLAS LAND CONSULTING - SYNOPSIS: Final Plat for two (2) lots at 13400 Donahoo

Detailed Outline of Requested Action: The applicant and representative, Atlas Land Consulting, seeks to rezone 13400 Donahoo Road from A-G Agriculture District

(WYCO) to A-G Agriculture District (City) and plat to subdivide the existing parcel into two (2) residential lots on 40.03 acres.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 8, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo for the Change of Zone Application; and,
7. The Notices to property owners.

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

Present in Support:

- Austin Thompson, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007
- Jonah Nelson, property owner, 8024 Apache Road, Lenexa, Kansas 66227

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:58:55: Planning Director Hand stated that the request is to split a parcel into a single-family parcel for their residence and leave a separate parcel for their family business. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation on this property. The Planning Commission might remember a Special Use Permit for a distillery on the subject property so there are conditions of approval related to that Special Use Permit which is separate from this request. Staff recommends approval subject to the conditions in the staff report, including the provision of a cross-access agreement.

Motion starts at 3:00:25:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-010:**

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye

Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	Aye

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

Subject to:

1. When the mylars are submitted to Staff to be recorded, submit the following fees:
 - a. \$32.00 per page payable to the Register of Deeds; and,
 - b. \$7.00 per lot payable to the Unified Treasurer;
2. The 40-foot access easement from Lot 2 through Lot 1 to Donahoo Road shall be platted in perpetuity as a plat restriction and may not be removed unless there is solely, direct access to a public street without crossing through another parcel;
3. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
4. Utility easements shall connect with easements established in adjoining properties;
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
6. Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to **APPROVE Plat Application PLAT2023-012:**

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

Motion to **APPROVE** Passed: 7 to 0

Subject to the above conditions.



Figure 1. Aerial Photograph of 13400 Donahoo Road (provided by UG Maps).

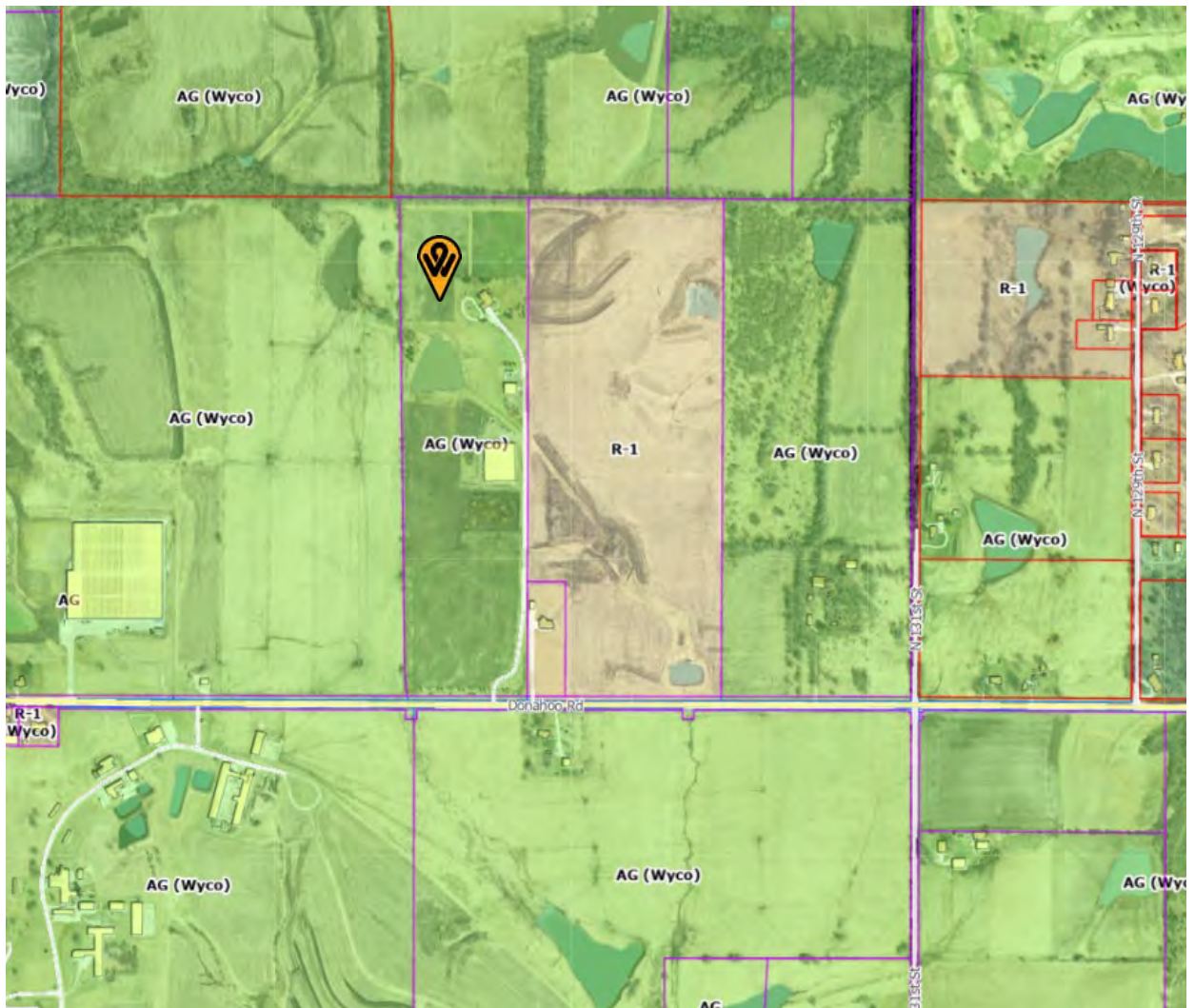
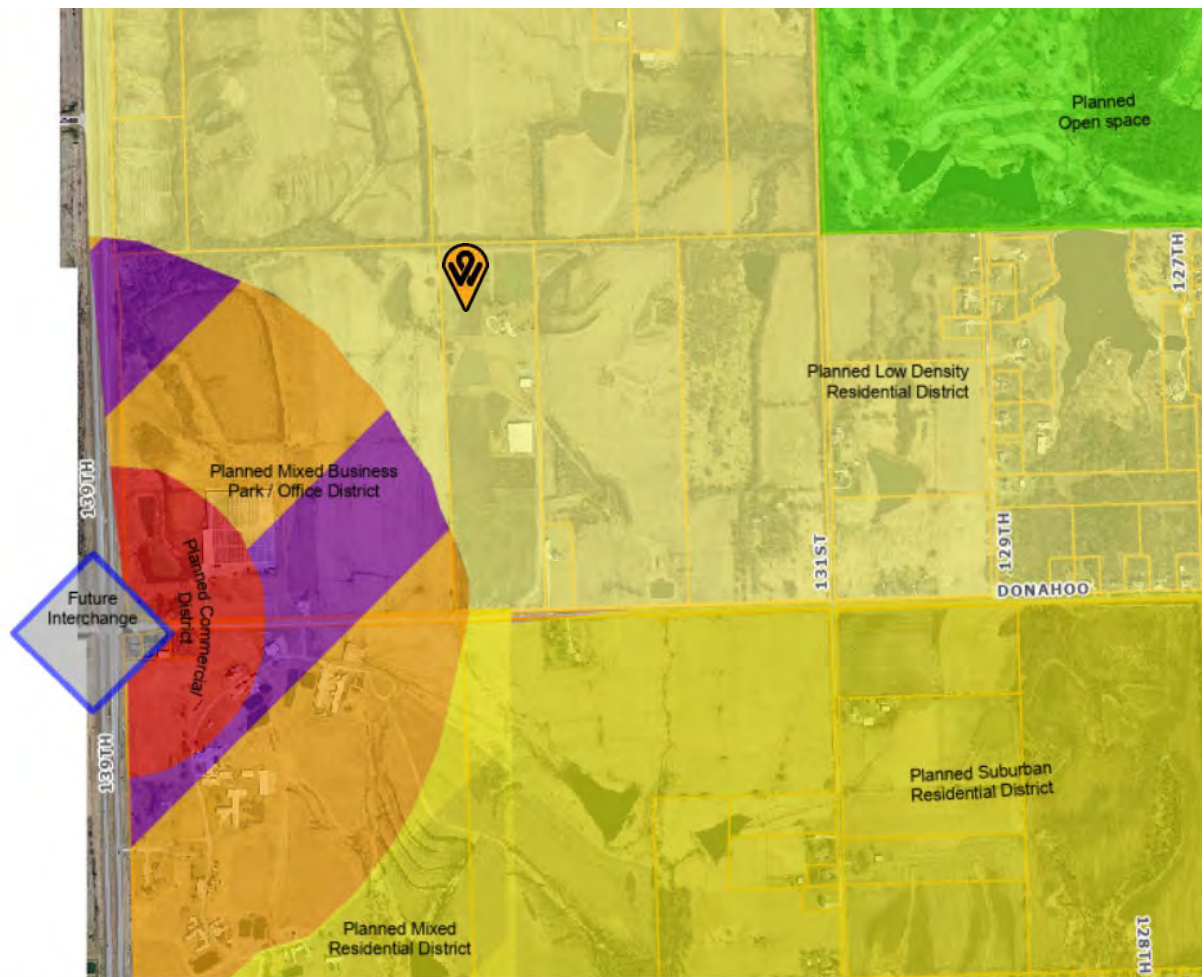


Figure 2. Zoning Map of 13400 Donahoo Road (provided by UG Maps).





KS ENG COA: #0315
KS SUR COA: #363
MO ENG COA: #2023014084
MO SUR COA: #2022014231

ALC
ATLAS LAND CONSULTING
SURVEYING | ENGINEERING | DRONE | CAD
913-702-5073
14500 Parallel Road, Unit R, Basehor KS 66007
ANDREA@ALCONSULT-LLC.COM

FIRST TREE NURSERY ESTATE

Staff Report

Planning and Urban Design Comments:

General:

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

Acknowledge

2. When the mylars are submitted to Staff to be recorded, submit the following fees:

- a. \$32.00 per page payable to the Register of Deeds; and,
- b. \$7.00 per lot payable to the Unified Treasurer. Acknowledge

3. The 40-foot access easement from Lot 2 through Lot 1 to Donahoo Road shall be platted in perpetuity and may not be removed unless as a plat restriction unless there is solely, direct access to a public street without crossing through another parcel. Acknowledge

4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least 10 feet wide. The required 10-foot width may be provided through five (5) foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat. Acknowledge

5. Utility easements shall connect with easements established in adjoining properties. Acknowledge

6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided. Acknowledge

14500 Parallel Rd Unit R Basehor, KS 66007

7. Lighting cannot exceed one (1) footcandle at the property line. Lighting shall have 90-degree cutoff fixtures. **Acknowledge**

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

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

10. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620. **Acknowledge**

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

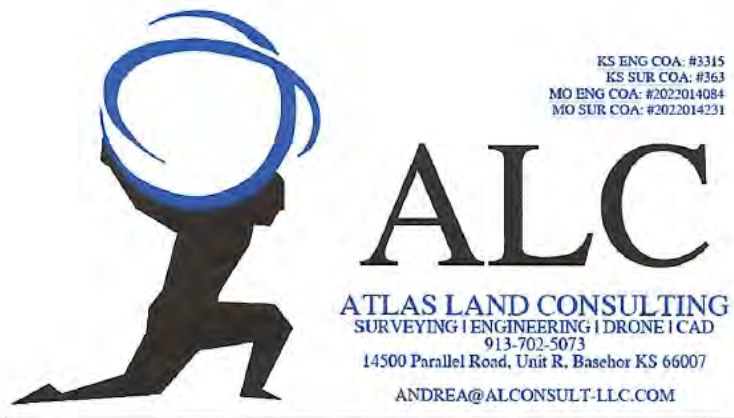
B) Items that are conditions of approval:

1) None

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

1) None **Acknowledge**

14500 Parallel Rd Unit R Basehor, KS 66007



Application Number: COZ2023-010
Date and Location: via email, text, call..etc

Attendance: No responses or questions.

Minutes taken by: Austin Thompson – Atlas Land Consulting

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Johnson } SS:

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

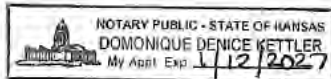
1. That I am the petitioner for Petition #COZ2023-010.
2. That I conducted a neighborhood meeting on via email, text, call, etc.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24th day of April, 2023

My commission expires 12th of January, 2027.



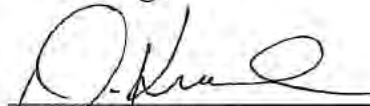

Notary Public





Figure 4. Site photograph of 13400 Donahoo Road looking north from Donahoo Road (provided by Planning Staff).



Figure 5. Site photograph of 13400 Donahoo Road looking north from Donahoo Road (provided by Planning Staff).



Figure 6. Site photograph of 13400 Donahoo Road looking north from Donahoo Road (provided by Planning Staff).



Figure 7. Site photograph of 13400 Donahoo Road looking northeast from Donahoo Road (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: Special Use Petition SP2023-012

GENERAL INFORMATION

Applicant:
John Brown

Status of Applicant:
Representative
Red Brick Development, LLC
2955 Southwest Wanamaker Drive,
Topeka, Kansas 66614

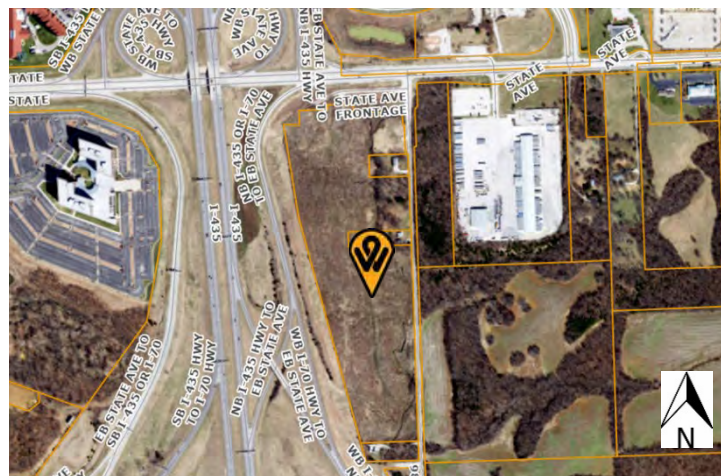
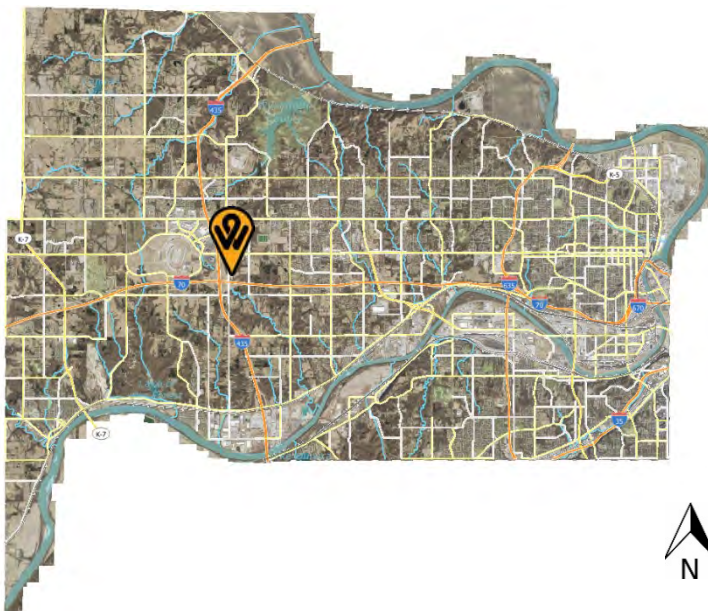
Requested Action:
Approval of a Special Use Permit.

Date of Application:
March 24, 2023

Purpose:
To approve a Special Use Permit for
on-site grading.

Property Location:
924 North 98th Street,
Kansas City, Kansas 66109

Commission Districts:
Commissioner At-Large, District #2
Tom Burroughs
District #7 Commissioner:
Chuck Stites



Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture District East: A-G Agriculture and MP-2 Planned General Industrial Districts West: A-G Agriculture District
Adjacent Uses:	North: Public Right-of-Way and Vacant Lot South: Public Right-of-Way and Vacant Lot East: Vacant Lot and Warehouse West: Interstate 435 and Cerner Complex
Total Tract Size:	31.19 Acres
Master Plan Designation:	The Prairie-Delaware-Piper Area Plan designates this property as Planned Commercial District, which allows major retail uses, including restaurants and hotels.
Major Street Plan:	The Major Street Plan designates State Avenue as a Class A Thoroughfare and North 98 th Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-452(e) states “two off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property is being graded for future use, thus, a parking determination will be made based on the future development.
Advertisement:	<u>The Wyandotte Echo</u> – April 13, 2023 Letters to Property Owner – April 14, 2023
Public Hearings:	May 8, 2023 and May 25, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, John Brown, is requesting a Special Use Permit for grading of the property at 924 North 98th Street for future development.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There are no active notices of violation on the subject property. The property has a history of Notices of Violation under the previous owner and residence, much of which is for trash, debris, and an unsecured structure. The structure has since been demolished and the property sold.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood. The property is bounded by a mix of agricultural lots, industrial warehouses, big-box commercial, and high-density residential. The property is located along State Avenue, a major east-west corridor that runs west to Leavenworth County and east to Downtown KCK.

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

The zoning and uses are set out above. The property is surrounded by a mix of agricultural, commercial, and industrial zoning. The proposed use may create conflicts with the property directly adjacent to and surrounded by the subject property, as those properties are currently single-family residences. A grading operation will create issues such as noise, dust, vibration, and illumination. These impacts would not have as much if any adverse impacts on other adjacent uses, as those commercial and industrial uses by nature create noise and illumination. The applicant will have to take actions to mitigate the impact on adjacent single-family residences.

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

The property is a large agriculturally zoned property along a major commercial corridor adjacent to a major commercial district. The property is suitable to be graded and prepared for future development. The removal of restrictions may, however, detrimentally affect nearby properties, particularly the adjacent single-

family residences, as a grading operation will create issues such as noise, dust, vibration, and illumination.

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

The property has been vacant since the residence on the property was demolished in 2019.

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

Special Use Permits are not addressed in the Area Plan. The Prairie-Delaware-Piper Area Plan designates this property as Planned Commercial District, which allows major retail uses, including restaurants and hotels. The proposed use is to grade the property for potential future commercial uses, however, it is unclear if these future uses conform to the master plan designation.

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

The proposed use is a grading operation, which will increase traffic as employees on site will come to the site daily. It is unclear if there will be earthen fill will be brought on or removed from the site, however, it is not expected that the proposed use will increase traffic to the point where it exceeds the capacity of State Avenue, a Class A Thoroughfare, however, there is concern that traffic could exceed the capacity of North 98th Street, a local/neighborhood street. The applicant shall provide the number of truck trips to determine if the project will exceed the capacity of the roadway.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as the grading operation is for the preparation of future development for the property, rather than public improvement or remediation of a public nuisance. The proposed use, however, may substantially and permanently injure the use, quality, and marketability of adjoining property as a dirt removal operation may create visual impacts on adjacent and abutting properties.

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

Trucks driving on and off the subject property and removing earthen materials will certainly cause noise and vibration issues, and—depending on the hours of operation—lighting and illumination issues as well. This could be considered a problem for nearby properties. A grading operation also has dust issues,

especially if not properly wetted or otherwise mitigated. Additionally, dirt and dust can be tracked into the public right-of-way.

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

The proposed use could potentially pollute the land and air if proper mitigation is not in place to prevent trucks from spreading dirt into the right-of-way, however, if managed properly, the proposed use is not expected to pollute the air, land, or water.

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

The proposed use is not expected to damage or destroy and irreplaceable natural resource if managed properly. The site had been previously utilized as a single

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

The relative gain to public health and welfare is minimal, as the site is not currently being graded for an approved, proposed development. If denied, the applicant would not be able to continue with their grading project and may not be able to develop the site.

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

A grading operation does not necessarily cause overcrowding nor undue concentrations of population. Overcrowding of land may occur with the grading operation if it is not managed properly.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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

KEY ISSUES

Dust Mitigation Plan
Erosion Control Plan
Equipment Storage
Future Development
Hauling
Notice of Intent
Project Scope
Screening and Buffering
Site Access
Signage

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-012, **for two (2) years**, subject to:

1. The following recommendations from the Wyandotte County Conservation District shall be used during the grading operation:
 - a. Before any grading is done, the silt fence needs to be put in.
 - b. Silt fence needs to be placed on the contour as much as possible. The J-hook silt fence is needed on any slopes to reduce the amount of runoff at one time.
 - c. Topsoil needs to be saved. Four (4) to six (6) inches of good topsoil needs to be top dressed over borrow and fill areas.
 - d. Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the steep disturbed area.
 - e. All other areas need to be seeded and mulched immediately after grading is completed.
 - f. All erosion control measures need to be checked once every week and after any rain event. Any repairs need on the silt fence need to be made immediately;
2. The existing natural buffering will remain in place to buffer and screen the subject property from the surrounding single-family residences;
3. The proposed construction entrance shall be contained within the subject property, unless there is an access agreement from adjacent property owners;
4. The applicant shall return for a Change of Zone to a Planned Commercial District once a proposed plan has been developed;
5. Provide rumble strips along the proposed entrance/exit to limit the amount of dirt that is tracked onto North 98th Street or State Avenue;
6. Remove the unpermitted temporary signage that is located on the northwest corner of the site;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in

- this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. 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;
 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 11. 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;
 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

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

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-012** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

May 8, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Existing Site Plan
Grading Plan
Proposed Site Plan
Erosion Control Plan – Phases 1 and 2
Wyandotte County Conservation District Comments
Site Photos, Taken by Staff, Dated April 12, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 8, 2023	May 25, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-012** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-012**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 8, 2023 City Planning Commission Minutes:

Hearing starts at 3:02:22:

SPECIAL USE PERMIT APPLICATION SP2023-012 – JOHN E. BROWN WITH RED BRICK INVESTMENTS, LLC - SYNOPSIS: Special Use Permit for grading to prepare the site for future development at 924 North 98th Street. Detailed Outline of Requested Action: The applicant, John Brown, is requesting a Special Use Permit for grading of the property at 924 North 98th Street for future development.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 8, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Buck Driggs, Driggs Design Group, representing the applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:05:34: Planning Director Hand stated that this request is for a Special Use Permit for on-site grading to prepare the property for redevelopment. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years, subject to the conditions in the staff report.

The Planning Commission directed questions to Staff regarding the trees that will be removed, and Staff noted that the conditions of approval include some existing tree stands as a buffer to the two (2) abutting parcels that surround but are not part of this proposed project.

Motion starts at 3:07:30:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-012 for two (2) years:**

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

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

Subject to:

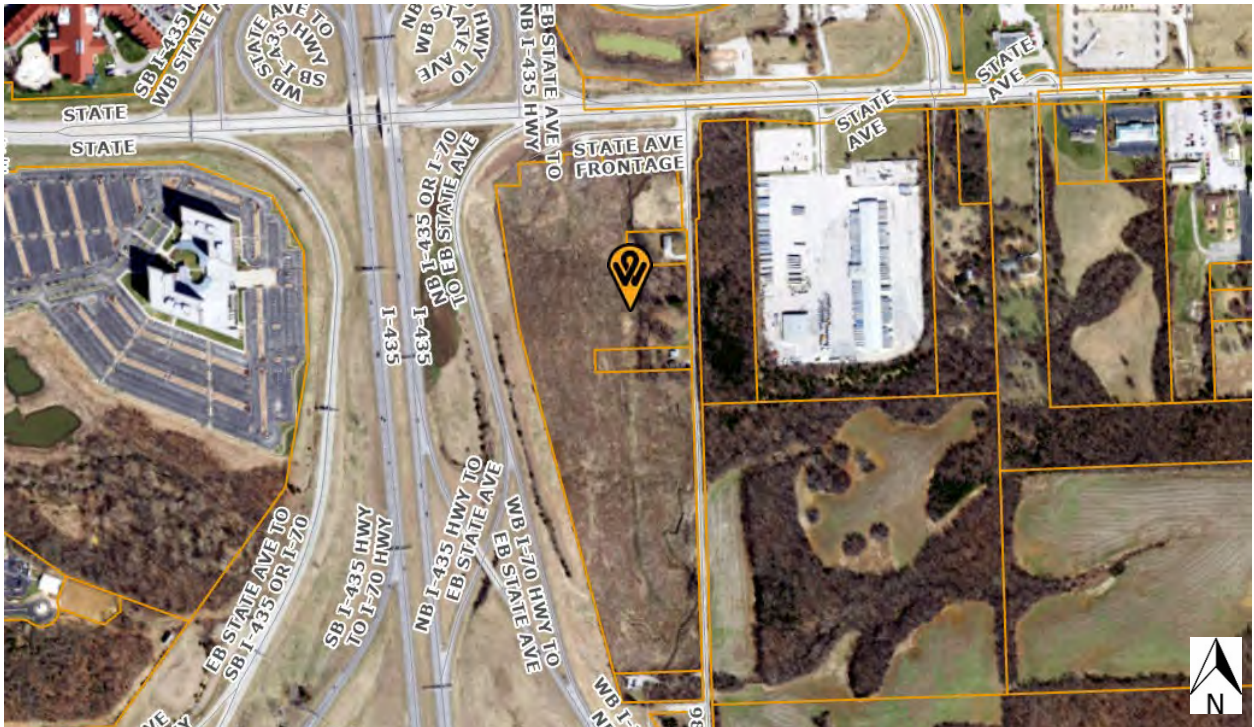
1. The following recommendations from the Wyandotte County Conservation District shall be used during the grading operation:
 - a. Before any grading is done, the silt fence needs to be put in.

- b. Silt fence needs to be placed on the contour as much as possible. The J-hook silt fence is needed on any slopes to reduce the amount of runoff at one time.
 - c. Topsoil needs to be saved. Four (4) to six (6) inches of good topsoil needs to be top dressed over borrow and fill areas.
 - d. Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the steep disturbed area.
 - e. All other areas need to be seeded and mulched immediately after grading is completed.
 - f. All erosion control measures need to be checked once every week and after any rain event. Any repairs need on the silt fence need to be made immediately;
- 2. The existing natural buffering will remain in place to buffer and screen the subject property from the surrounding single-family residences;
- 3. The proposed construction entrance shall be contained within the subject property, unless there is an access agreement from adjacent property owners;
- 4. The applicant shall return for a Change of Zone to a Planned Commercial District once a proposed plan has been developed;
- 5. Provide rumble strips along the proposed entrance/exit to limit the amount of dirt that is tracked onto North 98th Street or State Avenue;
- 6. Remove the unpermitted temporary signage that is located on the northwest corner of the site;
- 7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 8. 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;
- 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 11. 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

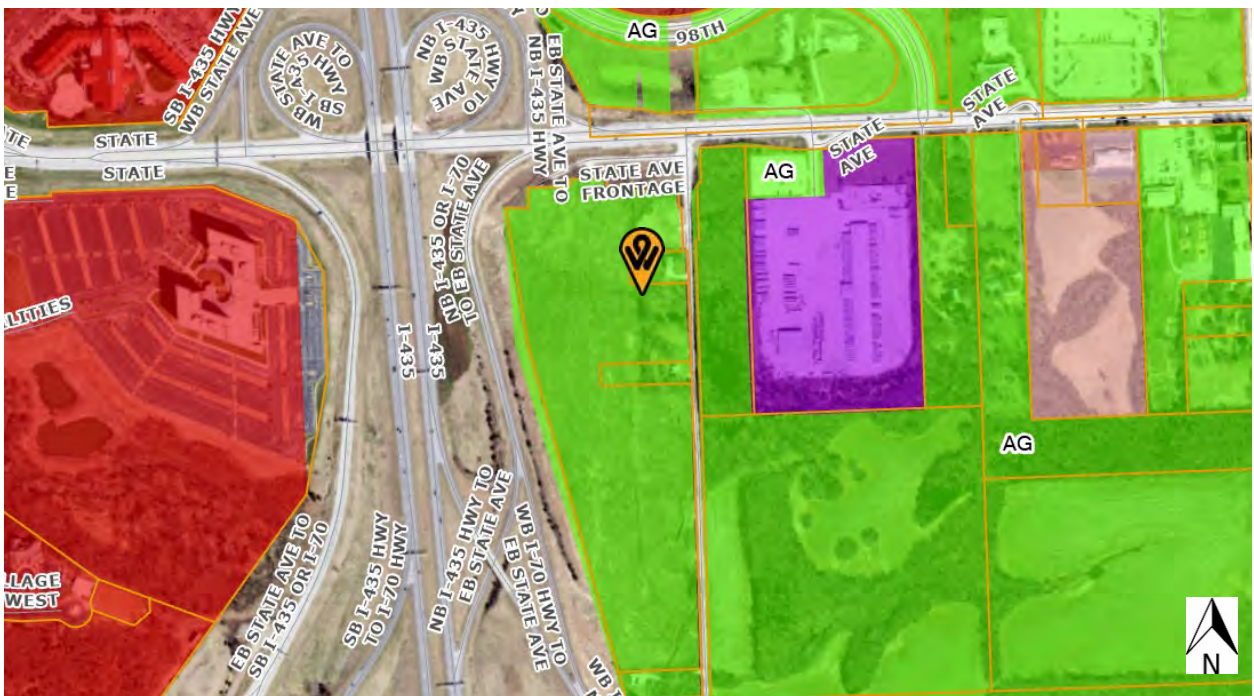
- XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas 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;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

ATTACHMENTS

AERIAL IMAGERY



ZONING MAP



This aerial map illustrates the I-435 corridor and surrounding areas. Key features include:

- Planned Districts:**
 - Planned Commercial District:** Shaded in red, located on the left side of the map.
 - Planned Mixed Business Park / Office District:** Shaded in purple, located in the center-right.
 - Planned Office District:** Shaded in yellow, located on the right side.
 - Public / Semi-Public:** Shaded in blue, located on the far right.
- Transportation Infrastructure:**
 - I-435:** The main corridor running vertically through the center.
 - I-70:** Running horizontally across the middle.
 - State Ave:** Running horizontally across the top.
 - Frontage Roads:** Labeled as 'STATE AVE FRONTAGE'.
- Other Labels:**
 - Planned:** Located near the top center.
 - Mixed Entertainment / Commercial District:** Located near the top center.
 - Public / Semi-Public:** Located on the far right.
 - Planned Office District:** Located on the right side.
- Map Features:**
 - A yellow pin icon is placed on the I-435 corridor.
 - A north arrow is located in the bottom right corner.

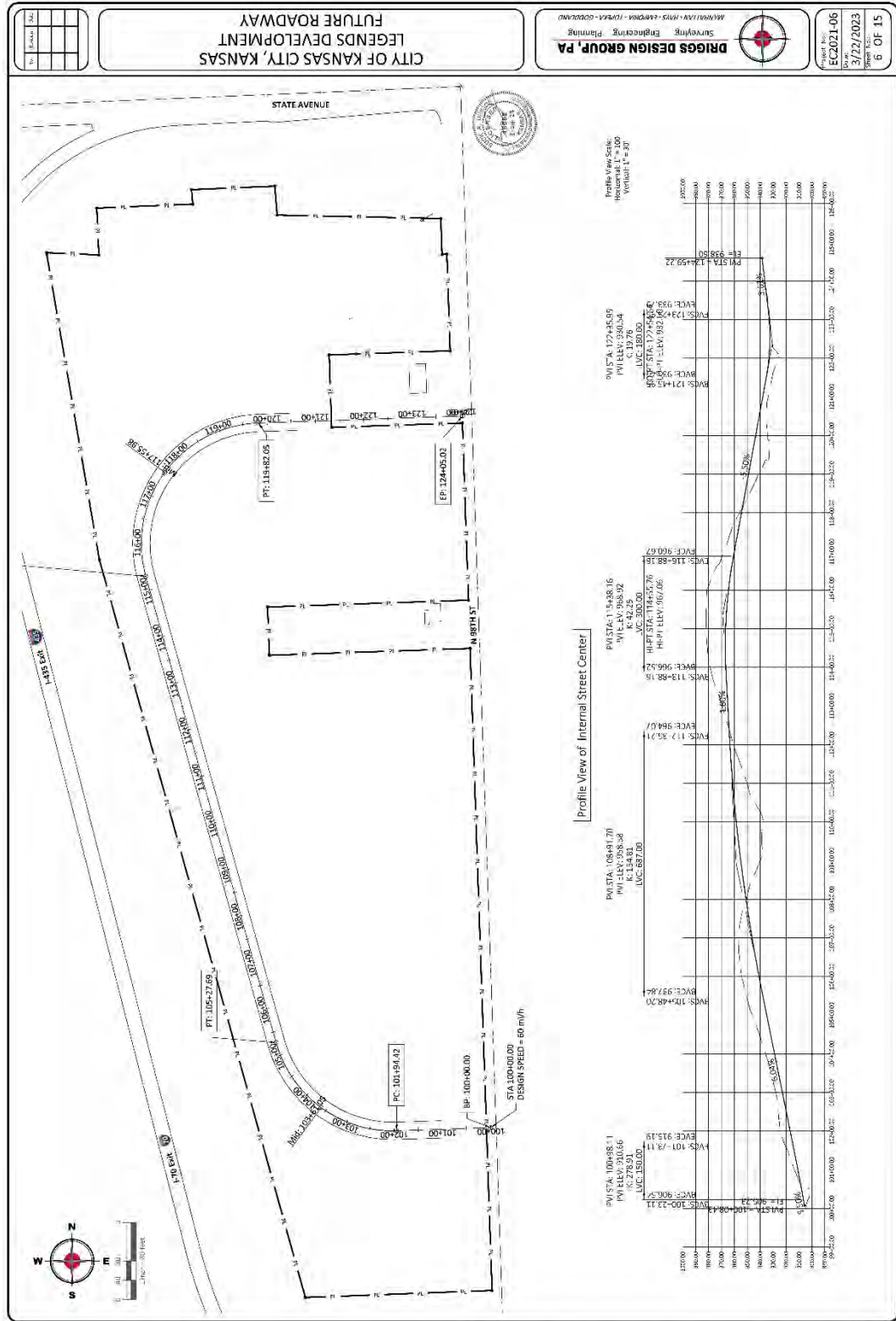
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**Beyond
Surveying**

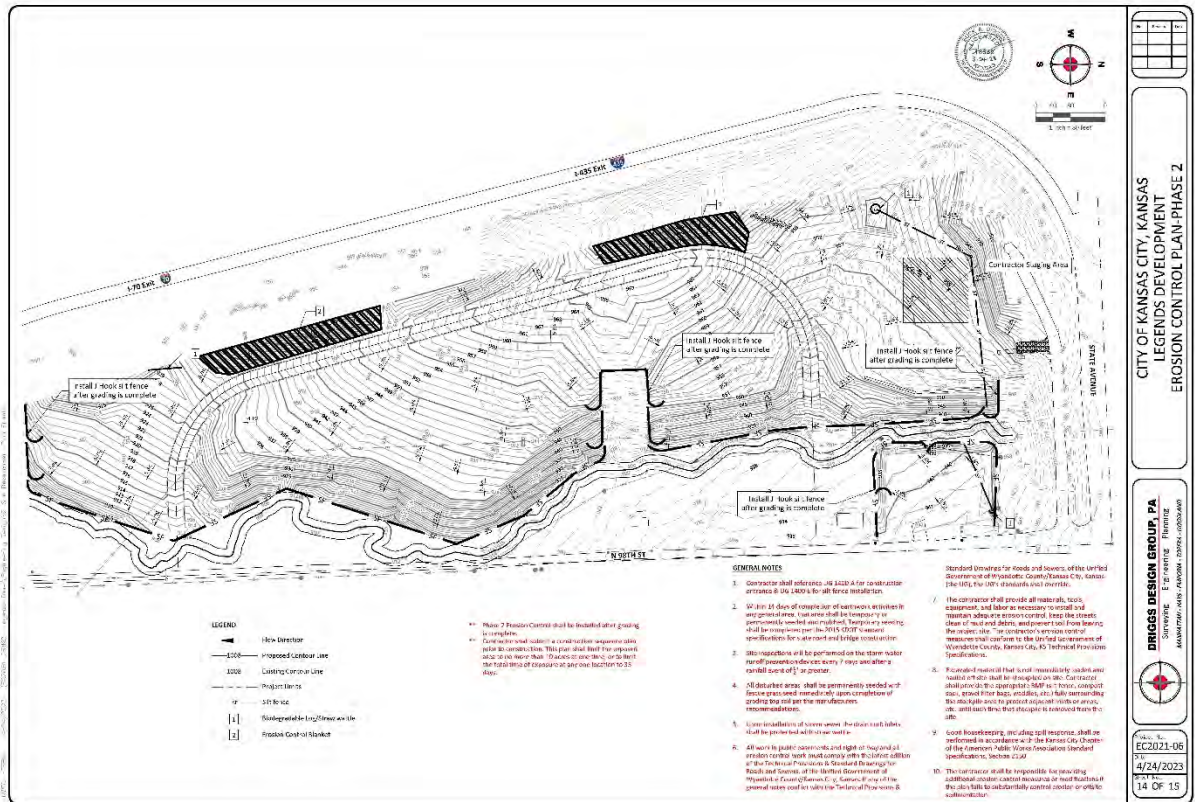
GRADING PLAN



PROPOSED SITE PLAN



18



EROSION CONTROL BLANKET

SHALLOW SLOPE



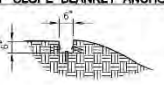
NOTE:
ON SHALLOW SLOPES, PROTECTIVE EROSION CONTROL BLANKETS MAY BE APPLIED ACROSS THE SLOPE.

BERM

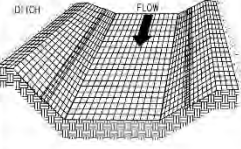


NOTE:
ON STEEP SLOPES, APPLY PROTECTIVE BLANKET PERPENDICULAR TO THE DIRECTION OF FLOW AND ANCHOR SECURELY.

TOP OF SLOPE BLANKET ANCHOR SLOT



DITCH



NOTE:
IN DITCHES, APPLY PROTECTIVE COVERING PARALLEL TO THE DIRECTION OF FLOW. USE CHECK SLOTS AS REQUIRED. AVOID JOINING MATERIAL IN THE CENTER OF THE DITCH IF AT ALL POSSIBLE. FOLLOW BLANKET MANUFACTURER'S RECOMMENDATIONS FOR ALLOWABLE VELOCITY AND SHEAR STRESS.

EROSION CONTROL BLANKET NOTES (1 OF 2):

A) SITE PREPARATION:
AFTER SITE HAS BEEN SHAPED AND GRADED, PREPARE A FRIABLE SEEDBED RELATIVELY FREE FROM CLODS AND ROCKS MORE THAN 1 1/2 INCHES IN DIAMETER AND ANY FOREIGN MATERIAL THAT WILL PREVENT UNIFORM CONTACT OF THE PROTECTIVE COVERING WITH THE SOIL SURFACE.

B) PLANTING:
LIME, FERTILIZE, AND SEED IN ACCORDANCE WITH SEEDING OR PLANTING PLAN. WHEN USING JUTE MESH ON A SEEDBED AREA, APPLY APPROXIMATELY ONE HALF THE SEED AFTER LAYING THE MAT. THE PROTECTIVE COVERING CAN BE LAID OVER SPRIGGED AREAS WHERE SMALL GRASS PLANTS HAVE BEEN INSERTED INTO THE SOIL. WHERE GROUND COVERS ARE TO BE PLANTED, LAY THE PROTECTIVE COVERING FIRST AND THEN PLANT THROUGH THE MATERIAL AS PER PLANTING PLAN.

C) LAYING AND STAPLING:
IF INSTRUCTIONS HAVE BEEN FOLLOWED, ALL NEEDED CHECK SLOTS WILL HAVE BEEN INSTALLED, AND THE PROTECTIVE COVERING WILL BE LAID ON A FRIABLE SEEDBED FREE FROM CLODS, ROCKS, ROOTS, ETC. THAT MIGHT IMPED EROSION CONTACT.

1. START LAYING THE PROTECTIVE COVERING FROM THE TOP OF THE CHANNEL OR SLOPE AND UNROLL DOWN-GRADE.
2. ALLOW TO LAY LOOSELY ON SOIL; DO NOT STRETCH.
3. UPSLOPE ENDS OF THE BLANKET SHOULD BE BURIED IN AN ANCHOR SLOT NO LESS THAN 6-INCHES DEEP. TAMP EARTH FIRMLY OVER THE MATERIAL. WHEN TOP IS RELATIVELY FLAT, EXTEND BLANKET ABOUT 40 INCHES AWAY FROM SLOPE.
4. STAPLE THE MATERIAL AT A MINIMUM OF EVERY 12 INCHES ACROSS THE TOP END.
5. EDGES OF THE MATERIAL SHALL BE STAPLED EVERY 3 FEET. WHERE MULTIPLE WIDTHS ARE LAID SIDE BY SIDE, THE ADJACENT EDGES SHALL BE OVERLAPPED A MINIMUM OF 6 INCHES AND STAPLED TOGETHER.
6. STAPLES SHALL BE PLACED DOWN THE CENTER, STAGGERED WITH THE EDGES AT 3-FOOT INTERVALS.

D) TROUBLESHOOTING:
CONSULT WITH A QUALIFIED DESIGN PROFESSIONAL, IF ANY OF THE FOLLOWING OCCUR:

1. MOVEMENT OF THE BLANKET OR EROSION UNDER THE BLANKET IS OBSERVED.
2. VARIATIONS IN TOPOGRAPHY ON SITE INDICATE EROSION CONTROL MAT WILL NOT FUNCTION AS INTENDED. CHANGES IN PLAN MAY BE NEEDED, OR A BLANKET WITH A SHORTER OR LONGER LIFE MAY BE NEEDED.
3. DESIGN SPECIFICATIONS FOR SOIL VARIETY, SEEDING DATES, OR EROSION CONTROL MATERIALS CANNOT BE MET; SUBSTITUTION MAY BE REQUIRED. UNAPPROVED SUBSTITUTIONS COULD RESULT IN FAILURE TO ESTABLISH VEGETATION.

E) MAINTENANCE & INSPECTION
INSPECT CONTROLS AFTER EACH RAIN EVENT OF 1/2 INCH OR GREATER, AND EVERY 7 DAYS UNTIL VEGETATION IS ESTABLISHED, FOR EROSION OR UNDERMINING BENEATH THE NETTING, BLANKETS, OR MATS. IF ANY AREA SHOWS EROSION, PULL BACK THAT PORTION OF THE MATERIAL, ADD SOIL, TAMP DOWN, AND RESEED, RESECURE THE MATERIAL IN PLACE. IF NETTING, BLANKETS OR MATS BECOME DISLOCATED OR DAMAGED, REPAIR OR REPLACEMENT AND RESECURE IMMEDIATELY.

SOURCE: MODIFIED FROM VA, DCR, 1992

AMERICAN PUBLIC WORKS ASSOCIATION

 EROSION CONTROL BLANKET
 SHEET 1 OF 2

KANSAS CITY
 METROPOLITAN CHAPTER
 STANDARD DRAWING
 NUMBER: EEC-04
 ADOPTED:

CITY OF KANSAS CITY, KANSAS
LEGENDS DEVELOPMENT
EROSION CONTROL DETAILS

PRIGES DESIGN GROUP PA
Surveying Engineering Planning
www.priges.com 913.261.1000



DATE: 04/24/2023
15 OF 15

DATE: 04/24/2023
15 OF 15

STATE OF KANSAS NOTICE OF INTENT



NOTICE OF INTENT (NOI)

For Authorization to Discharge Stormwater Runoff from Construction Activities
In accordance with the Kansas Water Pollution Control General Permit
Under the National Pollutant Discharge Elimination System (NPDES)

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form requests authorization for coverage under the Kansas Water Pollution Control general permit, or KDHE issued successor permits, issued for stormwater runoff from construction activities in the State of Kansas. Becoming a permittee obligates the discharger to comply with the terms and conditions of the general permit. **Completion of this NOI does not provide automatic coverage under the general permit. Coverage is provided and discharge permitted when the Kansas Department of Health and Environment (KDHE) authorizes the discharge of stormwater runoff from the construction activities identified on the NOI and supporting documentation. A signed and dated copy of the first page of the NOI indicating the Authorization will be provided to the owner or operator, or all three pages for Conditional Authorizations.** Upon authorization of the construction activity discharge, a Kansas permit number and a Federal permit number will be assigned to the construction project. **A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed (see listing on Page 3 of this NOI).** KDHE will notify owners or operators whose Notice of Intent (NOI) and supporting documentation for Authorization of stormwater runoff associated with construction activities are incomplete, deficient, or denied.

Please Print or Type.

I. OWNER OR OPERATOR ADDRESS, BILLING, CONTACT & RECORDS LOCATION INFORMATION

A. Owner or Operator's Name: Johnny Brown C. Contact Name: Buck Driggs
Company Name: D+S Investors LLC Company Name: Driggs Design Group, PA
Owner or Operator's Phone: 785-969-3719 Contact Phone: 785-313-1346
Mailing Address: 2955 Wanamaker Dr. Mailing Address: 1115 Westport Drive
City: Topeka State: KS Zip: 66614 City: Manhattan State: KS Zip: 66502
E-mail Address (optional): johnnyb5901@gmail.com E-mail Address (optional): bdriggs@driggsdesign.com
B. Billing Contact Name: Johnny Brown D. Address where records will be kept (if not on-site):
Billing Contact Phone: 785-969-3719 Records Address: 1115 Westport Drive
Billing Address (if different): Same City: Manhattan State: KS Zip: 66502
City: _____ State: _____ Zip: _____
E-mail Address (optional): _____

II. SITE INFORMATION, Type of Request: ☐ New Permit Authorization ☐ Modification of Existing Permit Authorization

A. Project Name: KCKS Development B. LEGAL SITE DESCRIPTION:
Site Address: SWQ N 98th St. and State Ave. QTR of E 1/2 of QTR of NW QTR Section: 12
City: Kansas City State: KS Zip: 66112 Township: 11 South; Range: 23 ☒ E ☐ W
(Nearest City to Project) County: Wyandotte Latitude: 39 06 46 Longitude: - 94 48 32
Deg. Min. Sec. Deg. Min. Sec.

For Official Use Only:

Received RECEIVED MAR 04 2020 BUREAU OF WATER	Amount Paid: <u>\$60.20</u>	Review: <u>[Signature]</u> Authorized: <u>X</u> ☒ Y; ☐ N Is Authorization Conditional? ☐ Y; ☒ N (if yes, see page 3 of NOI for conditions)
	Date: <u>3/4/2020</u>	
	Initials: <u>JDH</u>	
	Check No.: <u>1160</u>	
Authorized by: <u>[Signature]</u> Secretary, Kansas Department of Health and Environment Date: <u>4/24/2020</u> KS Permit No.: <u>S-KS27-0296</u> Federal Permit No.: <u>KSER15445</u>		

Send completed 3 page NOI form with original signature and all appropriate submittals (see page 3 of NOI) to:

Kansas Department of Health and Environment
Bureau of Water, Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, KS 66612-1367

Effective August 1, 2017

Note: A copy of the permit can be obtained at: www.kdheks.gov/stormwater or by submitting a written request to KDHE.

KDHE Contact Information: * Field adjust silt fence rows as needed to intercept project runoff before entering drainage channel along east side of site.
Phone: (785) 296-5545
E-mail: kdhe.stormwater@ks.gov

Notice of Intent (NOI) for Discharge of Stormwater Runoff from Construction Activities

Page 1 of 3

C. EXISTING CONDITIONS/USES

- 1) Is any part of the project located on Indian Country land? ☐ Y; ☒ N
If yes: Contact EPA regarding discharging stormwater runoff from industrial activities on Indian Country land.
- 2) If stormwater runoff drains to or through a Municipal Separate Storm Sewer System (MS4): MS4 Name: _____
- 3) Name of the first receiving water, stream, or lake: _____, River Basin: _____
- 4) Are contaminated soils present on the site or is there groundwater contamination located within the site boundary? ☐ Y; ☒ N
If yes: On separate paper describe in detail the locations and concentrations of the contaminants.
- 5) Are there any contaminated soils that will be disturbed or any contaminated groundwater that will be pumped by the proposed construction activity? ☐ Y; ☒ N
If yes: On separate paper describe the special procedures and erosion and sediment control measures to be implemented to eliminate or minimize the potential to discharge the soil and/or groundwater contaminants.
- 6) Are there any surface water intakes for public drinking water supplies located within ½ mile of the site discharge points? ☐ Y; ☒ N
- 7) Are there any known historical or archeological sites present within the site boundary or any historic structures located within 1000 feet of the project site? ☐ Y; ☒ N
Note: Include documentation of project-specific coordination with the Kansas Historical Society in making this determination.
- 8) Is any threatened or endangered species habitat located within the site boundary or in the receiving water body? ☐ Y; ☒ N
Note: Include documentation of project-specific coordination with the Kansas Department of Wildlife, Parks & Tourism in making this determination.
- 9) Will the project impact the line or grade of a stream or does it include dredge or fill of a potential jurisdictional water body or wetlands? ☐ Y; ☒ N
If yes: Include documentation of project-specific coordination with the US Army Corps of Engineers and/or the Kansas Department of Agriculture, Division of Water Resources in making this determination.
- 10) Are any Critical Water Quality Management Areas, Special Aquatic Life Use Waters, or Outstanding National Resource Waters located within ½ mile of the facility boundary? ☐ Y; ☒ N
If yes: List the names of all such areas and waters: _____

D. PROJECT DESCRIPTION

- 1) Project Description: Clearing of trees and minor grading associated with tree clearing . There is no further development
planned at this time.
- 2) Does this NOI include all proposed soil disturbing activities associated with the entire common plan of development? ☒ Y; ☐ N
If no: Explain what development areas of the site are not included in this NOI and provide contact information, if available, for the party or parties that own or have operational control of these areas:

- 3) Anticipated project Start Date: April 1, 2020, and Completion Date: April 1, 2021
- 4) Estimated total area to be disturbed: 30 Acres Total area of the site: 32 Acres
- 5) Do you plan to disturb ten or more acres that are within a common drainage area? ☒ Y; ☐ N
If yes: Will a sedimentation basin be installed in that drainage area? (Attach design calculations for each sedimentation basin.) ☐ Y; ☒ N
If a sediment basin is not feasible, on a separate sheet describe similarly effective erosion and sediment control measures to be implemented in lieu of a sedimentation basin.

E. Maps

Include an area map showing the outline of the construction site and the topographic features of the area at least one mile beyond the project site.

F. EROSION CONTROL PLAN AND BEST MANAGEMENT PRACTICES

- 1) Provide a summary of the sequence of major soil disturbing activities including installation of the corresponding stormwater management and pollution control features.
- 2) Provide one or more site plans covering the anticipated soil disturbing activities showing the limits of disturbance, the existing and proposed elevation contours, the types and locations of erosion/sediment control measures and stormwater management/pollution control features during each phase of construction and the locations where stormwater runoff leaves the construction site.

Project Name: KCKS Development

Notice of Intent (NOI)

- 3) Provide a description of the best management practices to be utilized to control erosion and the discharge of sediment and other pollutants in stormwater runoff throughout construction and the design calculations for each sediment basin including total drainage area and storage capacity below the elevation of the mass volume flow outlet device.
- 4) Provide the name and License or Certification Number of the engineer, geologist, architect, landscape architect, or Certified Professional in Erosion and Sediment Control (CPESC) under which the construction stormwater pollution prevention plan has been developed.

Buck Driggs
Name

LN# 18352
License or Certification Number

Engineer
Profession or Field (Engineer, Architect, etc.)

III. ANNUAL FEE

Enclose a check for the first year of the annual permit fee specified in K.A.R. 28-16-56 et seq. as amended. Make the check payable to "KDHE". Per K.A.R. 28-16-56, as amended, the current annual permit fee for this general permit is \$60. An invoice for the annual permit fee will be sent to the contact person requesting a permit until such time as the permittee submits a Notice of Termination (NOT).

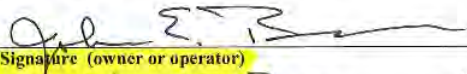
Failure to pay the annual fee will result in termination of the construction stormwater discharge Authorization.

IV. OWNER OR OPERATOR CERTIFICATIONS

I, the undersigned, certify that a Stormwater Pollution Prevention Plan (SWP2 Plan) will be or has been developed for the construction site described in this NOI and supporting documentation. I further certify that the plan will be implemented at the time construction begins, and, as required by the NPDES general permit for Stormwater Runoff from Construction Activity, will revise the SWP2 plan if necessary.

I understand that continued coverage under the NPDES general permit for Stormwater Runoff from Construction Activities is contingent upon maintaining eligibility as provided for in the requirements and conditions of the general permit, and paying the annual fee.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

 3/2/20
Signature (owner or operator) Date
Johnny E. Brown My Partner
Name and Official Title (Please print or type. Form with original signature must be sent to KDHE.)

Conditions of Authorization - For Official Use Only:

When indicated, Conditions of Authorization are as follows:

--

A complete request for Authorization for coverage under the general permit must be submitted or the request will not be processed. A complete request for Authorization includes:

- An NOI form (construction stormwater) with an original authorized signature;
- The annual permit fee for the first year; (\$60.)
- An area map showing the outline of the construction site and the general topographic features of the area at least one mile beyond the project site boundary;
- Sequence of major soil disturbing activities including installation of stormwater management and pollution control features;
- A detailed site plan/plans showing the limits of disturbance, existing and proposed contours, erosion and sediment control features, locations where stormwater runoff leaves the construction site;
- A narrative summary of the additional erosion and sediment control and other best management practices that will be utilized to prevent or reduce contamination of stormwater runoff from the construction activities;
- Total drainage area, storage capacity and design calculations for each sedimentation basin; and
- Copies of letters or e-mails documenting coordination with appropriate local, state or federal agencies.



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

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

April 11, 2023

RE: SP-2023-012 John Brown for grading for future development at 924 North 98th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP-2023-012 John Brown for grading for future development at 924 North 98th Street.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)

Soil Features

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

- There are four major soil types identified: Kennebec silt loam, occasionally flooded, Ladoga silt loam, 3 to 8 percent slopes Knox silt loam, 7 to 12 percent slopes and Orthents. These soil types are considered very erodible when the surface is denuded of a protective cover.
- The erosion control plan is very weak.
- Before any grading is done, the silt fence needs to be put in.
- Silt fence needs to be placed on the contour as much as possible. The J-hook silt fence is needed on any slopes to reduce the amount of runoff at one time.
- Topsoil needs to be saved. Four to six inches of good top soil needs to be top dressed over borrow and fill areas.
- Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the steep disturbed area.

- All other areas need to be seeded and mulched immediately after grading is completed.
- All erosion control measures need to be checked once every week and after any rain event. Any repairs need on the silt fence need to be made immediately.
- All the electric power poles need to be protected.
- The Best Management Practices in this report can be used to solve any erosion control issues for this project.

The following Best Management Practices are recommended for this plat:

* **Access Road** – Temporary entrance/exit pads should be constructed of a stone base design to provide a buffer area where construction vehicles can drop their mud to avoid transporting it onto public roads. See the *Protecting Water Quality Field Guide* pages 27-29 for Temporary Gravel Construction Entrance/Exit Pad.

* **Dust Control** – Any combination of the following may be used to help reduce the dust and air pollution at a construction site; vegetative cover, sprinkling, barriers, street cleaning and mulching. See the *Protecting Water Quality Field Guide* pages 89-92 for Dust Control information.

* **Critical Area Planting** - After final grade has been completed permanent vegetation will be established. See the *Protecting Water Quality Field Guide* pages 35-54 for Temporary, and Permanent Seeding.

* **Filter Strips** – During development, strategic non disturbance of existing perennial grass vegetation can function as filter strips. See the *Protecting Water Quality Field Guide* pages 195-200 for Filter Strip.

* **Silt Fences**- Temporary sediment barrier consisting of a geotextile fabric which is attached to supporting posts and trenched into the ground may be substituted for vegetative strips. Install on the contour, where fence can intercept runoff as a sheet flow; not located in crossing channels, waterways or other concentrated flow paths. See the *Protecting Water Quality Field Guide* pages 175-181 for Sediment Fence.

* **Sediment Trap** -Temporary catch basins consisting of a row or more of entrenched and anchored straw bales can be utilized in minor swales with less than 2 acres of drainage. See the *Protecting Water Quality Field Guide* for Straw Bale Sediment Trap.

* **Mulching** – Mulch can be applied to seeded areas to help establish plant cover. It can also be used in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. See the *Protecting Water Quality Field Guide* pages 61-66 for Mulching.

* **Precision Land Forming** – Keep disturbed areas small; open only the land that is minimally necessary to perform the intended construction activities; and only for the minimum duration of time necessary to complete construction. Permanent or temporary soil stabilization should be applied to denuded areas that will remain undisturbed for longer than 60 days.

* **Sediment Basins** – This best management practice should be utilized in the natural concentrated flow areas to protect adjacent property and meet the National

Pollution Discharge Elimination Systems Permit (NPDES). See the Water Quality Field Guide pages 201 – 208 for Temporary Sediment Trap and pages 209-216 for Sediment Basin.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 7, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Shawnee)

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

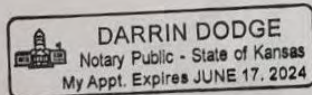
1. That I am the petitioner for Petition #SP2023-012
2. That I conducted a neighborhood meeting on April 24, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

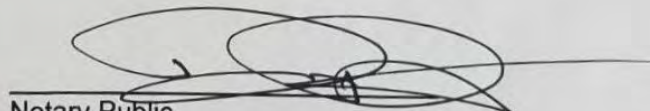
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26 day of April, 2023

My commission expires 17 of June, 2024




Notary Public



DRIGGS DESIGN GROUP, PA
Surveying Engineering Planning

MANHATTAN OFFICE

1115 Westport Drive Suite F
Manhattan, KS 66502
P: (785) 313-1346
E: bdriggs@driggsdesign.com

Neighborhood Meeting Minutes

Application Number: SP2023-012

Date: April 25, 2023 @ 12 am

Letter sent out: April 12, 2023

Names of people that inquired: John Ahart

Presentation by applicant and/or team: Letter was sent to property owners within 200' of the property

Questions and answers:

John Ahart called Buck Driggs on Tuesday April 18. He wanted more information on the project. Buck followed up with an email. Plans were then provided to John via email.

Meeting adjourned at: April 25, 2023 @ 12 am

Minutes taken by: Kord Albers

Manhattan / Hays / Emporia / Topeka / Goodland



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: Petition SP2023-013

GENERAL INFORMATION

Applicant:
Rupinder Dhillon

Status of Applicant:
KVL Tires, LLC
336 South 42nd Street
Kansas City, KS 66106

Requested Action:
Approval of a Special Use Permit.

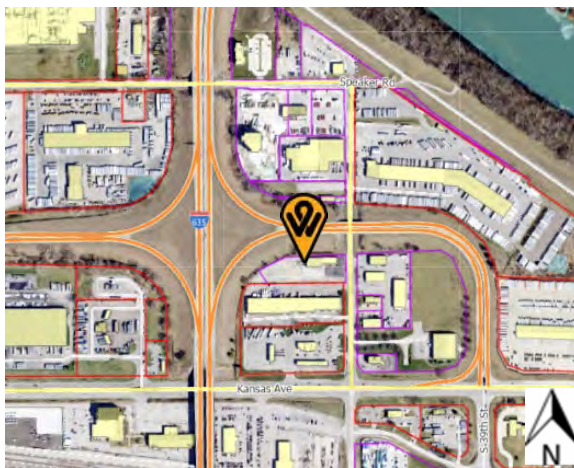
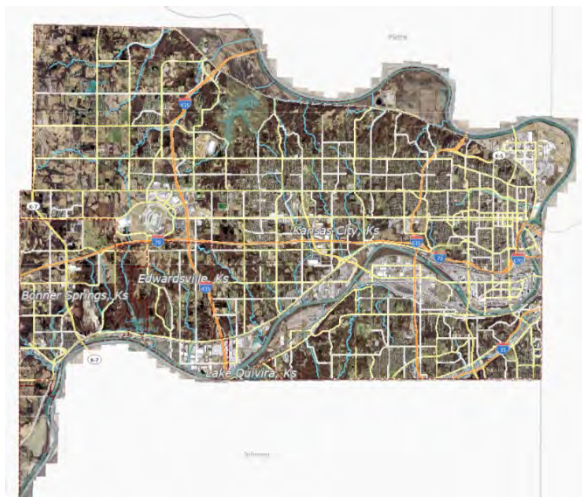
Date of Application:
March 24, 2023

Purpose:
To operate a tire sales business primarily to service trucks.

Property Location:
336 South 42nd Street
Kansas City, KS 66106

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

Existing Zoning:
M-3 Heavy Industrial District



Adjacent Zoning:	North: None (I-635 ROW) South: M-3 Heavy Industrial District East: M-3 Heavy Industrial District West: None (I-635 ROW)
Adjacent Uses:	North: Interstate 635 Right-of-Way South: Industrial warehouse East: Industrial warehouse West: Interstate 635 Right-of-Way
Total Tract Size:	2.13 Acres
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Industrial, which allows manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, limited retail commercial and service uses such as truck stops, service stations, convenience stores, etc., and mining/mineral extraction.
Major Street Plan:	The Major Street Plan classifies 42 nd Street as a Class C Thoroughfare.
Required Parking:	Sec. 27-470(a)(12) states the ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. 17 parking spaces are provided. 20 spaces are required; therefore three (3) additional spaces must be added to the site plan or a variance must also be requested in coordination with this Special Use Permit.
Advertisement:	<u>The Wyandotte Echo</u> – April 13, 2023 Letters to Property Owner – April 14, 2023
Public Hearings:	May 8, 2023 and March 25, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Rupinder Dhillon with KVL Tires LLC, seeks to operate a tire repair shop for service and semi-trucks at 336 South 42nd Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. Plumbing and Mechanical Permit – September 1999.
2. Plumbing Permit – June 2005.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is industrial in nature and the subject property is surrounded by uses that are of similar industrial nature. Lots are generally large to accommodate warehouses, manufacturing, and similar activities. 42nd Street is improved and is heavily trafficked by trucks.

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

The zoning and uses of nearby property are set out above. Other uses in the area include industrial warehouses, I-635 right-of-way and a cement batch plant. The sale of truck tires and tire repair is not prohibited, although it requires a Special Use Permit to operate.

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

The property is suitable for an industrial purpose including heavy truck tire sale and repair if the business is properly managed. Nearby properties engage in uses that are similar activity and the operation of a tire repair shop will not affect nearby property.

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

This property has been vacant as zoned since 2020, which was a brick and supply store.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Comprehensive Plan Industrial designation allows manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, limited retail commercial and service uses such as truck stops, service stations, convenience stores, etc., and mining/mineral extraction. The subject property is currently a heavy industrial use, and its land use is not changing with the Special Use Permit, therefore the subject property maintains conformance to the Comprehensive Plan.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the Class C Thoroughfare, as it is designed to handle heavy industrial traffic.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, as those who benefit will be those who patronize the property for sales purchases. There will be some economic benefit to the public as there is a new taxable development. The use will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjacent property given the industrial nature of surrounding uses if managed appropriately.

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

Noise and vibration are issues related to heavy truck tire sales and repair, however, the subject property is surrounded by uses of a similar nature as this district is designed for such intense uses. The proposed use will not create problems for nearby properties.

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

The proposed use will not pollute the air, land, or water as long as proper disposal and care of automotive chemicals and tires is maintained. There are some concerns about increased air quality issues, although if the trucks are maintaining their air quality equipment as required by EPA or other standards, this should not be an issue.

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

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

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

The relative gain to the public health, safety, and welfare is minimal as it provides a private service rather than public benefit. If denied, the business would need to find a different location to operate their business from and sell the property.

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

Overcrowding of buildings or automobiles should not be a problem if the use is managed appropriately. There is adequate acreage to accommodate desired vehicles and buildings for the tire sales and tire repair operation as well as staff in the front office.

PREVIOUS ACTIONS

- None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via in-person at the Kansas City, Kansas Public Library – South Branch (Argentine Library) on April 24, 2023 Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Commercial Design Guidelines

Noise

Parking

Traffic and Driveway Access

Fencing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-013, **for two (2) years**, subject to:

1. **Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;**
2. **No parking or idling shall be allowed along the driveway stretch from 42nd Street onto the property;**
3. **No gravel shall be introduced to the property;**
4. **Stripe the parking lot for customers between the fence and public right-of-way and truck parking within the fence enclosure;**
5. **Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence;**
6. **Sec. 27-593(b)(20)e. Install/repair sidewalks per code.**

Per the goDotte Mobility Plan, 42nd Street is designated as a Minor Arterial, which requires a five (5) sidewalk. Install a five (5) foot concrete sidewalk along the west side of 42nd Street, maintaining a two (2) foot buffer/median from the back of curb;

7. **Obtain a Right-of-Way permit via Public Works and plant two (2) street trees in the median on the west side of South 42nd Street;**
8. **Sec. 27-700(b)(4) Trees may be required depending on the particular location and surroundings of the project up to a maximum of one (1) tree per 15,000 square feet of site area.**

Sec. 27-593(b)(20)a.2. Landscaping, screening and façade improvements to meet the Commercial Design Guidelines.

Sec. 27-593(b)(20)d.2. Parking shall be upgraded to current standards and regulations including medians, landscaping and screening.

Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

The site is 2.126 acres; therefore 11 trees are required to be planted. These will be noted and provided on the landscape plan for the Change of Occupancy building permit;

If these conditions are not met a Variance application will need to be filed.

9. Landscaping shall be irrigated for a watering plan shall be provided specifically specifying how the vegetation will be maintained to establish and sustain growth;
10. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
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 must file and maintain a current business occupation tax application with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;
13. 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;
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 Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
17. 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;
18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning

- of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
19. 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 on 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;
 20. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State 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;
 21. 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;
 22. 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;
 23. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

- Planning 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;
24. 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; and,
25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-013** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 8, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Site Photographs Provided by Staff on April 12, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 8, 2023	May 25, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-013** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-013** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 8, 2023 City Planning Commission Minutes:

Hearing starts at 3:08:27:

SPECIAL USE PERMIT APPLICATION SP2023-013 – RUPINDER DHILLION WITH KVL TIRES LLC - SYNOPSIS: Special Use Permit for tire sales and servicing for trucks and semi-trucks at 336 South 42nd Street. *Detailed Outline of Requested Action:* The applicant, Rupinder Dhillon with KVL Tires LLC, seeks to operate a tire repair shop for service and semi-trucks at 336 South 42nd Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 8, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Andrea Bough, attorney representing the applicant, Lewis Rice Attorneys, 1010 Walnut, Suite 500, Kansas City, Missouri 64016
- Bryan Ruoff, architect

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:15:26: Planning Director Hand stated that this request is for a Special Use Permit for a tire repair and installation shop. The property is in the City-Wide Comprehensive Plan in the Argentine industrial area. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report. He further stated that Staff did not update the parking summary in the staff report to reflect the most up-to-date site plan submission. The staff report will be updated prior to the Board of Commissioners meeting accordingly. The site plan does not show the 11 trees but there is adequate space for the trees to exist. Staff believes the Applicant can find a design solution for the sidewalk to be built on 42nd Street. Both site plan issues can be addressed at the building permit process. However, if the Staff and Applicant cannot come to an agreement, the Applicant would need to come back to the Planning Commission request the relevant conditions of approval be removed. He stated that the site plan shows a 5' sidewalk. Staff recommends abiding to the code sections listed in the staff report.

The Planning Commission directed questions to Staff and Applicant.

Motion starts at 3:32:20:

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

SP2023-013 for two (2) years:

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

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

Subject to:

1. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;
2. No parking or idling shall be allowed along the driveway stretch from 42nd Street onto the property;
3. No gravel shall be introduced to the property;
4. Stripe the parking lot for customers between the fence and public right-of-way and truck parking within the fence enclosure;
5. Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence;
6. Sec. 27-593(b)(20)e. Install/repair sidewalks per code.

Per the goDotte Mobility Plan, 42nd Street is designated as a Minor Arterial, which requires a five (5) sidewalk. Install a five (5) foot concrete sidewalk along the west side of 42nd Street, maintaining a two (2) foot buffer/median from the back of curb;

7. Obtain a Right-of-Way permit via Public Works and plant two (2) street trees in the median on the west side of South 42nd Street;
8. Sec. 27-700(b)(4) Trees may be required depending on the particular location and surroundings of the project up to a maximum of one (1) tree per 15,000 square feet of site area.

Sec. 27-593(b)(20)a.2. Landscaping, screening and façade improvements to meet the Commercial Design Guidelines.

Sec. 27-593(b)(20)d.2. Parking shall be upgraded to current standards and regulations including medians, landscaping and screening.

Sec. 27-577(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent.

The site is 2.126 acres; therefore 11 trees are required to be planted. These will be noted and provided on the landscape plan for the Change of Occupancy building permit;
If these conditions are not met a Variance application will need to be filed.

9. Landscaping shall be irrigated for a watering plan shall be provided specifically specifying how the vegetation will be maintained to establish and sustain growth;
10. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
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 must file and maintain a current business occupation tax application with the Business Licensing Division located at

4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 or businesslicense@wycokck.org;

13. 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;
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 Inspection Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
17. 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;
18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, and Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond;
19. 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 on 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;
20. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State 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;
 21. 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;
 22. 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;
 23. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning 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;
 24. 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; and,
 25. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise

determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

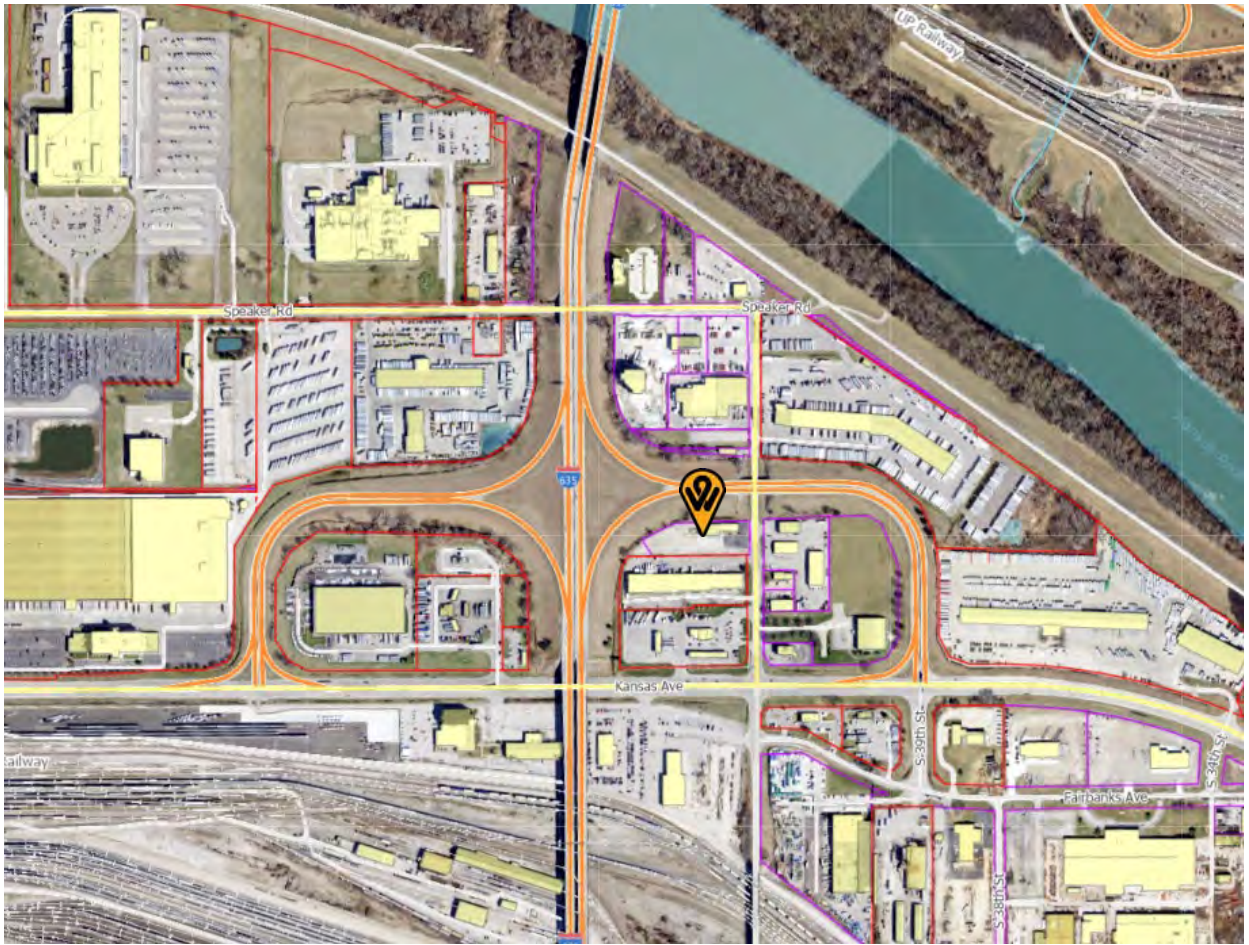


Figure 1. Aerial photograph of 330 South 42nd Street (provided by UG Maps).

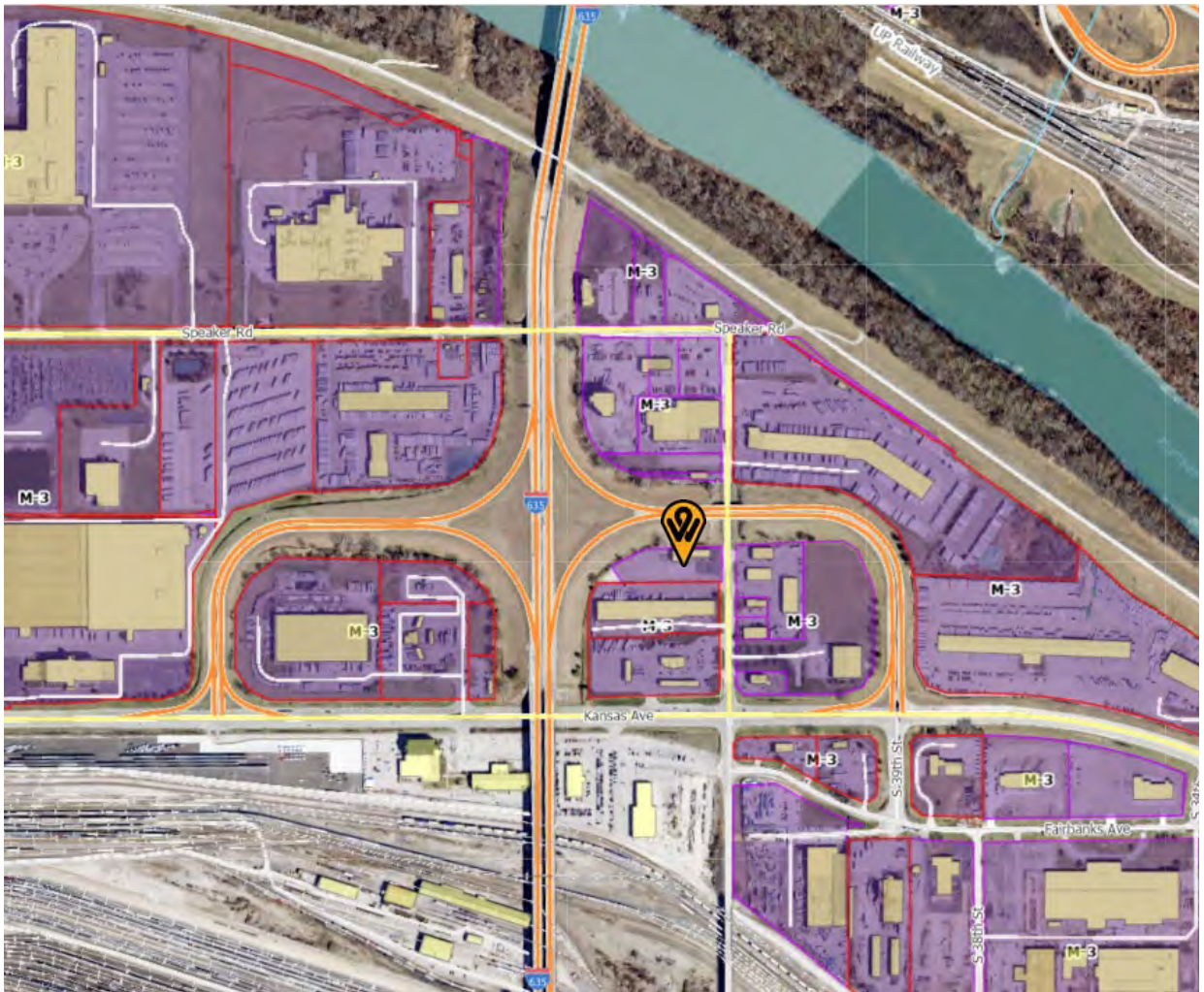


Figure 2. Zoning Map of 330 South 42nd Street (provided by UG Maps).

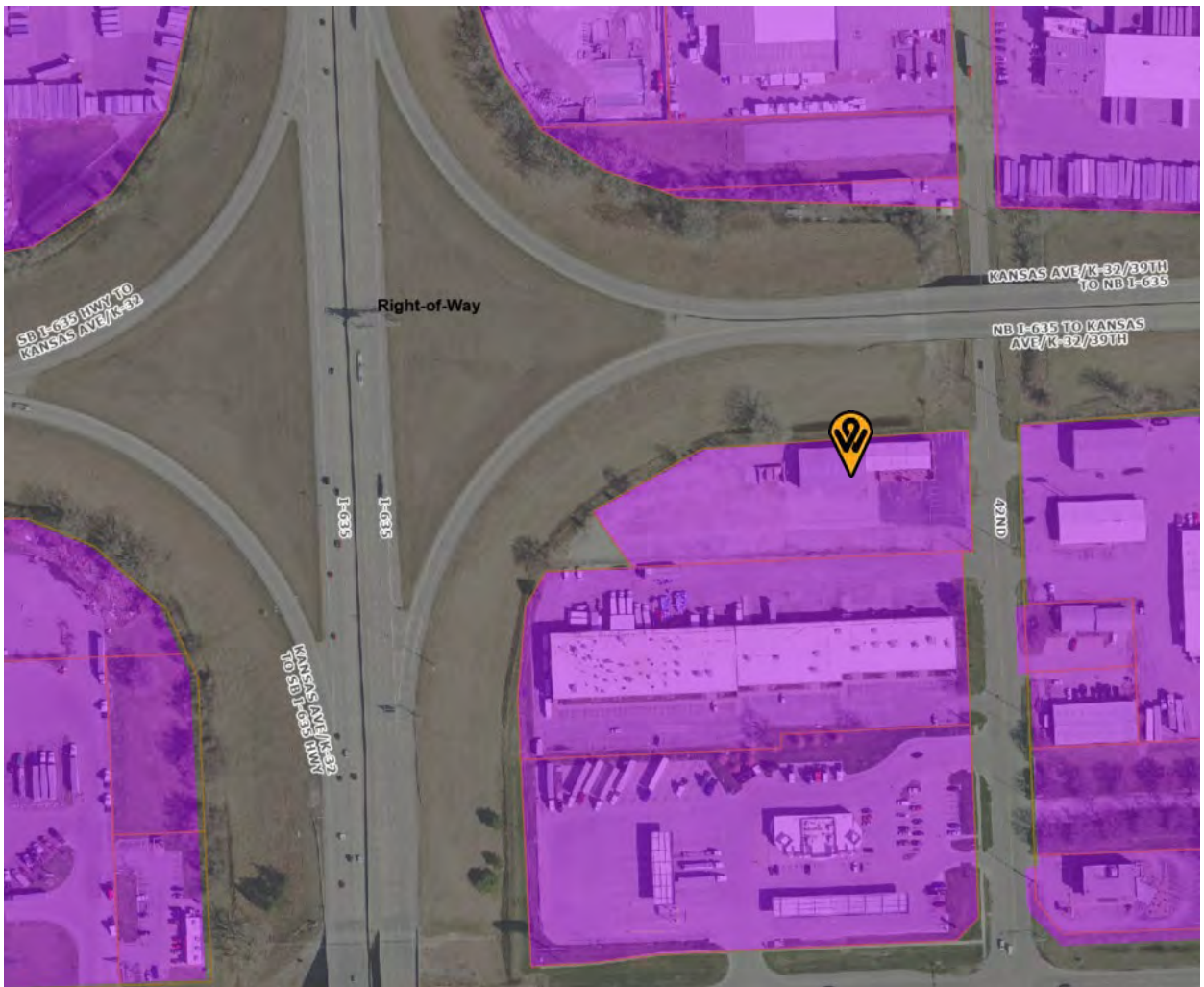


Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of 330 South 42nd Street (provided by ArcGIS Pro).

Andrea G. Bough

816.472.2523

agbough@lewisricekc.com

April 21, 2023

VIA EMAIL EDR@wvcokck.org

Unified Government of Wyandotte County &
Kansas City, Kansas
Attn: Byron Toy
701 N. 7th Street, Suite 423
Kansas City, Kansas 66101

Re: SP2023-013 – 336 S. 42nd Street

Dear Mr. Toy:

In response to your email dated April 14, 2023 and the draft Staff Report, I am forwarding to you revised plans that have been prepared by Mr. Bryan Ruoff. The parking has been revised to reflect 23 passenger parking spaces in addition to the trailer and truck parking spaces.

Below I have provided a brief response to the Staff Comments and Suggestions:

General Planning

1. Applicant anticipates that there will be a maximum of 2 vehicles in the bays and 10 vehicles on site at one time. The maximum number of vehicles on site will likely not occur initially, but will increase to the maximum over time.
2. Applicant will replace, change and fix tires and provide alignment services. No mechanical services will be provided on site.
3. The proposed hours of operation are Monday – Friday 8 a.m. – 6 p.m.; Saturday 9 a.m. – 3 p.m. (although these hours are being finalized).
4. Applicant acknowledges that it must comply with UG ordinances.
5. Applicant acknowledges that no parking or idling is allowed in the driveway.
6. Applicant does not intend to introduce gravel onto the property.
7. Applicant will stripe the parking lot as shown on the plans.
8. Applicant will install wheel stops as requested.
9. Applicant has shown a 5' sidewalk on the revised plans. As shown in the attached photos, a fire hydrant and utility pole are located in or near the area in which the sidewalk is proposed. Applicant requests that the installation of the sidewalk be conditioned on its confirmation that its placement as shown would not require having to relocate the existing fire hydrant and/or utility pole. The costs of such relocation would far outweigh the benefit of installation of a small section of sidewalk in this industrial area where little pedestrian traffic and no connectivity exists.
10. In Applicant's opinion, curb cuts are sufficient and no new driveways are proposed. Applicant requests that existing curb cuts are allowed to remain in their current condition.
11. No new wiring is anticipated.

LEWIS RICE

April 21, 2023

Page 2

12. Applicant acknowledges that a new application is required for a business occupation tax application.
13. Applicant acknowledges.
14. No expansion of the building is planned at this time.
15. This condition/comment is the same as #10.
16. A Right-of-Way Permit will be obtained for any utility work performed in the ROW.
17. To the extent applicable, Applicant will comply.
18. Applicant will comply.
19. Applicant will comply.
20. Applicant will comply.
21. Applicant will comply.
22. Applicant will comply.
23. Applicant acknowledges and will comply.

Landscaping and Screening

1. Applicant will comply.
2. Applicant is proposing to occupy an existing structure that has been vacant since 2020. It is located in an industrial area just off the intersection of I-635. The addition of 11 trees on the property would result in substantial costs related to tearing up the parking areas and would not provide the typical benefit associated with landscaping and screening due to its proximity to and relation with the I-635 interchange. In lieu of 11 on-site trees, Applicant has proposed additional street trees along S. 42nd as shown on the revised plans.
3. A new irrigation system is not planned since this is not a new development (§25-577(f)(1)).
4. To the extent any additional lighting is installed, Applicant will comply.
5. Applicant acknowledges.

Signage

1. Applicant acknowledges.

Please contact me with any questions. Thank you.

Very truly yours,

LEWIS RICE LLC


Andrea G. Bough

cc: Jane Parker (via email: jparker@wycokck.org)
Byron Toy (via email: btoy@wycokck.org)
Rupy Dhillon (via email: rupinder@kalgroup.com)
Amrit Bains (via email: amritpal.s.bains@gmail.com)
Bryan Ruoff (via email: bruoff@3130.com)

{LR:00719894.1}

Established in 1909

Sign-In Sheet Neighborhood Meeting
Monday, April 24 Meeting at 10:00

Application Number: **SP2023-013**
Date and Location: **Monday, April 24**
Kansas City, Kansas Public Library
South Branch
3104 Strong Ave.
Kansas City, KS 66106

	Name	Address	Phone	Email
1.	Rupinder Dhillon			
2.	Amritpal Bains		913-223-7903	
3.	Andrea Bough			
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Minutes of Neighborhood Meeting
Monday, April 24 Meeting at 10:00 a.m.

Application Number: **SP2023-013**
Date and Location: **Monday, April 24**
Kansas City, Kansas Public Library
South Branch, Study Room 2
3104 Strong Ave.
Kansas City, KS 66106

Meeting called to order at: 10:00 a.m.

Names of people in attendance:

Rupinder Dhillon – Applicant
Amrit Bains – Applicant
Andrea Bough – Attorney for Applicant

No others were in attendance

Introductions: **As there were no members of the public/neighborhood in attendance, no introductions were made.**

Presentation by applicant and/or team: **No presentation occurred as there were no members of the public/neighborhood in attendance.**

Questions and answers (include the following): **None.**

Meeting adjourned at: 10:31 a.m.

Minutes taken by: **Andrea Bough, Attorney for Applicant**

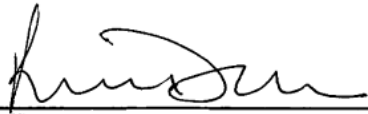
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Clay) SS:

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

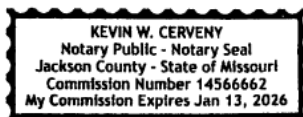
1. That I am the petitioner for Petition #SP2023-013.
2. That I conducted a neighborhood meeting on Monday, April 24, 2023 at 10:00 a.m.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

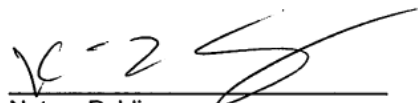
Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of April, 2023.

My commission expires 13th of January, 2023.




Notary Public

{LR: 00718226.1 }

[illegible]

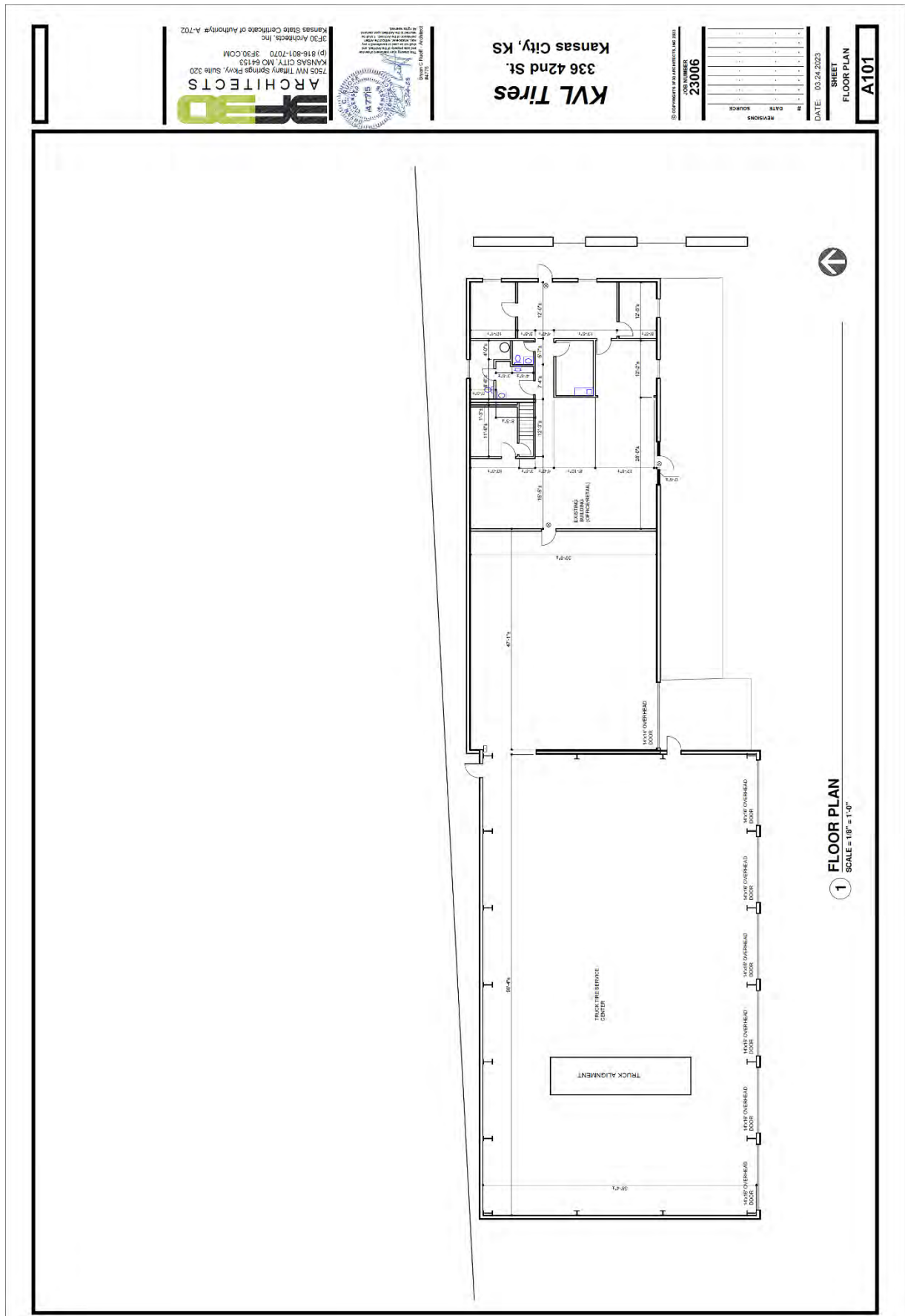




Figure 4. Site Photograph of 336 South 42nd Street looking south (provided by Planning Staff).



Figure 5. Site Photograph of 336 South 42nd Street looking northwest (provided by Planning Staff).



Figure 6. Site Photograph of 336 South 42nd Street looking northwest (provided by Planning Staff).



Figure 7. Site Photograph of 336 South 42nd Street looking north (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: Petition SP2023-014

GENERAL INFORMATION

Applicant:
Steve Scraggs

Status of Applicant:
YMCA of Greater Kansas City
3100 Broadway Boulevard, Suite 1020
Kansas City, MO 64111

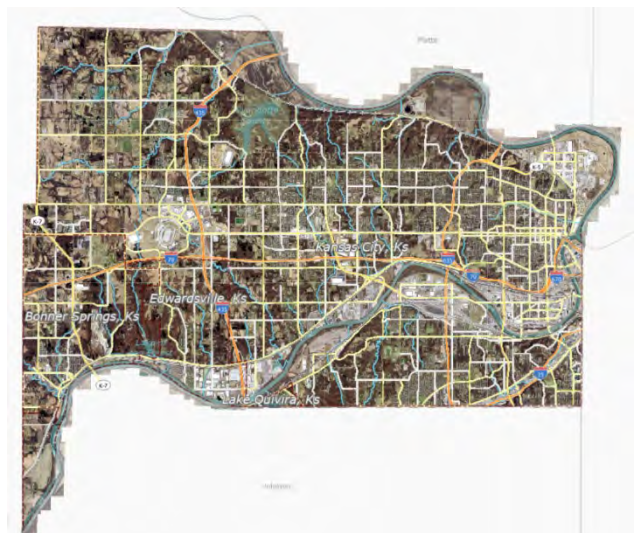
Requested Action:
Approval of a Special Use Permit.

Date of Application:
March 24, 2023

Purpose:
To operate a summer day camp at Piper
USD 203 District office.

Property Location:
701 Village West Parkway
Kansas City, KS 66111

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #5 Commissioner: Michael (Mike)
Kane



Existing Zoning:	R Rural Residential (WYCO) and R-1B Standard Single Family Residential (WYCO) Districts
Adjacent Zoning:	North: A-G Agriculture (WYCO) District South: R-1B Standard Single Family (WYCO) and R-2 Two Family (WYCO) Districts East: A-G Agriculture (WYCO) District West: R Rural Residential (WYCO) and R-1B Standard Single Family (WYCO) Districts
Adjacent Uses:	North: BPU substation South: Single family and two-family homes East: Undeveloped land West: Single family homes
Total Tract Size:	19.85 Acres
Master Plan Area:	Prairie Delaware Piper Area Plan
Master Plan Designation:	The Prairie-Delaware-Piper Area Plan designates the property as Public/Semi-Public, which allows private and public schools as well as areas of worship, indoor and outdoor recreation facilities, and community centers.
Major Street Plan:	The Major Street Plan classifies Leavenworth Road as a Class A Thoroughfare and North 123 rd Street as a Class B Thoroughfare.
Required Parking:	1992 Piper Annex Zoning – Article V, Section 4.5.B.5. One (1) space for each five (5) persons for which there are accommodations, and in every case sufficient spaces to assure complete off-street parking at all times. The property has 45 total parking spaces, which exceeds the minimum requirements for all aggregate uses on the subject property.
Advertisement:	<u>The Wyandotte Echo</u> – April 13, 2023 Letters to Property Owner – April 14, 2023
Public Hearings:	May 8, 2023 and May 25, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Steve Scraggs with YMCA of Greater Kansas City, seeks to operate and host a summer day camp at the Piper USD 203 District office on 19.85 acres at 3130 North 122nd Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. Numerous electrical, mechanical, plumbing, elevator and interior repair permits for the elementary school between 2009 – 2013.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is set in an established, single-family neighborhood to the south across Leavenworth Road. There are large, undeveloped lots to the east and a BPU substation to the north.

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

The zoning and uses of nearby properties are set out above. This use is expected to be compatible as this site is a school and the function is similar to before and after school care at most primary education facilities.

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

The subject property is suitable for a summer day camp. The removal of the restrictions will not detrimentally affect nearby property as the primary function of the building is an elementary school.

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

The subject property is not vacant.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Plan. The Prairie-Delaware-Piper Area Plan designates this property as Public/Semi-Public which allows private and public schools as well as areas of worship, indoor and outdoor recreation facilities, and community centers.

A summer day camp will operate in a similar manner to the school's function during the academic year.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it because the school is not in session, therefore buses and normal parent/guardian drop-off is not moving through the site at its regular volume.

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

The proposed use will provide an educational experience for children that attend the summer camp and will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise from children playing outside on the playground equipment is normally associated with day camps, but also elementary schools. The intensity of such use will be of such duration and intensity as not to create problems for nearby property.

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

A summer day camp itself will likely not pollute the air, land, or water on or around the subject property.

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

This is not an issue as there will be no construction on site or removal of vegetation from the day camp.

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

There would be a gain to the public welfare by increasing the educational opportunities of children. There would be a minimal hardship imposed on the landowner. If this application is denied, the applicant will need to find an alternate location to host its summer day camp.

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

This is not an issue as the district office will not be fully staffed while the YMCA is hosting the summer day camp.

PREVIOUS ACTIONS

- None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via in-person on April 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Overall Phasing of Piper USD 203 Building Programming

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-014, **for two (2) years**, subject to:

1. **Hours of operation shall be generally from 7:00 AM to 6:00 PM. If hours change through the duration of the Special Use Permit that extend beyond 6:00 PM, contact the Planning + Urban Design Department to update Planning Staff;**
2. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning**

- and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
3. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 4. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 5. 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;
 6. 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 on 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;
 7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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;

9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-014** subject to all comments and suggestions outlined in this staff report.

ATTACHMENTS

May 8, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response E-mail
Neighborhood Meeting Minutes
Activity Description
Site Plan
Floor Plan
Applicant Photographs
Site Photographs Provided by Staff on April 12, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 8, 2023	May 25, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-014** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-014** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 8, 2023 City Planning Commission Minutes:

Hearing starts at 3:33:52:

SPECIAL USE PERMIT APPLICATION SP2023-014 – STEVE SCRAGGS WITH YMCA OF GREATER KANSAS CITY - SYNOPSIS: Special Use Permit for YMCA summer day camp at 3130 North 122nd Street. Detailed Outline of Requested Action: The applicant, Steve Scraggs with YMCA of Greater Kansas City, seeks to operate and host a summer day camp at the Piper USD 203 District office on 19.85 acres at 3130 North 122nd Street.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 8, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Steve Scraggs, applicant, Executive Director of YMCA of Greater Kansas City, 3100 Broadway, Suite 1020, Kansas City, Missouri 64111

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:36:47: Planning Director Hand stated that this request is for a summer camp. The property is in the Prairie-Delaware-Piper Area Plan in the Piper School District's offices. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 3:37:22:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Special Use Permit Application SP2023-014 for two (2) years:**

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

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

Subject to:

1. **Hours of operation shall be generally from 7:00 AM to 6:00 PM. If hours change through the duration of the Special Use Permit that extend beyond 6:00 PM, contact the Planning + Urban Design Department to update Planning Staff;**
2. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
3. **Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially**

- and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
4. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 5. 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;
 6. 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 on 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;
 7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 8. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit 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;
 9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.



Figure 1. Aerial photograph of 3130 North 122nd Street (provided by UG Maps).

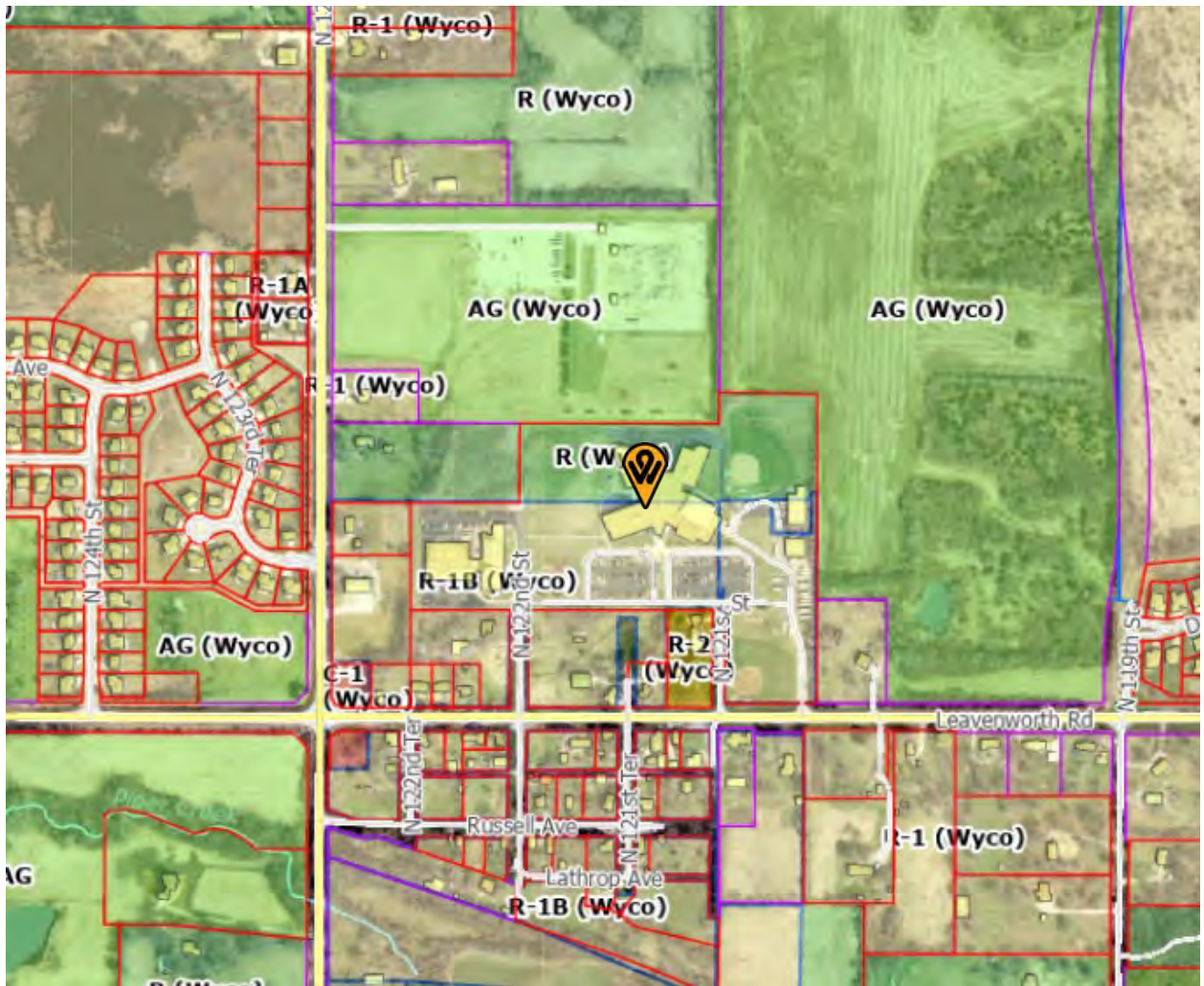


Figure 2. Zoning Map of 3130 North 122nd Street (provided by UG Maps).

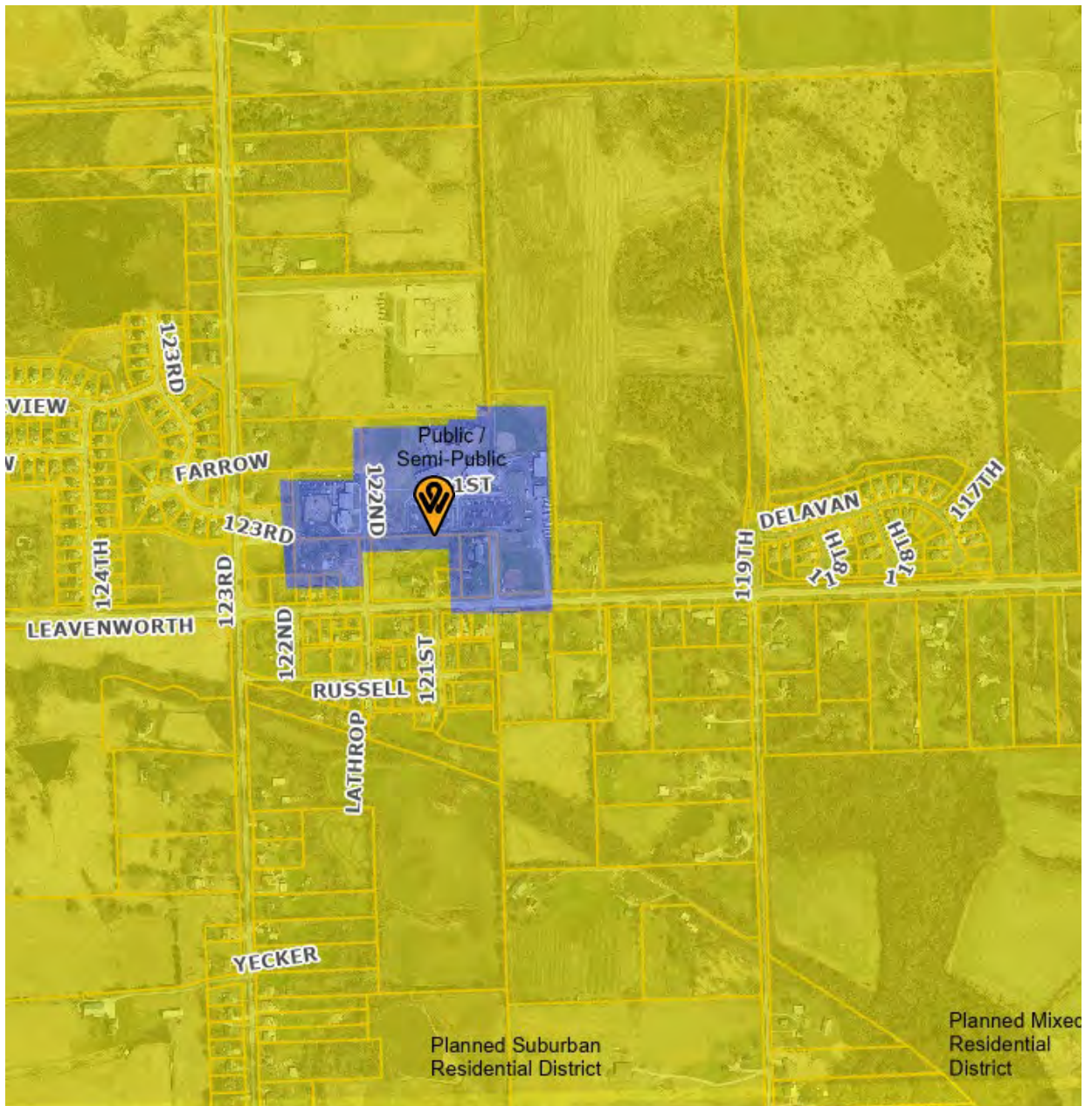


Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map of 3130 North 122nd Street (provided by ArcGIS Pro).

Toy, Byron

From: krystleholt@kansascityymca.org on behalf of YDS Licensing <ydslicensing@kansascityymca.org>
Sent: Wednesday, April 26, 2023 10:59 AM
To: Toy, Byron; Parker, Janet
Cc: Jordan Elo
Subject: Re: SP2023-014 - 3130 NORTH 122ND STREET (Piper USD 203 District Office)
Attachments: PDO Neighborhood Meeting 4-25-23.pdf

My apologies. I didn't see the questions on page 6. Our responses are below. I have also attached the information regarding our meeting. Please let us know if you need anything else.

3. What are the proposed hours of operation? **7am-6pm**
4. How many staff members will participate in the program? **16**
5. How many children will participate in the program? **100**
6. Where will parents drop off and pick up children? Will they park on the south or east side of the building? **Parents will drop off/pick up at the "community center" entrance on the south side of the building, and also use the parking lot on the southside.**
7. There is a small playground on the north side of the building, will the children have access to the larger playground at the elementary school during the day? **Yes. They will be able to walk over and use the playground at Piper Prairie during the day using the sidewalk.**

On Tue, Apr 25, 2023 at 4:11 PM Toy, Byron <btoy@wycokck.org> wrote:

Hello. My name is Byron Toy, Lead Planner and assigned to your Special Use Permit for a YMCA Youth Summer Program at the Piper USD 203 District Office.

Attached is the draft staff report that was sent on Friday, April 14, 2023. Please respond to staff comments beginning on page 6 by tomorrow, Wednesday, April 26, 2023. Also, your neighborhood meeting sign-in sheet, meeting minutes and neighborhood meeting affidavit are due tomorrow.

Thank you,

Byron Toy, AICP

Lead Planner

813.573.5757

btoy@wycokck.org



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th



FOR YOUTH DEVELOPMENT[®]
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Date: 4-7-23

The YMCA Of Greater Kansas City
3100 Broadway Blvd. Suite 1020
Kansas City, MO 64111

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # SP2023-014 the purpose of this: Special Use Permit is for a Summer Camp for incoming 1st Graders through 5th Grade

At the following address: 3130 North 122nd St Kansas City, KS 66109

The YMCA will be having a neighborhood meeting on Tuesday April 25th at 5 p.m. at the Gym inside the Kane Center Building at 3130 North 122nd St, Kansas City, KS 66109

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. The YMCA of Greater Kansas City plans to hold a Summer Camp for incoming first graders through 12 years old at the Piper School District's Kane Center Building from May 30th through August 4th 2023.

This will be the 5th summer the YMCA has provided summer camp programming to families in the community at several of the School Districts educational buildings. I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the email address/phone number listed below.

Sincerely,

Jordan Elo
Senior District Program Director
The YMCA of Greater Kansas City
jordanelo@kansascityymca.org
816-507-3271

YMCA OF GREATER KANSAS CITY
3100 Broadway Street, Suite 1020, Kansas City, MO 64111
P 816.561.9622 F 816.753.2908
KansasCityYMCA.org

OUR MISSION

The YMCA of Greater Kansas City, founded on Christian principles, is a charitable organization with an inclusive environment committed to enriching the quality of family, spiritual, social, mental and physical well-being.
A UNITED WAY AGENCY

YMCA 4-25-23 Community Meeting Sign In Sheet.

Please include your First and Last Name, Phone Number and Email Address

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

NO ONE ATTENDED.

Jordan Ebo

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

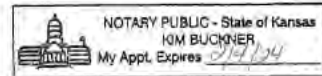
1. That I am the petitioner for Petition # SP2023-014
2. That I conducted a neighborhood meeting on 4/25/23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Jordan Elo
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of April, 2002023

My commission expires 2/4/24 of _____, 2002024.



Kim Buckner
Notary Public

Summer Camp Activities

At Y summer day camps, each week features a unique theme with fun-filled activities that allow for physical movement, social interaction, educational opportunities, leadership building, personal growth and creativity. Participants will be able to participate in a variety of art, STEM, and physical activities. Physical activities including running, soccer, basketball, and a variety of age appropriate gym games. Art activities include painting, drawing, coloring, etc. STEM activities include science experiments, nature walks, math games and activities, ect. Participants will also be able to participate in team building activities, social/emotional learning activities, field trips, and swimming trips.



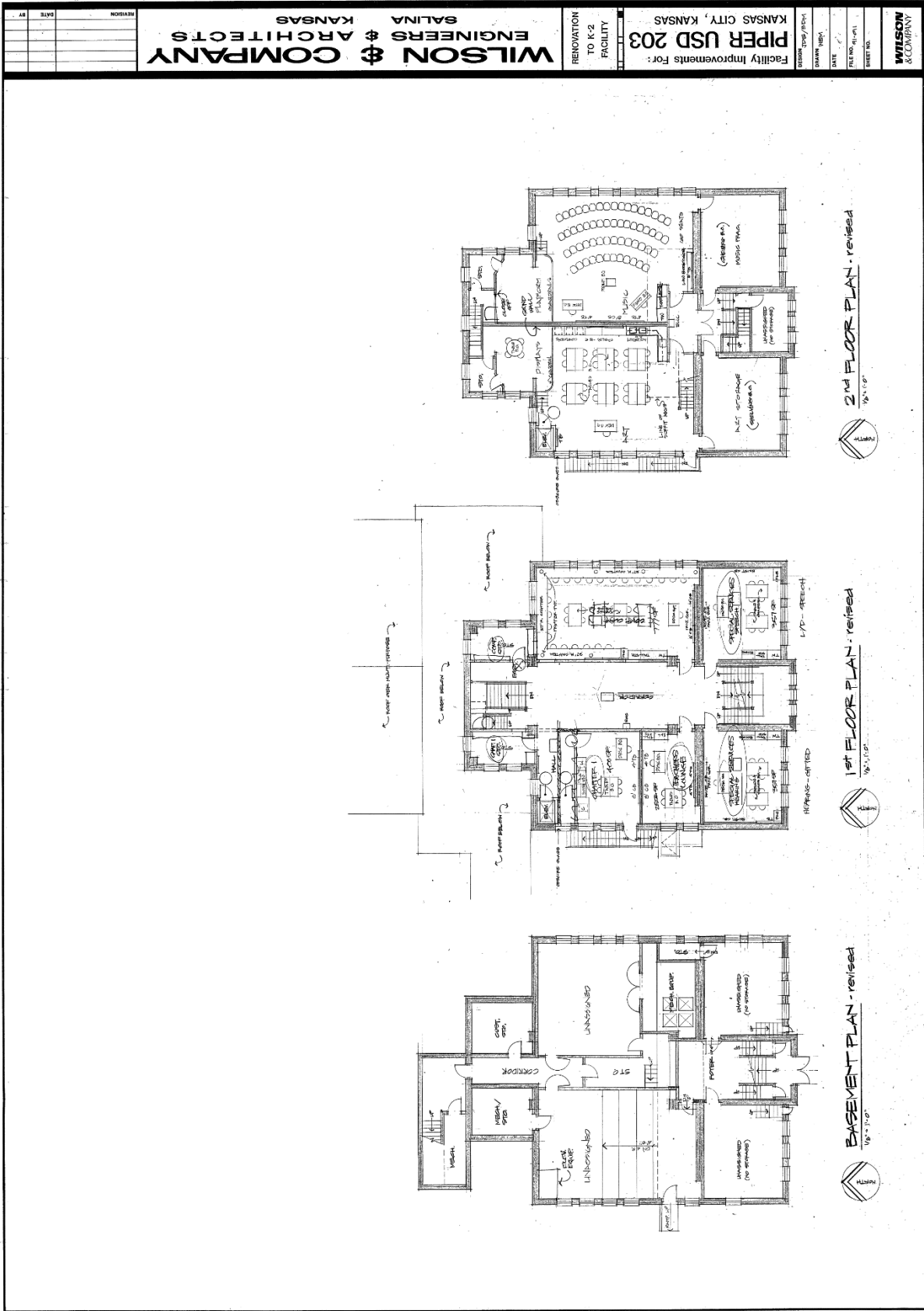










Figure 4. Site Photograph of 3130 North 122nd Street looking east (provided by Planning Staff).



Figure 5. Site Photograph of 3130 North 122nd Street looking north (provided by Planning Staff).



Figure 6. Site Photograph of 3130 North 122nd Street looking southwest (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: Special Use Petition SP2023-015

GENERAL INFORMATION

Applicant:
Roberta Laird

Status of Applicant:
Property Owner
3704 North 99th Street
Kansas City, Kansas 66109

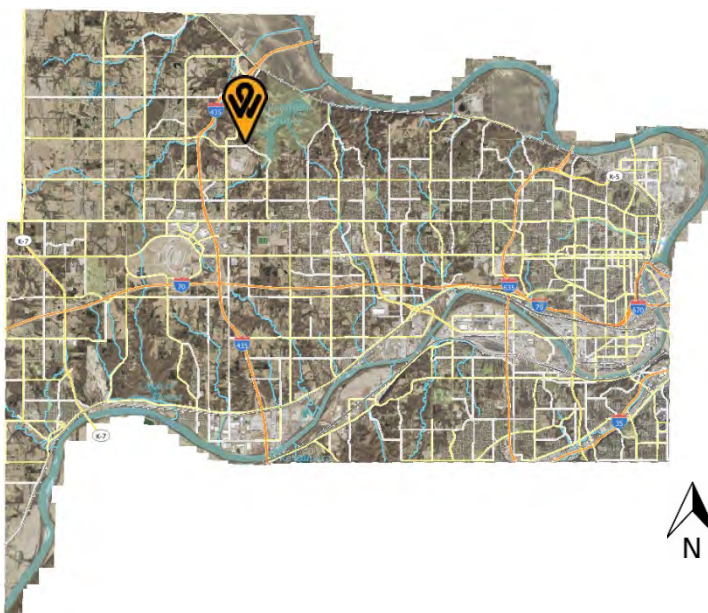
Requested Action:
Renewal of a Home Occupation
Special Use Permit (SP2021-032),
which expires on 5/27/2023).

Date of Application:
March 24, 2024

Purpose:
To continue to operate a
commercial specialty shop in the
applicant's primary residence.

Property Location:
3704 North 99th Street
Kansas City, Kansas 66109

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



Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture District East: A-G Agriculture District West: A-G Agriculture District
Adjacent Uses:	North: Large lot single-family residence South: Large lot single-family residence East: Large lot single-family residence West: Large lot single-family residence
Total Tract Size:	1.5 Acres
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates this area as Planned Office District. This is to encourage the development of commercial/office. In some cases, this use is located to buffer residential development from more intensive commercial retail development.
Major Street Plan:	The Major Street Plan classifies Donahoo Road as a Class C Thoroughfare and 99th Street as a Local Street.
Parking Requirement:	Section 27-452 requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling in districts that are zoned A-G Agriculture. The property provides 8 parking spaces for customers and at least two (2) for personal vehicles.
Advertisement:	<u>The Wyandotte Echo</u> – April 13, 2023 Letters to Property Owner – April 14, 2023
Public Hearings:	May 8, 2023 and May 25, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Roberta Laird, is requesting the renewal of Special Use Permit SP2021-032, which expires on May 27, 2023. This Home Occupation Special Use Permit allows for the applicant to operate a commercial shop to sell handmade items, gifts, antiques, etc. to the public in the basement and garage of their home at 3704 North 99th Street.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has received no noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has no Notices of Violation.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood and the Leavenworth Road Association group. The neighborhood consists primarily of large lot single family residences on agriculturally zoned lots, however, there are industrial developments currently proposed and/or under construction to the southeast of the subject property.

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

The zoning and uses are set out above. The proposed use could be compatible with neighboring properties if managed properly. The proposed use has the potential to create issues of parking and traffic. Staff has not been made aware of any complaints during the time the property has been used as a commercial specialty shop.

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

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

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

This property is not vacant. It is an existing single-family residence being used as the applicant's primary residence.

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

Special Use Permits are not addressed in the Master Plan. The Prairie Delaware Piper Area Plan designates this area as Planned Office District. This is to encourage the development of commercial/office. This land use designation anticipates future redevelopment of this property, further supported by the addition of the Donahoo Freeway Interchange. Regardless, the proposed use conforms to the Master Plan with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Class C Thoroughfare and Local Street to accommodate it if managed properly while it functions as a specialty shop.

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

The proposed use provides a convenience to the public in the form of a specialty shop. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing single-family residence.

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

Noise, vibration, dust, and illumination are issues that could be created by the proposed use because of increased traffic and parking. There have been no complaints during the time the property has been used as a home occupation.

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

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

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

The proposed use will not damage or destroy an irreplaceable natural resource as it is being conducted wholly within an existing single-family residence in a rural neighborhood.

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

There is no relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners. If denied, the applicant could not use the property as a specialty shop but may still use the property as their primary residence, rent the property, or sell the property.

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

The proposed use could create issues of overcrowding and undue concentrations of population depending on the number of customers that visit the property. There have been no complaints during the time that this property has been used as a specialty shop.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP-2019-40) for two (2) years in 2019.
- Approval of a Special Use Permit (SP2021-032) for two (2) years in 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on April 18, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Noise
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit SP2023-015, **for five (5) years**, subject to:

1. **The applicant shall turn in sign permit applications for the remaining unpermitted signage;**
2. **The applicant shall restripe the eight (8) parking spaces that were previously striped. Additionally, the applicant shall ensure that these spaces are used by customers;**
3. **Hours of operation shall be limited to Thursday through Saturday noon to 5:00 p.m. with additional hours beginning the day after Thanksgiving and continuing through the holidays. Extended holiday hours would include the addition of being open on Sunday from noon to 5:00p.m. from Thanksgiving until New Years;**

4. The maximum number of customer vehicles shall be eight (8);
5. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. The applicant has filed and maintained a current business occupation tax application;
8. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure

- to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 14. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-015** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 8, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Photos, Taken by Staff, Dated April 7, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 8, 2023	May 25, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-015** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-015**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 8, 2023 City Planning Commission Minutes:

SPECIAL USE PERMIT APPLICATION SP2023-015 - ROBERTA LAIRD –

SYNOPSIS: Renewal of a Home Occupation Special Use Permit (SP2021-032) for a gift, craft and antique shop at 3704 North 99th Street. Detailed Outline of Requested Action: Detailed Outline of Requested Action: The applicant, Roberta Laird, is requesting the renewal of Special Use Permit SP2021-032, which expires on May 27, 2023. This Home Occupation Special Use Permit allows for the applicant to operate a

commercial shop to sell handmade items, gifts, antiques, etc. to the public in the basement and garage of their home at 3704 North 99th Street.

The items I have just read are on the Consent Agenda. At this time, does any member of the Commission wish to disclose any contact on any of the items? (No one responded in the affirmative).

Please include the following items as part of the record for all of the Items on the Consent Agenda:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 8, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The notices to property owners.

The Commission will vote to approve in one vote these items unless someone requests that an item be removed from the Consent Agenda.

Chairperson Jones asked if anyone wanted to remove an item from the Consent Agenda. Planning Commissioner Eilts requested that SP2022-117 be removed. Planning Director Hand stated that Staff would request that SP2023-018 be removed. Ms. Cunningham asked that Plan Review Application PR2023-013 be removed.

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

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

Motion to **APPROVE** Passed: 7 to 0

Subject to:

1. **The applicant shall turn in sign permit applications for the remaining unpermitted signage;**
2. **The applicant shall restripe the eight (8) parking spaces that were previously striped. Additionally, the applicant shall ensure that these spaces are used by customers;**

3. Hours of operation shall be limited to Thursday through Saturday noon to 5:00 p.m. with additional hours beginning the day after Thanksgiving and continuing through the holidays. Extended holiday hours would include the addition of being open on Sunday from noon to 5:00p.m. from Thanksgiving until New Years;
4. The maximum number of customer vehicles shall be eight (8);
5. Per Section 27-609(2), the exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. The applicant has filed and maintained a current business occupation tax application;
8. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
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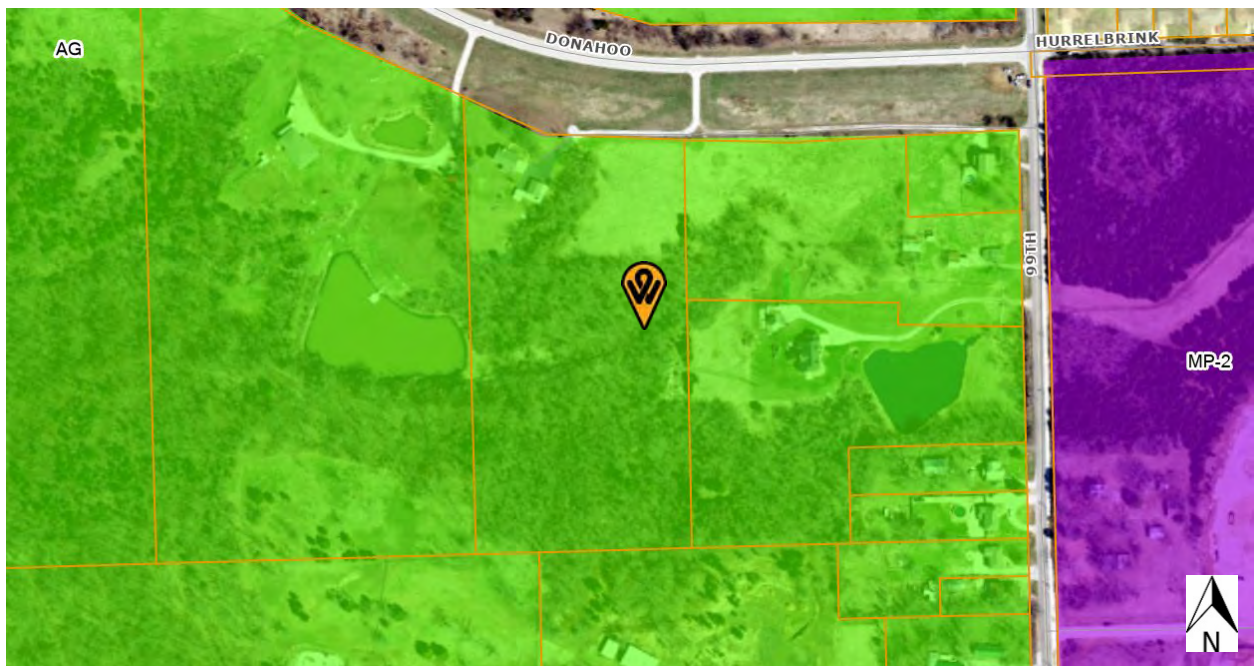
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13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 14. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
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ATTACHMENTS

AERIAL IMAGERY



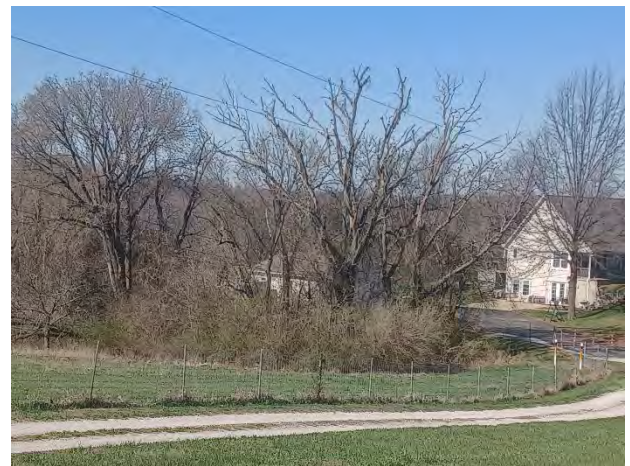
ZONING MAP



LAND USE MAP



SITE PHOTOS, TAKEN BY STAFF, DATED APRIL 7, 2023



NEIGHBORHOOD MEETING MINUTES

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF)
) SS:
COUNTY OF)

Comes now Roberta L. Lued of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-015
2. That I conducted a neighborhood meeting on April 18, 2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Roberta L. Lued
Affiant

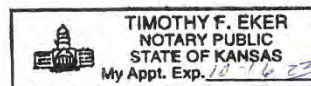
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19 day of April, 20023.

My commission expires 16 of Oct, 20023.

Timothy F. Eker
Notary Public

ACKNOWLEDGMENT

State of KS
County of Linn
On this 19 day of Oct, 2023 Roberta Lued
Personally appeared before me,
☒ Who is personally known to me
☐ Whose identity I verified on the basis of _____
☐ Whose identity I verified on the oath/affirmation of _____
a credible witness, to the signer of the foregoing
document, and he/she acknowledged that he/she signed it.
My Commission Expires 10-16-23
Notary



April 18, 2023
Roberta Laird Neighborhood Meeting
Attendees

1. Roberta Laird, Owner
2. Pennie Bunkers, Acting Secretary
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

MINUTES OF NEIGHBORHOOD MEETING

Permit #SP2023-015

Roberta S. Laird
3704 N. 99th St.
Kansas City, KS 66109
Phone: 913-334-2480
Cell: 913-449-4897
Email: roberta.laird03@gmail.com

Application No.: SP2023-015
April 18, 2023
3704 N. 99th St.
Kansas City, KS 66109

Meeting was called to order at 5:30 p.m.

People in Attendance: Roberta Laird, Owner
Pennie Bunkers, Acting Secretary

Since there was no one in attendance except for the owner and the secretary, no meeting was held. There had been no concerns submitted by those who were sent invitations to the meeting.

Meeting adjourned at 5:35 p.m.

Note: Remained at the shop location until after 6 p.m. to make sure no one was going to attend.

Minutes taken by Pennie D. Bunkers

Respectfully submitted,



Pennie D. Bunkers

April 7, 2023

Roberta S. Laird
3704 N. 99th St
Kansas City, KS 66109

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP2023-015.

The purpose of this is the renewal of a Home Occupation Special Use Permit for my shop, Simply Unique Gift Boutique, which offers handmade items, gifts, antiques, fabric, alterations, etc. in the basement of my single-family dwelling at 3704 North 99th Street, Kansas City, KS 66109, which has been converted into a shop.

I am having a neighborhood meeting on April 18, 2023 at 5:30 p.m. in the shop at 3704 N. 99th St., Kansas City, KS.

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

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

Sincerely,

Roberta S. Laird
3704 N. 99th Street
Kansas City, KS 66109
Phone: 913-334-2480
Cell: 913-449-4897
Email: Roberta.laird03@gmail.com



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: Petition SP2023-018

GENERAL INFORMATION

Applicant:
Curtis Petersen

Status of Applicant:
Representative
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Action:
Approval of a Special Use Permit (Re-Application).

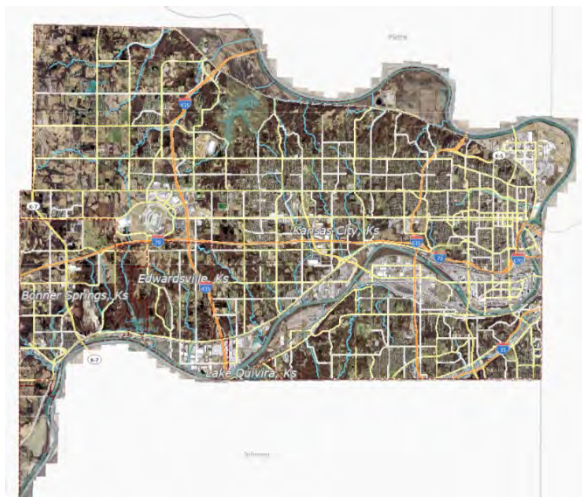
Date of Application:
March 24, 2023

Purpose:
To operate live entertainment and event space at the Chateau Avalon Hotel.

Property Location:
701 Village West Parkway
Kansas City, KS 66111

Commission Districts:
Commissioner At-Large, District #2: Tom Burroughs
District #7 Commissioner: Chuck Stites

Existing Zoning:
CP-2 Planned General Business District



Adjacent Zoning:	North: A-G Agriculture District South: CP-2 Planned General Business District East: CP-2 Planned General Business District West: CP-2 Planned General Business District
Adjacent Uses:	North: Open space and detention basin associated with the former Cerner office complex South: Agricultural land East: Undeveloped land (across I-435) West: Undeveloped land (used as overflow parking for the Kansas Speedway events)
Total Tract Size:	3.91 Acres
Master Plan Area:	Prairie Delaware Piper Area Plan
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates the property as Entertainment. The Entertainment land use designation identifies areas that have significant capital investment in infrastructure that entertains visitors and prioritizes regional retail and commercial development in the Major Tourism Area ahead of the same development elsewhere in the county.
Major Street Plan:	The Major Street Plan classifies Village West Parkway as a Class C Thoroughfare.
Required Parking:	Sec. 27-668(a)(8) requires one (1) space per guest room plus one (1) space for every two (2) employees on the largest shift, plus adequate parking for banquet rooms, meeting rooms, restaurants, and lounge areas. Section 27-667(a)(11) requires places of assembly to have one (1) parking space per four (4) seats. Section 27-676(a) requires a minimum of five (5) ADA-accessible spaces for parking lots with 101 to 150 total parking spaces. The property hosts 131 total parking spaces, which exceeds the minimum requirements for all aggregate uses on the subject property.
Advertisement:	<u>The Wyandotte Echo</u> – April 13, 2023 Letters to Property Owner – April 14, 2023
Public Hearings:	May 8, 2023 and May 25, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli, on behalf of the property owner, seeks to continue to operate live entertainment on the Chateau Avalon patio, outdoor event space structure and the State Room within the hotel and an event space at 701 Village West Parkway.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. SP-2015-19 – Live entertainment for Chateau Avalon in 2015.
2. SP-2017-29 – Live music and entertainment on the patio at Chateau Avalon in 2017.
3. SP-2019-63 – Live music and entertainment on the patio at Chateau Avalon in 2019.
4. SP-2020-100 – Outdoor wedding event space in 2020.
5. DRC 20300-00484 – Building permit for the outdoor wedding venue.
6. PR2021-005 – Final Development Plan for an outdoor event space in 2021.
7. SP-2021-033 – Live entertainment on the patio at Chateau Avalon.
8. Numerous electrical, mechanical, plumbing and building permits for the hotel and the wedding event venue between 2005 – 2022.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Legends/Kansas Speedway area. The neighborhood is defined by large commercial buildings, business campuses, hotels, sports and entertainment facilities, parking lots, and close proximity to two (2) interstates (I-435 and I-70) and two (2) major roadways (State Avenue and Parallel Parkway).

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

The subject property is zoned CP-2 Planned General Business District, and so are all adjacent properties except to the west, where undeveloped land is zoned A-G Agriculture but is undeveloped and serves as a buffer between the subject property and the Kansas Speedway campus, which lies across Village West Parkway. The property to the north of the subject property is an office building and so hours of operation between live entertainment scheduled for Fridays and Saturdays and an office building will overlap very little, if at all.

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

The subject property is suitable for live entertainment, as it is a hotel with special event space both inside the primary hotel building and in a designated special event space. Such spaces are common accessory uses for hotels.

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

The subject property is the current site of Chateau Avalon and is not vacant.

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

Special Use Permits are not addressed in the Prairie-Delaware-Piper Area Plan, nor is live entertainment and event spaces specifically addressed. The Prairie-Delaware-Piper Master Plan, however, does state the following in the Entertainment land use designation section: "Because of the number of visitors and users of these [entertainment] facilities, there is a need to plan for support commercial and entertainment uses." A hotel serves as a support commercial use and can even be considered a temporary entertainment facility when live entertainment is being hosted on site. This special use further serves to support nearby entertainment use to both the hotel and to the Legends area at large.

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

The applicant has stated that the capacity for the accessory special event space is 250 – guests and staff combined; this is the largest capacity that a live entertainment event could hold, as all other spaces within the hotel have a much smaller capacity. The applicant has completed the expanded parking lot to accommodate the potential increase in crowds and vehicles for the outdoor event space. The final parking lot contains 131 parking spaces, which was calculated to accommodate both hotel and special event space requirements, plus an additional three (3) parking spaces.

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

Live entertainment serves an accessory and complementary use to both the hotel, event space and the Legends/Speedway area as an entertainment district. While not necessary to the convenience and welfare of the public, businesses like hotels and event spaces do bring in business from outside the County and the State. Such patronage is therefore advantageous to the County and State.

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

Noise from live entertainment within the event space and the event space itself is a concern, depending on the size of the crowd, soundproofing of the structure, and time of day. While there are few neighbors adjacent to the property, the applicant's clients should still take care to keep noise to code requirements and an acceptable level for the area. Illumination could also be a potential issue.

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

Live entertainment itself will likely not pollute the air, land, or water on or around the subject property. The pollution impacts of the special event space itself is separate and was assessed in the staff review of SP-2020-100 and PR2021-005 and will continue to be assessed on future renewals of that Special Use Permit.

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

Live entertainment could cause noise pollution, an increasingly common issue in developing areas of the County such as in the Legends/Speedway area. The applicant must make sure to keep noise levels to code requirements, and at a reasonable level, especially for live entertainment performed in the special event space.

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

Live entertainment is an opportunity for the arts to be performed and for the community, family, and social organizations to gather. In normal circumstances, there would be no further concern from Staff. If the applicants were granted the renewal of the Special Use Permit for live entertainment, they should be aware of the great impact such entertainment and the subsequent gatherings can have on the community.

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

The applicant had a Final Plan approved in 2021, which included an expanded parking lot, bringing the total number of parking spaces to 131. In the review of that Final Plan, PR2021-005, Staff had concluded that the number of current and proposed parking spaces would properly accommodate all potential uses on the

property, even if such uses were being held simultaneously, such as two (2) special events being held at once. If this conclusion proves not to be true and one (1) or more of the special uses causes an overcrowding of land or an undue concentration of population, then Staff may recommend an increase in parking. Regardless of the number of parking spaces, the applicant's clients must comply with all local, state, and federal regulations controlling gatherings, including but not limited to, fire codes and other measures.

PREVIOUS ACTIONS

- SP-2015-19 – Live entertainment for Chateau Avalon in 2015.
- SP-2017-29 – Live music and entertainment on the patio at Chateau Avalon in 2017.
- SP-2019-63 – Live music and entertainment on the patio at Chateau Avalon in 2019.
- SP-2020-100 – Outdoor wedding event space in 2020.
- PR2021-005 – Final Development Plan for an outdoor event space in 2021.
- SP-2021-033 – Live entertainment at Chateau Avalon.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on April 20, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Parking
Buffering
Lights
Noise
Traffic
Previous Conditions of Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit SP2023-018, **for five (5) years**, subject to:

1. **Live entertainment is allowed at the following locations on the property: the outdoor event space (A-Vent) east of the hotel, the outdoor patio north of the hotel, and the State Room within the hotel (as defined in SP2021-033) at the following times:**
 - a. **Sunday – Thursday: 11:00 AM to 11:00 PM;**
 - b. **Friday – Saturday: 11:00 AM to 11:00 PM;**

2. A liquor license must be maintained with the State Department of Revenue Alcoholic Beverage Control;
3. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 - a. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
4. In SP2021-033, the applicant reaffirmed that “alcohol will be served at some events. Kansas ABC has inspected the property and licensed the entire four (4) acres for alcohol consumption approval. Records are on file with the UG.”
5. Sidewalks shall remain clean and clear of trash and debris;
6. Alcohol can only be provided by licensed vendor;
7. Outside amplified speakers are only allowed at the outdoor patio event space;
8. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
9. 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;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. The Special Use Permit 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. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-018** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 8, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Floor Plan
Building Elevations
Site Photographs Provided by Staff on April 12, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 8, 2023	May 25, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-018** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-018** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 8, 2023, City Planning Commission Minutes:

Recording Secretary Parker stated that the Commission will now consider the items that were removed from the Consent Agenda.

SPECIAL USE PERMIT APPLICATION SP2023-018 – CURTIS PETERSEN WITH POLSINELLI PC – SYNOPSIS: Renewal of a Special Use Permit for live entertainment at Chateau Avalon Hotel patio at 695 and 701 Village West Parkway. Detailed Outline of Requested Action: The applicant, Curtis Petersen with Polsinelli, on behalf of the property owner, seeks to continue to operate live entertainment on the Chateau Avalon patio, outdoor event space structure and the State Room within the hotel and an event space at 701 Village West Parkway.

Present in Support:

- Amy Grant, representing the Applicant, Polsinelli PC, 900 West 48th Place, Kansas City, Missouri 64112

Present in Opposition:

- No one appeared

Staff Recommendation: Planning Director Hand stated this request is for renewal of a Special Use Permit for live entertainment and event space at the Chateau Avalon. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation on the property. Staff recommends approval for five (5) years subject to the conditions in the staff report with an amendment to Condition 7. Live entertainment is allowed inside, on the outdoor patio and in an enclosed glass area with doors. Normally Staff includes a standard condition that says no amplified music outside, which would be in conflict with the current request for live entertainment on the patio outside. There are two (2) options for the Commission. One would be to remove Condition #7 and the other would be to amend it and allow amplified music only on the patio and not the other locations. Staff's preference is that the condition is amended to only allow amplified music at the outdoor patio location. There would be no outside speakers at the accessory event spaces. The patio would still be required to meet the noise ordinance from the property line.

Chairperson Jones asked the Applicant if they are in agreement to the proposed amendment to Condition #7 and Ms. Grant stated yes.

Motion:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application SP2023-018 for five (5) years:

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

Motion to **APPROVE** Passed: 7 to 0

Subject to:

1. **Live entertainment is allowed at the following locations on the property: the outdoor event space (A-Vent) east of the hotel, the outdoor patio north of the hotel, and the State Room within the hotel (as defined in SP2021-033) at the following times:**
 - c. **Sunday – Thursday: 11:00 AM to 11:00 PM;**
 - d. **Friday – Saturday: 11:00 AM to 11:00 PM;**

2. A liquor license must be maintained with the State Department of Revenue Alcoholic Beverage Control;
3. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 - a. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
4. In SP2021-033, the applicant reaffirmed that “alcohol will be served at some events. Kansas ABC has inspected the property and licensed the entire four (4) acres for alcohol consumption approval. Records are on file with the UG.”
5. Sidewalks shall remain clean and clear of trash and debris;
6. Alcohol can only be provided by licensed vendor;
7. Outside amplified speakers are only allowed at the outdoor patio event space;
8. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
9. 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;
10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking on another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. The Special Use Permit 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. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;**
- 14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.**



Figure 1. Aerial photograph of 695 and 701 Village West Parkway (provided by UG Maps).

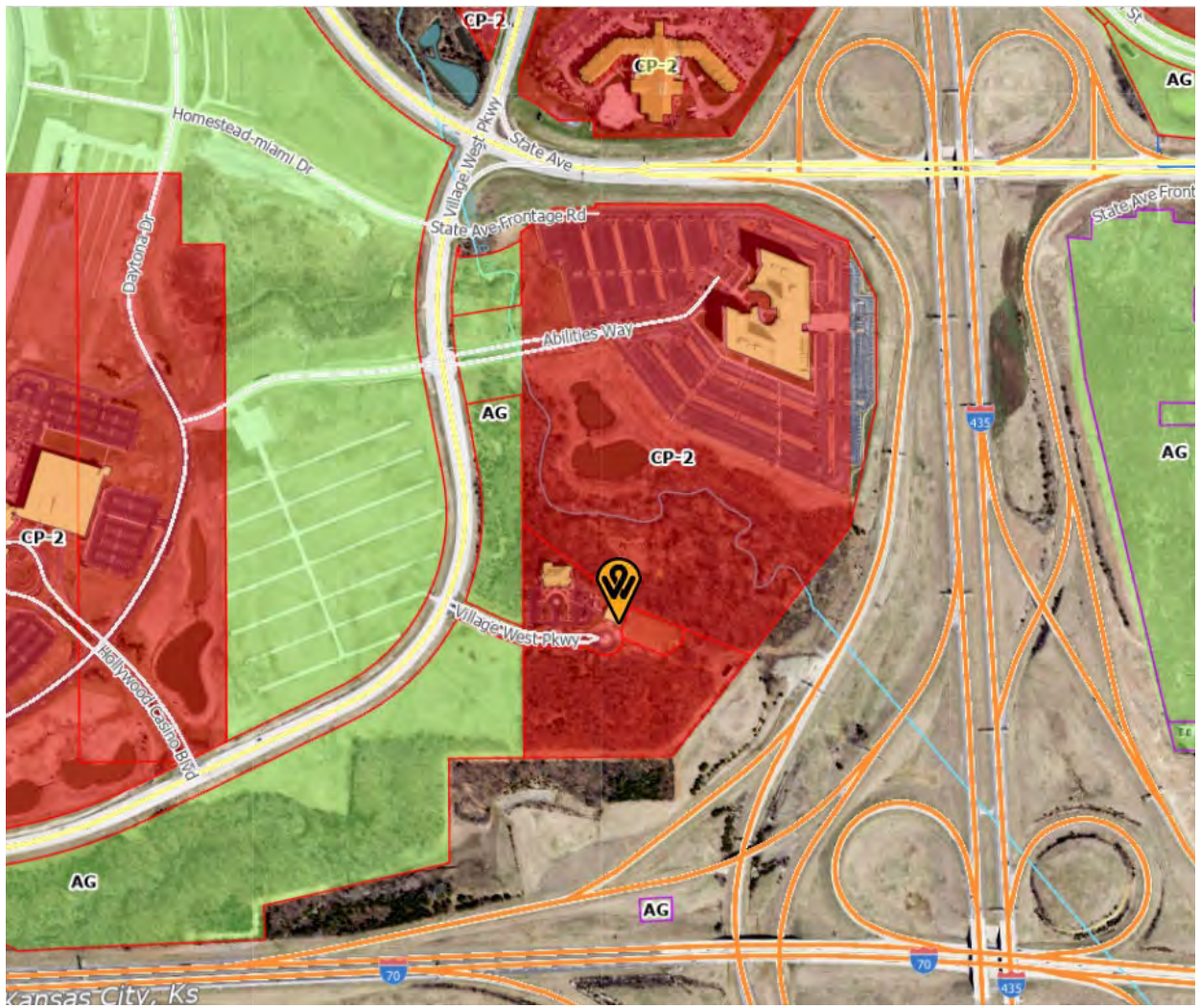


Figure 2. Zoning Map of 695 and 701 Village West Parkway (provided by UG Maps).

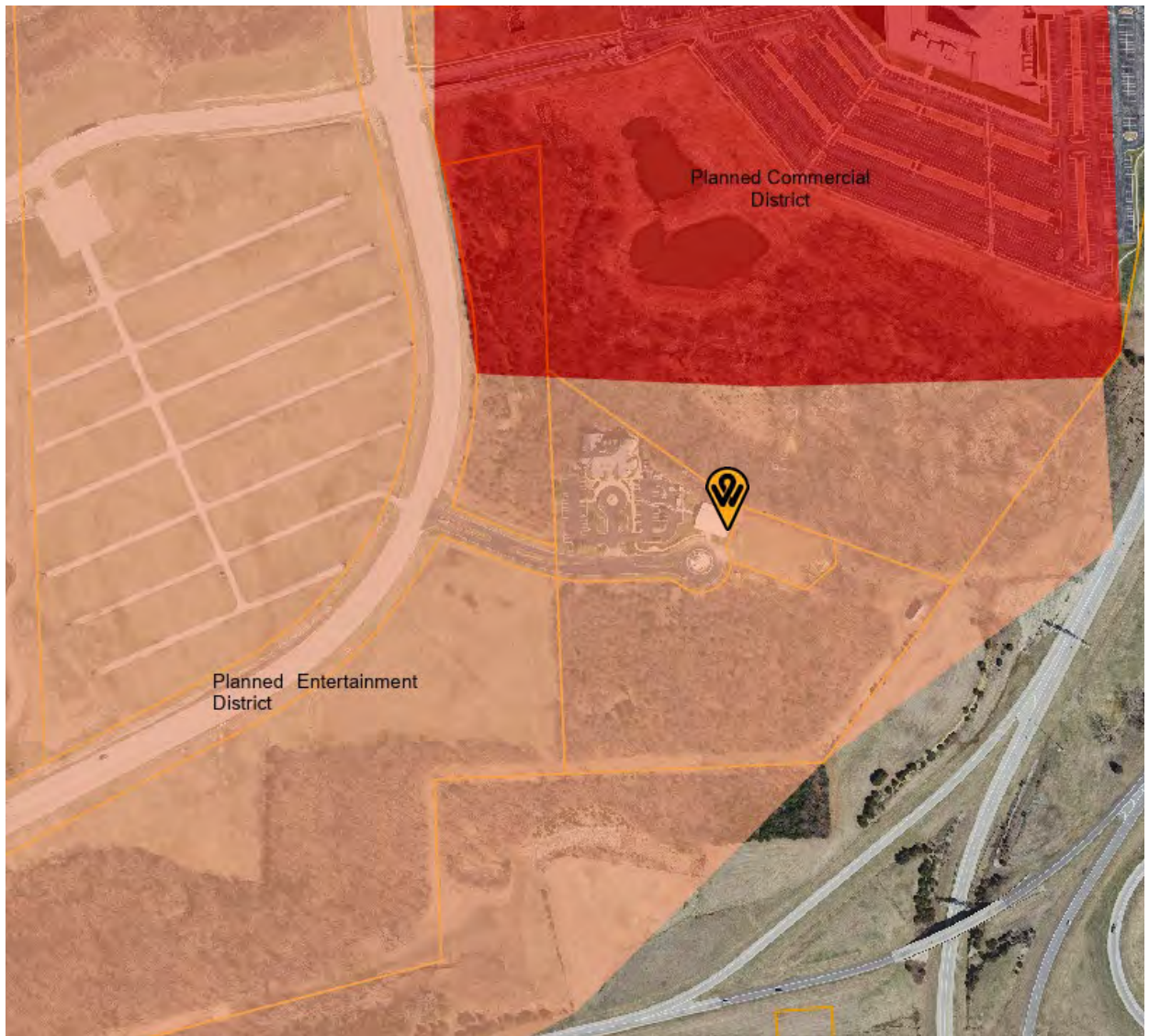


Figure 3. Prairie Delaware Piper Area Plan Land Use Designation Map of 695 and 701 Village West Parkway (provided by ArcGIS Pro).

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. Previous conditions of approval from SP2021-033. Confirm all have been completed: **Confirmed**
 - a. Live entertainment is allowed at the following locations on the property: the outdoor event space (A-Vent) east of the hotel, the outdoor patio north of the hotel, and the State Room within the hotel;
 - b. Live entertainment is allowed Sunday—Saturday from 11:00 AM to 11:00 PM;
 - c. A liquor license must be maintained with the State Department of Revenue Alcoholic Beverage Control;
 - d. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 - e. The applicant must keep a current business occupation tax application and entertainment license;
 - f. According to Sec. 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
 - g. 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. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses;
 - h. The applicant must file and maintain a current business occupation tax application and entertainment license;
 - i. 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;
 - j. 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;

- k. 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,
 - l. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. 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.
 - m. 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.
2. Live entertainment is allowed at the following locations on the property: the outdoor event space (A-Vent) east of the hotel, the outdoor patio north of the hotel, and the State Room within the hotel (as defined in SP2021-033) at the following times: **Acknowledged**
- a. Sunday – Thursday: 11:00 AM to 11:00 PM
 - b. Friday – Saturday: 11:00 AM to 11:00 PM
3. A liquor license must be maintained with the State Department of Revenue Alcoholic Beverage Control. **Acknowledged**
4. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax. **Acknowledged**
5. The applicant must keep a current business occupation tax application and entertainment license with the Business Licensing Division located at 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org. **Acknowledged**
6. In SP2021-033, the applicant reaffirmed that "alcohol will be served at some events. Kansas ABC has inspected the property and licensed the entire four (4) acres for alcohol consumption approval. Records are on file with the UG". Is this still an accurate statement of the applicant's liquor license status? **Yes**
7. How many events were held in the outdoor event space (A-Vent) last year? **24 Events**
8. Have you had any calls for service to the property? If so, please provide documentation of those calls. **Only one call for an ambulance. We do not have documentation of that call.**

9. How do you plan to manage waste on the property? ~~Public rights of way may not be blocked by trash enclosures or receptacles.~~ **Trash Enclosures are located on-site.**
10. Sidewalks shall remain clean and clear of trash and debris. **Acknowledged**
11. Alcohol can only be provided by licensed vendors. **Acknowledged**
12. No amplified speakers are allowed in outdoor spaces. **Please clarify this question**
13. Will there be rideshare (Uber, Lyft, etc.) or other vehicle services provided for customers? **Customers are welcome to utilize these services.**
14. ~~Obtain a Right-of-Way permit via Public Works and plant two (2) street trees along the sidewalk adjacent to the west side of the building.~~
15. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledged**
16. 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 on 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. **Acknowledged**
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations. **Acknowledged**
18. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months, of approval unless otherwise determined by the Director of Planning or their designee. **Acknowledged**

Landscaping and Screening:

1. 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. Any illumination that results from a live entertainment event shall not be seen or otherwise impact adjacent residential uses. **Acknowledged**

Signage:

1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall

be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process. **Acknowledged**

Planning Engineering Comments:

- A) Items that require plan revision or additional documentation before engineering can recommend approval:
 - 1) None
- B) Items that are conditions of approval:
 - 1) None
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents.
 - 1) None



900 W. 48th Place, Suite 900, Kansas City, MO 64112 • (816) 753-1000

April 10, 2023

SUBJECT: Neighborhood Meeting

Dear Property Owner,

We have filed an application with the Department of Urban Planning and Land Use # SP2023-018. The purpose of this:

➤ **Special Use Permit**

is for Chateau Avalon to hold events with live music, recorded music, etc. for group events like receptions, weddings, corporate events and fundraisers located at 695 and 701 Village West Parkway, Kansas City, Kansas.

We are having a neighborhood meeting on Thursday, April 20th, 2023 at 5:00 p.m. via Zoom Video Conferencing:

Join zoom meeting:

<https://polsinelli.zoom.us/j/93895458751?pwd=ZGtlYjh2R01mQ3NxR3g5VGNMUVBDQT09>

Meeting ID: 938 9545 8751

Passcode: 449989

To attend via telephone, dial by your location

US: +1 646 876 9923 or +1 312 626 6799

Meeting ID: 938 9545 8751

Passcode: 449989

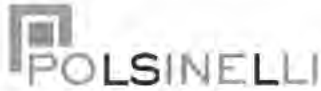
The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

polsinelli.com

Atlanta Boston Chicago Dallas Denver Houston Kansas City Los Angeles Miami Nashville New York
Phoenix St. Louis San Francisco Seattle Silicon Valley Washington, D.C. Wilmington

Polsinelli PC, Polsinelli LLP in California

88994956.1



900 W. 48th Place, Suite 900, Kansas City, MO 64112 • (816) 753-1000

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

Sincerely,

Amy Grant

Amy Grant
Polsinelli PC
816-572-4503
agrant@polsinelli.com

polsinelli.com

Atlanta	Boston	Chicago	Dallas	Denver	Houston	Kansas City	Los Angeles	Miami	Nashville	New York
Phoenix	St. Louis	San Francisco	Seattle	Silicon Valley	Washington, D.C.	Wilmington				

Polsinelli PC, Polsinelli LLP in California

88994956.1

4/20/2023 Neighborhood Meeting
(695 and 701 Village West Parkway - SP2023-018)

Attendance:

Amy Grant, Polsinelli PC
Steve Beaumont, Owner/Developer

The meeting was held virtually, via Zoom format, and began at 5:00 p.m. The development team waited until 5:30 p.m. and then ended the meeting as no one had logged into that meeting at that time.

89235363.1

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF MISSOURI)
) SS:
COUNTY OF JACKSON)

Comes now Amy Grant, of lawful age, sound mind and upon her oath states as follows:

1. That I am the petitioner for Petition #SP2023-018.
2. That I conducted a neighborhood meeting on April 20, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of April, 2023.

My commission expires 26th of October, 2023.


Notary Public

VICKY L. HUNTER
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 10/26/2023
COMMISSION # 15246048



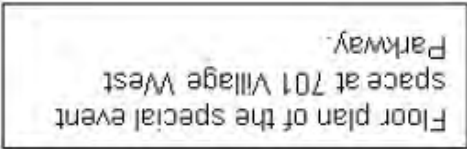




Figure 4. Site Photograph of 701 Village West Parkway looking east (provided by Planning Staff).



Figure 5. Site Photograph of 701 Village West Parkway looking northeast (provided by Planning Staff).



Figure 6. Site Photograph of 701 Village West Parkway looking northwest Boulevard (provided by Planning Staff).



Figure 5. Site Photograph 701 Village West Parkway looking north (provided by Planning Staff).

(First published _____)

COZ2022-037

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 915 Barnett Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to RP-5 Planned Apartment District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on September 30, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1(B) Single Family District to RP-5 Planned Apartment District.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

SEC/TWN/RNG/MER:SEC 9 TWN 11S RNG 25E NORTHRUPS ADD &
0904 & 0905, S9, T11, R25, ACRES 0.18, B161 L6, L7, E 10FT L8, 1/2
VAC ALLEY ADJ & 5FT V C ST ADJ of Kansas City, Wyandotte County,
Kansas, according to the recorded Plat thereof, Located at approximately
915 Barnett Avenue, Kansas City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to RP-5
Planned Apartment District, as defined by the Zoning Ordinances of Kansas City,
Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-460, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for RP-5 Planned Apartment District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 5. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-092

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-092, commonly known as 915 Barnett Avenue Kansas City, Kansas, legally described as:

SEC/TWN/RNG/MER:SEC 9 TWN 11S RNG 25E NORTHRUPS ADD & 0904 & 0905, S9, T11, R25, ACRES 0.18, B161 L6, L7, E 10FT L8, 1/2 VAC ALLEY ADJ & 5FT V C ST ADJ of Kansas City, Wyandotte County, Kansas, according to the recorded Plat thereof, Located at approximately 915 Barnett Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a group home/transitional housing.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. This Change of Zone case is being heard in conjunction with BOZA2022-050, which is seeking a variance in the side yard, interior setback, a reduction in lot area and a reduction in off-street parking to operate transitional housing on 0.18 acres at 915 Barnett Avenue;
2. This property is within the 200-foot Environs of the William T. Maunder Residence, 1885 located at 616 North 9th Street. Prior to obtaining a building permit, Planning Staff must perform an Historic Environs Review;
3. Provide the contact information of property manager to the residents in the neighborhood;
4. Implement the following items into the residence:
 - a. Working smoke detectors in each bedroom plus each level of the unit/house;
 - b. GFCI outlets required in bathrooms;
 - c. Double keyed locks are not allowed;
 - d. Copper cannot be used for gas supply lines;
 - e. Windows must be operable, not blocked or boarded;
 - f. Handrails are required at sets of four (4) or more stairs/ risers;
 - g. Hot water tank and furnace must be vented properly and operational; and,
 - h. Electric panel and circuits must be safe.
5. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants. A FEMA safe room constructed to FEMA Publication 320 or Publication 361 is required;
6. Comply with all KCKFD requirements, which includes, but is not limited to installing a residential fire suppression system adhering to all relevant codes and ordinances;
7. Construct a driveway with asphalt or concrete for two (2) parking spaces in the rear of the property for tenants or staff;
8. Permanently remove the trash enclosure from the front yard. Bring the trash bins to the curb the evening before or day of trash service;
9. Preserve the trees in the front and rear yard;
10. Sec. 27-459(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area;
11. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;

12. All shade trees shall be at least two (2) inch caliper. All evergreens shall be at least six (6) in height. All shrubs shall be five (5) gallons, external to the site and three (3) gallons internal to the development when planted;
13. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
14. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Light cannot exceed one footcandle as measured from said property line;
15. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Obtain a rental license from the Rental Licensing Division located at Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8649;
18. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8780 and businesslicense@wycokck.org;
19. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
20. All existing and future driveways must feature curb cuts that are constructed to UG standards;
21. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
23. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and

duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-003

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-003, commonly known as 4101 Fisher Street, Kansas City, Kansas, legally described as:

Lot 44, BONAVENTURA, an addition in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, less and except the West 5 feet thereof, located at approximately 4101 Fisher Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant**

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

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

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

16. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved.
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
18. The Department of Planning + Urban Design shall not give approval for any temporary certificate of occupancy (TCO) or final certificate of occupancy (CO) before the completion of all required work. For any project that requires a certificate of occupancy, prior to requesting for any certificate, the applicant, permit holder, and/or property owner shall complete all items required by: Approved Plans, Codes, Ordinances, Zoning District Regulations, Planned District Requirements, Master Plan Requirements, all Design Guideline Requirements, Overlay District Requirements, Requirements approved by the City Planning Commission and/or the UG Board of Commissioners. It is the collective responsibility of the applicant, permit holder, and property owner to ensure that any and all permits, land entitlements, deviations, or variances are obtained in advance of beginning of any work. Planning Department standards require that all required work be complete prior to requesting a TCO. The only item that is allowed to be incomplete is landscaping, which shall be complete before requesting a CO. A Bonded CO may be allowed in case of adverse weather conditions; however, all requirements must be completed for all items not secured by the bond.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-066

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-066, commonly known as 715 North 16th Street, Kansas City, Kansas, legally described as:

ALL THAT PART OF SECTION 9, TOWNSHIP 11, RANGE 25 AND BLOCK 5, WEST LAWN, IN WYANDOTTE COUNTY, KANSAS. BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF ARMSTRONG AVENUE AND THE WEST LINE OF 14TH STREET, WHICH POINT IS EIGHT HUNDRED FIFTY (850) FEET SOUTH AND TWENTY- THREE (23) FEET MORE OR LESS WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4), SECTION NINE (9), TOWNSHIP ELEVEN (11), RANGE TWENTY-FIVE (25), THENCE SOUTH ALONG THE WEST LINE OF 14TH STREET SEVEN HUNDRED EIGHT AND EIGHT-TENTHS (708.8) FEET TO THE NORTH LINE OF WEST LAWN ANNEX, AN ADDITION IN AND TO KANSAS CITY, KANSAS, THENCE WEST ALONG THE NORTH LINE OF SAID WEST LAWN ANNEX ADDITION, SIX HUNDRED AND EIGHT-TENTHS (600.8) FEET TO THE EAST LINE OF 16TH STREET, THENCE NORTH ALONG THE EAST LINE OF 16TH STREET SEVEN HUNDRED SIX AND ONE-TENTH (706.1) FEET TO THE SOUTH LINE OF ARMSTRONG AVENUE, THENCE EAST ALONG THE SOUTH LINE OF ARMSTRONG AVENUE SIX HUNDRED TWO (602) FEET TO THE POINT OF THE BEGINNING. COMMENCING 57 1/2 RODS SOUTH OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF

SECTION 9, TOWNSHIP 11, RANGE 25, THENCE SOUTH 36 POLES, THENCE WEST 40 POLES, THENCE NORTH 36 POLES, THENCE EAST 40 POLES TO THE PLACE OF BEGINNING, AND ALSO ALL OF BLOCK 5 TO WEST LAWN, ACCORDING TO THE RECORDED PLAT THEREOF. Located at approximately 713 North 16th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to build a stealth telecommunication monopole tower on a stadium light at Bishop Ward High School sports field complex and associated ground based supporting equipment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. If the telecommunication tower should be modified to be more stealth (internalized) than previously designed, Staff requests the City Planning Commission allow the design change to be made at building permitting;
2. Sec. 27-593(a)(30)k.5.(a)2.viii.A. Wireless communication facility compounds shall be screened with a minimum of ten (10) foot walls, from grade. These walls must be composed of either (a) solid masonry (b) wooden fencing set on steel rails with a maximum one-quarter ($\frac{1}{4}$) inch gap between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of sixteen (16) feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;
3. Sec. 27-593(a)(30)k.5.(a)2.viii.B. The applicant must submit a landscaping plan in accordance with Section 27-699 of this chapter. Further, an applicant must provide the Planning Department with a watering plan/schedule for the first twelve (12) months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;
4. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails;
5. Sec. 27-593(a)(30)k.5.(a)2.xix. All visible buildings or structures and equipment accessory to a communication tower shall be designed to blend in with the surrounding environment through the use of color, camouflage, and architecture;

6. Sec. 27-699(a)(5) The perimeter of all towers including tower compounds shall be landscaped with the equivalent of one (1) row of large shrubs planted on 15-foot centers and one (1) row of evergreen trees planted on 15-foot centers;
7. If approved, the applicant must file and maintain a current business occupation tax application with this Business Licensing Division at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102 or (913) 573-8780;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. All future co-locations also be flush mounted stealth configuration;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. The Special Use Permit shall be valid for 10 years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board

of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published_____)

VAC2023-001

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION THE NORTHEAST QUARTER THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY STEPHEN I. MARINO, II, PS 1380, ON SEPTEMBER 29, 2022, MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN WYANDOTTE COUNTY, KANSAS; THENCE NORTH 02 DEGREES 05 MINUTES 02 SECONDS WEST (BEARINGS BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE EAST LINE OF SAID SOUTHWEST QUARTER ALSO BEING THE EAST LINE OF 26TH STREET (FORMERLY ADAMS AVENUE), A DISTANCE OF 395.28 FEET TO THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN DOCUMENT:2017R14629 FILED IN THE OFFICE OF THE WYANDOTTE COUNTY, KANSAS REGISTER OF DEEDS, KANSAS CITY, KANSAS, AND THE POINT OF BEGINNING; THENCE, DEPARTING SAID EAST LINE AND COINCIDENT WITH THE PROLONGATION OF SAID NORTH LINE, NORTH 87 DEGREES 05 MINUTES 35 SECONDS WEST, A DISTANCE OF 30.11 FEET TO THE NORTHEAST CORNER OF SAID PARCEL, BEING THE WEST LINE OF SAID 26TH STREET, AS NOW EXISTS; THENCE NORTH 02 DEGREES 05 MINUTES 02 SECONDS WEST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 107.30 FEET TO THE SOUTH LINE OF THE SOUTH ALLEY OF THE VACATED PLAT OF McAlpine; THENCE NORTH 82 DEGREES 26 MINUTES 02 SECONDS WEST, COINCIDENT WITH SAID SOUTH LINE, A DISTANCE OF 1111.49 FEET TO THE EAST RIGHT-OF-WAY LINE OF KANSAS CITY SOUTHERN RAILWAY; THENCE NORTH 48 DEGREES 36 MINUTES 13 SECONDS WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 28.74 FEET TO THE NORTH LINE OF SAID ALLEY; THENCE SOUTH 82 DEGREES 26 MINUTES 02 SECONDS EAST, COINCIDENT WITH SAID NORTH LINE, A DISTANCE OF 1163.07 FEET TO THE EAST LINE OF SAID 26TH STREET, ALSO BEING THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 02 DEGREES 05

MINUTES 02 SECONDS EAST, A DISTANCE OF 121.05 FEET TO THE POINT OF BEGINNING. CONTAINING 21,622 SQUARE FEET, 0.50 ACRES, MORE OR LESS, located at approximately 438 South 26th Street, Kansas City, Kansas.

BE IT ORDAINED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. That the following described right-of-way in Kansas City, Kansas be and the same is hereby vacated:

A PORTION THE NORTHEAST QUARTER THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, WYANDOTTE COUNTY, KANSAS, DESCRIBED BY STEPHEN I. MARINO, II, PS 1380, ON SEPTEMBER 29, 2022, MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN WYANDOTTE COUNTY, KANSAS; THENCE NORTH 02 DEGREES 05 MINUTES 02 SECONDS WEST (BEARINGS BASED ON NAD-83 KANSAS NORTH ZONE STATE PLANE DATUM), COINCIDENT WITH THE EAST LINE OF SAID SOUTHWEST QUARTER ALSO BEING THE EAST LINE OF 26TH STREET (FORMERLY ADAMS AVENUE), A DISTANCE OF 395.28 FEET TO THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN DOCUMENT:2017R14629 FILED IN THE OFFICE OF THE WYANDOTTE COUNTY, KANSAS REGISTER OF DEEDS, KANSAS CITY, KANSAS, AND THE POINT OF BEGINNING; THENCE, DEPARTING SAID EAST LINE AND COINCIDENT WITH THE PROLONGATION OF SAID NORTH LINE, NORTH 87 DEGREES 05 MINUTES 35 SECONDS WEST, A DISTANCE OF 30.11 FEET TO THE NORTHEAST CORNER OF SAID PARCEL, BEING THE WEST LINE OF SAID 26TH STREET, AS NOW EXISTS; THENCE NORTH 02 DEGREES 05 MINUTES 02 SECONDS WEST, COINCIDENT WITH SAID WEST LINE, A DISTANCE OF 107.30 FEET TO THE SOUTH LINE OF THE SOUTH ALLEY OF THE VACATED PLAT OF McAlpine; THENCE NORTH 82 DEGREES 26 MINUTES 02 SECONDS WEST, COINCIDENT WITH SAID SOUTH LINE, A DISTANCE OF 1111.49 FEET TO THE EAST RIGHT-OF-WAY LINE OF KANSAS CITY SOUTHERN RAILWAY; THENCE NORTH 48 DEGREES 36 MINUTES 13 SECONDS WEST, COINCIDENT WITH SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 28.74 FEET TO THE NORTH LINE OF SAID ALLEY; THENCE SOUTH 82 DEGREES 26 MINUTES 02 SECONDS EAST, COINCIDENT WITH SAID NORTH LINE, A DISTANCE OF 1163.07 FEET TO THE EAST LINE OF

SAID 26TH STREET, ALSO BEING THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 02 DEGREES 05 MINUTES 02 SECONDS EAST, A DISTANCE OF 121.05 FEET TO THE POINT OF BEGINNING. CONTAINING 21,622 SQUARE FEET, 0.50 ACRES, MORE OR LESS, located at approximately 438 South 26th Street, Kansas City, Kansas.

Section 2. The City of Kansas City, Kansas, reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing, installing, constructing or reconstructing any public utilities, such as sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval, and publication in the WYANDOTTE COUNTY ECHO.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____, 2023.

UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-123

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-123, commonly known as 1957 North 63rd Drive, Kansas City, Kansas, legally described as:

Lot 4, Parallel Plaza Center, a subdivision in Kansas City, Wyandotte County, Kansas, located at approximately 1957 North 63rd Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate an event center.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The applicant or a manager must be on site any time the venue is rented out for an event;**
- 2. All trash shall be disposed of properly after every event. Applicant/Manager shall walk around the tenant space and through the parking lot to pick up**

- litter and trash debris after each event. The applicant is responsible for managing waste on the property;
3. The applicant will be limited to holding events on Friday, Saturday, and Sunday, with the exception of holidays;
 4. Hours of operation shall be from 4:00 PM to 12:00 AM;
 5. All entertainment must cease at 12:00 AM;
 6. Doors and windows must stay closed during any entertainment performance;
 7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 8. No amplified speakers or entertainment is allowed in outdoor spaces;
 9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 13. 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;
 14. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

- 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. 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;**
- 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 18. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and**
- 19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.**

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-111

**AN ORDINANCE REPEALING ORDINANCE NO. 0-27-23 AND ENACTING A NEW
ORDINANCE.**

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-111, commonly known as 4112 Booth Street, Kansas City, Kansas, legally described as:

The South 30 feet of Lot 4 and the North 10 feet of Lot 5, Bonaventure, a subdivision in Kansas City, Wyandotte County, Kansas, according to the recorded Plat thereof. Located at approximately 4112 Booth Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges**

that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

2. All remaining required repairs must be completed within 60 days of approval;
3. Maximum number of guests shall be seven (7);
4. All parking must be off-street, maximum number of vehicles is two (2);
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper main entrance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978.
 - c. An asbestos notification for any property built before 1981.
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
13. The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published 3/9/23)

SP2022-111

ORDINANCE NO. 0-27-23

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

**BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF
WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:**

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-111, commonly known as 4112 Booth Street, Kansas City, Kansas, legally described as:

The South 30 feet of Lot 4 and the North 10 feet of Lot 5, Bonaventure, a subdivision in Kansas City, Wyandotte County, Kansas, according to the recorded Plat thereof. Located at approximately 4112 Booth Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of a Short-Term Rental.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant**

- with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
2. All remaining required repairs must be completed within 60 days of approval;
 3. Maximum number of guests shall be seven (7);
 4. All parking must be off-street, maximum number of vehicles is two (2);
 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
 6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
 7. Applicant is to maintain liability insurance;
 8. The property must remain in proper main entrance and free of hazards, pests, or infestations;
 9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 10. The owner or owner's agent/operator shall provide a guest book with the following information:
 - a. Information within the dwelling unit to inform and assist renters/guests in the event of a natural disaster, power outage, or emergency including but not limited to tornado, severe weather or storm, or flash flooding. Information should contain appropriate designation for shelter in place, evacuation, or utility contact information;
 - b. A lead-based paint notification for any property built before 1978.
 - c. An asbestos notification for any property built before 1981.
 - d. Information for the guest to report any concerns to Host Compliance at 913-246-5133 (phone number) and www.hostcompliance.com/tips (website);
 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision

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

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 2nd DAY OF March, 2023.


TYRONE GARNER
MAYOR/CEO

Attest:



Unified Government Clerk

APPROVED AS TO FORM:



CHIEF COUNSEL

(Published _____)

SP2023-007

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-007, commonly known as 7949 Splitlog Avenue, Kansas City, Kansas, legally described as:

A tract of land in the Southeast Quarter of Section 8, Township 11, Range 24, Kansas City, Wyandotte County, Kansas, described as follows:
Commencing at the Southeast Corner of said Quarter Section; thence North 0 degrees 24' 30" East along the East line of said Quarter Section 598.23'; thence North 90 degrees 00' West along the South line of Bray's Addition, a subdivision in Kansas City, Wyandotte County, Kansas, 260' to the Southwest Corner of Lot 5, said Bray's Addition; thence North 0 degrees 24' 30" East along the West line of said Lot 5, Bray's Addition, 61.77' to the Southeast Corner of Lot 2, said Bray's Addition, thence North 90 degrees 00' West along the South line of Lot 2, said Bray's Addition, 627.5' for a true point of beginning; thence continuing North 90 degrees 00' West along the South line of Bray's Addition, 122'; thence South 0 degrees 00' East 90'; thence North 90 degrees 00' East 122'; thence North 0 degrees 00' West 90' to the point of beginning, located at approximately 7949 Splitlog Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of tractor trailer truck parking at the American Motel.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **Tractor trailer trucks are to be parked only in the 7 designated parking spaces in the southeast corner of the parking lot;**
2. **All parking lot lighting shall have 90-degree cutoff fixtures on them, as not to exceed one (1) footcandle at the property line;**
3. **The applicant will need to file and maintain a current business occupation tax application with the Business License Division;**
4. **No outside storage on site;**
5. **No inoperable vehicles kept on site;**
6. **All waste on the site must be cleaned and waste must be managed properly on site;**
7. **Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
8. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
9. **If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;**
10. **The applicant has filed and maintained a current business occupation tax application;**

11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
14. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
15. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
16. 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;
17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the

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

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

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-005

ORDINANCE NO. _____

AN ORDINANCE authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

BE IT ORDAINED BY THE UNIFIED GOVERNMENT COMMISSION OF WYANDOTTE/COUNTY/KANSAS CITY, KANSAS:

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-005, commonly known as 1639 Southwest Boulevard, Kansas City, Kansas, legally described as:

Rosedale Land Co 1st Addition, an addition of land in Kansas City, Wyandotte County, Kansas, Section 33, Township 11, Range 25, acres 0.110000, Block 17, Lot 12, located at approximately 1639 Southwest Boulevard, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for a drinking establishment with live entertainment.

Section 3. Conditions and Stipulations. The Special Use permit granted in Section 1 and 2 hereinabove, in addition to full compliance with any general provisions contained in Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, is hereby contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

1. **This Special Use Permit petition is being heard in conjunction with BOZA2023-007, which is a reduction in on-premises, off-street parking;**
2. **Proposed hours of operation for Sagebrush will be:**

- Sunday and Monday: Closed;
 - Tuesday through Saturday: 4:00 PM to 10:00 PM;
3. Sidewalks shall remain clean and clear of trash and debris;
 4. Alcohol can only be provided by licensed vendors;
 5. No amplified speakers are allowed in outdoor spaces;
 6. Rideshare will be available for customer transportation;
 7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
 8. Obtain a Right-of-Way permit via Public Works and plant two (2) street trees along the sidewalk adjacent to the west side of the building;
 9. Resurface and strip the parking lot in the rear of the property;
 10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 11. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division. The office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
 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. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards. Rebuild concrete apron and pave parking in the rear (asphalt, concrete or pervious pavers);
 15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463

- through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. 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;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
19. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee

Section 4. Take Effect. This ordinance shall take effect as of the date of its publication as provided by law.

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____, 2023.

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
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Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: **Change of Zone COZ2022-045 and Master Plan Amendment MPL 2022-026**

GENERAL INFORMATION

Applicant: Chad Schimke

Status of Applicant:

Developer
9082 Bond Street
Overland Park, KS 66214

Requested Action:

Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:

October 28, 2022

Purpose:

The approval of a Change of Zone from A-G Agricultural District (WYCO) to CP-3 Planned Commercial District, Master Plan Amendment from Planned Low-Density Residential to Business Park and Light Industry District,

Property Location:

13700 Marxen Road
Kansas City, Kansas 66109

Commission District:

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



Existing Zoning:	A-G Agricultural District (WYCO)
Adjacent Zoning:	North: Lansing A-1 Agriculture District South: A-G Agriculture (WYCO) and A-G Agriculture District East: R-1 Single Family District West: Leavenworth County RR2.5 Rural Density Residential & Agricultural Uses
Adjacent Uses:	North: Agricultural Open Space and Single-Family Residence South: Agricultural Open Space, Single-Family Residences, and Wyandotte County Fairgrounds East: Agricultural Open Space West: Agricultural Open Space and Single-Family Residence
Total Tract Size:	26.04 Acres
Master Plan Area:	Prairie Delaware Piper Area Plan (Area 2)
Master Plan Designation:	Current: The Prairie Delaware Piper Master Plan (Area 2) designates the property's land use as Planned Low-Density Residential, in which uses include single-family homes and large areas of open space. Development of parcels shall work with the natural terrain to be compatible with their rural setting. Proposed: The proposed Land Use Designation is Business Park and Light Industrial, which uses are designed for areas of employment such as manufacturing, distribution, warehouse, and similar uses. While the use of long-term storage is not specifically addressed in the Prairie Delaware Piper Master Plan, there is little to no consumer patronage planned on a regular basis and outdoor open storage is proposed. This land use designation is expressly prohibited in Area 2 of the Prairie Delaware Piper Master Plan and is reserved for Area 1 as illustrated in the attachments.
Major Street Plan:	The Major Street Plan designates this tract of Marxen Road as a Collector Street and K-7 Highway as a Freeway or Expressway.
Required Parking:	Proposed Zoning CP-3: Section 27-467(e) states that parking requirements for this district are required at a ratio of four (4) spaces per 1,000 square feet of floor

area. The subject property has multiple buildings for a total of 81,616 square feet, requiring 327 parking spaces including eight (8) ADA parking spaces. The current proposal has 11 parking spaces, a deviation of 316 parking spaces, or 96.6 percent. A variance has been applied for to meet this requirement.

This parking requirement may change depending on the nature of the outdoor storage or upon the approval of a Final Development Plan as addressed in staff comments at the end of this report.

Advertisement: The Wyandotte Echo – November 16, 2022; December 7, 2022; January 3, 2023; and February 16, 2023

Letters to Property Owners – November 18, 2022 and December 7, 2022, January 3, 2023; February 16, 2023; March 14, 2023; April 3, 2023; and April 28, 2023

Public Hearings: May 8, 2023 and May 25, 2023

Public Support: None to date.

Public Opposition: One (1) letter of Opposition was received, and two (2) persons appeared in-person at the previous public hearing. There were eight (8) persons present in opposition at the May 8, 2023 City Planning Commission meeting. Staff also read into the record a letter in opposition from the City of Lansing Community and Economic Redevelopment Department

PROPOSAL

Detailed Outline of Requested Action: The applicant, Chad Schimke, is requesting a Change of Zone, Master Plan Amendment, Preliminary Plat, and Preliminary Development Plan for the operation of a self-storage facility that includes RV and outdoor storage at the subject property of 13700 Marxen Road. The proposal includes multiple self-storage buildings, an RV-storage area, and additional outdoor covered storage area. The current property is zoned for agricultural use and is agricultural land. The subject property has a total of 26.04 acres although only 8.27 acres are proposed for development at this time.

This proposal is being heard in conjunction with BOZA2022-077 for variances related to minimum required parking in a C-3 zone. An approved Final Development Plan is also required.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has no noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has had no enforcement complaints.

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding or related building permits.
2. The subject property has no prior planning cases.

FACTORS TO BE CONSIDERED

Change of Zone

1. The Character of the Neighborhood

The neighborhood is rural and agriculture in nature. Lots are primarily agriculture open space, some with single-family homesteads and various agriculture accessory buildings. A nearby large-lot residential subdivision in Lansing has lot sizes of approximately one (1) acre each. Other nearby uses include a church, roadside farmstand for fresh produce, and agricultural open space. The subject property is not immediately surrounded by uses that are of similar mixed commercial and industrial nature, but rather uses that are agricultural and open space as well as some legacy community commercial uses for neighborhood amenities and small-scale retail such as a convenience station with gas, used automobile and equipment sales, and retail garden nursery store with agricultural and landscaping product sales. The proposed use of a self-storage facility with outdoor covered storage is too intense in usage relative to the adjacent and nearby uses and should be reserved for a neighborhood less rural and residential in nature, and therefore, does not fit the character of the neighborhood.

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

The zoning uses of the nearby properties are set out above. While it may be desirable to have additional storage units for recreational vehicles and self-storage, the neighborhood's composition is vastly agricultural open space. Directly south of the property is a single-family homestead who will now directly face the proposed development's entrance and to the east is adjacent farmland. The presence of a storage unit development adjacent to such rural uses should

be reserved for neighborhoods transitioning to commercial development rather than an area of rural residential and agricultural open space and is expected to be compatible with the neighborhood at this time.

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

The property is suitable for residential and agricultural use. Removing the restrictions that would allow this property to develop as a commercial or industrial property has the potential to affect home values, agricultural land quality, traffic, and land values.

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

The property has been used as agricultural open space for decades and is not vacant.

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

The proposed use is not reasonably necessary for the public, as it proposes no direct benefit to the health, safety, or welfare of the community. It is expected that it will affect the visual quality and marketability of nearby property, as planned area development is for residential and agricultural use, not intense commercial or industrial uses. Homes in the area are built with the expectation of maintaining open space and rural suburban character, and a development such as proposed will likely detract from character and has the propensity to devalue properties.

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

The proposed development will increase traffic and parking demand on-site as the existing property receives little to no traffic as it is for agricultural use. The proposed use should not exceed the capacity of the Freeway, however the amount of traffic the proposed use will generate on Marxen Road and the road's capacity to handle expected traffic is unclear. A traffic study to evaluate the development and its expected traffic versus the capacity of existing infrastructure will be required and results may indicate additional infrastructure improvement is necessary. The Kansas Department of Transportation (KDOT) has also commented that the current configuration of the proposed development does not meet the line of site requirements, which could be a significant safety concern.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan's current land use designation. An amendment has been requested, however, the required land use designation to accommodate this proposal is specifically prohibited in the area in the proposed location, in Area 2. The Lansing 2030 Master Plan calls for the area north of the subject to remain low-density residential or agricultural use. Leavenworth County zoning plans indicate that the area west of this development, unincorporated land, is dedicated to residential and agricultural developments of 2.5 acres or larger. The adjacent master plans indicate that the surrounding areas are also incompatible, as the proposed development is a mixed commercial and industrial nature.

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

The proposed use has the propensity to cause environmental harm. Land is currently dedicated to agricultural use with years of cultivated and enhanced soil which will now be replaced with hardscape. Artificial lighting for signage and security will ostensibly be introduced to a degree that is much more intense than the surrounding areas, which may affect the natural habitat of wildlife and alter lighting conditions for surrounding agricultural uses. Page 7 of the provided Preliminary Stormwater Control plan provided by the applicant states that "The development of the site as a self-storage facility limits the amount of land available for BMPs. The majority of the runoff will be captured by the extended dry detention pond, which will essentially discharge directly to a series of farm ponds." The detailed strategic plan for these farm ponds has not been illustrated, in which it is important to note how the change away from the current naturally occurring irrigation's shift will affect irrigation and soil quality of the adjacent agricultural uses. This also indicates that the Best Management Practices as outlined in the Conservation District letter will be minimally utilized, although they are critical for highly erodible soil adjacent to existing farmland. The stormwater detention pond is not proposed until "Phase 2" of the proposed development, and no stormwater detention plan has been provided for Phase 1. A phased stormwater control plan that aligns with the development's construction phases and incorporates "Best Management Practices" shall be provided to illustrate the phased stormwater plan. The detention pond should be re-evaluated if its determining criteria was affected by the presence of gravel over an impervious hardscape. Measures to prevent the leach field runoff into adjacent agricultural uses or detention ponds should be taken, especially if those detention ponds have the propensity to flow into adjacent farm ponds. Health Department standards require a minimum of 100' between the lateral field and adjacent uses.

Public Works engineering has proposed an alternative method for underground detention be evaluated to alleviate some of the comments above.

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

a. Water service

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary service is proposed on-site as a private septic system. There is no sanitary system provided by the UG in close proximity.

c. Storm water control

Stormwater control points are located on Marxen Road, and a detention pond is proposed as part of the project.

d. Police

Police is provided by West Patrol, Division #224.

e. Fire

Fire service is provided by Fire Station #8 located 4.4 miles away near the intersection of 123rd Street and Leavenworth Road.

f. Transit

Public Transit is not reasonably accessible to this location. The nearest bus stop is 9.2 miles away at the intersection of 103rd Street and Leavenworth Road at the Legends Shopping Complex.

g. Schools

Public education is provided by Piper USD 203.

h. Streets

The City-Wide Master Plan designates this tract of Marxen Road as a Collector Street and K-7 Highway as a Freeway or Expressway.

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

If the proposal is approved, the City will receive additional property and sales tax revenues because of the improvements made to the property.

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

The proposed use is capable of meeting applicable ordinance and other requirements with plan revisions, approved Variance(s), a Special Use Permit, a Final Plat, and Final Development Plan. The approval of the Master Plan Amendment does not provide for a land use designation that will allow the project to directly conform.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. The usage of a self-storage facility is for private use and provides no significant gain to the public. Individual landowners of adjacent properties may experience changes in real estate values as the development does not fit in with the expected pattern of development in what is customary in a rural agricultural district, although real estate evaluation is outside the scope of this report.

Master Plan Amendment

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

The current master plan designation for this property is Low-Density Residential, which is intended for residential uses such as single-family homes in a rural setting, agricultural uses, and institutional and philanthropic uses. The proposed land use amendment to Business Park and Light Industry, however this land use designation is specifically prohibited in the Prairie Delaware Piper Master Plan for this area.

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

This portion of Marxen Road is primarily agricultural with some single-family homesteads, generally belonging to the farmer or caretaker of the land. Future development for this property is limited due to terrain and there are little public improvements existing or planned to accommodate growth. There is some increase in growth along K-7, however these uses differ as they are generally retail and neighborhood conveniences of smaller scale. Developments such as the proposed use are designed to be in Area 1, or South of Donahoo Road. The Lansing 2030 Comprehensive Plan indicates the property adjacent north, currently a farm, has a future use of single family residential, indicating that the proposed use of a commercial or industrial use at this property is incompatible. The theme of residential uses is further illustrated in the Leavenworth County Comprehensive

Plan, which designates the land adjacent north and across K-7 to be Residential units at a density of one (1) single family home for ever (3) acres. There is no growth pattern for commercial or industrial uses proposed in either plan, indicating that the proposed use is inconsistent with the plan of the Prairie Delaware Piper Master Plan, the Lansing 2030 Master Plan, or the Leavenworth County Comprehensive Plan.

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

See Change of Zone #8 and #9 above.

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

The proposed land use amendment is accompanied by a Change of Zone. An approved Variance is needed for parking. The Planning Commission must approve of numerous deviations from the Prairie Delaware Piper Master Plan and the Commercial Design Guidelines. A special permit for the amount of stormwater discharge may be required under National Pollutant Discharge Elimination System (NPDES) Guidelines may be required, although that is unclear at this time. Should the proposed development obtain all approvals above, it would be in compliance with regulatory ordinances, however, the required land use designation for the proposed project is prohibited which is a comprehensive plan conflict.

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

See Change of Zone #1, #2, and #8 above.

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

The neighborhood would benefit from having an additional area to store personal belongings and for recreational vehicle storage, as recreational vehicle storage has recently been prohibited or restricted in adjacent incorporated Lansing, however, it is not expected that this private usage would provide a community benefit. There is a potential negative impact from increased traffic, loss of rural character to the neighborhood, loss of visual quality, and some environmental concerns that may outweigh the benefit derived.

Preliminary Plat

- 1. Whether the preliminary plat is consistent with the comprehensive plan, the major street plan, and any other adopted plans.***

The proposed plat splits the parcel as part of the development for a self-storage facility. The development of a commercial property north of Donahoo does not conform to the Prairie Delaware Piper Master Plan, which indicates this property remains agricultural or low-density residential in future development plans. The adjacent plans for Lansing, Kansas and Leavenworth County, Kansas follow similar patterns of development, keeping with the rural residential and agricultural neighborhood characteristics. The proposed Preliminary Plat for the purposes of this particular development is not consistent with adopted plans for this region.

- 2. Whether the preliminary plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable unified government policies and regulations.***

The granting of the Plat approval as a stand-alone entitlement does conform to current standards for a CP-3 District, however, as part of the proposal for self-storage units, inconsistencies with regulatory compliance exist. As such, variances have been requested in conjunction with this application for minimum required parking and amount of open storage. The Plat is not in compliance with the Prairie Delaware Piper Master Plan.

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

See Change of Zone #8 and #9 above.

- 4. Whether the proposed subdivision will cause adverse or negative impacts on the natural or social environment.***

The proposed subdivision when combined with the proposed development may have significant adverse or negative impacts. See Change of Zone #8 above.

- 5. Whether the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties.***

The area has not generally been subdivided for development and remains largely agricultural tracts and rural farm homesteads, commonly full tracts, quarters, or sections. Adjacent properties are commonly single-family residences, barns, greenhouses, silos, and agricultural equipment storage. The development of self-storage units does not fit the character of development with adjacent properties.

6. *Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services.*

The proposed subdivision encourages premature extension of public utilities; therefore, the applicant has proposed a septic system with lateral field. It is not best practice to develop a property for a commercial use in such a rural area, especially as modern standards for public sanitary systems have been constructed in areas that are planned for commercial development. The Prairie Delaware Piper Plan states that development should be encouraged where gravity sewer service and pumping stations are currently in place before opening new lands for development.

7. *Whether the subdivision will not cause an undue burden on the Unified Government for maintenance of land and/or facilities.*

The subdivision proposed may require infrastructure improvements to Marxen Road, as it is designed for Rural traffic and not for the increase of traffic as a result of multiple trips to the development. Additional traffic may include boats, RVs, and other larger vehicles that the roadway is not designed for. As a septic system is proposed, the Unified Government is not expected to propose a sanitary system, although best practices is to coordinate development with public improvements.

NEIGHBORHOOD MEETING

The applicant held neighborhood meetings on November 28, 2022 and February 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic and Driveway Access
Landscaping and Screening
Master Plan Land Use
Neighborhood Compatibility
Agriculture Usage
Light Pollution
Erosion
Stormwater Control
Commercial Design Guidelines
Building Materials
Fencing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **DENIAL** of Change of Zone Application COZ2022-045 and Master Plan Amendment MPL2022-026, **as the project is incompatible with the neighborhood character as well as the Master Plan and the public infrastructure is not sufficient.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petitions **COZ2022-045 and MPL2022-026** subject to all comments and suggestions outlined in this staff report, and summarized by the reasons of the City Planning Commission.

ATTACHMENTS

May 8, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Land Use Map – Lansing
Land Use Map – Leavenworth County
Plan Set
Plan Set - Revised
Prairie Delaware Piper Master Plan
Neighborhood Meeting Information
Erosion Control Report Highlights
Letter of Opposition
Site Staff Visit Photos Dated November 6, 2022
Letter in Opposition from the City of Lansing, Kansas

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Change of Zone	May 8, 2023 Denial	May 25, 2023
Preliminary Plat	May 8, 2023 Denied	Not Required
Master Plan Amendment	May 8, 2023 Denial	May 25, 2023

STAFF CONTACT: Kallie McLaughlin, kdmclaughlin@wycokck.org

MOTIONS

Master Plan Amendment:

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-026** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-026** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

Change of Zone:

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-045** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-045** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____ ;
2. _____ .

May 8, 2023 City Planning Commission Minutes:

Hearing starts at 2:13:43:

MASTER PLAN AMENDMENT APPLICATION MPL2022-026 – CHAD SCHIMKE -

SYNOPSIS: Master Plan Amendment from Planned Low-Density Residential (Prairie-Delaware-Piper Master Plan) to Planned Mixed Business/Commercial (Prairie-Delaware-Piper Master Plan) at 13700 Marxen Road.

CHANGE OF ZONE APPLICATION COZ2022-045 – CHAD SCHIMKE - SYNOPSIS:

Change of Zone from A-G Agriculture (WYCO) District to CP-3 Planned Commercial District to construct a self-storage facility at 13700 Marxen Road.

PRELIMINARY PLAT APPLICATION PLAT2023-001 – CHAD SCHIMKE - SYNOPSIS:

Preliminary Plat to separate commercial and agricultural zoning at 13700 Marxen Road

Detailed Outline of Requested Action: The applicant, Chad Schimke, is requesting a Change of Zone, Master Plan Amendment, Preliminary Plat, and Preliminary Development Plan for the operation of a self-storage facility that includes RV and outdoor storage at the subject property of 13700 Marxen Road. The proposal includes multiple self-storage buildings, an RV-storage area, and additional outdoor covered storage area. The current property is zoned for agricultural use and is agricultural land. The subject property has a total of 26.04 acres although only 8.27 acres are proposed for development at this time. This proposal is being heard in conjunction with BOZA2022-077 for variances related to minimum required parking in a C-3 zone. An approved Final Development Plan is also required.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 8, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners;
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Chad Schimke, applicant, 11710 Kelly Road, Leavenworth, Kansas 66048
- Ty Zander, 7614 Washington Street, Kansas City, Missouri 64114

The Planning Commission directed questions to the Applicant.

Present in Opposition:

- Recording Secretary Parker read a letter in opposition from the City of Lansing Community and Economic Redevelopment Department
- Mike Kenaga, representing Henry and Mary Ellen Kenaga, 23979 131st Street, Leavenworth, Kansas 66048
- 13865 Marxen Road, Kansas City, Kansas 66109
- David Beckenhauer, representing himself and his wife, 13823 Marxen Road, Kansas City, Kansas 66109
- Steve Solis, representing himself and his wife, 13841 Marxen Road, Kansas City, Kansas 66109
- Tom Lewis, representing himself and his wife, 23600 131st Street, Leavenworth, Kansas 66048

Staff Recommendation starts at 2:38:23: Planning Director Hand stated that these applications are being heard in conjunction with BOZA2022-007, which was approved by the Board of Zoning Appeals earlier this evening. The request is for a self-storage facility. Since the application was before the Commission last March, the Applicant has removed the outside storage and created a new covered storage area. This property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support before this evening and did receive opposition, including the letter that was received late this afternoon and read into the record. There are no Notices of Violation on the property. Staff recommends denial of all three (3) applications as the project is incompatible with the neighborhood character, as well as the adopted Area Plan.

Motion starts at 2:40:10:

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Master Plan Amendment MPL2022-026** as the project is incompatible with the neighborhood character as well as the Master Plan:

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	No

Motion to recommend Passed: 6 to 1

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application COZ2022-045** as the

project is incompatible with the neighborhood character as well as the Master Plan:

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	No

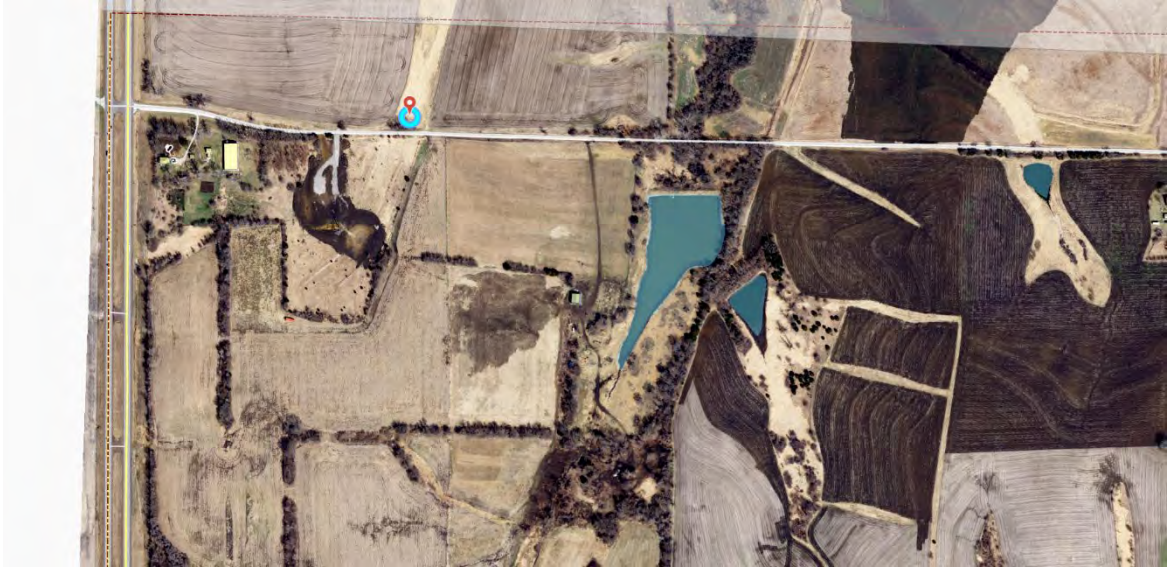
Motion to recommend Passed: 6 to 1

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to **DENY Plat2023-001 as the project is incompatible with the neighborhood character as well as the Master Plan and the public infrastructure is not sufficient:**

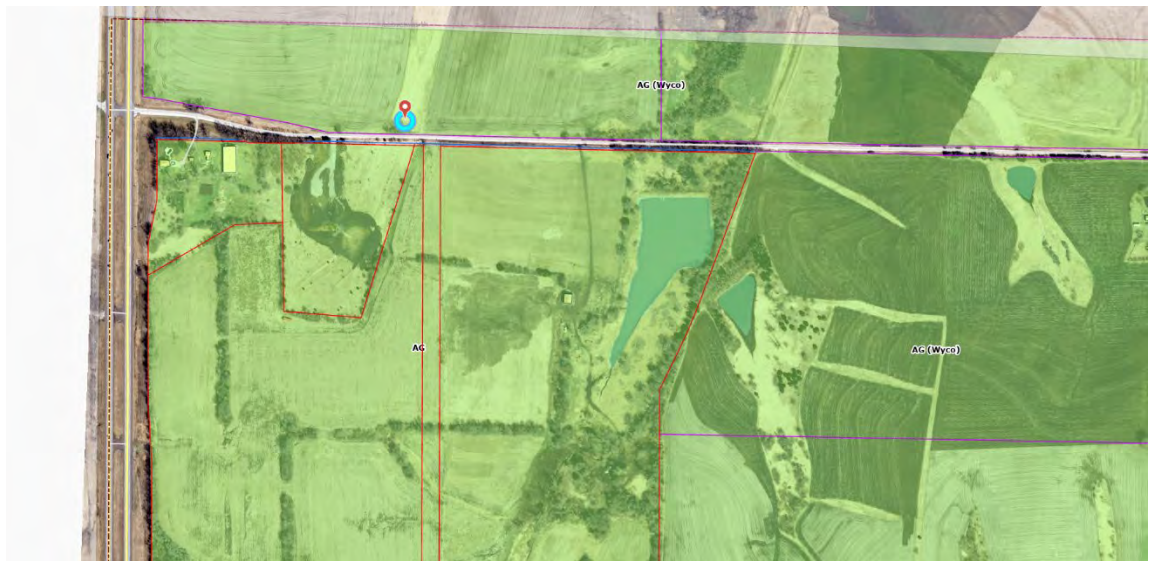
Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	No

Motion to recommend Passed: 6 to 1

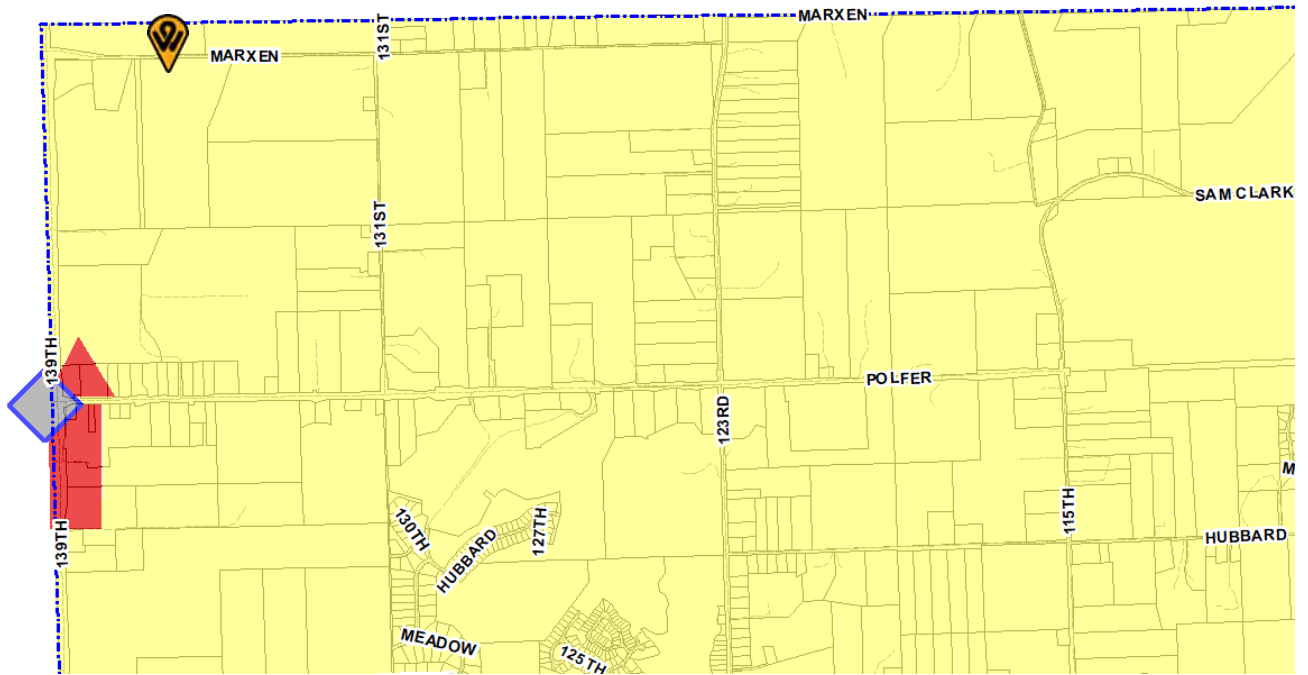
AERIAL MAP



ZONING MAP

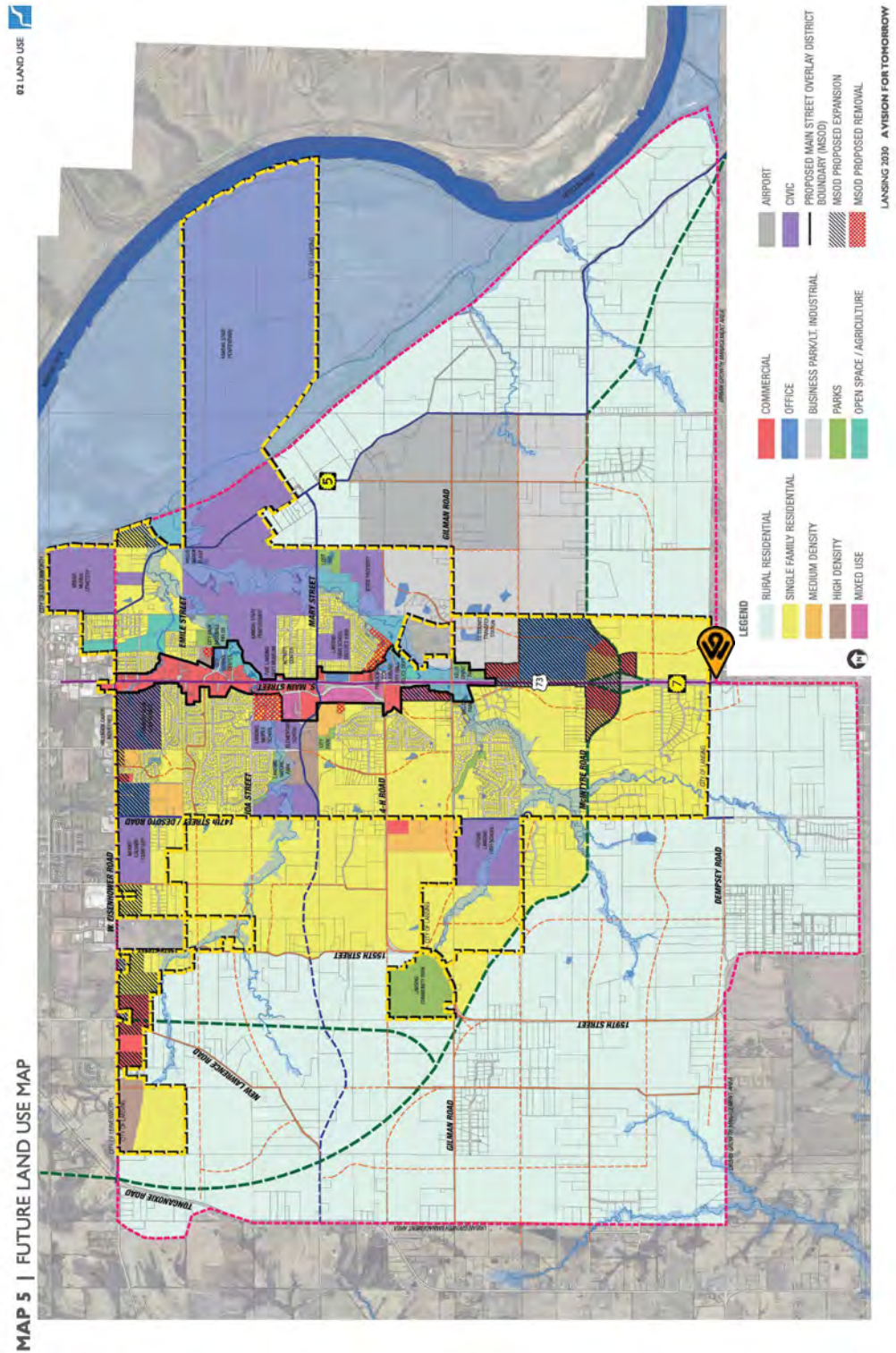


LAND USE MAP

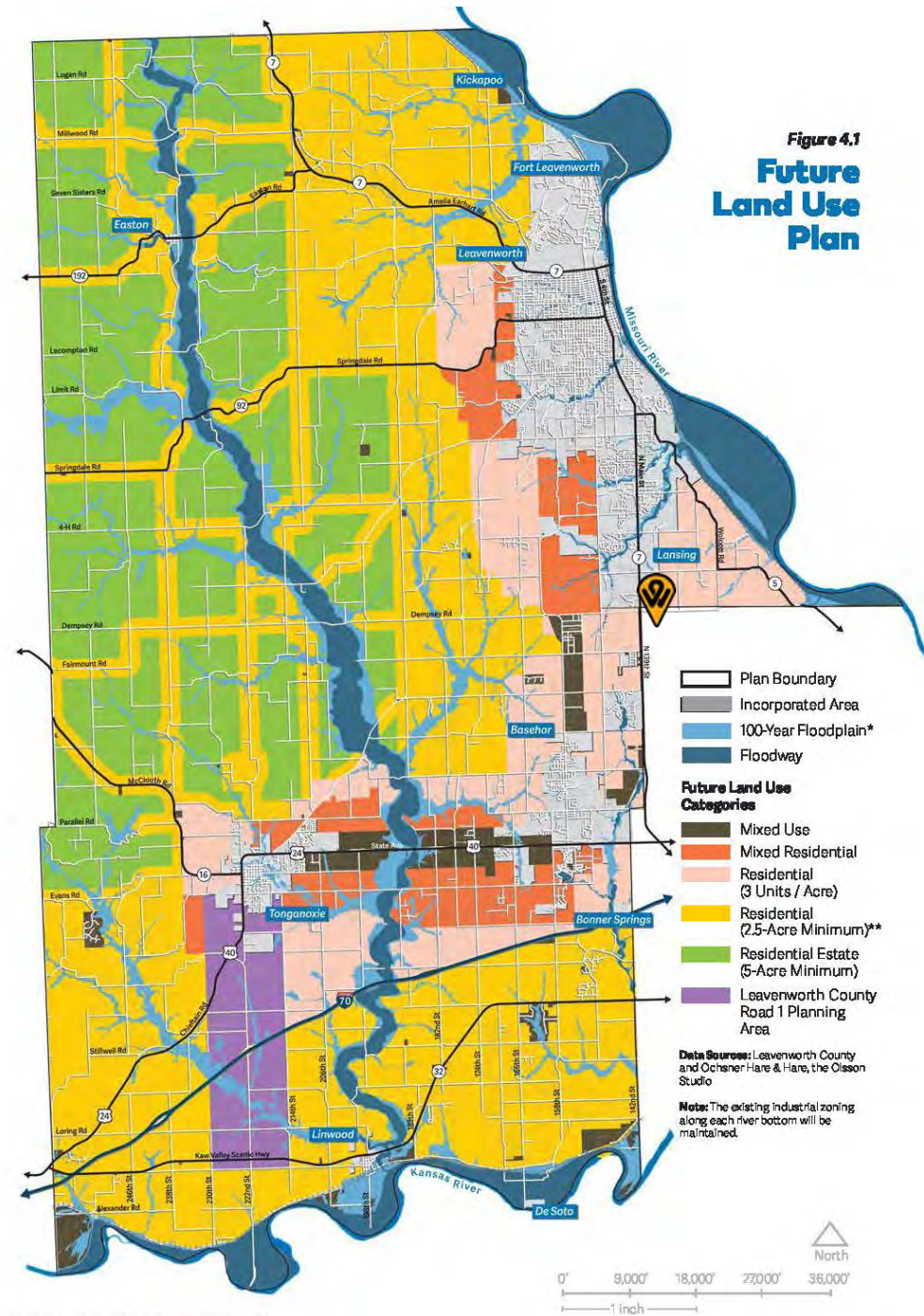


- ☒ Prairie Delaware Piper Master Plan
- Low Density Residential District
- Planned Suburban Residential District
- Planned Mixed Residential District
- Planned Office District
- Planned Commercial District
- Public / Semi-Public
- Planned Open space
- Planned Entertainment District
- Planned Mixed Business Park / Commercial District
- Planned Mixed Business Park / Office District
- Planned Mixed Entertainment / Commercial District
- Planned Small Commercial District
- Future Interchange

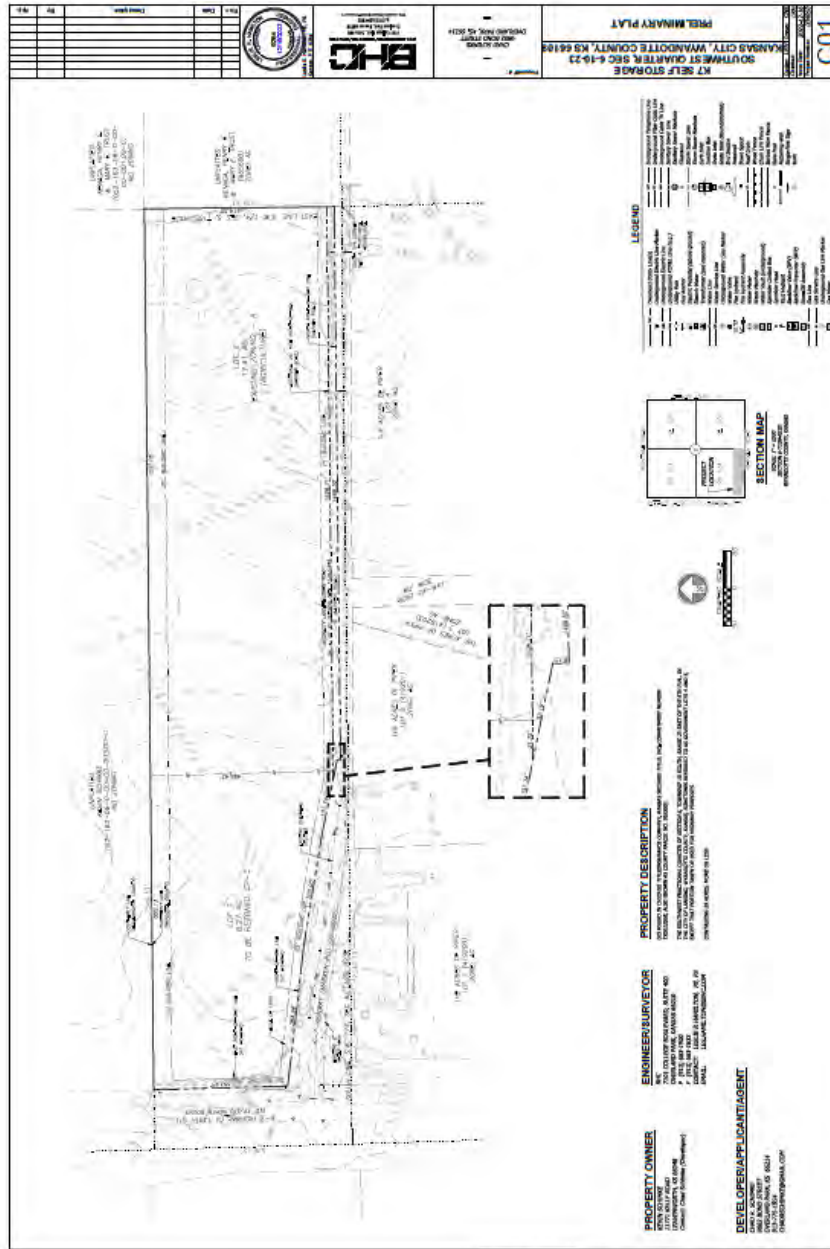
LAND USE MAP - LANSING



LAND USE MAP - LANSING



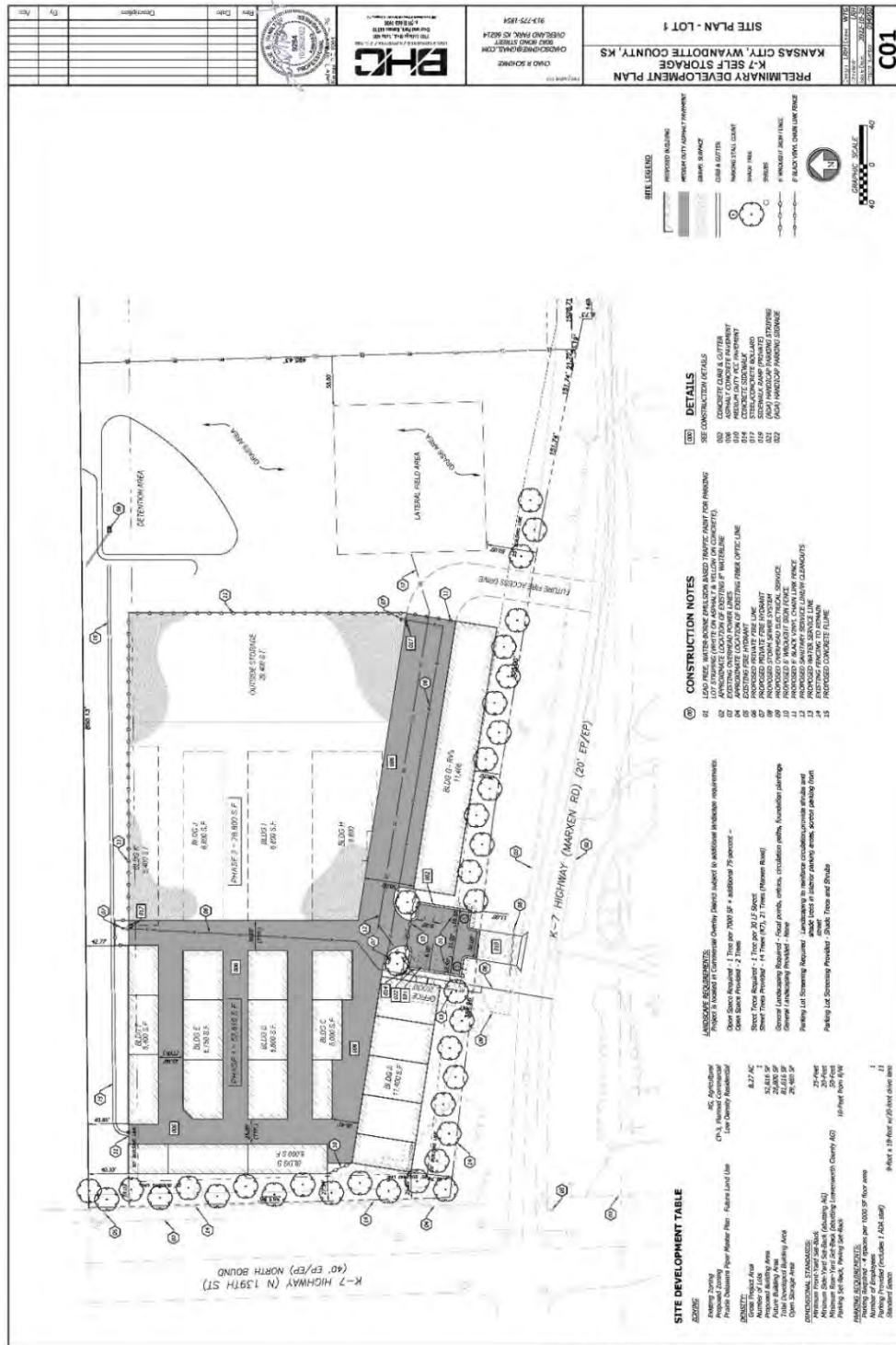
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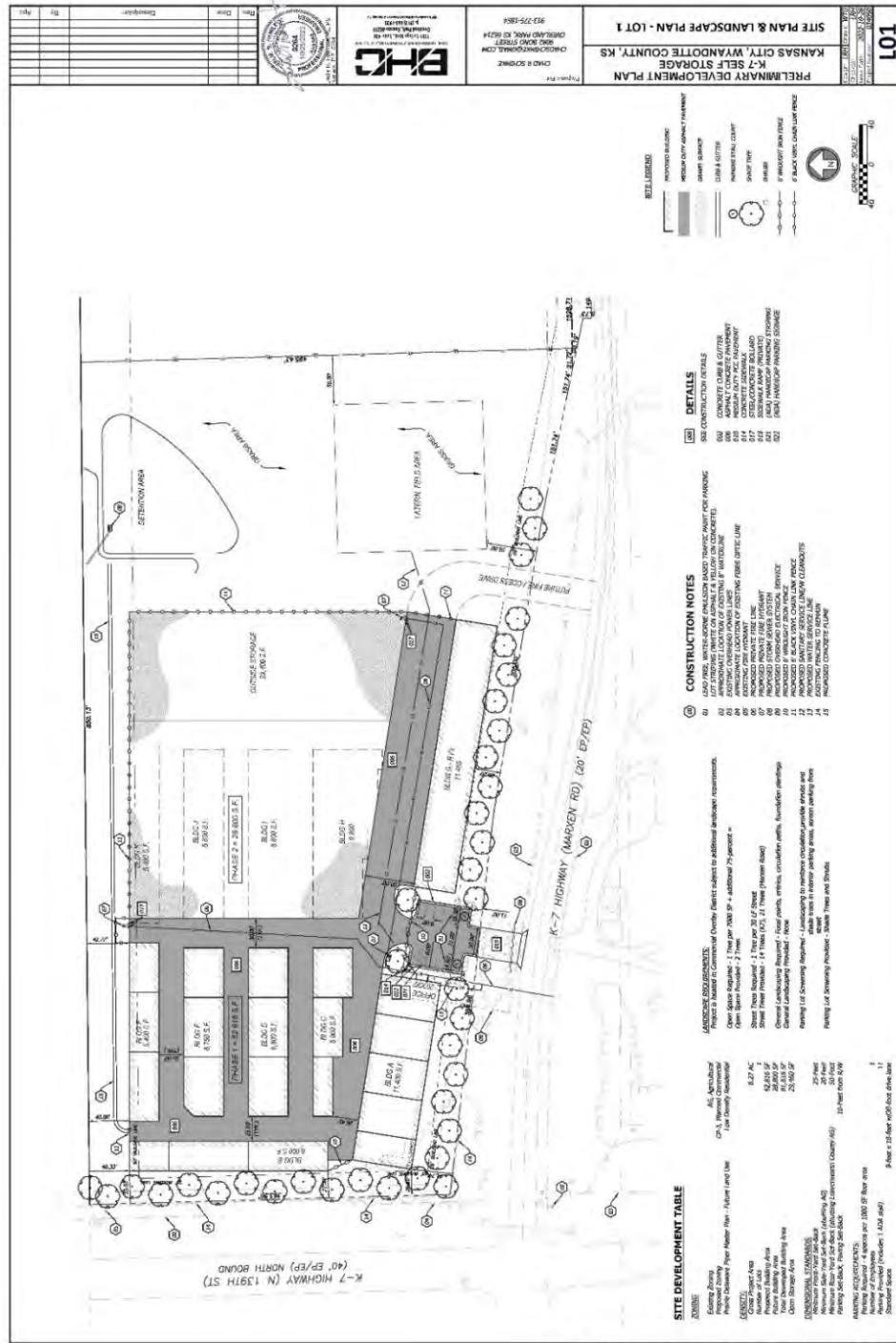
COZ2022-045 and MPL2022-026

May 25, 2023

22



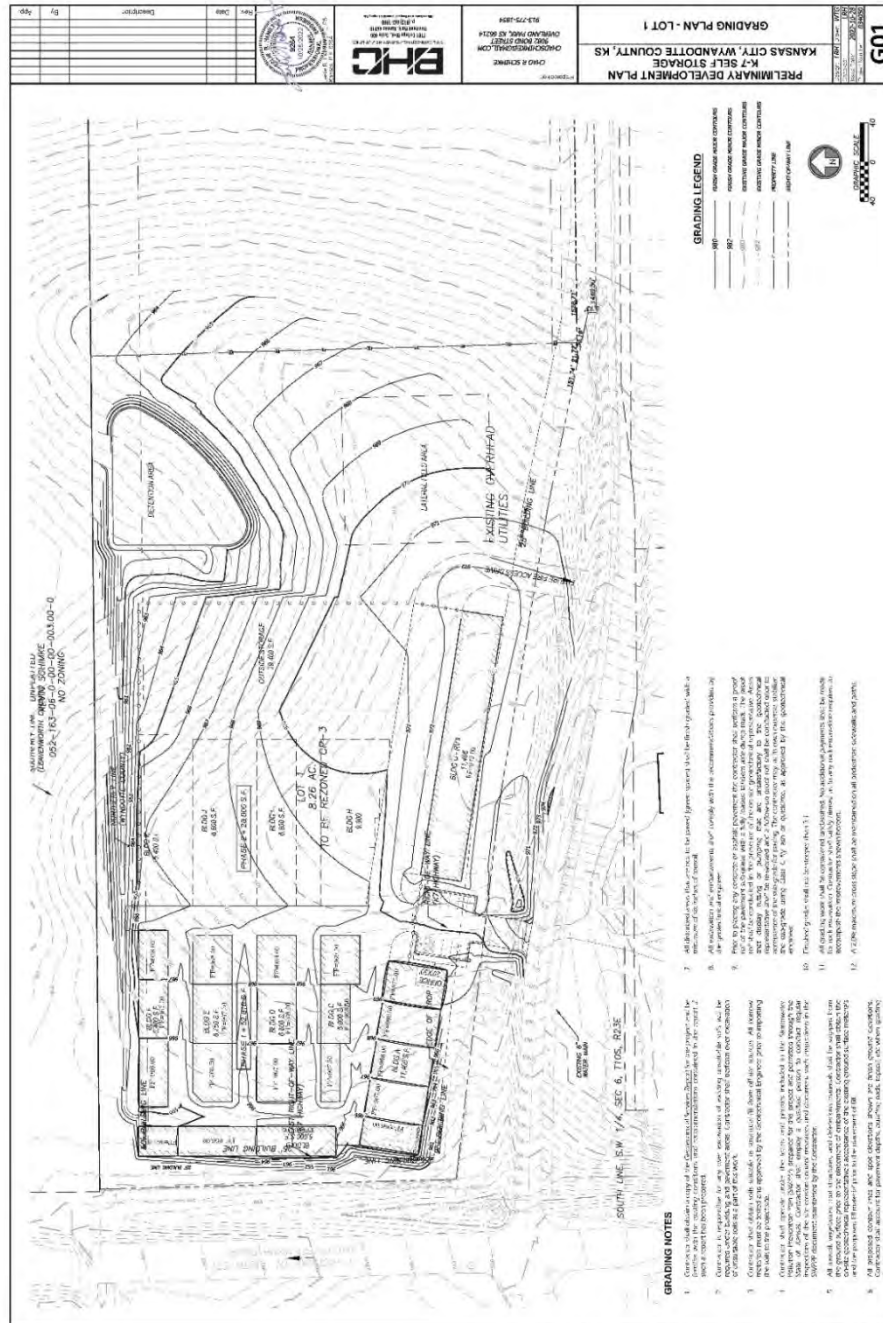
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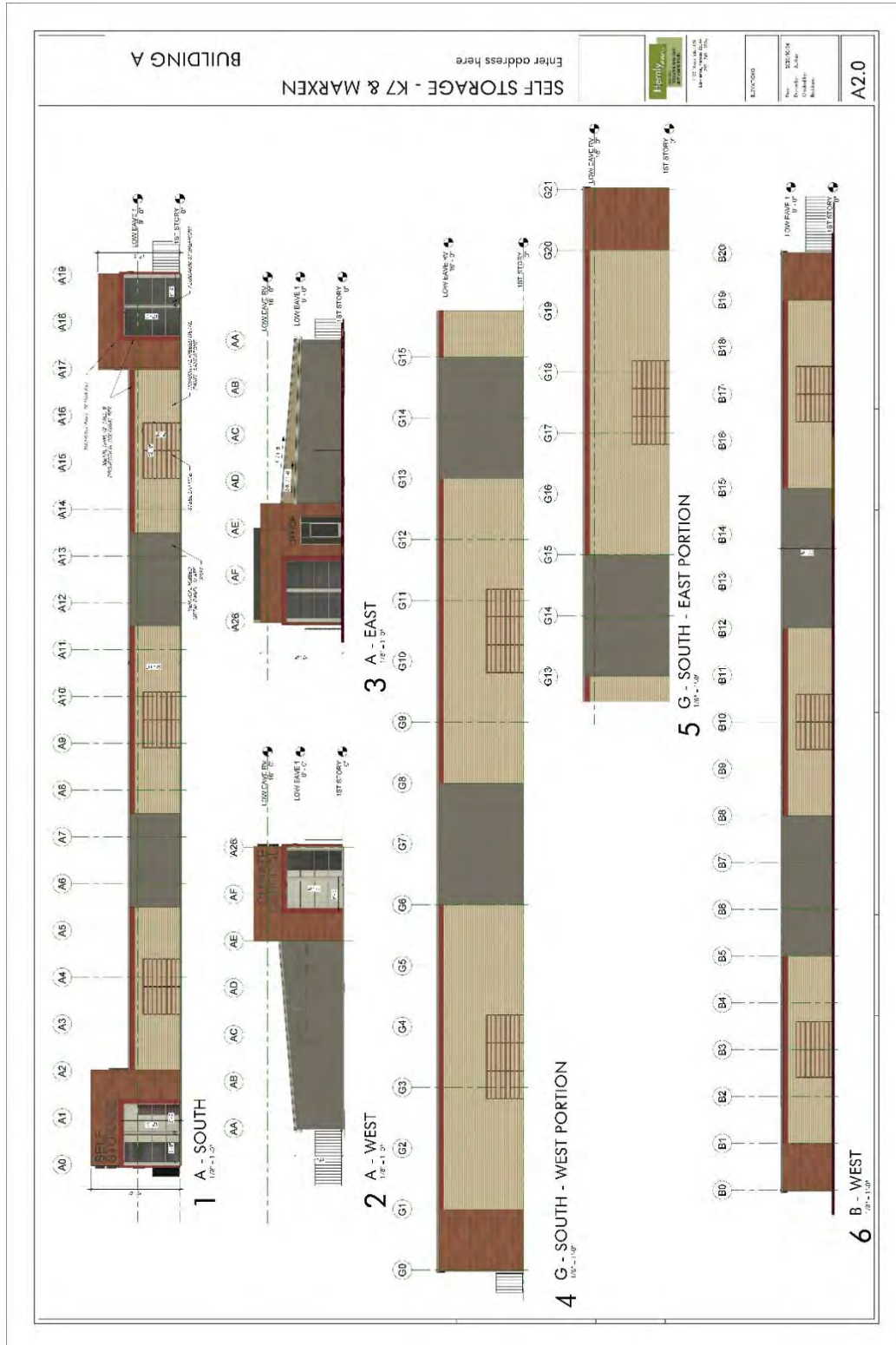
COZ2022-045 and MPL2022-026

May 25, 2023

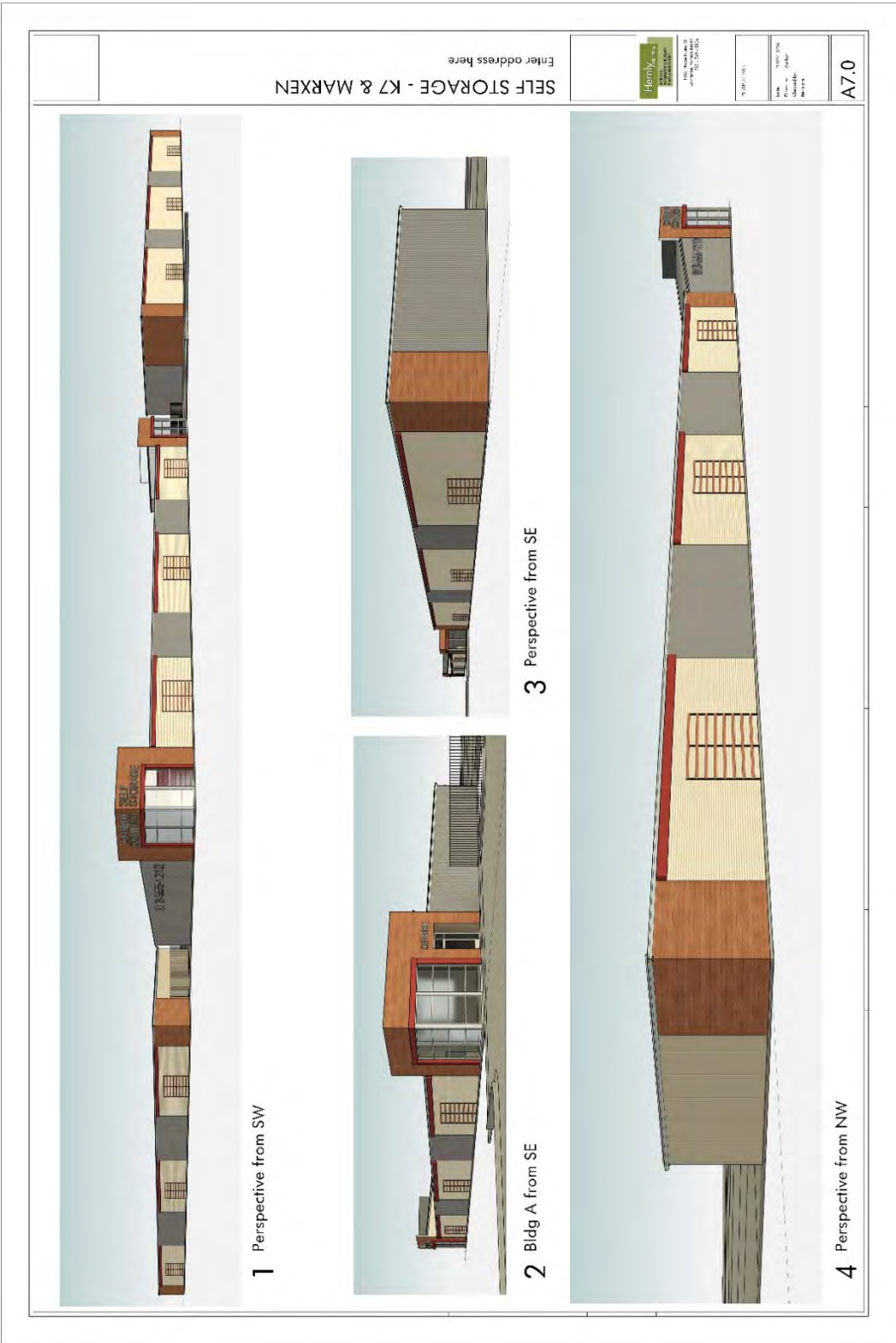
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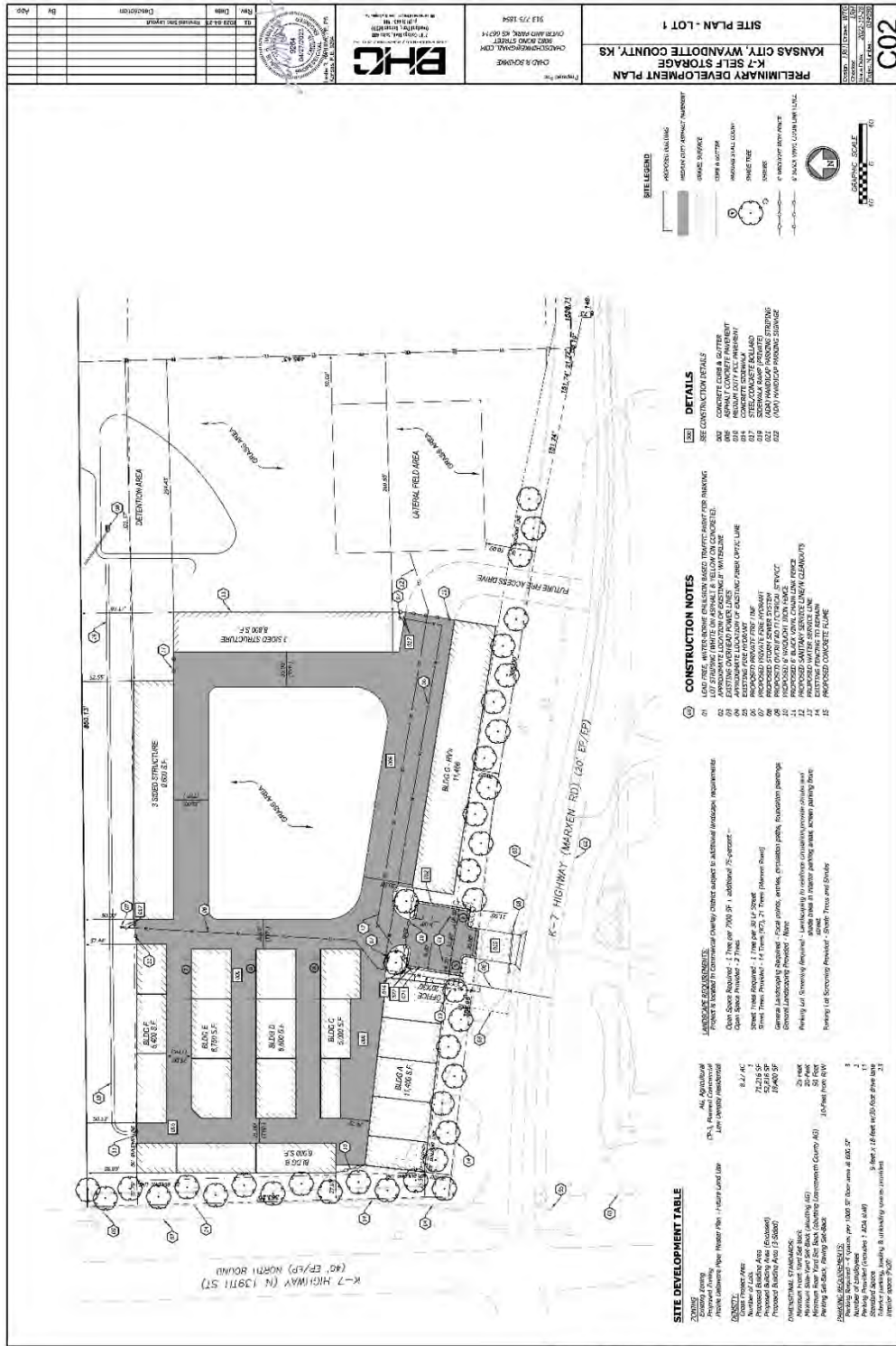
PLAN SET



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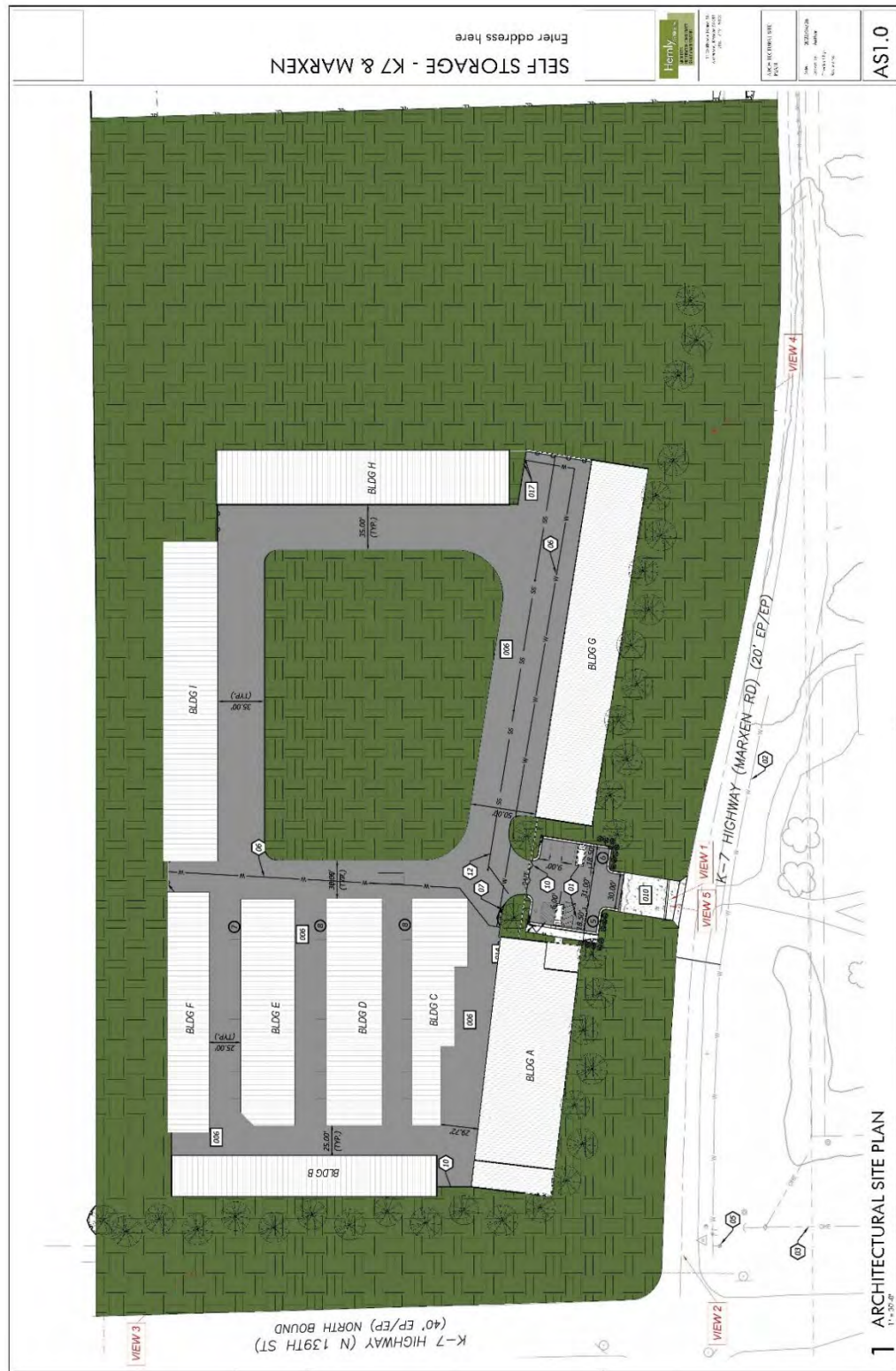
PLAN SET - REVISED



PLAN SET - REVISED



PLAN SET - REVISED



NEIGHBORHOOD MEETING INFORMATION



November 28, 2022

Re: Neighborhood Meeting
Proposed K-7 Self Storage
Change of Zone COZ2022-045
Master Plan Amendment MPL 2022-026

The Neighborhood Meeting was held via Zoom on November 28, 2022 from 1:00 PM to 3:00 PM. The required notification letters mailed on November 18, 2022 provided the Zoom link as well as phone number and email address to submit questions and comments.

No comments were received by phone call or email.

Those in attendance at the Neighborhood Meeting:

- Chad Schimke - Applicant
9082 Bond Street
Overland Park, KS 66214
- Les Hamilton
BHC - Engineer/Surveyor
7101 College Blvd, Suite 400
Overland Park, KS 66210
- Tim Persson
13685 Marzen Road
Kansas City, KS 66109

Questions-Comments Discussions:

- Mr. Persson asked where the entrance for the proposed facility would be located, and where that would be with respect to where the Marzen Road roadway reduces in width. Hamilton stated that proposed entrance for development would align with the existing driveway accessing Marzen Road from the south (13841) and that this location was west of where Marzen Road transitions in width.

There were no other attendees and no other questions. Zoom Meeting was ended at 3:00 PM.

A handwritten signature in blue ink, appearing to read 'Leslie K. Hamilton'.

Leslie K. Hamilton, PE, PS
Project Engineer



NEIGHBORHOOD MEETING INFORMATION



February 27, 2023

Re: Neighborhood Meeting
Proposed K-7 Self Storage
Change of Zone COZ2022-045
Master Plan Amendment MPL 2022-026
Preliminary Plan/Preliminary Plat

The Neighborhood Meeting was held via Zoom on February 27, 2023 from 1:00 PM to 2:00 PM. The required notification letters mailed on February 17, 2023, provided the Zoom link as well as phone number and email address to submit questions and comments.

No comments were received by phone call or email.

Those in attendance at the Neighborhood Meeting:

- Chad Schimke - Applicant
9082 Bond Street
Overland Park, KS 66214
- Les Hamilton
BHC - Engineer/Surveyor
7101 College Blvd, Suite 400
Overland Park, KS 66210

There were no other attendees. Zoom Meeting was ended at 2:00 PM.

A handwritten signature in blue ink, appearing to read 'Leslie R. Hamilton', is written over a light blue rectangular background.

Leslie R. Hamilton, PE, PS
Project Engineer

EROSION CONTROL REPORT HIGHLIGHTS

2.1.3 Offsite Receiving Waters

Runoff from that portion of the site that drains to the west, towards K7 Highway, is carried by a roadside ditch to an existing road culvert crossing under Marxen Road.

Runoff from that portion of the site draining to the northeast is captured by a series of farm ponds that are connected by an intermittent channel to an unnamed tributary of Nine Mile Creek. Runoff from that portion of the site draining to the southeast, towards Marxen Road, is carried by a roadside ditch discharging into the same unnamed tributary of Nine Mile Creek.

Mitigation Package
Date: 2022-10-28

K-7 Self Storage
BMP Worksheet #2

Created by: LRH

WORKSHEET 2: DEVELOP MITIGATION PACKAGE(S) THAT MEET THE REQUIRED LS

Project: K-7 Self Storage 034050

By: LRH

Date: 2018-11-29

Location: 13700 Marxen Road, Kansas City, KS

Checked:

Date:

1. Required LS (New Development, Wksht 1) or Total VR (Redevelopment, Wksht 1A):

6.3

Note: Various BMPs may alter CN of proposed development; and LS; recalculate both if applicable.

2. Proposed BMP Option Package No. 1

Cover/BMP Description	Treatment Area (ac)	VR ¹	Product of VR x Area
Extended Dry Detention ²	5.0	4.00	20.0
Total			20.0

*Weighted VR: 2.4

- ¹ VR calculated for final BMP only in Treatment Train
- ² Area not disturbed by construction (preserved)
- ³ Does NOT include areas of native vegetation that were preserved

Meets required LS (Yes/No)?

NO

LETTER OF OPPOSITION

McLaughlin, Kallie

From: David Beckenhauer <davebeck1885@gmail.com>
Sent: Thursday, February 16, 2023 12:23 PM
To: McLaughlin, Kallie
Subject: Change of Zone COZ2022-045, Master Plan Amendment MPL 2022-026 and Preliminary Plat PLAT 2023-001

You don't often get email from davebeck1885@gmail.com. [Learn why this is important](#)

Kallie,

This is David Beckenhauer, my wife Hanna and I are currently building our house directly South where this proposed storage units are going to be located. I was unable to attend the meeting on 2/14/2023 but wanted to express my concern with these units. We moved out to this part of WYCO to get away from the city life and being able to explore what countryside we have left. Was a decision made if this motion passed? What steps are there if we want to voice our concerns? I appreciate any help or information you can provide. Just booking out or window seeing all of the geese and wildlife is what we had envisioned not looking at concrete buildings.

Thanks,

David Beckenhauer

Re: Change of Zone COZ2022-045, Master Plan Amendment MPL 2022-026 and Preliminary Pl...



David Beckenhauer <davebeck1885@gmail.com>
To: McLaughlin, Kallie



Thu 2/16/2023 1:47 PM

You replied to this message on 2/16/2023 1:48 PM.

You don't often get email from davebeck1885@gmail.com. [Learn why this is important](#)

Kallie,

You are welcome to express my email and note it for the staff presentation as well.

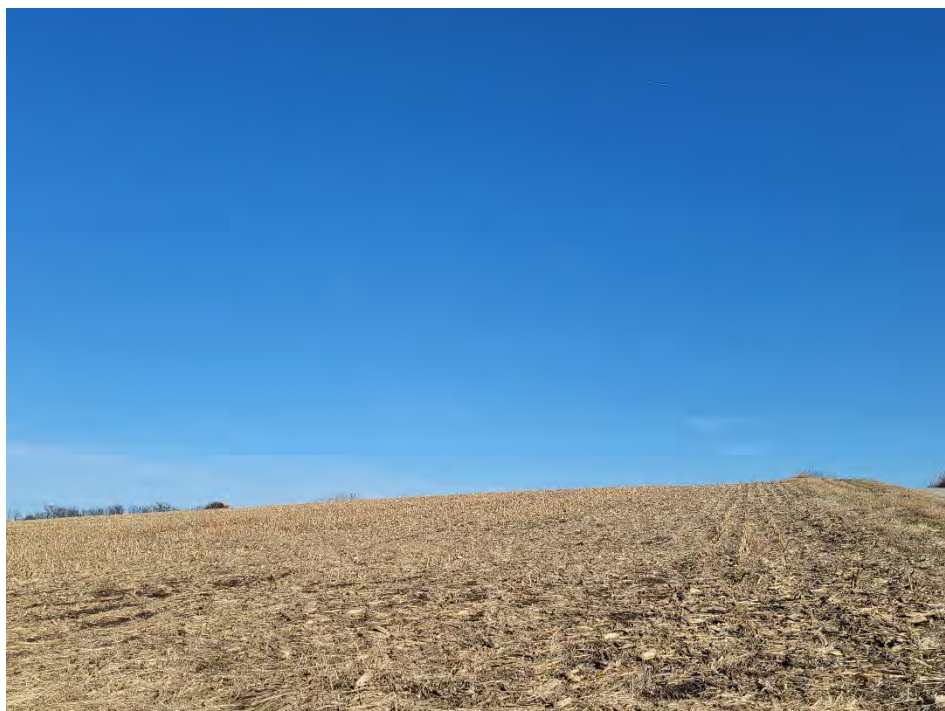
Thank you,

David Beckenhauer

STAFF SITE VISIT PHOTOS DATED NOVEMBER 6, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 6, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 6, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 6, 2022





**Community and Economic
Development Department**
www.lansingks.org

May 8, 2023
Kansas City Kansas City Planning Commission
701 N 7th Street
Kansas City, Kansas 66101

Re: 13700 Marxen Road Applications

Planning Commissioners,

Thank you for the opportunity to discuss the City of Lansing's position on the applications for Cases COZ2022-045, MPL 2022-026, and PLAT2023-001.

The City of Lansing is generally in opposition to these applications and this development for the following reasons:

1. Current zoning – The property to the north, which is owned by the Applicant, is currently zoned in an A-1 Agriculture district. Self-storage would not be supported in this district within the City Limits of Lansing.
2. Future Land Use – According to the City's Comprehensive Plan, the City envisions the property to the north of Applicant's current application to be developed with single-family residential developments. A self-storage business does not align with the City's Comprehensive Plan as it does not fit into single-family residential development.

The City of Lansing would ask that the Planning Commission to consider these factors as they review the applications for a Change of Zone, Master Plan Amendment, and Preliminary Plat.

We appreciate the opportunity to provide this information, and please feel free to contact me at (913) 364-6920 or jgentzler@lansingks.org should you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Joshua Gentzler".

Joshua Gentzler
Director, Community & Economic Development

730 First Terrace, Suite 2 • Lansing, Kansas 66043 • (913) 364-6920

1 | Page



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: Petitions COZ2023-001 and MPL2023-001

GENERAL INFORMATION

Applicant:

David Block with Block and Co., Inc.

Status of Applicant:

Representative
Philip Goforth with Genesis Realty &
Development, LLC
4420 Madison Avenue
Kansas City, MO 64111

Requested Actions:

Master Plan Amendment from Planned
Commercial District (Prairie Delaware Piper
Master Plan) to Mixed Use (City-Wide
Comprehensive Plan).

Change of Zone from CP-2 Planned General
Business District to CP-3 Planned
Commercial District.

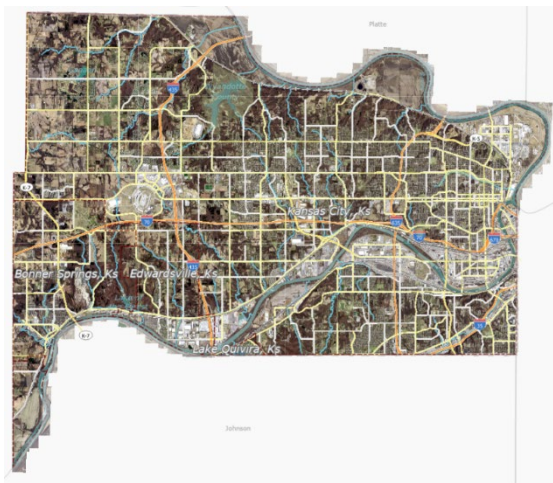
Date of Application:

January 27, 2023

Purpose:

To convert the former Cerner office building
towers to a mixed-use building with ground
floor commercial and 8-stories of apartments.

Property Location: 10200 Abilities Way,
Kansas City, KS 66111



Commission District:	Commissioner At-Large, District #2: Tom Burroughs Commissioner District #7: Chuck Stites
Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: CP-2 Planned General Business District (across State Avenue) South: CP-2 Planned General Business District East: None (Interstate 435 right-of-way) West: A-G Agriculture District
Adjacent Uses:	North: Great Wolf Lodge (across State Avenue) South: Chateau Avalon Hotel East: Interstate 435 West: Kansas Speedway
Total Tract Size:	58.68 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this area as Planned Commercial, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations. A Master Plan Amendment has been filed to amend to Mixed Use (City-Wide Comprehensive Plan), which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, parks, plazas and open space, and mixed-density residential uses.
Major Street Plan:	The Major Street Plan classifies State Avenue and Village West Parkway as a Class A Thoroughfare.
Required Parking:	Sec. 27-467(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. 2,599 spaces currently exist. 736 parking spaces are required based on the potential of 464 apartment units and 477 parking spaces are required based on the potential of 119,226 square feet of ground floor retail and/or office, totaling 1,213 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023 and March 6, 2023

Public Hearings:	April 10, 2023, April 27, 2023 and May 25, 2023
Public Support:	None to date.
Public Opposition:	Greg Kindle, President, WYEDC, appeared in opposition due to a reduction in taxes generated on the property due to the change in use from office to mixed-use.

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Block with Block and Co., Inc., seeks a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Mixed Use (City-Wide Comprehensive Plan) to operate a mixed use development with ground floor commercial (retail and/or office) below 8-stories of one (1), two (2) and three (3) bedroom apartments with on-site amenities for residents on 58.68 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. #PR-2011-25 was approved by the Board of Commissioners on August 25, 2011 to build a 642,951 square foot, two (2) building office complex for the Cerner Corporation.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This character of the neighborhood is dominated by the Kansas Speedway to the west, but also the Speedway's ownership of frontage along Village West Parkway. This site is at the southern entrance into the Village West commercial development, which continues north on Village West Parkway and west on State Avenue.

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

With the exception of the Kansas Speedway, which is zoned A-G Agriculture District, that use operates with a Special Use Permit, and is commercial in nature, the area is largely undeveloped to the south along Village West Parkway with the exception of Chateau Avalon, abutting this property and Hollywood Casino further southwest. The Village West shopping area is north along State Avenue, across the street from this proposed use.

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

The property is currently suitable for office. Removal of the restrictions to allow the building to be converted to a mixed-use building will not detrimentally affect nearby property because the businesses that operate along the corridor are commercial and can be supported by the residents.

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

The property has been vacant since mid- to late-2020 as a result of the COVID-19 pandemic.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, except for those that choose to live in the development and will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property as the physical site is not changing and there is a surplus of on-site, off-street parking to accommodate current and future land uses.

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

The proposed use will not increase traffic or parking demand in ways that will adversely affect the road capacity of Village West Parkway or State Avenue, safety or create parking problems because there is a surplus of parking for residents, guests and future development that may occur on the property.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan Planned Commercial designation, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores and other big

box commercial centers that serve large populations. A Master Plan Amendment has been filed to amend to Mixed Use (City-Wide Comprehensive Plan), which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, parks, plazas and open space, and mixed-density residential uses.

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

The proposed use will not cause environmental harm if the proposed use, as the building and site are developed, and the Applicant intends to convert the building from offices to retail/office and apartments. The proposed use has the ability to enhance the environment by adding walking trails around existing detention basins and water features and replace dead trees and shrubs.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

Designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #223.

e. *Fire*

Fire service is provided by Station #6 located at 95th & State Avenue.

f. *Transit*

Kansas City ATA does not provide transit services near this property. The closest transit stop is at Village West Parkway and Bass Pro Drive, approximately 2,000 feet to the north.

g. *Schools*

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

h. Streets

See item #6 above.

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

The proposed use will have an economic impact on the community as residents will shop and patronize businesses in the Village West area, an otherwise vacant building will be revitalized.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety and welfare as compared to the hardship imposed on the landowners is minimal. If this petition is denied, the applicant will still be able to use the property, however, not in the manner that was intended.

PREVIOUS ACTIONS

- #PR-2011-25 was approved by the Board of Commissioners on August 25, 2011 to build a 642,951 square foot, two (2) building office complex for the Cerner Corporation.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1919 Prairie Crossing on March 24, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Open Space
Tree Preservation
Pedestrian Connectivity
Phasing
Amenities
Screening and Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application **COZ2023-001** and Master Plan Amendment Application **MPL2023-001**, including the requested deviations from the multi-family guidelines subject to:

1. The following requirements of the office towers conversion to mixed-use within the Mixed-Use Design Guidelines *have not* been met and the Planning Commission has approved the below requested deviations:
 - a. Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provisions of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.;
 - b. A minimum of 75% of the buildings should have a zero (0) foot setback;
 - c. On-site parking will be located behind the buildings;
 - d. The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - i. Transparent display windows
 - ii. Outdoor seating for dining areas
 - iii. Public art and pedestrian amenities such as fountains, benches, etc.;
 - e. In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street; and,
 - f. High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required to 65% of the sum total of all buildings facades, except single-family houses, which shall have 25% of the sum total of all facades.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out-parcel site layout;
3. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive;
4. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line towards I-435 and connect to the future sidewalk/intersection;
5. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents;
6. Replace and repair existing curbs, pavement and landscaping;
7. Rideshare platforms (i.e., Uber, Lyft, etc. should be incorporated into this development as an alternative mode of transportation;

8. If not already provided, a Knox box shall be provided for KCKFD at the gated ingress/egress;
9. Record a deed to preserve the creek and open space to the south;
10. After preliminary conversations with Ryan Hurst, Interim Director, Department of Transportation, micro-transit is being studied within the Village West area in conjunction with employment centers in the area. Show the transit stop in front of the property on the site plan. A bench should be provided, but further discussions with KCATA is necessary to determine if a bus shelter is warranted. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org;
11. No direct access onto State Avenue from 10200 Abilities Way;
12. Replace any trees and shrubs that are dead or dying;
13. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line;
14. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. 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;
16. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
17. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
18. 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;
19. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction

- meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
20. 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;
 21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
 22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

NOTE: This case was held over by the Unified Government Board of Commissioners at their April 27, 2023 meeting.

STAFF RECOMMENDATION

Staff recommends that the Unified Government Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-001** and **MPL2023-001** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Designation Map
Mixed Use Land Use Designation
Mixed Use Design Guidelines
Amenity Standards
Applicant Response Letter
Neighborhood Meeting Minutes

Applicant Letter
Existing Site Plan for Cerner
Existing Landscape Plan for Cerner
Floor Plan
Building Elevation
Site Photographs taken by Staff on February 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Rezoning	Approval	Held Over May 25, 2023
Master Plan	April 10, 2023	April 27, 2023
Amendment	Approval	Held Over May 25, 2023

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-001** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-001** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-001** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENIAL** of Petition **COZ2023-001**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

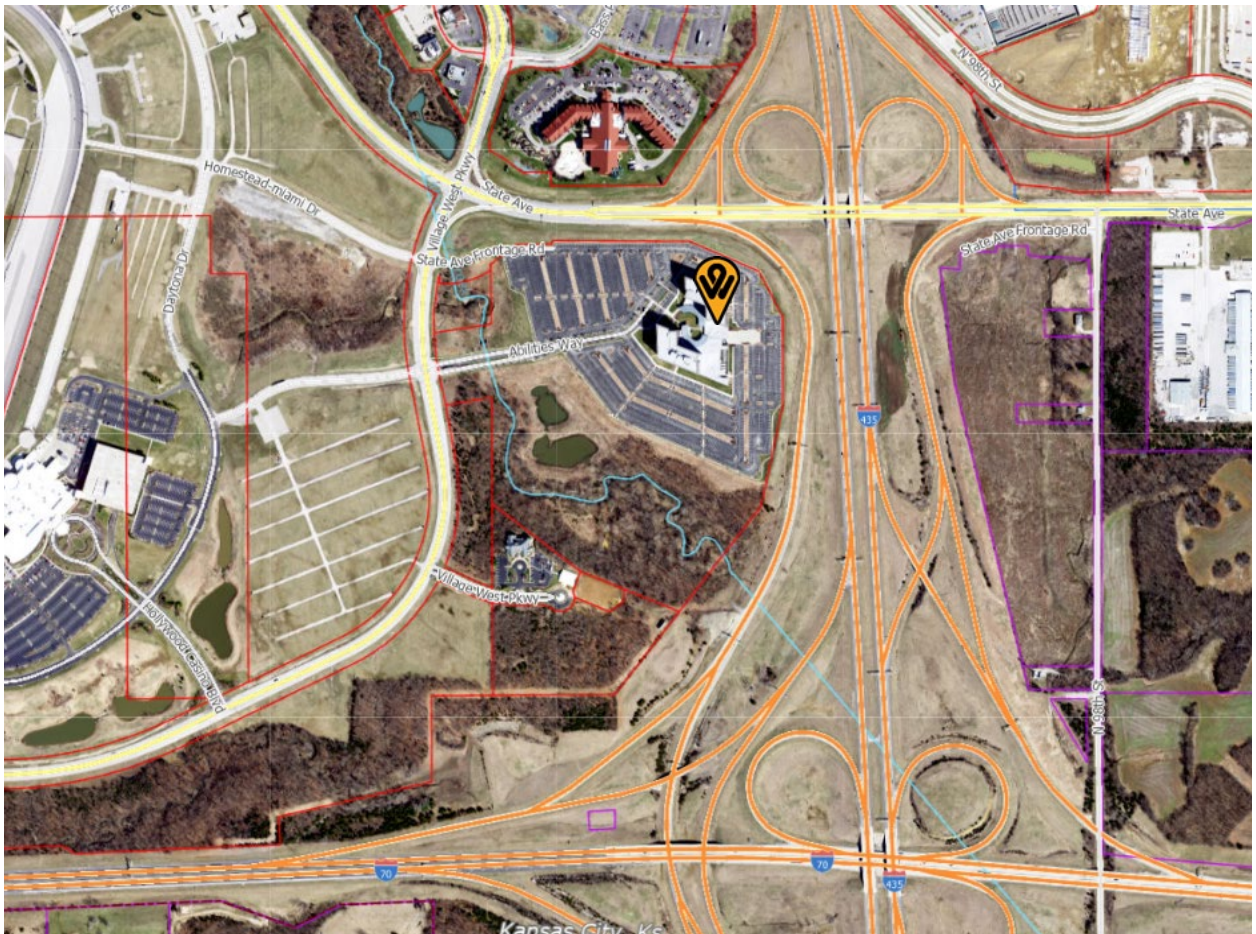


Figure 1. Aerial Map for 10200 Abilities Way (provided by UG Maps).

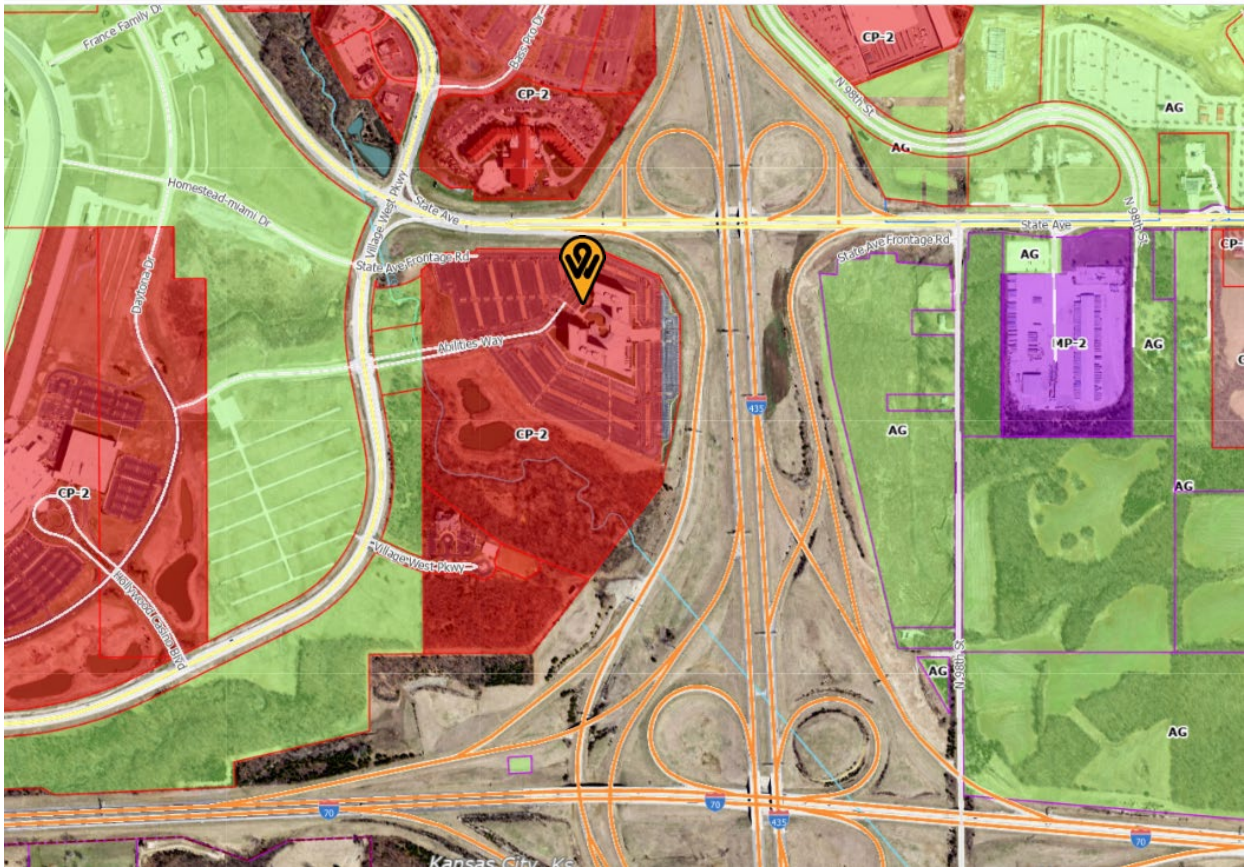


Figure 2. Zoning Map of 10200 Abilities Way (provided by UG Maps).



Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map (provided by ArcGIS Pro).

Mixed-Use: Located at major arterial intersections and within traditional neighborhood design (TND) developments, these areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential.

- **Allowed Uses:**
 - Specialty retail
 - Sit-down restaurants
 - Convenience retail uses such as banks, drug stores, etc.
 - Professional and office services
 - Institutional uses such as churches, schools, libraries, etc.
 - Parks, plazas and open space
 - Mixed-density residential uses
- **Discouraged Uses:**
 - Industrial uses
 - Business parks
 - Drive-through restaurants
 - Car lots
- **Required Infrastructure:**
 - Access to gravity sewer.
 - Access to a Class A or B thoroughfare or boulevard.
 - Minimum 8-foot sidewalk/trail.
 - Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
 - A traffic study will be required to determine access improvements such as turn bays, intersection controls, etc.
- **Design Guidelines:**
 - All developments must meet the minimum mixed use guidelines outlined on page 43-44.
- **Recommended Density:**
 - No floor to area ratio restrictions; however, uses should have adequate parking that does not negatively impact adjacent neighborhoods.
 - Residential densities: 4 to 12 dwelling units per acre
- **Green Principles:**
 - Incentives should be provided for:
 - Leadership in Energy and Environmental Design (LEED) compliant construction and/or use of **National Association of Home Builders (NAHB) Green Building Council Standards**.
 - Energy Star qualified buildings.
 - Bicycle and pedestrian connections to adjacent neighborhoods and developments.
 - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
 - Use of Best Management Practices (BMPs) for storm water management.
 - Shared parking (on-street parking should count towards requirement).
 - Transit oriented development (TOD).
- **Cultural Principles:**
 - Incentives should be provided for:
 - Integration of a central gathering space and associated amenities.



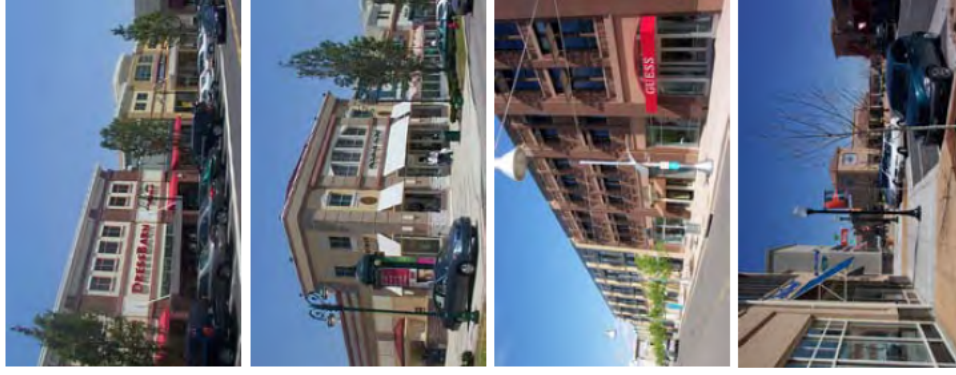
City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS

Mixed-Use Design Guidelines

The following design guidelines apply to all new mixed-use developments.

- Each development will have an identifiable center that includes defined “people places” for residents, shoppers, workers and visitors to gather, interact and recreate.
- Housing choices will be provided by offering a diversity of product types and price points to meet the needs of multiple demographic groups.
- Transit connections and facilities will be included within the overall design of the site. Development densities for commercial, office and residential uses will be greater within these areas to encourage transit use.
- Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provision of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.
- When practical, parking requirements should be decreased within these areas to encourage transit ridership.
- Auto-oriented uses such as drive-through restaurants and banks will be discouraged.
- A minimum of 75% of buildings should have a zero foot setback.
- Primary building facades should be parallel to the sidewalk.
- Where buildings are set back from the right-of-way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.
- The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - Transparent display windows
 - Outdoor seating for dining areas
 - Public art and pedestrian amenities such as fountains, benches, etc.
- On-site parking will be located behind the buildings.
- In multi-tenant, single-story buildings, each use should have at least one ground floor entrance directly visible and accessible from the street.
- In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street.
- Landscape is required to screen all parking areas and service entries.
- Trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



- Buffers will be provided as a necessary transition when a mixed-use development is located adjacent to an existing lower-intensity or higher-intensity use and/or when fronting a highway or expressway by one or a combination of the following:
 - Establish a 22-foot landscape easement for a 3-foot berm and a row of evergreen trees every thirty (30) feet and a row of three (3) gallon evergreen shrubs every four (4) feet on center.
 - Establish a 16-foot landscape easement for a 2-foot berm and a row of evergreen trees every thirty (30) feet.
 - Establish a 10 foot landscape easement for a 6-foot high solid wood fence or masonry wall and a row of evergreen trees every thirty (30) feet.
 - The applicant submits a landscape plan that adequately addresses softening the development, buffering traffic sound, headlight glare, and identifies how the landscaping would be maintained and who is responsible for that maintenance.
- High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades.
- Stucco in a mixed-use development shall mean traditional stucco or gypsum concrete/plaster materials with a smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 100% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are not permitted.
- All accessory units and garages shall be constructed from the same materials as the main structure.
- Commercial uses shall be permitted one (1) wall sign and one (1) monument sign. Within a development, consolidation of signage is highly encouraged.
- Freestanding pole/pylon signs are not permitted.
- Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted.
- Low-scale signs such as wall signs, awning signs and building signs should be used for retail and office uses.
- The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit.

Amenity Guidelines

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

Single-Family Residential Amenity Guidelines

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision. Residential developments of any unit type with fewer than 50 dwelling units are required to have one (1) Small Amenity. Residential developments with 50-to-200 dwelling units are required to have two (2) Amenities. Only one (1) of the required amenities may be a Small Amenity. Residential developments with more than 200 dwelling units are required to have three (3) Amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Multi-Family Residential Amenity Guidelines

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

Residential Amenity Reference Table

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



Date: 2/28/2023

Omid Shahbazian

On behalf of applicant:

Block & Company, Inc & Genesis Realty & Development, LLC

4420 Madison Ave.
Kansas City, MO 64111

Reference: response to staff comments and recommendations Change of Zone Petition COZ2023-001 and Master Plan Amendment MPL2023-001 – [10200 Abilities Way, Kansas City, KS 66111]

Dear Byron Toy,

Please find following responses to DRAFT report, COZ2023-001_MPL2023-001. Upon review please let us know should you have any questions or concerns.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

a) General Planning:

1. For reference, these two (2) office building towers are proposed to be converted into ground floor commercial retail/office with 8-stories of apartment units totaling between 416 and 464 units.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out- parcel site layout. **Final development plans will be submitted upon re-zoning approval and will be included comprehensive plans outlining occupancy type and amenities.**
 - a. What is the anticipated timeline for the future out-parcel development? **12-24 Month**
3. Review the Mixed-Use Design Guidelines. If the proposed development does not meet a specific standard or element, a deviation must be requested in writing, detailing how the development cannot meet each specific guideline. The deviation will be reviewed by Planning Staff and must be approved by the City Planning Commission. **Noted.**
4. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive. **Development team will consider this request and will incorporate the design in final development plans upon re-zoning approval.**
5. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line

4420 Madison Ave, Kansas City, MO 64111

towards I-435 and connect to the future sidewalk/intersection. Development team will consider this request and will incorporate the design in final development plans upon re-zoning approval

7. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents. Development team has considered a walking trail for this re-development and will propose upon completion of re-zoning.

8. Replace and repair existing curbs, pavement and landscaping. Noted.

9. What on-site amenities will be available for residents? Walking trail, outdoor or indoor pool, Fitness/Gym/Wellness center, potential health clinic, residence lounge that would be designed in a way that residents have space to socialize and relax and may have featured amenities such theater room, kitchen, game room etc. the goal is to provide such amenities that enhances the living experience for residents and create a sense of community within the complex.

10. What programming is proposed between the 119,226 square feet of ground floor gross building area of Towers 1 and 2? Majority of space has been utilized for mechanical rooms, back of kitchen etc. rest of the remaining area planned for restaurant, GYM, retail, meeting room, lobby and residence lounge, residence indoor amenities that will be reflected in Final Development Plans.

11. Will both towers be redeveloped at the same time, or will the change of occupancy be a phased plan? Development team is planning to launch both towers at the same time.

12. Luxury senior housing is described as a floor within Tower 1, please clarify how this use fits within the overall mixed-use development. As a conceptual plan, development team believes that by having such a significant space as shared amenities between both towers, on-site dining, healthcare center, etc. incorporating a senior housing floor can provide range of benefits both to the seniors and the community as a whole despite the fact that brings sense of community to the complex. There are some steps to be taken to successfully incorporate this idea and development team hasn't finalized the decision on this this item yet.

13. Will there be Uber, Lyft or other rideshare pick-up/drop-off areas? Development team didn't plan for UBER, Lyft pick up / drop off station but will consider a location for this purpose during design development stage as will provide more comfort for the residences.

14. Will the loading docks in the rear be used? At this point the development team does not anticipate changing the rear loading docks.

15. Will the site remain gated? Do you intend to keep the guard house? Gated for Primary residences, we anticipate to keep the guard house however will be defined better once development plans completed and proposed for review.

16. Record a deed to preserve the creek and open space to the south. Development team need to further investigate this request, if the creek inside the property line we may need to incorporate some parking, trail etc.

17. Show the transit stop in front of the property on the site plan. A bench should be provided, and a bus shelter may be warranted. Further discussion with KCATA is necessary. Contact Ryan Hurst,

4420 Madison Ave, Kansas City, MO 64111

Department of Transportation at (913) 573-8312 or rhurst@wycokck.org. our traffic engineers will coordinate with Mr. Hurst during design development and KCATA.

18. No direct access onto State Avenue from the 10200 Abilities Way. Noted.

19. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. Noted.

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

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

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

b) Landscaping and Screening:

1. Replace any trees and shrubs that are dead or dying. **Will be coordinated in final development plans.**

2. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. **Note and will be coordinated.**

3. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures. **Noted a photometric study will be done for site lighting purpose.**

b) Signage:

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

4420 Madison Ave, Kansas City, MO 64111



application for building signs will be provided to Planning and Urban design for future site and building signs.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

B) Items that are conditions of approval:

1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. **Development team proposing no changes to current approved plan prior re-zoning to proper use for re-development.**

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

1) None

Best Regards

Omid shahbazian

Genesis Team

4420 Madison Ave, Kansas City, MO 64111



Application Number: COZ2023-001

Date and Location: March 24th, 2023, at 1919 Prairie Crossing St. Kansas City, KS

Meeting called to order at: 2pm

Names of people in attendance: Steve Beaumont

Questions:

- How many units in each building?
 - 464 in total
- Will there be additional parking garages built?
 - No, there are currently 3300 open spots.
- Will first floor be CP3 zoning?
 - Yes.

Meeting Adjourned at: 2:30pm

Minutes taken by: Arianna Tomes

Genesis Realty & Development, LLC
4420 Madison Ave. Kansas City, MO 64111
816-756-2331

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
COUNTY OF WY) SS:

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

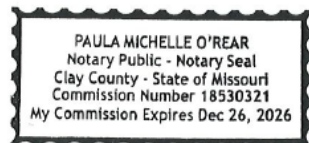
1. That I am the petitioner for Petition # COZ2023-001
2. That I conducted a neighborhood meeting on March 24th 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Philip Goforth
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of March, 2023.

My commission expires 26th of December 2026.



Paula Michelle O'Rear
Notary Public



Change of use description

Buildings & Existing Improvements

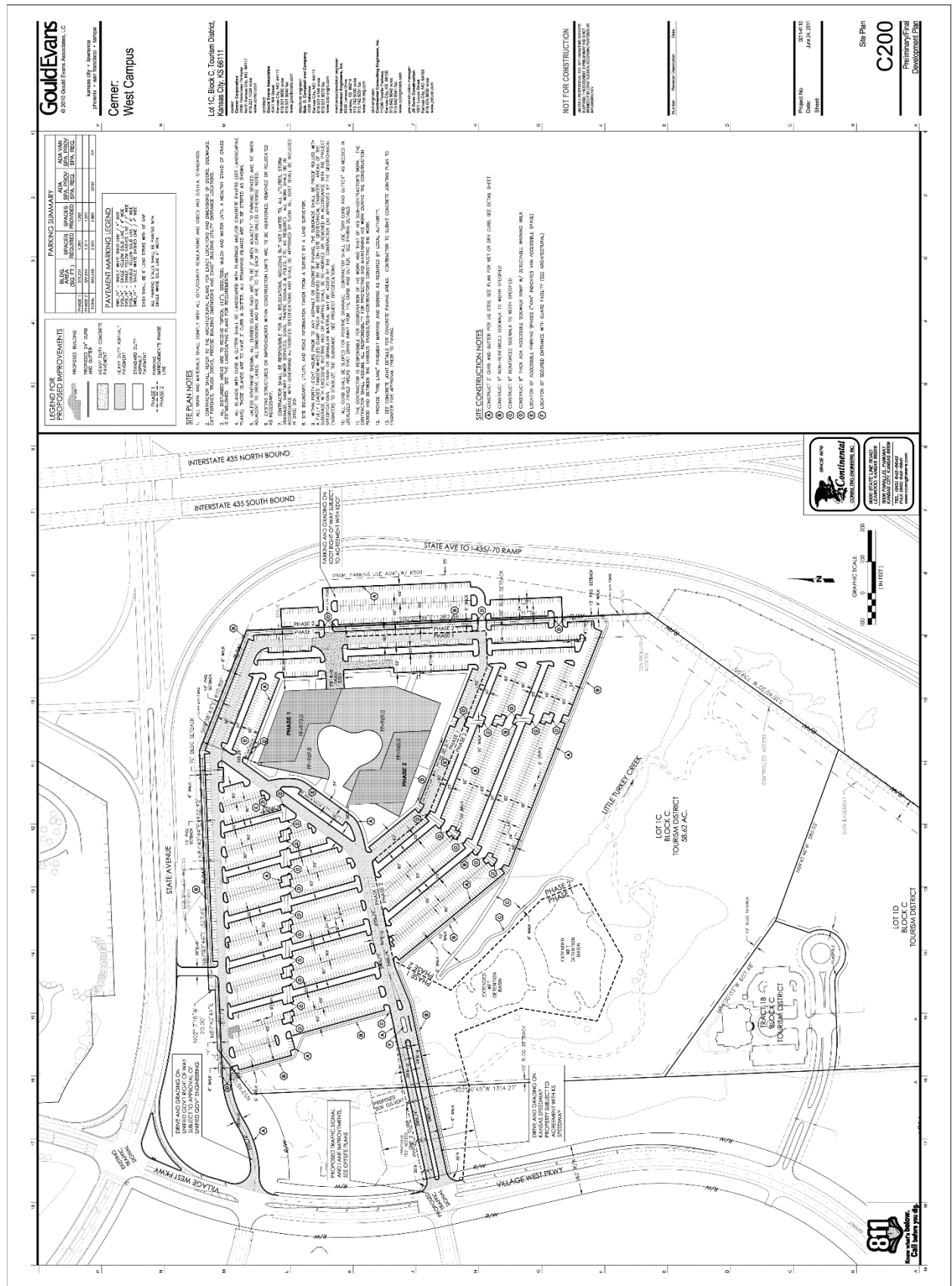
- The development team is requesting a change of use from its current exclusive designation of office to a zoning allowance of mixed-use.
- The mixed-use zoning would allow the re-development to include apartments, amenities, retail space, restaurants and still maintain some office areas specifically for co-working areas. The re-development plan could include a range of luxury apartments on upper floors, with the unit count ranging from 350 – 464.
- Lower floors would be used for the amenities and other common area uses described above.
- The plan would maintain the exterior of the buildings as-is. The re-development and construction would be interior, tenant-finish type of work to construct the individual apartment floor plans as depicted in pages below.

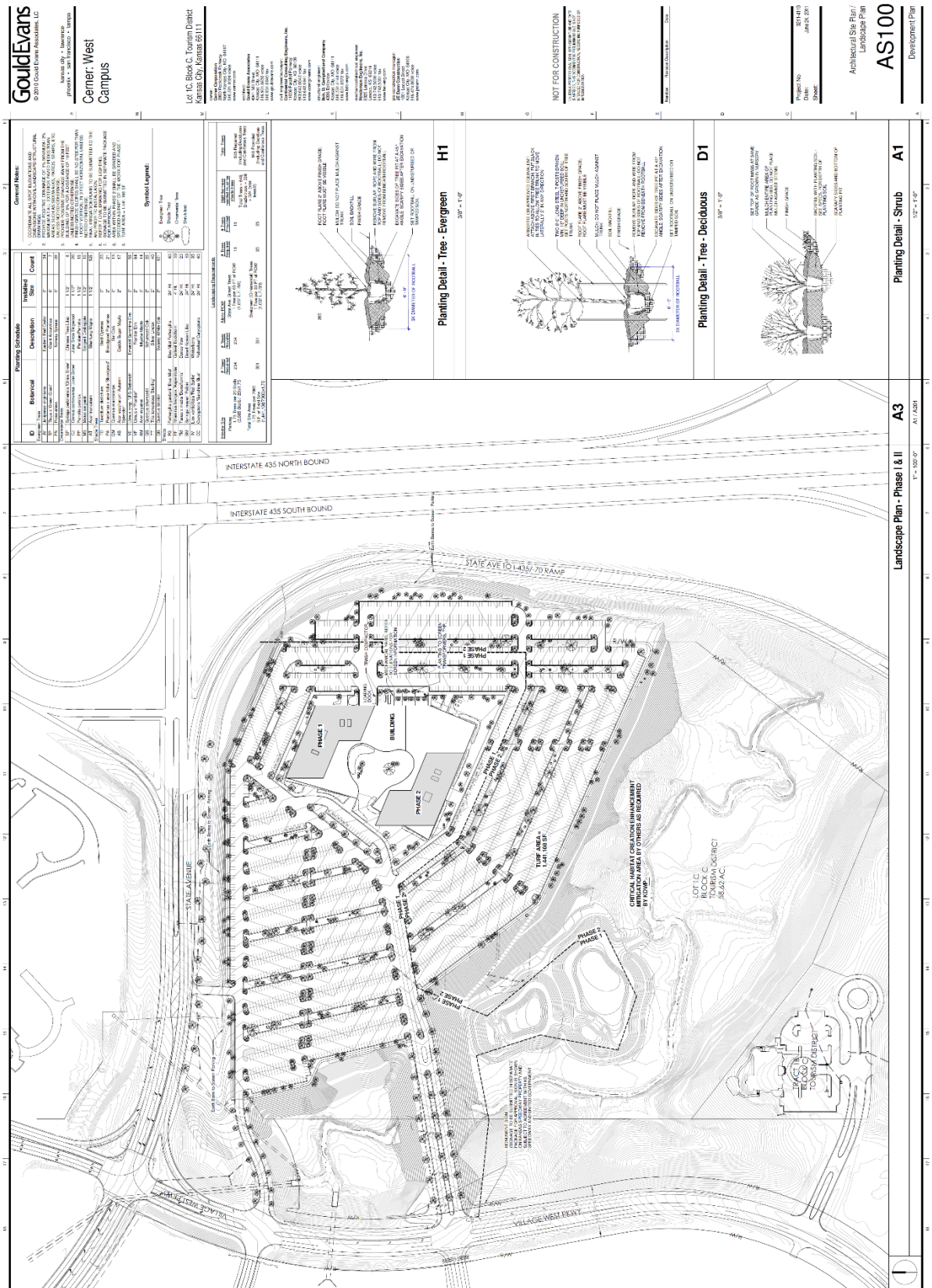
Use of excess land and out-parcels

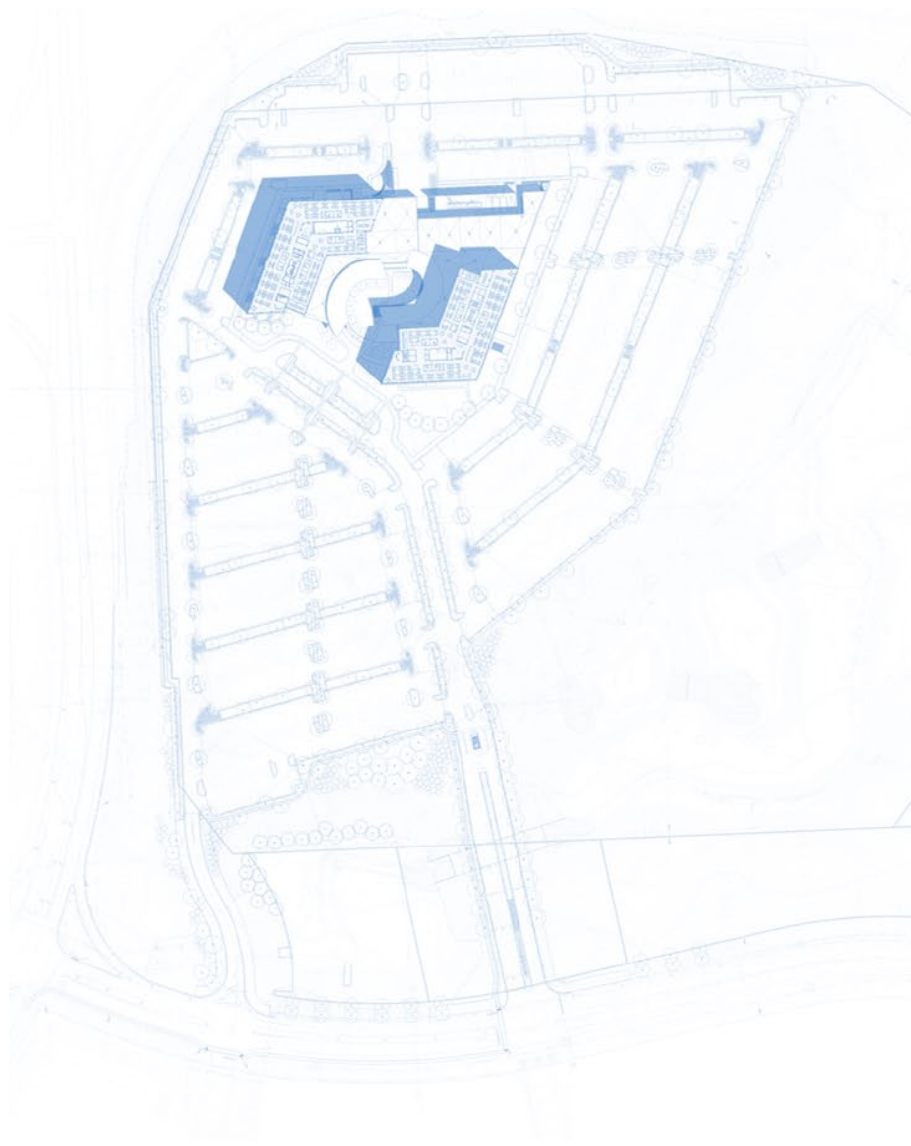
- The re-development will maintain parking as required for the new residential component and possibly utilize excess land in the future, for other entertainment, hotel, retail and/or restaurant facilities.
- The mixed-use designation would accommodate these potential uses, which would enhance the overall re-use strategy and add to the quality of the area.

Residential Concepts

- The residential re-development concepts include two different density options, Study 1 – 464 units and Study 2 – 416 units.



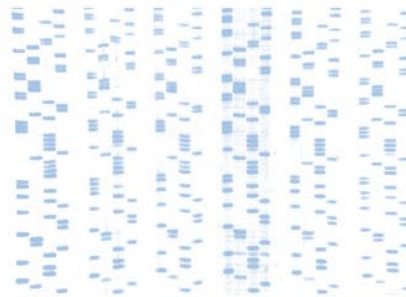




Existing Conditions

Quick Facts

Site Acreage: 63.45
Parking: 2,599 spaces
GSF: 647,981 GSF
Height: 9 Stories | 158 feet



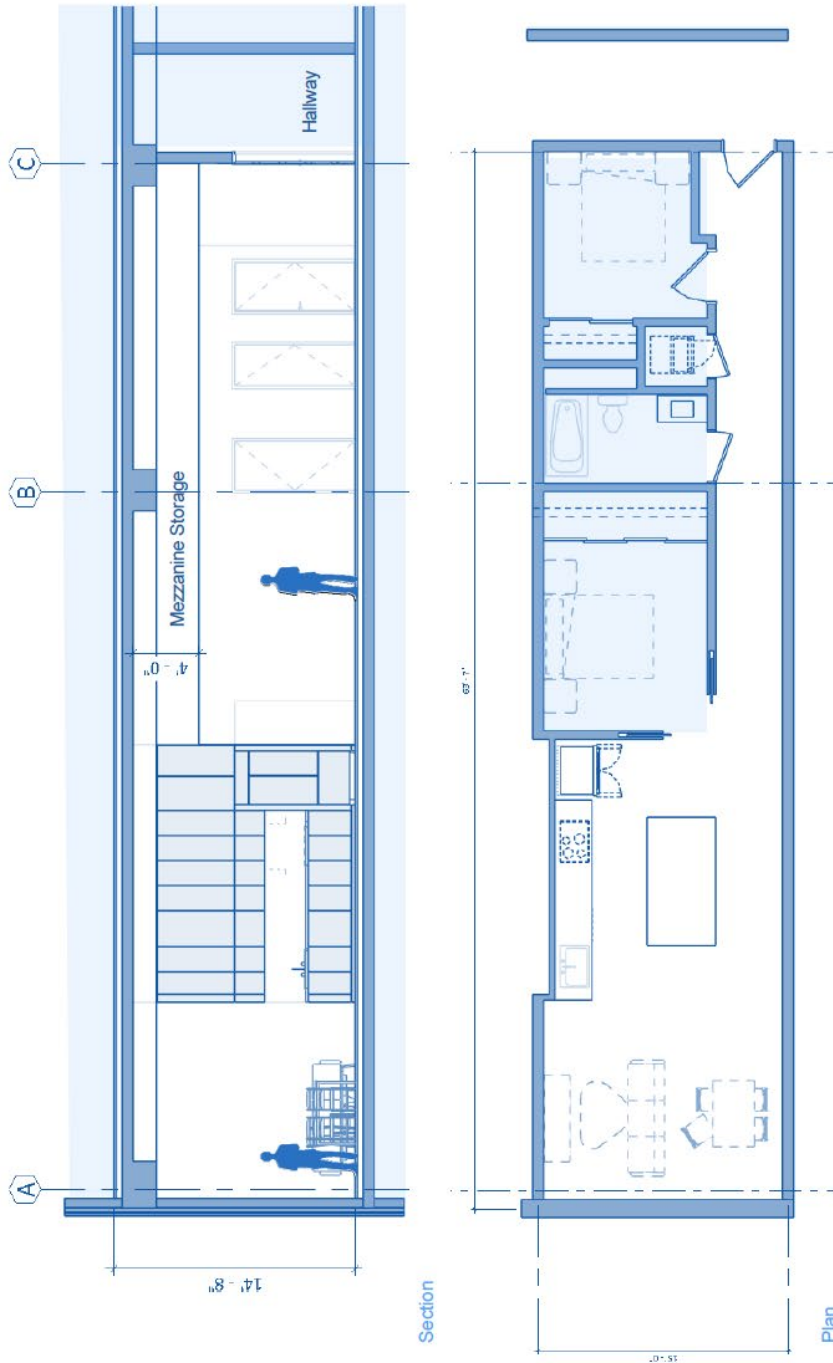
Site Plan

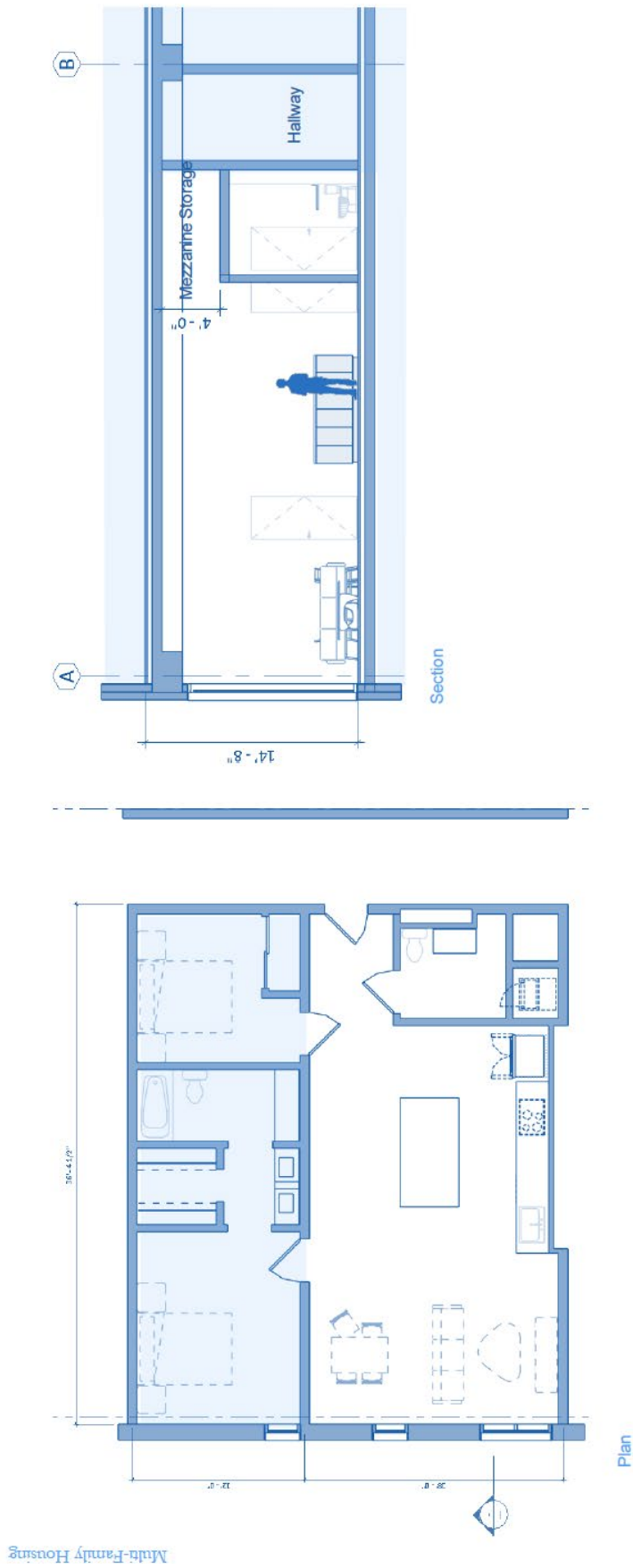
Level 2-9 Phase 1

GSF RESIDENTIAL FLOORS ONLY		Net Rentable	LEVELS (Above Grade)
264,375		236,716	9
Summary			
	NSF Target	Unit Perc	UNIT TOTAL
2-Borrow (Deep)	842 sf	28%	64
1-Borrow	823 sf	21%	48
1-BR 1-Borrow	1,076 sf	34%	80
2-BR 1-Borrow	1,330 sf	10%	24
3-BR	1,532 sf	7%	16
AVERAGE	1,020 sf		
		232	Net
		UNITS Estimate	87.2%

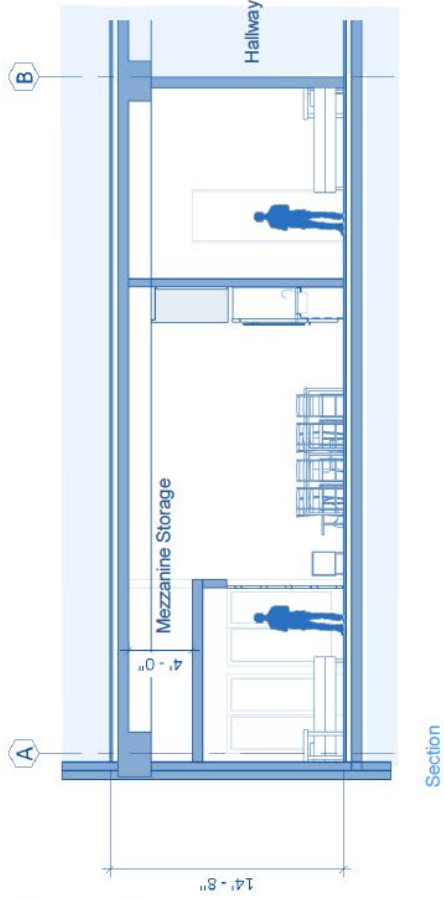


Residential Floorplate: Study 1





30 ft wide unit – 1,125 sf



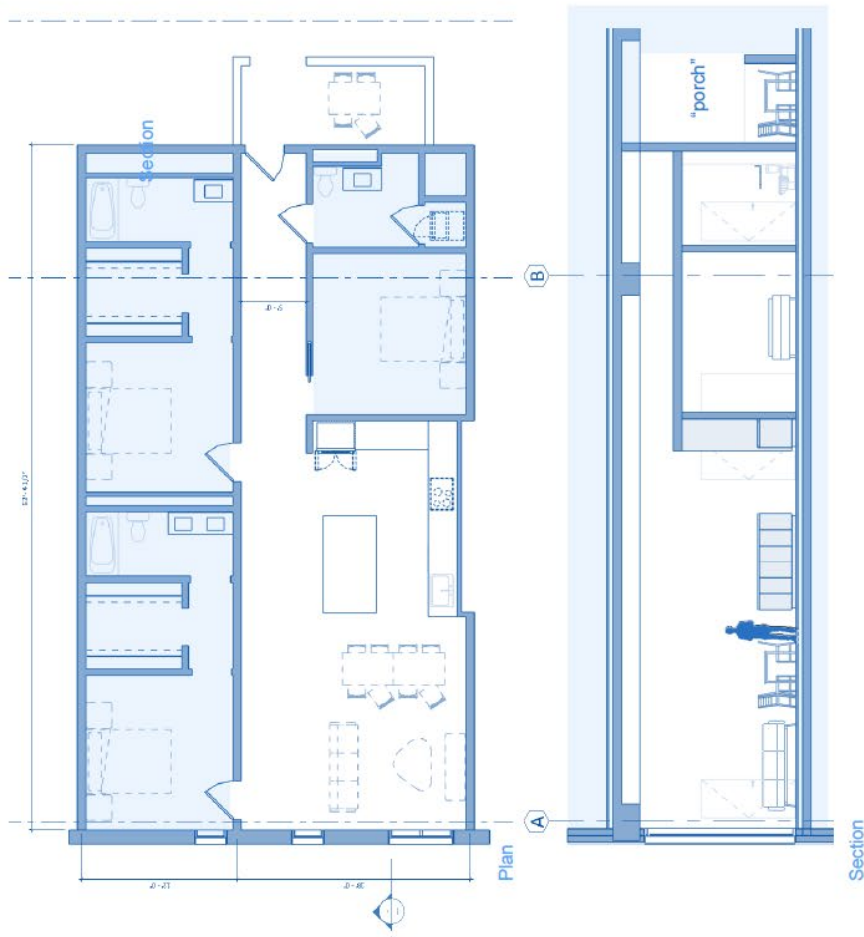
End Unit 3-BR — 1,300 sf

Level 2-9 Phase 1

GSF RESIDENTIAL FLOORS ONLY		Net Rentable	LEVELS (Above Grade)
264,375		196,536	9
Summary			
	NSF Target	Unit Perc	UNIT TOTAL
1 BR 1-Borrow	814 sf	69%	144
1-BR 2-Borrow	1,307 sf	23%	48
3-BR	1,042 sf	8%	16
AVERAGE	940 sf		
208			Net
			UNITS Estimate
			74.3%



Residential Floorplate Study: Study 2



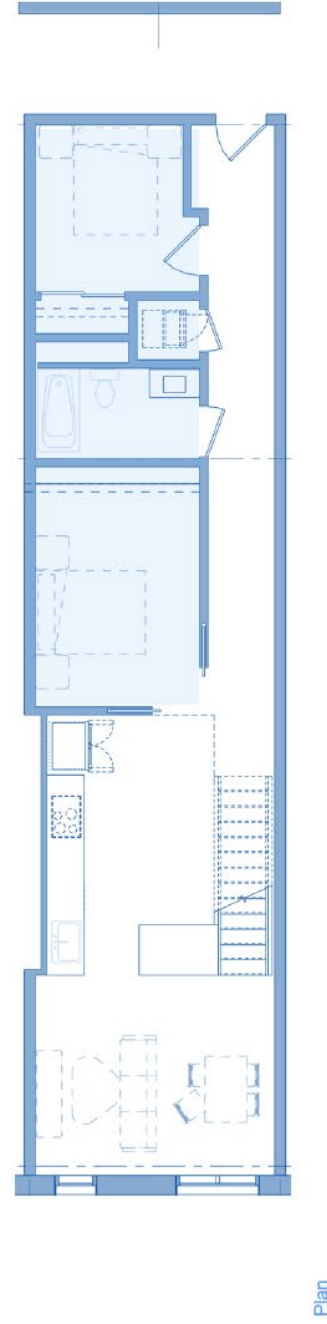
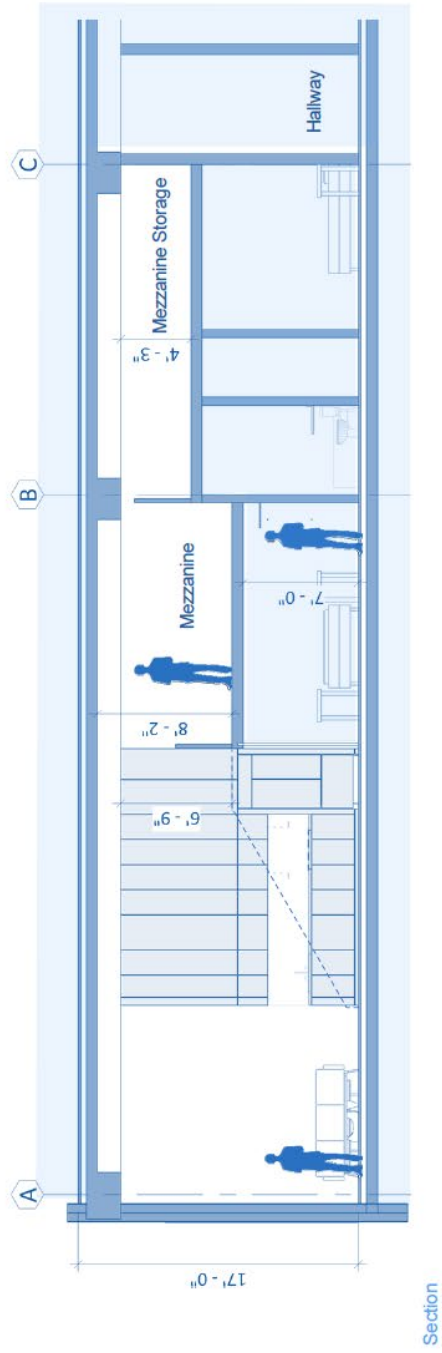
1-BR, 2-Borrowed Light, Front Porch Unit – 1,200 sf

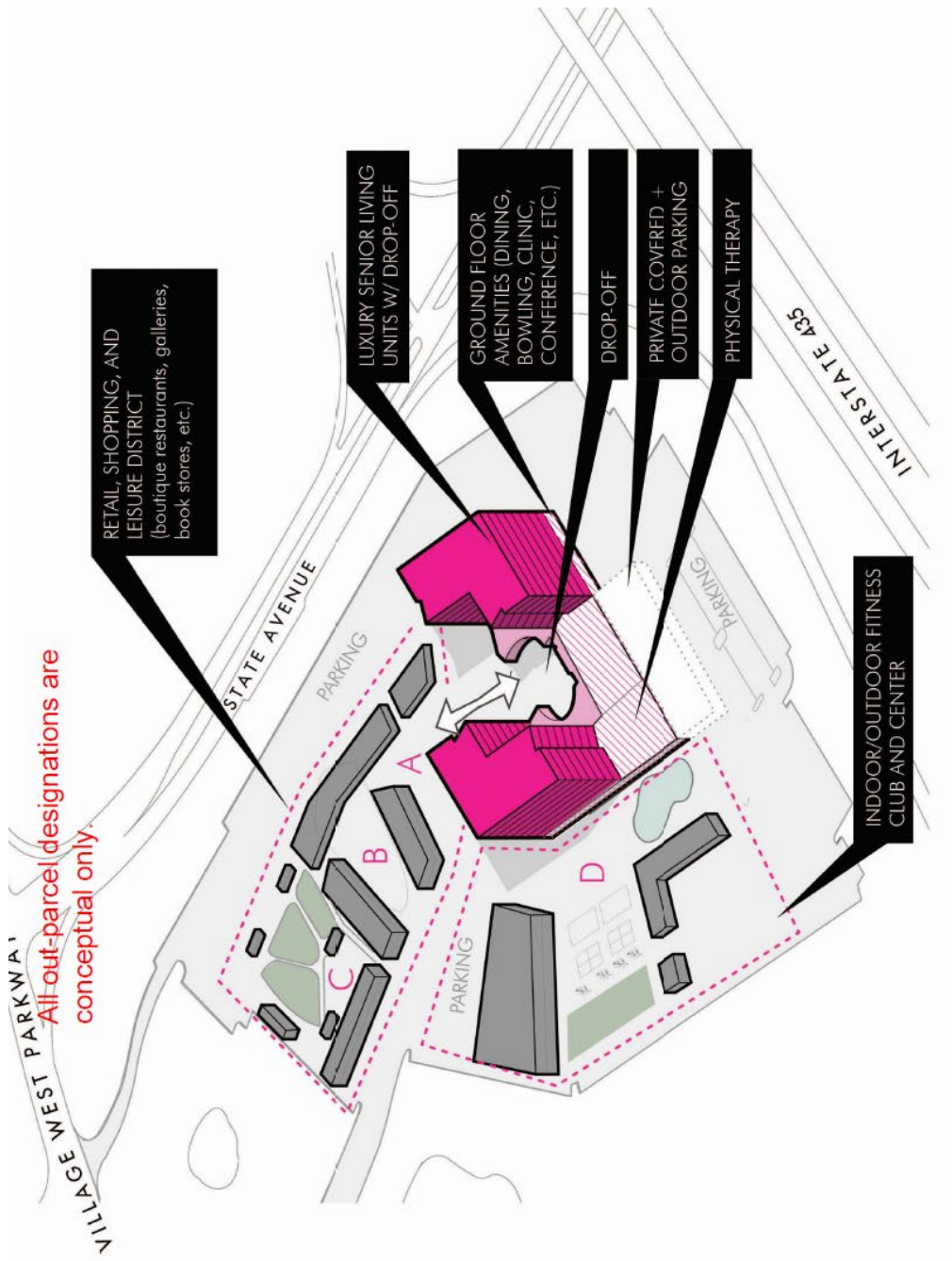


Level 1 Phase 1

Net Rentable 18,670				
Summary	NSF Target	Unit Perc	UNIT TOTAL	NSF Rent
1 BR 1-Borrow	642 sf	24%	4	2,566
1-BR 2-Borrow	1,200 sf	41%	7	8,399
1-BR 2-Borrow	1,182 sf	24%	4	4,729
2-BR 1-Borrow	1,488 sf	12%	2	2,976
AVERAGE	1,100 sf			
17 UNITS Estimate				

Residential Floorplate Study: Level 1 Study 1





A
RETAIL + SHOPPING PLAZA
(boutique restaurants, galleries, book stores, thrift stores etc.)



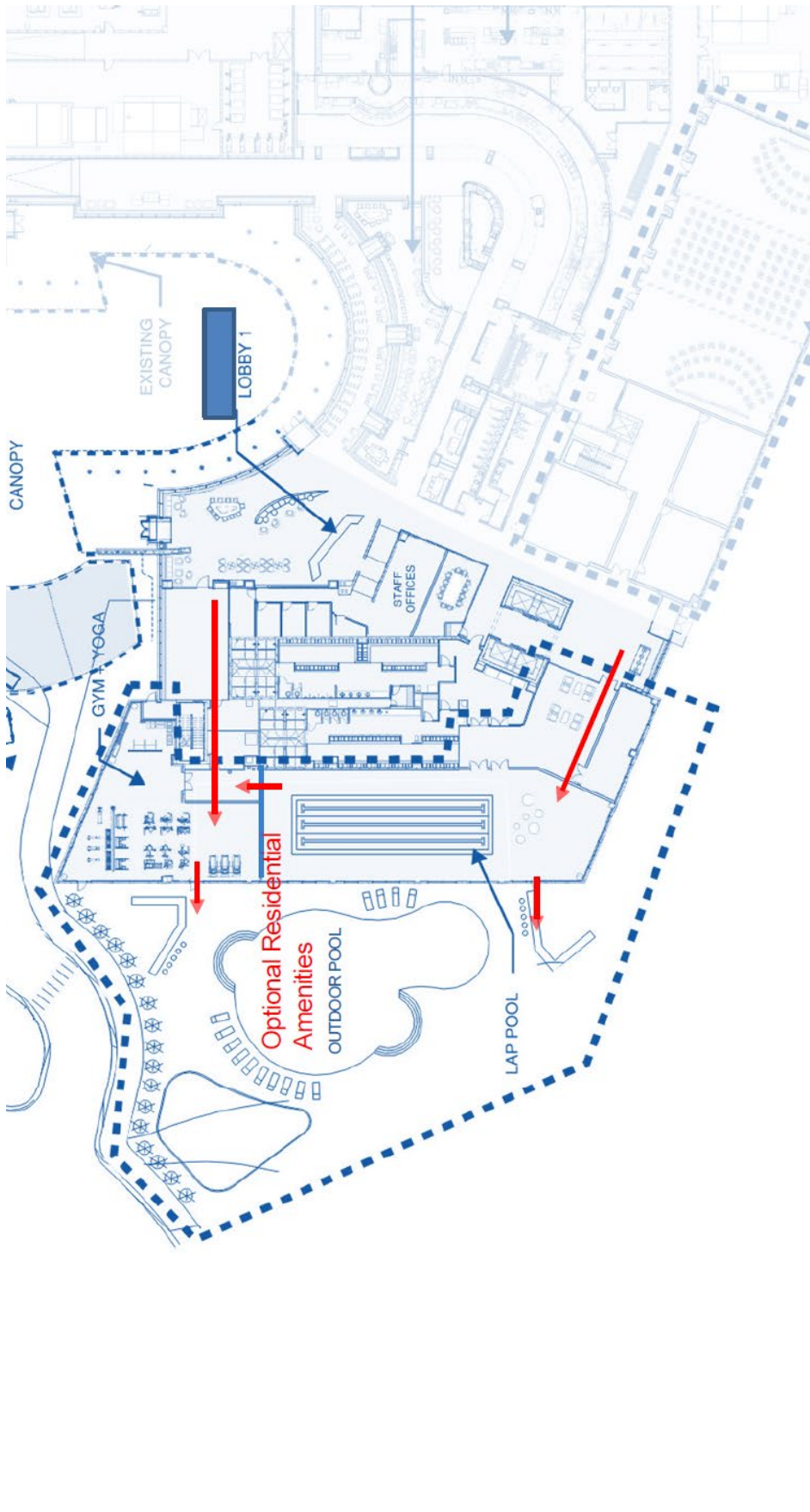
B
DOUBLE-STORY OUTDOOR MALL
(surrounded by retail such as apparel, home furnishings, restaurants, and some essential services like beauty shops and a small-scale convenience mart; plaza doubles as weekend market)

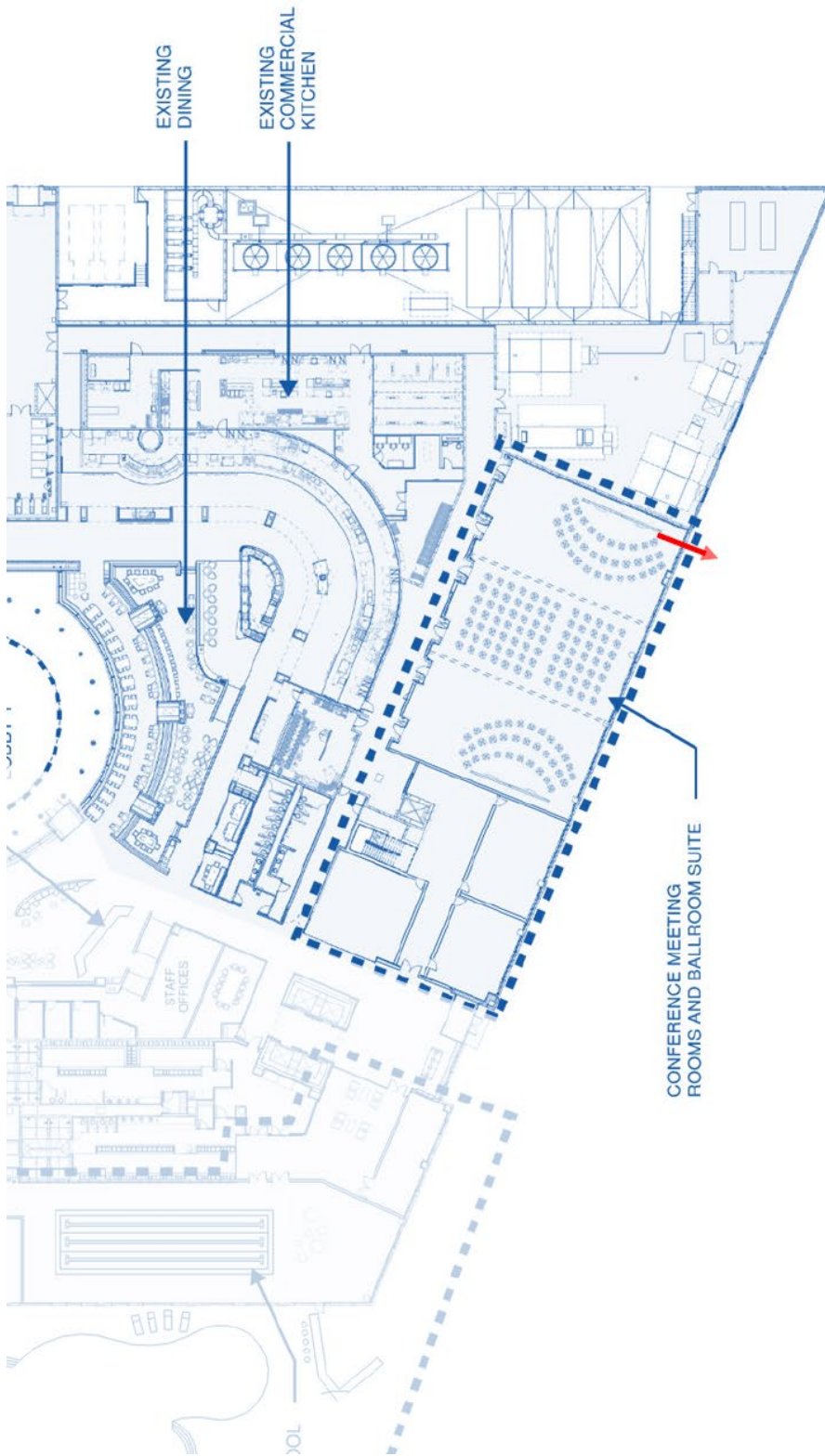


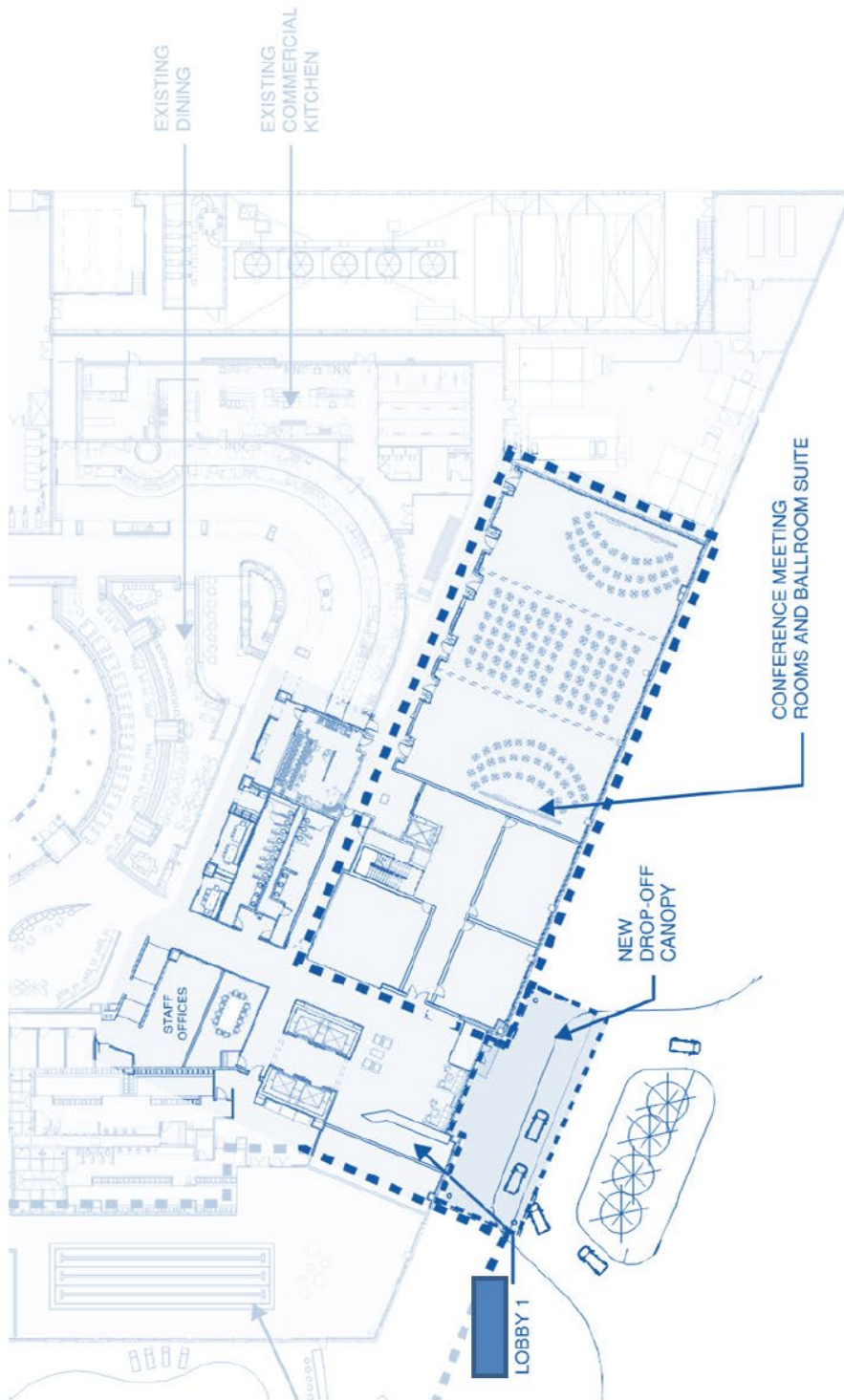
C
DOG PARK / MOVIE LAWN
(expansive landscaped lawn with interspersed shipping container snacks (coffee, tacos, juice bar, etc.). Lawn is partially allocated as a dog-park and converted into public outdoor film viewing)



D
FITNESS CENTER
(with tiered outdoor courts, fields, and lawns for activities from racquetball and squash to yoga; shared outdoor pool with senior living)







Level 1





Amenity Courtyard Opportunity

gouldevans
Page 14



Center Continuous Campus



Figure 4. Site Photograph of 10200 Abilities Way looking northeast (provided by Planning Staff).



Figure 5. Site Photograph of 10200 Abilities Way looking east (provided by Planning Staff).



Figure 6. Site Photograph of 10200 Abilities Way looking east (provided by Planning Staff).



Figure 7. Site Photograph of 10200 Abilities Way looking west (provided by Planning Staff).



Figure 8. Site Photograph of 10200 Abilities Way looking south (provided by Planning Staff).



Figure 9. Site Photograph of 10200 Abilities Way looking east from Village West Parkway (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: Change of Zone Petition COZ2023-008

GENERAL INFORMATION

Applicant:

Julian Flores with 1 Core Construction

Status of Applicant:

Owner
1303 Central Avenue
Kansas City, KS 66102

Requested Actions:

Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District.

Date of Application:

March 24, 2023

Purpose:

To renovate the vacant residential structure as a duplex.

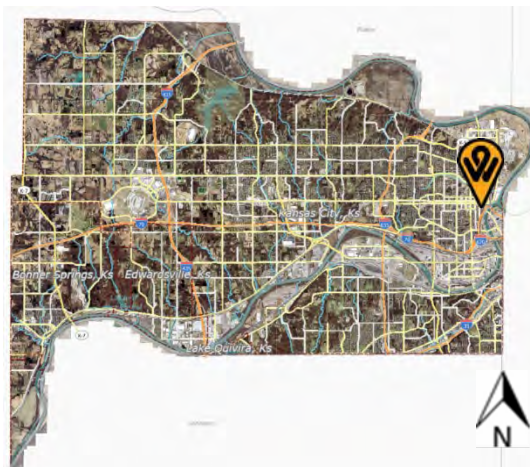
Property Location:

410 Ann Avenue
Kansas City, KS 66101

Commission Districts:

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

Existing Zoning: R-1(B) Single Family District



Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-2(B) Two Family District
Adjacent Uses:	North: Single-family homes South: Strawberry Hill Museum and St. John's Church East: Single family homes West: Duplex
Total Tract Size:	0.07 Acres
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Urban Residential, which allows detached single-family residences, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as elementary, middle and high schools, churches, libraries, parks, plazas, courtyards and open space.
Major Street Plan:	The Major Street Plan classifies Ann Avenue as a Local Street.
Required Parking:	Sec. 27-457(d) states one (1) parking space for each dwelling unit shall be provided on the premises. provided. Two (2) parking spaces are required. Appellant is providing two (2) off-street parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – April 13, 2023 Letters to Property Owners – Change of Zone – April 14, 2023
Public Hearings:	May 8, 2023 and May 25, 2023
Public Support:	None to date.
Public Opposition:	Staff received one (1) phone call opposing the associated rezoning (COZ2023-008). Mr. David Heaston, 425 Ann Avenue, is opposed due to the lack of off-street parking, criminal activity in Strawberry Hill and the loss of single-family residences thereby changing the character of the neighborhood.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Julian Flores, wants to rezone the parcel from R-1(B) Single Family District to R-2(B) Two Family District to renovate an existing, vacant residential structure to a duplex on 0.07 acres at 410 Ann Avenue.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. BSR23-0063 – March 20, 2023 – Stop Work Order for work performed without permits.
2. STR23-0324 – March 20, 2023 – structural.
3. 20201-00213 – June 2020 – Rear deck collapsing, fascia boards need painted.
4. Various violations from 2006 – 2021 – trash, tall grass and weeds.

Outstanding or Related Permits and Cases:

1. COZ 2592 – Strawberry Hill Neighborhood Downzoning. This parcel was downzoned from RP-5 Planned Apartment District to R-1(B) Single Family District.
2. BOZA2023-014 – Variance for a reduction of the front yard setback, side yard interior setback and a detached accessory structure accounts for more than 30 percent of the rear yard (scheduled for the May 8, 2023 Board of Zoning Appeals).

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of small lot single family homes along Ann Avenue with the exception on the parcel to the west, which is zoned R-2(B) Two Family District and is a duplex. Strawberry Townhomes wrap the corner of 4th Street and Ann Avenue and extend north, but throughout the neighborhood single-family homes are the predominant dwelling.

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

With the townhomes on the corner and zoning to the west, the proposed zoning and use is compatible with the surrounding properties.

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

The removal of the restrictions will not detrimentally affect nearby property.

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

The length of time the property has been vacant is unknown.

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

The structure is existing, and the proposed use does not appear to have occurred in the past, however, the proposed duplex will be similar to the adjacent duplex, which is vertically split – the lower level below Ann Avenue.

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

The proposed use will not increase traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems that do not already exist on site. The existing dwelling unit in the rear currently restricts any parking that could be provided on site for residents.

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

The City-Wide Comprehensive Plan designates this property as Urban Residential. allows detached single-family residences, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as elementary, middle and high schools, churches, libraries, parks, plazas, courtyards and open space. The proposed use complies with the City-Wide Comprehensive Plan.

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

The proposed use will not cause environmental harm as this is a renovation of an existing residential dwelling.

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

a. *Water service*

BPU provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by East Patrol, District #115.

e. Fire

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

f. Transit

Kansas City ATA provides service at 6th and Ann Avenue, approximately two (2) blocks west, Route #101.

g. Schools

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

h. Streets

Designed to meet Public Works standards.

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

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

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

The proposed use is capable of meeting applicable ordinance and other requirements with variances.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the individual landowner is minimal. If the application is denied, the structure can still be used as a single-family home.

PREVIOUS ACTIONS

- COZ 2592 – Strawberry Hill Neighborhood Downzoning rezoned this parcel from RP-5 Planned Apartment District to R-1(B) Single Family District.

NEIGHBORHOOD MEETING

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

The applicant received two (2) phone calls from residents asking about the property.

KEY ISSUES

Fire Damage Reconstruction
Open Space

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 2 to recommend **APPROVAL** of Change of Zone Application COZ2023-008, subject to:

1. This City Planning Commission case is being heard in conjunction with **BOZA2023-014**, which is for a reduction of the front yard setback, side yard interior setback and a detached accessory structure accounts for more than 30 percent of the rear yard;
2. For reference, this parcel was downzoned as part of a large neighborhood downzoning known as the Strawberry Hill Neighborhood Downzoning occurring in 2000 (COZ 2592). This property was downzoned from RP-5 Planned Apartment District to R-1(B) Single Family District;
3. The applicant can and will provide two (2) off-street parking spaces between the accessory structure and alley. As a result, the applicant shall install a concrete or asphalt driveway, concrete wheel paths or pervious pavers for two (2) vehicles;
4. In the event the detached accessory structure is demolished, the new, detached accessory structure shall comply with the R-2(B) Two Family District standards and regulations;
5. All future driveways must feature curb cuts that are constructed to UG standards;
6. Both units shall be on separate utilities (water, electrical, sanitary sewer, etc.);
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as 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;
9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 10. If rented, a rental license from Rental Licensing Division shall be obtained;
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 12. 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; and,
 13. All conditions of approval herein must be constructed, executed, implemented, or otherwise started within six (6) months of approval and completed within 18 months unless otherwise determined by the Director of Planning or their designee.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-008** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 8, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Wyandotte County Parks Department Street Tree List
COZ 2592 Unified Government Board of Commissioners Staff Report
COZ 2592 Rezoning Ordinance
Applicant Response Letter
Neighborhood Meeting Minutes
Parking Plan
Floor Plan
Building Elevations
Site Photography provided by the Planning Staff dated April 12, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government of Board of Commissioners</u>
Public Hearing	May 8, 2023	May 25, 2023
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-008** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-008** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 8, 2023 City Planning Commission Minutes:

Hearing starts at 2:44:35:

CHANGE OF ZONE APPLICATION COZ2023-008 – JULIAN FLORES WITH 1 CORE CONSTRUCTION LLC - SYNOPSIS: Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District for a duplex at 410 Ann Avenue. Detailed Outline of Requested Action: The applicant, Julian Flores, wants to rezone the parcel from R-1(B) Single Family District to R-2(B) Two Family District to renovate an existing, vacant residential structure to a duplex on 0.07 acres at 410 Ann Avenue.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 8, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Julian Flores, applicant, 1700 South 17th Street, Kansas City, Kansas

The Commission directed questions to the Applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:51:09: Planning Director Hand stated that this case was heard in conjunction with BOZA2023-014, which was approved earlier this evening by the Board of Zoning Appeals. The request is a Change of Zone for a legal non-conforming duplex. As the Applicant noted, there have been two (2) utility meters from the Board of Public Utilities and two (2) gas lines from a private company for some time and no evidence in the contrary. Staff research has shown that the property was used as a duplex and also noted that a blanket downzoning occurred in 2000 to single-family zoning without considering the diversity of the Strawberry Hill neighborhood. The property is in the Central Area Plan in the Strawberry Hill area. Staff received no letters in support and one (1) letter in opposition. There have been some Notices of Violation related to the property being vacant for so long. Staff recommends approval subject to

the conditions in the staff report, which includes a retroactive building permit to cover the demolition work that had thus far occurred and all proposed future work.8

The Planning Commission directed questions to Staff.

Motion starts at 2:53:18:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL of Change of Zone Application COZ2023-008:**

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	No
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	No
Straws	Not Present
Ward	Aye

Motion to recommend **APPROVAL** Passed: 5 to 2

Subject to:

1. This City Planning Commission case is being heard in conjunction with **BOZA2023-014**, which is for a reduction of the front yard setback, side yard interior setback and a detached accessory structure accounts for more than 30 percent of the rear yard;
2. For reference, this parcel was downzoned as part of a large neighborhood downzoning known as the Strawberry Hill Neighborhood Downzoning occurring in 2000 (COZ 2592). This property was downzoned from RP-5 Planned Apartment District to R-1(B) Single Family District;
3. The applicant can and will provide two (2) off-street parking spaces between the accessory structure and alley. As a result, the applicant shall install a concrete or asphalt driveway, concrete wheel paths or pervious pavers for two (2) vehicles;
4. In the event the detached accessory structure is demolished, the new, detached accessory structure shall comply with the R-2(B) Two Family District standards and regulations;
5. All future driveways must feature curb cuts that are constructed to UG standards;
6. Both units shall be on separate utilities (water, electrical, sanitary sewer, etc.);
7. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
8. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as 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;
9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 10. If rented, a rental license from Rental Licensing Division shall be obtained;
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 12. 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; and,
 13. All conditions of approval herein must be constructed, executed, implemented, or otherwise started within six (6) months of approval and completed within 18 months unless otherwise determined by the Director of Planning or their designee.



Figure 1. Aerial Map of 410 Ann Avenue (provided by UG Maps).

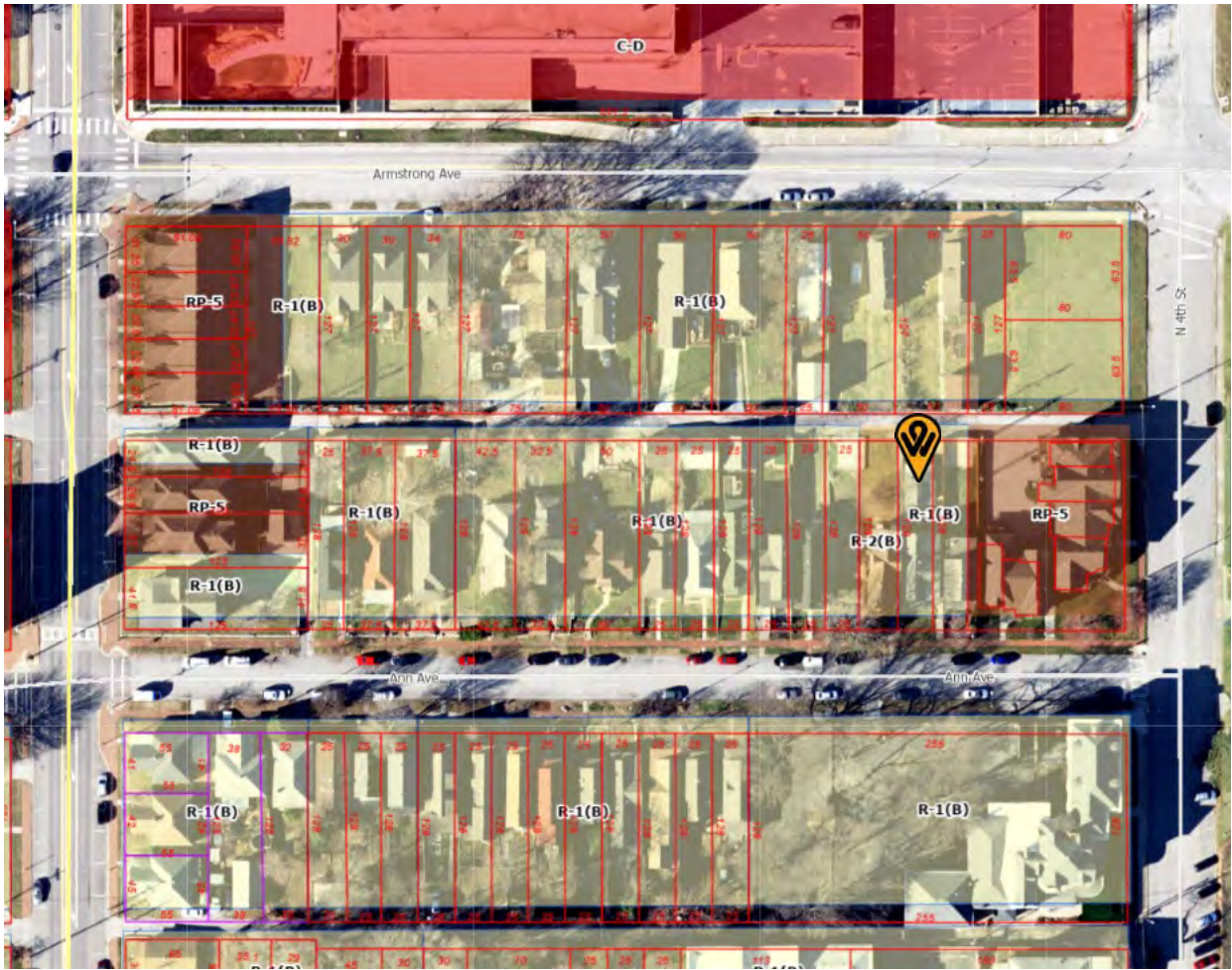


Figure 2. Zoning Map of 410 Ann Avenue (provided by UG Maps).



Figure 3. City-Wide Comprehensive Plan Land Use Map of 410 Ann Avenue (provided by ArcGIS Pro).

STAFF REVIEW SUMMARY
CITY OF KANSAS CITY, KANSAS

BOARD OF COMMISSIONERS
SEPTEMBER 28, 2000

CONSENT AGENDA ITEM: A-3 – PETITION NUMBER: 2592

APPLICANT – Unified Government of Wyandotte County/Kansas City, Kansas, as requested by Strawberry Hill Neighborhood Group

LOCATION – The area is bounded by Minnesota Avenue on the north, Central Avenue on the south, 7th Street Trafficway on the west and Interstate 70 on the east

REQUESTED ACTION – This request is primarily to downzone this area from an area zoned for apartments to one zoned for single family residences to conform with the long established development pattern. The goal has been to fit zoning and current use as closely as possible. In 1993, petitions were carried and hundreds of landowners executed the petitions. However, the 50% level required by a 1991 resolution was never quite met and the process faltered. Rather than start completely over again, the Governing Body has authorized the neighborhood rezoning to be considered by the Planning Commission.

EXISTING ZONING – C-D Central Business District, C-2 General Business District, C-3 Commercial District, M-2 General Industrial District and RP-5 Planned Apartment District

KEY ISSUES:

NEIGHBORHOOD CHARACTERISTICS – Most of the landowners within the area to be rezoned are familiar with what is proposed. However, the owners in the 200' notification band are not generally familiar with it and may be confused. It is difficult to imagine any serious concerns that these people would have once they better understand the proposal.

LANDOWNER CONCERNS – It is possible that landowners in the area may point out errors in legal descriptions, etc. that will need to be addressed. It is quite likely that landowners in the area will object to the zoning changes as they affect a specific property. Those who have legally converted in the past will be protected and allowed to continue, but not to expand. If concerns are raised at the meeting that the Planning Commission and Governing Body see as valid, then specific properties could be excluded from the petition (see attached Strawberry Hill Neighborhood Rezoning.)

PLANNING COMMISSION RECOMMENDATION – The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Petition #2592, subject to the property owned by the Catholic Archdiocese of Kansas City in Kansas at 800 North 5th Street being excluded.

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STAFF REPORT/RECOMMENDATION – The Planning Commission chose not to follow the request made by Ms. Hernandez in her letter. At least a partial compromise on this would be to rezone her property on Armstrong Avenue to CP-O Planned Non-Retail District which would, in theory, allow it to be converted for office space.

ATTACHMENTS:

September 11, 2000 Planning Commission Minutes
Strawberry Hill Neighborhood Rezoning Information
Letters in Opposition
Sketch

**CITY PLANNING COMMISSION
SEPTEMBER 11, 2000**

000195 CHANGE OF ZONE PETITION #2592 – UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS – SYNOPSIS: Change of Zone for the approximate area South of Minnesota Avenue, North of Central Avenue and between 7th Street Trafficway and I-70, from C-D Central Business, C-2 General Business, C-3 Commercial, RP-5 Planned Apartment and M-2 General Industrial Districts to R-1(B) Single Family, R-2(B) Two Family, RP-5 Planned Apartment, C-D Central Business, C-O Nonretail Business, C-1 Limited Business, CP-1 Planned Limited Business and C-3 Commercial Districts

Mr. Diane Lloyd, 645 Splitlog Avenue, a member of the Strawberry Hill Board of Directors and Chairwoman of the Strawberry Hill Revitalization and Restoration Committee, appeared in support of this petition. She stated that they are requesting the downzoning of Strawberry Hill. She stated that she presented the proposal to the standing committee in 1999 a business plan of what they had worked on. Then the Strawberry Hill Neighborhood Group had unanimously approved the plan. In the plan they expressed their vision of restoring the brick walks, adding antique lighting, having well maintained streets and curbs, etc. They want to improve the quality of life and instill pride in the community. Since they presented the plan the City has been working with them. They have also established a homeowners association, which was incorporated in November of 1999, and they have an elected Board of Directors and an advisory board. The rental percentage was 40% in November of 1999 and they want to encourage more homeowners and they know that that rate has gone up. When the medium to larger homes were sold the landlords who bought them split them up into multiple dwelling units. She stated that there is inadequate street parking and most of the lots have 25 foot frontages and they can barely handle two cars in front of their property. She stated that the trash will not be picked up unless Deffenbaugh can get between the cars. She stated that there have been problems between homeowners, renters, etc. because of the multi-family uses. The sewer system is 100 years old and multi-family puts a strain on the system. It is the homeowner's responsibility to get the problem fixed if something goes wrong. There is a problem of leakage of the raw sewage into the ground. This is a health hazard. Most of the homes were built 100 years ago with stone basements that were dug out by hand and many still have dirt floors. Over time there are crumbling foundations, support beams, etc. The homeowners will address these problems whereas most landlords will not and it becomes a safety hazard. She stated that the downzoning is a correcting of the past zoning to the current usage. Mr. Michael Snodgrass, 1408 Tauromee, appeared in support of this petition. He stated that he is also Executive Director of Catholic Housing in Wyandotte County. They are in support of this proposal. They have been working with the Strawberry Hill Association for a short time and this is the first key step in the development of the area. They held a public meeting on June 21st to resolve any differences. There were approximately 20 other persons present in favor who did not speak.

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There were two letters submitted to the Planning Commission by Recording Secretary Parker from property owners who did not want their property included in the downzoning. They were from Maria Hernandez and Reverend Thomas Tank, Vice Chancellor of the Catholic Archdiocese of Kansas City in Kansas.

Mr. Joseph Hernandez, 63 North Tremont, appeared concerning this petition. He stated that he is not opposing this for any one reason. He just recently moved back into the Kansas City area and he is concerned about the magnitude of the changes. He has not had an opportunity to sit down and talk to someone about what is going on. He would like to see the proposal before he would be favor of it. Ms. Laura Johnson, 644 Tenny Avenue, appeared concerning this petition. She stated that she does not know what is going on. She wanted to know if multi-family dwellings are being taken and changed to single-family dwellings? She would like more information.

Mr. Snodgrass stated that they do not have a problem with the St. Mary's property being excluded. He stated that they are opposed to Ms. Hernandez's property being excluded because they want to keep the single-family homes intact and not be converted to multi-family.

On motion by Rev. Donaldson, seconded by Mrs. Dercher, the Planning Commission voted 6 to 0 to recommend approval of this petition, subject to the property owned by the Catholic Archdiocese of Kansas City in Kansas at 800 North 5th Street being excluded.

STRAWBERRY HILL NEIGHBORHOOD REZONING**BACKGROUND**

The Strawberry Hill area and much of the older part of the City reflect a zoning pattern that is over 50 years old. That zoning pattern anticipated vast increases in the density of development that did not occur. For that reason, even though Strawberry Hill is a largely single family area, none of it is zoned a single-family district.

There are benefits to having the existing development pattern and the zoning be in concert. It can stop unwanted changes; it can give those in the real estate industry and potential buyers an idea of what is desired in the area; and it can help to create enthusiasm and higher expectations for everyone. Finally, it can make it easier to build new single family houses in the area.

Strawberry Hill a neighborhood study completed in 1978 suggested such a rezoning process.

PROCESS

In 1991, the City Council enacted a resolution to encourage neighborhood rezonings. It allows all fees to be waived when the owners of a majority of the land petition for such a change.

In 1993, petitions were carried and hundreds of landowners executed the petitions. However, the 50% level was never quite met and the process faltered. Rather than start completely over again with the petitions, the current idea is try to determine if broad support still remains. If it does, then the Governing Body would authorize the neighborhood rezoning to be considered by the Planning Commission and eventually the Governing Body.

The proposed zoning shown on the map is just one way the process could be done. Once you get past the idea of rezoning blocks of single family houses to a single family district, there is much room for disagreement. Areas may end up being excluded. The way of addressing other areas will likely be changed. Ultimately, the people in the neighborhood will choose what is submitted to the Planning Commission and Governing Body for consideration

<http://www.kckplanning.org/strawberryhillproject.htm>

09/06/2000

The pages that follow list particular addresses where questions could likely arise. It should be noted that none of the changes proposed to this point would require any existing, legally established use to cease, now or in the future.

STRAWBERRY HILL VICINITY

PROPERTIES THAT MAY MERIT SPECIAL CONSIDERATION

(OTHER PROPERTIES MAY FIT INTO THESE CATEGORIES. IF YOU ARE AWARE OF THEM, PLEASE LET US KNOW)

1. BUILT AS SINGLE FAMILY/CONVERTED TO TWO FAMILY

434/500 Thompson	538 Taumee	527 Orville
520 Thompson	326 North 5th Street	531 Splitlog
537 Thompson	521 Sandusky	512 Northrup
523 Sandusky	519 Northrup	
807 North 5 th		
403 Barnett	538 Orville	622 Orville
274 North 6th	648 Splitlog	625 Elizabeth
623 Splitlog	638 Splitlog	613 Orville
627 Orville		

As now proposed, these properties would be rezoned to R-1(B) Single Family District. If legally converted, they would be able to remain in use as two family.

2. BUILT AS SINGLE FAMILY/CONVERTED TO 3 OR MORE FAMILY

631 Ohio (5 units)	628 Orville (3 units)
628 Elizabeth (3 units)	
615 Orville (5 units)	407 North 7th (3 units)

As now proposed, these properties would be rezoned to R-1(B) Single Family District. If legally converted, they would be able to remain in use as apartments.

3. **BUILT AS TWO FAMILY AND REMAIN TWO-FAMILY OR IN THE MIDST OF TWO-FAMILY AREA**

525-527 Riverview		624 Orville
529-531 Riverview	527 Barnett	514/16 Tauromee
511 Orville	533 Barnett	516 Tauromee
* 513-515 Elizabeth	535/537 Barnett	522 Tauromee
(3 unit rowhouse)		
539/541 Barnett	524-526 Taurome	528-530 Tauromee
610 Orville	510/512 Tauromee	532-534 Tauromee
642/644 Tenny	610 Orville	536/538 Tauromee
646 Tenny	612-614 Ohio	540/542 Tauromee
616-618 Ohio	646 Sandusky (original use not known)	

As now proposed, these properties would be rezoned to R-2(B) Two Family District.

4. **BUILT AS APARTMENT**

538-540 Tenny	537-539 Elizabeth
5 12-516 Splitlog	540-46 Sandusky
511-513 Barnett	618 Orville
515-517 Barnett	607 Elizabeth
5 19-521 Barnett	607-609 1/2 Orville
523-525 Barnett	14 N. Tremont

As now proposed, the zoning on these properties would be unchanged.

5. **BUILT AS TWO FAMILY/CONVERTED TO APARTMENTS**

533-535 Riverview (4 units)	619-621 Tenny Avenue (4 units)
208-2 10 Orchard (6 units)	
520-522 Northrup (4 units)	651-653 Orville (4 units)
	439/441 Orville (4 units)

As now proposed, these properties would be rezoned to R-2(B) Two Family District.

6. **BUILT AS COMMERCIAL BUT ZONED RESIDENTIAL**

319 Orchard	RP-5 to C-O	Union Office
261 Orchard	RP-5 to C-1	Lee's Printing
204 Orchard	RP-5 to C-1	View on the Hill
612 North 5th Street	RP-5 to C-1	Vacant
600 Ohio	RP-5 to C-1	Hair Care 600
222 North 6th Street	RP-5 to C-1	Sammy's
640 Reynolds	RP-5 to C-1	El Taquito

As now proposed, these properties would be changed as noted.

7. **BUILT AS RESIDENTIAL BUT ZONED COMMERCIAL**

405 North 5th	418 North 5th
407 North 5th	420 North 5th
409 North 5th	426 North 5th
411 North 5th	428 North 5th
413 North 5th	608 Splitlog
415 North 5th	319 North 7th
417 North 5th	651 Splitlog
419 North 5th	321 North 7th
421 North 5th	401 North 7th
423 North 5th	403 North 7th
425 North 5th	405 North 7th

806 North 4 th	407 North 7 th
808 North 4 th	411 North 7 th
810 North 4 th	649 Orville
812 North 4 th	652 Orville
343 North 5 th	651 Northrup
347 North 5 th	647 Orville
349 North 5 th	351 North 5 th
326 North 5 th	651 Elizabeth
328 North 5 th	650 Orville
330 North 5 th	648 Tenny
332 North 5 th	649 Northrup
334 North 5 th	650 Tenny
336 North 5 th	331 North 7 th
340 North 5 th	333 North 7 th
342 North 5 th	335 North 7 th
341 North 6 th	608-610 Orville (would go to R-2(B))
35-37 N. 7 th St. (would go to RP-5)	41-43 N. 7 th St. (would go to RP-5)
345 North 6 th	633 Simpson
635 Simpson	639 Simpson
642 Simpson	644 Simpson

As now proposed, these properties would be rezoned to R-1(B) Single Family District.(unless otherwise noted).

8. CONVERTED RESIDENTIAL BUT ZONING SHOWN AS UNCHANGED BASED ON LOCATION

641-645 Tauromee 427 N. 7th St.
419 N. 7th St.

9. PROPERTIES TO BE CHANGED FROM M-2 GENERAL INDUSTRIAL DISTRICT TO C-3 COMMERCIAL DISTRICT

423 North 6th St. (Parcel # 118017)
424 North 6th St. (Parcel # 198831)
424 1/2 North 6th St. (Parcel # 198832)
425 North 6th St. (Parcel # 118016)
426 North 6th St. (Parcel # 198830)
541 Sandusky Avenue (Parcel # 118014)
543 Sandusky Avenue (Parcel # 118015)
540-542-544-546 Sandusky Avenue (Parcel # 117922)
500 North 6th St. (Parcel # 198802)

501-503 North 6th St. (Parcel # 117923)
504 North 6th St. (Parcel # 198801)
507-509-511 North 6th St. (Parcel # 117921)
508 North 6th St. (Parcel # 198800)
510 North 6th St. (Parcel # 118314)
515 North 6th St. (Parcel # 117817)
516 North 6th St. (Parcel # 118313)
607 Tauromee Avenue (Parcel # 118313)

526 Central Avenue (Parcel # 904414)
530 Central Avenue (Parcel # 904415)
532-534-534 1/2 Central Avenue (Parcel # 904416)
536 Central Avenue (Parcel # 904417)
548 Central Avenue (Parcel # 121056)
550 Central Avenue (Parcel # 121055)
552 Central Avenue (Parcel # 121054)
554-556-556 1/2 Central Avenue (Parcel # 121053)

*Stone
Spice*

(First published 12-7-00)

#2592

ORDINANCE NO. 0-106-00

AN ORDINANCE rezoning property hereinafter described, located at approximately South of Minnesota Avenue, North of Central Avenue and between 7th Street Trafficway and I-70, in Kansas City, Kansas, by changing the same from its present zoning of C-D Central Business, C-3 Commercial, RP-5 Planned Apartment and M-2 General Industrial Districts to R-1(B) Single Family, R-2(B) Two Family, RP-5 Planned Apartment, C-D Central Business, C-O Nonretail Business, C-1 Limited Business, CP-1 Planned Limited Business and C-3 Commercial Districts.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AS FOLLOWS:

Section 1. It is hereby found and determined that a petition was filed on August 17, 2000, by the Unified Government of Wyandotte County/Kansas City, Kansas to have the zoning of said property changed from its present zoning of C-D Central Business, C-3 Commercial, RP-5 Planned Apartment and M-2 General Industrial Districts to R-1(B) Single Family, R-2(B) Two Family, RP-5 Planned Apartment, C-D Central Business, C-O Nonretail Business, C-1 Limited Business, CP-1 Planned Limited Business and C-3 Commercial Districts.

It is likewise found and determined that the Planning Commission published notice, mailed notices, held public hearing(s), prepared recommendations and followed the procedures provided by law.

Section 2. In compliance with recommendations of the Planning Commission, it is hereby ordained that the zoning of the following described property:

C-D District to R-1(B) District

Lots 6-21, Block 136, Wyandotte City
Lots 1-3, Block 135, Wyandotte City
Lots 19-25, Block 135, Wyandotte City
Lots 51-54, Block 135, Wyandotte City

C-2 District to C-D District

Lots 22-31 and the West ½ of Lot 32, Block 136, Wyandotte City

RP-5 District to R-1(B) District

Lots 4-18, 28-50, Block 135, Wyandotte City
The East ½ of Lot 32, Lots 33-38, and the West 12' of Lot 39, Block 136, Wyandotte City
Lots 1-20 and the East 10' of Lot 21, Block 152, Wyandotte City
Lots 1-28 and 47-54, Block 153, Wyandotte City
Lots 1-22 and the East 8' of Lot 23, St. Mary's Place
Lots 1-21, Block 1, Connelley Addition
Lots 1-8, and 47-50, Block 156, Wyandotte City
Lots 1-12, L. A. Miller's Resurvey of Lots 24-27, Block 3, and Lots 125-128, Block 4, Connelley Addition
Lots 22 and 23, Block 3, Connelley Addition
Lots 129 and 130, Block 4, Connelley Addition
Lots 1-5, Miller's Resurvey of Lots 131-133, Block 7, Connelley Addition
Lots 28-32, Block 2, Connelley Addition
Lots 44-56, Block 5, Connelley Addition
Lots 94-124, Block 6, Connelley Addition
The West 40' of Lot 1, and Lots 2-7, Fowler Addition
Lots 5-23, Nelson Place
Lots 1-20, Moody and Early's Addition
Lots 6-20, Early's Addition
Lots 6-20, Block 1, Morris and Early's Addition
Lots 6, 7, 8, 47 and 48, Block 175, Wyandotte City
Lots 134-152, Block 7, Connelley Addition
Lot 8, the South 59' of Lots 9 and 10, and Lots 11-21, Block 2, Morris and Early's Addition
Lots 7-19, Early's Second Addition
Lots 1-32, the South 15' of Lot 34, and Lots 35-43, Block 1, Orchard Place
Part of Lots 33 and 34, Block 1, Orchard Place, as follows: Beginning at the Northeast Corner of Lot 33, Southeasterly 35', West 51.17', North 34.07', East 44' to the point of beginning
Lots 13-16 and 20-39, Block 2, Orchard Place
Lots 11-18 and 20-28, Block 3, Orchard Place
Lots 9-16, Block 4, Orchard Place
Lot 1, Bolle's Addition
The East 10' of Lot 3, Lots 4-8 and the East 10' of Lot 9, Bolle's Addition
Lots 11-14, 17-19, the East 30' of Lot 20, and the South 80.67' of the East 40' of Lot 20, Bolle's Addition
Lots 24-27, the West ½ of Lot 28, the North 88' of the East ½ of Lot 28, the North 88' of Lot 29, and Lots 33-38, Bolle's Addition
Tract 117C, Section 10, Township 11, Range 24: 60 x 70 feet of abandoned Riverview Avenue

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Lots 57-59 and 64-66, Bolle's Addition
Lots 56 and 67-71, Bolle's Addition
Lot 1-7, Block 11, Riverview Blocks 2-24
Lots 1-5, Block 12, Riverview Blocks 2-24
Lots 6-8 and 12-17, Block 3, Smith and Keating's Addition
Lots 1-18, Block 3, Stout and Company's 2nd Addition
Lots 1-19, Block 4, Stout and Company's 2nd Addition; also, the East 5' of Lot 34, Block 173, Wyandotte City
Lots 5-23, Dreyer's Addition; also, Lot 23 and the East 10' of Lot 24, Block 178, Wyandotte City
The East 11.5' of Lot 34, Block 178, Wyandotte City, and Lots 35-44, Stout and Company's Addition
The East ½ of Lot 50, all of Lots 51-53, Stout and Company's Addition
Small tracts at about 635 thorough 645 Orville Avenue:
Tract 112A – Commencing at the Southwest corner of the Southeast ¼ of the Northwest ¼ of Section 10, Township 11, Range 25, thence East 38', North 100', West 38', South 100' to the point of beginning
Tract 111 – Commencing 38' East of the Southwest corner of the Southeast ¼ of the Northwest ¼ of Section 10, Township 11, Range 25, thence East 37', North 100', West 37', South 100' to the point of beginning
Tract 113 – Commencing 75' East of the Southwest corner of the Southeast ¼ of the Northwest ¼ of Section 10, Township 11, Range 25, thence East 35', North 100', West 35', South 100' to the point of beginning.
Tract 114A – Commencing 110' East of the Southwest corner of the Southeast ¼ of the Northwest ¼ of Section 10, Township 11, Range 25, thence East 30', North 100', West 30', South 100' to the point of beginning.
Tract 114B – Commencing 140' East of the Southwest corner of the Southeast ¼ of the Northwest ¼ of Section 10, Township 11, Range 25, thence East 25', North 100', West 25', South 100' to the point of beginning.
Lots 4-16, Stout and Company's Addition
Lots 1-19 and the East 12' of Lot 20, Block 1, Orr's Addition
Lots 21-48, the West 70' of Lots 49-51, Lots 52-53, and Lots 56-72, Block 2, Orr's Addition
Lots 73-124, Block 3, Orr's Addition
Lots 126-153, the West 22' of Lots 154 and 155, and Lots 156-172, Block 4, Orr's Addition
The East 4.9' of Lot 177, and Lots 178-182, Block 5, Orr's Addition
The East 5' of Lot 185, Lots 186-191, and the West 5' of Lot 192, Block 5, Orr's Addition
The East 1' of Lot 193, Lots 194-197, and the West 75' of Lots 198-202, Block 5, Orr's Addition
Lots 1-6, Block 3, Riverview Blocks 2-24
Lots 3-9, Block 2, Riverview Blocks 2-24

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Lots 1-15, Block 5, Riverview Blocks 2-24
Lots 1-6 and the East 9' of Lot 7, Block 4, Riverview Blocks 2-24
Lots 1 and 2 and the Northeast 290' of Lot B, Block 24, Riverview Blocks 2-24
Lots 1-8 and 18-21, Whipple's Addition
Lots 3-9, Block 22, Riverview Blocks 2-24

RP-5 District to R-2(B) District

Lots 9 - 16 and Lots 24-35, Fowler's Second Addition
The North 68.2' of Lots 9 and 10, Morris and Early's Addition
Lot 20, Early's Second Addition
Lots 88-93, Block 11, Connelley Addition
Lots 17-19, Block 2, Orchard Place
The South 32' of the East ½ of Lot 28 and the South 32' of Lot 29, Bolle's Addition
Lots 51-54, Bolle's Addition
Lot 19, Block 3, Stout and Company's 2nd Addition
Lots 45 and 46, Stout and Company's Addition
Lots 54 and 55, Block 2, Orr's Addition
Lots 173-175 and the East 7.5' of Lot 176, Block 4, Orr's Addition
The East 20' of Lot 192 and the West 24' of Lot 193, Block 5, Orr's Addition

RP-5 District to C-O District

Lot 33 and the North 10' of Lot 34, Block 1, Orchard Place, less the following:
Beginning at the Northeast Corner of Lot 33; Southeasterly 35', West 51.17', North 34.07', East 44' to the point of beginning

RP-5 District to CP-1 District

The North 40' of Lots 51 - 54, Block 156, Wyandotte City

RP-5 District to C-1 District

The East 83' of Lot 1, Fowler Addition
Lot 19, Block 3, Orchard Place
Lot 32, Bolle's Addition
The East 35' of Lots 49-51, Block 2, Orr's Addition
The East 83' of Lots 154 and 155, Block 4, Orr's Addition
Lots 41-47, Block 4, Riverview Blocks 2-24

C-3 District to R-1(B) District

Lots 57-68 and the East 47' of Lots 69 and 70, Block 5, Connelley Addition
Lots 71-81, Block 12, Connelley Addition
Lots 2-5, Early's Addition, and Lots 4 and 5, Block 1, Morris and Early's Addition
Lots 23-25, Early's Second Addition, and Lots 1-6, Jones Subdivision
Lots 1-6, Early's Second Addition and vacated alley adjacent
Tract 118A3, A4 – Beginning at the intersection of the West line of North 6th Street and the North line of Splitlog Avenue; thence West 133.8', North 143.75', East 58.8', South 116.75', East 75', South 27' to the point of beginning
Lots 4-6, Boylan Place, Lots A and B, Boylan's Subdivision, and Lot 33 and the West 11.5' of the East 16.5' of Lot 34, Block 178, Wyandotte City
Lots 1-5, Block A, Northrup Valley Addition
(Two small tracts at about 647 and 649 Orville Avenue)
Tract 112C – Beginning 53' West of the Southeast Corner of the Southwest ¼ of the Northwest ¼ of Section 10, Township 11, Range 25; thence West 40', North 103', East 40', South 103' to the point of beginning.
Tract 112B – Commencing 90' East of the Southeast corner of North 7th Street and Orville Avenue; thence East 53', South 103', West 53', North 103' to the point of beginning
Lot 5, Block D, Northrup Valley Addition, and the West 17.55' of Lot 125, Block 4, Orr's Addition
Lots 8-10, Block D, Northrup Valley Addition
Lots 1-6, Block E, Northrup Valley Addition, and Lots 7-11, Block 3, Riverview Blocks 2-24
Lots 1-4, Block 10, Riverview Blocks 2-24
Lots 3-5 and the East ½ of Lot 6, Block 24, Riverview Blocks 2-24
Lot 1 and the North ½ of Lot 2, Block B, Northrup Valley Addition
Lot 4, Block 2, Morris and Early's Addition
Lots 1-3, Boylan Place

C-3 District to R-2(B) District

The South 50.4' of Lots 54 and 55, and the South 50.4' of the West 5' of Lot 56, Stout and Company's Addition
Tract 112D – Beginning at the Southeast corner of North 7th Street and Orville Avenue; thence East 50', South 103', West 50', North 103' to the point of beginning

C-3 District to RP-5 District

Lots 5-7, Block 10, Riverview Blocks 2-24
The South 65' of Lots 29-33 and the South 65' of the West 10' of Lot 34, Block 173,
Wyandotte City, and 62' of vacated former Sandusky Avenue adjacent on the South

M-2 District to C-3 District

Lots 1-4, Nelson Place, and Lots 21-25, Moody and Early's Addition
Lots 21-25, Early's Addition
Lots 1-5, Block 3, Smith and Keating's Addition, and Lots 1-4, Block 1, Stout and
Company's 2nd Addition
Lots 1-4, Block 2, Stout and Company's 2nd Addition
Lots 1 and 2, Block 22, Riverview Blocks 2-24
(Two small tracts)
Tract 132B1 – Beginning at the Southeast Corner of Lot 1, Block 22, Riverview
Blocks 2-24; thence East 35', North 110', West 35', South 110' to the point of
beginning
Tract 132CD – Beginning 35' East of the Southeast corner of Lot 1, Block 22,
Riverview Blocks 2-24; thence East 85.5', North 110', West 85.5', South 110' to
the point of beginning
(Three small tracts)
Tract 132F1 – Beginning 181.5' East and 5' South of the Northeast corner of Lot
2, Block 22, Riverview Blocks 2-24; thence East 27', South 110', West 27', North
110' to the point of beginning
Tract 132F2 – Commencing 210' East of the Southeast corner of Lot 1, Block 22,
Riverview Blocks 2-24; thence East 27', North 110', West 27', South 110' to the
point of beginning
Tracts 133B1 and 133B2 – Commencing 160' West of the Northwest corner of
Park Street and Central Avenue; thence North 110', West 75', South 110', East
75' to the point of beginning

be changed from its present zoning of C-D Central Business, C-3 Commercial, RP-5
Planned Apartment and M-2 General Industrial Districts to R-1(B) Single Family, R-2(B)
Two Family, RP-5 Planned Apartment, C-D Central Business, C-O Nonretail Business,
C-1 Limited Business, CP-1 Planned Limited Business and C-3 Commercial Districts as
defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The City Planning and Zoning Division of Kansas City, Kansas, is
hereby ordered and directed to cause such designation to be made on the official District
Map of said City in its custody and to show the property herein described to be now
zoned for R-1(B) Single Family, R-2(B) Two Family, RP-5 Planned Apartment, C-D
Central Business, C-O Nonretail Business, C-1 Limited Business, CP-1 Planned Limited

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Business and C-3 Commercial Districts. Said District Map, previously incorporated by reference by Section 27-1102 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in The Kansas City Kansan.

PASSED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 30
DAY OF November, 2000.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: Carol Marinovich
CAROL MARINOVICH
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

Tom L. Roberts
UNIFIED GOVERNMENT CLERK



Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: City Planning Commission
From: Planning and Urban Design Staff
Date: May 8, 2023
Re: Change of Zone Petition COZ2023-008

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. This City Planning Commission case is being heard in conjunction with BOZA2023-014, which is for a reduction of the front yard setback, side yard interior setback, detached accessory structure (dwelling unit) accounts for more than 30 percent of the rear yard and zero (0) off-street parking.

410 Ann Street structure is existing and is not being expanded. Constructed in the 1920's in the traditional neighborhood development pattern, Pre-WWII (pre-zoning codes). The variances listed are not based on the original building pattern but are to the adopted Post-WWII Zoning Codes, which were overlayed on these Pre-WWII Traditional Neighborhoods. The Post-WWII zoning codes did not integrate and align with the existing building patterns. Therefore the existing building would not be built to meet the current zoning codes.

2. For reference, this parcel was downzoned as part of a large neighborhood downzoning known as the Strawberry Hill Neighborhood Downzoning occurring in 2000 (COZ 2592). This property was downzoned from RP-5 Planned Apartment District to R-1(B) Single Family District.

In addition to this downzoning of Strawberry Hill another newer overlay zoning of TND was introduced to better align with the traditional development pattern, below. Per WYCO UDO zoning ordinances this newer updated zoning encourages this multi-use of 410 Ann building types and development pattern below.

Specifically:

- 2) Provide for a range of housing choices in close proximity to each other, including vertical mixed-use.
- 8) Utilize all streets for on-street parking.

Sec. 27-471. - TND Traditional neighborhood **design** district.



- (a) *Purpose.* This section establishes and encourages innovative mixed-use development as an alternative to typical post World War II suburban, use-segregated developments. Specifically, the TND is intended to be used for the creation of developments that:
- (1) Create a dynamic, mixed-use environment, where walking is the predominant mode of transportation.
 - (2) Provide for a range of housing choices in close proximity to each other, including vertical mixed use.
 - (3) Create land development solutions that are not typically found elsewhere in the city.

(8) Utilize all the streets for on-street parking.

3. The home was built in 1920, but staff has not found any records that this property was used as a duplex. Provide documentation that this property was used as a duplex.

Before the downzoning in year 2000, the property was zoned RP-5, not R-1B single family residences. The RP-5 zoning was due to the nature of the building being constructed as a multi-unit building. This density is reflected in the RP-5 zoning classification allowing 1,500 square feet per unit per the size of the property. In this case the lot is 25' wide and 128' deep, 3,200 square feet. So, 3,200 sf divided by 1,500 sf per unit, equals 2.13 or two units for the property. Also, note typically R-2 would typically be used for a duplex, but R-2 required 2,000 sf - 3,575 sf per unit for the property which would result in one unit, so RP-5 is the only designation that fits that condition.

As well, the documentation is in the physical construction of the building. The property has no internal stair or any framing history of a stair connection. As well, the building currently has separate power meters one for each floor which is also an indication of the multi-unit use.

4. What work was being performed that resulted in a Stop Work Order issued on March 20, 2023 by the Building Inspection Division?

The home had been partially demolished and in very poor shape internally when purchased. Removal and cleanup of both fallen and partially removed plaster, bathroom and kitchen demo and debris was done to be able to better evaluate the current condition and framing. The rear porch and stair was falling off the building and was removed for safety.

5. What is the intent of the detached dwelling unit in the rear? It appears in 2009, a demolition permit was obtained to demolish the structure, but clearly the structure has remained.

There is no current plan to address the old shed in the rear, or turn into a garage.

- b. If the structure is demolished, and a two (2) car parking pad is constructed, Variances #6 and #7 can be removed and possibly Variance #8 depending on the size of the parking pad.

Two off street parking spaces will be created between the alley and the north side of the existing shed. The shed is south of the alley approximately 20' and provides enough space for parking spaces.

6. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as 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.

There is no plan to illuminate off-street parking.

7. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.

All exterior lighting, porch or front and rear lighting will be controlled as noted.

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

A building permit will be applied for through the Building Inspections Division for the changes, updates and remodel of the existing building.

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

As part of the construction UG standards will be followed.

10. Both units shall be on separate utilities (water, electrical, sanitary sewer, etc.). Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.

Both units will be separately metered for water and electrical. The sanitary will be separate but combined to the main in the north alley. The property will have in total 3 bathrooms, two for the upper unit and one for the lower unit.

11. If rented, a rental license from Rental Licensing Division shall be obtained.

If rented a rental license will be obtained.

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.

13. All conditions of approval herein must be constructed, executed, implemented, or otherwise started within six (6) months of approval and completed within 18 months unless otherwise determined by the Director of Planning or their designee.

We agree with 12 and 13 conditions above.

Event: 410 Ann Ave Neighborhood Meeting
COZ2023-008/BOZA2023-014

[illegible]

Toy, Byron

From: Parker, Janet
Sent: Wednesday, April 26, 2023 3:38 PM
To: Toy, Byron
Subject: FW: Affidavit for Neighborhood Meetings COZ2023-008
Attachments: Image (277).jpg; Image (278).jpg

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org
 **Department of Planning + Urban Design**
Unified Government of Wyandotte County • Kansas City, Kansas

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](https://openforms.com/Planning&UrbanDesign/FeedbackForm)

From: Julian Flores <jflores@1coreconstruction.com>
Sent: Wednesday, April 26, 2023 8:07 AM
To: Parker, Janet <jparker@wycokck.org>
Subject: Affidavit for Neighborhood Meetings

Good morning Janet.

Attached you will find the affidavit for the neighborhood meeting that I conducted Monday the 24th. No one showed up to the meeting. However I received 2 calls. one was from Stefon King April 18th at 10:53 just asking when the property was going to get done, and the second call from Dave Heaston April 19th at 4:08 wanting to get information on the Project.

Please let me know if you have any questions.

--

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # COZ2023-008
2. That I conducted a neighborhood meeting on 4-24-2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Julian Flores
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24th day of April, 2023

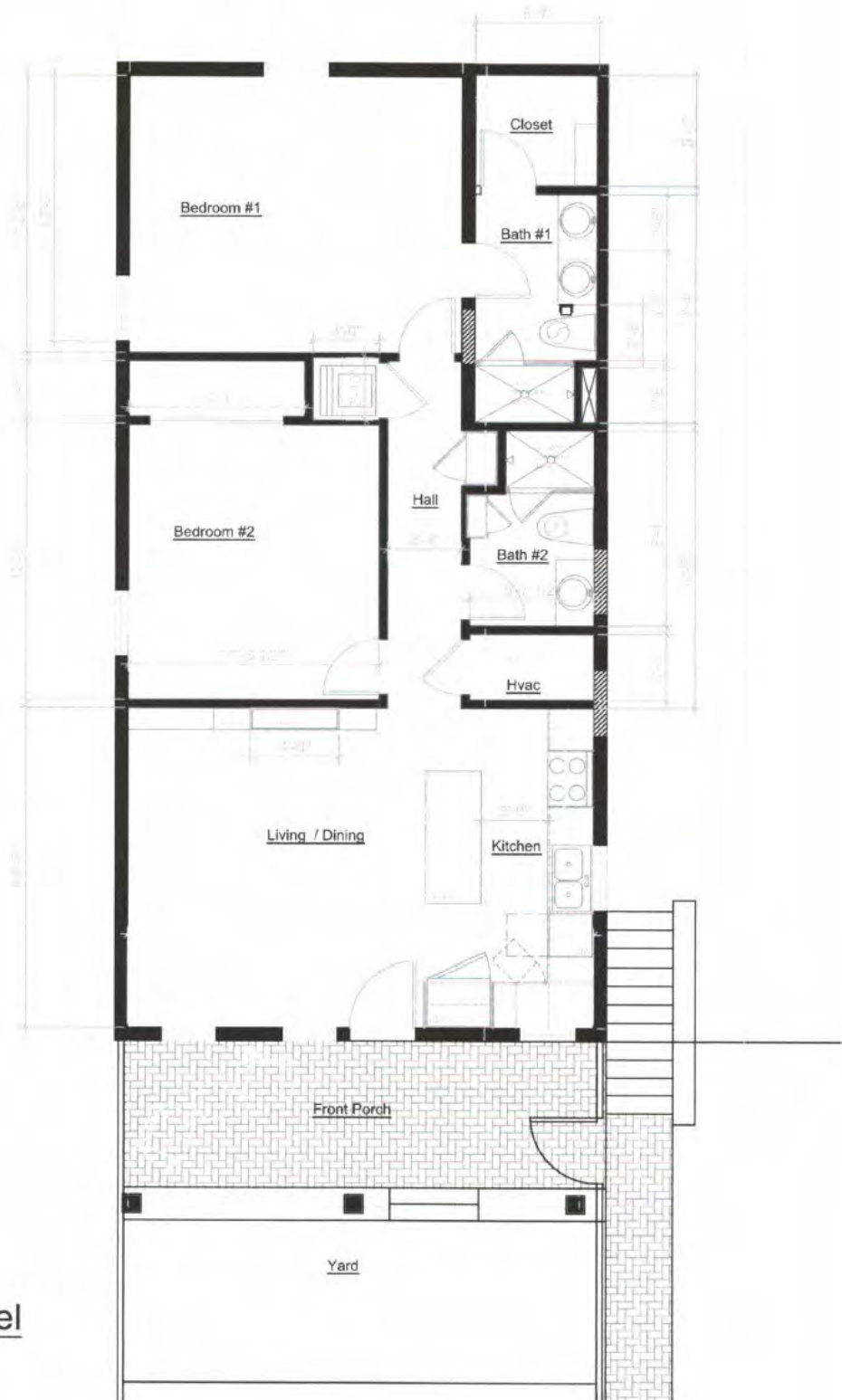
My commission expires 6th of November, 2025

Leticia Ortega
Notary Public





Figure 4. Proposed parking lot of 410 Ann Avenue (provided by the Applicant).



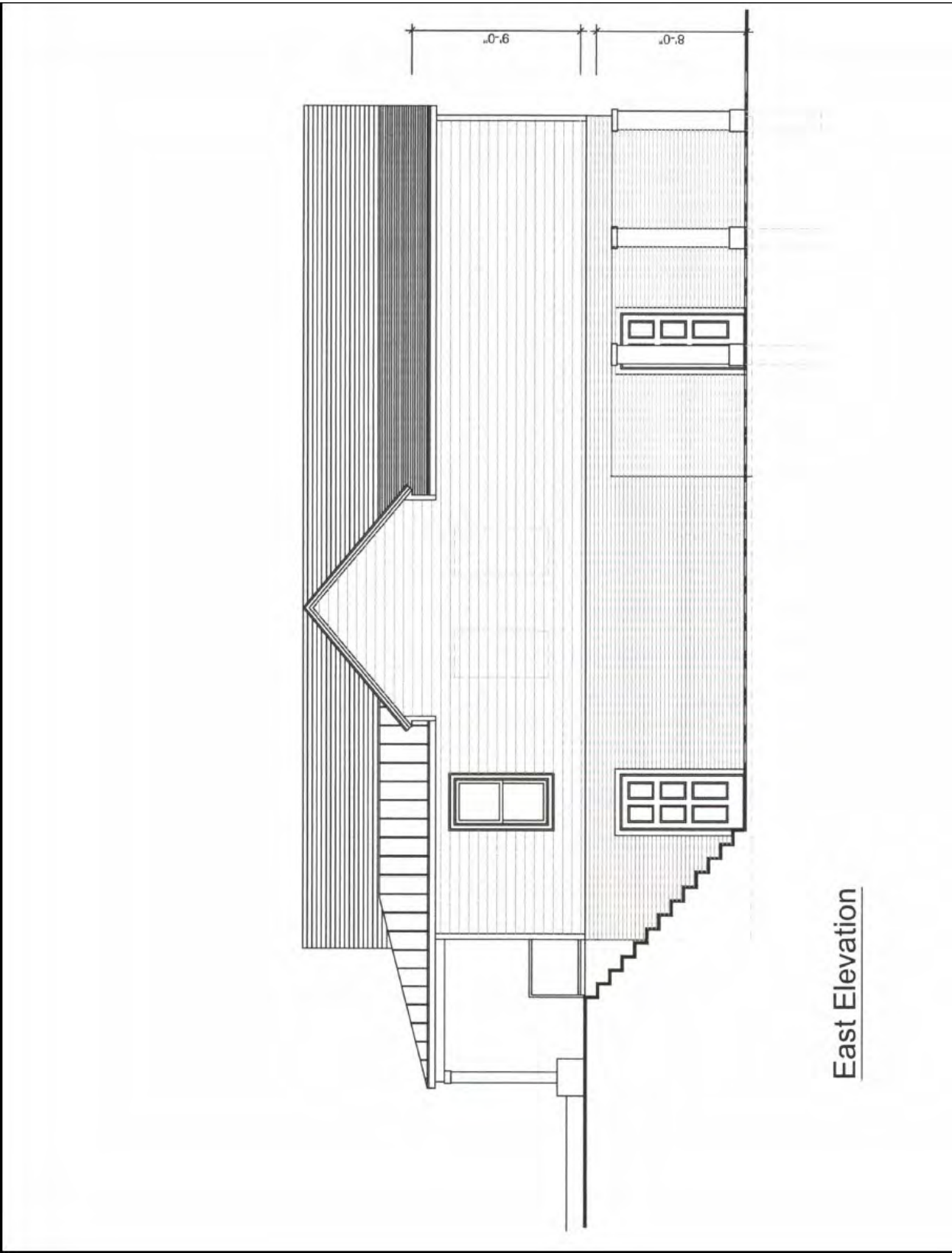
Main Level

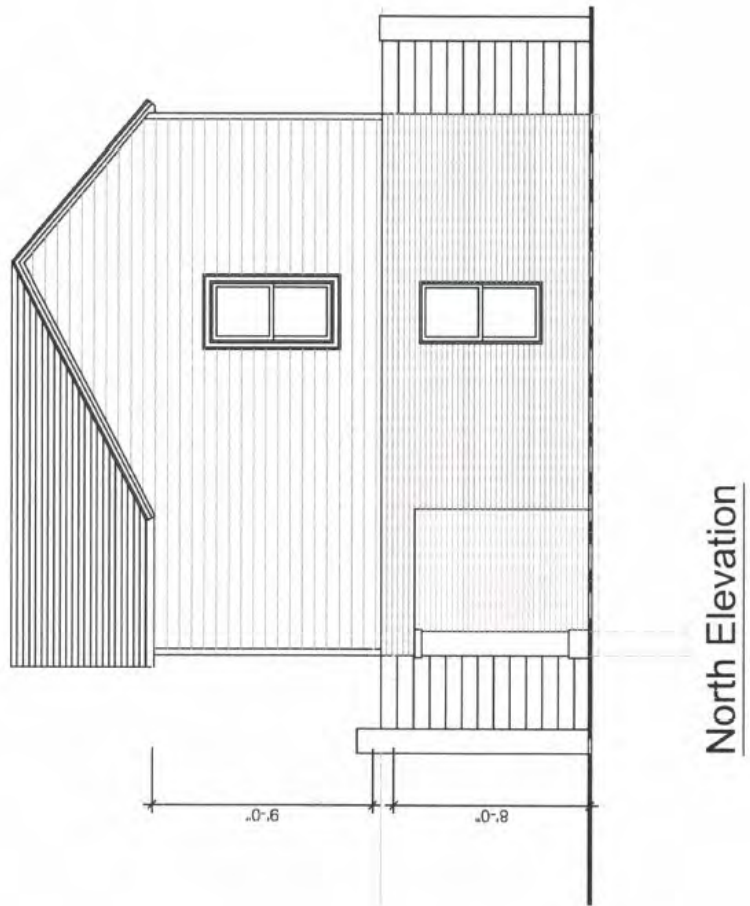
2/17/23

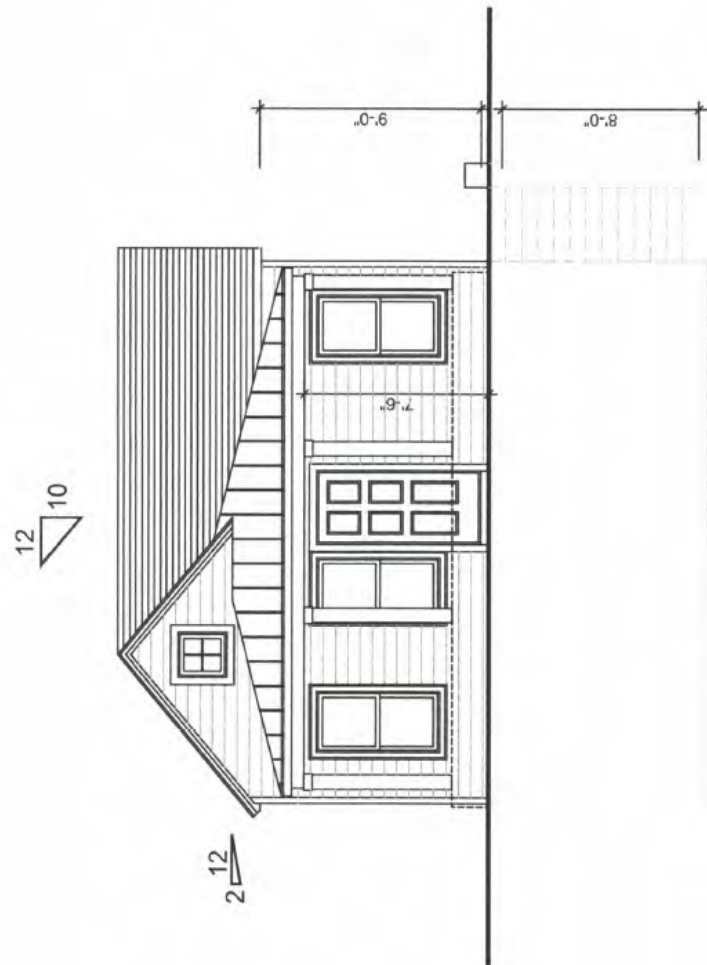


Lower Level

2/17/23







South Elevation

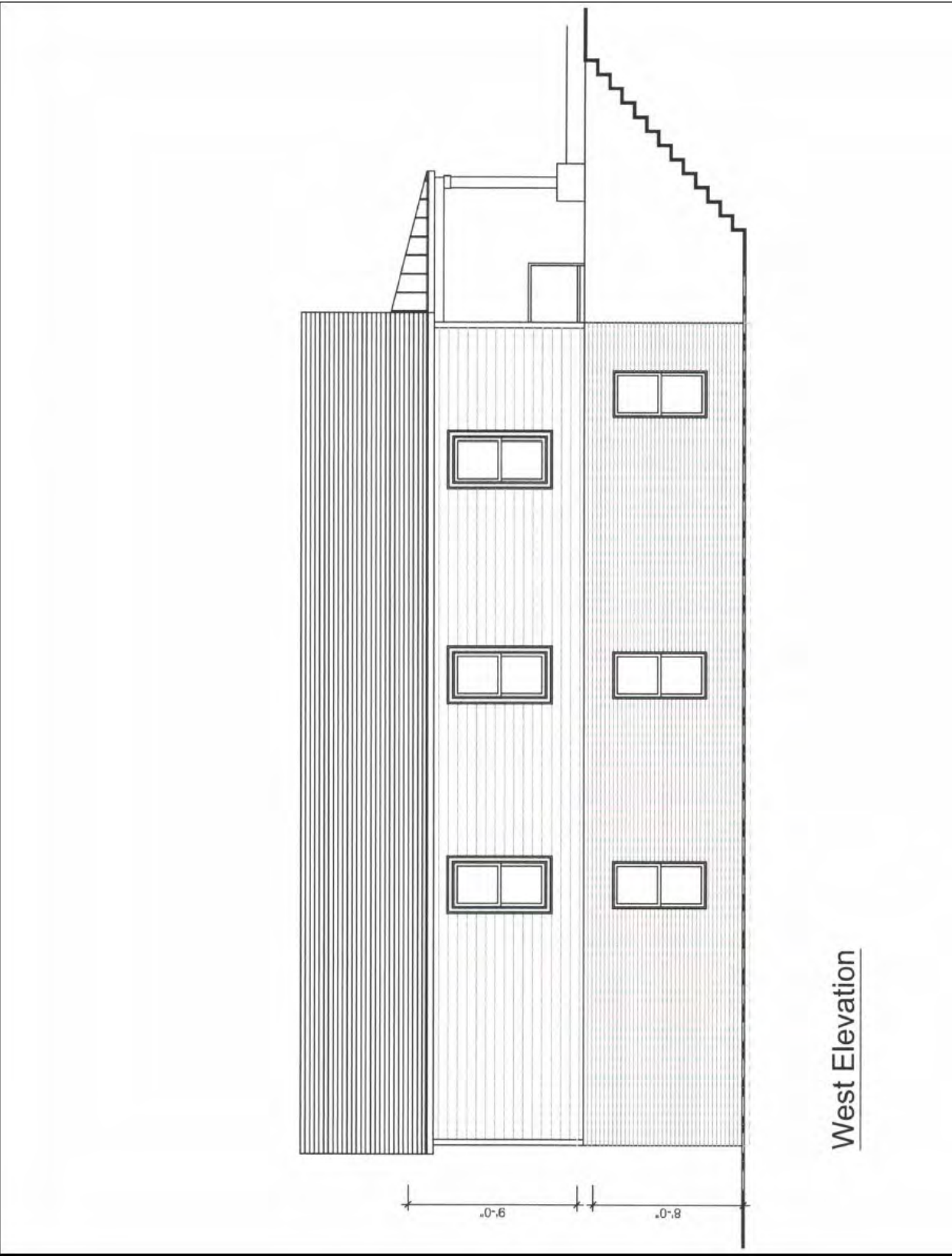




Figure 5. Site Photograph of 410 Ann Avenue looking north from Ann Avenue (provided by Planning Staff).



Figure 6. Site Photograph of 410 Ann Avenue looking south taken from the alley (provided by Planning Staff).



Figure 7. Site Photograph of 410 Ann Avenue southeast taken from the alley (provided by Planning Staff).



Department of Planning + Urban Design

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Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: Special Use Petition SP2022-117

GENERAL INFORMATION

Applicant:
Jessica Betts

Status of Applicant:
Property Owner
749 Locust Avenue
Kansas City, Kansas 66103

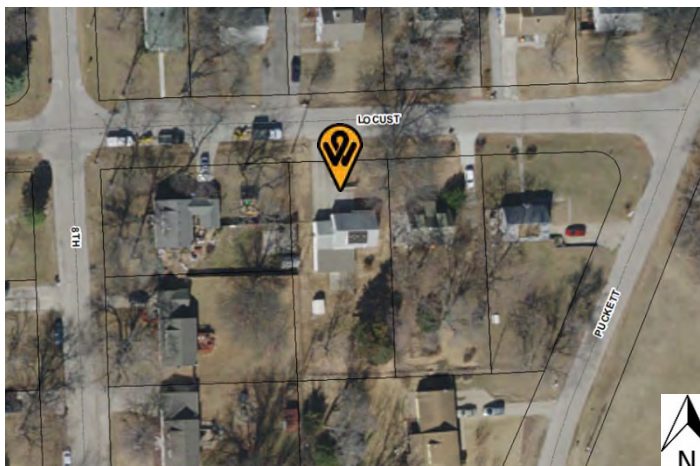
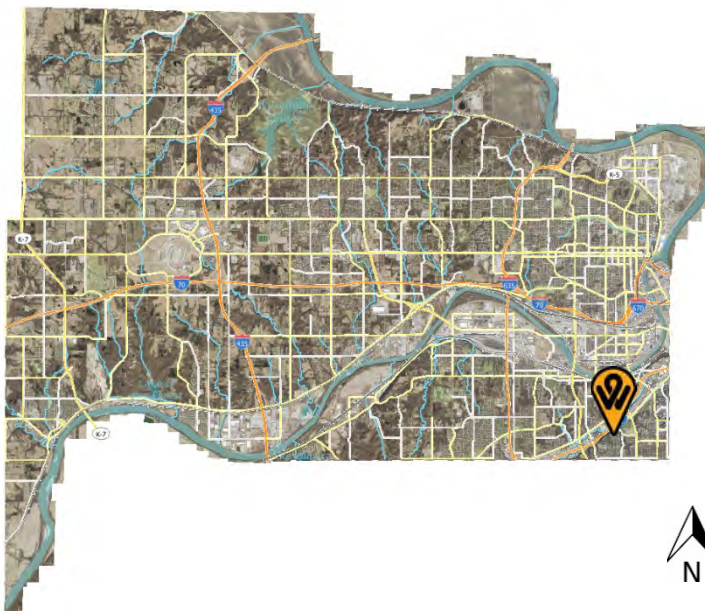
Requested Action:
Renewal of a Special Use Permit.

Date of Application:
December 30, 2022

Purpose:
To renew a Special Use Permit (expired 2/3/2023) to continue to operate a short-term rental. This is not the applicant's primary residence.

Property Location:
749 Locust Avenue
Kansas City, Kansas 66103

Commission Districts:
Commissioner At-Large District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-Family Residence South: Single-Family Residence East: Single-Family Residence West: Single-Family Residence
Total Tract Size:	0.23 Acres
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Low-Density Residential, which allows for single-family homes.
Major Street Plan:	The Major Street Plan designates Locust Avenue as a Local Street.
Parking Requirement:	Section 27-454(e) requires two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which must be in a carport or garage. The subject property has a one (1) car garage and extended driveway for three (3) parking spaces for a total of four (4) off-street parking spaces, which complies with the parking requirement.
Advertisement:	<u>The Wyandotte Echo</u> – January 19, 2023 Letters to Property Owner – January 20, 2023
Public Hearings:	May 8, 2023 and May 25, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jessica Betts, is seeking to renew their Special Use Permit (which expires 2/3/2023) to continue the operation of a short-term rental at 749 Locust Avenue. The applicant recently renovated the property within the last two (2) years and plans to outsource the operations to a third party while utilizing AirBnB to market the rental.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints since the current owner purchased the property in 2020.

Building, Zoning, or Code Enforcement Complaints:

1. There are no active Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Rosedale Statistical Neighborhood. The neighborhood is residential in nature primarily featuring single-family residences on wide and shallow lots. There are also garden-style apartment complexes located to the south and east of the subject property.

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

The zoning and uses are set out above. The proposed use is compatible if properly managed. Operating this property as a short-term rental has the potential to create issues related to noise, parking, and other concerns related to overcrowding.

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

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

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

The property is not vacant and has been used as a short-term rental since 2021. The property was formerly used as a single-family residence.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan designates this property as a Low-Density Residential. Low-Density Residential allows a single-family residence to be utilized for short-term rentals but requires a Special Use Permit to operate.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of the Local Street to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing single-family residence.

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

Noise is an issue that is related to short-term rentals. There are no noise complaints to date with the current applicant at this property.

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

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

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

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

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

The relative gain or loss to the public health, safety, and welfare is likely to be minimal as it only provides the convenience of lodging with some economic

benefit. If denied, the landowner could not use the property as a short-term rental but may still use the property as a long-term rental, their primary residence, or sell the property.

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

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

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP2021-071) for one (1) year in 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on January 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic
Noise
Parking
Occupant Safety
Neighborhood Character
Trash

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2022-117, **for two (2) years**, subject to:

1. **The driveway apron must be paved with asphalt. The apron cannot be gravel;**
2. **Maximum number of guests shall be seven (7);**
3. **All parking must be off-street, maximum number of vehicles is three (3);**
4. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
5. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
6. **Applicant is to maintain liability insurance;**

7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including “No Parties, etc.” This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);
10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. The applicant has filed and maintained a current business occupation tax application;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any

- application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
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; and,
 18. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **SP2022-117** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

May 8, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Granicus Host Compliance Map
Site and Floor Plan
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated January 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	May 8, 2023	May 25, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2022-117** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2022-117**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

May 8, 2023 City Planning Commission Minutes:

Recording Secretary Parker stated that the Commission will now consider the items that were removed from the Consent Agenda.

SPECIAL USE PERMIT APPLICATION SP2022-117 – JESSICA BETTS –

SYNOPSIS: Renewal of a Special Use Permit (SP2021-071) to operate a short-term rental at 749 Locust Avenue. Detailed Outline of Requested Action: The applicant, Jessica Betts, is seeking to renew their Special Use Permit (which expires 2/3/2023) to continue the operation of a short-term rental at 749 Locust Avenue. The applicant recently renovated the property within the last two (2) years and plans to outsource the operations to a third party while utilizing AirBnB to market the rental.

Present in Support:

- Jessica Betts, applicant, owner of 749 Locust Avenue, Kansas City, Kansas 66103
- Ken Reece, 768 Locust Avenue, Kansas City, Kansas 66013

Planning Commissioner Eilts directed questions to the applicant and Staff.

Planning Commissioner Mohler stated that he lives close to this property and has watched the renovations. He stated that this is probably the nicest looking house in the area.

Present in Opposition:

- No one appeared.

Staff Recommendation: Planning Director Hand stated the request is for the renewal of a non-owner-occupied Short-Term Rental. The property is located in the City-Wide Comprehensive Plan in the Rosedale neighborhood. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion:

On motion by Mr. Ward, seconded by Ms. Armstrong, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit Application SP2022-117 for two (2) years:

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	No
Ernst	Aye
Jones	Chairman
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	Aye

Motion to recommend **APPROVAL** Passed: 6 to 1

Subject to:

1. The driveway apron must be paved with asphalt. The apron cannot be gravel;
2. Maximum number of guests shall be seven (7);
3. All parking must be off-street, maximum number of vehicles is three (3);
4. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
5. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
6. Applicant is to maintain liability insurance;
7. The property must remain in proper maintenance and free of hazards, pests, or infestations;
8. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
9. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host

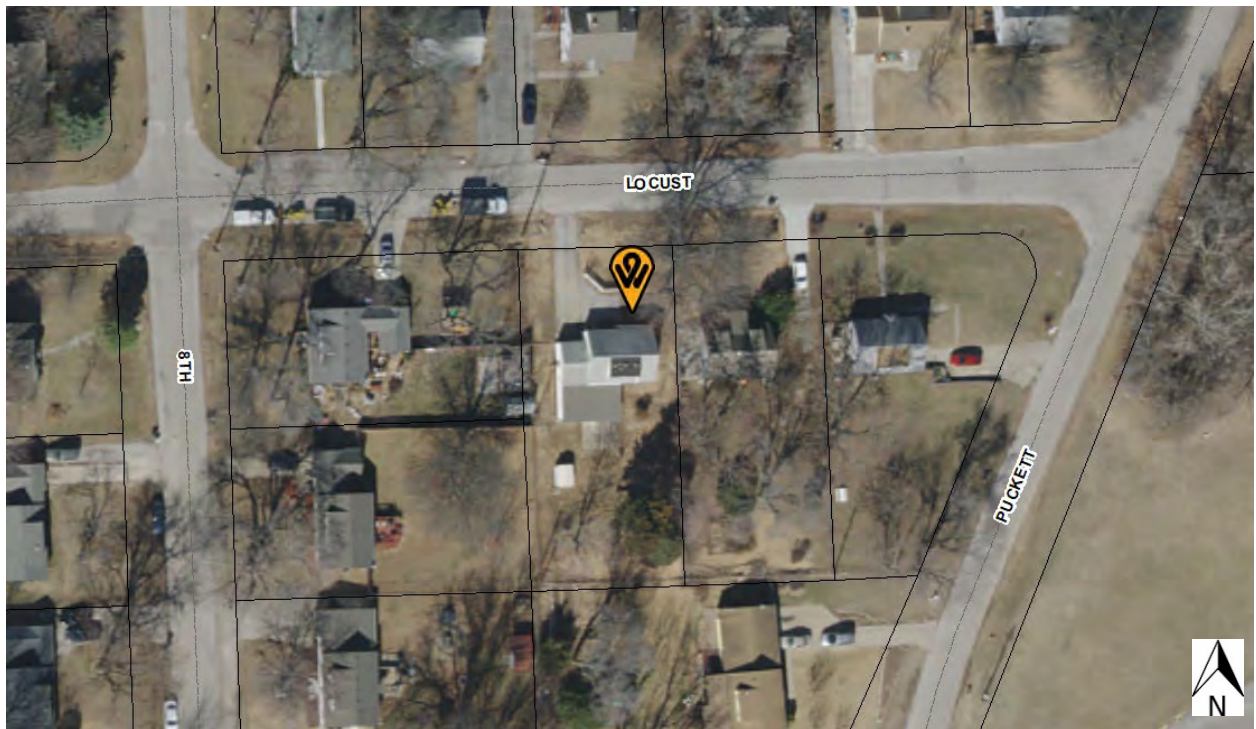
Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);

10. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
11. The applicant has filed and maintained a current business occupation tax application;
12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
13. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
14. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
15. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
16. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
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; and,
18. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within 18 months of approval unless otherwise determined by the Director of Planning or their designee.

ATTACHMENTS

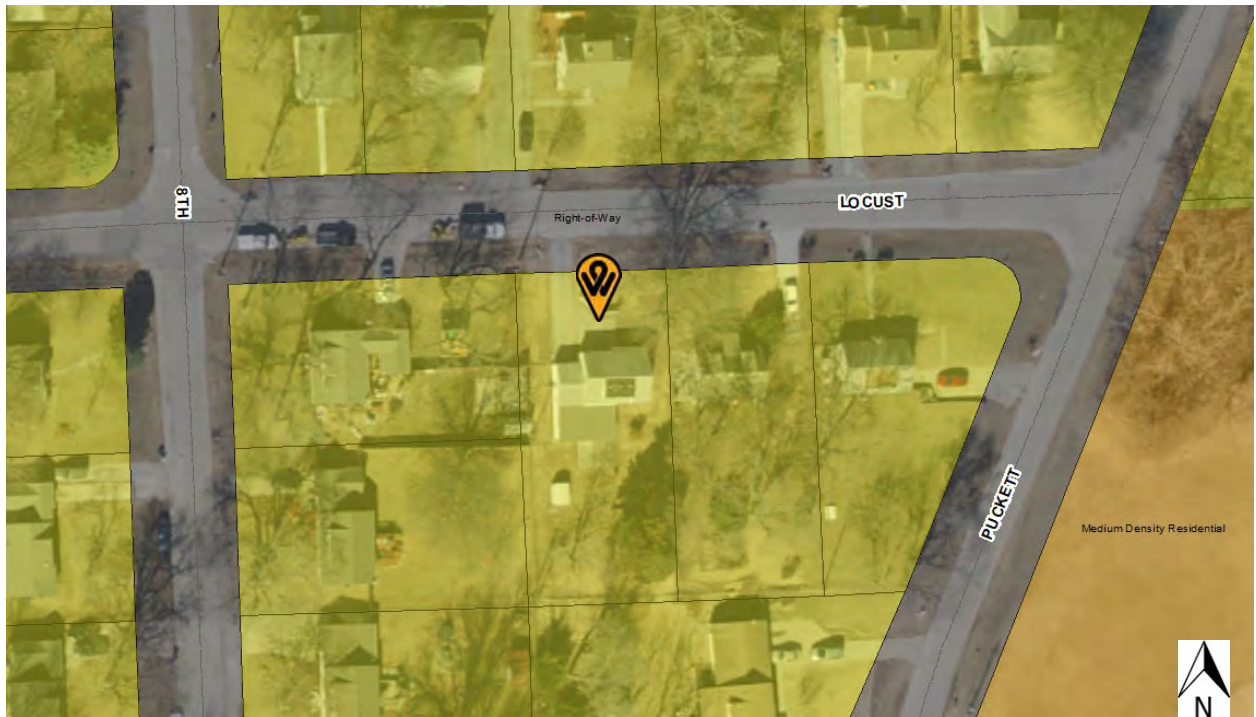
AERIAL IMAGERY



ZONING MAP



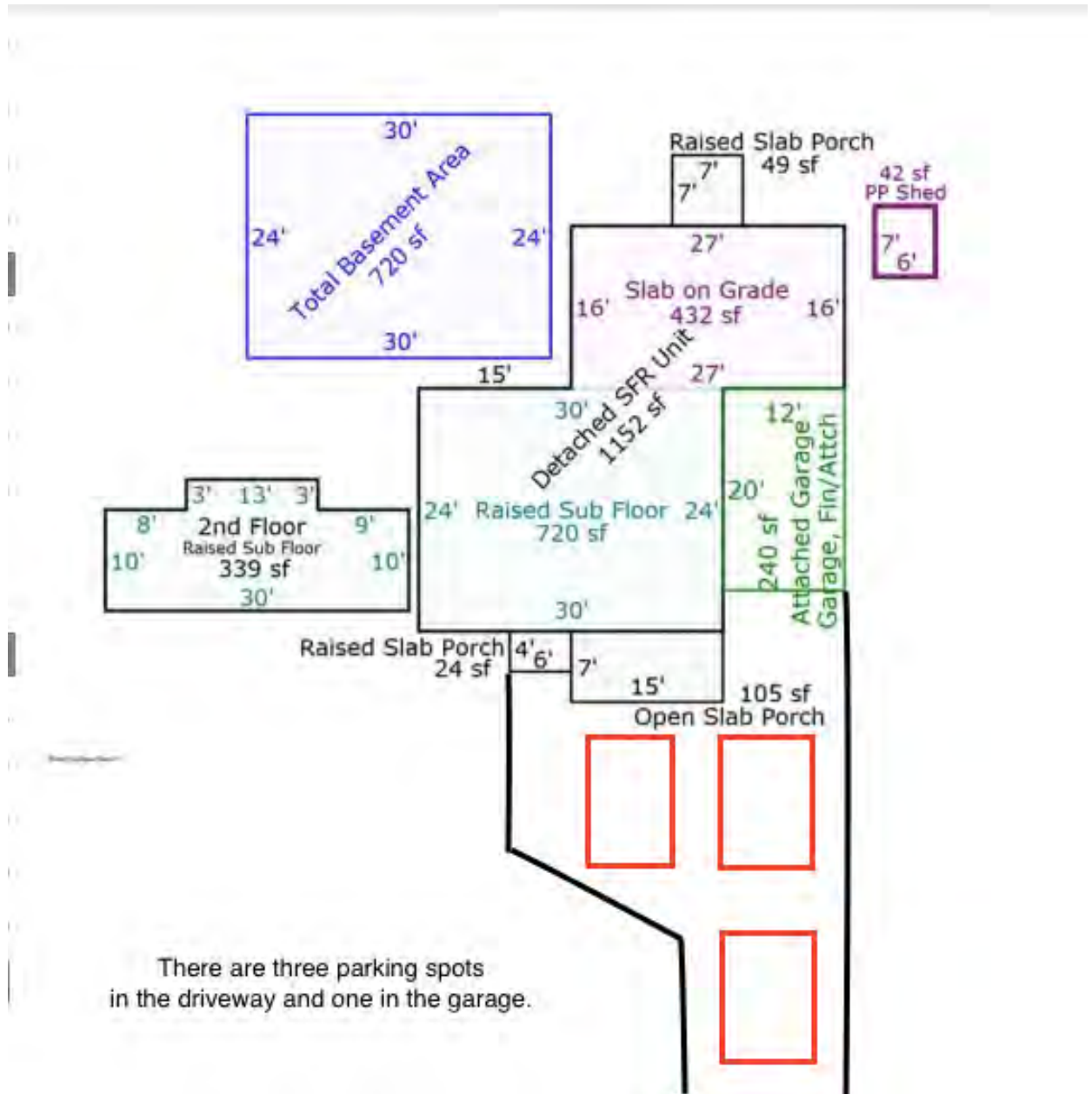
LAND USE MAP – CITY-WIDE MASTER PLAN



GRANICUS HOST COMPLIANCE MAP



SITE AND FLOOR PLAN



Application Number: SP2022-117

Date and Location: 1/25/23 on zoom.com

Meeting called to order at: 4:00pm

Names of people in attendance: Jessica Betts (property owner)

Introductions:

4:01 pm -- Started the meeting and began recording.

4:05 pm -- Explained why the meeting was being held, and that I would be available to answer questions.

4:06pm-4:30pm -- Waited for attendees.

Meeting adjourned at: 4:30pm

Minutes taken by: Jessica Betts

SITE PHOTOS, TAKEN BY STAFF, DATED JANUARY 12, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: **Change of Zone COZ2022-045 and Master Plan Amendment MPL 2022-026**

GENERAL INFORMATION

Applicant: Chad Schimke

Status of Applicant:

Developer
9082 Bond Street
Overland Park, KS 66214

Requested Action:

Approval of a Change of Zone.

Approval of a Master Plan Amendment.

Date of Application:

October 28, 2022

Purpose:

The approval of a Change of Zone from A-G Agricultural District (WYCO) to CP-3 Planned Commercial District, Master Plan Amendment from Planned Low-Density Residential to Business Park and Light Industry District,

Property Location:

13700 Marxen Road
Kansas City, Kansas 66109

Commission District:

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



Existing Zoning:	A-G Agricultural District (WYCO)
Adjacent Zoning:	North: Lansing A-1 Agriculture District South: A-G Agriculture (WYCO) and A-G Agriculture District East: R-1 Single Family District West: Leavenworth County RR2.5 Rural Density Residential & Agricultural Uses
Adjacent Uses:	North: Agricultural Open Space and Single-Family Residence South: Agricultural Open Space, Single-Family Residences, and Wyandotte County Fairgrounds East: Agricultural Open Space West: Agricultural Open Space and Single-Family Residence
Total Tract Size:	26.04 Acres
Master Plan Area:	Prairie Delaware Piper Area Plan (Area 2)
Master Plan Designation:	Current: The Prairie Delaware Piper Master Plan (Area 2) designates the property's land use as Planned Low-Density Residential, in which uses include single-family homes and large areas of open space. Development of parcels shall work with the natural terrain to be compatible with their rural setting. Proposed: The proposed Land Use Designation is Business Park and Light Industrial, which uses are designed for areas of employment such as manufacturing, distribution, warehouse, and similar uses. While the use of long-term storage is not specifically addressed in the Prairie Delaware Piper Master Plan, there is little to no consumer patronage planned on a regular basis and outdoor open storage is proposed. This land use designation is expressly prohibited in Area 2 of the Prairie Delaware Piper Master Plan and is reserved for Area 1 as illustrated in the attachments.
Major Street Plan:	The Major Street Plan designates this tract of Marxen Road as a Collector Street and K-7 Highway as a Freeway or Expressway.
Required Parking:	Proposed Zoning CP-3: Section 27-467(e) states that parking requirements for this district are required at a ratio of four (4) spaces per 1,000 square feet of floor

area. The subject property has multiple buildings for a total of 81,616 square feet, requiring 327 parking spaces including eight (8) ADA parking spaces. The current proposal has 11 parking spaces, a deviation of 316 parking spaces, or 96.6 percent. A variance has been applied for to meet this requirement.

This parking requirement may change depending on the nature of the outdoor storage or upon the approval of a Final Development Plan as addressed in staff comments at the end of this report.

Advertisement: The Wyandotte Echo – November 16, 2022; December 7, 2022; January 3, 2023; and February 16, 2023

Letters to Property Owners – November 18, 2022 and December 7, 2022, January 3, 2023; February 16, 2023; March 14, 2023; April 3, 2023; and April 28, 2023

Public Hearings: May 8, 2023 and May 25, 2023

Public Support: None to date.

Public Opposition: One (1) letter of Opposition was received, and two (2) persons appeared in-person at the previous public hearing. There were eight (8) persons present in opposition at the May 8, 2023 City Planning Commission meeting. Staff also read into the record a letter in opposition from the City of Lansing Community and Economic Redevelopment Department

PROPOSAL

Detailed Outline of Requested Action: The applicant, Chad Schimke, is requesting a Change of Zone, Master Plan Amendment, Preliminary Plat, and Preliminary Development Plan for the operation of a self-storage facility that includes RV and outdoor storage at the subject property of 13700 Marxen Road. The proposal includes multiple self-storage buildings, an RV-storage area, and additional outdoor covered storage area. The current property is zoned for agricultural use and is agricultural land. The subject property has a total of 26.04 acres although only 8.27 acres are proposed for development at this time.

This proposal is being heard in conjunction with BOZA2022-077 for variances related to minimum required parking in a C-3 zone. An approved Final Development Plan is also required.

City Ordinance Requirements: Article VI Sections 27-196 – 27-209, 27-212

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The subject property has no noise or disturbance complaints.

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has had no enforcement complaints.

Outstanding or Related Permits and Cases:

1. The subject property has no outstanding or related building permits.
2. The subject property has no prior planning cases.

FACTORS TO BE CONSIDERED

Change of Zone

1. The Character of the Neighborhood

The neighborhood is rural and agriculture in nature. Lots are primarily agriculture open space, some with single-family homesteads and various agriculture accessory buildings. A nearby large-lot residential subdivision in Lansing has lot sizes of approximately one (1) acre each. Other nearby uses include a church, roadside farmstand for fresh produce, and agricultural open space. The subject property is not immediately surrounded by uses that are of similar mixed commercial and industrial nature, but rather uses that are agricultural and open space as well as some legacy community commercial uses for neighborhood amenities and small-scale retail such as a convenience station with gas, used automobile and equipment sales, and retail garden nursery store with agricultural and landscaping product sales. The proposed use of a self-storage facility with outdoor covered storage is too intense in usage relative to the adjacent and nearby uses and should be reserved for a neighborhood less rural and residential in nature, and therefore, does not fit the character of the neighborhood.

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

The zoning uses of the nearby properties are set out above. While it may be desirable to have additional storage units for recreational vehicles and self-storage, the neighborhood's composition is vastly agricultural open space. Directly south of the property is a single-family homestead who will now directly face the proposed development's entrance and to the east is adjacent farmland. The presence of a storage unit development adjacent to such rural uses should

be reserved for neighborhoods transitioning to commercial development rather than an area of rural residential and agricultural open space and is expected to be compatible with the neighborhood at this time.

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

The property is suitable for residential and agricultural use. Removing the restrictions that would allow this property to develop as a commercial or industrial property has the potential to affect home values, agricultural land quality, traffic, and land values.

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

The property has been used as agricultural open space for decades and is not vacant.

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

The proposed use is not reasonably necessary for the public, as it proposes no direct benefit to the health, safety, or welfare of the community. It is expected that it will affect the visual quality and marketability of nearby property, as planned area development is for residential and agricultural use, not intense commercial or industrial uses. Homes in the area are built with the expectation of maintaining open space and rural suburban character, and a development such as proposed will likely detract from character and has the propensity to devalue properties.

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

The proposed development will increase traffic and parking demand on-site as the existing property receives little to no traffic as it is for agricultural use. The proposed use should not exceed the capacity of the Freeway, however the amount of traffic the proposed use will generate on Marxen Road and the road's capacity to handle expected traffic is unclear. A traffic study to evaluate the development and its expected traffic versus the capacity of existing infrastructure will be required and results may indicate additional infrastructure improvement is necessary. The Kansas Department of Transportation (KDOT) has also commented that the current configuration of the proposed development does not meet the line of site requirements, which could be a significant safety concern.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan's current land use designation. An amendment has been requested, however, the required land use designation to accommodate this proposal is specifically prohibited in the area in the proposed location, in Area 2. The Lansing 2030 Master Plan calls for the area north of the subject to remain low-density residential or agricultural use. Leavenworth County zoning plans indicate that the area west of this development, unincorporated land, is dedicated to residential and agricultural developments of 2.5 acres or larger. The adjacent master plans indicate that the surrounding areas are also incompatible, as the proposed development is a mixed commercial and industrial nature.

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

The proposed use has the propensity to cause environmental harm. Land is currently dedicated to agricultural use with years of cultivated and enhanced soil which will now be replaced with hardscape. Artificial lighting for signage and security will ostensibly be introduced to a degree that is much more intense than the surrounding areas, which may affect the natural habitat of wildlife and alter lighting conditions for surrounding agricultural uses. Page 7 of the provided Preliminary Stormwater Control plan provided by the applicant states that "The development of the site as a self-storage facility limits the amount of land available for BMPs. The majority of the runoff will be captured by the extended dry detention pond, which will essentially discharge directly to a series of farm ponds." The detailed strategic plan for these farm ponds has not been illustrated, in which it is important to note how the change away from the current naturally occurring irrigation's shift will affect irrigation and soil quality of the adjacent agricultural uses. This also indicates that the Best Management Practices as outlined in the Conservation District letter will be minimally utilized, although they are critical for highly erodible soil adjacent to existing farmland. The stormwater detention pond is not proposed until "Phase 2" of the proposed development, and no stormwater detention plan has been provided for Phase 1. A phased stormwater control plan that aligns with the development's construction phases and incorporates "Best Management Practices" shall be provided to illustrate the phased stormwater plan. The detention pond should be re-evaluated if its determining criteria was affected by the presence of gravel over an impervious hardscape. Measures to prevent the leach field runoff into adjacent agricultural uses or detention ponds should be taken, especially if those detention ponds have the propensity to flow into adjacent farm ponds. Health Department standards require a minimum of 100' between the lateral field and adjacent uses.

Public Works engineering has proposed an alternative method for underground detention be evaluated to alleviate some of the comments above.

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

a. Water service

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary service is proposed on-site as a private septic system. There is no sanitary system provided by the UG in close proximity.

c. Storm water control

Stormwater control points are located on Marxen Road, and a detention pond is proposed as part of the project.

d. Police

Police is provided by West Patrol, Division #224.

e. Fire

Fire service is provided by Fire Station #8 located 4.4 miles away near the intersection of 123rd Street and Leavenworth Road.

f. Transit

Public Transit is not reasonably accessible to this location. The nearest bus stop is 9.2 miles away at the intersection of 103rd Street and Leavenworth Road at the Legends Shopping Complex.

g. Schools

Public education is provided by Piper USD 203.

h. Streets

The City-Wide Master Plan designates this tract of Marxen Road as a Collector Street and K-7 Highway as a Freeway or Expressway.

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

If the proposal is approved, the City will receive additional property and sales tax revenues because of the improvements made to the property.

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

The proposed use is capable of meeting applicable ordinance and other requirements with plan revisions, approved Variance(s), a Special Use Permit, a Final Plat, and Final Development Plan. The approval of the Master Plan Amendment does not provide for a land use designation that will allow the project to directly conform.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowners is minimal. The usage of a self-storage facility is for private use and provides no significant gain to the public. Individual landowners of adjacent properties may experience changes in real estate values as the development does not fit in with the expected pattern of development in what is customary in a rural agricultural district, although real estate evaluation is outside the scope of this report.

Master Plan Amendment

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

The current master plan designation for this property is Low-Density Residential, which is intended for residential uses such as single-family homes in a rural setting, agricultural uses, and institutional and philanthropic uses. The proposed land use amendment to Business Park and Light Industry, however this land use designation is specifically prohibited in the Prairie Delaware Piper Master Plan for this area.

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

This portion of Marxen Road is primarily agricultural with some single-family homesteads, generally belonging to the farmer or caretaker of the land. Future development for this property is limited due to terrain and there are little public improvements existing or planned to accommodate growth. There is some increase in growth along K-7, however these uses differ as they are generally retail and neighborhood conveniences of smaller scale. Developments such as the proposed use are designed to be in Area 1, or South of Donahoo Road. The Lansing 2030 Comprehensive Plan indicates the property adjacent north, currently a farm, has a future use of single family residential, indicating that the proposed use of a commercial or industrial use at this property is incompatible. The theme of residential uses is further illustrated in the Leavenworth County Comprehensive

Plan, which designates the land adjacent north and across K-7 to be Residential units at a density of one (1) single family home for ever (3) acres. There is no growth pattern for commercial or industrial uses proposed in either plan, indicating that the proposed use is inconsistent with the plan of the Prairie Delaware Piper Master Plan, the Lansing 2030 Master Plan, or the Leavenworth County Comprehensive Plan.

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

See Change of Zone #8 and #9 above.

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

The proposed land use amendment is accompanied by a Change of Zone. An approved Variance is needed for parking. The Planning Commission must approve of numerous deviations from the Prairie Delaware Piper Master Plan and the Commercial Design Guidelines. A special permit for the amount of stormwater discharge may be required under National Pollutant Discharge Elimination System (NPDES) Guidelines may be required, although that is unclear at this time. Should the proposed development obtain all approvals above, it would be in compliance with regulatory ordinances, however, the required land use designation for the proposed project is prohibited which is a comprehensive plan conflict.

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

See Change of Zone #1, #2, and #8 above.

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

The neighborhood would benefit from having an additional area to store personal belongings and for recreational vehicle storage, as recreational vehicle storage has recently been prohibited or restricted in adjacent incorporated Lansing, however, it is not expected that this private usage would provide a community benefit. There is a potential negative impact from increased traffic, loss of rural character to the neighborhood, loss of visual quality, and some environmental concerns that may outweigh the benefit derived.

Preliminary Plat

- 1. Whether the preliminary plat is consistent with the comprehensive plan, the major street plan, and any other adopted plans.***

The proposed plat splits the parcel as part of the development for a self-storage facility. The development of a commercial property north of Donahoo does not conform to the Prairie Delaware Piper Master Plan, which indicates this property remains agricultural or low-density residential in future development plans. The adjacent plans for Lansing, Kansas and Leavenworth County, Kansas follow similar patterns of development, keeping with the rural residential and agricultural neighborhood characteristics. The proposed Preliminary Plat for the purposes of this particular development is not consistent with adopted plans for this region.

- 2. Whether the preliminary plat is in compliance with the standards and requirements of the zoning ordinance, subdivision regulations and other applicable unified government policies and regulations.***

The granting of the Plat approval as a stand-alone entitlement does conform to current standards for a CP-3 District, however, as part of the proposal for self-storage units, inconsistencies with regulatory compliance exist. As such, variances have been requested in conjunction with this application for minimum required parking and amount of open storage. The Plat is not in compliance with the Prairie Delaware Piper Master Plan.

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

See Change of Zone #8 and #9 above.

- 4. Whether the proposed subdivision will cause adverse or negative impacts on the natural or social environment.***

The proposed subdivision when combined with the proposed development may have significant adverse or negative impacts. See Change of Zone #8 above.

- 5. Whether the subdivision is compatible in lot size, lot-to-structure proportion, building size, and architectural design with existing and proposed development on adjacent properties.***

The area has not generally been subdivided for development and remains largely agricultural tracts and rural farm homesteads, commonly full tracts, quarters, or sections. Adjacent properties are commonly single-family residences, barns, greenhouses, silos, and agricultural equipment storage. The development of self-storage units does not fit the character of development with adjacent properties.

6. *Whether the subdivision does not encourage premature extension of public services, piece-meal or premature development based upon the location of surrounding development and the availability of public facilities and services.*

The proposed subdivision encourages premature extension of public utilities; therefore, the applicant has proposed a septic system with lateral field. It is not best practice to develop a property for a commercial use in such a rural area, especially as modern standards for public sanitary systems have been constructed in areas that are planned for commercial development. The Prairie Delaware Piper Plan states that development should be encouraged where gravity sewer service and pumping stations are currently in place before opening new lands for development.

7. *Whether the subdivision will not cause an undue burden on the Unified Government for maintenance of land and/or facilities.*

The subdivision proposed may require infrastructure improvements to Marxen Road, as it is designed for Rural traffic and not for the increase of traffic as a result of multiple trips to the development. Additional traffic may include boats, RVs, and other larger vehicles that the roadway is not designed for. As a septic system is proposed, the Unified Government is not expected to propose a sanitary system, although best practices is to coordinate development with public improvements.

NEIGHBORHOOD MEETING

The applicant held neighborhood meetings on November 28, 2022 and February 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Traffic and Driveway Access
Landscaping and Screening
Master Plan Land Use
Neighborhood Compatibility
Agriculture Usage
Light Pollution
Erosion
Stormwater Control
Commercial Design Guidelines
Building Materials
Fencing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **DENIAL** of Change of Zone Application COZ2022-045 and Master Plan Amendment MPL2022-026, **as the project is incompatible with the neighborhood character as well as the Master Plan and the public infrastructure is not sufficient.**

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petitions **COZ2022-045 and MPL2022-026** subject to all comments and suggestions outlined in this staff report, and summarized by the reasons of the City Planning Commission.

ATTACHMENTS

May 8, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Land Use Map – Lansing
Land Use Map – Leavenworth County
Plan Set
Plan Set - Revised
Prairie Delaware Piper Master Plan
Neighborhood Meeting Information
Erosion Control Report Highlights
Letter of Opposition
Site Staff Visit Photos Dated November 6, 2022
Letter in Opposition from the City of Lansing, Kansas

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Change of Zone	May 8, 2023 Denial	May 25, 2023
Preliminary Plat	May 8, 2023 Denied	Not Required
Master Plan Amendment	May 8, 2023 Denial	May 25, 2023

STAFF CONTACT: Kallie McLaughlin, kdmclaughlin@wycokck.org

MOTIONS

Master Plan Amendment:

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2022-026** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2022-026** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

Change of Zone:

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2022-045** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2022-045** as meeting all the requirements of the City Code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____ ;
2. _____ .

May 8, 2023 City Planning Commission Minutes:

Hearing starts at 2:13:43:

MASTER PLAN AMENDMENT APPLICATION MPL2022-026 – CHAD SCHIMKE -

SYNOPSIS: Master Plan Amendment from Planned Low-Density Residential (Prairie-Delaware-Piper Master Plan) to Planned Mixed Business/Commercial (Prairie-Delaware-Piper Master Plan) at 13700 Marxen Road.

CHANGE OF ZONE APPLICATION COZ2022-045 – CHAD SCHIMKE - SYNOPSIS:

Change of Zone from A-G Agriculture (WYCO) District to CP-3 Planned Commercial District to construct a self-storage facility at 13700 Marxen Road.

PRELIMINARY PLAT APPLICATION PLAT2023-001 – CHAD SCHIMKE - SYNOPSIS:

Preliminary Plat to separate commercial and agricultural zoning at 13700 Marxen Road

Detailed Outline of Requested Action: The applicant, Chad Schimke, is requesting a Change of Zone, Master Plan Amendment, Preliminary Plat, and Preliminary Development Plan for the operation of a self-storage facility that includes RV and outdoor storage at the subject property of 13700 Marxen Road. The proposal includes multiple self-storage buildings, an RV-storage area, and additional outdoor covered storage area. The current property is zoned for agricultural use and is agricultural land. The subject property has a total of 26.04 acres although only 8.27 acres are proposed for development at this time. This proposal is being heard in conjunction with BOZA2022-077 for variances related to minimum required parking in a C-3 zone. An approved Final Development Plan is also required.

The following items were included as part of the record for this case:

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated May 8, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners;
8. The testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Chad Schimke, applicant, 11710 Kelly Road, Leavenworth, Kansas 66048
- Ty Zander, 7614 Washington Street, Kansas City, Missouri 64114

The Planning Commission directed questions to the Applicant.

Present in Opposition:

- Recording Secretary Parker read a letter in opposition from the City of Lansing Community and Economic Redevelopment Department
- Mike Kenaga, representing Henry and Mary Ellen Kenaga, 23979 131st Street, Leavenworth, Kansas 66048
- 13865 Marxen Road, Kansas City, Kansas 66109
- David Beckenhauer, representing himself and his wife, 13823 Marxen Road, Kansas City, Kansas 66109
- Steve Solis, representing himself and his wife, 13841 Marxen Road, Kansas City, Kansas 66109
- Tom Lewis, representing himself and his wife, 23600 131st Street, Leavenworth, Kansas 66048

Staff Recommendation starts at 2:38:23: Planning Director Hand stated that these applications are being heard in conjunction with BOZA2022-007, which was approved by the Board of Zoning Appeals earlier this evening. The request is for a self-storage facility. Since the application was before the Commission last March, the Applicant has removed the outside storage and created a new covered storage area. This property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support before this evening and did receive opposition, including the letter that was received late this afternoon and read into the record. There are no Notices of Violation on the property. Staff recommends denial of all three (3) applications as the project is incompatible with the neighborhood character, as well as the adopted Area Plan.

Motion starts at 2:40:10:

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Master Plan Amendment MPL2022-026** as the project is incompatible with the neighborhood character as well as the Master Plan:

Carson	Not Present
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	No

Motion to recommend Passed: 6 to 1

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL of Change of Zone Application COZ2022-045** as the

project is incompatible with the neighborhood character as well as the Master Plan:

Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	No

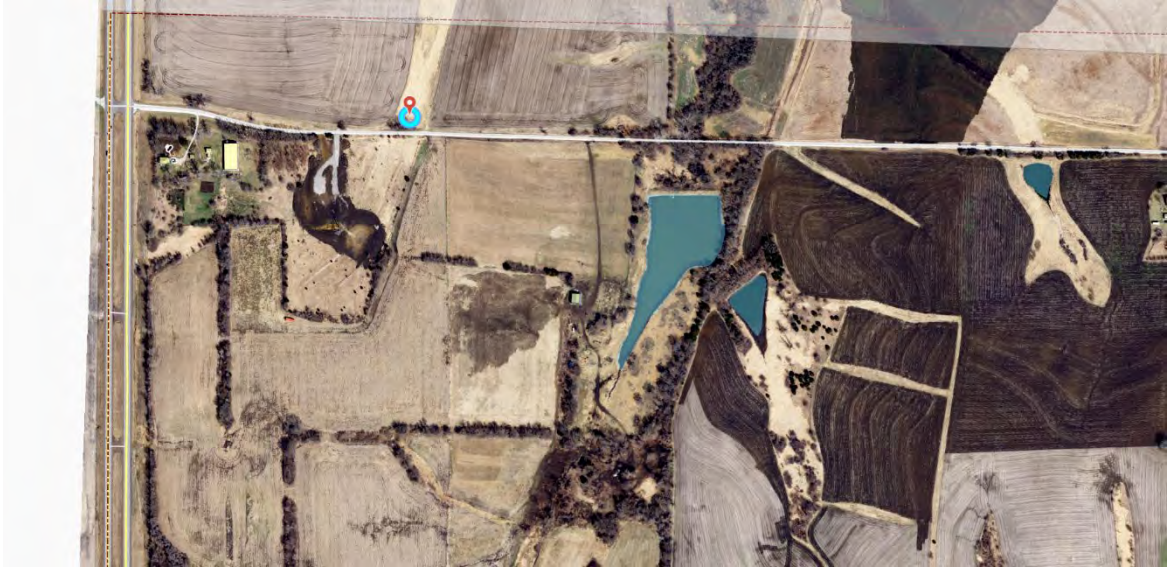
Motion to recommend Passed: 6 to 1

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to **DENY Plat2023-001 as the project is incompatible with the neighborhood character as well as the Master Plan and the public infrastructure is not sufficient:**

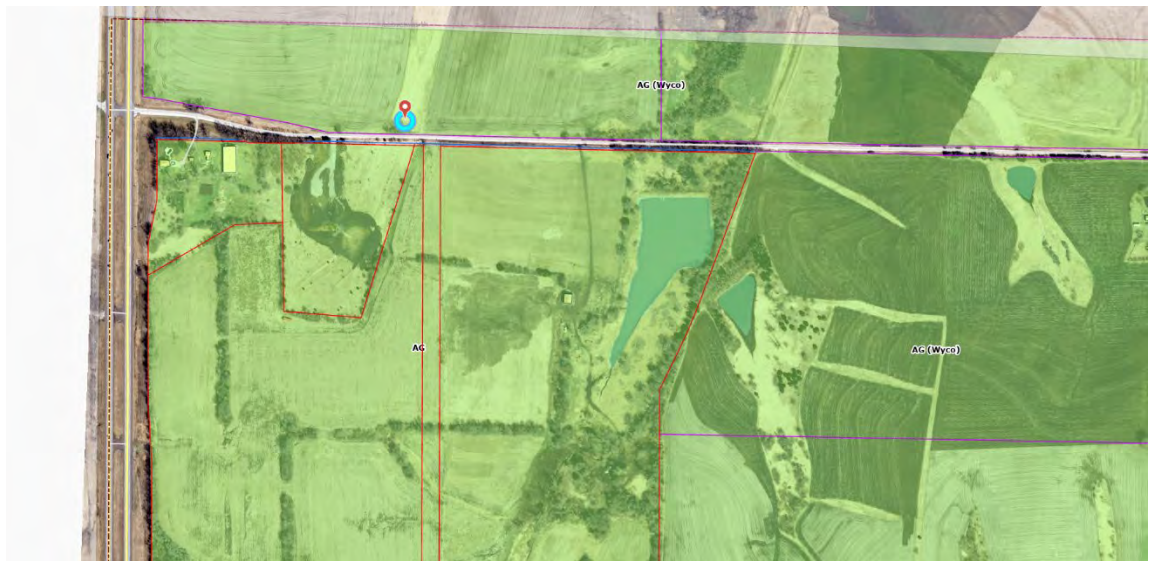
Carson	Chairman
Armstrong	Aye
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Chairperson
Miller	Aye
Mohler	Aye
Straws	Not Present
Ward	No

Motion to recommend Passed: 6 to 1

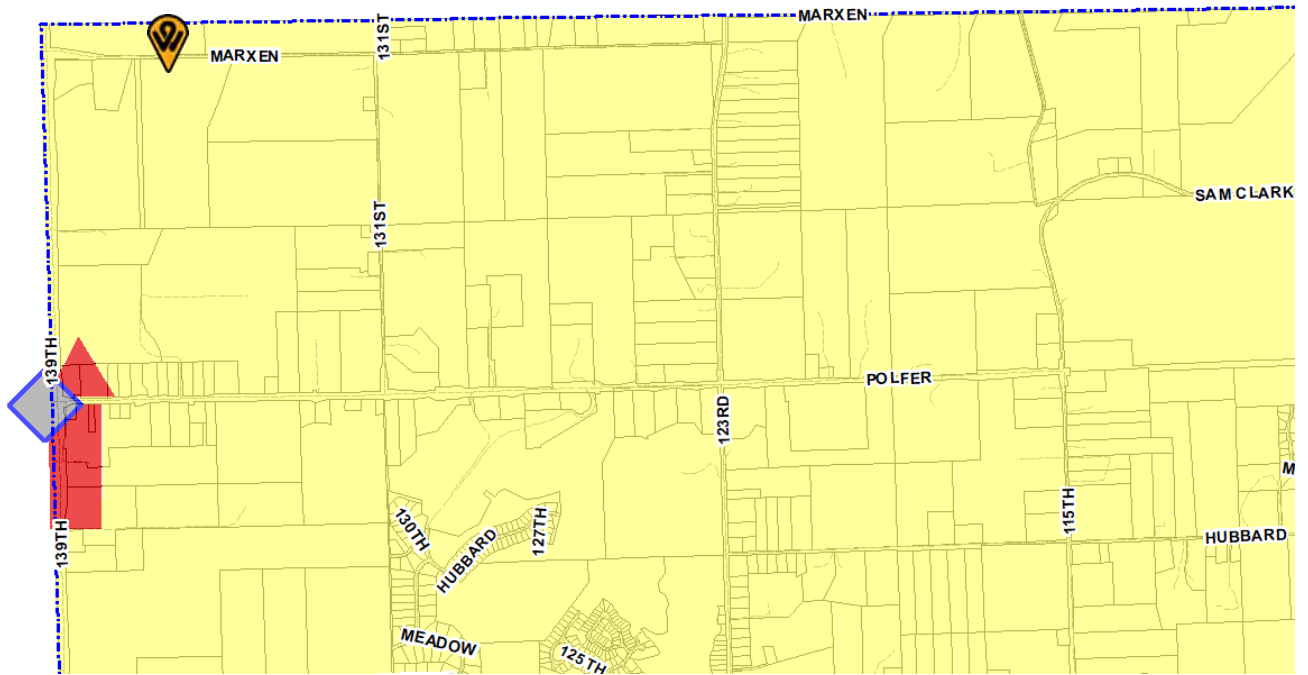
AERIAL MAP



ZONING MAP



LAND USE MAP

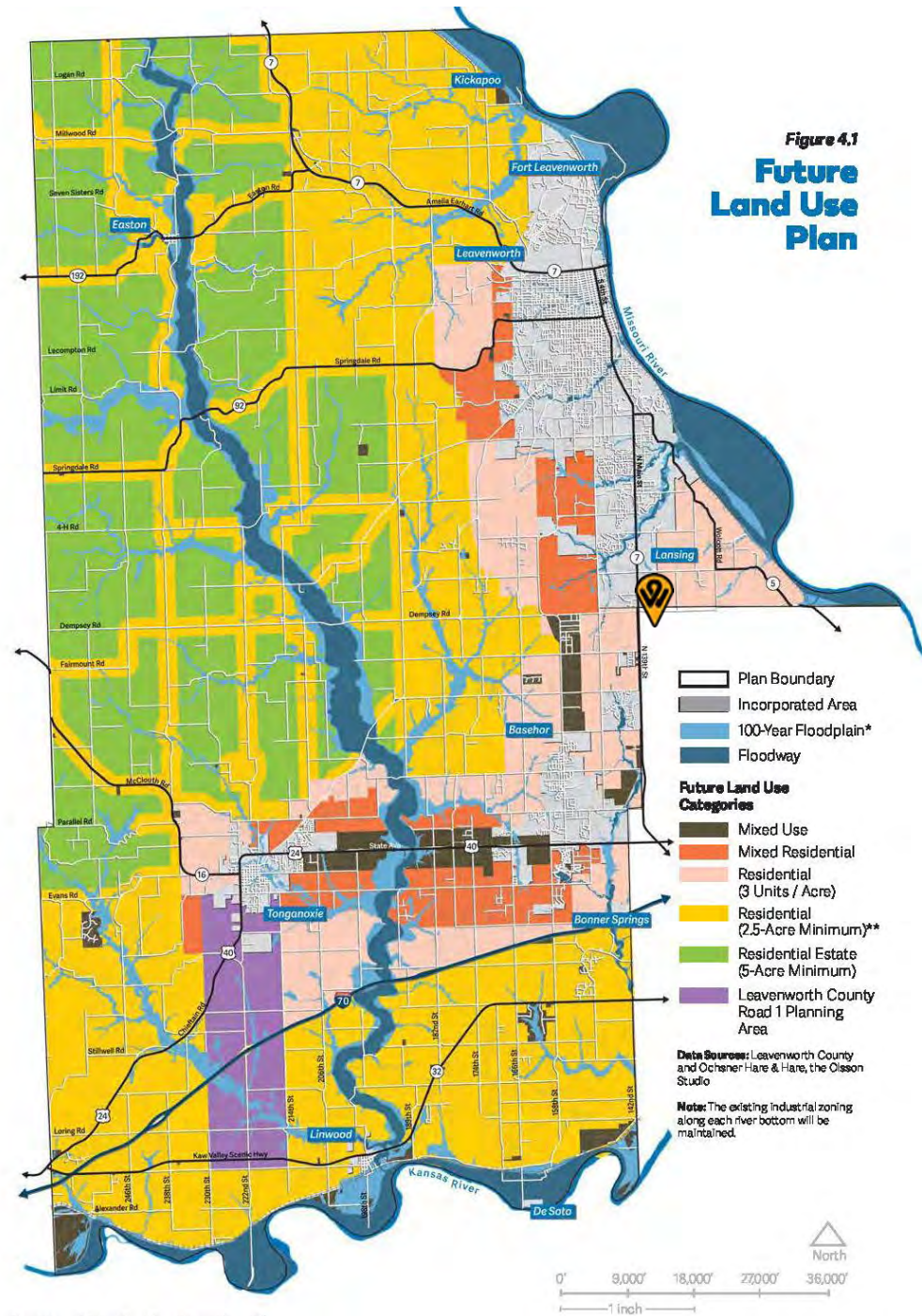


- ☒ Prairie Delaware Piper Master Plan
- Low Density Residential District
- Planned Suburban Residential District
- Planned Mixed Residential District
- Planned Office District
- Planned Commercial District
- Public / Semi-Public
- Planned Open space
- Planned Entertainment District
- Planned Mixed Business Park / Commercial District
- Planned Mixed Business Park / Office District
- Planned Mixed Entertainment / Commercial District
- Planned Small Commercial District
- Future Interchange

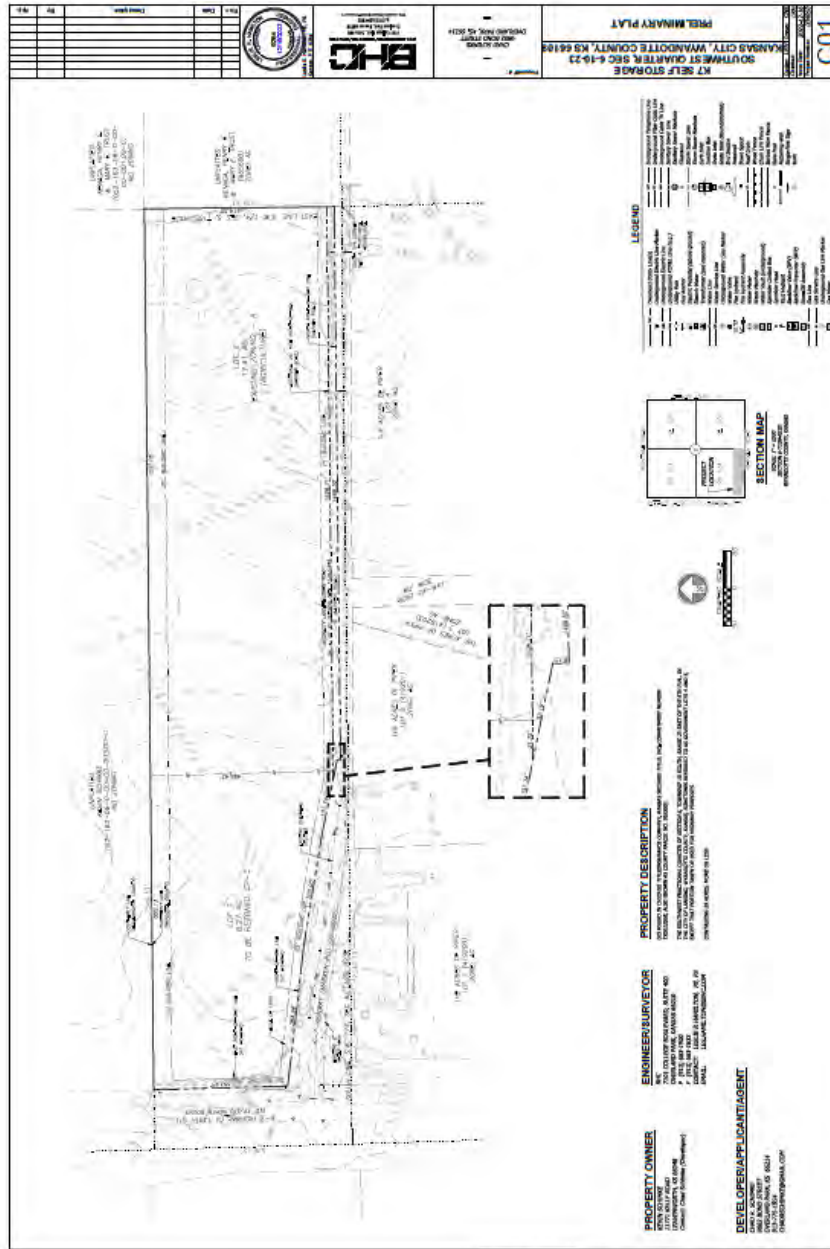
MAP 5 | FUTURE LAND USE MAP



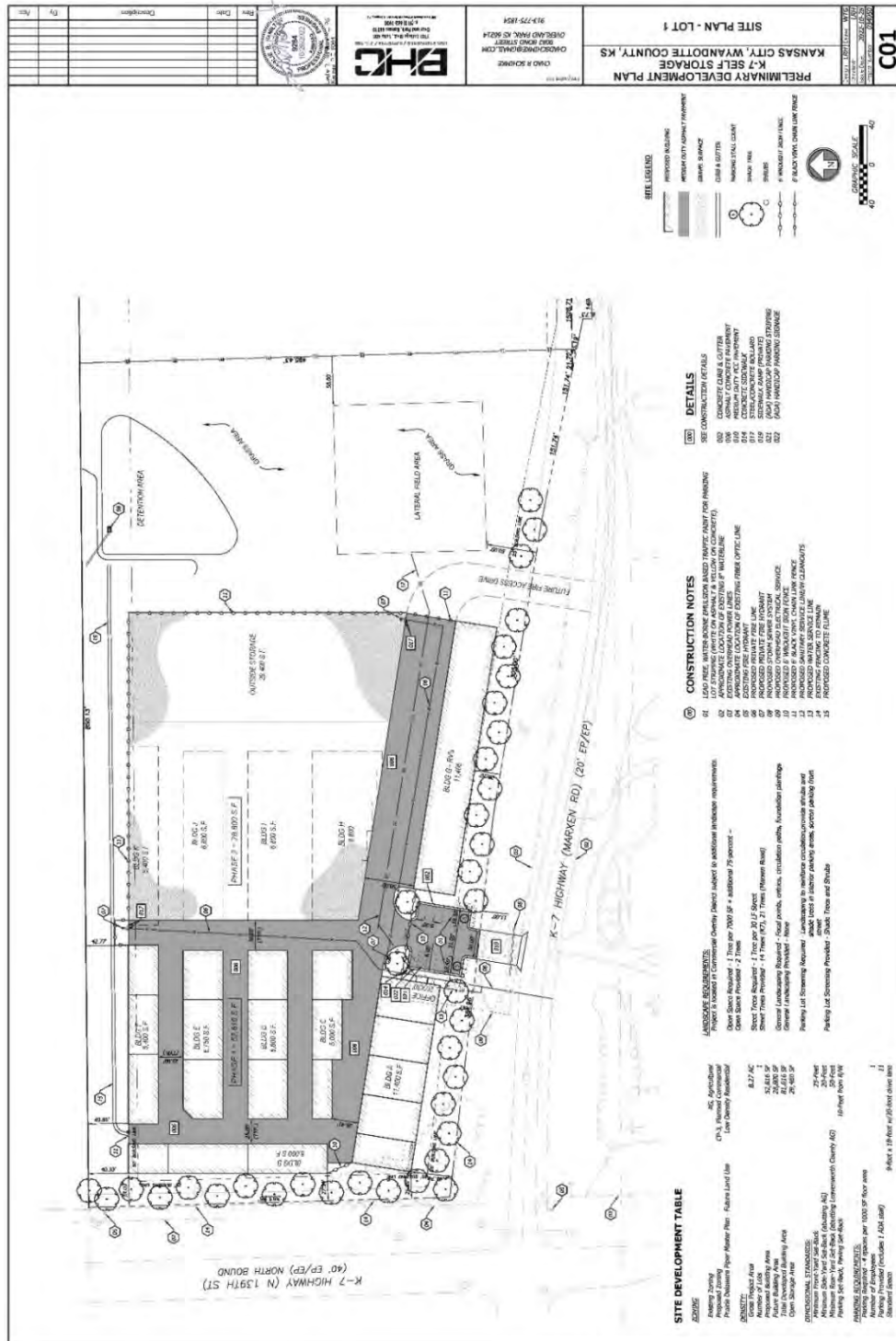
LAND USE MAP - LANSING



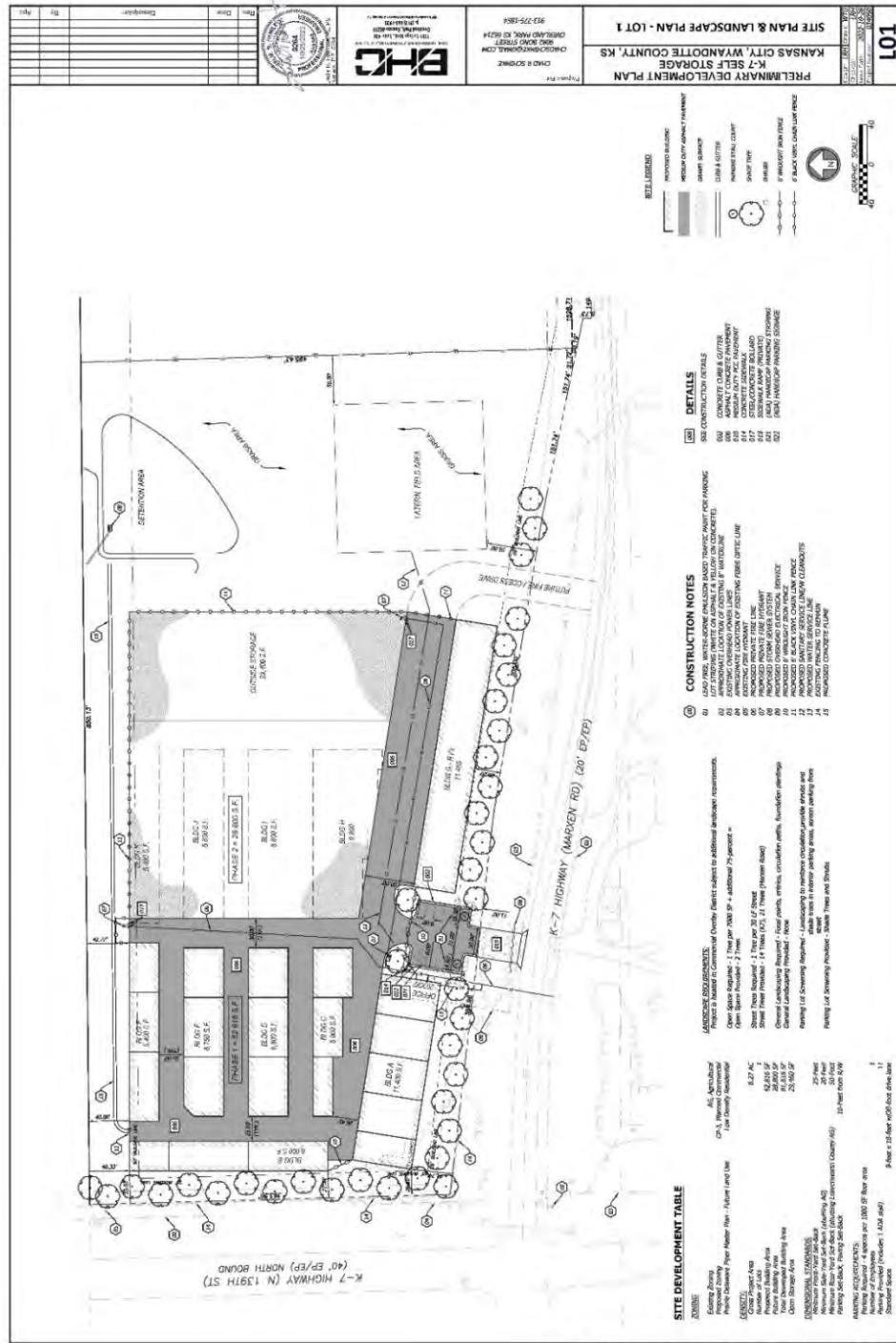
PLAN SET



COZ2022-045 and MPL2022-026



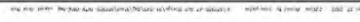
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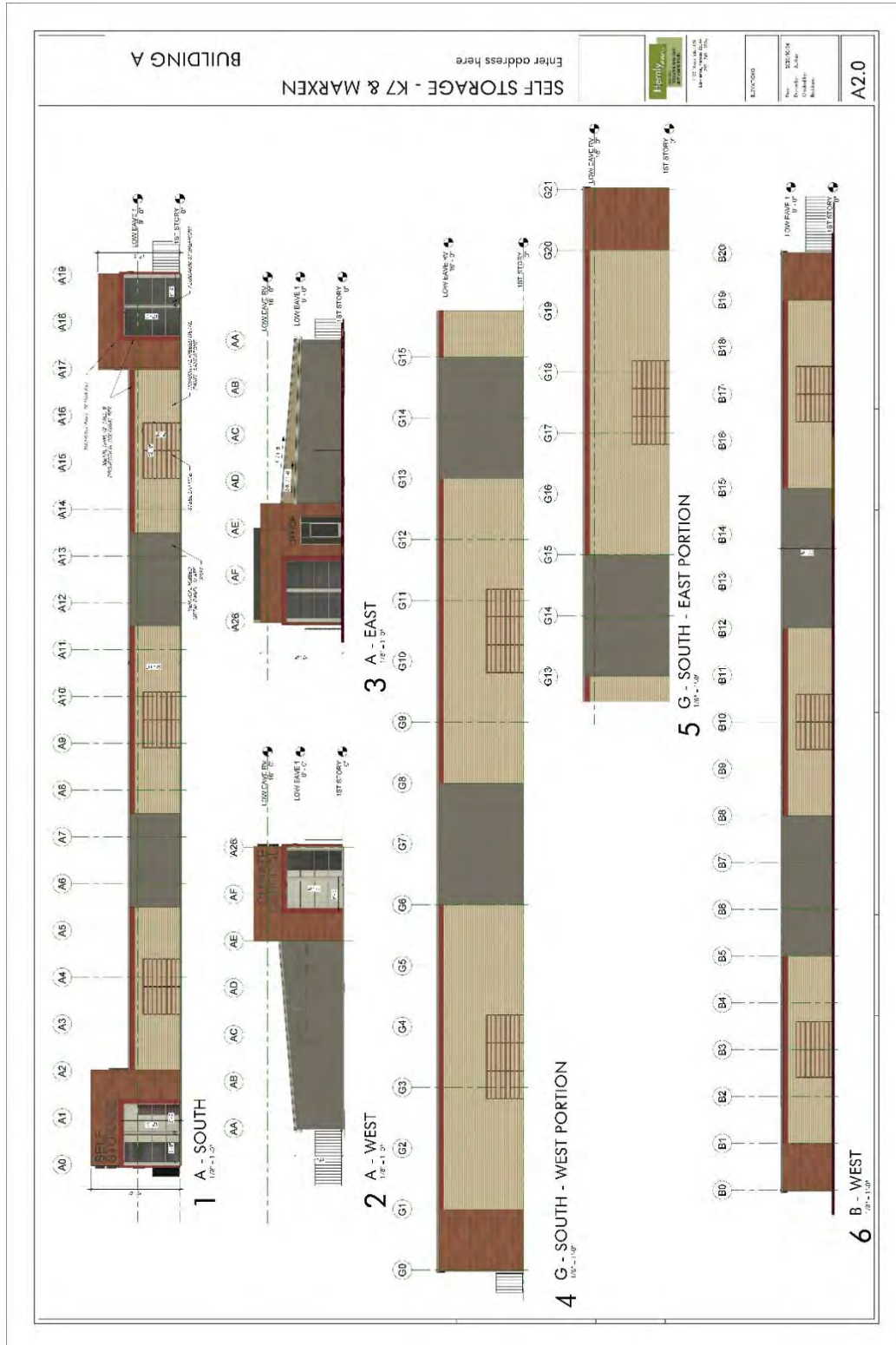
COZ2022-045 and MPL2022-026

May 25, 2023

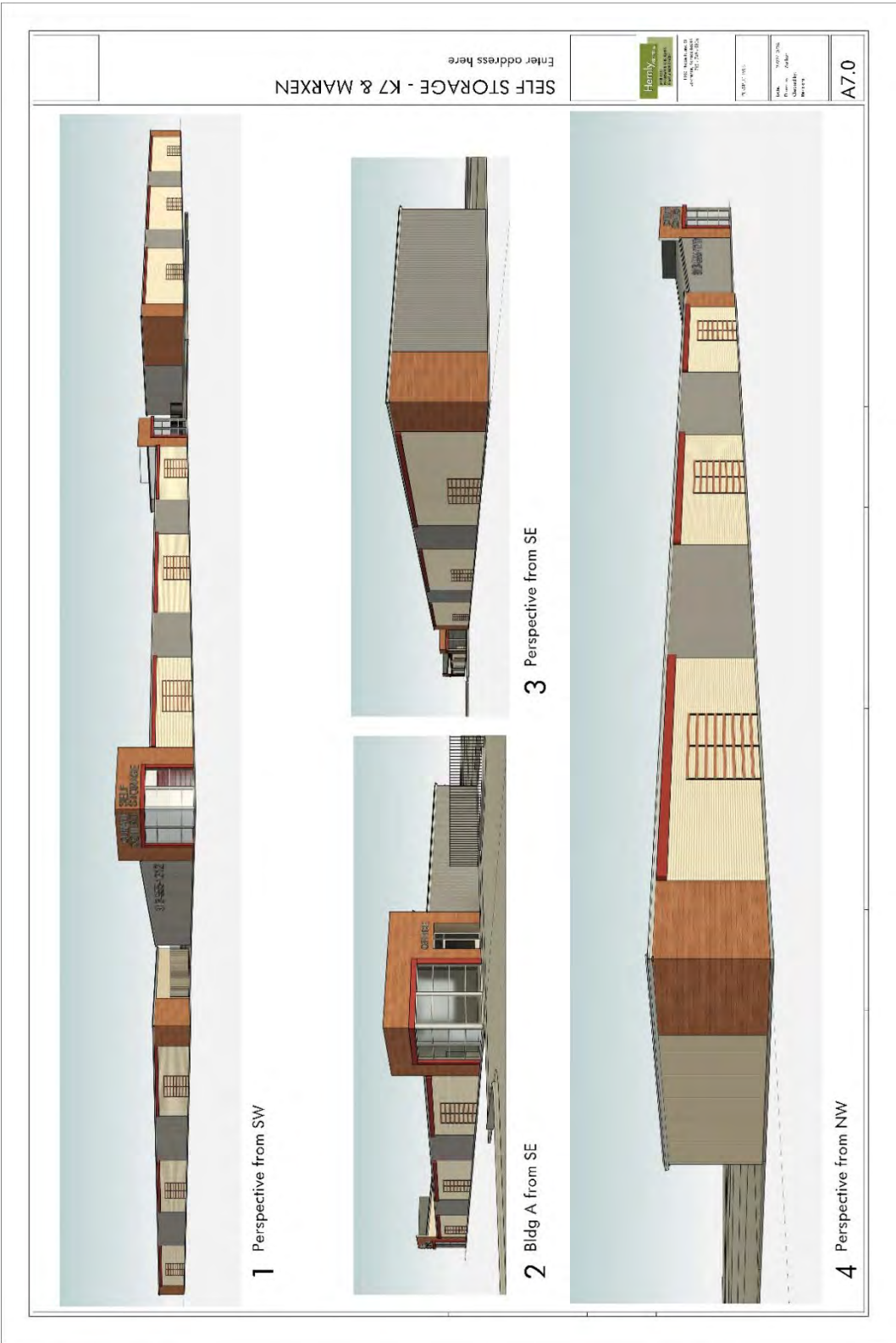
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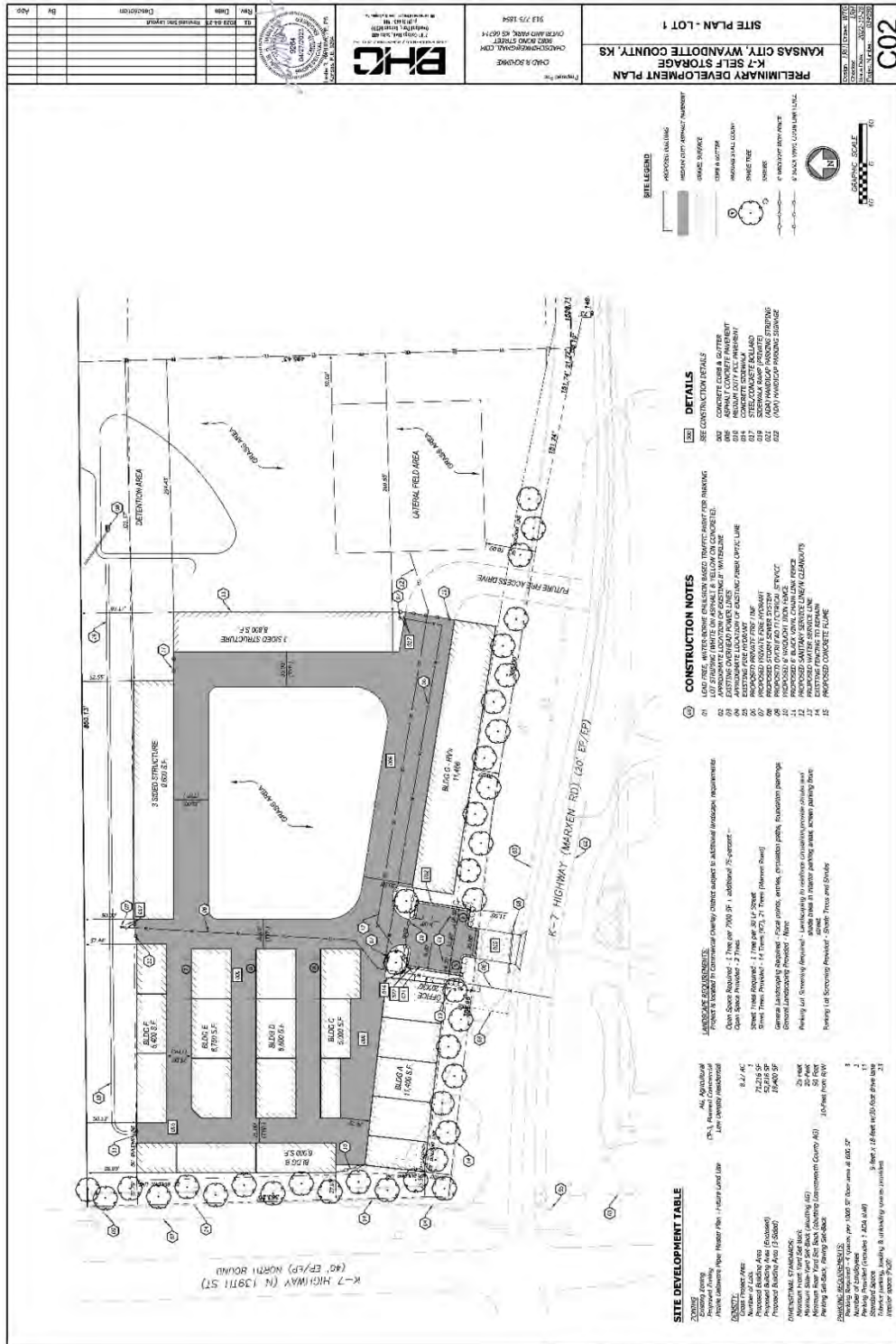
PLAN SET



PLAN SET



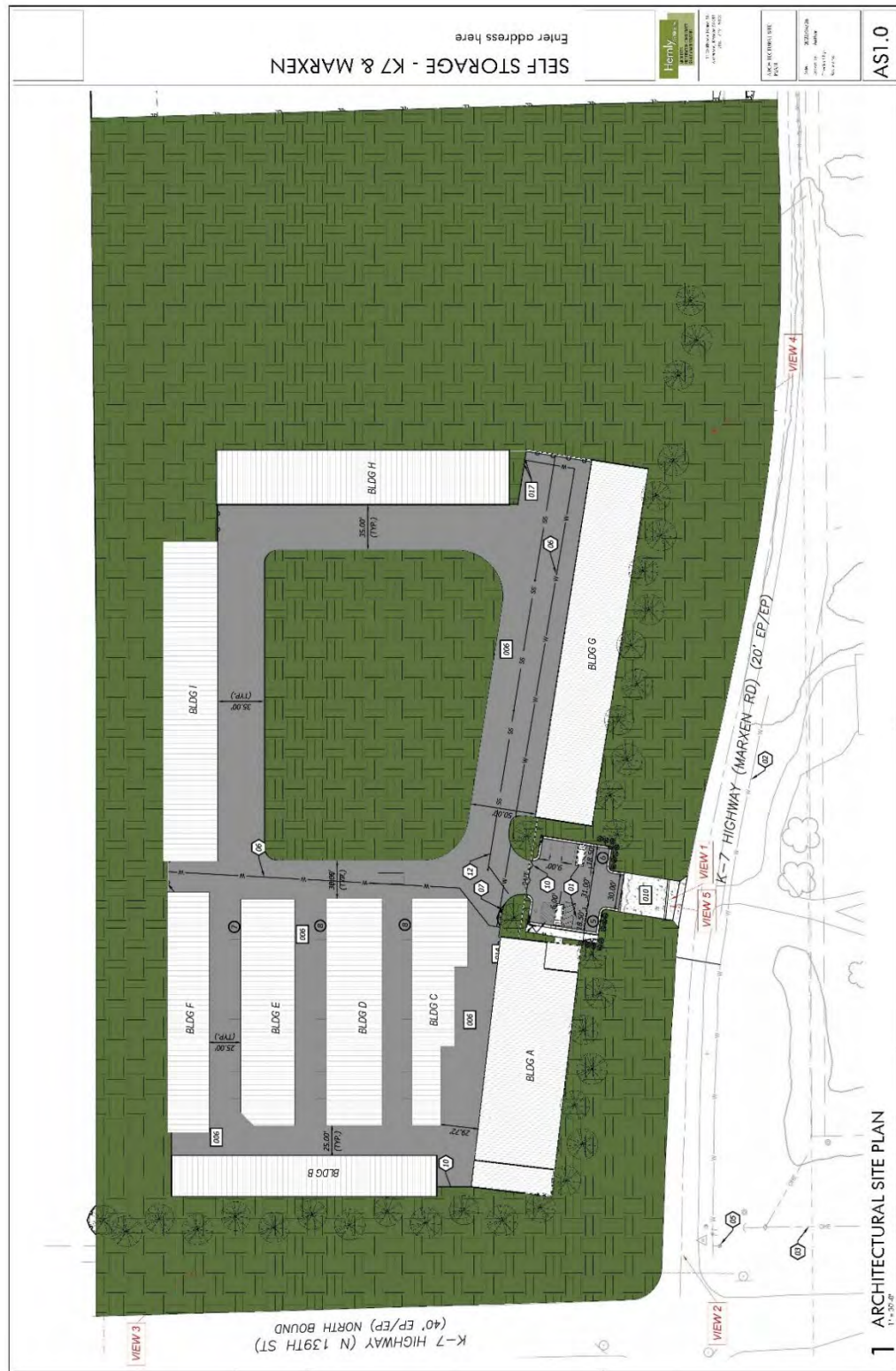
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PLAN SET - REVISED



PLAN SET - REVISED



NEIGHBORHOOD MEETING INFORMATION



November 28, 2022

Re: Neighborhood Meeting
Proposed K-7 Self Storage
Change of Zone COZ2022-045
Master Plan Amendment MPL 2022-026

The Neighborhood Meeting was held via Zoom on November 28, 2022 from 1:00 PM to 3:00 PM. The required notification letters mailed on November 18, 2022 provided the Zoom link as well as phone number and email address to submit questions and comments.

No comments were received by phone call or email.

Those in attendance at the Neighborhood Meeting:

- Chad Schimke - Applicant
9082 Bond Street
Overland Park, KS 66214
- Les Hamilton
BHC - Engineer/Surveyor
7101 College Blvd, Suite 400
Overland Park, KS 66210
- Tim Persson
13685 Marxen Road
Kansas City, KS 66109

Questions-Comments Discussions:

- Mr. Persson asked where the entrance for the proposed facility would be located, and where that would be with respect to where the Marxen Road roadway reduces in width. Hamilton stated that proposed entrance for development would align with the existing driveway accessing Marxen Road from the south (13841) and that this location was west of where Marxen Road transitions in width.

There were no other attendees and no other questions. Zoom Meeting was ended at 3:00 PM.

Leslie K. Hamilton, PE, PS
Project Engineer



NEIGHBORHOOD MEETING INFORMATION



February 27, 2023

Re: Neighborhood Meeting
Proposed K-7 Self Storage
Change of Zone COZ2022-045
Master Plan Amendment MPL 2022-026
Preliminary Plan/Preliminary Plat

The Neighborhood Meeting was held via Zoom on February 27, 2023 from 1:00 PM to 2:00 PM. The required notification letters mailed on February 17, 2023, provided the Zoom link as well as phone number and email address to submit questions and comments.

No comments were received by phone call or email.

Those in attendance at the Neighborhood Meeting:

- Chad Schimke - Applicant
9082 Bond Street
Overland Park, KS 66214
- Les Hamilton
BHC - Engineer/Surveyor
7101 College Blvd, Suite 400
Overland Park, KS 66210

There were no other attendees. Zoom Meeting was ended at 2:00 PM.

A handwritten signature in blue ink, appearing to read 'Leslie R. Hamilton', is written over a light blue rectangular background.

Leslie R. Hamilton, PE, PS
Project Engineer

EROSION CONTROL REPORT HIGHLIGHTS

2.1.3 Offsite Receiving Waters

Runoff from that portion of the site that drains to the west, towards K7 Highway, is carried by a roadside ditch to an existing road culvert crossing under Marxen Road.

Runoff from that portion of the site draining to the northeast is captured by a series of farm ponds that are connected by an intermittent channel to an unnamed tributary of Nine Mile Creek. Runoff from that portion of the site draining to the southeast, towards Marxen Road, is carried by a roadside ditch discharging into the same unnamed tributary of Nine Mile Creek.

Mitigation Package
Date: 2022-10-28

K-7 Self Storage
BMP Worksheet #2

Created by: LRH

WORKSHEET 2: DEVELOP MITIGATION PACKAGE(S) THAT MEET THE REQUIRED LS

Project: K-7 Self Storage 034050

By: LRH

Date: 2018-11-29

Location: 13700 Marxen Road, Kansas City, KS

Checked:

Date:

1. Required LS (New Development, Wksht 1) or Total VR (Redevelopment, Wksht 1A):

6.3

Note: Various BMPs may alter CN of proposed development; and LS; recalculate both if applicable.

2. Proposed BMP Option Package No. 1

Cover/BMP Description	Treatment Area (ac)	VR ¹	Product of VR x Area
Extended Dry Detention ²	5.0	4.00	20.0
Total			20.0

*Weighted VR: 2.4

- ¹ VR calculated for final BMP only in Treatment Train
- ² Area not disturbed by construction (preserved)
- ³ Does NOT include areas of native vegetation that were preserved

Meets required LS (Yes/No)?

NO

LETTER OF OPPOSITION

McLaughlin, Kallie

From: David Beckenhauer <davebeck1885@gmail.com>
Sent: Thursday, February 16, 2023 12:23 PM
To: McLaughlin, Kallie
Subject: Change of Zone COZ2022-045, Master Plan Amendment MPL 2022-026 and Preliminary Plat PLAT 2023-001

You don't often get email from davebeck1885@gmail.com. [Learn why this is important](#)

Kallie,

This is David Beckenhauer, my wife Hanna and I are currently building our house directly South where this proposed storage units are going to be located. I was unable to attend the meeting on 2/14/2023 but wanted to express my concern with these units. We moved out to this part of WYCO to get away from the city life and being able to explore what countryside we have left. Was a decision made if this motion passed? What steps are there if we want to voice our concerns? I appreciate any help or information you can provide. Just booking out or window seeing all of the geese and wildlife is what we had envisioned not looking at concrete buildings.

Thanks,

David Beckenhauer

Re: Change of Zone COZ2022-045, Master Plan Amendment MPL 2022-026 and Preliminary Pl...



David Beckenhauer <davebeck1885@gmail.com>
To: McLaughlin, Kallie



Thu 2/16/2023 1:47 PM

You replied to this message on 2/16/2023 1:48 PM.

You don't often get email from davebeck1885@gmail.com. [Learn why this is important](#)

Kallie,

You are welcome to express my email and note it for the staff presentation as well.

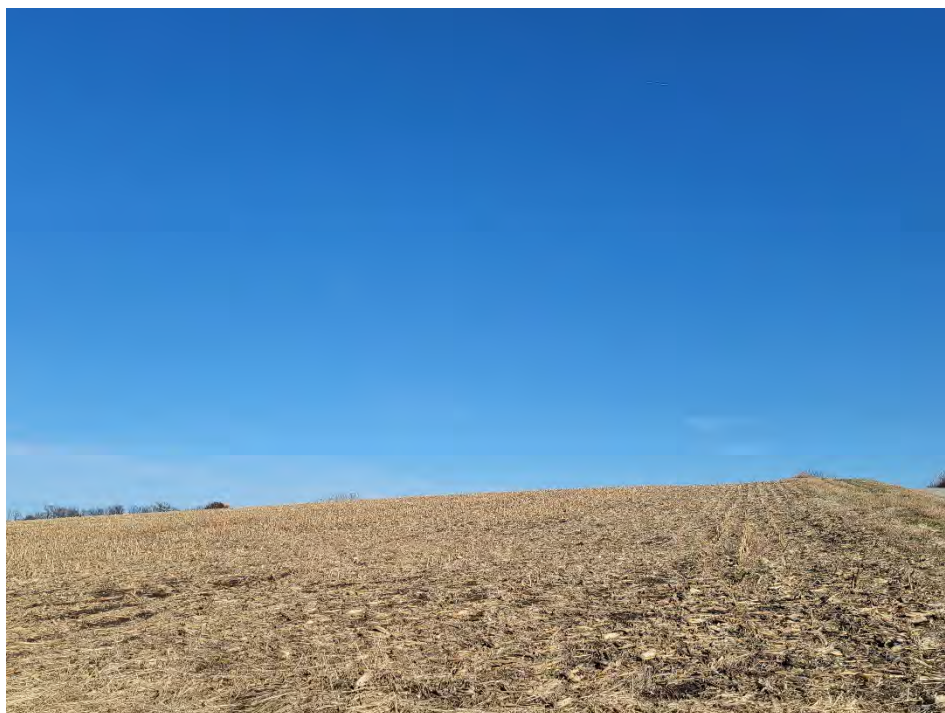
Thank you,

David Beckenhauer

STAFF SITE VISIT PHOTOS DATED NOVEMBER 6, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 6, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 6, 2022



STAFF SITE VISIT PHOTOS DATED NOVEMBER 6, 2022





**Community and Economic
Development Department**
www.lansingks.org

May 8, 2023
Kansas City Kansas City Planning Commission
701 N 7th Street
Kansas City, Kansas 66101

Re: 13700 Marxen Road Applications

Planning Commissioners,

Thank you for the opportunity to discuss the City of Lansing's position on the applications for Cases COZ2022-045, MPL 2022-026, and PLAT2023-001.

The City of Lansing is generally in opposition to these applications and this development for the following reasons:

1. Current zoning – The property to the north, which is owned by the Applicant, is currently zoned in an A-1 Agriculture district. Self-storage would not be supported in this district within the City Limits of Lansing.
2. Future Land Use – According to the City's Comprehensive Plan, the City envisions the property to the north of Applicant's current application to be developed with single-family residential developments. A self-storage business does not align with the City's Comprehensive Plan as it does not fit into single-family residential development.

The City of Lansing would ask that the Planning Commission to consider these factors as they review the applications for a Change of Zone, Master Plan Amendment, and Preliminary Plat.

We appreciate the opportunity to provide this information, and please feel free to contact me at (913) 364-6920 or jgentzler@lansingks.org should you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Joshua Gentzler". The signature is written in a cursive, flowing style.

Joshua Gentzler
Director, Community & Economic Development

730 First Terrace, Suite 2 • Lansing, Kansas 66043 • (913) 364-6920
1 | Page



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: May 25, 2023

Re: Petitions COZ2023-001 and MPL2023-001

GENERAL INFORMATION

Applicant:

David Block with Block and Co., Inc.

Status of Applicant:

Representative
Philip Goforth with Genesis Realty &
Development, LLC
4420 Madison Avenue
Kansas City, MO 64111

Requested Actions:

Master Plan Amendment from Planned
Commercial District (Prairie Delaware Piper
Master Plan) to Mixed Use (City-Wide
Comprehensive Plan).

Change of Zone from CP-2 Planned General
Business District to CP-3 Planned
Commercial District.

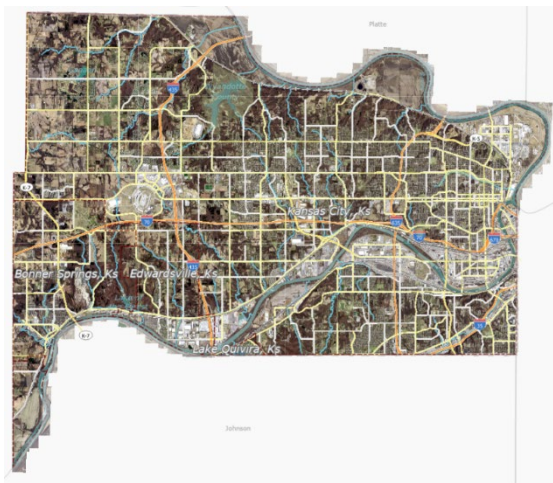
Date of Application:

January 27, 2023

Purpose:

To convert the former Cerner office building
towers to a mixed-use building with ground
floor commercial and 8-stories of apartments.

Property Location: 10200 Abilities Way,
Kansas City, KS 66111



Commission District:	Commissioner At-Large, District #2: Tom Burroughs Commissioner District #7: Chuck Stites
Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: CP-2 Planned General Business District (across State Avenue) South: CP-2 Planned General Business District East: None (Interstate 435 right-of-way) West: A-G Agriculture District
Adjacent Uses:	North: Great Wolf Lodge (across State Avenue) South: Chateau Avalon Hotel East: Interstate 435 West: Kansas Speedway
Total Tract Size:	58.68 Acres
Master Plan Area:	Prairie Delaware Piper Master Plan
Master Plan Designation:	The Prairie Delaware Piper Master Plan designates this area as Planned Commercial, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations. A Master Plan Amendment has been filed to amend to Mixed Use (City-Wide Comprehensive Plan), which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, parks, plazas and open space, and mixed-density residential uses.
Major Street Plan:	The Major Street Plan classifies State Avenue and Village West Parkway as a Class A Thoroughfare.
Required Parking:	Sec. 27-467(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. 2,599 spaces currently exist. 736 parking spaces are required based on the potential of 464 apartment units and 477 parking spaces are required based on the potential of 119,226 square feet of ground floor retail and/or office, totaling 1,213 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – February 16, 2023 Letters to Property Owners – February 17, 2023 and March 6, 2023

Public Hearings:	April 10, 2023, April 27, 2023 and May 25, 2023
Public Support:	None to date.
Public Opposition:	Greg Kindle, President, WYEDC, appeared in opposition due to a reduction in taxes generated on the property due to the change in use from office to mixed-use.

PROPOSAL

Detailed Outline of Requested Action: The applicant, David Block with Block and Co., Inc., seeks a Change of Zone from CP-2 Planned General Business District to CP-3 Planned Commercial District and a Master Plan Amendment from Planned Commercial (Prairie Delaware Piper Master Plan) to Mixed Use (City-Wide Comprehensive Plan) to operate a mixed use development with ground floor commercial (retail and/or office) below 8-stories of one (1), two (2) and three (3) bedroom apartments with on-site amenities for residents on 58.68 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. #PR-2011-25 was approved by the Board of Commissioners on August 25, 2011 to build a 642,951 square foot, two (2) building office complex for the Cerner Corporation.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

This character of the neighborhood is dominated by the Kansas Speedway to the west, but also the Speedway's ownership of frontage along Village West Parkway. This site is at the southern entrance into the Village West commercial development, which continues north on Village West Parkway and west on State Avenue.

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

With the exception of the Kansas Speedway, which is zoned A-G Agriculture District, that use operates with a Special Use Permit, and is commercial in nature, the area is largely undeveloped to the south along Village West Parkway with the exception of Chateau Avalon, abutting this property and Hollywood Casino further southwest. The Village West shopping area is north along State Avenue, across the street from this proposed use.

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

The property is currently suitable for office. Removal of the restrictions to allow the building to be converted to a mixed-use building will not detrimentally affect nearby property because the businesses that operate along the corridor are commercial and can be supported by the residents.

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

The property has been vacant since mid- to late-2020 as a result of the COVID-19 pandemic.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public, except for those that choose to live in the development and will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property as the physical site is not changing and there is a surplus of on-site, off-street parking to accommodate current and future land uses.

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

The proposed use will not increase traffic or parking demand in ways that will adversely affect the road capacity of Village West Parkway or State Avenue, safety or create parking problems because there is a surplus of parking for residents, guests and future development that may occur on the property.

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

The proposed use does not conform to the Prairie Delaware Piper Master Plan Planned Commercial designation, which allows major retail uses, including restaurants and hotels, as well as centers for large discount stores and other big

box commercial centers that serve large populations. A Master Plan Amendment has been filed to amend to Mixed Use (City-Wide Comprehensive Plan), which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, professional and office services, institutional uses such as churches, schools, libraries, parks, plazas and open space, and mixed-density residential uses.

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

The proposed use will not cause environmental harm if the proposed use, as the building and site are developed, and the Applicant intends to convert the building from offices to retail/office and apartments. The proposed use has the ability to enhance the environment by adding walking trails around existing detention basins and water features and replace dead trees and shrubs.

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

a. *Water service*

Water service is provided by BPU.

b. *Sanitary sewer service*

Sanitary sewer service is provided by the UG.

c. *Storm water control*

Designed to meet City Code.

d. *Police*

Police service is provided by West Patrol, District #223.

e. *Fire*

Fire service is provided by Station #6 located at 95th & State Avenue.

f. *Transit*

Kansas City ATA does not provide transit services near this property. The closest transit stop is at Village West Parkway and Bass Pro Drive, approximately 2,000 feet to the north.

g. *Schools*

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

h. Streets

See item #6 above.

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

The proposed use will have an economic impact on the community as residents will shop and patronize businesses in the Village West area, an otherwise vacant building will be revitalized.

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

The proposed use is capable of meeting applicable ordinance requirements.

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

The relative gain to the public health, safety and welfare as compared to the hardship imposed on the landowners is minimal. If this petition is denied, the applicant will still be able to use the property, however, not in the manner that was intended.

PREVIOUS ACTIONS

- #PR-2011-25 was approved by the Board of Commissioners on August 25, 2011 to build a 642,951 square foot, two (2) building office complex for the Cerner Corporation.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1919 Prairie Crossing on March 24, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Open Space
Tree Preservation
Pedestrian Connectivity
Phasing
Amenities
Screening and Landscaping

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Change of Zone Application **COZ2023-001** and Master Plan Amendment Application **MPL2023-001**, including the requested deviations from the multi-family guidelines subject to:

1. The following requirements of the office towers conversion to mixed-use within the Mixed-Use Design Guidelines *have not* been met and the Planning Commission has approved the below requested deviations:
 - a. Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provisions of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.;
 - b. A minimum of 75% of the buildings should have a zero (0) foot setback;
 - c. On-site parking will be located behind the buildings;
 - d. The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - i. Transparent display windows
 - ii. Outdoor seating for dining areas
 - iii. Public art and pedestrian amenities such as fountains, benches, etc.;
 - e. In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street; and,
 - f. High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required to 65% of the sum total of all buildings facades, except single-family houses, which shall have 25% of the sum total of all facades.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out-parcel site layout;
3. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive;
4. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line towards I-435 and connect to the future sidewalk/intersection;
5. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents;
6. Replace and repair existing curbs, pavement and landscaping;
7. Rideshare platforms (i.e., Uber, Lyft, etc. should be incorporated into this development as an alternative mode of transportation;

8. If not already provided, a Knox box shall be provided for KCKFD at the gated ingress/egress;
9. Record a deed to preserve the creek and open space to the south;
10. After preliminary conversations with Ryan Hurst, Interim Director, Department of Transportation, micro-transit is being studied within the Village West area in conjunction with employment centers in the area. Show the transit stop in front of the property on the site plan. A bench should be provided, but further discussions with KCATA is necessary to determine if a bus shelter is warranted. Contact Ryan Hurst, Department of Transportation at (913) 573-8312 or rhurst@wycokck.org;
11. No direct access onto State Avenue from 10200 Abilities Way;
12. Replace any trees and shrubs that are dead or dying;
13. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line;
14. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. 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;
16. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
17. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
18. 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;
19. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction

- meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting;
20. 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;
 21. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
 22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

NOTE: This case was held over by the Unified Government Board of Commissioners at their April 27, 2023 meeting.

STAFF RECOMMENDATION

Staff recommends that the Unified Government Board of Commissioners concur with the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-001** and **MPL2023-001** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

April 10, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Designation Map
Mixed Use Land Use Designation
Mixed Use Design Guidelines
Amenity Standards
Applicant Response Letter
Neighborhood Meeting Minutes

Applicant Letter
Existing Site Plan for Cerner
Existing Landscape Plan for Cerner
Floor Plan
Building Elevation
Site Photographs taken by Staff on February 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	April 10, 2023	April 27, 2023
Rezoning	Approval	Held Over May 25, 2023
Master Plan	April 10, 2023	April 27, 2023
Amendment	Approval	Held Over May 25, 2023

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-001** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-001** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-001** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENIAL** of Petition **COZ2023-001**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

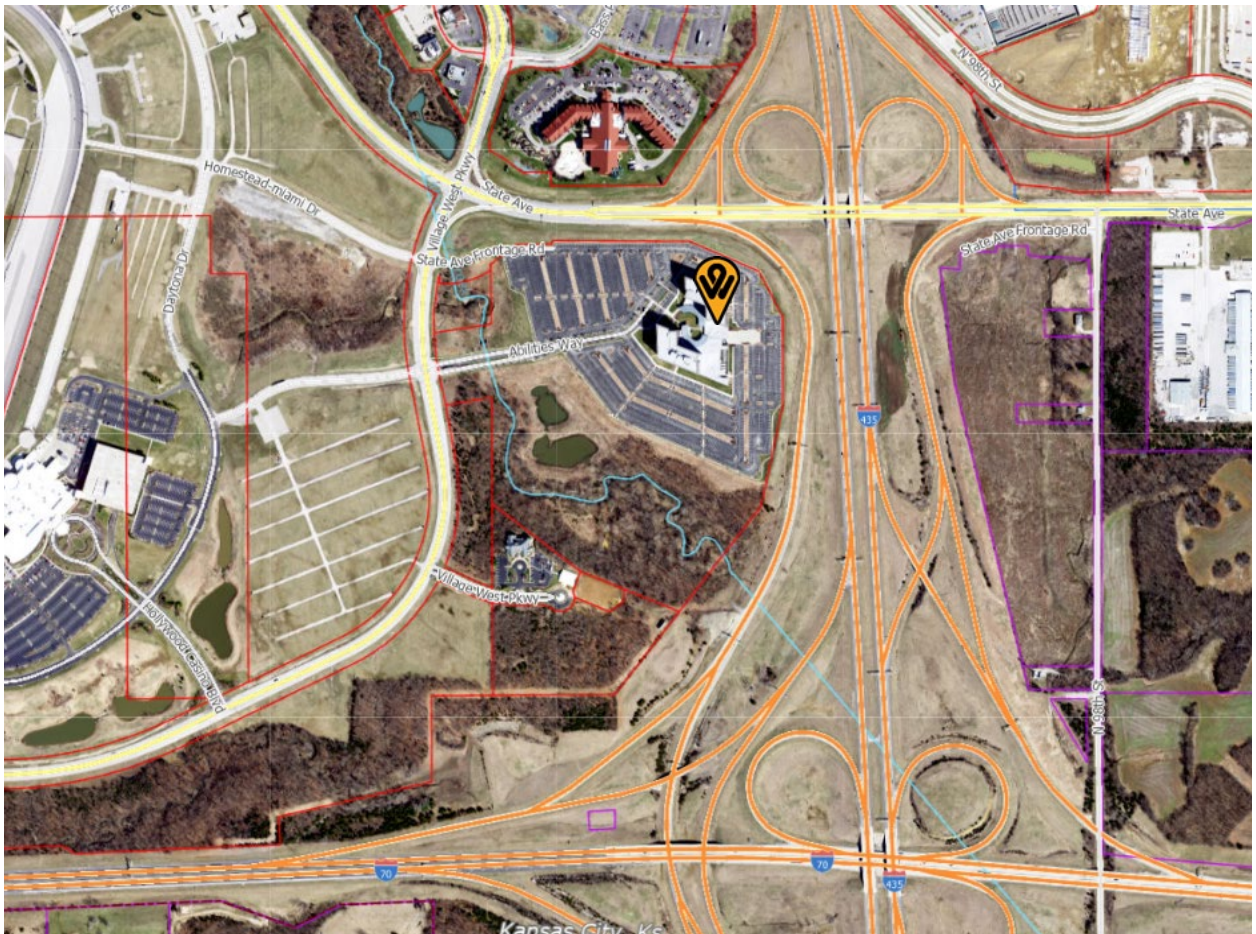


Figure 1. Aerial Map for 10200 Abilities Way (provided by UG Maps).

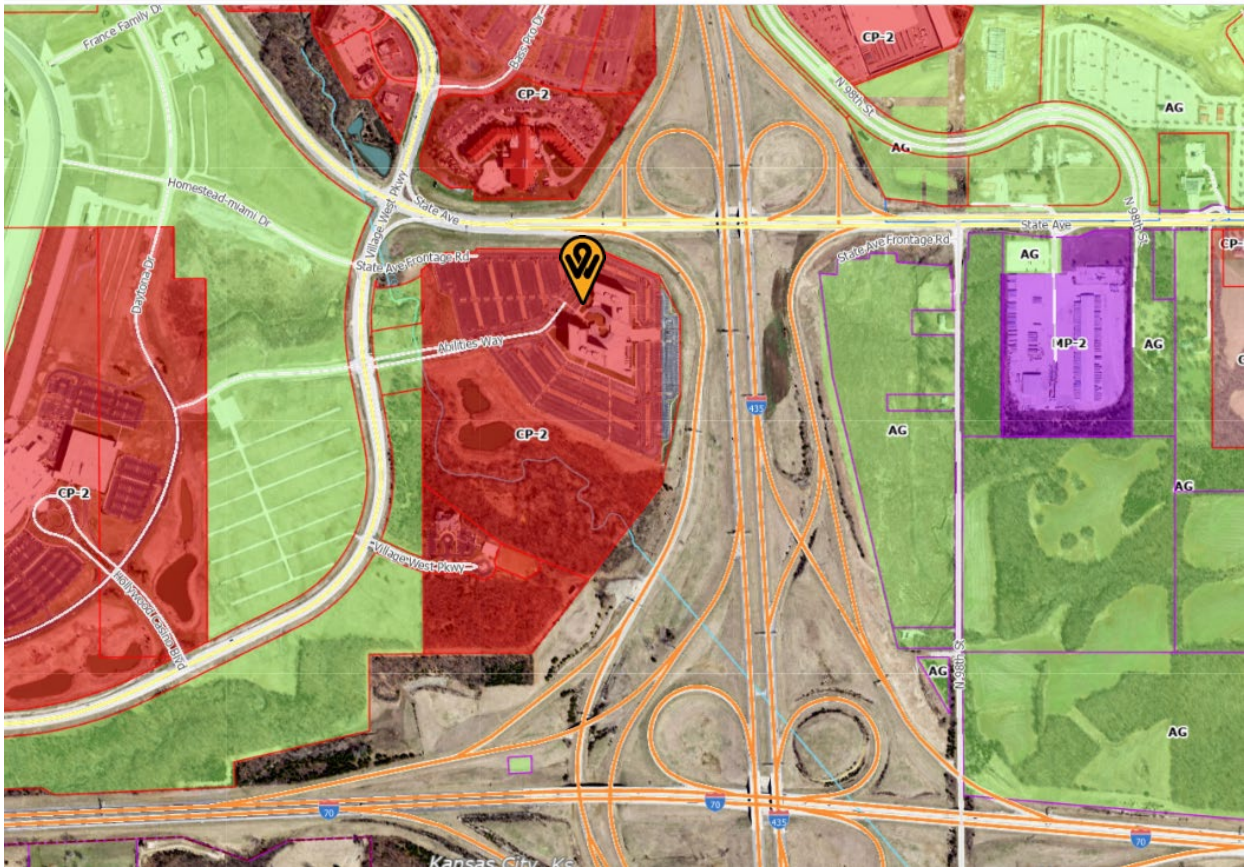


Figure 2. Zoning Map of 10200 Abilities Way (provided by UG Maps).



Figure 3. Prairie Delaware Piper Master Plan Land Use Designation Map (provided by ArcGIS Pro).

Mixed-Use: Located at major arterial intersections and within traditional neighborhood design (TND) developments, these areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential.

- **Allowed Uses:**
 - Specialty retail
 - Sit-down restaurants
 - Convenience retail uses such as banks, drug stores, etc.
 - Professional and office services
 - Institutional uses such as churches, schools, libraries, etc.
 - Parks, plazas and open space
 - Mixed-density residential uses
- **Discouraged Uses:**
 - Industrial uses
 - Business parks
 - Drive-through restaurants
 - Car lots
- **Required Infrastructure:**
 - Access to gravity sewer.
 - Access to a Class A or B thoroughfare or boulevard.
 - Minimum 8-foot sidewalk/trail.
 - Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings.
 - A traffic study will be required to determine access improvements such as turn bays, intersection controls, etc.
- **Design Guidelines:**
 - All developments must meet the minimum mixed use guidelines outlined on page 43-44.
- **Recommended Density:**
 - No floor to area ratio restrictions; however, uses should have adequate parking that does not negatively impact adjacent neighborhoods.
 - Residential densities: 4 to 12 dwelling units per acre
- **Green Principles:**
 - Incentives should be provided for:
 - Leadership in Energy and Environmental Design (LEED) compliant construction and/or use of **National Association of Home Builders (NAHB)** Green Building Council Standards.
 - Energy Star qualified buildings.
 - Bicycle and pedestrian connections to adjacent neighborhoods and developments.
 - Enhanced pedestrian amenities including site furniture, trash receptacles, lighting, etc.
 - Use of Best Management Practices (BMPs) for storm water management.
 - Shared parking (on-street parking should count towards requirement).
 - Transit oriented development (TOD).
- **Cultural Principles:**
 - Incentives should be provided for:
 - Integration of a central gathering space and associated amenities.



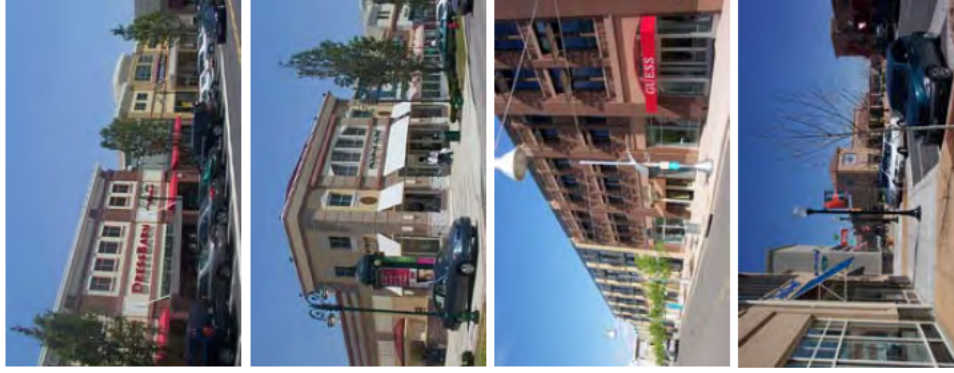
City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS

Mixed-Use Design Guidelines

The following design guidelines apply to all new mixed-use developments.

- Each development will have an identifiable center that includes defined “people places” for residents, shoppers, workers and visitors to gather, interact and recreate.
- Housing choices will be provided by offering a diversity of product types and price points to meet the needs of multiple demographic groups.
- Transit connections and facilities will be included within the overall design of the site. Development densities for commercial, office and residential uses will be greater within these areas to encourage transit use.
- Streets within these areas will be designed to be low-speed and bicycle and pedestrian friendly through provision of wide sidewalks and pedestrian amenities such as street trees, landscaping, benches, trash receptacles, etc.
- When practical, parking requirements should be decreased within these areas to encourage transit ridership.
- Auto-oriented uses such as drive-through restaurants and banks will be discouraged.
- A minimum of 75% of buildings should have a zero foot setback.
- Primary building facades should be parallel to the sidewalk.
- Where buildings are set back from the right-of-way, the open areas should be enhanced and used as public spaces such as a plaza or courtyard.
- The frontage of all mixed-use buildings should include pedestrian-oriented elements such as:
 - Transparent display windows
 - Outdoor seating for dining areas
 - Public art and pedestrian amenities such as fountains, benches, etc.
- On-site parking will be located behind the buildings.
- In multi-tenant, single-story buildings, each use should have at least one ground floor entrance directly visible and accessible from the street.
- In multi-tenant, multi-story buildings, at least one, lobby entrance at the ground floor should be provided having direct visibility and access from the street.
- Landscape is required to screen all parking areas and service entries.
- Trees are required in the public right-of-way along streets, at a minimum of one (1) shade tree every forty (40) feet.



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



- Buffers will be provided as a necessary transition when a mixed-use development is located adjacent to an existing lower-intensity or higher-intensity use and/or when fronting a highway or expressway by one or a combination of the following:
 - Establish a 22-foot landscape easement for a 3-foot berm and a row of evergreen trees every thirty (30) feet and a row of three (3) gallon evergreen shrubs every four (4) feet on center.
 - Establish a 16-foot landscape easement for a 2-foot berm and a row of evergreen trees every thirty (30) feet.
 - Establish a 10 foot landscape easement for a 6-foot high solid wood fence or masonry wall and a row of evergreen trees every thirty (30) feet.
 - The applicant submits a landscape plan that adequately addresses softening the development, buffering traffic sound, headlight glare, and identifies how the landscaping would be maintained and who is responsible for that maintenance.
- High quality masonry building materials approved for this district are stone, brick, cast stone and stucco. Synthetic stone, such as pre-manufactured fiberglass, cultured stone, or glass-fiber reinforced concrete is permitted, provided that it is identical in appearance and of equal or greater durability to natural stone. These masonry materials shall be required on 65% of the sum total of all building façades, except single-family houses, which shall have 25% of the sum total of all façades.
- Stucco in a mixed-use development shall mean traditional stucco or gypsum concrete/plaster materials with a smooth sand finish. Cement board siding may be used to fulfill the masonry requirement but the percentage of masonry becomes 100% excluding trim. Exterior Insulation and Finish Systems (EIFS) or pre-manufactured panels are not permitted.
- All accessory units and garages shall be constructed from the same materials as the main structure.
- Commercial uses shall be permitted one (1) wall sign and one (1) monument sign. Within a development, consolidation of signage is highly encouraged.
- Freestanding pole/pylon signs are not permitted.
- Signs should be made of high quality and durable materials such as concrete, brick, stone, metal panels or heavy-weight plastic panels. Materials such as plywood or painted masonry are not permitted.
- Low-scale signs such as wall signs, awning signs and building signs should be used for retail and office uses.
- The size and look of the sign shall be governed by the Sign Chapter of the Unified Government Zoning Code. The applicant or Development Review Board may create more restrictive regulation. Less restrictive regulation may only be approved by the Unified Government Board of Commissioners through a separate Special Use Permit.

Amenity Guidelines

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

Single-Family Residential Amenity Guidelines

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision. Residential developments of any unit type with fewer than 50 dwelling units are required to have one (1) Small Amenity. Residential developments with 50-to-200 dwelling units are required to have two (2) Amenities. Only one (1) of the required amenities may be a Small Amenity. Residential developments with more than 200 dwelling units are required to have three (3) Amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Multi-Family Residential Amenity Guidelines

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

Residential Amenity Reference Table

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



Date: 2/28/2023

Omid Shahbazian

On behalf of applicant:

Block & Company, Inc & Genesis Realty & Development, LLC

4420 Madison Ave.
Kansas City, MO 64111

Reference: response to staff comments and recommendations Change of Zone Petition COZ2023-001 and Master Plan Amendment MPL2023-001 – [10200 Abilities Way, Kansas City, KS 66111]

Dear Byron Toy,

Please find following responses to DRAFT report, COZ2023-001_MPL2023-001. Upon review please let us know should you have any questions or concerns.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

a) General Planning:

1. For reference, these two (2) office building towers are proposed to be converted into ground floor commercial retail/office with 8-stories of apartment units totaling between 416 and 464 units.
2. A Final Development Plan is required for any additional development aside from the occupancy conversion and amenities, as shown conceptually in the out- parcel site layout. **Final development plans will be submitted upon re-zoning approval and will be included comprehensive plans outlining occupancy type and amenities.**
 - a. What is the anticipated timeline for the future out-parcel development? **12-24 Month**
3. Review the Mixed-Use Design Guidelines. If the proposed development does not meet a specific standard or element, a deviation must be requested in writing, detailing how the development cannot meet each specific guideline. The deviation will be reviewed by Planning Staff and must be approved by the City Planning Commission. **Noted.**
4. Extend the sidewalk from the edge of the parking lot along the northern drive, closest to State Avenue right-in/right-out and stripe a crosswalk across Village West Parkway and tie into the existing sidewalk on the west side of Village West Parkway at Homestead-Miami Drive. **Development team will consider this request and will incorporate the design in final development plans upon re-zoning approval.**
5. KDOT will reconstruct the Interstate 435 and State Avenue interchange to a Diverging Diamond Interchange (DDI), therefore build a sidewalk along State Avenue to the northeastern most property line

4420 Madison Ave, Kansas City, MO 64111

towards I-435 and connect to the future sidewalk/intersection. Development team will consider this request and will incorporate the design in final development plans upon re-zoning approval

7. Install walking trails within the open space, around Little Turkey Creek (Lot 1C) and through the development as an amenity for residents. Development team has considered a walking trail for this re-development and will propose upon completion of re-zoning.

8. Replace and repair existing curbs, pavement and landscaping. Noted.

9. What on-site amenities will be available for residents? Walking trail, outdoor or indoor pool, Fitness/Gym/Wellness center, potential health clinic, residence lounge that would be designed in a way that residents have space to socialize and relax and may have featured amenities such theater room, kitchen, game room etc. the goal is to provide such amenities that enhances the living experience for residents and create a sense of community within the complex.

10. What programming is proposed between the 119,226 square feet of ground floor gross building area of Towers 1 and 2? Majority of space has been utilized for mechanical rooms, back of kitchen etc. rest of the remaining area planned for restaurant, GYM, retail, meeting room, lobby and residence lounge, residence indoor amenities that will be reflected in Final Development Plans.

11. Will both towers be redeveloped at the same time, or will the change of occupancy be a phased plan? Development team is planning to launch both towers at the same time.

12. Luxury senior housing is described as a floor within Tower 1, please clarify how this use fits within the overall mixed-use development. As a conceptual plan, development team believes that by having such a significant space as shared amenities between both towers, on-site dining, healthcare center, etc. incorporating a senior housing floor can provide range of benefits both to the seniors and the community as a whole despite the fact that brings sense of community to the complex. There are some steps to be taken to successfully incorporate this idea and development team hasn't finalized the decision on this this item yet.

13. Will there be Uber, Lyft or other rideshare pick-up/drop-off areas? Development team didn't plan for UBER, Lyft pick up / drop off station but will consider a location for this purpose during design development stage as will provide more comfort for the residences.

14. Will the loading docks in the rear be used? At this point the development team does not anticipate changing the rear loading docks.

15. Will the site remain gated? Do you intend to keep the guard house? Gated for Primary residences, we anticipate to keep the guard house however will be defined better once development plans completed and proposed for review.

16. Record a deed to preserve the creek and open space to the south. Development team need to further investigate this request, if the creek inside the property line we may need to incorporate some parking, trail etc.

17. Show the transit stop in front of the property on the site plan. A bench should be provided, and a bus shelter may be warranted. Further discussion with KCATA is necessary. Contact Ryan Hurst,

4420 Madison Ave, Kansas City, MO 64111

Department of Transportation at (913) 573-8312 or rhurst@wycokck.org. our traffic engineers will coordinate with Mr. Hurst during design development and KCATA.

18. No direct access onto State Avenue from the 10200 Abilities Way. Noted.

19. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. Noted.

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

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

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

b) Landscaping and Screening:

1. Replace any trees and shrubs that are dead or dying. **Will be coordinated in final development plans.**

2. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. **Note and will be coordinated.**

3. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures. **Noted a photometric study will be done for site lighting purpose.**

b) Signage:

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

4420 Madison Ave, Kansas City, MO 64111



application for building signs will be provided to Planning and Urban design for future site and building signs.

Planning Engineering Comments:

A) Items that require plan revision or additional documentation before engineering can recommend approval:

1) None

B) Items that are conditions of approval:

1) Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments. **Development team proposing no changes to current approved plan prior re-zoning to proper use for re-development.**

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

1) None

Best Regards

Omid shahbazian

Genesis Team

4420 Madison Ave, Kansas City, MO 64111



Application Number: COZ2023-001

Date and Location: March 24th, 2023, at 1919 Prairie Crossing St. Kansas City, KS

Meeting called to order at: 2pm

Names of people in attendance: Steve Beaumont

Questions:

- How many units in each building?
 - 464 in total
- Will there be additional parking garages built?
 - No, there are currently 3300 open spots.
- Will first floor be CP3 zoning?
 - Yes.

Meeting Adjourned at: 2:30pm

Minutes taken by: Arianna Tomes

Genesis Realty & Development, LLC
4420 Madison Ave. Kansas City, MO 64111
816-756-2331

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
COUNTY OF WY) SS:

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

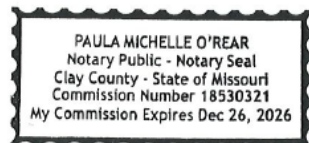
1. That I am the petitioner for Petition # COZ2023-001
2. That I conducted a neighborhood meeting on March 24th 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Philip Goforth
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of March, 2023.

My commission expires 26th of December 2026.



Paula Michelle O'Rear
Notary Public



Buildings & Existing Improvements

- The development team is requesting a change of use from its current exclusive designation of office to a zoning allowance of mixed-use.
- The mixed-use zoning would allow the re-development to include apartments, amenities, retail space, restaurants and still maintain some office areas specifically for co-working areas.
- The re-development plan could include a range of luxury apartments on upper floors, with the unit count ranging from 350 – 464.
- Lower floors would be used for the amenities and other common area uses described above.
- The plan would maintain the exterior of the buildings as-is.
- The re-development and construction would be interior, tenant-finish type of work to convert the individual apartment floor plans as depicted in pages below.

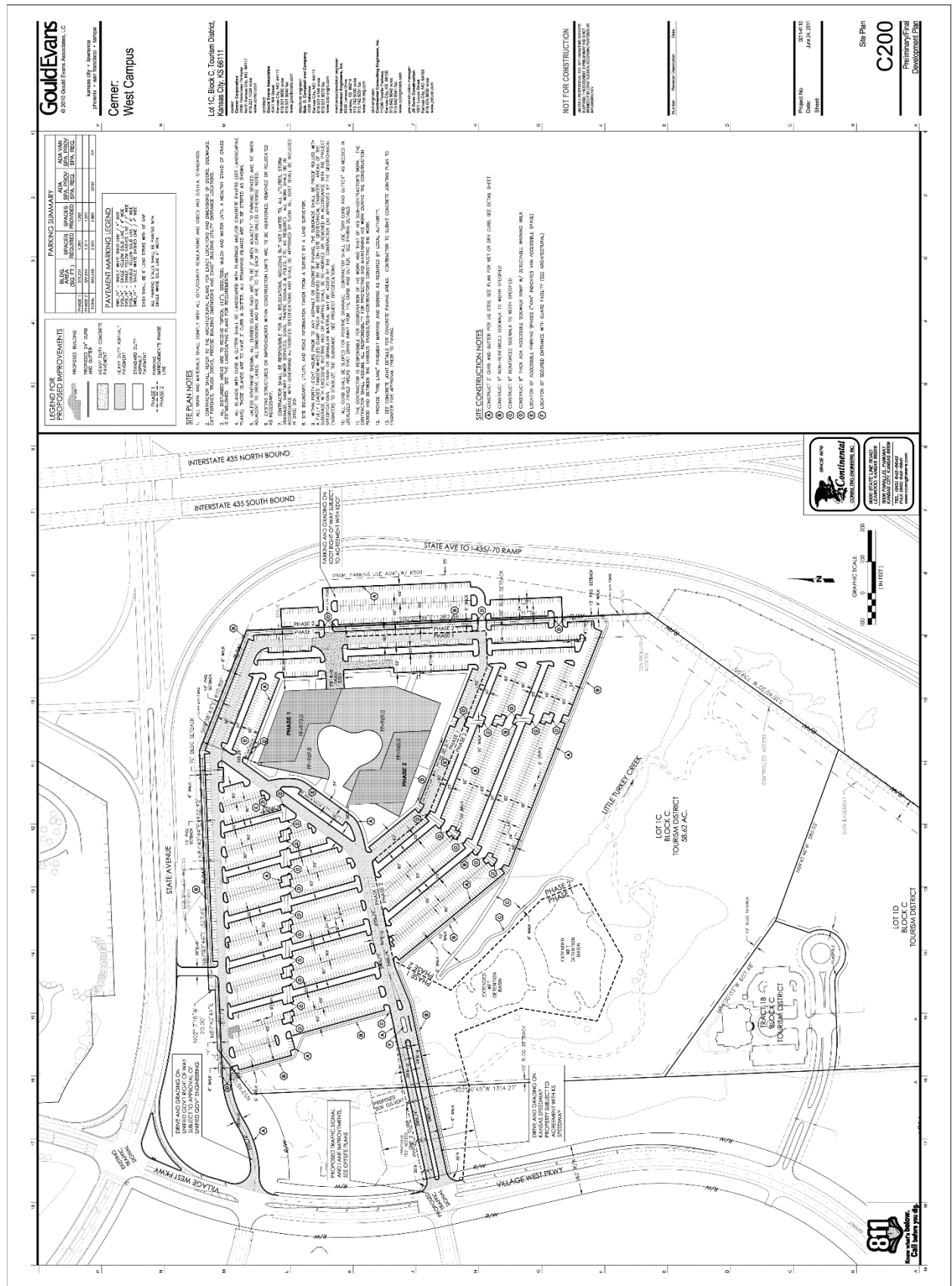
Use of excess land and out-parcels

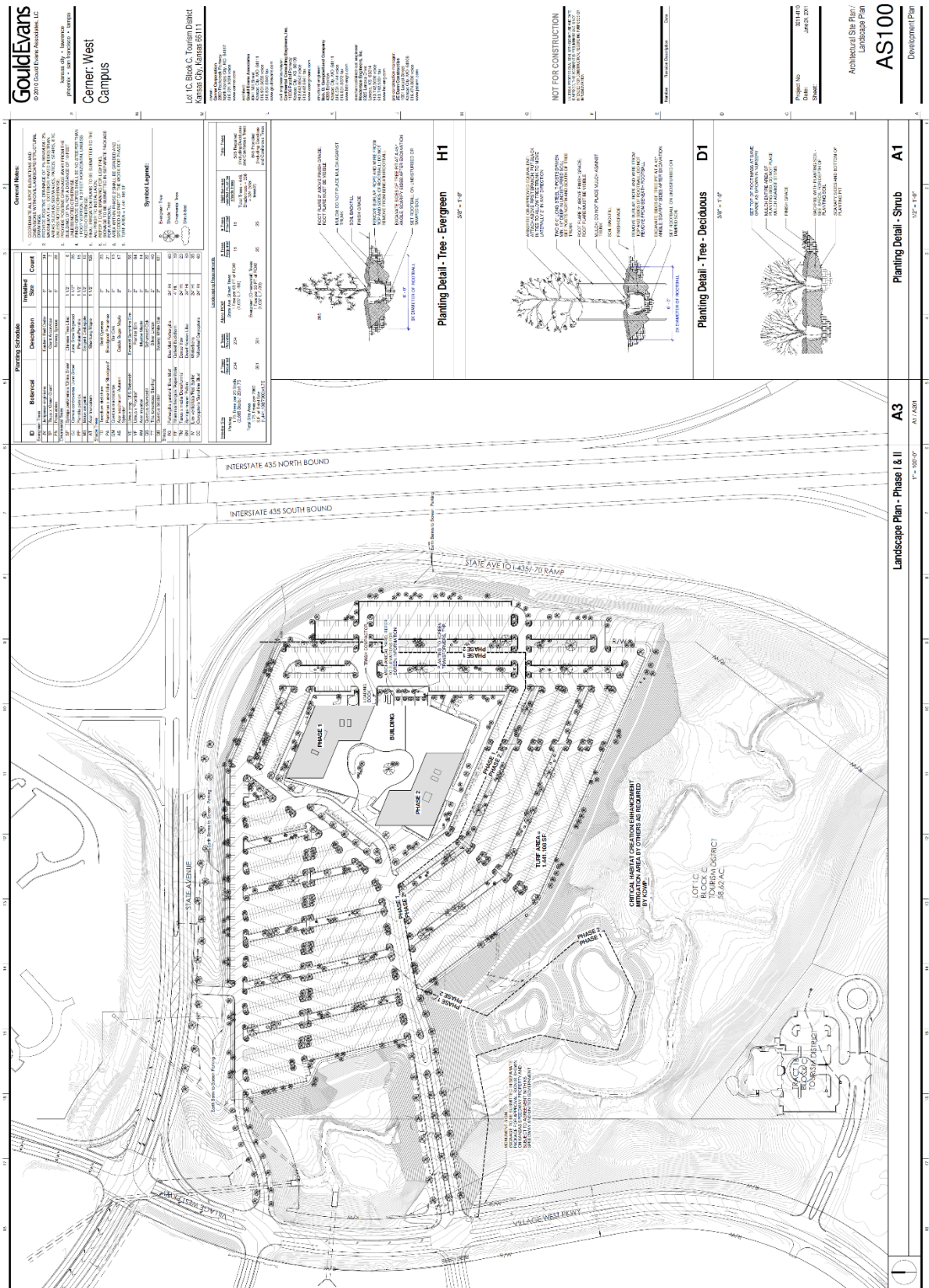
- The re-development will maintain parking as required for the new residential component and possibly utilize excess land in the future, for other entertainment, hotel, retail and/or restaurant facilities.
- The mixed-use designation would accommodate these potential uses, which would enhance the overall re-use strategy and add to the quality of the area.

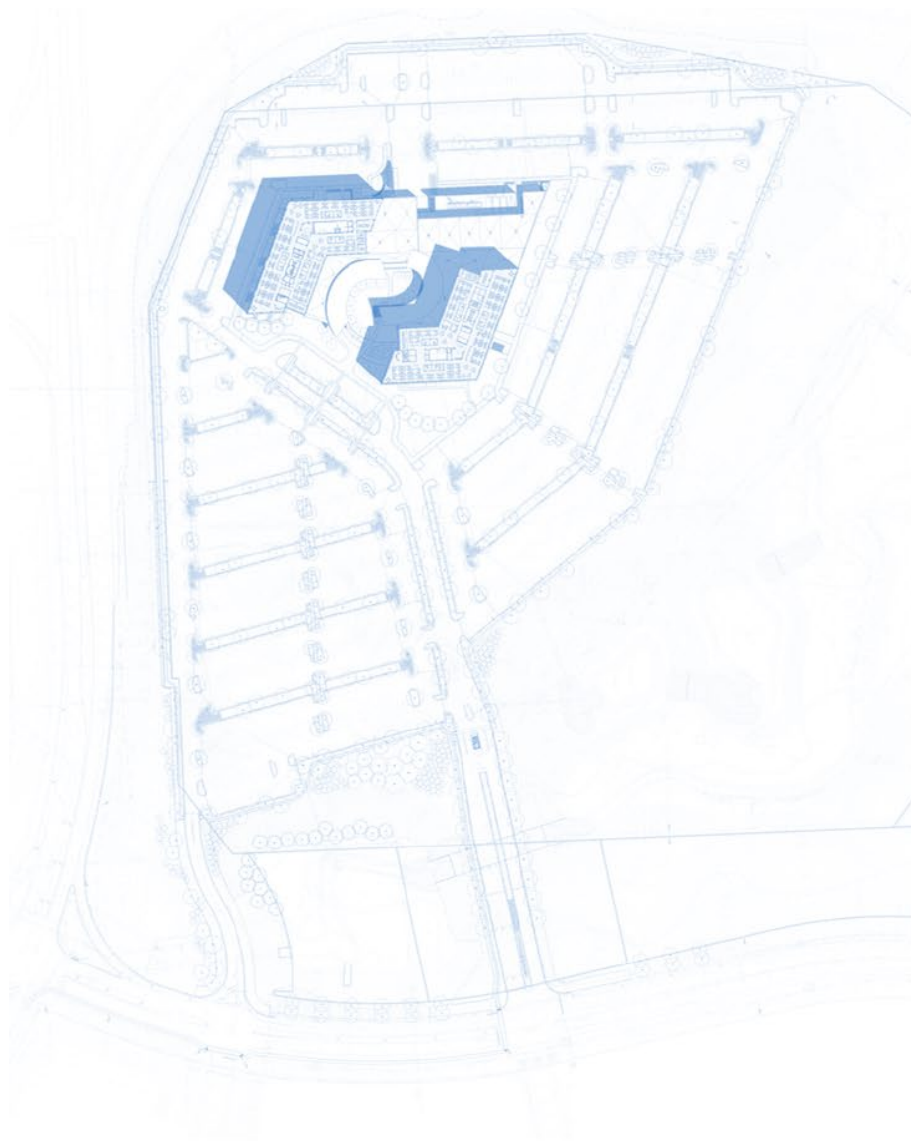
Residential Concepts

- The residential re-development concepts include two different density options, Study 1 – 464 units and Study 2 – 416 units.

apartment floor plans as depicted in pages below.



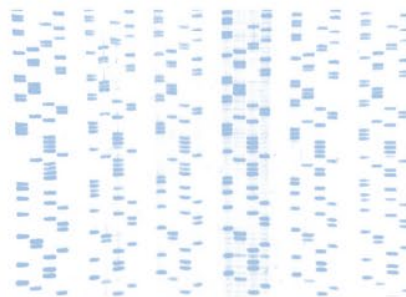




Existing Conditions

Quick Facts

Site Acreage:	63.45
Parking:	2,599 spaces
GSF:	647,981 GSF
Height:	9 Stories 158 feet



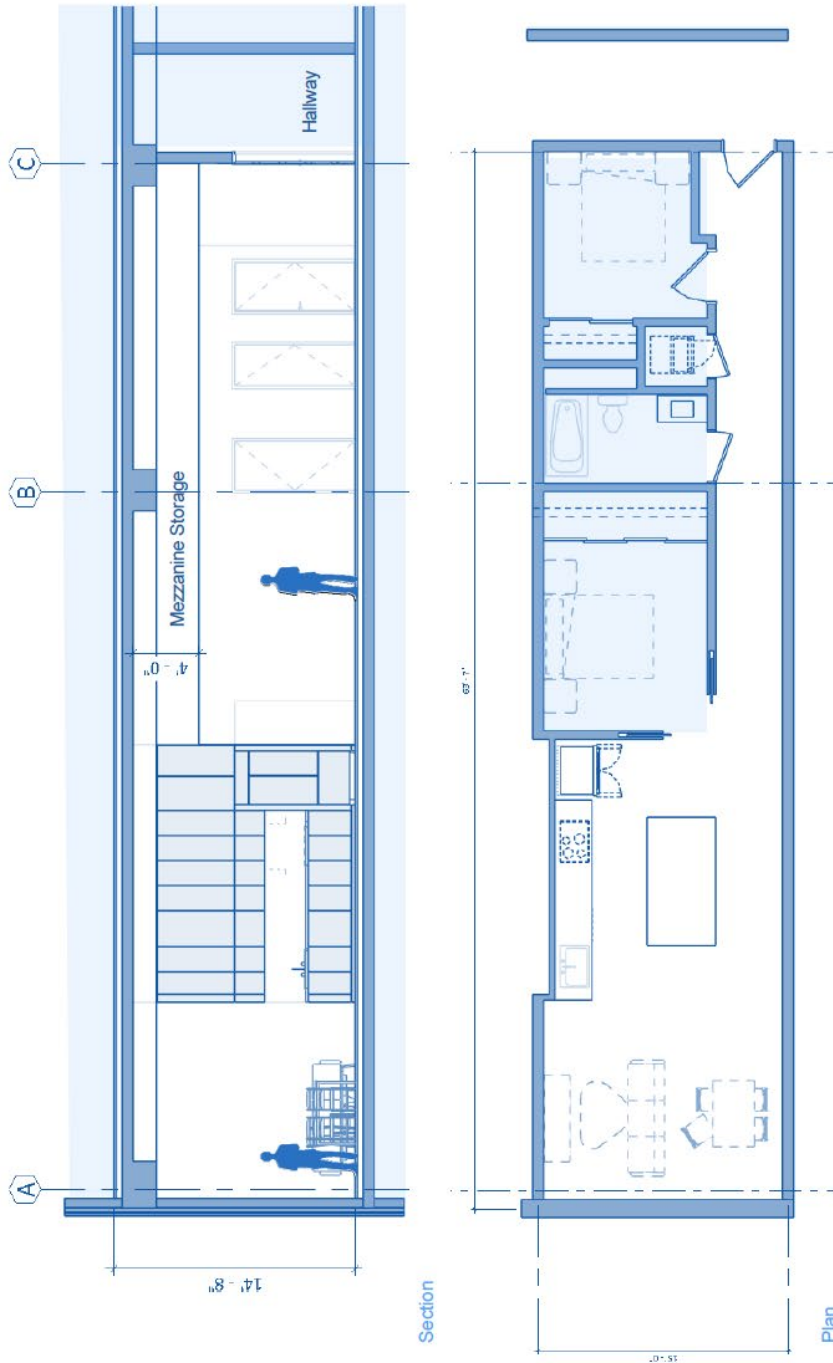
Site Plan

Level 2-9 Phase 1

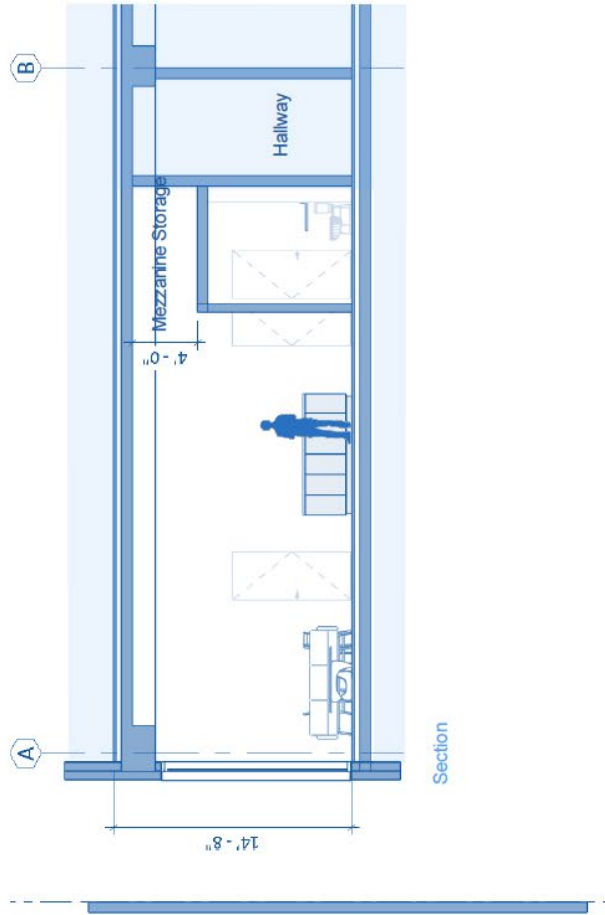
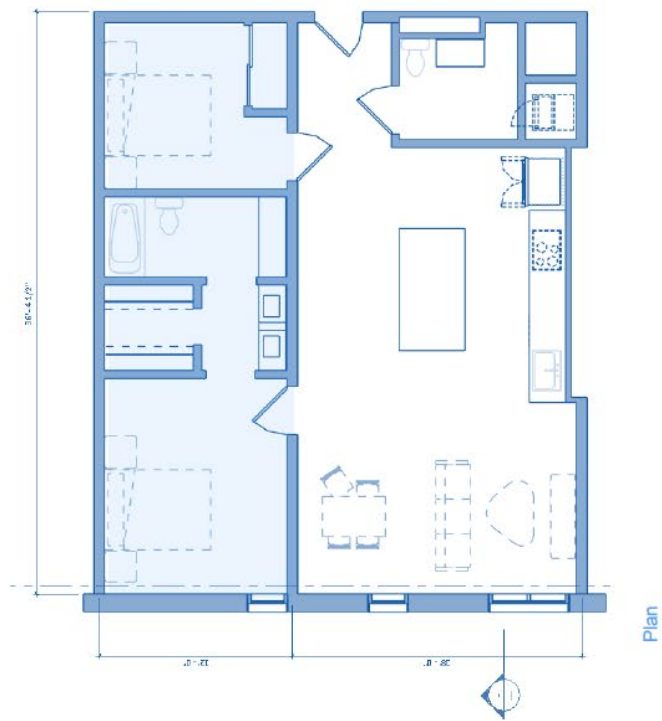
GSF RESIDENTIAL FLOORS ONLY		Net Rentable	LEVELS (Above Grade)
264,375		236,716	9
Summary			
	NSF Target	Unit Perc	UNIT TOTAL
2-Borrow (Deep)	842 sf	28%	64
1-Borrow	823 sf	21%	48
1-BR 1-Borrow	1,076 sf	34%	80
2-BR 1-Borrow	1,330 sf	10%	24
3-BR	1,532 sf	7%	16
AVERAGE	1,020 sf		
		232	Net
		UNITS Estimate	87.2%



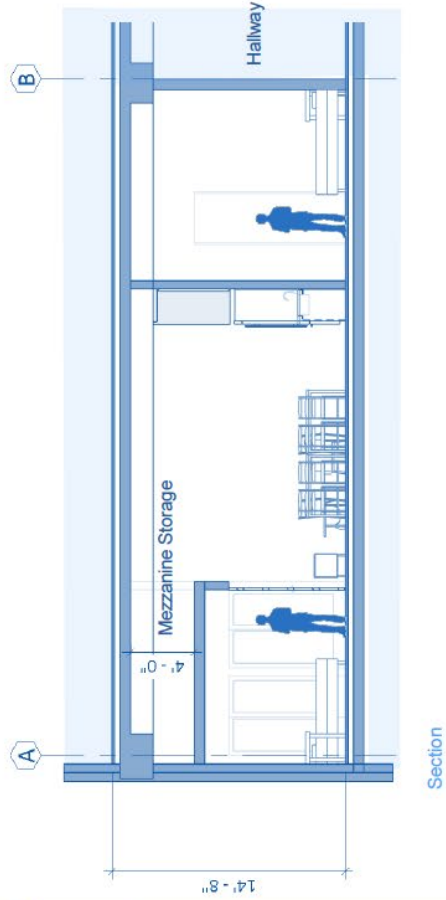
Residential Floorplate: Study 1



Multi-Family Housing



30 ft wide unit – 1,125 sf

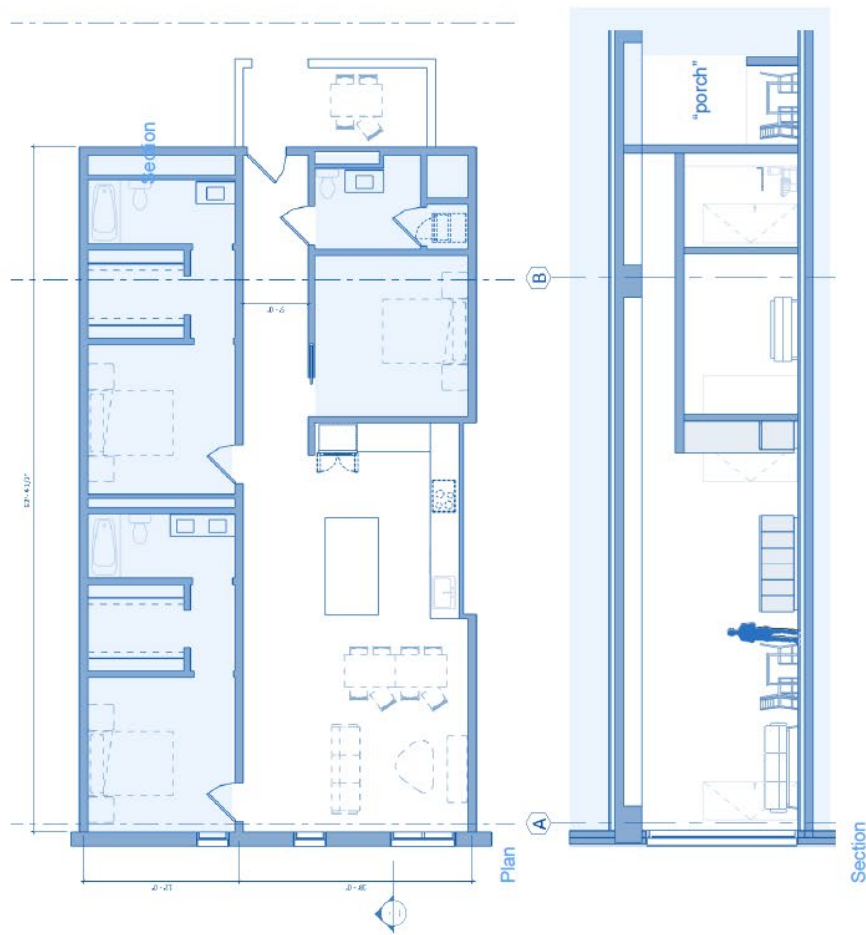


End Unit 3-BR — 1,300 sf

Level 2-9 Phase 1

GSF RESIDENTIAL FLOORS ONLY		Net Rentable	LEVELS (Above Grade)
264,375		196,536	9
Summary			
	NSF Target	Unit Perc	UNIT TOTAL
1 BR 1-Borrow	814 sf	69%	144
1-BR 2-Borrow	1,307 sf	23%	48
3-BR	1,042 sf	8%	16
AVERAGE	940 sf		
208			Net
			UNITS Estimate
			74.3%





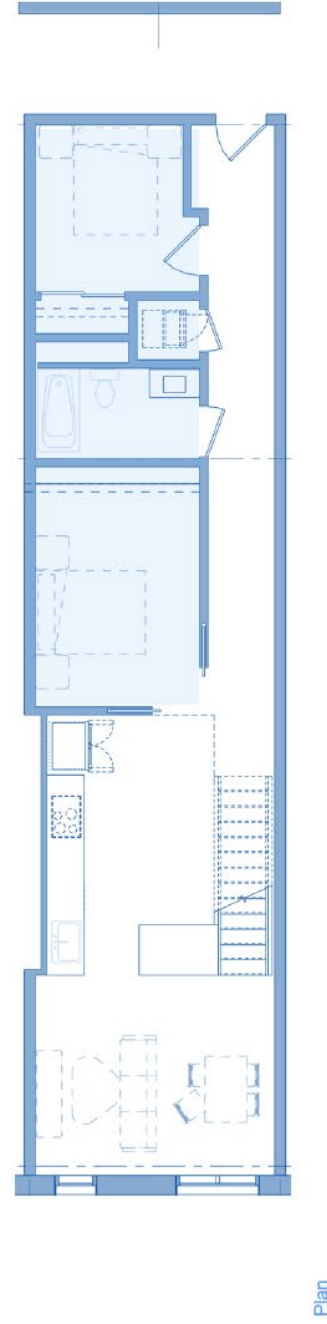
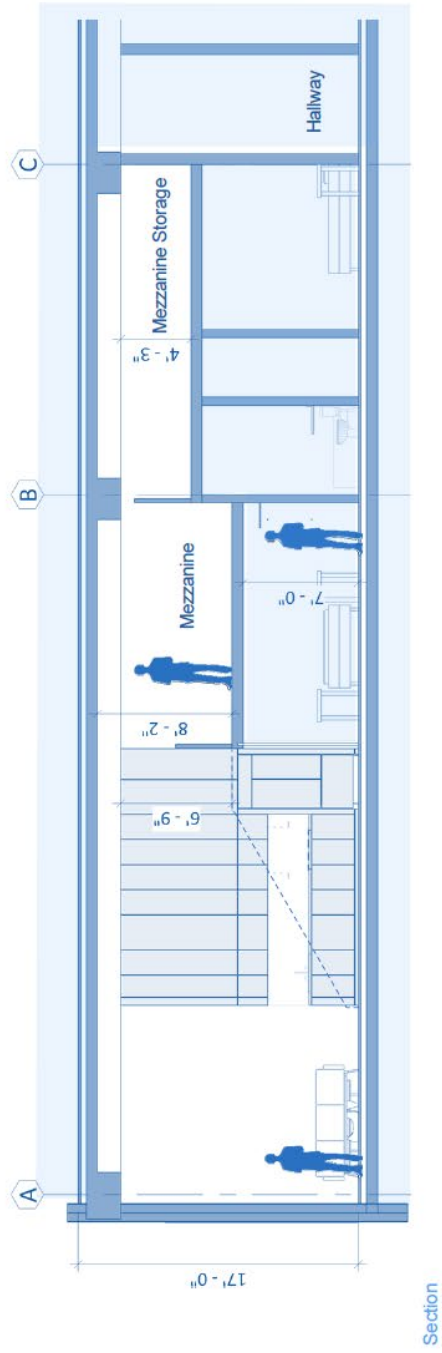
1-BR, 2-Borrowed Light, Front Porch Unit – 1,200 sf

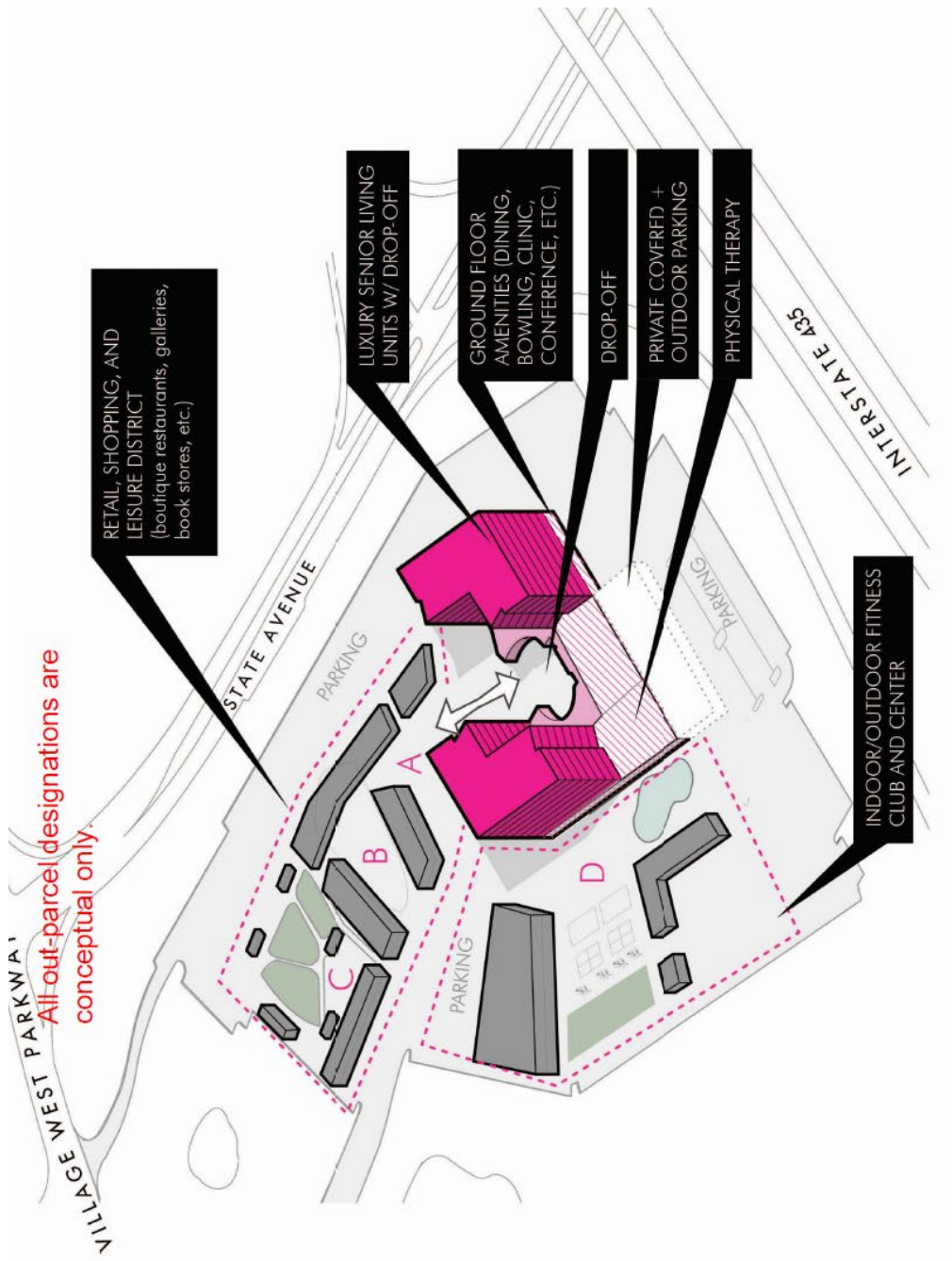


Level 1 Phase 1

Net Rentable 18,670				
Summary	NSF Target	Unit Perc	UNIT TOTAL	NSF Rent
1 BR 1-Borrow	642 sf	24%	4	2,566
1-BR 2-Borrow	1,200 sf	41%	7	8,399
1-BR 2-Borrow	1,182 sf	24%	4	4,729
2-BR 1-Borrow	1,488 sf	12%	2	2,976
AVERAGE	1,100 sf			
17 UNITS Estimate				

Residential Floorplate Study: Level 1 Study 1





A
RETAIL + SHOPPING PLAZA
(boutique restaurants, galleries, book stores, thrift stores etc.)



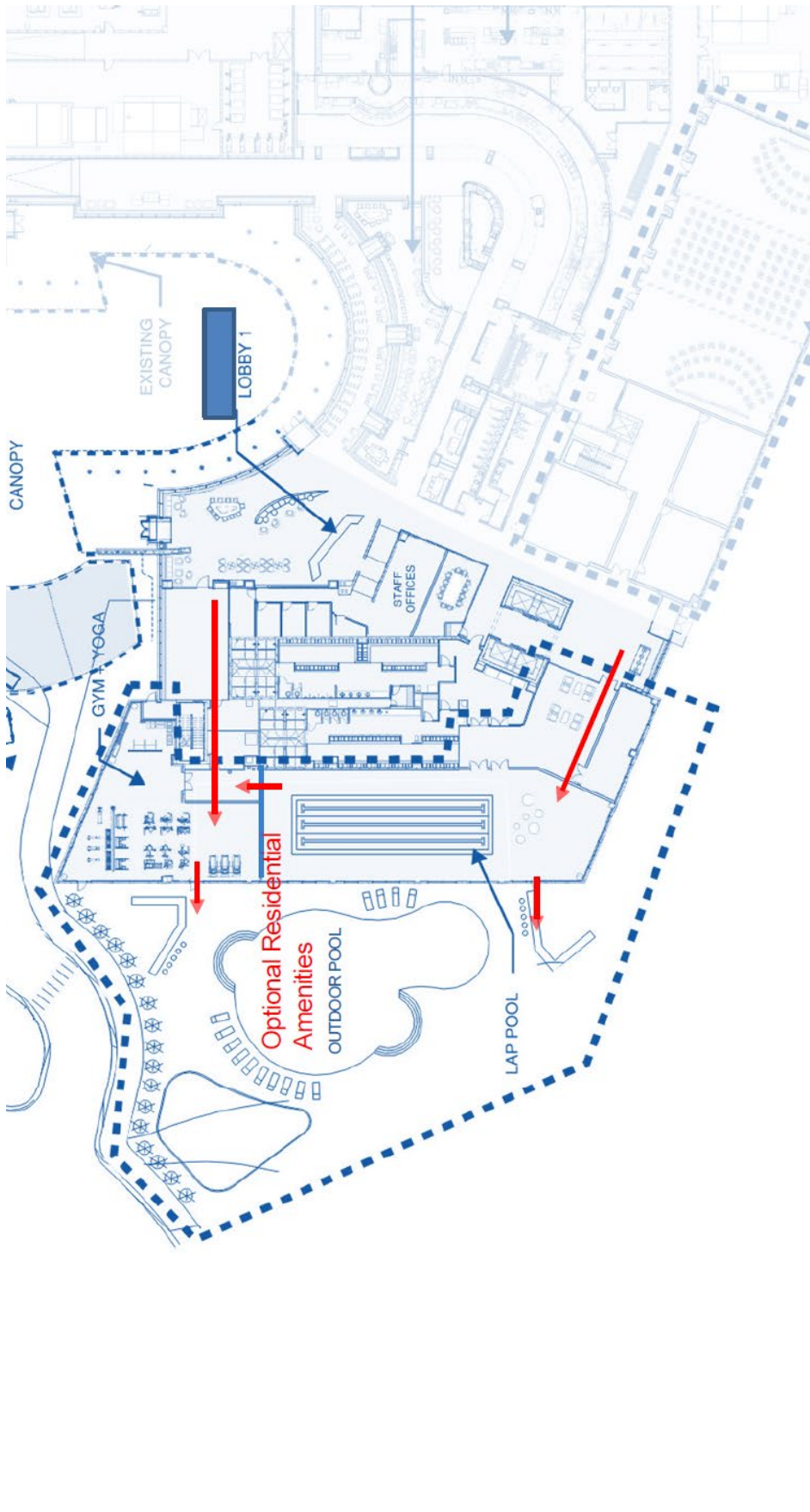
B
DOUBLE-STORY OUTDOOR MALL
(surrounded by retail such as apparel, home furnishings, restaurants, and some essential services like beauty shops and a small-scale convenience mart; plaza doubles as weekend market)

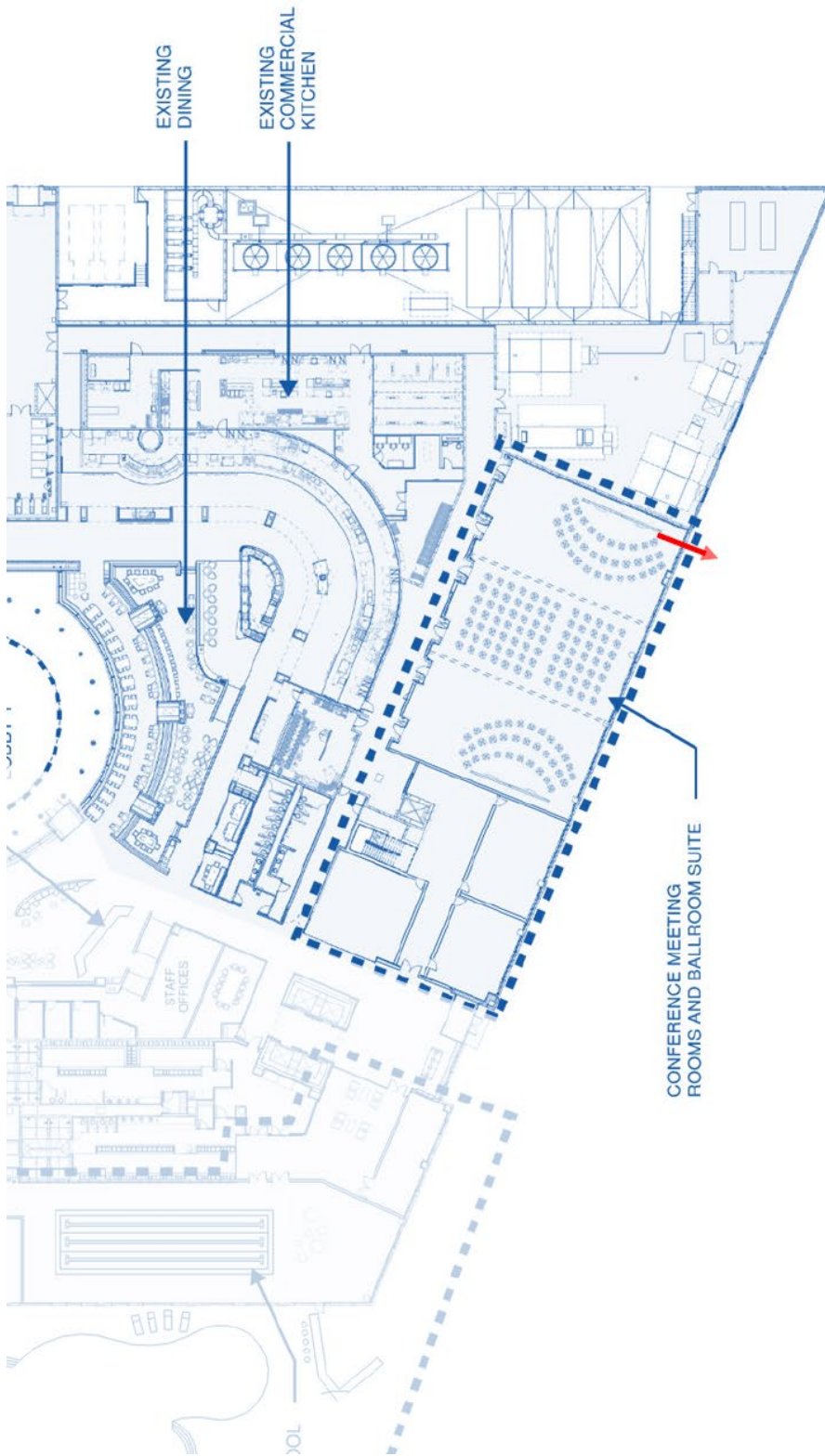


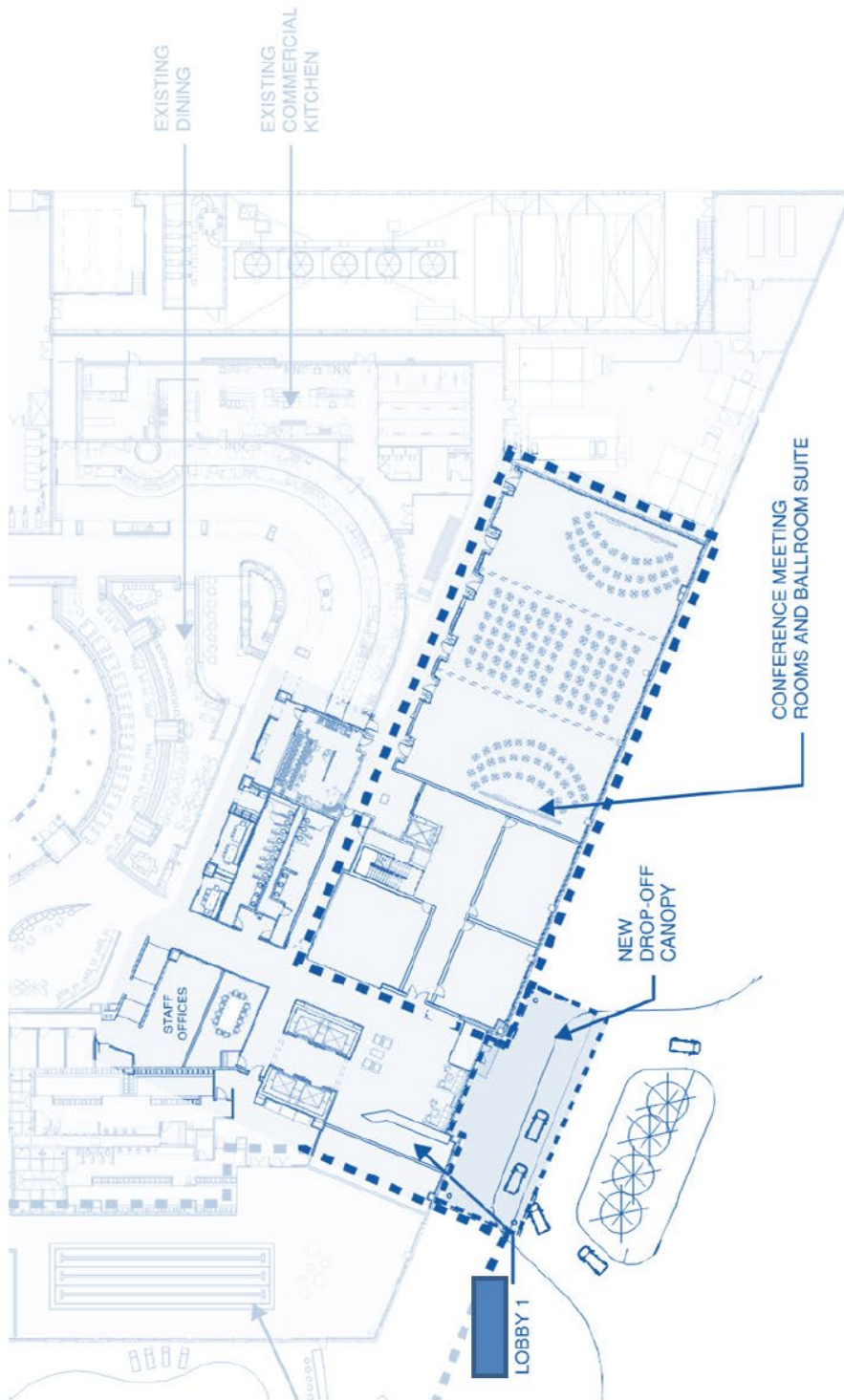
C
DOG PARK / MOVIE LAWN
(expansive landscaped lawn with interspersed shipping container snacks (coffee, tacos, juice bar, etc.). Lawn is partially allocated as a dog-park and converted into public outdoor film viewing)



D
FITNESS CENTER
(with tiered outdoor courts, fields, and lawns for activities from racquetball and squash to yoga; shared outdoor pool with senior living)











Amenity Courtyard Opportunity

gouldevans
Page 14



Center Continuous Campus



Figure 4. Site Photograph of 10200 Abilities Way looking northeast (provided by Planning Staff).



Figure 5. Site Photograph of 10200 Abilities Way looking east (provided by Planning Staff).



Figure 6. Site Photograph of 10200 Abilities Way looking east (provided by Planning Staff).



Figure 7. Site Photograph of 10200 Abilities Way looking west (provided by Planning Staff).



Figure 8. Site Photograph of 10200 Abilities Way looking south (provided by Planning Staff).



Figure 9. Site Photograph of 10200 Abilities Way looking east from Village West Parkway (provided by Planning Staff).



Staff Request for Commission Action

Tracking No. 212495

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 05/22/2023	<u>Contact Name:</u> Ana Marin	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> amarin@wycokck.org	<u>Department/Division:</u> Mayor's Office
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Item Description:

The Mayor's Youth Council was recently approved by Wyandotte County Commissioners and established as the official representative of the county's youth. Jillian Collier and J.D. Rios coordinated student applications for the youth council. J.D. Rios and Moses Wyatt will continue to lead this endeavor. All applicants were required to have a minimum 2.5 GPA, reside within Wyandotte County, and be enrolled in 11th or 12th grade for the forthcoming school year. In addition to operating, voting on, and conversing with the Unified Government about youth initiatives in Wyandotte County, representatives will participate in a two-year program. Under the direction of Mr. J. D. Rios and Mr. Moses Wyatt, in collaboration with the Administrator's Office, per the Unified Government ordinance, the first year will focus on leadership development and acquiring a deeper understanding of how the UG operates. The second year will consist of developing and implementing a Wyandotte County community-beneficial advocacy initiative in the student's area of interest. We are thrilled to announce, recognize, and honor the inaugural members of the Mayor's Youth Council, submitted by Tyrone Garner, Mayor/CEO.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



PROCLAMATION

- WHEREAS,** historic preservation is an endeavor that seeks to preserve, conserve, and protect buildings, objects, landscapes, or other artifacts of historical significance; and
- WHEREAS,** historic preservation retains the knowledge of historic people, events, architecture, and archeology for the study and enjoyment of all; and
- WHEREAS,** engaging in historic preservation is engaging in a conversation with our past, about our future, through the maintenance and continued use of the built environment of our forebearers; and
- WHEREAS,** historic preservation programs lower the barrier to rehabilitation through Historic Tax Credits and National Trust for Historic Preservation grants, two financial tools that can significantly reduce the cost of rehabilitating historic resources, and in turn provide more places for businesses, especially women- and minority-owned businesses, to succeed and serve the Kansas City and Wyandotte County community; and
- WHEREAS,** local historic preservation is an effective tool for revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability by providing financial resources and expertise for the rehabilitation of historic buildings; and
- WHEREAS,** Wyandotte County has a rich and complex history, the study of which challenges us to build on our successes and learn from our past, and Local Historic Sites foster this dialogue that brings together residents from diverse backgrounds in shared experiences; and
- WHEREAS,** the National Trust for Historic Preservation established May as National Historic Preservation Month in 1973 to promote historic places for the purpose of instilling national and community pride, promoting heritage tourism, and showing the social and economic benefits of historic preservation; and
- WHEREAS,** the Kansas City and Wyandotte County community continues to demonstrate its commitment to preservation, as it grows and develops, through ongoing historic and archaeological surveys; the nomination of significant cultural resources to the Kansas City, Kansas, State and National Registers of Historic Places; the protection of its historic neighborhoods; the integration of historic elements with redevelopment; and the recognition, rehabilitation, and restoration of historic properties.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the month of May 2023, as:

“Historic Preservation Month”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to take cognizance of this event and participate fittingly in its observance. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** The Salvation Army has been serving the people of Wyandotte County/Kansas City, KS for 140 years physically, emotionally, and spiritually; and
- WHEREAS,** The Salvation Army is present wherever the need is greatest, especially during times of crisis, where vulnerable citizens are more at risk of becoming homeless, hungry, addicted, or spiritually tried; and
- WHEREAS,** The Salvation Army initiates the people of Wyandotte County/Kansas City, KS to “Love Beyond” and help the organization continue to provide life-changing assistance to our neighbors who need it most; and
- WHEREAS,** it is fitting and proper during Salvation Army Week to recognize the tremendous impact of philanthropy, volunteerism, and community service in Wyandotte County/KS; and
- WHEREAS,** National Salvation Army Week is an opportunity to encourage citizens to serve others with their resources and time during the difficult period many of us are experiencing.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim May 15-21, 2023, as:

“National Salvation Army Week”

in Wyandotte County/Kansas City, Kansas, and call upon all residents to recognize National Salvation Army Week. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** Anthony Clark Jr, from Kansas City Kansas, and a Graduate of F.L. Schlagle High School in 1991 and has been a member of Greater Pentecostal Temple for 25 Years and counting; and
- WHEREAS,** Anthony Clark Jr. is a proud citizen of Kansas City Kansas, and believes in supporting our Kansas City Kansas and Kansas City Missouri Youth in their activities. To include Basketball, Football, Baseball Soccer, Wrestling, Choir concerts and Battle of the Bands competitions, and more; and
- WHEREAS,** Anthony Clark Jr. was and is a faithful supporter and will attend the games on rainy days, sunny days, winter days, and more; and
- WHEREAS,** Anthony Clark Jr. did not have a car until two years ago and would catch the bus to attend games and sometimes make arrangements with family members to watch games and youth activities; and
- WHEREAS,** Anthony Clark Jr. is a huge supporter of all youth and even buys them graduation cards when they graduate from High School and College; and
- WHEREAS,** Anthony Clark Jr. has supported over 200 youth in their sports and activities for over 25 years; and
- WHEREAS,** Anthony Clark Jr. was born May 30, 1973, and will turn 50 years old this Tuesday, May 30, 2023.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim May 30th, 2023, as:

“Anthony Clark Jr. Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Anthony Clark Jr. Day. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 212429

Full Commission Meeting Date: 5/25/23

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/8/23

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
05/10/2023	Patrick Waters	x5079	patrickwaters@wycokck.org	Legal

Item Description:

A resolution authorizing the execution of a second supplemental indenture with regard to the taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. Project — Building), Series 2017A, previously issued by the Unified Government of Wyandotte County/ Kansas City, Kansas, submitted by Patrick Waters, Interim Chief Counsel.

Action Requested:

To adopt the resolution.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution - DFA 2017A Second Supp. Indenture (UG), Second Supp. Indenture - DFA 2017A (UG)

RESOLUTION R-___-23

A RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND SUPPLEMENTAL INDENTURE WITH REGARD TO THE TAXABLE INDUSTRIAL REVENUE BONDS (DAIRY FARMERS OF AMERICA, INC. PROJECT—BUILDING), SERIES 2017A, PREVIOUSLY ISSUED BY THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) has previously issued its Taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. Project—Building), Series 2017A (the “Series 2017A Bonds”) pursuant to the terms of that certain Trust Indenture dated as of December 1, 2017 (the “Indenture”), between the Unified Government and Security Bank of Kansas City (the “Trustee”); and

WHEREAS, Wells Fargo Bank, National Association (the “Bondowner”) purchased the Series 2017A Bonds and is the sole bondowner of the Series 2017A Bonds; and

WHEREAS, the Series 2017A Bonds are payable solely from the rents, revenues and receipts derived from the Project (as defined in the Indenture) and payable under that certain Lease Agreement dated as of December 1, 2017 (the “Lease Agreement”), between the Unified Government and Dairy Farmers of America, Inc. (the “Company”); and

WHEREAS, interest on the Series 2017A Bonds accrues at a rate determined in part by the London Interbank Offered Rate (“LIBOR,” as may be further defined in the Indenture); and

WHEREAS, the Unified Government, Bondowner, Trustee, and Company entered into a First Supplemental Indenture dated as of July 9, 2021 (the “First Supplemental Indenture”) to implement alternative provisions for calculating the accrual of interest on the Series 2017A Bonds in anticipation of the cessation of LIBOR; and

WHEREAS, the Unified Government, Bondowner, Trustee, and Company now desire to transition the interest rate from LIBOR-based to one based on the secured overnight financing rate (“SOFR,” as may be further defined in the Indenture) and extend the Lease Term (as defined in the Indenture); and

WHEREAS, the Unified Government desires to authorize the execution of a Second Supplemental Indenture (the “Second Supplemental Indenture”) in order to implement such changes; and

WHEREAS, the Board of Commissioners of the Unified Government (the “Governing Body”) finds and determines that it is desirable to supplement the Indenture, as previously supplemented by the First Supplemental Indenture, by adopting this resolution to permit the execution of the Second Supplemental Indenture for the purposes described herein and take certain other actions in connection with such amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. Authorization and Approval of Bond Documents Amendments. The Second Supplemental Indenture is hereby approved in substantially the form presented to and reviewed by the Governing Body at this meeting (copies of which documents shall be filed in the records of the Unified

Government), and the Unified Government is hereby authorized to execute and deliver such document with such changes therein as shall be approved by the officers of the Unified Government executing such documents, such officers' signatures thereon being conclusive evidence of their approval and the Unified Government's approval thereof.

Section 2. Execution of Documents; Further Authority. The Mayor/CEO (or acting Mayor/CEO), Unified Government Clerk, and all other appropriate officers and officials of the Unified Government are hereby authorized and directed to execute and deliver the Second Supplemental Indenture and such other documents, certificates and instruments and take any other actions as may be necessary or desirable to carry out and comply with the intent of this Resolution for and on behalf of and as the act and deed of the Unified Government.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately upon its adoption by the Unified Government.

ADOPTED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, ON MAY 25, 2023.

(Seal)

By: _____
Mayor/CEO

ATTEST:

Unified Government Clerk

Approved as to Form:

By: _____
Office of Chief Counsel

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

AND

**SECURITY BANK OF KANSAS CITY
As Trustee**

SECOND SUPPLEMENTAL TRUST INDENTURE

Dated as of May 26, 2023

Relating to:

**\$33,607,165.22
(Aggregate Maximum Principal Amount)
Unified Government of Wyandotte County/Kansas City, Kansas
Taxable Industrial Revenue Bonds
(Dairy Farmers of America, Inc. Project--Building)
Series 2017A**

SECOND SUPPLEMENTAL TRUST INDENTURE

THIS SECOND SUPPLEMENTAL TRUST INDENTURE dated as of May 26, 2023 (the “Second Supplemental Indenture”), between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation organized and existing under the laws of the State of Kansas (the “Unified Government”), and **SECURITY BANK OF KANSAS CITY**, a Kansas banking corporation duly organized and existing and authorized to accept and execute trusts of the character herein set forth under the laws of the State of Kansas, with its designated corporate trust office located in Kansas City, Kansas, as Trustee (the “Trustee”) amends and supplements a Trust Indenture dated as of December 1, 2017 between the Unified Government and the Trustee (the “Original Indenture”), as amended by the First Supplemental Trust Indenture dated as of July 9, 2021 (the “First Supplemental Indenture;” collectively, the Original Indenture, the First Supplemental Indenture, and this Second Supplemental Indenture are referred to herein as the “Indenture”);

WHEREAS, the Unified Government is authorized under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to purchase, acquire, construct, improve, equip and remodel certain facilities within its jurisdiction for industrial purposes, and to enter into leases and lease-purchase agreements with any person, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities, and to pledge the income and revenues to be derived from the operation of such facilities to secure the payment of the principal of and interest on such bonds;

WHEREAS, the Unified Government previously issued its Taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. Project—Building), Series 2017A (the “Series 2017A Bonds”) pursuant to the terms of the Original Indenture for the purpose of acquiring, improving, constructing, installing and equipping a commercial facility located as 1405 North 98th Street (as may be further defined in the Original Indenture, the “Project”); and

WHEREAS, Wells Fargo Bank, National Association (the “Bondowner”) purchased the Series 2017A Bonds and is the sole bondowner of the Series 2017A Bonds; and

WHEREAS, the Unified Government leased its interest in the Project to Dairy Farmers of America, Inc., a Kansas cooperative marketing association (the “Lessee”), pursuant to that certain Lease Agreement between the Unified Government and the Lessee dated as of December 1, 2017 (the “Lease Agreement”); and

WHEREAS, the Series 2017A Bonds are payable solely from the rents, revenues and receipts derived from the Project and payable under the Lease Agreement; and

WHEREAS, under the Original Indenture, interest on the Series 2017A Bonds accrued at a rate determined in part by the London Interbank Offered Rate (“LIBOR,” as may be further defined in the Indenture); and

WHEREAS, the Unified Government, Bondowner, Trustee, and Lessee entered into the First Supplemental Indenture to implement alternative provisions for calculating the accrual of interest on the Series 2017A Bonds in anticipation of the cessation of LIBOR; and

WHEREAS, the Unified Government, Bondowner, Trustee, and Lessee now desire to enter into this Second Supplemental Indenture to (i) transition the interest rate from LIBOR-based to one based on

the secured overnight financing rate (“SOFR,” as may be further defined in the Indenture) and (ii) extend the Lease Term as described herein; and

WHEREAS, the parties hereto intend for this Second Supplement Indenture to constitute a covered modification within the meaning of Treasury Regulation § 1.1001-6(h)(1).

NOW, THEREFORE, THIS SECOND SUPPLEMENTAL TRUST INDENTURE WITNESSETH:

ARTICLE I

DEFINITIONS; AUTHORITY

Section 1. Definitions of Words and Terms. Except as otherwise defined herein, capitalized terms shall have the meaning set forth in the Original Indenture or the First Supplemental Indenture.

Section 2. Authority for Second Supplemental Indenture. This Second Supplemental Indenture is adopted pursuant to the provisions of the Act, the Original Indenture and the First Supplemental Indenture, and is supplemental to, and is authorized, executed and delivered in accordance with, **Article XI** of the Original Indenture.

ARTICLE II

BONDOWNER REPRESENTATION AND CONSENT

Section 1. Representation. Bondowner hereby represents that it is the sole owner of the entire principal amount of the Series 2017A Bonds.

Section 2. Bondowner Consent; Acknowledgement. By its execution hereof, Bondowner affirmatively provides its written consent to (a) the execution of this Second Supplemental Indenture by the Unified Government and the Trustee, and (b) the extension of the Expiration Date of the Lease Agreement, the Lease Term, and the maturity of the Series 2017A Bonds to December 1, 2027 pursuant to Section 3.2 of the Lease Agreement; provided, however, the Lease Agreement shall not terminate until the Bonds have been paid and discharged. The Unified Government and Lessee acknowledge and confirm the extension of the Lease Term to December 1, 2027.

ARTICLE III

AMENDMENTS

Section 1. Additional Definitions. Starting with the next Accrual Period commencing after the date of this Second Supplemental Indenture, the following definitions are hereby added to **Section 101**.

“*Adjusted Term SOFR*” means, for purposes of any calculation, the rate per annum equal to (a) Term SOFR for such calculation (in the applicable tenor) plus (b) ten basis points (0.10%); provided, if

Adjusted Term SOFR determined as provided here shall ever be less than the Benchmark Floor, then Adjusted Term SOFR shall be deemed to be the Benchmark Floor.

“Benchmark Floor” means a rate of interest equal to zero percent (0%).

“Conforming Changes” means any technical, administrative or operational changes (including, without limitation, changes to the definition of “U.S. Government Securities Business Day,” the definition of “Accrual Period” or any similar or analogous definition, the timing and frequency of determining rates and making payments of interest, prepayment provisions and other technical, administrative or operational matters) that Bondowner decides may be appropriate to reflect the adoption and implementation of a Benchmark Replacement or to permit the use and administration of Term SOFR or a Benchmark Replacement by Bondowner.

“Federal Reserve Business Day” means any day that is not a Saturday, Sunday or other day on which the Federal Reserve Bank of New York is closed.

“SOFR” means a rate per annum equal to the secured overnight financing rate as administered by the SOFR Administrator.

“SOFR Administrator” means the Federal Reserve Bank of New York (or a successor administrator of the secured overnight financing rate).

“Term SOFR” means the Term SOFR Reference Rate for a tenor comparable to the applicable Accrual Period on the day (such day, the “Term SOFR Determination Day”) that is two (2) U.S. Government Securities Business Days prior to the first day of such Accrual Period, as such rate is published by the Term SOFR Administrator; provided, however, that (i) if as of 5:00 p.m. (New York City time) on any Term SOFR Determination Day the Term SOFR Reference Rate for the applicable tenor has not been published by the Term SOFR Administrator and a Benchmark Replacement Date with respect to the Term SOFR Reference Rate has not occurred, then Term SOFR will be the Term SOFR Reference Rate for such tenor as published by the Term SOFR Administrator on the first preceding U.S. Government Securities Business Day for which such Term SOFR Reference Rate for such tenor was published by the Term SOFR Administrator so long as such first preceding U.S. Government Securities Business Day is not more than three (3) U.S. Government Securities Business Days prior to such Term SOFR Determination Day and (ii) if Term SOFR determined as provided above (including pursuant to clause (i) of this proviso) shall ever be less than the Benchmark Floor, then Term SOFR shall be deemed to be the Benchmark Floor.

“Term SOFR Administrator” means CME Group Benchmark Administration Limited (CBA) (or a successor administrator of the Term SOFR Reference Rate selected by Bondowner in its reasonable discretion).

“Term SOFR Reference Rate” means the forward-looking term rate based on SOFR.

“U.S. Government Securities Business Day” means any day except for (i) a Saturday, (ii) a Sunday or (iii) a day on which the Securities Industry and Financial Markets Association, or any successor thereto,

recommends that the fixed income departments of its members be closed for the entire day for purposes of trading in United States government securities.

Section 2. Revised Pricing and Interest Accrual.

(a) Starting with the next Accrual Period commencing after the date of this Second Supplemental Indenture, Section 208(c) of the Indenture is hereby deleted in its entirety and replaced with the following:

“(c) The Bonds outstanding shall bear interest at a rate per annum equal to the Adjusted Term SOFR rate plus 2.00%, subject to Section 213 and Section 214.”

(b) Section 208(d) of the Indenture is hereby deleted in its entirety and replaced with the following:

“(d) Interest shall be computed on the basis of actual/360 days while interest on the Bond accrues at the Adjusted Term SOFR rate.”

Section 3. SOFR Replacement. Section 213 of the Indenture is hereby deleted in its entirety and replaced with the following:

“Section 213. Term SOFR.

(a) Inability to Determine Interest Rates; Illegality. Subject to the Benchmark Replacement Provisions at Section 214 below, if Bondowner determines (any determination of which shall be conclusive and binding hereunder) that either (i) Term SOFR for the applicable Accrual Period cannot be determined pursuant to the definition thereof other than as a result of a Benchmark Transition Event (an “Inability Determination”) or (ii) any law has made it unlawful, or that any governmental authority has asserted that it is unlawful, for Bondowner to make or maintain an advance based on SOFR or Term SOFR, or to determine or charge interest rates based upon SOFR or Term SOFR (an “Illegality Determination”), then Bondowner will so notify Lessee and Trustee. If the foregoing Inability Determination or Illegality Determination relates to Term SOFR for any Accrual Period, the outstanding principal balance of the Series 2017A Bonds bearing interest in relation to Term SOFR for any affected Accrual Period shall bear interest at a fluctuating rate per annum determined by Bondowner to be equal to the Prime Rate in effect from time to time (computed on the basis of a 360-day year, actual days elapsed), from the date of an Inability Determination or an Illegality Determination until Bondowner revokes such Inability Determination or notifies Lessee and Trustee that the circumstances giving rise to such Illegality Determination no longer exist, as applicable; provided, however, that no such determination of interest shall take effect during any applicable Accrual Period as a result of an Inability Determination. When interest is determined in relation to the Prime Rate, each change in the rate of interest hereunder shall become effective on the date each Prime Rate change is announced within Bondowner. Notwithstanding any of the foregoing to the contrary, if a Benchmark Replacement is subsequently determined in accordance with applicable Benchmark Replacement Provisions, that Benchmark Replacement, plus any applicable margin, will then supersede the foregoing with respect to the replaced Benchmark.

(b) Term SOFR Conforming Changes. In connection with the use or administration of Term SOFR, Bondowner will have the right to make Conforming Changes from time to time and any amendments implementing such Conforming Changes

will become effective without any further action or consent of the Unified Government, the Lessee or any other party to this Indenture. Bondowner will promptly notify Lessee and Trustee of the effectiveness of any Conforming Changes in connection with the use or administration of Term SOFR.”

Section 4. Benchmark Replacement Provisions. Section 214 is hereby added to the Indenture as follows:

“Section 214. Benchmark Replacement Provisions.

Notwithstanding anything to the contrary contained herein:

(a) Benchmark Replacement. If a Benchmark Transition Event occurs, the applicable Benchmark Replacement will replace the then-current Benchmark for all purposes hereunder. Any Benchmark Replacement will become effective on the applicable Benchmark Replacement Date without any further action or consent of the Unified Government, the Lessee or any other party to this Indenture.

(b) Benchmark Replacement Conforming Changes. In connection with the use, administration, adoption or implementation of a Benchmark Replacement, Bondowner will have the right to make Conforming Changes from time to time and any amendments implementing such Conforming Changes will become effective without any further action or consent of the Unified Government, the Lessee or any other party to this Indenture.

(c) Notices; Standards for Decisions and Determinations. Bondowner will promptly notify Lessee and Trustee of (i) the implementation of any Benchmark Replacement, (ii) the effectiveness of any Conforming Changes in connection with the use, administration, adoption or implementation of a Benchmark Replacement and (iii) the removal or reinstatement of any tenor of a Benchmark pursuant to the provisions herein. Any determination, decision or election that may be made by Bondowner pursuant to these Benchmark Replacement Provisions, including any determination with respect to a tenor, rate or adjustment or of the occurrence or non-occurrence of an event, circumstance or date and any decision to take or refrain from taking any action or any selection, will be conclusive and binding absent manifest error and will be made in its sole discretion and without any further action or consent of the Unified Government, the Lessee or any other party to this Indenture.

(d) Unavailability of Tenor of Benchmark. At any time (including in connection with the implementation of a Benchmark Replacement), (i) if the then-current Benchmark is a term rate (including the Term SOFR Reference Rate) and either (A) any tenor for such Benchmark is not displayed on a screen or other information service that publishes such rate from time to time as selected by Bondowner in its reasonable discretion or (B) the administrator of such Benchmark or the regulatory supervisor for the administrator of such Benchmark has provided a public statement or publication of information announcing that any tenor for such Benchmark is not or will not be representative or in compliance with or aligned with the International Organization of Securities Commissions (IOSCO) Principles for Financial Benchmarks, then Bondowner may modify the definition of “Accrual Period” (or any similar or analogous definition) for any Benchmark settings at or after the occurrence of either (A) or (B) above to remove such unavailable, non-representative, non-compliant or non-aligned tenor and (ii) if a tenor that was removed pursuant to clause (i) above either (A) is subsequently displayed on a

screen or information service for a Benchmark (including a Benchmark Replacement) as selected by Bondowner in its reasonable discretion or (B) is not, or is no longer, subject to an announcement that it is not or will not be representative or in compliance with or aligned with the International Organization of Securities Commissions (IOSCO) Principles for Financial Benchmarks for a Benchmark (including a Benchmark Replacement), then Bondowner may modify the definition of “Accrual Period” (or any similar or analogous definition) for all Benchmark settings at or after such time to reinstate such previously removed tenor.

(e) Certain Defined Terms. As used in this Section, each of the following capitalized terms has the meaning given to such term below:

(i) “Available Tenor” means, as of any date of determination and with respect to the then-current Benchmark, as applicable, (A) if such Benchmark is a term rate, any tenor for such Benchmark that is or may be used for determining the length of an interest period for purposes hereunder or (B) otherwise, any payment period for interest calculated with reference to such Benchmark that is or may be used for determining any frequency of making payments of interest calculated with reference to such Benchmark, in each case, as of such date and not including, for the avoidance of doubt, any tenor for such Benchmark that is then-removed from the definition of “Accrual Period” pursuant to the provisions herein.

(ii) “Benchmark” means, initially, the Term SOFR Reference Rate; provided, however, that if a Benchmark Transition Event has occurred with respect to the Term SOFR Reference Rate or the then-current Benchmark, then “Benchmark” means the applicable Benchmark Replacement to the extent that such Benchmark Replacement has become effective pursuant to the provisions herein.

(iii) “Benchmark Administrator” means, initially, the Term SOFR Administrator, or any successor administrator of the then-current Benchmark or any insolvency or resolution official with authority over such administrator.

(iv) “Benchmark Replacement” means the sum of: (A) the alternate reference rate that has been selected by Bondowner as the replacement for the then-current Benchmark and (B) the spread adjustment, or method for calculating or determining such spread adjustment, (which may be a positive or negative value or zero) that has been selected by Bondowner, in each case, giving due consideration to (x) any selection or recommendation by the Relevant Governmental Body at such time for a replacement reference rate, the mechanism for determining such a rate, the methodology or conventions applicable to such alternate reference rate, or the spread adjustment, or method for calculating or determining such spread adjustment, for such rate, or (y) any evolving or then-prevailing market convention for determining an alternate reference rate as a replacement to the then-current Benchmark, the methodology or conventions applicable to such rate, or the spread adjustment, or method for calculating or determining such spread adjustment, for such rate for U.S. dollar-denominated syndicated or bilateral credit facilities; provided, however, that if the Benchmark Replacement as determined as provided above would be less than the Benchmark Floor, then the Benchmark Replacement shall be deemed to be the Benchmark

Floor for the purposes hereunder, subject to any other applicable floor rate provision.

(v) “Benchmark Replacement Date” means the date specified by Bondowner in a notice to Lessee and Trustee following a Benchmark Transition Event.

(vi) “Benchmark Transition Event” means the occurrence of one or more of the following events with respect to any then-current Benchmark: a public statement or publication of information by or on behalf of the Benchmark Administrator or a regulatory supervisor for the Benchmark Administrator announcing that (A) the Benchmark Administrator has ceased or will cease to provide such Benchmark, or, if such Benchmark is a term rate, all Available Tenors of such Benchmark, permanently or indefinitely, or (B) such Benchmark is, or, if such Benchmark is a term rate, all Available Tenors of such Benchmark are, not, or as of a specified future date will not be, representative of underlying markets or in compliance with or aligned with the International Organization of Securities Commissions (IOSCO) Principles for Financial Benchmarks.

(vii) “Relevant Governmental Body” means the Board of Governors of the Federal Reserve System and/or the Federal Reserve Bank of New York, or a committee officially endorsed or convened by the Board of Governors of the Federal Reserve System and/or the Federal Reserve Bank of New York or any successor thereto.”

Section 5. Replacement Bond. The Unified Government shall deliver to the Trustee an executed replacement Bond in substantially the form attached hereto as **Exhibit A** which shall be deemed effective with the next Accrual Period commencing after the date of this Second Supplemental Indenture.

ARTICLE IV

MISCELLANEOUS PROVISIONS

Section 1. Applicability of Original Indenture and First Supplemental Indenture. Except as otherwise provided in this Second Supplemental Indenture, the provisions of the Original Indenture and the First Supplemental Indenture are hereby ratified, approved and confirmed and incorporated herein.

Section 2. Severability. If any provision of this Second Supplemental Indenture shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatever.

Section 3. Execution in Counterparts. This Second Supplemental Indenture may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 4. Governing Law. This Second Supplemental Indenture shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Electronic Transactions. The parties agree that the transaction described herein may be conducted and related documents may be executed, delivered, and stored by electronic means.

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the Unified Government of Wyandotte County/Kansas City, Kansas, has caused this Second Supplemental Indenture to be signed in its name and behalf by its Mayor/CEO and the seal of the Unified Government to be hereunto affixed and attested by its Unified Government Clerk, and to evidence its acceptance of the trusts hereby created, Security Bank of Kansas City has caused this Second Supplemental Indenture to be signed in its name and behalf by its duly authorized officer and attested, all as of the date first above written.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/
KANSAS CITY, KANSAS**

By: _____
Mayor/CEO

[SEAL]

ATTEST:

By _____
Unified Government Clerk

Approved as to Form:

By: _____
Office of Chief Counsel

SECURITY BANK OF KANSAS CITY,
as Trustee

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

Title: _____

BONDHOLDER CONSENT

Pursuant to Article XI of the Original Indenture, Bondholder, as owner of 100% of the principal amount of the Series 2017A Bonds, hereby consents to the execution of the Second Supplemental Indenture.

**WELLS FARGO BANK, NATIONAL
ASSOCIATION**

A national banking association

as Bondholder

By: _____

Name: _____

Title: _____

LESSEE CONSENT

Pursuant to Article XI of the Original Indenture, the Lessee hereby consents to the execution of the Second Supplemental Indenture.

DAIRY FARMERS OF AMERICA, INC.
A Kansas non-stock cooperative marketing
association,

as Lessee

By: _____

Name: _____

Title: _____

EXHIBIT A
FORM OF BOND

This Bond has not been registered under the Securities Act of 1933, as amended, or any state securities laws, and this Bond may not be transferred except in accordance with the provisions of Section 206(b) of the Indenture. In addition, this Bond may not be transferred unless (i) the Unified Government consents in writing to such transfer, and (ii) the Unified Government and the Trustee are furnished a written legal opinion from counsel acceptable to the Unified Government, the Trustee and the Lessee, to the effect that such transfer is exempt from the registration requirements of the Securities Act of 1933, as amended, and any applicable state securities laws. This Bond may be transferred to any Affiliate (as defined in the Indenture) without the necessity of obtaining the Unified Government's consent or such an opinion. As a condition to any transfer the Trustee must receive a representation letter as set forth in the Indenture.

R-3

\$33,607,165.22

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF WYANDOTTE

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
TAXABLE INDUSTRIAL REVENUE BOND
(DAIRY FARMERS OF AMERICA, INC. PROJECT-BUILDING)
SERIES 2017A

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, a municipal corporation organized and existing under the laws of the State of Kansas (the "Unified Government"), for value received, promises to pay, but solely from the source hereinafter referred to, to

WELLS FARGO BANK, NATIONAL ASSOCIATION

or registered assigns, on December 1, 2027, as provided in the Indenture, the maximum principal amount of

THIRTY-THREE MILLION SIX-HUNDRED SEVEN THOUSAND AND ONE-HUNDRED
SIXTY-FIVE DOLLARS AND TWENTY-TWO CENTS

or such lesser amount as may be outstanding hereunder as reflected in the bond registration books maintained by the Trustee. The registered owner shall note the principal amount outstanding hereunder in the Table of Cumulative Outstanding Principal Amount attached hereto; provided, however, that the registration books maintained by the Trustee shall be the official record of the Cumulative Outstanding Principal Amount of this Bond, in any coin or currency of the United States of America which on the date of payment thereof is legal tender for the payment of public and private debts, and in like manner to pay to the registered owner hereof, either by check or draft mailed to the registered owner at a stated address as it appears on the bond registration books of the Unified Government kept by the Trustee under the within mentioned Indenture or, in certain situations authorized in the Indenture, by internal bank transfer or by wire transfer to an account in a commercial bank or savings institution located in the continental United

States, interest on the Cumulative Outstanding Principal Amount (as hereinafter defined) at the Adjusted Term SOFR rate plus 2.00%, subject to adjustment as set forth in the Indenture, payable in arrears on each Interest Payment Date and continuing thereafter until the said Cumulative Outstanding Principal Amount is paid in full. Interest shall be computed on the basis of actual/360 days while interest on the Bond accrues at the Adjusted Term SOFR rate. As specified in the Indenture, the Adjusted Term SOFR rate may be replaced with another benchmark index. Principal on this Bond shall be payable on the maturity date set forth above, unless such principal shall have been paid as a result of a redemption of the Bonds prior to such maturity date.

As used herein, the term “Cumulative Outstanding Principal Amount” means an amount equal to the aggregate of all amounts paid into the Construction Fund in accordance with the terms of the Indenture hereinafter referred to, as reflected in the bond registration books maintained by the Trustee.

The Trustee shall keep and maintain a record of the amounts deposited into the Construction Fund pursuant to the terms of the Indenture as “Principal Amount Deposited into Construction Fund” and shall enter the aggregate principal amount of this Bond then outstanding as the “Cumulative Outstanding Principal Amount” on its records maintained for this Bond. On each date upon which a portion of the Cumulative Outstanding Principal Amount is paid to the registered owner hereof, pursuant to the optional redemption provisions of the Indenture, the Trustee shall enter on its records the principal amount paid on the Bond as “Principal Amount Paid Pursuant to Optional Redemption Provisions,” and shall enter the then outstanding principal amount of this Bond as “Cumulative Outstanding Principal Amount” on its records. The registered owner may from time to time enter the respective amounts deposited into the Construction Fund pursuant to the terms of the Indenture under the column headed “Principal Amount Deposited Into Construction Fund” on the attached Table of Cumulative Outstanding Principal Amount (the “Table”) and may enter the aggregate principal amount of this Bond then outstanding under the column headed “Cumulative Outstanding Principal Amount” on the attached Table. On each date upon which a portion of the Cumulative Outstanding Principal Amount is paid to the registered owner hereof pursuant to the optional redemption provisions of the Indenture, the registered owner may enter the principal amount paid on this Bond under the column headed “Principal Amount Paid Pursuant to Optional Redemption Provisions” on the Table and may enter the then outstanding principal amount of this Bond under the column headed “Cumulative Outstanding Principal Amount” on the Table. However, the records maintained by the Trustee as to amounts deposited into the Construction Fund or principal amounts paid on this Bond shall be the official records of the Cumulative Outstanding Principal Amount for all purposes.

THIS BOND is a duly authorized Bond of the Unified Government designated “Unified Government of Wyandotte County/Kansas City, Kansas Taxable Industrial Revenue Bonds (Dairy Farmers of America, Inc. Project-Building), Series 2017A,” in the aggregate maximum principal amount of \$33,607,165.22 (the “Bonds”), to be issued for the purpose of providing funds to pay the cost of acquiring, improving, constructing, installing and equipping facilities located at 1405 North 98th Street, located in Kansas City, Kansas (the “Project”), to be leased to Dairy Farmers of America, Inc., a Kansas non-stock cooperative marketing association (the “Lessee”), under the terms of a Lease Agreement dated as of December 1, 2017 (said Lease Agreement, as amended and supplemented from time to time in accordance with the provisions thereof, being herein called the “Lease Agreement”), between the Unified Government and the Lessee, all pursuant to the authority of and in full compliance with the provisions, restrictions and limitations and Constitution and statutes of the State of Kansas, including particularly K.S.A. 12-1740 to 12-1749d, inclusive, as amended, and pursuant to proceedings duly had by the governing body of the Unified Government.

THE BONDS are issued under and are equally and ratably secured and entitled to the protection given by a Trust Indenture dated as of December 1, 2017 (the "Indenture"), between the Unified Government and Security Bank of Kansas City, Kansas City, Kansas (the "Trustee"). Subject to the terms and conditions set forth therein, the Indenture permits the Unified Government to issue Additional Bonds (as defined therein) secured by the Indenture on a parity with the Bonds. Reference is hereby made to the Indenture for a description of the provisions, among others, with respect to the nature and extent of the security for the Bonds, the rights, duties and obligations of the Unified Government, the Trustee and the owners of the Bonds, and the terms upon which the Bonds are issued and secured.

THIS BOND shall be subject to redemption and payment in whole or in part, as follows:

(a) At any time prior to the stated maturity thereof, by the Unified Government, at the option of and upon instructions from the Lessee, at a price equal to the par value thereof, plus accrued interest thereon, without premium or penalty except as provided under the Continuing Covenants Agreement, to the date of payment.

(b) At any time prior to the stated maturity thereof, to the extent amounts are deposited into the Bond Fund for the Bonds in accordance with **Section 602** of the Indenture, at a price equal to the par value thereof, plus accrued interest thereon, without premium or penalty except as provided under the Continuing Covenants Agreement, to the date of payment.

In the event the Bonds are to be called for redemption as provided in paragraphs (a) or (b) above, the Lessee shall deliver written notice to the Unified Government and the Trustee that it has elected to redeem all or a portion of the Bonds in accordance with paragraph (a) or (b) above at least ten days prior to the scheduled redemption date. The Trustee shall then deliver written notice to the Owner of this Bond at least five days prior to the scheduled redemption date by first class mail stating the date upon which the Bonds will be redeemed and paid.

THE BONDS are special obligations of the Unified Government payable solely out of the rents, revenues and receipts derived by the Unified Government from the Project and not from any other fund or source of the Unified Government, and are secured by a pledge and assignment of the Project and of such rents, revenues and receipts, including all rentals and other amounts to be received by the Unified Government under and pursuant to the Lease Agreement, all as provided in the Indenture. The Bonds do not constitute general obligations of the Unified Government or the State of Kansas, and neither the Unified Government nor said State shall be liable thereon, and the Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and are not payable in any manner by taxation. Pursuant to the provisions of the Lease Agreement, rental payments sufficient for the prompt payment when due of the principal of and interest on the Bonds are to be paid by the Lessee directly to the Trustee for the account of the Unified Government and deposited in a special fund created by the Unified Government and designated the "The Unified Government of Wyandotte County/Kansas City, Kansas, Industrial Revenue Bond Fund – Dairy Farmers of America, Inc. Project-Building."

THE OWNER of this Bond shall have no right to enforce the provision of the Indenture or to institute action to enforce the covenants therein, or to take any action with respect to any event of default under the Indenture, or to institute, appear in or defend any suit or other proceedings with respect thereto, except as provided in the Indenture. In certain events, on the conditions, in the manner and with the effect set forth in the Indenture, the principal of all the Bonds of this Series issued under the Indenture and then Outstanding may become or may be declared due and payable before the stated maturity thereof, together

with interest accrued thereon. Modifications or alterations of this Bond or the Indenture may be made only to the extent and in the circumstances permitted by the Indenture.

SUBJECT TO the requirements for transfer set forth above in the legend contained on the face of this Bond, this Bond is transferable, as provided in the Indenture, only upon the books of the Unified Government kept for that purpose at the above-mentioned office of the Trustee by the registered owner hereof in person or by such person's duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer satisfactory to the Trustee duly executed by the registered owner or such person's duly authorized attorney, and thereupon a new fully registered Bond or Bonds, without coupons, and of the same series and in the same aggregate principal amounts, shall be issued to the transferee in exchange therefor as provided in the Indenture, and upon payment of the charges therein prescribed. The Unified Government, the Trustee and any Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes.

THE BONDS are issuable in the form of a single fully registered Bond without coupons in the principal denomination of \$33,607,165.22.

THIS BOND shall not be valid or become obligatory for any purposes or be entitled to any security or benefit under the Indenture until the Certificate of Authentication hereon shall have been executed by the Trustee.

IT IS HEREBY CERTIFIED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the execution and delivery of the Indenture and the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by the Constitution and laws of the State of Kansas.

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the Unified Government of Wyandotte County/Kansas City, Kansas, has caused this Bond to be executed in its name by the manual or facsimile signature of its Mayor/CEO, attested by the manual or facsimile signature of its Unified Government Clerk and its corporate seal to be affixed hereto or imprinted hereon, and has caused this Bond to be dated as of the date set forth above.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/
KANSAS CITY, KANSAS**

By _____
Mayor/CEO

(SEAL)

ATTEST:

By _____
Unified Government Clerk

TABLE OF CUMULATIVE OUTSTANDING PRINCIPAL AMOUNT

<u>Date</u>	<u>Principal Amount Deposited Into Construction Fund</u>	<u>Principal Amount Paid Pursuant to Redemption Provisions</u>	<u>Cumulative Outstanding Principal Amount</u>	<u>Notation Made By</u>
12/14/2017	\$33,607,165.22		\$33,607,165.22	

(FORM OF ASSIGNMENT)
(NOTE RESTRICTIONS ON TRANSFERS)

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Print or Typewrite Name, Address and Social Security or
other Taxpayer Identification Number of Transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept by the Trustee for the registration and transfer of Bonds, with full power of substitution in the premises.

Dated: _____.

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular.

Signature Guaranteed By:

[Seal of Bank]

(Name of Bank)

By: _____
Name: _____
Title: _____

CERTIFICATE OF AUTHENTICATION

This Bond is the Taxable Industrial Revenue Bond (Dairy Farmers of America, Inc. Project-Building), Series 2017A, described in the Trust Indenture. The effective date of registration of this Bond is set forth below.

SECURITY BANK OF KANSAS CITY, as
Trustee

Date

By _____
Name: _____
Title: _____



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

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

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

May 12, 2023

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

Re: Subdivision Plat Approval for **THE ESTATES OF HOLLINGSWORTH MEADOWS**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of THE ESTATES OF HOLLINGSWORTH MEADOWS located at 12501 Polfer Road and being developed by Maderos / King.

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

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

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by Troy Shaw
Date: 2023.05.16 15:34:01
-05'00'

Troy Shaw, P.E.
County Engineer

Attachments



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

ONE McDOWELL PLAZA

701 NORTH 7TH STREET, 66101

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

May 12, 2023

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

Re: Subdivision Plat Approval for **5-RIVERS TRUCK CENTER**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of 5-RIVERS TRUCK CENTER located at 26th and Cheyenne Ave and being developed by 5-Rivers LLC.

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

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

Respectfully submitted,

Brent E. Thompson, P.S.
County Surveyor

Digitally signed by Troy
Shaw
Date: 2023.05.16 15:33:26
-05'00'

Troy Shaw, P.E.
County Engineer

Attachments



Scale in Feet
1" = 50'

"5-RIVERS TRUCK CENTER"
FINAL PLAT OF
A REPLAT OF LOTS 9 THRU 14, BLOCK 12, MULVANE'S ADDITION TO ARGENTINE AND LOTS 5 THRU 24,
LOT 46 THRU 61, LOTS 78 THRU 90, LOTS 97 THRU 100 AND A PART OF LOT C AND ALL OF LOT D, HOMIE
BUILDING AND INVESTMENT COMPANY'S ADDITION ALL IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS

[illegible]

DESCRIPTION:
TRACT 1:

KANSAS CITY, WYANDOTTE COUNTY, KANSAS.
TRACT 2.

LOTS 10, 11, 12, 13, 14, 15, BLOCK 12, MILWAUKEE'S ADDITION TO ARGENTINE, NOW IN AND A PART OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

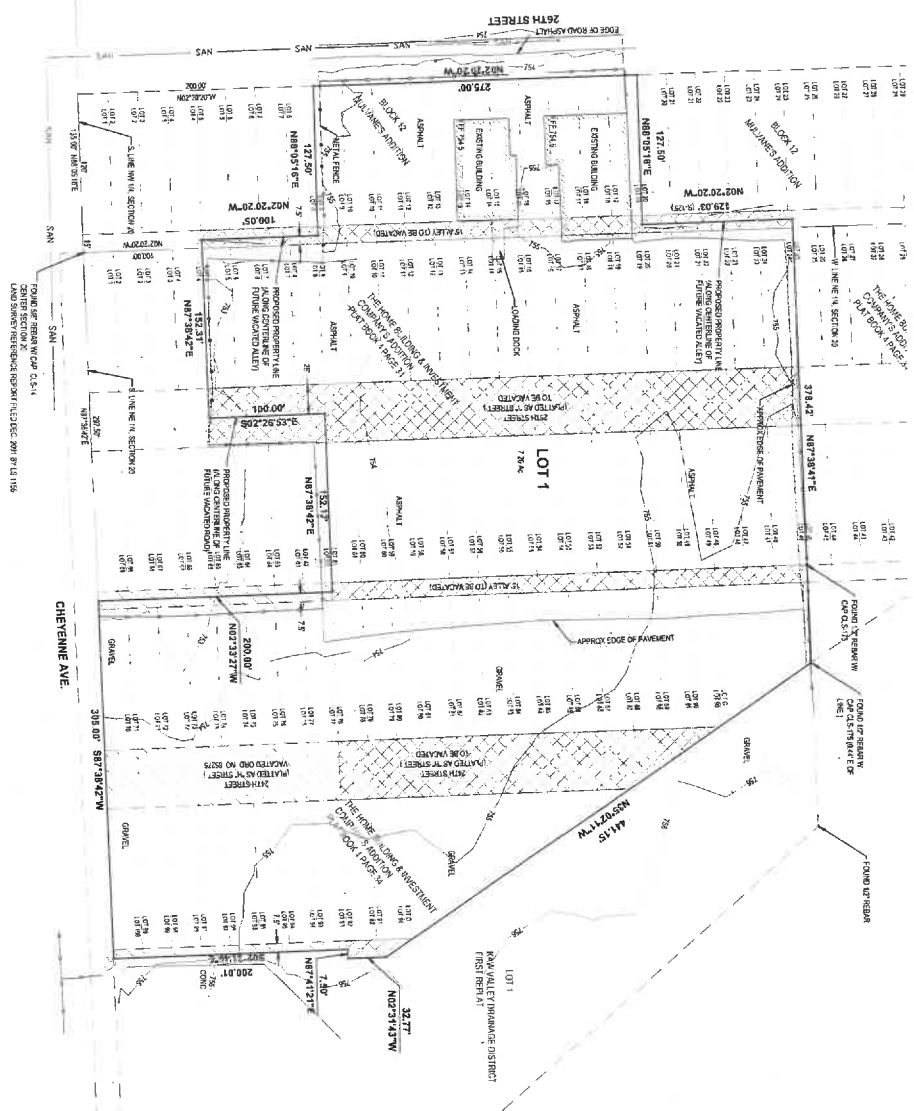
WYANDOTTE COUNTY, KANSAS.

PART OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

LOTS 46 THRU INCLUSIVE, HOME BUILDING AND INVESTMENT COMPANY'S ADDITION TO
 ARGENTINE A SUBDIVISION OF LAND IN WYATTOTE COUNTY, KANSAS

1982-2: 6-

LOTS 20 TO 20A, BE, LOCATED, LOTS 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851

[illegible]

**BEFORE YOU
DIG - DRILL - BLAST**

1-800-344-7463 (MISSOURI)
1-800-344-7233 (KANSAS)

UTILITY NOTE: THE INFORMATION SHOWN ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR FULL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL UTILITY COMPANIES FOR RECENT LOCATION OF ALL UNDERGROUND UTILITIES. SEE SPEC. TO ANY EXCAVATION AND FOR MAKING HIS OWN VERIFICATION AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE HERETO.

7635

FORM 4000K (FNT 4000K) (FNT 4000K)

R. SECTION INFORMATION
H. MEASURED
B.M. BEHAT OF WAY

CLASSIC SQUARE
PITCH: 1 PART IN 10000 FEET
FROM DISTANCE: 1000
FROM DIRECTION: NORTH
PEAK DISTANCE: 10000 FEET
PEAK DIRECTION: NORTH
AL. BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE PLATTED AND MEASURED UNLESS OTHERWISE NOTED.

SECTION CORNER 115.
CENTER SECTION 20, TOWNSHIP 11S, RANGE 75E
FOUND 5/8" BEARING W. 0.5-14 C.D.
R1 - 25.61' SOUTH/SOUTHWEST TO FOUND WIRE NAIL IN STREET CONSTRUCTION JOINT.
R2 - 46.39' SOUTH TO FOUND 1/2" BEARING (NO C.D.)
R3 - 27.41' SOUTHWEST TO FOUND WIRE NAIL IN STREET CONSTRUCTION JOINT

SCIENTIFICALLY, I HOPE TO DECLARE THAT ON THIS DATE, AN AC-
CEPTED PROPERTY BOUNDARY RE-SURVEY WAS MADE BY
ORDER MY DIRECT SUPERVISOR AND THAT SURVEY
OR RECORDS THE CURRENT WATERS UNLAWFUL
FOR PROPERTY BOUNDARY SURVEYS TO THE RES-
PECTED PROFESSIONAL KNOWLEDGE, INFORMATION AND

[illegible]

ZONING REGULATIONS

1. ACCORDING TO THE UNITED GOVERNMENT OF WINNIPEG COUNTY/KANSAS CITY, KANSAS THE SUBJECT

[illegible]

RISK DUE TO LEVEL) AS DETERMINED BY EFFECTIVE DATE OF FEBRUARY 05, 2014

SUBSCRIBED BY
S PIVERS, LLC

GRAND JURY, NEBBIA
STATE OF KANSAS
COUNTY OF WYANDOTTE)
SS:

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE
PERSONALLY APPEARED GABRIELLE KAWAOKA, MEMBER OF 3 PARTIES, LLC, A KONA
OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, TO ME PERSONALLY KNOWN
RESIDING IN AND WHO EXECUTED THE SAME AS THEIR FREE ACT AND DEED,
BY HAND AND ATTACHED BY SEAL ON THE LAST DAY AND YEAR WRITTEN ABOVE

MY COMMISSION EXPIRES: STATE OF _____

THE UNITED GOVERNMENT OF WYOMING COUNTY / KANSAS CITY, KANSAS PLANNING COMMISSION,
DATED THIS _____ DAY OF _____, 20____
WYOMING COUNTY/KANSAS CITY, KANSAS PLANNING COMMISSION
BY: _____ CHAIRMAN

SECRET NAME _____ SECRETARY

GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS, MISSOURI
 TYPING CLERK U.S. MAYOR/CEO

RECOMMENDED FOR APPROVAL BY THE WINN-DIESE COUNTY/KANSAS CITY ENGINEER

ENGINEER
INSERT NAME

DATE _____

DEPARTMENT OF REVENUE,
STATE OF KANSAS)
COUNTY OF WYANDOTT) SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE
OFFICE ON THIS _____ DAY OF _____ 20____ AT _____
AND IS FULLY RECORDED

NANCY W. BURNS, REGISTER OF DEEDS
SUZIE NELSON, DEPUTY

FINAL PLAY OF "5-RIVERS TRUCK CENT"

ENTINE AND LOTS 5 THRU 24, LOTS 46 THRU 61, LOTS 91 THRU 100 AND A PART OF LOT C AND ALL OF THE INTERESTS OF THE ABOVE COMPANIES IN THE

BOUNDARY & CONSTRUCTION

CONCRETE, INC.
210 THE COLUMBUS STREET SUITE 201 DEERFIELD
SPRINGFIELD, MA 01104-5045
TEL: 413-254-3999 FAX: 413-564-0137

919 S. 25TH ST., KANSAS CITY, KANSAS

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

REGULAR SESSION
SEPTEMBER 15, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, September 15, 2022, with ten members present via Zoom and on-site: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Ramirez, Commissioner Third District (arrived at 7:17 p.m.); Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. McKiernan, Commissioner Second District, was absent. The following officials were also in attendance: Dr. Mildred Edwards, Mayor's Office; Cheryl Harrison-Lee, Interim County Administrator; Bridgette Cobbins, Assistant County Administrator; Brett Deichler, Interim Assistant County Administrator; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Jeff Conway, Assistant Counsel; Reginald Lindsey, Budget Director; and Monica Sparks, Acting UG Clerk.

Mayor Garner said before I call the meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely via Zoom, by phone, or 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 direction from the guidance of the Kansas Attorney General's Office.

I will now call this meeting to order. Clerk, roll call, please.

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

Mayor Garner said tonight, the invocation is going to be given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ, followed by the Pledge of Allegiance.

Mayor Garner said I'm going to ask the Clerk if there are any revisions for tonight's agenda.

Monica Sparks, Acting UG Clerk, said yes, Mr. Mayor. A blue sheet has been issued with the following changes. Under the Mayor's Agenda, we have removed original Item No. 2 – A presentation of BPU findings, by Dr. Evelyn Hill, and replaced the item with an update on the County Administrator's search process.

Under the Administrator's items, we have removed Item No. 4 – Options for the Fairfax fire station. Those are all the amendments.

Mayor Garner said the first item on the agenda is going to be the community input/discussion with the public.

MAYOR'S AGENDA

Item No. 1 – 211538...COMMUNITY INPUT AND RECOMMENDATIONS

Synopsis: Public forum to allow citizens to express concerns and present solutions relating specifically and solely to the Unified Government's span of interest and control. Participants will be limited to two minutes in duration. Citizens appearing in the Municipal Office Building Chambers will be given priority, followed by a limited number of participants who have registered online through the Unified Government Clerk's Office. Those who have registered online may not be given an immediate opportunity to participate due to time constraints to be determined by the Mayor/CEO. If time allows, persons listening online who wish to make comments will be recognized. All interested participants should know that Mayor/CEO Garner has also placed a maximum time limit of 45 minutes to host and conclude these discussions. In the interest of time, there should be no expectation for requested participants' guaranteed inclusion to be recognized for comment and participation.

Mayor Garner said this forum has allowed citizens to express concerns and present solutions—I'd like to stress solutions—relating solely and specifically to the Unified Government's span of control and interest. I will now open the public comment and I'll ask the Clerk to provide a synopsis indicating how many comments were submitted to the Clerk's Office.

Monica Sparks, Acting UG Clerk, said, Mayor, we received no written comments. We do have eight individuals who have asked to speak this evening.

Mayor Garner said staff, Clerk, who's been assigned, if you could start calling those residents to the podium. I ask that those residents, when you come to the podium, please state your name clearly and your residence for record.

Nancy George, resident of Wyandotte County, said I come to you this evening as a representative of the Churches United for Justice. Group violence intervention is an effective crime reduction strategy that has been endorsed by the Department of Justice and has been replicated and implemented in over five cities with proven success in reducing crime. When our organization first presented this message to our Chief of Police, we were told about reservations he had due to the program not working in Kansas City, MO. But to say simply that it didn't work and won't work here without evaluating the feasibility of a program in a different community, we feel is irresponsible.

I am a guardian of a 15-year-old grandchild who is a student at Washington High School. The amount of violence that we have experienced with no real help is unbelievable. Most recently, my grandson was attacked from behind when another student attempted to slice the side of his neck with a sharp object...**Ms. Sparks** said one minute remaining. **Ms. George** said the student was not arrested nor expelled.

The National Network for Safe Communities at John Jay College of Criminal Justice has secured 100% funding. Let me say that again, 100% funding to perform a deep data-driven problem analysis to identify who are the violent groups, the types of crimes that are committed, the assets and barriers in our community. This is the first step to implementing CVI.

It is important for you to know that committing to a complete problem analysis is not a commitment to the entire program. It's only a commitment to understand if this program can truly work in our community and identify gaps within our service providers. Thank you.

Christine L. Allen said I just wanted to share with you all some information. I brought a book along if anybody ever liked to see it. It's about building a city. I was born in this city. As a child I walked to school and I didn't have to worry about nobody shooting me or cutting me or anything like that. We have to stop the violence in our city. If we don't stop the violence in our city, we would not preserve our city to be what we want it to be.

Another thing, we don't really have a race problem. Sometimes people mention it, but we all have the same God. If I bleed and you bleed and we have to have your blood, I get your blood and you get mine. So, it's not a problem, but what we need to know is what tribe we're from. We were brought over and when our people were brought up, we didn't know what tribe we were from. You need to know what tribe you're from. Everybody needs to know that and then that way you can go further in being productive as a citizen in your community. **Ms. Sparks** said one minute remaining.

Ms. Allen said as I said, I graduated from Washington High School. Vernon School is where I went to school. Now Vernon School is an elderly home, position for elderly people, senior citizen center. So, as I said, I'm no longer a student. I am wanting to help students. I taught school as a substitute for years. I want our city to be better. So, I'm going to give three words: DIG. What does DIG mean? Dignity, integrity, and grace. Have a good evening.

Burma Mealor, 2806 S. 73rd St., said this is about the subdivision ad valorem tax increase. As a homeowner in Wyandotte County, I'm asking for a no vote on this tax increase. Homeowners in Wyandotte County were raised last year with a huge real estate increase. Based on inflationary housing bubble that is now declining due to inflation and recession, many are struggling still since COVID lockdowns and loss of work which really should have been granted a freeze on raising taxes. We have to do more with less and cut all unnecessary spending, and savings are stagnant if at all. We are asking you to do the same and cut wasteless spending and conserve as we have to. When taxes are too high, people cannot afford to fix and repair let alone improve. It also adds to foreclosures, homelessness, and businesses closing.

As a grandparent working and raising my granddaughters, as many do, as far as the schools go, even though I pay those taxes...**Ms. Sparks** said one minute remaining. **Ms. Mealor** said now home schools for an education without all the side effects.

All in government should tighten their belts and quit expecting other people's money to make up for their overspending. I'm asking for the UG to be budget savvy like its constituents must be.

Our roads and amenities, where I live in Wyandotte County, aren't all that; and services have been cut but homeowners are now responsible for, yet we can count on our taxes going up. Our police and fire responders are of utmost importance with crime rising in these days. We have

five total officers on the midnight shift for our entire district. We deserve safety and security on taxpayers for our families and loved ones. Priorities, please, and thank you.

A government big enough to give you everything you want as a government big enough to take away everything you have. My solution, smaller government of, for, and by the people. Thank you.

Carolyn Wyatt, 359 Troup, said I'm here this evening. I think it's three weeks ago or four when we had developers come here and wanted to develop in the Northeast area of Wyandotte County. I think that the neighborhood, the residents should have input on who they want to develop in their area and what we would like. I think too often other people make plans on who they want. As we live here in the Northeast area, we've been neglected for I don't know how many years. You just drive through the area. If you've never been in the Northeast area, just drive through there and see what it looks like.

We have commissioners in that area that's not asking for anything. So that means, everybody else gets our money. Our commissioners should be interested where they live or when they represent us. **Ms. Sparks** said one minute remaining. **Ms. Wyatt** said as they represent us, we know what we want and we let them know, but they go with everybody else. We've seen this for a number of years. We want commissioners that listen to us and represent their area as they should.

Also, I'll say one other thing about the public works and sewer separation around Big Eleven Lake. They got \$8M for three projects, and then they're going to get another \$1.5. They come to our area to do this. But when it comes to development, we're the last people who we see. We don't see any developers come to our area to develop, but they come with a plan and they're getting money from the UG, but we're not involved in it. I think they need to start over because it's not our plan, it's their plan. **Ms. Sparks** said your time has expired. **Ms. Wyatt** said thanks.

Scott Murray said first off, Mayor, thank you for doing this. This is really outstanding. I really like the opportunity to give back. Look, I'm going to probably be the only guy who comes here this year who's going to bring you an opportunity to the Unified Government to make money. I'm going to make money—I'm not going to make—you're going to make money.

Let me start with this, do you know who is the biggest impediment to affordable housing in Kansas City, KS? You. The Unified Government is the biggest impediment, trust me. I'm a city planner by trade. I've done the research for the last couple of years. If you guys could simply change a couple of the rules as far as when you buy a house and what it takes for you—from a guy like me, I mean, look, I've got dirty fingernails. I can wire a house. I can plumb a house. I can fix a car. Not everybody can, but some of us can. Let us get permits. **Ms. Sparks** said one minute remaining. **Mr. Murray** said let us get permits. You come inspect it like you would inspect anything else. This will open the affordable housing market like you can't believe.

So, I'm proposing a pilot program inside I-635 from down to where I live. I pretty much walked here. Let's do a pilot project there. Let people get their own permits to rebuild their house because right now the city says if I gave you a house, you have to hire a contractor to do everything. It's not cost effective. Affordable housing.

Karen Daniels said on behalf of the Boston Daniels' family and Boston Daniels Urban Arts, I would like to say thank you to Parks & Rec, thank you Angel Obert, thank you Board of Commissioners for approving funds to improve Boston Daniels Park located on 8th St. & Quindaro Blvd. We're excited to see the change and I know that my community will enjoy Boston Daniels Park for many years to come.

I would also like to thank the citizens that remember Boston Daniels, remember his contributions to Kansas City, KS, and to law enforcement. It's your memories that will make this project even more special. Thank you.

Louise Lynch, resident of KCK, said you asked for solutions, I have for our BPU problems. We need a utility company that is going to be a real municipal utility company and work for the people of Wyandotte County. They don't. They are not interested in helping. I've been doing this fight for over two years and I'm tired of waiting for solutions. I'm tired of the rhetoric, Mr. Johnson. I'm tired of the Board members not doing their job. I'm tired when I lead our Board members especially mine, who is David Haley.

When my utilities get cut off, and they shouldn't have been cut off because I am a CURA applicant and they have my pre-qualification letter, not once but twice cut me off. I have a husband who is very ill who is fecal incontinent and they turned off my water who's had a heart attack,

heart surgery...**Ms. Sparks** said one minute remaining. **Ms. Lynch** said and all other kinds of issues.

Getting on the medical disability list is ridiculous. When I asked Mr. Johnson personally this week, he told me he could not even recall what the requirements were for the CURA applications anymore. He hadn't seen it in a while, yet he got a big fat raise. We cannot put up with this. The cold weather is coming. We have redistricting coming for the BPU Board. We have people struggling. We cannot continue. The only—they have no accountability. We need to modify our charter to make them accountable. If they are not willing to do their job and service us, the residents and those of us who are struggling, then we need to dissolve that Board. There needs to be accountability. We need this fixed now, not in committees, not months from now, but we need it now.

I'd like for you all to bring me back. Put me on the agenda and I can show you all the documents...**Ms. Sparks** said your time has expired. **Ms. Lynch** said and we can go ahead and work from there. If not, I am ready to take this to the national news because this is a disgrace.

Sarah Lynch, Wyandotte resident, said in light of this forum, I would like to concede my time to Louise Lynch.

Louise Lynch said the other thing I'd like to say is we have many people who are on CURA who have been promised that if you have an application, you will never be disconnected unless you were denied until CURA pays because they are slow in paying. They no longer do that. They go ahead and disconnect you. We can no longer get numbers from David Milhouse as to how many people are being disconnected.

So, we pay all these fees. We pay PILOT fees. We pay reconnection fees when we shouldn't be disconnected. I have over \$200 in fees that they have charged that CURA wanted to pay which could be used for somebody's utilities. This is not acceptable. **Ms. Sparks** said one minute remaining.

Ms. Lynch said to enforce medical disability, you have to call a pre-recorded phone number and you never get called back. You can't ask for relief to not have your water turned off. Water. Everybody needs water to live so we're going to create what, another public health hazard? I need every commissioner on board because this affects all of KCK. I called several

commissioners, even though they're not mine, and I don't get called back. Either you want all of KCK to be a good community for everybody or you don't.

Every week I watch this forum. I'm so tired of seeing all the back and forth and nothing gets done. We need our commissioners to do the job for everyone not just your area. Enough is enough. Time is up. If we need to go national, let's do it. Everyone out there listening, please call me or email me to 913-...**Ms. Sparks** said your time has expired. **Ms. Lynch** said ...605-4070. My email is gifts737@gmail.com. Let's unite and get this done. Thank you.

Tscher Manck, call me CeCe, Wyandotte County, said the first thing I would like to say is thank goodness that Mr. Galicia was finally picked up. Thank you, Jesus.

Next I would like to read a couple of highlights from our White House website, some of the highlights over our fact sheet. It said the Biden-Harrison administration advances Black people and communities across America providing immediate relief for Black people and families across the country, economic opportunities for Black families across America narrowing the racial gap for Black families financially, ensuring Black families receive full value for their homes.

First I'd like to say that this does not pertain to the entire Board because when we received the Rescue Act funds, some of you weren't sitting here, however, some of you are on the Board now and we would like to ask you to hold the remaining balance of it. The reason why is because we understand that all of that money...**Ms. Sparks** said one minute remaining. **Ms. Manck** said ...for just Black people, but it was for us. Our President gave the money to each state expecting that each state would do the right thing and advocate some of the funds to Black families.

Now one of the people involved in the group said that they don't even believe you guys spent at least 1% on the Northeast side that the burden of proof is on you. So, if you guys have spent at least \$780K on the Northeast end out of ARPA money that Ms. Markley modeled after the CARES Act, I would ask for an investigation into that because it was two different things and it was not the same thing. But she modeled it after a whole completely different act or a whole different set of funds that were given a year earlier for COVID while the Rescue Plan did not mention COVID at all. It did mention immediate relief to people and families who were suffering, however, it was not out of...**Ms. Sparks** said your time has expired.

Ms. Manck said thank you. But if you can, hold or at least consider holding the remainder of the funds until you read what it was supposed to be for.

Mayor Garner asked, Clerk, were there any more presenters online or in the audience? **Ms. Sparks** said there are no hands raised.

Mayor Garner asked, is there anyone else that would like to speak? If so, please come forward, state your name and your residence for record.

Thomas Gordon, 2521 N. 7th St., said first of all, I'd like to say that I'm happy to see new faces on the Unified Government. I want to speak on behalf of the developers. I came from Phoenix, AZ, in 1980 to present some opportunities for some affordable housing. I met with the local banks. I met with some of the local commissioners at the time and I thought it was going to go forward. But for some strange reason, it fell apart. I wanted to develop a house up on 7th & Central. I think it's called Palo Verde. There were no buildings out there at all. I came to the license and permits to get a permit to build there and was told...**Ms. Sparks** said one minute remaining. **Mr. Gordon** said ...you can't build there. It's too rocky. It's too dangerous. Look at it now.

I'd like to say that there's been systemic racism when it comes to Black developers that have existed for years and years and years. When it came time for the Unified Government to bid on Google, I presented it to one of the local commissioners. We got online. I spoke with part of the Board of Public Utilities and the UG and we were talking with my counter partner in construction and he says we like it. How do we get in touch with you? He said, go through Thomas Gordon. He says, why do we have to go through him?

I'm encouraged to see new commissioners. I hope that we can change and go forth and become a unified government. Thank you.

Mayor Garner said before I close this public comment opportunity, is there anyone else in the audience that would like to speak to take this opportunity? Sir, please come forward. State your name and your address for record.

Curtis Martin, 3071 N. 32nd, said Ms. Louise just spoke on BPU situation and I've spoken on it once before. The dirtiest part of our bill is this excess charge that goes on our bill being connected. If you don't use anything, you're being charged excess charge on your water and your lights. They've been taking this money since 2006 and something definitely needs to be done about that.

I brought it up here before. There's a lot of things that's been brought up at these meetings and no answers are coming out of them.

Everybody that's listening to this message, what you really need to do is email your commissioners. Put this on their plate where the computer will pick up on your problems that you're having and make sure they jump on the problem and get something done about it. This is a real deal with this BPU thing. It's tearing a lot of people's funds up so something definitely needs to be done about it. That's all I got to say.

Mayor Garner asked, Clerk, is there anyone joining us virtually who would like to speak? **Ms. Sparks** said we have Ty Gorman who has requested to speak.

Ty Gorman, 2843 Parkwood Blvd., said I just want to call and repeat the message folks are talking about BPU. There's no reason that we should be having folks shut off on their water or electricity. Not only because the CURA application. The directors clearly stated in the past that when people are in that process, they should not be shut off. People are still being shut off even when they're in that process. I've talked to multiple people who this is happening to.

Not only that, but the Inflation Reduction Act and the Infrastructure and jobs Act both have a lot of money to access for utilities to repay those debts and incur those costs on behalf of the customers. This is not...**Ms. Sparks** said one minute remaining. **Mr. Gorman** said this is not a situation where BPU is going to be incurring a cost or putting these costs on other customers for lack of payment. This is a situation in which BPU can advocate for their customers and stop shutting people off putting people in danger who have medical devices who aren't covered under their paltry plan who, when the winter weather comes, can be kept safe and paid for by federal dollars.

This is something the UG should get involved with because the BPU has shown that they will not do so without the UG forcing them to. So, please make sure that people in Wyandotte aren't put in danger. Thank you very much.

Mayor Garner asked, Clerk, is there anyone else? **Ms. Sparks** said no other hands are raised.

Mayor Garner said if you've already had two minutes, you can't have an additional two minutes, unfortunately.

Mayor Garner said if there's no one else who'd like to speak, I'm going to close this public session. Thank you for everybody that commented, both in person and online. Just know that these opportunities are really valuable, not just to this Commission, but also to staff. It's always good to hear from you and your concerns. We welcome any recommendation that can help us all provide the best quality and level of service to the residents that call Kansas City, KS, home. So, thank you.

Action: Community input received.

Mayor Garner said Item No. 2 on the agenda is an update on the county administrator search process.

Item No. 2 - 211943...UPDATE: COUNTY ADMINISTRATOR SEARCH PROCESS

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

Mayor Garner said I'd like to recognize Bonner Springs Mayor Harrington, but I'd also like to recognize, I see in the audience, is we have Edwardsville Mayor Caiharr. Thank you all. It's always good to have the other mayors within our county attend our meetings.

Mayor Garner said the county administrator search is ongoing. Mayor Harrington volunteered graciously to lead this process and to help me bring forth, hopefully, some good candidates that are qualified that I can appoint and seek the full consent of this Commission moving forward. So, Mayor Harrington is going to give that update.

Jeff Harrington, Mayor of Bonner Springs, said first, as you may know, there's been a change in the executive search recruitment firm. Due to the language in the charter and the ordinances pertaining to the position and the desire for this search to be a fair, transparent, and inclusive search

for a new county administrator, this required a degree of flexibility in the process and SGR did not believe they could be successful.

Until now, the task force meetings have been opened to the public and in a workshop or a collaborative style format, less than formal. With this first phase nearly complete, that will be coming to an end with the discussions trending to specifics and requiring executive sessions to discuss protected issues per state law. The meetings will take on a more formal meeting format.

Third, the representatives you have selected are very hard working, qualified, and bring a wide-range of perspectives, one of which Mayor Caiharr. We are both very thankful for the representation for outside of Kansas City, KS, to be heard on this county administrator selection committee task force. I feel that the entire task force represents you all very well. You've done a great job in selecting them.

Hopefully, the new recruiting firm, and I have only looked at their original proposal and we will be meeting with them shortly, will be able to be advertising the position during October, evaluating, screening, and presenting to us candidates in November and interviewing and selecting a candidate in December. So, hopefully, this won't compromise the timeline to a great degree, but with the current state of affairs and all of the things happening in and around our community, recognize that we are being interviewed or they are evaluating us just like we are evaluating the candidates.

So, thank you very much and I stand for questions.

Mayor Garner said thank you, Mayor.

Commissioner Stites said the only thing that I want to say is thank you to everybody for their willingness that's on that committee that we all had an opportunity to appoint somebody for that search. Some were chosen, some weren't. But, I just want to say thank you to everyone that is dedicating your time for this very important position within our Unified Government. Thank you, again.

Mayor Garner said and I just want to say that as well. Not only do we thank these mayors that are here who have volunteered, but as well as all those individuals that are on the task force. More importantly, the commissioners of taking the time to find people that had the time, because these

are volunteers, to do the hard work and assist in this process. So, thank everybody that's involved, including our staff that's really been a support network as well, and our Administrator.

Action: **For information only.**

Mayor Garner said the next item is a business and economic development task force report from Commissioner Johnson.

Item No. 3 – 211953...UPDATE: BUSINESS AND ECONOMIC DEVELOPMENT TASK FORCE

Synopsis: Update by Commissioner Johnson on the Business and Economic Development Taskforce, submitted by Dr. Mildred Edwards, Mayor's Office.

Mayor Garner said I'll turn the podium over to Commissioner Johnson and let him give us an update on where he's at with that process.

Commissioner Johnson said I'm very excited about our committee. We're getting things rolling. We just had a meeting just in the past couple of weeks ago and a good participation from our community. We talked about a lot of different things. We're going to commit to meeting monthly. I think one of the—and help me, Dr. Edwards or somebody—the first Tuesday of every month at 3:00 and so we're going to—we have a list of items. I'll just touch on a few of them: affordable housing, access to capital, documenting and educating businesses in terms of incentives and the rolls of various groups with regard to economic development, addressing issues that are usually not associated with economic development but addressing the issue of homeless and the unhoused population. Of course, workforce development. We have a real challenge here in Wyandotte County. We have the second or third highest wages that are paid in the state of Kansas, and yet our median income is in the fourth quartile and so there is a separation there that we need to really address there.

So, we've got good participation from BPU. Also talking about how we can align with them to make sure that as we're moving projects forward that we are working together with regard to that.

We did have an opportunity to hear from our Interim County Administrator in terms of the upcoming economic development strategic plan that she is working on, and she stood for questions as well. So, I want to thank her and I want to thank Dr. Edwards who have been vital to helping us to move forward. We're looking forward to be able to provide some information to you by the end of the year in terms of our progress.

I appreciate the time, Mayor, for allowing me this time and space. Thank you.

Mayor Garner said thank you, Commissioner Johnson, and thank you to everybody that's on that task force that is volunteering their time as well. It's just amazing when you talk about these task forces and some of these committees. People from Wyandotte County, from all walks of life, all socio-economic backgrounds, business, just regular everyday folks that are volunteering their time because they want better for Wyandotte County. They've come forward and they volunteer their time to help this Commission find real solutions to real problems. So, thank you again, Commissioner, and thank you again to our Administrator and Dr. Edwards as well. They've been instrumental in really facilitating the needs of these task forces to make sure that they can get the work that needs to be done. So, thank you.

Action: For information only.

Mayor Garner said our next item under the Mayor's Agenda is the resolution appointing Commissioners Ramirez and Stites to witness the destruction of ballots and election materials. Commissioners Bynum and Markley are designed as alternates.

Item No. 4 – 211954...RESOLUTION: APPOINT ELECTORS TO WITNESS DESTRUCTION OF BALLOTS

Synopsis: A resolution appointing electors to witness the destruction of ballots and election materials pursuant to statute, submitted by Jeff Conway, Legal Department.

Mayor Garner said I'll turn it over to our Legal Department for comment.

Jeff Conway, Assistant Counsel, said this is a very simple item to designate those two commissioners to witness. It's just simply carrying out the statutes. There's a timetable for all of these materials, ballots, and election materials that are kept after all the elections. There's a timetable, by statute, for the destruction of those. This time around, the cycle is the 2020 General Election ballot materials. So, that's where they're at. It's 22 months they have to do it. There's two electors, opposite parties. By tradition, it's been commissioners. It doesn't have to be, but it's all teed up for the two commissioners.

Action: **RESOLUTION NO. R-55-22**, "A resolution appointing electors Commissioner Christian Ramirez and Commissioner Chuck Stites to witness the destruction of ballots and other election materials in possession of the Wyandotte County Election Commissioner that were retained from the General Election of 2020 that are required to be destroyed pursuant to state law." **Commissioner Markley made a motion, seconded by Commissioner Davis, to adopt the resolution.**

Mayor Garner asked, do any members of the Commission have any questions or comments? Seeing none, we have a motion and a second for approval. Is there any discussion? Seeing none, roll call, please.

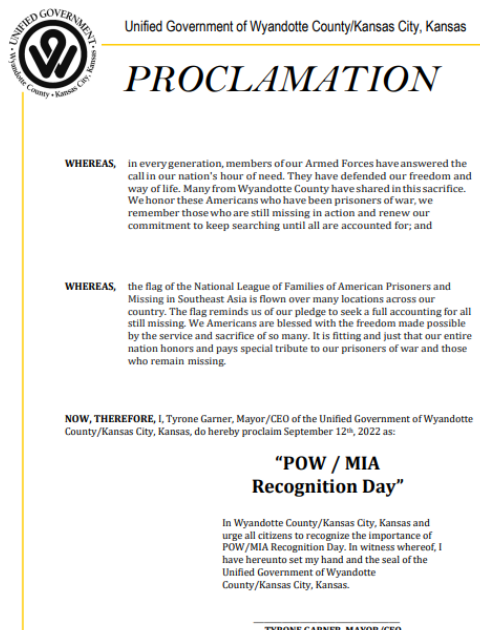
Roll call was taken and there were nine "Ayes," Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, Ramirez, Johnson.

Mayor Garner said, Clerk, there are several proclamations. If you could present those to the public and the Commission.

Item No. 5 – 211948...PROCLAMATION: POW/MIA RECOGNITION DAY

Synopsis: Proclamation proclaiming September 12, 2022, as POW/MIA Recognition Day, submitted by Tyrone A. Garner, Mayor/CEO.

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

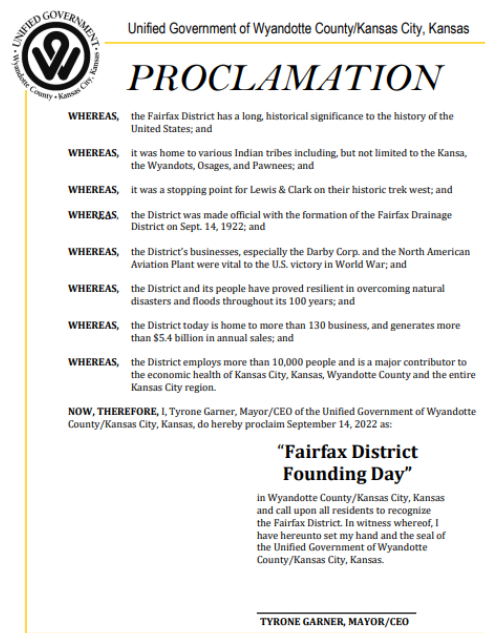


Action: The proclamation was read.

Item No. 6 – 211949...PROCLAMATION: FAIRFAX DISTRICT FOUNDING DAY

Synopsis: Proclamation proclaiming September 14, 2022, as Fairfax District Founding Day, submitted by Tyrone A. Garner, Mayor/CEO.

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



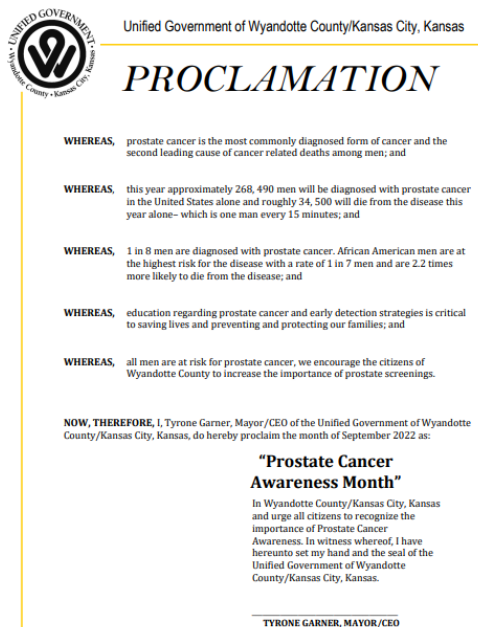
September 15, 2022

Action: The proclamation was read.

Item No. 7 – 211950...PROCLAMATION: PROSTATE CANCER AWARENESS MONTH

Synopsis: Proclamation proclaiming the month of September 2022 as Prostate Cancer Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

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

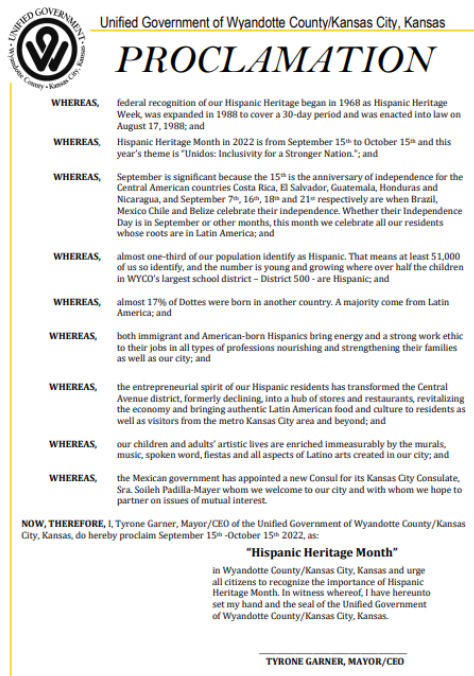


Action: The proclamation was read.

Item No. 8 – 211951...PROCLAMATION HISPANIC HERITAGE MONTH

Synopsis: Proclamation proclaiming September 15 - October 15, 2022, as Hispanic Heritage Month, submitted by Tyrone A. Garner, Mayor/CEO.

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



Action: **The proclamation was read.**

Mayor Garner said that takes us to the Regular Consent Agenda.

CONSENT AGENDA

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

Commissioner Burroughs said the August 4th minutes, I'd like to have them set aside for discussion.

Mayor Garner said I'll entertain a motion for approval of the Regular Consent Agenda.

Action: **Commissioner Johnson made a motion, seconded by Commissioner Markley, to approve all remaining items.**

September 15, 2022

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

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

Item No. 1 – 211946...PLAT: GRIGGS PLACE

Synopsis: Plat of Griggs Place located at 107th and Polfer Roads being developed by David Griggs, submitted by Brent E. Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 2 - MINUTES

Synopsis: Minutes from the regular session of March 3, 2022; and special sessions of August 4, 11, and 22, 2022.

Mayor Garner said that takes us to the set aside item on the Consent Agenda. I’ll recognize Commissioner Burroughs and ask him to make some comments.

Commissioner Burroughs said in reviewing the minutes, I did find what I call an error in the minutes and I just wanted to correct it. It’s on page 49 in the August 4th minutes, it’s five lines from the bottom, it’s the last paragraph. It says 400 billion plus. The budget is 400 million, and I’d just like to have that corrected in the minutes. That’s it, Mayor.

Mayor Garner asked, are there any comments or questions? **Commissioner Burroughs** said, Mayor, if you need a motion, I’ll make a motion. If not, we can just approve them by acclamation. **Mayor Garner** said I’ll entertain a motion.

Action: Commissioner Johnson made a motion, seconded by Commissioner Davis, to approve the minutes as corrected.

Mayor Garner said I have a motion and a second. Roll call to make those corrections as requested by Commissioner Burroughs.

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

Item No. 3 – 211942...WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated August 18, 25, and September 1, 2022.

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

Mayor Garner said this takes us to our next item which is a standing committee agenda.

STANDING COMMITTEES' AGENDA

Item No. 1 – 211933...RESOLUTION: A RESOLUTION SETTING A PUBLIC HEARING ON A REDEVELOPMENT PROJECT PLAN

Synopsis: Resolution setting a Public Hearing on October 27, 2022, for the Redevelopment Project Plan for 505 Central Avenue, submitted by Katherine Carttar, Director of Economic Development. This item was scheduled to appear before the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, on September 12, 2022. It was requested and approved by the Mayor, to fast-track this item to the September 15, 2022, full commission meeting.

Mayor Garner said the item is a resolution setting a public hearing for October 27, 2022, for the 505 Central Avenue Redevelopment Project Plan. This item was fast-tracked from the Economic

Development and Finance Standing Committee on Monday, September 12th, chaired by Commissioner Burroughs. I'll ask Commissioner Burroughs to make some opening remarks.

Commissioner Burroughs said it was a unanimous decision to advance it for public hearing.

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

Action: **RESOLUTION NO. R-52-22**, "A resolution of the Unified Government of Wyandotte County/Kansas City, Kansas establishing the date and time of a public hearing regarding the adoption of a redevelopment project plan pursuant to K.S.A. 12-1770 et seq. (505 Central) for October 27, 2022, at 7:00 p.m." **Commissioner Johnson made a motion, seconded by Commissioner Stites, to adopt the resolution.**

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

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

Mayor Garner said next we have the Administrator's Agenda. There are several items here. The first item is an item update from our Interim County Administrator on the organizational assessment.

ADMINISTRATOR'S AGENDA

Item No. 1 – 211945...UPDATE: ORGANIZATIONAL ASSESSMENTS

Synopsis: Update on Organizational Assessments, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Mayor Garner said I'll ask Ms. Harrison-Lee to make some remarks.



Cheryl Harrison-Lee, Interim County Administrator, said tonight I'll be providing you with a brief update regarding the assessments we received and the steps moving forward.

Reimagining the Next 25 Years

What is UG Forward?

This year, the Unified Government of Wyandotte County and Kansas City, Kansas will be celebrating the 25th anniversary since the public voted for its unification in 1997. Now, as we look to the next 25 years and beyond, it is more important than ever to ask and answer whether the Unified Government, its staff and customers are positioned for success. This is UG Forward.



I'd like to start by revisiting the theme, UG Forward. You've heard a lot about this over the past few months. This October, we will be celebrating 25 years since the consolidation of Wyandotte County and Kansas City, KS. We're in a unique position in that it allows us to reflect on the evolution of our organization and plan for our future to ensure success over the next 25 years. This is the basis for UG Forward.

UG Forward Initiatives

How did we get here?

Developed DEIF Framework

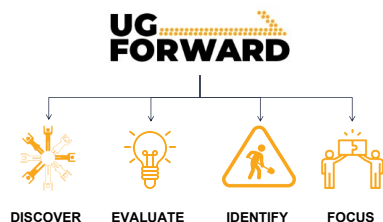
Since the unification of the City of Kansas City and Wyandotte County by public vote 25 years ago, there has not been a comprehensive assessment of our operations as a unified government.

Vowed to evaluate the organization at the onset of term

Organizational Assessment on July 14th

Human Resources Assessment on July 14th

Financial Department Assessment on July 28th



September 15, 2022

When I was appointed, I developed the DEIF framework based on my interpretation of the needs of the Unified Government from the outside looking in. The D represents discover, which encourage us to work towards strengthening engagement among residents, local government, and the business community. The I is for identifying economic development opportunities that create access and shared prosperity. The F represents focus on superior customer service. The E in this framework represents evaluate, which is what led us to these assessments.

Since consolidation in 1997, there's not been a comprehensive assessment of the Unified Government. One of my top priorities at the onset of my term was to conduct assessments of the organization. We're able to meet that priority with the presentation of the Human Resources, Finance, and organizational assessments in July.

By evaluating the current organization, we have been able to identify centers of excellence as well as those areas for improvement, and highlight and capitalize on the strengths that will benefit our community.

UG Forward Initiatives

Assessment Goals



**Alignment with
Best Practices**



**Identify
opportunities
for cost savings**



**Increased
Transparency**



**Increased
Efficiency**



In completing these assessments, the hope was that we would achieve the following. One, to ensure that our operations are aligned with industry best practices. Two, to identify opportunities to save money and see improved financial stability. Three, to increase transparency between staff, elected officials, and the community. And finally, four, to increase efficiencies and eliminate redundancies throughout the organization.

UG Forward Initiatives

Short Term Goals

Maintain All Hiring Documents in HR Department	Ensure All Job Descriptions Are in Compliance with Fair Labor Standards Act	Review and Update Employment Application and PAN Form	Review and Update P-Card Policy*	Get Independent Verification for Work Day ERP	Review and Optimize DRC	Economic Development Strategic Plan	Weekly Meetings with Executive Leaders
Streamline Recruiting to Get All Approvals Prior to "Hire Offer"	Create or Update Job Descriptions for ACAs and Other Key Positions	Update Equal Employment Survey	Establish Goals and Performance Measures for Finance	Improve Communication with Stakeholders Regarding Finance	Finalization of Grants Management Policy and Procedures	Take Home Vehicle Policy	Continued Assessment of Individual Departments
Ensure That HR Provides Appropriate Forms to Applicants	Overhaul Maintenance of Files and Personnel Records	Streamline Hiring and Onboarding Process (Forms and Documentation)	Complete an Economic Incentive Assessment	Ensure That Budget and Finance Presentations Are Clear and Concise	Create Revenue Consensus Team with Budget and Strategy as the Lead	Establish an Executive Steering Committee to Ensure IT Initiatives Are Fulfilled	Develop System for Periodic Audits of P-Card Usage and Oversight
		Risk Management Operational and Organizational Assessment	Update UG Emergency Disaster Plan to Include Cybersecurity	Make Purchasing Director a Key Member of Finance Team	Assess Procurement Policies and Update Manual	Secure Cybersecurity Insurance	Develop and Implement UG Wide IT Policies to Support Cybersecurity Needs



You have seen these before. These are the recommendations from the three assessments that we were provided. I'll start by saying the green is HR, the blue is Finance, and yellow is organizational. I won't go through these since each of the consultants had an opportunity to present findings to you. But I would like to share with you that as a leadership team, we worked through each of the reports and we have categorized each recommendation as a short-term, mid-term, or long-term goal.

So, leadership team. That's the assistant county administrators. They have, in turn, been talking with their department directors so that we're able to look at those projects that we believe we can accomplish on a short-term basis, long-term, and mid-term. The bolded text represents those short-term initiatives that are already in progress.

UG Forward Initiatives

Short Term Goals

Goals that are already in progress or can be met within the next six months

Updating existing policies and procedures to better align with best practices

Continued departmental assessments

Overhaul of P-Card policies and procedures

Structural realignment



UG
FWD

So, the short-term goals are projects that we consider to be low-hanging fruit. We believe we currently have the resources and manpower to fulfill these goals within the next six months. We're going to remain optimistic and flexible as we continue to look at these recommendations. This includes updating and overhauling existing policies and procedures, and continuing to assess departments for more information and feedback. Certain Human Resource functions may be automatically improved with the implementation of Workday. We've also posted the position of

Chief People Officer to address some of the higher priority recommendations for Human Resources.

We've developed and published an RFP for the Economic Development Strategic Plan, and we look forward to working with you through that process. Those proposals are due the end of this month, and we anticipate that next month we will start consulting negotiations and hopefully kick off that effort in November.

As of today, we have a new P-Card policy that we are working to finalize with our Legal Department and with our Procurement Department. A multitude of stakeholders were highly involved in this policy formulation. The level of accountability in this policy is significantly higher than the previous policy. We will provide you with an update when this process is completed.

With the realignment of the ACAs, we've been able to ensure that departments have the leadership and the coordination they need to successfully start implementing recommendations previously shown.

UG Forward Initiatives

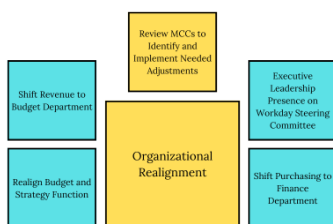
Looking Ahead

Fulfilled initiatives

Continued conversations about UG Forward

Mid-term and long-term goals

Foundation for the permanent County Administrator



The County Administrator's Office and other key staff are working diligently to fulfill these initiatives. I want to cover a few things that we've completed so far. We've shifted revenue to the Budget Department and realigned the budget and strategy function. We've shifted Purchasing to the Finance Department, which is a charter ordinance requirement. We've included the aid of leadership on the Workday Steering Committee. We've reviewed our merchant category codes for our purchasing cards to identify and implement adjustments. Our biggest lift has been completing the organizational realignment of departments to be grouped for increased synergy and efficiency. We've made the moves. We'll be working closely with the department heads and the ACAs to refine opportunities to collaborate and cooperate within existing portfolios and across portfolios.

September 15, 2022

Moving forward, we will continue to communicate progress on the short-term goals as well as introduce the mid and long-term goals. These goals include the development of new processes and plans to address long-standing structural issues, especially in the areas of Finance and Human Resources.

My hope is that this layout will serve as a framework for the permanent administrator to work from, should they choose to. The work is great. It is impactful. It is going to take a lot of collaboration. We are going to need to work with the Commission as well as staff across all levels of the organization, and it is imperative that we continue taking steps to optimize the Unified Government for the benefit of our staff and our community.

At this time, I'll answer any questions that you might have. Mayor, that completes my presentation.

Mayor Garner said appreciate your presentation. It's a good update on the vision of how we move forward with really, these are the audit recommendations that were brought forward back in July. So, thank you so much for that presentation.

Action: For information only.

Mayor Garner said this takes us to our second item that's also going to be presented by our Administrator. It's a presentation on grants and the grant process.

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

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

Mayor Garner said I'll turn it back over to our Interim Administrator Ms. Harrison-Lee.

Cheryl Harrison-Lee, Interim County Administrator, said, Mayor and Commissioners, this item was provided to you in a written report. We'll just answer any questions that you may have.

Mayor Garner said seeing none.

Action: **For information only.**

Mayor Garner said that takes us to our third item. It's a resolution setting a car allowance for the Wyandotte County Election Commissioner.

Item No. 3 – 211952...RESOLUTION: SETTING CAR ALLOWANCE FOR THE WYANDOTTE COUNTY ELECTION COMMISSIONER

Synopsis: A resolution setting car allowance for the Wyandotte County Election Commissioner, submitted by Jeff Conway, Legal Department.

Mayor Garner said I'll ask our Legal staff to make some comments.

Jeff Conway, Assistant Counsel, said this hinge on a single sentence in the state statutes. It just simply says—this is K.S.A. 19-3419a. “The election commissioner shall receive a car allowance in an amount to be fixed by resolution by the board of county commissioners.”

Just by way of background, we had to make a few calls, but we're proposing a \$300 a month allowance. Johnson County has \$300 a month. As I understand it, the current Election Commissioner has opted not to take that. Shawnee County has \$250 a month and Sedgwick has an interesting number. It's \$369.24 per month. I don't know how they arrived at that, but that's the background.

I'd be happy to answer any questions you might have.

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

Action: **RESOLUTION NO. R-53-22, “A resolution setting the car allowance for the Wyandotte County Election Commissioner at \$300 per month.” Commissioner Markley made a motion, seconded by Commissioner Davis, to adopt the resolution as presented.**

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

Roll call was taken and there were eight “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, Johnson. (Commissioner Ramirez was not available for the vote.)

Item No. 4 – 211947...OPTIONS: FAIRFAX FIRE STATION

Synopsis: Presentation of financing options to reopen Fairfax Fire Station, submitted by Cheryl Harrison-Lee, Interim County Administrator.

Action: **This item was previously removed from tonight’s agenda, per the blue sheet.**

Mayor Garner said Item No. 5 is the budget, which is the heavy topic, I’m sure, of conversation.

Item No. 5 – 211938...BUDGET ITEMS

Synopsis: Request adoption of the following resolutions and ordinances regarding the Wyandotte County Library Board, the Self-Supported Municipal Improvement District, the Sewer Service Charge, Solid Waste Fee, the KCBPU PILOT, the 2022 Amended Budget, and the 2023 Proposed Budget; approve resolutions and ordinances authorizing public improvements contained in the CMIP and allowing debt financing to be issued to finance all or a portion of the costs and authorize the offering for sale of certain debt.

Mayor Garner said there are several items. Each of these items will require a separate vote when that time comes and I’ll advise the Commission of such.

At this time, I’ll turn this conversation over to the Interim County Administrator Ms. Cheryl Harrison-Lee and she will walk us through the budget proposal process.

Cheryl Harrison-Lee, Interim County Administrator, said we have spent a lot of time working with the community, working with you, as commissioners, to develop the budget presentation that will be presented to you tonight. We are at a crossroads. The Unified Government is working to balance our budget as we face systematic fund imbalances, yet we must invest in the immediate needs of deferred maintenance and failing infrastructure to keep our economy moving. We are looking at this budget as a transition budget. It is the first of many future steps aimed at reimagining the Unified Government for the next 25 years.

A few items to consider moving forward. Transitioning from an annual budget to a two-year budget. Working to find opportunities for reducing and eventually eliminating the structural imbalances. Beginning strategic planning and conversations about the budget process. Developing a profile for the permanent county administrator that emphasizes fiscal expertise as well as strategic thinking. Identifying significant cost drivers throughout the organization and developing innovative tactics to find efficiencies and cost savings. And developing a 20-year capital improvement and public utility plan to identify the needs and reduce the occurrence of deferred maintenance.

I'll turn it over to our Budget staff so they can walk you through the scenarios that we developed, and then we will walk through the resolutions that will need to be adopted tonight as part of the budget.

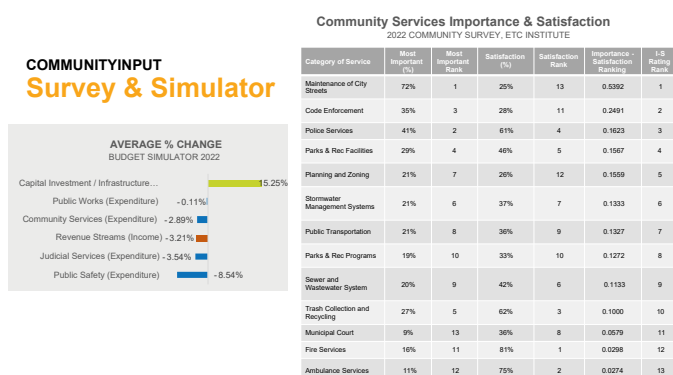




2023 Unified Government PROPOSED Budget



Reginald Lindsey, Budget Director, said we started our budget process in the first quarter of 2022, basically with the six steps that you see. Up until now, we've been working quite hard on the budget. We started internally doing program data, community comparisons, and then we also had our budget hearing, and then we also had a community survey that goes on. We also had our Dotte talks, which was the first time we did that this year and we felt it was real successful. We went around to three different community areas and talked to the people all over the county. We also have been engaging the citizens through social media. We also had an online budget simulator where citizens and stakeholders could go out and build their own budgets.



This is kind of a view of what the budget simulator told us. One of the things that it told us what that maintenance of our city streets were very important. Also, code enforcement was very important and also our police services were very important to the community. You can kind of see over to the left-hand in the corner in the box, this is where citizens chose to spend money. One of the places that they chose to spend money was in capital investment and infrastructure within the community.

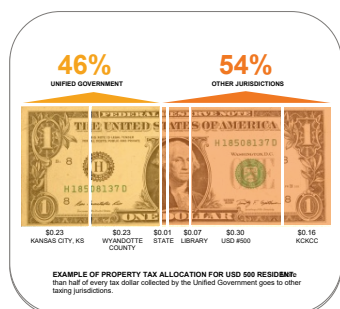
PROPERTY TAXES

UG levies less than half of overall property tax bill

- Difficult to compare mill rates with other communities due to the value per mill, services provided, population and geographic area of a city.
- Generally, UG taxes are in line with or lower than other Kansas communities by comparison.



2023 Unified Government PROPOSED Budget

UG
FWD

So, here we have a snapshot of what the UG levies across. Less than half a dollar overall property tax across Wyandotte County. So, when we see the Unified Government, if you have a dollar, the Unified Government gets 46% of that and other taxing entities within Wyandotte County get 54% of that.

So, this particular dollar is for a citizen that lives in the USD 500. You can see the other taxing entities are the county library, USD 500, also the state, and also the community college.

2023 PROPOSED BUDGET

Reflecting Commission Priorities



INVEST IN OUR STREETS

25% increase to street preservation



PROVIDE COUNTY TAX RELIEF

0.5 mill reduction in County General Fund



INNOVATION & RESILIENCY

COLA increases for all employees



INVEST IN OUR PARKS

0.25 mill shift to Parks



2023 Unified Government PROPOSED Budget

UG
FWD

After all the data that we pulled in and all the meetings that we had with the citizens and everything we heard on social media, all that information was brought back to the elected body. The elected body, what you all did, was making decisions and set priorities on what you would like to see in the budget.

We have our four pillars that you would like to see in the budget which include invest in our streets. We wanted to see 25% more increase in street preservation, which we have that in the budget. Also, you wanted to provide county tax relief to citizens, and we definitely have that in the budget. You also wanted to take care of our employees, and we have COLA increases for our employees in the budget also. And you wanted to invest in our parks.

So, one of the things we did with invest in our parks, we did shift a .25 mill from the County General Fund to our Parks, which will provide more revenue for our parks to provide more services to the community.

2023 PROPOSED BUDGET OVERVIEW

Significant Items

City	 COLA Increases: Union: \$3.3M Non-union: \$640K	 NEW Turner Fire Station \$600K	 Vehicle/Body-Worn Cameras \$350K	 Annual Pavement Preservation \$8.5M
County	 COLA Increases: Union: \$900K Non-union: \$720K	 Loring Pavement Preservation \$300K	 APX Radios \$974K	 Sheriff Cadet Program \$30K
Parks	 Parks System Improvements \$1.3M	 Beautification Program \$400K	 4 Recreational Specialist Positions \$260K	 Additional Funding for Parks Maintenance \$200K
ARPA	 Wyandotte County Park Trail \$700K	 Pierson Park Trail \$700K	 Jersey Creek Combined Sewer Separation \$2M	 Courthouse Air Handling System \$2.5M

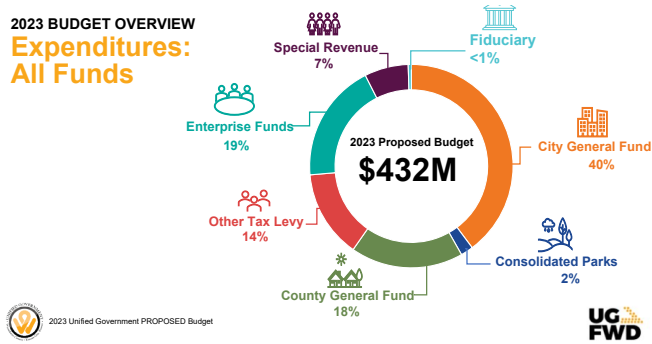
Here's a snapshot across the City, the County, and Consolidated Parks Fund and also our ARPA funding of some of the services and some of the things that we're able to do for the county in 2023. We have the COLA increases that we spoke about a little earlier. Then we had cost increases for our new Turner fire station where we had to pay out \$600K for an increase in cost there. Also, \$350K for vehicle/body-worn cameras. Also, we have annual pavement preservation, which is going to be \$8.5M.

Then the county, we also put out in Loring, \$300K toward pavement preservation. We also have a radio project of \$974K that is funded from the County General Fund, but overall, the project is like a \$5M project that services all public safety and public works all across the county. Also, the Sheriff will have a new program for cadets where they get to hire 10 cadets in the Sheriff's Department.

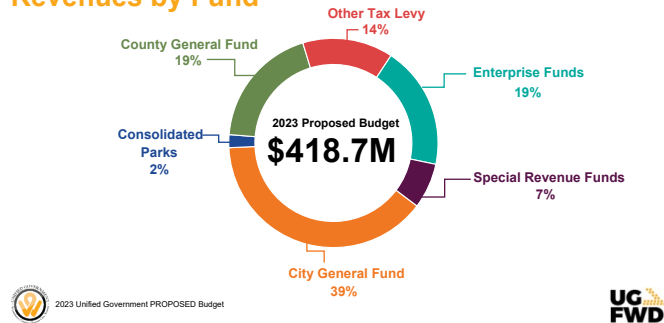
Also, Parks & Rec, with the .25 of a mill shift, we're able to have park system improvements in the amount of \$1.3M. They also have a beautification program in an amount of \$400K. On top of helping them add to their services and programming the community, they will get four new recreation specialist positions, and they'll get additional funding for parks maintenance across the county.

Also, within ARPA, Wyandotte County Park will get \$700K for a new trail there along with Pearson Park also scoring \$700K for a new park trail. Jersey Creek gets combined sewer separation project of \$2M. Then we also get courthouse air handling system.

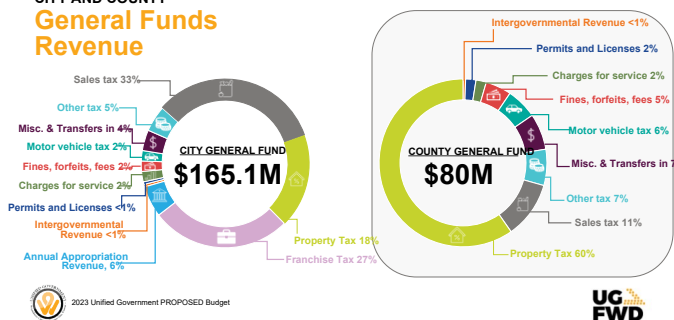
2023 BUDGET OVERVIEW

Expenditures:
All Funds

All in all, our 2023 Budget is a \$432M budget. You can see most of that budget is in our City General Fund at 40%, then our County General Fund is next at 18%. We'll drill down into the City and the County General Funds.

2023 Proposed Budget
Revenues by Fund

Our revenues are \$418M that will be coming into the whole county.

CITY AND COUNTY
General Funds
Revenue

General Fund revenues for the city are \$165M. We see most of that revenue comes from sales tax and then property tax is like 18%. Then we have franchise tax that is 27%.

Then over in the County General Fund, we're at \$80M of revenue coming in. We can see most of the revenue that comes in the County General Fund is from property tax. They're the biggest source of revenue there.

2023 Proposed Budget

City General Fund Projections

Analysis:

- Annual projected growth of 3.2% in revenues set to be outpaced by 6.9% growth in expenses.
- Negative cash balance in 2025

Assumptions:

- +6.8% Annual property tax growth (+20% of revenue)
- 4% Annual growth to personnel
- 12.5% Increase annually to fund infrastructure needs

City General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$160,969,102	\$155,221,370	\$160,633,958	\$165,765,064	\$171,016,489	\$176,351,469
TOTAL EXPENSES	\$170,497,913	\$159,453,284	\$170,334,866	\$179,837,473	\$192,487,131	\$208,205,757
Net Change in Fund Balance	(\$9,528,811)	(\$4,231,924)	(\$9,701,028)	(\$14,072,409)	(\$21,470,642)	(\$31,854,288)
Cash Basis Ending Fund Balance	\$21,458,789	\$17,218,865	\$7,517,837	(\$6,554,572)	(\$28,025,214)	(\$59,879,502)
ACFR Ending Fund Balance	\$36,339,724	\$32,107,800	\$22,406,772	\$8,334,363	(\$13,136,279)	(\$44,990,567)
Reserve % of Expenditures	21.3%	20.1%	13.2%	4.6%	-6.8%	-21.6%
Fund Balance 17% Target	\$28,994,645	\$27,107,060	\$28,956,949	\$30,572,370	\$32,722,812	\$35,394,979



2023 Unified Government PROPOSED Budget



In our City General Fund, this is a financial projection of how it looks long term so we're able to look at it from 2022 to 2027. Of course, tonight, the elected body will be voting on the 2023 proposed budget. But if we're looking at this, one of the important things to look at is the annual projected revenue growth of 3.2% is being outpaced by the expenditure growth at 7% from 2022 out to 2027. We see the net fund change, net change in fund balance from 2022 to 2027 is in the negative as far as \$4.2M this year and then it grows to \$31M in 2027. One of the things that we see in 2025 is \$6.5M for our cash basis ending fund balance. This is something that would have to be rectified before we got to 2025 because we wouldn't be able to approve a budget in the City General Fund if we had this \$6.5M cash basis negative balance.

One of the things in the 2023 proposed budget, we are in compliance with our 17% fund balance. We are at 20%, but we can see even though we are at that in 2023, each year after that, it continues to go down until we finally in 2027 hit a negative 21% fund balance.

2023 Proposed Budget

County General Fund .5 Mill Reduction + 25 Mill Shift

Analysis:

- Annual projected growth of 5.16% in revenues keeping pace with 3.5% growth in expenses.
- Room for future service expansion or revenue reductions

Assumptions:

- +6.5% Annual property tax growth (+60% of revenue)
- 4% Annual growth to personnel
- 0.5 Mill Reduction and 0.25 Mill Shift to Parks

County General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$76,691,702	\$80,267,782	\$85,250,292	\$89,456,332	\$93,708,131	\$98,166,109
TOTAL EXPENSES	\$78,204,310	\$80,229,469	\$83,410,123	\$86,541,834	\$89,844,620	\$93,346,127
Net Change in Fund Balance	\$(1,512,608)	\$38,313	\$1,840,169	\$2,914,498	\$3,863,512	\$4,819,982
Cash Basis Ending Fund Balance	\$12,399,230	\$12,437,543	\$14,277,712	\$17,192,210	\$21,055,722	\$25,875,704
ACFR Ending Fund Balance	\$15,440,254	\$15,478,567	\$17,318,736	\$20,233,234	\$24,096,746	\$28,916,728
Reserve % of Expenditures	19.7%	19.3%	20.8%	23.4%	26.8%	31.0%
Fund Balance 17% Target	\$13,294,733	\$13,639,010	\$14,179,721	\$14,712,112	\$15,273,585	\$15,868,842



2023 Unified Government PROPOSED Budget



What we originally approved in the County General Fund was to cut .5 mill and then shift a .25 mill to the Parks Fund. What that is, we're cutting our tax levy mill by half a percentage. What we can see is in 2023, we have a 19.3% fund balance and then in 2024, we have a 20.8% fund balance. Then going out to 2027, we have a 31% fund balance.

One of the things here with the County General Fund is that the revenues are growing faster than the expenditures. Revenues are growing at about 5% and expenditures are growing at 4%. So, one of the things we can see that's a little different from the City General Fund is the net change in fund balance there's only one year we're in the negative. All the other years are in the positive. So, starting in 2023, we have a positive net change in fund balance of \$38K, but in 2027, we grow all the way to \$4.8M. So, things are looking pretty good in the County General Fund with cutting this .5 mill reduction.

Additions to Proposed Budget



2023 Unified Government Budget

Budget Adoption | September 2022

County General Fund



2023 Unified Government Budget

Budget Adoption | September 2022

COUNTY

Additional 1.5 Mill Reduction

2 mill reduction + .25 mill shift to Parks

Analysis:

- Annual projected growth of 5.12% in revenues keeping pace with 4% growth in expenses.
- Fund Balance drops below 2-month reserve target in 2024 – 2026 then comes back in line in 2027

Assumptions:

- Base Proposed Budget
- County 2.0 Mill Reduction
- 0.25 Mill Shift to Parks

County General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$76,691,702	\$77,827,782	\$82,610,292	\$86,656,332	\$90,748,131	\$95,036,109
Additional 1.5 Mill Reduction		\$ (2,440,000)	\$ (2,640,000)	\$ (2,800,000)	\$ (2,960,000)	\$ (3,130,000)
TOTAL EXPENSES	\$78,204,310	\$79,763,469	\$83,310,123	\$86,431,834	\$89,724,620	\$93,216,127
Net Change in Fund Balance	\$ (1,512,608)	\$ (1,935,687)	\$ (699,831)	\$224,498	\$1,023,512	\$1,819,982
Cash Basis Ending Fund Balance	\$12,399,230	\$10,463,543	\$9,763,712	\$9,988,210	\$11,011,722	\$12,831,704
ACFR Ending Fund Balance	\$15,440,254	\$13,504,567	\$12,804,736	\$13,029,234	\$14,052,746	\$15,872,728
Reserve % of Expenditures	19.7%	17.0%	15.4%	15.1%	15.7%	17.0%
Fund Balance 17% Target	\$13,294,733	\$13,559,790	\$14,162,721	\$14,693,412	\$15,253,185	\$15,846,742



2023 Unified Government PROPOSED Budget



September 15, 2022

As we were working through the 2023 proposed budget through some of our workshops, the elected body let us know that they would like to see more tax reduction for the citizens and they wanted us to put in for a 2 mill reduction and still also do the .25 mill shift to the Parks. We were able to get that built in. We can see I talked a little bit earlier about net change and fund balance. We can see in 2022, 2023, and 2024, we do have a negative net change in fund balance. But looking at 2023, we do have a 17% fund balance. For us to be in compliance with our fund balance policy, we need to be at 17%. We were able to meet that, but in 2024, 2025, and 2026, we do drop in the range of 15% for those three years; but in 2027, we do go back up to the 17% fund balance.

So, if we were to adopt a budget that had an additional mill cut of 1.5 mills over what we originally proposed, we would need to figure out how to bring the fund balance up to 17% in 2024, 2025, and 2026. Also, this scenario here is a scenario that we'd like the Commission to weigh tonight on if they would like to adopt it or if you would like to adopt it.

COUNTY CIFI

Notes:

- Fund Balance maintains a 2-month, 17%, operating reserve as stated by UG Policy

Assumptions:

- Base Proposed Budget
- County 0.5 Mill Reduction
- 1 Mill Dedicated to County Initiative for Funding Infrastructure
- 0.25 Mill Shift to Parks

County General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$76,691,702	\$80,267,782	\$83,475,292	\$87,576,332	\$91,723,131	\$96,066,109
1.0 Mill Allocation for CIFI	-	-	\$(1,775,000)	\$(1,880,000)	\$(1,985,000)	\$(2,100,000)
TOTAL EXPENSES	\$78,204,310	\$81,403,469	\$83,310,123	\$86,431,834	\$89,724,620	\$93,216,127
Dedicated CIFI Funding	-	\$1,640,000	-	-	-	-
Net Change in Fund Balance	\$(1,512,608)	\$(1,135,687)	\$165,169	\$1,144,498	\$1,998,512	\$2,849,982
Cash Basis Ending Fund Balance	\$12,399,230	\$11,263,543	\$11,428,712	\$12,573,210	\$14,571,722	\$17,421,704
ACFR Ending Fund Balance	\$15,440,254	\$14,304,567	\$14,469,736	\$15,614,234	\$17,612,746	\$20,462,728
Reserve % of Expenditures	19.74%	17.57%	17.37%	18.07%	19.63%	21.95%
Fund Balance 17% Target	\$13,294,733	\$13,838,590	\$14,162,721	\$14,693,412	\$15,253,185	\$15,846,742



2023 Unified Government PROPOSED Budget



This is another scenario that includes the CIFI, which is County Initiative Financing for Infrastructure. Basically, what it is, is the mechanism to allow financing for infrastructure across the county. So, all the cities within the county, which would include Bonner Springs, Edwardsville, Lake Quivira, Loring, and the city of Kansas City, KS, would be included in this.

In this particular scenario, what we're doing is putting aside \$1.6M in the County General Fund for 2023. Then in 2024, we will be putting aside 1 mill, allocating it there, and we would take that mill from the County General Fund. So, each year, 2024, start out the whole mill getting \$1.7M and that would grow to almost \$1.9M and then almost \$2M in 2026.

We can see our fund balance in 2023 with this option, does have us at 17.5% fund balance. We can see each year as we go out that we are in compliance with our fund balance policy. So, each year we are definitely over our 17% fund balance. What this assumes is that we have .5 mill

reduction in the county and then we are shifting 1 mill to the county initiative for funding infrastructure, which we call CIFI, and we're still shifting a .25 mill to the Parks in this scenario.

COUNTY
Mill Reduction + CIFI

2 Mill Reduction, .25 Mill Shift + 1 Mill CIFI

Notes:

- Fund Balance drops below 2-month reserve and drops below a 1-month reserve by 2027

Assumptions:

- Base Proposed Budget
- County 2.0 Mill Reduction
- 1 Mill Dedicated to County Initiative for Funding Infrastructure
- 0.25 Mill Shift to Parks

County General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$76,691,702	\$77,827,782	\$80,660,292	\$84,568,332	\$88,258,131	\$92,710,109
Additional 1.5 Mill Reduction		\$ (2,440,000)	\$ (2,040,000)	\$ (2,000,000)	\$ (2,000,000)	\$ (3,130,000)
CIFI Mill Reallocation		\$ (1,030,000)	\$ (1,030,000)	\$ (2,070,000)	\$ (2,190,000)	\$ (2,320,000)
TOTAL EXPENSES	\$78,204,390	\$80,263,469	\$83,310,123	\$86,431,834	\$89,734,620	\$93,216,127
CIFI Fund Starting Balance		\$00,000				
Net Change in Fund Balance	\$ (1,512,688)	\$ (2,435,687)	\$ (2,649,831)	\$ (1,862,502)	\$ (1,476,489)	\$ (300,018)
Cash Basis Ending Fund Balance	\$12,399,230	\$9,963,543	\$7,313,712	\$5,456,210	\$4,301,722	\$3,801,704
ACFR Ending Fund Balance	\$15,440,254	\$13,004,367	\$10,354,738	\$ 8,309,234	\$7,342,748	\$6,842,728
Reserve % of Expenditures	13.7%	10.2%	12.4%	9.8%	8.2%	7.3%
Fund Balance 17% Target	\$13,294,793	\$13,644,790	\$14,102,721	\$14,693,412	\$15,253,185	\$15,946,742

2023 Unified Government PROPOSED Budget

UC FWD

This is our third scenario. It is a 2 mill reduction. The first scenario that I presented with the .25 mill shift and then also 1 mill going toward CIFI. Then also in 2023, starting that fund up with half a million dollars. So, one of the things that we can see here is that our net change in fund balance is negative each year from 2022 to 2027. Our cash basis fund balance and our actual fund balance was our annual comprehensive financial fund balance, they are all in the positive. But starting in 2023, they are below 17%. By the time we get to 2027, it does go down to 7.3%. This is one of the things we would like to point out is that from 2023, we would need to get ourselves back into compliance to a 17% fund balance in order to meet what our fund balance policy says.

So, basically, we would kind of like to open it up and get you all's feedback on the three scenarios that I just spoke about for the County General Fund.

Commissioner Bynum said, Reggie, when I look up the mill rates, first of all, it identifies it as 2021, the 2021 mill rate, and it lists it as 39.338 for the county. Is it called 2021 because that's the year we adopted it? **Ms. Lindsey** said yes.

Commissioner Bynum asked, so if we were to entertain a 2 mill reduction on the county mill rate, it would take it from 39.338 to 37.338. If we shifted another quarter mill, .25, I'm just asking for somebody to check my math with me, that takes it to 37.088. I'm asking because I want to be clear when we make our motion, first of all, that we make it properly. Then, when you talk about the 1 mill to CIFI and you call it a reallocation, doesn't change the county mill levy rate, does it? **Mr. Lindsey** said no, it doesn't and neither does the .25 mill shift.

Commissioner Bynum said okay. So, then neither of those would change the mill levy rate. The only thing that would change it is the 2 mill reduction from 39.338 to 37.338. **Mr. Lindsey** said that is correct. **Commissioner Bynum** said I'm asking somebody to tell me that those are the correct mill levy rates. **Mr. Lindsey** said that is correct.

Commissioner Townsend said just a quick refresher. Mr. Lindsey, 1 mill currently is equivalent of how many dollars? **Mr. Lindsey** said \$1.7M.

Commissioner Markley said most of my fellow commissioners know and probably a few in the audience know, I negotiate contracts for a living. That's what I do all day, every day, upwards of a thousand a year. What I can tell you is when people come to agreement, what that always means coming to an agreement sounds so nice, right? What it really means is everybody gave something up. So, what I want to say, both for the benefit of my fellow commissioners and for the people watching is that tonight, we're going to vote on a budget and everybody up here gave something up. It's not the budget I would have developed if I were working in isolation. It's not Commissioner Davis's budget, Commissioner Stites' budget; it's the budget we're going to pass because we had to come together, the 10 of us, and find a compromise. So, I guess I just wanted to make that statement.

We've also seen some chatter out on social media about raising taxes. I just want to sort of parse out the language that we're hearing. There's obviously not a proposal on the table to raise the mill rate tonight. In fact, there never has been through this entire budget discussion. There is a proposal on the table to lower the mill rate, which I think is in keeping with what we're hearing people want. That doesn't mean that everybody is going to pay lower taxes, and that's where we're feeling that difference in the chatter that we're hearing online. Because for most of us, our evaluation went up, right? Our house is worth more this year than it was last year because of market conditions. This Commission can't control that. We can't control the value of your house and you wouldn't want us to because if we did, that would make us totally corrupt, right? If we could go out there and say well, let's just raise everybody's value and then we'll get more money. It shouldn't be that way, and it's not that way. We cannot impact the value of your home, but the value of your home does impact what you pay in taxes because you're taxed a percentage of your home value.

So, I just wanted to parse out the language that we're sort of hearing "out there," it to be clear that there is no proposal on the table to increase the tax rate, the mill rate. No proposal has not been throughout any of this budget discussion all the way going back into the spring. We are, I think, without my fellow commissioners going to lower the mill rate tonight, but that's a separate discussion from the raise in valuation. We can't impact the valuation of your house here tonight or ever because that's not what the Commission does. So, I just wanted to provide that background and also just some background of how the budget gets here.

There's always the joke about watching the sausage be made, and that's reality. For every jurisdiction across the country, nobody's passing a budget where the people who are passing the budget get what they want. Everybody's giving something up. I'm sure other commissioners may have other statements similar to that about what they would have liked to see tonight, but the reality is, I think, we've come to a compromise to get the budget done, which is our job and it's what we've got to do. It doesn't mean we're all sitting up here getting what we wanted in our pocket.

Commissioner Johnson said, Mr. Lindsey, on the slide, I don't have a number on it so I really can't refer to them, but on the slide that's entitled City General Fund Projections, can you pull that up?

2023 Proposed Budget

City General Fund Projections

City General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$160,969,102	\$155,221,370	\$160,633,958	\$165,765,064	\$171,016,489	\$176,351,469
TOTAL EXPENSES	\$170,497,913	\$159,453,294	\$170,334,986	\$179,837,473	\$192,487,131	\$208,205,757
Net Change in Fund Balance	(\$9,528,811)	(\$4,231,924)	(\$9,701,028)	(\$14,072,409)	(\$21,470,642)	(\$31,854,288)
Cash Basis Ending Fund Balance	\$21,450,789	\$17,218,865	\$7,517,837	(\$6,554,572)	(\$28,025,214)	(\$59,879,502)
ACFR Ending Fund Balance	\$36,339,724	\$32,107,800	\$22,406,772	\$8,334,363	(\$13,136,279)	(\$44,990,567)
Reserve % of Expenditures	21.3%	20.1%	13.2%	4.6%	-6.6%	-21.6%
Fund Balance 17% Target	\$28,984,645	\$27,107,060	\$28,956,948	\$30,572,370	\$32,722,812	\$35,394,979

Analysis:

- Annual projected growth of 3.2% in revenues set to be outpaced by 6.6% growth in expenses.
- Negative cash balance in 2025

Assumptions:

- ~6.8% Annual property tax growth (~20% of revenue)
- 4% Annual growth to personnel
- 12.5% Increase annually to fund infrastructure needs



2023 Unified Government PROPOSED Budget



I believe that's the one. There is a number there that says net change in fund balance under the 2022 Amended Budget. Can you or someone from staff, your team, explain? As I understand that, there is a part of that is an allocation that was recommended by the ARPA committee to be kind of a bullet, a placeholder, so to speak, in the budget. Can you give some clarity to that?

Mr. Lindsey said we do have \$7M that is in our capital category that's set aside for ARPA dollars. As far as ARPA committee set it aside for grant matches. **Commissioner Johnson** said

in our discussions about that, there were multiple ways to kind of consider this. I think, just from an accounting standpoint, it was decided that this would be the best way to do that. The only point that I'm making through that questioning is it really causes there to be a shift in the outgoing projections that really puts us into a negative light. That number is just a placeholder, it's not actual funds that—these are funds that will be spent over the coming years. But that really throws this into a negative position early on in the projections to the extent that by 2025, we're really in a bad position.

The good news I think that I'm hearing from that is that some of those funds could be allocated to fund the Kansas bridge improvements. Is that correct? **Mr. Lindsey** said that is correct. There's a possibility if the ARPA committee agrees with that. **Commissioner Johnson** said okay, but that then would be reflected in the—well, tell me how would that be reflected, is the question I have. **Mr. Lindsey** said a little later down the road we are going to go through the City General Fund where the Kansas Avenue Bridge repair is going to be part of an option. With that, we will have discussion about if we want to use some of the ARPA funding, which is \$3.5M, to fund the Kansas Avenue Bridge reopening. That, again, is not to replace the bridge, but it is a repair. **Commissioner Johnson** said repair. That's correct; repair.

I will say that I do, on the County General Fund, the initial proposal, I like it. The .5 mill reduction, the 2.25 mill shift. The only thing I would add to that, I'd like to see the CIFI added to that. That would be the only modification that I have to that. I know I'll be on the vast minority, but I just want to state that for the record.

With all the things that we have need of with regards to the improvements to the bridge, with regards to the fire house, discussions that we've had and other things, it just seems to me that we cannot have our cake and eat it too. Again, CIFI is included in that discussion. I'm just saying this for our Commission.

I'm not in favor of a 2 mill reduction on the county side because I think it would do us well to make sure that all of the cities in Wyandotte County to include Edwardsville and Bonner Springs and Lake Quivira are all getting dollars to go toward capital improvements. I certainly would support that, but not in conjunction with a 2 mill reduction.

I don't want to keep asking questions so I want to get it all out now and then I'll, hopefully, be quiet from there. I think that's all I have for right now.

Commissioner Stites said, Reggie, if you would, and I know you sent this to me, but I don't have it right here in front of me, the last time the county mill was reduced was? **Mr. Lindsey** said 2006. **Commissioner Stites** asked, and the last time the city mill was reduced was? **Mr. Lindsey** said 2019. **Commissioner Stites** said thank you. I appreciate that.

I am so thankful that we're here tonight looking at a budget that finally addresses the county mill; 2006, you do the math. It's been a long time. This isn't just a Bonner Springs and Edwardsville issue; this is a county mill. This is every person that lives in Wyandotte County, Kansas City, KS, Edwardsville, and Bonner Springs that's looking at this reduction in paying on their taxes. I am 100% in favor of a mill reduction. I wish we could have went more.

Just like Commissioner Markley stated, we all gave up something. We're all giving up something. We didn't all get what we wanted. This is a transition budget, as Ms. Cheryl Harrison-Lee stated. Next year I hope we do more and the next year I hope we do more, but I'm glad to see the reinstatement, hopefully, of CIFI. That, again, is another initiative that is for all of Wyandotte County, Kansas City, KS, Bonner Springs, Edwardsville. It's not just Bonner Springs and Edwardsville.

What I'd like to say is thank you to all the commissioners for giving up something so that we can, hopefully, get this budget approved and move down the road and look at other ways. I don't think we're finished tonight after this budget is approved. I think we've got to start looking at ways that we address, and you're getting ready to show it, but we're spending more than we're bringing in and we're going to have to address it. That's all I have to say.

Commissioner Johnson said I'm so sorry, Mayor. I meant to start out with this. The Budget Overview, Expenditures: All Funds show that we are budgeting \$432M in expenses. That is compared to \$418.7M in income, which, to me, is somewhere around a \$13.3M—is my math correct? That's a \$13.3M loss. That's what we're budgeting. Before we add anything else on to it, we are projecting a \$13.3M loss before we add anything else on it. Please correct me if I'm wrong, Mr. Lindsey. I just want to make sure that I'm understanding that correctly.

Mr. Lindsey said I will add that is structurally imbalanced, but there are—most of those funds over there, they are healthy. There are 29 different funds there and they do have fund balance that we can spend for purposes. It's not every year that those funds are structurally imbalanced.

Commissioner Johnson said but overall, whether you talk about—this is overall. This is consolidated. This is the starting point. **Mr. Lindsey** said and that is what we budgeted, but the year won't always end that way. **Commissioner Johnson** said sure. The goal is to always beat the budget. I'm always for—that's the goal is to increase—make sure we go over in terms of our income. Make sure that we come under on our expenses. That's always the goal, but when you put it out there like that, and I just have to make sure that I state that for the record, we're starting with a \$13.3M loss, which means that we're having to pay for that out of the fund balance. We're having to pay for that out of the fund balance. That's before a 2 mill reduction. That does not include 2 mill reduction, right? **Mr. Lindsey** said that does include the... **Commissioner Johnson** said that includes the 2. Okay, so that's the starting point. **Mr. Lindsey** said yes.

Commissioner Johnson said and then that then has an effect on subsequent years. I can appreciate the healthy discussion on that. I want to make sure that we understand where we're starting at. I'm not one that—we don't have a strategic plan on how we're going to replace those funds in the fund balance. We don't have a—you said we're in a transition year, but we don't—and we said we're going to start making day one in October or whenever it is to try to start addressing those. I'm feeling very uncomfortable with this as a projection for us to look at. I know there's a lot of factors in there, but I just wanted to make sure that I stated that for the record.

Commissioner Stites said I can tell you who's uncomfortable. That's the people who are out there that are struggling everyday to pay their bills. As we keep on raising taxes and continue to raise taxes, it makes it harder and harder for people to buy their medication and pay for food. Heaven forbid we let them get a weekend that they can go visit family because gas is too high. We continue to increase the—we're not raising taxes tonight. I want to get that clear. We're not raising the taxes, but we do have the ability tonight to impact what goes out of everyone's pocket tonight.

Yes, we're on a path that we have to correct. We've got to correct it because as you've shown, as the outside firm came in and showed us, we've got to make some changes, and I agree. We've got to make some changes. It's going to be hard. There may be programs that are cut, but I would rather see programs cut than people not be able to eat, or their electricity gets shut off, or not be able to pay for medication. We probably need to take a hard look at how we trim the fat and get our budget straight.

COUNTY Mill Reduction + CIFI

2 Mill Reduction, .25 Mill Shift + 1 Mill CIFI

Notes:

- Fund Balance drops below 2-month reserve and drops below a 1-month reserve by 2027

Assumptions:

- Base Proposed Budget
- County 2.0 Mill Reduction
- 1 Mill Dedicated to County Initiative for Funding Infrastructure
- 0.25 Mill Shift to Parks



2023 Unified Government PROPOSED Budget

County General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$76,691,702	\$77,827,782	\$80,660,292	\$84,586,332	\$88,558,131	\$92,716,109
Additional 1.5 Mill Reduction		\$ (2,440,000)	\$ (2,640,000)	\$ (2,890,000)	\$ (2,960,000)	\$ (3,130,000)
CIFI 1 Mill Reallocation			\$ (1,050,000)	\$ (2,070,000)	\$ (2,190,000)	\$ (2,320,000)
TOTAL EXPENSES	\$78,204,310	\$80,263,469	\$83,310,123	\$86,431,834	\$89,724,620	\$93,216,127
CIFI Fund Starting Balance		500,000				
Net Change in Fund Balance	\$(1,512,608)	\$(2,435,687)	\$(2,649,831)	\$(1,845,502)	\$(1,166,488)	\$(600,018)
Cash Basis Ending Fund Balance	\$12,399,230	\$8,963,543	\$7,313,712	\$5,468,210	\$4,301,722	\$3,801,704
ACFR Ending Fund Balance	\$15,440,254	\$13,004,567	\$10,354,736	\$ 8,509,234	\$7,342,746	\$6,842,728
Reserve % of Expenditures	19.7%	16.2%	12.4%	9.8%	8.2%	7.3%
Fund Balance 17% Target	\$13,294,733	\$13,644,790	\$14,162,721	\$14,693,412	\$15,253,185	\$15,846,742

UG
FWD

Mr. Lindsey said as we move forward on, before we leave the County General Fund, I'd just kind of get a consensus on what our elected body would like to see from the three scenarios that we have been discussing.

This is the 2 mill reduction with a .25 mill shift to Parks and a 1 mill for CIFI. This would be one of our options.

COUNTY CIFI

Notes:

- Fund Balance maintains a 2-month, 17%, operating reserve as stated by UG Policy

Assumptions:

- Base Proposed Budget
- County 0.5 Mill Reduction
- 1 Mill Dedicated to County Initiative for Funding Infrastructure
- 0.25 Mill Shift to Parks



2023 Unified Government PROPOSED Budget

County General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$76,691,702	\$80,267,782	\$83,475,292	\$87,576,332	\$91,723,131	\$96,066,109
1.0 Mill Allocation for CIFI	-	-	\$ (1,775,000)	\$ (1,880,000)	\$ (1,985,000)	\$ (2,100,000)
TOTAL EXPENSES	\$78,204,310	\$81,403,469	\$83,310,123	\$86,431,834	\$89,724,620	\$93,216,127
Dedicated CIFI Funding	-	\$1,640,000	-	-	-	-
Net Change in Fund Balance	\$(1,512,608)	\$(1,135,687)	\$165,169	\$1,144,498	\$1,998,512	\$2,849,982
Cash Basis Ending Fund Balance	\$12,399,230	\$11,263,543	\$11,428,712	\$12,573,210	\$14,571,722	\$17,421,704
ACFR Ending Fund Balance	\$15,440,254	\$14,304,567	\$14,469,736	\$15,614,234	\$17,612,746	\$20,462,728
Reserve % of Expenditures	19.74%	17.57%	17.37%	18.07%	19.63%	21.96%
Fund Balance 17% Target	\$13,294,733	\$13,838,590	\$14,162,721	\$14,693,412	\$15,253,185	\$15,846,742

UG
FWD

This is CIFI where we have a .5 mill reduction to the county mill would come off. Then we also have a mill shift out in future years where we have \$1.6M going into CIFI for 2023. Then there'd still be like .25 mill for Parks. This is one scenario.

COUNTY**Additional 1.5 Mill Reduction**

2 mill reduction + .25 mill shift to Parks

Analysis:

- Annual projected growth of 5.12% in revenues keeping pace with 4% growth in expenses.
- Fund Balance drops below 2-month reserve target in 2024 – 2026 then comes back in line in 2027

Assumptions:

- Base Proposed Budget
- County 2.0 Mill Reduction
- 0.25 Mill Shift to Parks

County General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$76,691,702	\$77,827,782	\$82,610,292	\$86,656,332	\$90,748,131	\$95,036,109
Additional 1.5 Mill Reduction		\$ (2,440,000)	\$ (2,640,000)	\$ (2,800,000)	\$ (2,960,000)	\$ (3,130,000)
TOTAL EXPENSES	\$78,204,310	\$79,763,469	\$83,310,123	\$86,431,834	\$89,724,620	\$93,216,127
Net Change in Fund Balance	\$ (1,512,608)	\$ (1,935,687)	\$ (699,831)	\$224,498	\$1,023,512	\$1,819,982
Cash Basis Ending Fund Balance	\$12,399,230	\$10,463,543	\$9,763,712	\$9,988,210	\$11,011,722	\$12,831,704
ACFR Ending Fund Balance	\$15,440,254	\$13,504,567	\$12,804,736	\$13,029,234	\$14,052,746	\$15,872,728
Reserve % of Expenditures	19.7%	17.0%	15.4%	15.1%	15.7%	17.0%
Fund Balance 17% Target	\$13,294,733	\$13,559,790	\$14,162,721	\$14,693,412	\$15,253,185	\$15,846,742



2023 Unified Government PROPOSED Budget



Then there is a 2 mill reduction with a .25 mill shift to Parks.

Commissioner Stites asked, are we looking for a motion or are we just looking for a recommendation? I'm ready to make a motion.

Action: **Commissioner Stites made a motion to accept the option that reduces the mill by 2 mills, .25 shift to Parks, and institute the CIFI program.**

Ms. Harrison-Lee said that's Option 3.

Mayor Garner asked, can I have order just real quick here? The presentation hasn't completed. We'll get the items that are on the agenda for vote and for further discussion. If you can complete your presentation then we... **Commissioner Stites** asked, how do we flag that one like if somebody happens to... **Mr. Lindsey** said I'll keep note of it. **Commissioner Stites** said you got it.

Commissioner Townsend said just a comment. Before the vote, I would just like to hear Mr. Lindsey go ahead and complete the presentation. I can save my comments until later.

Mayor Garner said you can proceed, Mr. Lindsey.

September 15, 2022

2024 FUND BALANCE TARGET TRADEOFFS

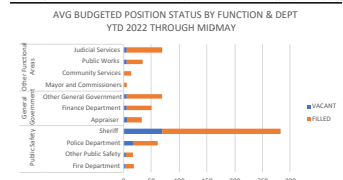
County Personnel

AMOUNT NEEDED TO ACHIEVE 17% FUND BALANCE

Range: \$1.3M → \$3.6M

18 positions, 3.4% staffing reduction, 21% Vacancy Rate
(2 mill reduction = \$1.3M)47 positions, 8.8% staffing reduction, 26% Vacancy Rate
(2 mill reduction + CIFI = \$3.6M)*Average Position Impact County
General Fund - \$76,000

AVERAGE BUDGETED POSITION STATUS BY FUNCTION AND DEPARTMENT YTD 2022 THROUGH MID - MAY				
	BUDGETED	VACANT	FILLED	VACANCY %
General Government	155.29	19.71	135.59	12.69%
Appraiser	33.00	7.90	25.10	23.94%
Finance Department	50.00	5.43	44.57	10.87%
Other General Government	69.70	6.38	63.33	9.16%
Public Safety	278.50	83.48	195.02	29.97%
Fire Department	18.00	2.20	15.80	12.22%
Other Public Safety	17.00	4.90	12.10	28.82%
Police Department	600.00	16.75	583.25	2.79%
Sheriff	263.00	69.64	193.36	26.46%
Other Functional Areas	124.48	11.54	112.94	9.27%
Community Services	13.75	0.00	13.75	0.00%
Judicial Services	70.00	5.90	64.10	8.43%
Mayor and Commissioners	5.80	0.00	5.80	0.00%
Public Works	34.85	5.64	29.21	16.18%
GRAND TOTAL	666.00	124.74	541.26	18.89%



Mr. Lindsey said this slide right here is just kind of meant to show like to get us into fund balance in those future years where we're falling below fund balance. Kind of show that we, so we're in future years, we're like \$1.3M to \$3.6M below fund balance. These are like some options where we could trim funding in future years to help us meet fund balance.

2024 FUND BALANCE TARGET TRADEOFFS

County Operating & Capital

RANGE: \$1.3M → \$3.6M

PROJECTED TOTAL OPERATING = \$22M

PROJECTED TOTAL CAPITAL = \$2M

- 6%- 16% Operating Reduction
- Significant Operating Costs include Jail Contracts, Software Agreements, Legal & Court Operations and Coroner Expenses (~50% of budget)
- Remaining Budgets would have to be reduced 12% - 34%
- 68%- 100%+ Capital Reduction
- Significant Capital Costs include Jail Management System Update, Sheriff Fleet Updates, Disparity Study, Loring Pavement Preservation & County Facilities Improvements



2023 Unified Government PROPOSED Budget



Our county operating and capital. These are just some options. Projected total operating budget in the county is \$22M and the capital was \$2M. We can cut from the operating budget, which is \$22M, and from the projected capital budget, which is \$2M.

City General Fund



2023 Unified Government Budget

Budget Adoption | September 2022

September 15, 2022

CITY Base Budget Proposal + Kansas Ave Bridge

Analysis:

- No Additional Funding Needed
- Negative cash balance in 2025

Assumptions:

- Add CMUP Funding for Kansas Avenue Temporary Emergency Bridge Repair

City General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$160,969,302	\$155,221,370	\$160,633,958	\$165,765,064	\$171,016,489	\$176,351,469
TOTAL EXPENSES	\$173,997,913	\$159,453,294	\$170,334,986	\$179,837,473	\$192,487,131	\$208,205,757
Emergency Bridge Repair	\$3,500,000	-	-	-	-	-
Net Change in Fund Balance	\$(13,028,611)	\$(4,231,924)	\$(9,701,028)	\$(14,072,409)	\$(21,470,642)	\$(31,854,288)
Cash Basis Ending Fund Balance	\$17,950,789	\$13,718,865	\$4,017,837	\$(10,054,572)	\$(31,525,214)	\$(63,379,502)
ACFR Ending Fund Balance	\$32,839,724	\$28,607,800	\$18,906,772	\$4,834,363	\$(16,636,279)	\$(48,490,567)
Reserve % of Expenditures	18.87%	17.94%	11.10%	2.69%	-8.64%	-23.29%
Fund Balance 17% Target	\$29,579,645	\$27,307,060	\$28,956,948	\$30,572,370	\$32,722,812	\$35,394,979



2023 Unified Government PROPOSED Budget



Here are scenarios for the City General Fund. The main scenarios for the City General Fund are going to be repairing the Kansas Avenue Bridge and then also reopening the Fairfax fire station. This scenario right here is a base budget proposal with the Kansas Avenue Bridge in it.

A little earlier we talked about structural imbalance and we can see the net change in fund balance is \$4.2M, which was the same when we looked at the City General Fund a little bit earlier. We would pay for the bridge in 2022, which is in the amount of \$3.5M. It is the beige row. It says Emergency Bridge Repair. We can see that in 2022, we do have like a \$13M negative net fund change in fund balance. Then we have like 19% fund balance as it compares to our expenditures to what we have in the fund balance.

So, we still are in compliance. Then moving into the next year, we still are in compliance at 18%, but when we get to 2025, our cash basis fund balance does fall to \$10M, then the next year it's at \$31M, and the next year it grows to \$27M. Then we can see where the reserve, as a percent of expenditures, in 2024, we definitely fall below the 17% fund balance threshold. We fall down to 11% and we end up in 2027 in the negative at 23%.

CITY

Re-Open Fire Station #15 with 3 Member Pumper Funded by Grant Funding

(If Awarded)

Analysis:

- Fund Balance in compliance in 2023
- Negative cash balance in 2025

Assumptions:

- Re-Open Station in November 2022
- Shift personnel from another station that has 4 personnel to a truck
- Station will operate in 2022 and 2023 with 3 Person Overtime Company.
- Station will operate in 2024 as a 3 Person Permanent Company and into the future
- Partial grant funding is being proposed for 2024, 2025, & 2026. Grant award is not guaranteed

City General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$160,969,302	\$155,221,370	\$160,633,958	\$165,765,064	\$171,016,489	\$176,351,469
TOTAL EXPENSES	\$174,347,216	\$160,384,948	\$171,266,506	\$180,157,897	\$193,319,478	\$209,525,512
Reopen Fairfax Fire Station w/ Grant Funds	\$149,303	\$931,653	\$931,520	\$320,424	\$832,347	\$1,310,756
Net Change in Fund Balance	\$(9,678,314)	\$(5,163,578)	\$(10,632,548)	\$(14,392,833)	\$(22,302,989)	\$(33,174,043)
Cash Basis Ending Fund Balance	\$21,301,486	\$16,157,908	\$5,505,360	\$(8,887,473)	\$(31,190,462)	\$(67,364,506)
ACFR Ending Fund Balance	\$36,980,421	\$31,026,843	\$20,394,295	\$6,009,462	\$(16,301,527)	\$(49,475,577)
Reserve % of Expenditures	21.23%	19.35%	11.91%	3.33%	-8.43%	-23.61%
Fund Balance 17% Target	\$29,605,027	\$27,265,441	\$29,115,306	\$30,626,943	\$32,864,311	\$35,619,337
Fairfax Fire Station Grant Contribution	-	\$27,265,441	\$1,962,596	\$420,600	\$437,450	-



2023 Unified Government PROPOSED Budget



This next option is reopening Fire Station #15, which is in Fairfax, with a three member pumper funded by grant funding. This is contingent on us getting the grant funded award. That funding

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with the grant would start in 2024 and 2025 and 2026 is when it would be funded. You can kind of see down in the beige column at the bottom row, what we anticipate the grant funding to be if we were awarded that. It would be \$1.9M in 2024. In 2025 it would be \$420K. In 2026 it would be \$437K. We do see where our net change in fund balance it is negative from 2022 out to 2027. In 2025, we do run into a negative cash fund balance of almost \$9M. That year, in 2025, we would not be able to approve a budget with the state of Kansas if we had a negative fund balance at all.

Again, some of the things that are worked into opening this three-member pumper, which would be funded by grants, is that it allows for a person to be shifted from Station #5 to the pumper in Fairfax where we'd only have to pay for two members of overtime when we first open that station up in 2022; and then the whole year of 2023, we would pay overtime to only two people going into 2024 for the whole first quarter. Then we would start a permanent crew within Fairfax and that would have a three-member pumper with one of the individuals coming from Station #5 to help out in order to be on that pumper.

CITY
Re-Open Fire Station #15 with 3 Member Pumper Funded by Grant Funding (if Awarded)
+ KS Ave Bridge

Analysis:
 • Fund Balance in compliance in 2023
 • Negative cash balance in 2025

Assumptions:
 • Re-Open Station in November 2022
 • Shift personnel from another station that has 4 personnel to a truck
 • Station will operate in 2022 and 2023 with 3 Person Overtime Company
 • Station will operate in 2024 as a 3 Person Permanent Company and into the future
 • Partial grant funding is being proposed for 2024, 2025, & 2026. Grant award is not guaranteed

City General Fund	2022 Amended Budget	2023 Proposed Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$160,969,102	\$155,221,370	\$160,633,958	\$165,765,064	\$171,016,489	\$176,351,469
TOTAL EXPENSES	\$174,147,216	\$160,384,948	\$171,266,506	\$180,157,887	\$183,319,478	\$209,525,512
Reopen Fairfax Fire Station w/ Grant Funds	\$149,303	\$801,653	\$931,520	\$320,424	\$832,347	\$1,319,756
Kansas Ave Bridge Repair	\$3,500,000					
Net Change in Fund Balance	\$(13,178,114)	\$(5,163,578)	\$(10,632,548)	\$(14,392,833)	\$(12,302,989)	\$(33,174,043)
Cash Basis Ending Fund Balance	\$17,801,486	\$12,637,908	\$2,005,360	\$(12,387,473)	\$(34,690,462)	\$(87,864,506)
ACFR Ending Fund Balance	\$32,690,421	\$27,526,843	\$16,894,293	\$2,501,462	\$(19,801,527)	\$(52,975,571)
Reserve % of Expenditures	18.77%	17.16%	9.56%	1.39%	-10.24%	-25.28%
Fund Balance 17% Target	\$29,605,027	\$27,265,441	\$29,115,306	\$30,626,843	\$32,864,311	\$35,610,337
Fairfax Fire Station Grant Contribution	-		\$1,962,596	\$420,600	\$437,450	-

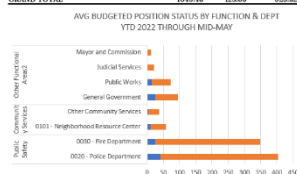
2023 Unified Government PROPOSED Budget

UG FWD

This scenario right here is the last scenario for the City General Fund. Basically, what we have here is the Fairfax fire station and the Kansas Avenue Bridge both coupled together. What we can see is that fund balances continue to go up. Where we were with the original budget in 2025, cash basis ending fund balance was \$6.5M and now it is \$12M out in 2025. In 2023, the budget that we are here to discuss, we are in compliance with our fund balance policy of 17%. What we can see when we go out into the years, each year our fund balance drops. We would definitely in 2024, we would have to get our fund balance back into compliance. In 2025, we would need to do something so we can get a budget approved. So, we can see that the amounts in the beige in the middle of the fund statement, the dollars that it cost to reopen the Fairfax and then also the dollars that it cost to reopen the Kansas Avenue Bridge with the repair.

2024 FUND BALANCE TARGET TRADEOFFS**City Personnel****AMOUNT NEEDED TO ACHIEVE 17% FUND BALANCE****Range: \$6.5M → \$12.2M**68 positions, 7.3% staffing reduction, 18.5% Vacancy Rate
(Base Budget = \$6.5M)127 positions, 13.7% staffing reduction, 24.1% Vacancy Rate
(3-Person Fire Station + KS Ave Bridge = \$12.2M)*Average Position Impact City
General Fund - \$86,000**AVERAGE BUDGETED POSITION STATUS BY FUNCTION AND DEPARTMENT
YTD 2022 THROUGH MID-MAY**

	BUDGETED	VACANT	FILLED	VACANCY %
Public Safety	752.60	66.65	685.95	8.85%
0020 - Police Department	403.60	41.55	362.05	10.29%
0030 - Fire Department	349.00	24.90	324.10	7.13%
Community Services	94.85	14.78	80.08	15.58%
0301 - Neighborhood Resource Center	58.00	11.40	46.60	19.66%
Other Community Services	36.85	3.38	33.47	9.18%
Other Functional Areas	202.00	45.40	156.60	22.48%
General Government	95.43	23.25	72.18	24.47%
Public Works	72.40	14.70	57.70	20.32%
Judicial Services	22.00	2.30	19.70	10.45%
Mayor and Commission	12.17	2.20	10.00	18.01%
GRAND TOTAL	1049.45	127.03	922.42	12.10%



Here are some options if we were to, in the future when we get to where we need to balance out the fund balance in future years to get up to the 17% fund balance. We see we have 68 positions that we could possibly look at unfunding or 127 positions that we could possibly look at unfunding.

2024 FUND BALANCE TARGET TRADEOFFS**City Operating & Capital****RANGE: \$6.5M → \$12.2M**

PROJECTED TOTAL OPERATING = \$24M

PROJECTED TOTAL CAPITAL = \$7.2M

- 27%-36% Operating Reduction
- Significant Operating Costs include Software Agreements, ATA Transit Services, Fleet Maintenance, Insurance & Demo funding (~50% of budget)
- Remaining Budgets would have to be reduced 54% - 100%
- 90%-100% Capital Reduction
 - Not possible due to lease obligations
- Significant Capital Costs include Pavement Preservation, Police & Fire Fleet Updates, Disparity Study, & City Facilities Improvements



2023 Unified Government PROPOSED Budget



Then here are some more options. We're just kind of talking about when we have \$24M operating budget in the City General Fund and then our projected total capital up there is \$7.2M. Those are some options to cut in both the operating and the projected capital.

BUDGET ACTION ITEMS

1. Resolution - Wyandotte County Library
2. Ordinance - Self-Supporting Municipal Improvement District
3. Ordinance - Sanitary Sewer Rate
4. Ordinance - Solid Waste Fee
5. Resolution - BPU PILOT
6. Resolution/Ordinance - authorizing document for CMIP including GO/Temp Note issuance, PBC revenue bonds, and lease agreements to finance capital project improvements and equipment.
7. Resolution/Ordinance - adopting the UG budget

- Ordinance - Storm Water Utility Fee - No action required
(2021 ordinance includes an annual 5% increase starting January 2023)



2023 Unified Government PROPOSED Budget



We've kind of gone through all the fund statements. As part of voting on the budget tonight, we do have resolutions and ordinances that you all will be voting on. They include the Wyandotte

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County Library, voting on the mill that they're bringing forward. They did not increase their mill or anything. Then we have the Self-Supporting Municipal Improvement District, which they actually decreased their mill below the revenue neutral rate. Then we also have an ordinance for the sanitary sewer rate, which does increase 5%. Then our solid waste fee does increase 75%. Our BPU PILOT does stay stable. Then there's also the ordinance adopting the UG budget. Then there's also—there's no action taken on this, but we wanted to disclose it where there's a 5% increase on the storm water utility fee that's part of our ordinance.

ATTACHMENT A					
Adjustments to Proposed Budget		CITY GENERAL FUND		COUNTY GENERAL FUND	
		2022	2023	2022	2023
City General Fund:					
Emergency Bridge Repair	\$ 5,500,000	-	-	-	-
ARPA-Capital	\$ (5,500,000)	-	-	-	-
Fairfax Fire Station Reopening	\$ 149,000	\$ 931,000	-	-	-
Reserves	\$ (149,000)	\$ (931,000)	-	-	-
County General Fund:					
Add/Cancel 1.5 Mill Reduction				\$ 2,440,000	
Reserves (Revenue Reduction)				\$ (2,440,000)	
Transfer from Mental Health				\$ (84,000)	
Reserves (Revenue Increase)				\$ 84,000	
Personnel Travel Adjustment				\$ (100,000)	
Legacy Building				\$ (10,000)	
Shoreline Boat Replacement				\$ (10,000)	
Legal Services Adjustments - Contractual				\$ (10,000)	
Legal Services Adjustments - Grants/Claims				\$ (14,000)	
Transfer to Aging Fund				\$ (100,000)	
Reserves				\$ (46,000)	
CIFI (County Initiative for Funding Infrastructure)				\$ 500,000	
Fund Balance Reserves				\$ (100,000)	
Mental Health Fund:					
Transfer to County General				\$ 84,000	
Contractual Services				\$ (84,000)	
Public Services Fund:					
Transfer from County General				\$ 100,000	
Reserves (Revenue Reduction)				\$ (100,000)	
TOTAL		-	-	-	-

Also, there is, from when we originally proposed the budget, we have a mechanism that we call the “yellow sheet” where we make adjustments to get things added into the budget that the elected body would approve tonight. So, what we have built-in right now we have the emergency bridge repair. We have it going into ARPA dollars. We would like to recommend that. Then we have reopening the Fairfax fire station, which would be like \$149K this year, and we take that from reserves. We'll take that from reserves and then also in 2023, we fund the reopening of the fire station at \$931K, and we take that from reserves also.

Then, these are some moves that we have already made that are in the County General Fund when the elected body let us know that they wanted to see more tax decrease in the form of a mill for the citizens. We cut—we made that addition to the revenue so the \$2.4M that you see there, that is a 1.5 mill reduction and that is the result of that .5 mill that we already had which will make it a full 2 mills. Then to get to that, we had to move some money around within our funds. One of the places we moved funding from was our Mental Health Fund. They already were getting the maximum amount of money. We did not cut their budget or anything. They were going to be getting a pretty good amount of more money, so we reduced that.

Then we have reduced our personnel trend. There were some capital projects that we ended up cutting and then also some legal special adjustments and then also transfer to the Aging Fund that was built-in to the County General Fund, we took that out. Also, we have the CIFI built-in for \$500K being transferred to Mental Health and Aging. We didn't do those this year from the County General Fund or to the County General Fund.

So, that is how our yellow sheet looks.

Mayor Garner asked, does that conclude your presentation? **Mr. Lindsey** said yes, it does.

Mayor Garner asked any questions, comments from our commissioners?

Commissioner Burroughs said I've listened to the debate and I really appreciate the insight many of my colleagues have brought forward. It was clearly stated that a 2 mill reduction is within this budget, should we take that path. I will share with you that I believe that 2 mill reduction will be ate up by the fees and stuff that are coming forward with the new proposals within the resolutions that are going to be coming forward. I'm going to stand with the taxpayers. You've heard me say this before, I'm taking my commissioner hat off and my legislative hat off, and I'm putting my taxpayer hat on. My taxes are too high. I just got my new assessment and they're over \$800 and some for next year.

It's frustrating to me when I sit here and we look like a 2% reduction in the mill on a county budget that can absorb more of a cut, but we choose to spend. The allocations that we put forward for the Parks and for CIFI are good budgeting. That's transparency. It's committed dollars still within the budget. So, we're not cutting anything. All we're doing is reallocating those dollars and prioritizing those dollars within the budget. So, let's not get that confused as an additional cut because it's not that. It's reallocation and earmarking those dollars specifically for what we've asked them to be done.

I look at an unstable, out of balance city budget and it concerns me greatly. Our Wyandotte County budget is strong enough to support some of the decisions that have been made here tonight, but our city budget can ill afford it. If we're going to continue down this road that we're going to continue to spend, and spend, and spend, we're not going to be able to right this ship. What I would hate to see us do, as a body, next year is come back and say, we'll address it again the

following year and not come back and reprioritize our budgeting for the city. It's been stated earlier that we don't have a revenue problem as much as we have a spending problem. It's about priorities. I don't want to come in and make cuts to services, but I don't want to find ourselves in bankruptcy court either. It's not the prudent thing to do as a leader.

I think the taxpayers, I'm going to stand with them this evening, they've asked and we've heard for the last umpteen months, my taxes are too high. If I'm the only voice that's going to stand up for the taxpayer and say, 2 mills is nothing to snub your nose at, but if we're going to take it back from you with the increase in fees and taxes, what I call taxes without representation, in the next resolutions that are coming forward, I'm concerned about that. We've got long-term bond ratings that will be impacted and we're going to continue to deplete our reserves. That is not good fiscal management.

Madam Administrator, I want to compliment you on one of the most thorough presentations I have received in reference to digesting the budget process. This was absolutely a very well presented group of papers you submitted to us tonight and I want to commend you on that. But we are still structurally unbalanced on the city side. I believe there's more that we can do. I, myself, am disappointed that we couldn't push harder to look at budget cuts. It's easy to say, we can spend because we want to make everybody happy. But, we have a job and I take my job very seriously as a fiscal conservative. I want my community to be prosperous and these numbers here concern me greatly.

Mayor, thank you. Madam Administrator, thank you for the explanation you gave in reference to the budget. I sincerely appreciate it. Reggie, I appreciate your presentation. Thank you staff for all the work you've put in. I know you've heard from me all year long in reference to my position on the budget.

Commissioner Townsend said as Commissioner Markley and some of my other colleagues have mentioned, everybody gives up something, but there are certain things that you know is your wall. Since we're talking about the county and the mill reduction, I have to lean toward some of the explanations already given by Commissioner Johnson in terms of where we are with (inaudible).

One of the reasons I asked Mr. Lindsey about the value of the mill, which turned out to be approximately \$1.7M, is—and several people have mentioned tonight—roads, parks, mill reductions, taxes. As I said last time, nobody up here voted to increase taxes.

With regard to the county mill options, I'm certainly in favor of the .25 mill shift, if not more. The 1 mill you're talking about a \$1.7M CIFI that would go to infrastructure and our communities already stated unequivocally that that's where we need to be focused. I cannot, however, based on the number, support a 2 mill reduction. Something less possibly, but that's not our option today. For those reasons, I would not be able to support a mill reduction of that amount.

Mayor Garner said we're going to get into the portion where we're going to start entertaining these motions, but I have some comments to make. I fall in line with Commissioner Burroughs and Commissioner Stites and other commissioners that have been on this Commission. This is my first budget process and I'm here because people voted me in. At least the people that voted me, they said they wanted to see change. They said enough is enough of raising our taxes, these fees, it's not sustainable. I'll give an example.

Last year's budget, if you take out the budget that we're under now, which is \$420M, if you take out the ARPA funds that bridge that gap, how much was our budget last year? It's right under \$400M, I believe, if I'm correct. Just tell me if I'm wrong. Please, somebody from staff tell me if I'm wrong. I would hope that you would know, someone, what last year's budget was.

Mr. Lindsey said I know it was \$420M total. **Mayor Garner** said total, but without the ARPA funds that kind of bridge, that took it to the \$420. What was the actual, if you take that out, what would that be? Does anybody know? Let's just, okay, let's just take a guess and then it's under, right at \$400. We'll just give...**Mr. Lindsey** said I am thinking it's like \$300. Did you say \$394? **Mayor Garner** said right. Right around that. Would that be a good estimate? **Mr. Lindsey** said it sounds familiar.

Mayor Garner said so now we are up this year. We're operating under a budget without ARPA funds last year, about \$390, give or take. This year, we're up to a \$432M budget. I reject the notion that taxes are not being raised because people have shown me their bills and their bills say different. Yes, the mill levy goes up. No, I don't believe anybody in here raises taxes, but what you can do is you can put a pressure point on taxes by going to revenue neutral. That's a good starting point because as people mill levy—as their valuation goes up, that brings in more tax revenue through the mill levy. No, we're not raising taxes, but you're not allowing taxes to not be raised. You're allowing those extra dollars to come in. I've seen that year after year and these budgets reflect that. So, if taxes aren't being raised, then why is the budget keep going up?

We have to put a pressure point on what's going on with the taxes and the fees that are burdening the citizens, as we've heard before time and time again, either out of Wyandotte County into poverty or preventing people and businesses to not want to come in here to do business. People have told me enough is enough, Mayor.

Business as usual here at the Unified Government must stop. I hear the same song and dance, next year, next year, next year. Well, some people aren't here that were here last year because they've moved out and some people aren't going to be here if these taxes are raised going into next year. I've said it before, we've got to put a pressure point and we've got to identify what essential services are. The hard decisions are going to have to be made on how to streamline this bloated government, how to cut spending, how to cut costs, and to budget in a fiscal responsible way so we're not looking at red by 2027. These are hard decisions that are going to have to be made. We've got to start listening to the community.

I heard a lot of good presentations and I appreciate the work that has gone into staff because they're just doing what they're told and bring back a budget and putting in all the work from what they're hearing from the leadership in this Unified Government. This leadership in this Unified Government, and I don't have a problem calling it out, is why I'm here today because people are tired. I can tell you, respectfully, that people are going to get so tired that some of you all just need to take a closer look if you want to continue sitting in these seats of this Unified Government because this community is waking up.

I'm not here to play politics. You can write whatever you want to write about me. You should ask me if I care before you write it because I really don't. I care about the people of Wyandotte County. That's who matters to me. I've watched people sit up here and beg this Commission, not just this year, but every year. I believe that this Commission has failed this community, and that's why I'm here. We've got to do better. There's not much I can do because I don't vote on anything. All I do is try to give recommendations and, hopefully, a pathway forward. I've invited so many of you to work with me on something that the people are telling me that they want. No, we can't get everything, but in fairness to this Commission, in fairness to this staff, this community needs to work harder with this Commission and the staff because where we're at financially, I said it before, there are some things that this community is going to have to decide and say for the short term, as we rebuild this town, what's acceptable for us to do without. That's going to be painful, but it's a lot better than us going off the cliff. If we keep doing business

as usual here, in Wyandotte County, we've heard people from outside that did an audit and it resonates with me when the gentleman said if you don't do something, it's big or else.

There was a 9 mill approximately increase this year. We're talking 2 mills decrease. We're going to decrease the increase slightly, decrease your increase, but nevertheless, you're going to get an increase so don't be fooled anybody in this community. You're going to see an increase in your taxes.

I don't care about the smoke and the mirrors and all the games that I've heard over the years when I was an employee here. Sometimes people forget I worked here at all levels and I've watched this and I've had to sit silent because I had to stay neutral. I'm not going to sit silent on the things that matter to the people of Wyandotte County any longer because I'm not here for politics. I don't need any money. I'm retired. I'm not here for personal gain. I don't need anything. I'm here for the people. It hurts me, as a public servant for 32 years, and it hurts me now that I'm your mayor to see the same song and dance.

I've asked, what can we cut? What can we live without? The starting point should be a revenue neutral then let's talk about what we need to cut. Then we get to a balanced budget. The people of Wyandotte County deserve better than this. I really fear if we don't get a handle on this, where are we going to be by 2027. I tell you this with all sincerity, I'm willing to work as hard as I can with anybody that wants to work with me for the betterment of our community.

I applaud Commissioner Bynum. I spoke to her and she's taking a bold step to take the first step to do the things that I've asked for. That's to start having a budget conversation about how we streamline this government. We find wasteful spending and try to cut it out, and we do the things to try and bring real tax relief and balance this budget for the 2024 Budget. It's not going to happen in this budget and it hurts me. It hurts me that the most painful meeting that I sat in as the mayor was our last Commission meeting and watching those people literally beg for tax relief. That burden I carried that night knowing that I couldn't do anything for those people haunts me to this day.

I'm going to continue to fight and do what I can. I'm not here to be politically correct. I'm here to do what's right for Wyandotte County. I don't have all the answers. I'm not a financier. My background is public safety, but I do care about people. I do know that for every problem, if you work collaboratively, you can find solutions. So, I challenge this Commission, whatever problems and issues you may have, we have got to work together. We've got to work together

and collaborate and be the professionals that this community wants us to be. Throw aside any personal, professional, whatever, and let's come together and work for the better good for this community and find a way to put a pressure point on the tax burden in Wyandotte County.

I hear about the PILOT. I hear about fees. There's so many things we haven't even touched that I can go on and on about. Economic development is a good pathway out and I applaud our County Administrator for having the vision and the insight to tell all of us that she's going to put together a strategic plan that hopefully when she's gone, we can still follow it. That can hopefully allow us to bring the right developments in.

I applaud Commissioner Johnson for taking a leadership role with his task force to find ways to streamline the business process to make it more favorable for businesses to want to do business and build the residential and the brick and mortar businesses. They're going to broaden our tax base and anchor people right here in Wyandotte County because that's what we need. As you know, our revenues are dropping. That's how you get the revenue.

Our government, and I said it, is too big. We spend too much. What I didn't hear in this business process was, where do we cut? What can we do without? What departments are going to say, we're going to put this off? I talk to employees. I'm here every day. I talk to community people. There's a lot of wasteful spending, from what I'm being told, that goes on. We need to identify those and see if that's perception or if it's real.

I can't support anything that is going to be anything less than tax relief, real tax relief for the hard working residents of Wyandotte County and the businesses that are here and the businesses that are looking and eying and wanting to be here.

I don't think it's an accident if you look to downtown Kansas City, MO, and they're building up. You look north and south and even far west where there's not much when you talk about density and everybody is building and everybody is growing. What are we doing wrong in Wyandotte County? It's a question I pose to this Commission and to this body.

I don't see \$420M worth of anything of substance that people are telling me that is high value that represents the taxes and the fees that they pay here in Wyandotte County. And now you want them to do another \$432M. I urge this Commission to work with me to find real solutions to the real problems that we know impact the lives of real people each and every day.

I can tell you the people I've talked to say what we're doing, as a Commission, and how we've been doing the business as usual, because I've watched before I got here, this conversation

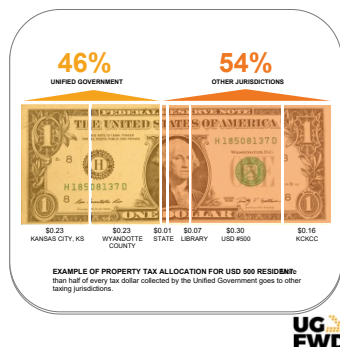
is almost identical to past conversations, and where we end up is identical to what we ended up years before. Business as usual here at the Unified Government.

The expectation that I've been given by my constituents has to stop. Let's put the people first and let's find ways to find real tax reduction, look at the PILOT, look at these fees, but to do that, yes, we've got to really define what is essential, cut costs, cut out this big government, that's up to our Administrator and our staff, and move forward and balance our budget and bring about the economic stability that we need so Wyandotte County doesn't go off a cliff. I don't want that for this community. I've been here all my adult life. I love Wyandotte County. I love the people here. I'm going to end it with this, they deserve better.

PROPERTY TAXES

UG levies less than half of overall property tax bill

- Difficult to compare mill rates with other communities due to the value per mill, services provided, population and geographic area of a city.
- Generally, UG taxes are in line with or lower than other Kansas communities by comparison.



2023 Unified Government PROPOSED Budget

Commissioner Stites said I thought I was going to shut up earlier, now I've got something else to say. If you can go back to, so the audience can see it, the dollar bill, this is such a telling graph here. The Unified Government, 46%. We don't even control half of what everyone—what I pay, you pay, everyone pays, that's in this room, in taxes. We don't control half of it. 54% of this dollar is other taxing entities. When I look at this, and I think we have made strides. We are making strides to go in the right direction at 2 mills. Again, do I wish it was more? Absolutely, but we have to get something started in the right direction, and I think we're going in the right direction, but there's other taxing entities that need to be held accountable other than the Unified Government.

Kansas City Kansas Community College, did they raise or lower their mill? I don't know. I don't think they did, but they're 16% of your dollar. USD 500, did they raise or lower? I don't know. The library, did they raise or lower? I can shoulder the burden because I can do it, but there's other taxing entities that need to be held accountable for your tax dollars, for our tax dollars

also. So, when we're out fighting to get our taxes lower, we need to be looking at those other entities also.

Mayor Garner said I'm going to entertain a motion, I believe. I'm going to revisit that. I've lost track. The first item I'll entertain is the library. I'm going to ask for a motion to approve the library budget.

A. WYANDOTTE COUNTY LIBRARY RESOLUTION

A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2023 Annual Budget for the Wyandotte County Library, and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2023.

Action: **RESOLUTION NO. R-49-22**, "A resolution expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas, with respect to financing the 2023 Annual Budget for the Wyandotte County Library and approving, adopting, and appropriating the budget of the Wyandotte County Library Board and levying a tax for the year beginning January 1, 2023."
Commissioner Markley made a motion, seconded by Commissioner Davis, to adopt the resolution.

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

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

B. SSMID ORDINANCE

An ordinance expressing the property taxation policy of the Unified Government with respect to the financing of the 2023 Annual Budget for the Self-Supported Municipal Improvement District (SSMID) and approving, adopting, and appropriating the budget of the SSMID and levying a tax for the year beginning January 1, 2023.

Action: **ORDINANCE NO. O-128-22**, “An ordinance expressing the property taxation policy of the Unified Government of Wyandotte County/Kansas City, Kansas with respect to financing the 2023 Annual Budget for the Self-Supported Municipal Improvement District and approving, adopting and appropriating the budget of the Self-Supported Municipal Improvement District and levying a tax for the year beginning January 1, 2023.” **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve the ordinance.**

Mayor Garner said I’ve got a question from Commissioner Bynum.

Commissioner Bynum said I was going to ask as we start making motions to adopt the various resolutions that culminate in a total budget, for example, the library. We did not set that mill levy rate. That was set by the Wyandotte County Library Board. Those are people that we do appoint into their positions. They adopted a budget that translates to a certain mill levy rate. That mill levy rate, for example, from ‘21 to ‘22 is unchanged. We did just adopt that rate. I was hoping that someone from staff could, on each of these items, be present to tell us what are these rates. For example, I think the library was like 6.1 mills.

Mr. Lindsey said it is 6.129 mills. **Commissioner Bynum** said as we move through, I would just prefer that we know the mills and some of those don’t have mill levies associated with them, 3, 4, and 5 are not mill levy items. That was my request. Then when we get to Item 7, I guess, is the one that has the actual city and county mill levy rates. Would that be correct? **Mr. Lindsey** said yes. It also has the yellow sheet also with the adjustments that we would need to make.

Commissioner Bynum said because I’ve looked through my packet multiple times looking for these rates and I’m just not seeing it. On Item 7, if we could know the city of Kansas City, KS, and the county side, based on what the motion is, especially on that county side, we have a motion.

I’m sorry, Mayor. I think there was a—I think on the SSMID, there actually was a motion and a second, perhaps, that I may have interrupted. **Mayor Garner** said yes, there was. Roll call, please.

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

Commissioner Bynum said (after her vote) I still would like to know the rate. **Mr. Lindsey** said the rate for the SSMID is 10.9 mills. **Commissioner Burroughs** said, Reggie, did they actually lower their rate? **Mr. Lindsey** said yes, they did lower their rate and it is below the revenue neutral rate also.

C. VARIOUS RESOLUTIONS AND ORDINANCES SETTING UNIFIED GOVERNMENT FEES FOR SEWER SERVICE, SOLID WASTE, AND SETTING THE KCBPU PILOT

- i) An ordinance adopting a regulation establishing the rate for sewer service charges effective January 1, 2023.**

Action: **ORDINANCE NO. O-129-22**, “An ordinance relating to sewer service charges, approving the regulation establishing the rate, effective January 1, 2023, as authorized by Section 30-96 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, and repealing any previously adopted regulations establishing such rates.” **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve the ordinance.**

Mayor Garner said I have a motion and a second. There’s also, I believe, a motion for, well, I’ll hold off on it. Multiple ordinances on resolutions pertaining to various fees. We’ll take each one of those items separately. The first one is going to be the sewer service charge. I’ll entertain a motion establishing the rate for sewer...**Commissioner Markley** said that’s what I just made a...**Mayor Garner** said okay.

Mayor Garner said I just need a roll call.

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

Mayor Garner said I’m going to have to veto that.

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to override the Mayor’s veto and approve the ordinance.**

Mayor Garner said roll call, please.

Roll call: Kane “Aye,” Markley “Aye,” Stites “Aye,” Davis “Aye,” Bynum “Aye,” Burroughs “No,” Townsend “Aye,” Ramirez “Aye, and I have my hand raised. **Mayor Garner** said, Commissioner Ramirez, go ahead.

Commissioner Ramirez asked, Misty, Chief Counsel, are these fees contractually required to be raised? **Misty Brown, Chief Counsel**, said no, Commissioner, they are not contractually required to be raised. Our consent decree with the EPA does set out a rate, a range in which we have to set our sewer fees at in order to comply with the consent decree. It would be false to say that you have to increase them 5%. You would just have to find a way to make up the work in another way in the budget. **Commissioner Ramirez** said okay. Thank you for the clarification.

Commissioner Bynum said I had the same question, but this is the point I was making earlier tonight when we were talking about the biosolids plant. We are under a consent decree. That consent decree is \$900M to separate sewer and sanitary. We have a 25 year span of time to do that. It started in 2019. We may not be contractually obligated by law under that consent decree, but if we aren’t going to do that, then all of that burden is going to fall on the people who live here. So, I don’t know of another way to comply with the EPA mandate that has caused this increase.

This sanitary sewer rate increase is based upon Chief Counsel Brown’s, I don’t know how many years of work with the EPA, to land on the consent decree. It was years and years and years and our staff’s efforts to have a moderated rate increase in order to comply with what the federal government has told us and every other municipality of any size they must do by law. If we don’t

put it on this, then it's my position that it's 100% going to fall on the folks who live here. Just my thoughts. Thanks for listening down there.

Commissioner Burroughs said I want to thank my colleague for bringing up the consent decree because I think it's important to realize that we were the last city, the last county in the state to come to terms with the EPA in reference to the consent decree. There's a tremendous penalty associated to not meeting the criteria of that consent decree. While it's extremely important we fall in line with the consent decree, it's even more important that we put together a projected timeline of putting our infrastructure in at a cost that we can absorb and that we have the funding mechanism for. Just continuing to go out and raise fees and continuing to minimize the projects to make the fees meet them, is not prudent. I know staff has had worked tirelessly trying to find that formula in which it needs to work, but I don't know that we're there yet.

I do appreciate my colleague bringing it up. It's very important that the community knows that there is an extreme penalty associated to not doing what we need to do, but it's just as important that we do it right so we don't have to come back in two years and raise an exorbitant amount of money on the back of the taxpayers to meet what it will take to fund the fees necessary to support that program.

Mayor Garner asked, Commissioner Davis, did you have a comment? **Commissioner Davis** said after Commissioner Johnson votes.

Roll call continued: Johnson "Aye."

Commissioner Davis said we are at the budget and I second everything that my colleagues have said. This is not the budget that I personally wanted, and I want that to be read in the record, but it was part of the compromise. A part of that compromise is not only our commitment to adopt what is on these yellow sheets which includes Fairfax, it includes opening the Kansas Avenue Bridge, it includes the 2 mill reduction and everything else, but I also am going to submit that we move \$105K from the Mayor/Commission Contingency Fund to the Commission District line item. We, as commissioners, only get \$500 a year to do community events in our district. I would

love for us to have more funding for anti-crime initiatives, celebrations, church events, community clean-ups, and what have you.

Action: **Commissioner Davis** said with that, I move that we adopt the 2023 City/County Budget with the addition in the yellow sheet, and with the reallocation of \$105K from the Mayor/Commission Contingency Fund to the line item titled, Commission Districts for the Community Event Budget. **Commissioner Markley** said I will second that but we have to go back and do ii and iii, don't we? I got confused when we had the weird roll call. **Mayor Garner** said yes. **Commissioner Markley** asked, so can we hold this motion and go back to do those? **Mayor Garner** said yes.

- ii) **An ordinance setting the solid waste fee for single-family residences and residential units in buildings not containing more than four dwelling units, effective January 1, 2023.**

Action: **ORDINANCE NO. O-130-22**, "An ordinance relating to the monthly fee on residential units in the city of Kansas City, Kansas, to fund the Unified Government's solid waste services, amending Section 31-17(b) of the Unified Government of Wyandotte County/Kansas City, Kansas Code and repealing original Section 31-17(b)." **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve the ordinance.**

Mayor Garner said each one of these have to be voted separately. So, the first item I'll entertain is a motion establishing the rate for sewer service charges effective January 1, 2023. We just did that. So, we're on the second one. We're on solid waste now. I apologize. You've made a motion and I believe we have a second. Roll call, please.

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

iii) A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for 2023 (the PILOT).

Action: **RESOLUTION NO. R-50-22**, “A resolution setting the percentage of gross revenues to be set over by the Board of Public Utilities to the Unified Government for the year 2023 shall be 11.9%.” **Commissioner Markley made a motion, seconded by Commissioner Davis, to adopt the resolution.**

Mayor Garner said this is a rule of order. Let me make a motion first and then you all can entertain your motion. I’ll entertain a motion setting the BPU percentage of gross revenues to be set over by BPU to the UG for 2023. I have a motion and a second. Roll call, please.

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

Mayor Garner said you’ve got a mayor veto here.

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to override the Mayor’s veto and adopt the resolution.**

Mayor Garner said there’s a motion and a second to override my veto. Roll call, please.

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

D. ORDINANCE/RESOLUTION APPROVING, ADOPTING, AND APPROPRIATING THE FUNDS FOR THE AMENDED 2022 AND 2023 BUDGET

A resolution and an ordinance approving, adopting, and appropriating the budget of the Unified Government of Wyandotte County/Kansas City, Kansas, for the amended 2022 budget and the 2023 budget for the year beginning January 1, 2023, as submitted by the County Administrator and as amended by exhibit, if necessary.

Mayor Garner said next we have the adoption of the 2022 Amended Budget and the 2023 Budget. If any amendments are added, they'll be included in your attached amendment. Is there a motion?

Action: **ORDINANCE NO. O-131-22/RESOLUTION NO. R-51-22**, “A joint ordinance/resolution approving, adopting and appropriating the operating and capital maintenance improvement project budgets of the Unified Government of Wyandotte County/Kansas City, Kansas, as submitted and amended by Attachment A, for the fiscal years beginning January 1, 2022, and the fiscal year beginning January 1, 2023; approving the five year Capital Maintenance Improvement Program for fiscal years 2023 through 2027.” **Commissioner Davis made a motion, seconded by Commissioner Markley, to approve/adopt the joint ordinance/resolution approving the 2023 City and County Budget with the additions included in the yellow sheet, and with the reallocation of \$105K from the Mayor/Commission Contingency Fund to the line item titled Commission Districts for the Community Event Budget.**

Mayor Garner said we have a question from Commissioner Townsend.

Commissioner Townsend said just for clarity, the motion on the floor would include approval of the mill rates for the city and the county as previously stated. It would also include the Fairfax opening. **Mr. Lindsey** said that is on our yellow sheet. **Ms. Harrison-Lee** said that is correct, Commissioner. **Commissioner Townsend** said that's what I was clarifying.

With regard to, I've already stated my concerns about the option with the county mill rate reduction in the amount proposed. Let me say for some of the other reasons I already talked about tonight, Commissioner Johnson, and I'm looking at the general fund balances, the amount of money that we allocate currently between Fire and Police, which totals 70% and the reserves, but we talk about looking forward to making some changes for next year but each vote, even now, has a carryover effect.

I agree with the Administrator, this is a transitional budget, but each vote makes a difference; therefore, I cannot support the numbers for reopening the Fairfax fire station with our

current deficit although I hope we can solve for that. The Mayor talked about spending so I'm not in favor of spending money we don't have yet. It's as simple as that. So, thank you for the opportunity to clarify.

Commissioner Bynum said I think, Mayor, on Item D, the resolution approving, adopting, and appropriating the funds with regard to the way that Commissioner Davis made the motion, I don't know if it's feasible to separate out the city from the county and vote them separately because we had Commissioner Stites, I think, earlier in the evening, made a specific county side motion. I'm asking as a question.

Commissioner Lindsey said I believe the amount you're talking about is it both on city and county side, the \$105K, I believe? **Commissioner Davis** said yes (inaudible). **Commissioner Bynum** said okay. I got it.

Commissioner Burroughs said I want to make sure I understand the motion, Commissioner Davis. Would you restate the \$105K? I know we're late in the budget here. I just want to make sure I heard you correctly. So, please. **Commissioner Davis** asked, you want me to restate the entire motion? **Commissioner Burroughs** said just the \$105 as to the reason why you want to do it. I missed that part.

Commissioner Davis said the rationale for it is in 2016, the Commission adopted, and Reggie can help me out here if I'm misremembering, what is called a Mayor/Commission Contingency Fund. That fund has \$105K in it. The purpose, as I understand it, is to fund unexpected things, unexpected initiatives that the Commission would like to take on. Currently, there's been no conversation. That money's been sitting there. I prefer we put it in each commissioner's Community Event Budget so that we can put that money back in our neighborhoods and help them with the initiatives they'd like to do.

Commissioner Burroughs said if I understand you, you want to divide it equally among the eight commissioners. **Commissioner Davis** said it would be all ten. So, within the line item for the commissioners' budget, it is divided. Right now, it's \$25K. This particular \$105K would go in there. That money is divided by ten, by all commissioners.

Commissioner Burroughs said if I may. Staff, do we know why that was put in there initially? What brought that proposal forward? **Mr. Lindsey** said it was for if commissioners

wanted to go after particular projects or particular initiatives within the community. It could go with it as—go at it together or could have went in as separate. That’s why it was put there. It’s exactly a contingency. It was probably done about four years ago. I don’t think it was ever—I don’t think we ever used it.

Commissioner Burroughs said, Commissioner Davis, if that money isn’t spent by a commission, how do we, within the budget, show which commissioner’s district spent those additional dollars? I just want to make sure that it’s transparent. **Commissioner Davis** said absolutely. **Commissioner Burroughs** said and that if we should choose to do that, that we’re held accountable. **Commissioner Davis** said absolutely. **Commissioner Burroughs** said so I’m just kind of trying to get my head around here. You just brought it late to the table. **Commissioner Davis** said sure. Absolutely. We’re all bringing things late to the table.

Commissioner Davis said currently, right now, each commissioner is given \$500 for community events and then we’re given about \$2K for training and travel. In my motion, I was very specific that that \$105K would go in the line item 305 for Commission Districts specifically for community events. So, that \$500 plus this \$105 divided by 10.

Mayor Garner said I believe there was a motion and a second. Roll call, please.

Roll call was taken and there were seven “Ayes,” Kane, Markley, Stites, Davis, Bynum, Burroughs, Ramirez; and two “Nos,” Townsend, Johnson. (Commissioner Townsend voted no for reasons stated.)

Mayor Garner said you have a mayor’s veto.

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to override the Mayor’s veto and approve/adopt the joint ordinance/resolution.**

Mayor Garner said I have a motion and a second to override the mayor’s veto. Clerk, roll call.

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

E. ORDINANCE/RESOLUTION AUTHORIZING THE IMPROVEMENTS CONTAINED IN THE 2023-2027 CMIP, AND AUTHORIZING THE ISSUANCE OF BONDS RELATED THERETO

A resolution and an ordinance authorizing various public improvements contained in the 2023-2027 capital maintenance improvement program; authorizing the issuance of general obligation bonds and/or temporary notes to finance a portion of the costs of such improvements; authorizing the issuance of utility system revenue bonds to finance a portion of the costs of such improvements; requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its leasehold revenue bonds for the purpose of financing all or a portion of the costs of certain improvements; and authorizing one or more lease-purchase agreements to finance the acquisition and installation of certain equipment.

Action: **ORDINANCE NO. O-132-22/RESOLUTION NO. R-54-22**, “A joint ordinance/resolution authorizing various public improvements; authorizing the issuance of general obligation bonds and/or temporary notes to finance a portion of the costs of such improvements; authorizing the issuance of utility system revenue bonds to finance a portion of the costs of such improvements; requesting the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its leasehold revenue bonds for the purpose of financing all or a portion of the costs of certain improvements; and authorizing one or more lease purchase agreements to finance the acquisition and installation of certain equipment.” **Commissioner Markley made a motion, seconded by Commissioner Davis, to approve/adopt the joint ordinance/resolution.**

Mayor Garner said, again, as part of the order, if you would let me read the items first and then I’ll allow for you to make the motions, please. So, the last item is a CMIP. Authorizing various public improvements in the 2023-2027 Capital Maintenance Improvement Plan and provide for those costs.

We have a motion and a second. Roll call, please.

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

ADJOURN

Mayor Garner said no further business to come before this governing body. I’ll entertain a motion to adjourn.

Action: **Commissioner Markley made a motion, seconded by Commissioner Davis, to adjourn the meeting.**

Mayor Garner said there’s a motion and a second. Roll call, please.

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

MAYOR GARNER
ADJOURNED THE MEETING AT 9:51 P.M.
September 15, 2022

cg

Monica Sparks
Acting Unified Government Clerk

September 15, 2022

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

SPECIAL SESSION, THURSDAY, APRIL 27, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, April 27, 2023, with eight members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District (left the meeting at 5:37 p.m.); Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; and Garner, Mayor/CEO, presiding. Johnson, Commissioner Fourth District; Davis, Commissioner Eighth District; and Townsend, Commissioner First District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Alan Howze, Assistant County Administrator; Patrick Waters, Acting Chief Legal Counsel; Brett Deichler, Unified Government Clerk; Jeff Fisher, Executive Director of Public Works; Reginald Lindsey, Budget Director; Susan Caman, CHIP Coordinator in the Health Department; Blake Hensley, Health Department; Ambur Banner, Acting Health Department Director; Elizabeth Groenweghe, Chief Epidemiologist in the Health Department; and Hannah Connor, Social Epidemiologist in the Health Department.

Mayor Garner said before I call this meeting to order, I want to announce that we have individuals attending remotely as well as on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise. During the meeting, please make sure that you announce yourself by name and title every time you speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General's Office. When you speak, make sure you speak clearly into the microphone at a tone where everyone can hear you so there can be an accurate capturing for the record.

MAYOR GARNER called the meeting to order.

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

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format in the fifth floor conference room of the Municipal Office Building on Thursday, April 27, 2023, at 5:00 p.m. regarding a Board of Health Update on the Community Health Assessment.

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

Mayor Garner said tonight we have one item on our agenda and it's an update on the Community Health Assessment. I'll recognize Alan Howze, Assistant County Administrator, for the presentation.

Alan Howze, Assistant County Administrator, said we have this evening a presentation on the Community Health Assessment from the Wyandotte County Health Department. While there's been a lot of focus on COVID over the last couple of years, in the background the Community Health Improvement Plan was also running full speed ahead, which focuses on the pressing health needs of the community. Now that coming to the end of that cycle, we started new with the Community Health Assessment, which as you'll hear, leads into the Community Health Improvement Plan. You'll also see in this plan that there's a continued focus on equity that really sharpened during COVID and it's continued now into the Community Health Assessment and the work of the Health Department.

I just want to say an appreciation for all the staff that put a lot of time into creating this Community Health Assessment and all that went into it. We'll have 45 minutes, well 40 now, with a lot of content to cover, so I will turn it over to Amber Banner, the Acting Director, and team to run us through this.

Amber Banner, Acting Health Department Director, said myself along with several of our Health Department staff will be presenting to you on Wyandotte County's Community Health Assessment and its results. Thank you for having us this evening.

April 27, 2023

Today's Presentation



For today's presentation we're going to walk you through a bit of an overview of the CHA process itself. We will also talk a little bit about the methodology and then we'll roll into some health outcomes. We will also talk about the community health concerns and barriers, and then we will close up with a 2024-2028 CHIP Development process.

What is a Community Health Assessment (CHA)?

- A comprehensive assessment of the health of the county that:
 - Collects data from a variety of sources
 - National data (census, BRFSS, etc.)
 - Community members
 - Partners
 - Gains input from community members and partners to better understand the community's health
 - Guide work of the health department, community partners, and local government
- Conducted every five years, required for PHAB accreditation

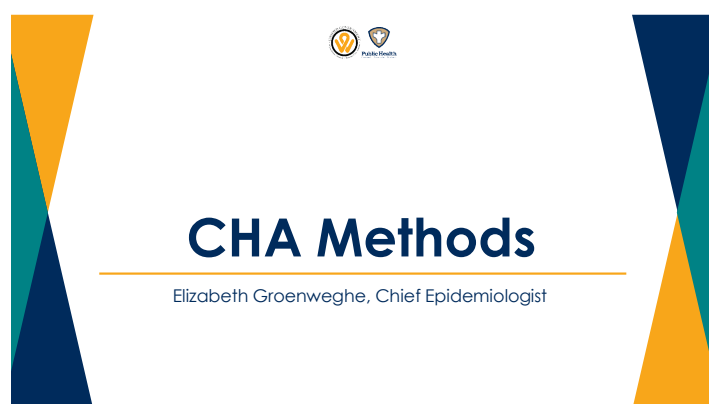


I would like to start by level setting a little bit just with what the Community Health Assessment is. It is essentially an assessment of how healthy our community is and how our county actually is living whether it is as healthy as it could be, or if there are some areas of improvement. So, it's determined through a variety of data sources and methods, so both qualitative like through focus groups or community listening sessions and then quantitative through items like surveys.

As part of this assessment we also want to leverage some national data, so we also use the census and we also use what we call the BRFSS, which is the Behavioral Risk Factor Surveillance System. We collect all of these different data to better understand and gain a picture of the comprehensive health of the community.

We conduct the Community Health Assessment every five years and it is a requirement to remain accredited through the Public Health Accreditation Board. One of the best things I can

say that our Community Health Assessment does is give voice to the community residents so their feedback really helps to inform us of the health barriers and health concerns and social health needs that they experience. We also believe that this rich data is important for all UG Departments to become aware of and familiar with as each UG Department's work impacts the lives and, therefore, the health of each and every resident in Wyandotte County, so it's a very nice guide for ensuring that health remains a lens in all policies. Now, I'll turn it over to Elizabeth.



Elizabeth Groenweghe, Chief Epidemiologist, said I will be introducing you to some of the information that we found throughout our Community Health Assessment or CHA for short. In public health we love our acronyms and so you'll hear us use the terms CHA and CHIP a lot throughout this presentation, so just know that the CHA is the Community Health Assessment and our CHIP is our Community Health Improvement Plan.

One of the most important things about our CHA is that it is founded in data.

How the CHA was created

- **Primary Data**
 - Community Concerns Survey
 - Community Forums
 - Focus groups
- **Secondary Data**
 - Collection of available community health and demographic data



One of the most important parts of a CHA is that you're looking at all of the data. It's very much an objective look at the overall health status of the county. We looked at two different kinds of

data that founded this report. The first is Primary Data and then Secondary Data. Primary Data is data that we collect as an organization for our utilization and so we collected three different kinds of Primary Data; a community concerns survey, which I'll talk a bit more about, as well as four community forums that were held throughout Wyandotte County in each of the different parts of Wyandotte County. We also have focus groups that we worked with some of our community partners to hold and we held about a dozen of those focus groups.

We also used a lot of Secondary Data as Amber alluded to in her last slide. The Secondary Data is data that's collected by other organizations that we then utilize. There's too many Secondary Data sources to name them all right now, but some of those examples like the U.S. Census Bureau, CDC data sources, things like that have all been incorporated throughout this report.

CHA Timeline

Activity	Timeframe
Survey Mailed Out	June 2022
Focus Groups Convened	August 2022-October 2022
Survey Closed	September 2022
Community Forums Convened	September 2022-November 2022
Data Analysis and Report Writing	November 2022-March 2023
CHA Report Published	April 2023
CHIP Process Begins	May 2023



I wanted to quickly show you what the timeline of our CHA development looks like really because I want to give you all kind of an idea of how extensive this process is and how time-consuming it is. This is really an intense detailed process that we've undergone here at the Health Department to make sure that we are giving you and the community the best data available.

We actually first started developing our CHA back in the winter of last year, so like February 2022, but a lot of the data collection started in June and throughout the summer months. We collected survey data, which I'll talk a bit more about in the next few slides, throughout the summer and then later in the summer and fall we had some of those community forums and focus groups I talked about. The winter months were really focused on the data analysis, which is quite time-intensive. A lot of people think that Epidemiologists are just wizards that whip up all this data and then poof, there it is, but it's actually pretty time-consuming to put all that data together

into a report and then we're pleased to share that yesterday the full Community Health Assessment went live on our website as well.

One of the biggest data components in our CHA was the Community Concern Survey. We worked with an organization called the ETC Institute, which is located in Johnson County, to survey our community and so we knew from the beginning that there were two things that were really important for this survey. The first is that it is a random sample. Quite often you see people utilizing kind of a convenience sampling where you just share a survey out and whoever answers, answers, but we wanted this to be random so we could try to hear from all voices in Wyandotte County. Secondly, we wanted this to be a representative sample, so that means representative of the diversity within Wyandotte County.

Respondent Demographics

- 1,150 total survey respondents
- Representative of Wyandotte County levels of:
 - Zip codes
 - Age groups
 - Income
 - Education
 - Race
- Not representative of households with children
 - Our sample: 21%



We all know that Wyandotte County is very diverse and so we want to make sure that the feedback we're getting represents that diversity and so it can be a little tricky to make sure you're getting a representative sample, but we are happy to share that the survey we conducted is representative of Wyandotte County's different zip codes, age groups, incomes, education levels, and race and ethnicity. The only place we fell a little bit short on a representative sample is households that have children. We had about 21% of households with children that responded to our survey. It's closer to a third overall in Wyandotte County and it's hard to survey households with children because they're usually very busy with their children. We try to make up for that in other ways, but overall we're really happy to share that this is a really representative sample that we have.

Top Health Concerns and Barriers

Health concerns

1. Community Violence (714)
2. Drug Misuse (446)
3. Mental Health (437)
4. Other chronic diseases (363)
5. Poor nutrition or obesity (353)
6. Air pollution/environmental health (185)

Health barriers

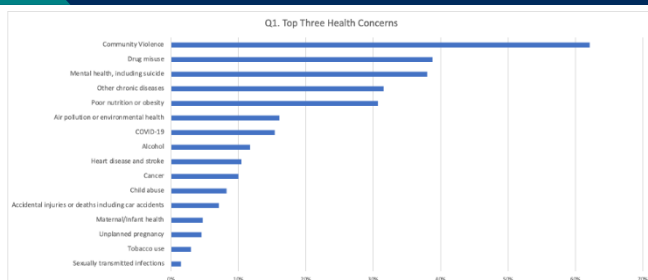
1. Health care access (549)
2. Employment and income (501)
3. Affordable housing or homelessness (488)
4. Violence or crime (434)
5. Health Literacy (328)
6. Racism or other discrimination (217)



The kind of two guiding ways that we decided what to focus on for our Community Health Assessment is the first two questions we ask in the survey. The first question that we asked is for people to identify the three biggest health concerns that they have in Wyandotte County and then the second question we ask is what are the three biggest health barriers in Wyandotte County. I'll show you graphs in the next few slides that break these results down further, but here are the top six and I think a lot of—I see people already kind of nodding because a lot of this is things that we've already been somewhat aware of, but the health concerns that came up as the top six were community violence, drug misuse, mental health, chronic diseases, poor nutrition and obesity, and air pollution/environmental health concerns.

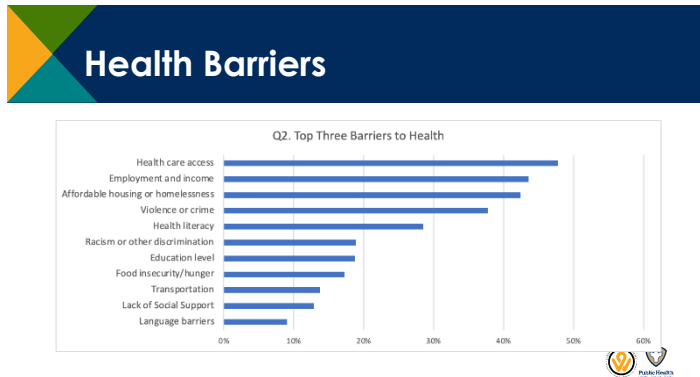
Then, those biggest health barriers were health care access, employment and income, affordable housing, violence and crime, health literacy, and racism or other forms of discrimination.

Health Concerns



I'm going to go through this slide real quick. I know it's a little blurry and hard to read the text, but what I really want to point out here is that very top bar where you see that over 60% of people

responded, that's community violence, so by far what our survey found is that community violence is a big concern in our community.



This is that barriers question broken down and, again, we see some clear leading barriers here. Health care access, employment, affordable housing, and then again violence.



I'm going to focus a bit now on looking at the overall health outcomes in Wyandotte County, so really our report starts really broadly and then gets down more into some specific topics like the ones I showed you before.



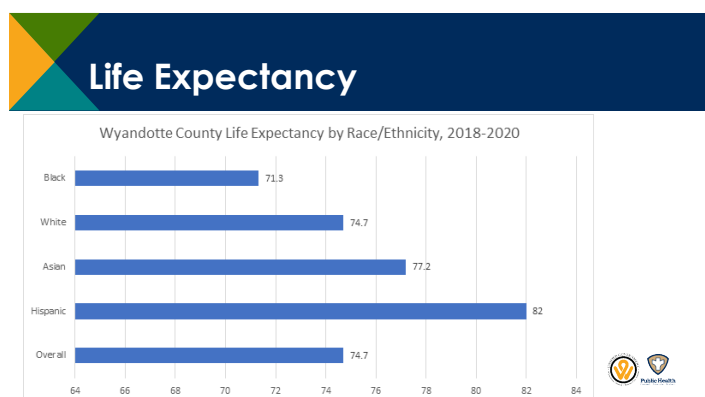
We wanted to start with just talking about what the overall health outcomes look like in Wyandotte County and to test that we looked at a variety of secondary data sources. One of those is called County Health Rankings. What County Health Rankings does, it's an impartial organization that looks across the United States at every state within the United States and ranks the health outcomes and health factors for each county in that state. So, unfortunately, there is a lot of room for improvement in Wyandotte County in terms of our overall health status. Out of the 104 counties ranked in Kansas, Wyandotte County ranks 103rd and then 104 out of 104 for health factors.

If you're interested, you can go to this link and read the full report of County Health rankings to kind of see what things factor into our ranking, but overall, there is a lot that we need to work on as a county to improve health.

Rank	Overall	White non-Hispanic	Black non-Hispanic	Hispanic
1	Heart disease	Heart disease	Heart disease	COVID-19
2	Cancer	Cancer	Cancer	Cancer
3	COVID-19	COVID-19	COVID-19	Heart disease
4	All other accidents	Chronic lower respiratory diseases	Homicide	Homicide
5	Chronic lower respiratory diseases	All other accidents	Stroke	All other accidents

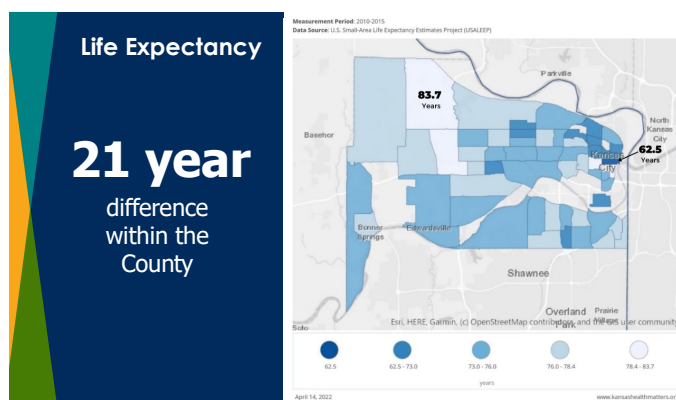
We also looked at secondary data showing causes of death in Wyandotte County because when you look at causes of death, you might be able to see places where you can intervene or prevent death and so that far left column there has the overall leading causes of death in Wyandotte County; heart disease, cancer, COVID, accidents, and chronic lower respiratory diseases.

We've broken it down by race and ethnicity because that also tells a story of what's going on in our community. I especially wanted to highlight those last two columns. You can see that the leading cause of death, well, the number four causes of death for our Hispanic and Black non-Hispanic residents is homicide. That is not one of the top five or even top ten causes of death for our White non-Hispanic residents. I also wanted to highlight for our Hispanic residents, COVID was the leading cause of death and, unfortunately, I think a lot of us saw that play out in real time when we saw the disparities that were happening throughout COVID.



We also looked at life expectancy data. For those that aren't familiar with life expectancy, it's a measure that determines how long someone is expected to live at the time of their birth. It's kind of a complicated calculation that I won't go into, but it depends a lot on geography and the factors around where that person is born.

The overall life expectancy in Wyandotte County is 74.7 years, but again, we see some disparities here. In particular, I wanted to call out that for our Black residents the life expectancy is 71.3 years.



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When you break it down by census tracts in Wyandotte County, you see some even more stark disparities. So, there's a 21-year difference between the census tract with the lowest life expectancy and the highest life expectancy in Wyandotte County. So you can see that 62.5 years on one of those census tracts is close to downtown and then in the western part of the county it's 83.7. I think all of us in this room know that this is about a 20 minute car ride, so I think it's really significant to note that this is not a big geographical distance that we're seeing these disparities. It's really quite close together that a lot of factors are happening to create these disparities.



Moving on in a little more detail, I'm going to review some of the health concerns that were identified by our residents and these are the concerns that I reviewed previously in our slides about the top concerns identified in our survey.

Community Violence

#1 health concern

- **62%** of Wyandotte County survey respondents said that violence was one of their top three biggest health concerns
- **38%** said that violence is also a barrier to health



Starting with the number one health concern according to residents that we surveyed, community violence. Sixty-two percent of our survey respondents said that this was one of their top three biggest health concerns. Thirty-Eight percent also said that this is a barrier to being healthy in Wyandotte County.

Community Violence

- **56%** of survey respondent felt extremely or very safe in their neighborhoods **during the day**
- **40%** of survey respondent said they feel very or extremely safe in their neighborhoods **at night**
- Homicide is the leading cause of death for residents ages 15-44 years



We also asked about safety in our survey and about half of the people said that they felt safe during the daytime, but less than half, only 40%, said that they felt safe at night. So, there's definitely perceived concerns about safety in Wyandotte County. I think it's also really important to call out that homicide is a leading cause of death and if you're 15 to 44 years old in Wyandotte County, homicide is the number one leading cause of death, more than suicide or overdoses or cancer, any other cause of death for our residents of that age group, homicides is the leading cause.

Substance Misuse

#2 biggest health concern

- Wyandotte County **overdoses have continuously increased since 2018**
- There are currently **no in-patient facilities** for Substance Use Disorders in Wyandotte County



The number two concern identified by residents is substance misuse and as many of us know overdoses have continued to sharply increase in the last few years and, unfortunately, there are currently no in-patient facilities to treat substance use disorder in Wyandotte County.

Mental Health

#3 biggest health concern

- Majority of respondents indicated they **either have a mental illness or have someone in their household** with a mental illness.
- COVID had a significant impact on mental health



Mental health was the number three biggest health concern. The majority of our survey respondents said that they have a mental health—or a mental illness or someone in their household has one. We also heard so many stories across the community about how COVID had a significant impact on mental health.

Mental Health

- High demand for **mental health services**
 - #1 need identified by community to improve health in Wyandotte (31% of survey respondents)
- **Accessing mental healthcare** is challenging:
 - In survey, 33% of those who had a mental health concern were unable to access care
 - 9% could not afford care
 - 7% did not know where to look for services
 - 5% said waitlists for care were too long



We also heard a lot from community members that there's a high demand for mental health services across the county. It was identified as the number one way that the county could improve overall health in Wyandotte County and we heard a lot about how difficult accessing mental health care is in Wyandotte County. Thirty-three percent of people that we surveyed said that they could not access care for their mental health concerns and the biggest reasons were affordability, they didn't know where to go, or they said wait lists were too long to access care.

Chronic Diseases and Obesity

- Chronic diseases were **#4 biggest health concern** and obesity **#5 biggest concern**
- In 2020, obesity rate in Wyandotte County was **46%**
- **32%** reported no leisure-time physical activity
- Chronic diseases like **heart disease, diabetes, and kidney disease** are leading causes of death in Wyandotte County



Finally, chronic diseases and obesity was the number four biggest health concern and number five, biggest health concern in Wyandotte County. Our obesity rate in Wyandotte County is a remarkable 46% and in addition a secondary data shows that 32% of our residents report no form of leisure physical activity. You know chronic diseases such as heart disease, diabetes, kidney disease, liver disease are all also leading causes of death in Wyandotte County.

Health Barriers

Hannah Conner, Social Epidemiologist

From here, I'm going to turn it over to my fellow Epidemiologist, Hannah Connor, and she's going to talk in a bit more detail about some of the health barriers that we identified in our assessment.

Healthcare Access

#1 health barrier

- **19%** of survey respondents had a problem getting healthcare in the last year
- **18.6%** of Wyandotte County residents do not have health insurance
 - 6% of White residents
 - 16% of Black residents
 - 36% of Hispanic residents



Hannah Connors, Social Epidemiologist in the Health Department, said I'm going to cover more about those barriers that we saw on slide 10. The number one health barrier that was identified by Wyandotte County respondents in our survey was healthcare access. Healthcare access can include a lot of things including affordability, quality of care, convenience and health insurance coverage. Without proper access to health care, health issues cannot be prevented or managed and poor health outcomes become more likely. Nineteen percent of survey respondents had a problem getting healthcare in the last year and we'll dive into why more in the next slide.

However, before we move on, I want to point out that nearly 19% of Wyandotte County residents do not have health insurance and we know this from secondary data. Also, within that number there are some hidden disparities. Only 6% of White residents are uninsured where 16 and 36% of Black and Hispanic residents respectively are uninsured.

Healthcare Access

- Top reasons for delaying care
 - 23% could not afford **cost**
 - 21% could not get **appointment soon enough**
 - 13% because they **did not have insurance**
- Top challenges in obtaining medications
 - 24% **cost of medication**
 - 15% medication **not covered** by insurance



To dig into that first point on the last slide a little bit more, the top reasons for delaying care were cost, inability to get appointments soon enough and the lack of insurance. We also heard from our focus groups and community forums that participants frequently were concerned by the cost of bills and they also frequently had to go out of county to get the care that they would prefer.

Additionally, some of the top challenges in obtaining medications did include also cost and lack of coverage by insurance.

Jobs and Education

- Employment and income ranked **#2 health barrier** in community survey
- 43% of survey respondents either disagreed or strongly disagreed to the prompt,
 - "I believe my community has enough jobs that pay enough money to live a healthy life."
- 26% agreed or strongly agreed



The second highest rated health barrier was jobs and education. As jobs relate to health because having opportunities for well-paying jobs with benefits like health insurance and paid time off are important to a healthy lifestyle. They allow for families to pay for their housing, transportation opportunities for their children savings and even leisure time. However, in our survey, 43% of survey respondents either disagreed or strongly disagreed to the prompt, that they believe that their community has enough jobs that pay enough money to live a healthy life.

Jobs and Education

- 18% of respondents disagreed or strongly disagreed with the prompt:
 - "I believe the schools in my neighborhood give quality education to all students."
 - A third of respondents agreed or strongly agreed.
- **19%** of respondents said that education was a top three barrier to health



Access to education was also rated as a barrier though not as highly as jobs and income. Nearly 20% of our respondents disagreed or strongly disagreed with the statement that they believe that students in their neighborhood give quality education to all students. This is important because as we know education opens up more opportunities for good paying jobs.

Affordable Housing

- **#3 biggest health barrier**
- Over 30% (18,000 of the 60,000) Wyandotte County households are considered cost-burdened
- 4th highest ranked option for what would improve a respondent's community's health



The third biggest health barrier was affordable housing and what we mean by affordable housing is housing that our residents can afford and pay less than 30% of their household income to sustain that mortgage, rent, and utilities. However, we know again from secondary data, that about a third of Wyandotte County residents or households are considered cost-burdened. In fact, when we asked our survey respondents what would make their community healthier, the fourth highest ranked option for what would improve the community's health is more access to affordable housing.

Affordable Housing

How often in the past 12 months would you say you were worried or stressed about having enough money to pay your regular monthly expenses (including rent/mortgage, electricity, water, etc.)?	Number	Percent
Never	336	29%
Rarely	229	20%
Sometimes	294	26%
Usually	117	10%
Always	155	13%



If you look at this chart here, nearly 50% of respondents answered that in the last year they at least sometimes worried about having enough money to pay for their monthly bills. That's including the rent, the mortgage, and their utilities. I'm going to go back, sorry. We are fortunate to have a CHIP that was able to work on these barriers that I've gone over for the last five years and we are going to continue to work on those barriers. The last barrier I want to talk about didn't actually rank in the top three or top five. It fell between health literacy and education, but however, as we went through and stratified our data meaning looked at it through lenses and through part four, each race and ethnicity, we found significant disparities.

Racism

- **19% of respondents** said racism was among their top three barriers to health
- **27% of Black respondents** have **felt emotionally upset** (for example, angry, sad, or frustrated) as a result of how they were treated based on their race



So, 20% of respondents, just about, said that racism was among the top three barriers to health, however, over a quarter of Black respondents reported that they have felt emotionally upset, so angry, sad, or frustrated as a result of how they were treated based on their race. We also found when stratifying by race and ethnicity that nearly 40% of Black respondents said that racism usually always impacts their life.

Racism

39% of Black respondents said **racism usually or always** impacts their daily life

- Compared to 22% of all respondents, 20% of Asian respondents, and 19% of Hispanic/Latino respondents

The **top ways** in which respondents experienced racism:

- Getting a job
- Being promoted
- Buying a house or car



So, that compares to 22% of all respondents, 20% of Asian respondents and 19% of Hispanic or Latino respondents. In the top ways that this racism manifested was in getting a job, being promoted, or buying a house or car, which all of these directly relate to some of the other health barriers that we talked about previously.



As we try to achieve health equity in Wyandotte County it's important to focus on some of these big, complicated factors that can really impact a person's health. As we move forward, the Health Department will continue to work with its network of partners and resources to pursue health in light of these concerns and barriers and our CHIP coordinators will continue to elaborate on that a bit more now.



Blake Hensley, CHIP Coordinator, said I'm one of the Community Health Improvement Planning Coordinators and with all this information we wanted to leave a little bit on a high note talking about what the community wants and also we'll talk a little bit about what partners are doing in the community. So, for the community needs of the top five, as you can see there, number one is definitely mental health services and then the other five, which are safe places to walk and play, services or programs for people with disabilities or older adults and housing affordability and housing assistance and then lastly in that top five is violence prevention programming.

All of those things are things that allow people to be more healthy, be able to get out, have more leisure time in our community are important to support at many levels with community partners, at government level, and such. All of those really look into building social connections,

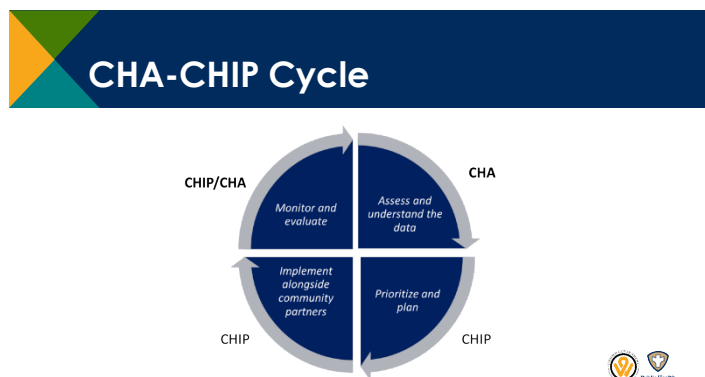
building that social infrastructure and then providing—just leveraging existing resources that are in our community.



That brings us to our community assets. We took some time in our Community Health Assessment to list out some assets and that includes groups like coalitions, other non-profit organizations, community programs and community resources that are all already working to improve health in Wyandotte County and we're really leveraging those partnerships in our Community Health Improvement Plan and we hope to bring more of them along as we go into this new CHIP cycle. For that, I will pass it off to Susan who will talk more about that.

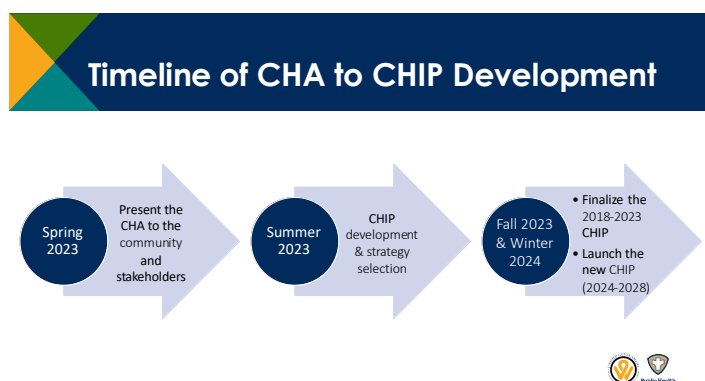


Susan Caman, CHIP Coordinator, said I will be providing a high-level overview of the process in which we'll take all of this great information from the Community Health Assessment and turn it into a Community Health Improvement Plan.



This diagram shows the CHA-CHIP Cycle as we like to call it and we're really at the top right of that cycle circle and so assessing and understanding the data we've done just that through our Community Health Assessment and there's a lot of information and we need to set some priorities and plan with our community stakeholders to better focus our efforts, identify priorities, shared goals and strategies that will really point our collaborative resources, organizations, program initiatives in the community to be working in sync towards those strategies and priorities in the plan. That's really what our CHIP does and we're excited to be able to use this information in our Community Health Assessment to work with community stakeholders, community members in developing that new plan which will be our 2024 to 2028 Community Health Improvement Plan.

Then, we'll move into my favorite part of the work which is really taking that data, those goals and strategies, those objectives and turning them into action in the community in initiatives, projects, programs, that directly services the lives of people here in Wyandotte County.

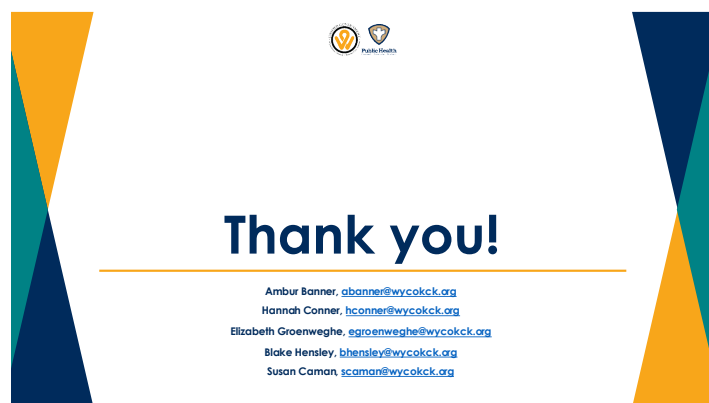


That Community Health Improvement Plan process is actually happening right now and in front of you, you have the CHIP Year 5 booklet, for our 2018-2023 Community Health Improvement Plan. In that booklet you have an example of some of the strategies, projects, programs that we've

been working on alongside our partners and so I invite you to take a look at that and we're excited to use this information from this most recent CHA to move forward with our next CHIP. It's also important to note that we'll continue to monitor and evaluate our progress in the CHIP. We do a CHA every five years to do just that and to intentionally check back into the community and hear about their health gaps, needs, and how those have changed or become greater priorities.

To provide a bit of a high-level timeline of the CHA to CHIP development, we really want to take the springtime and early summer to present the CHA to our community and to stakeholders so that they too can become familiar with the data and the information that they provided us through with this process. Then, in the summer really looking at June through the end of August we will be working on our CHIP development. That'll look like a series of strategy and goal setting meetings for community partners, but also for community members to work with us in sifting through all of this information and identifying those priorities, goals, strategies that we want to move forward with.

The goal is to have a finalized 2024-2028 CHIP at the end of the year, early 2024, and all while we're doing that we're continuing to work on our 2018-2023 Plan. We've still got some programs and initiatives that we're working on and I want to thank our partners in that work for really devoting a lot of their time and resources into making that a reality for our community.



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Resources

Full CHA Report
 • ughealth.info/wyco-cha

2018-2023 CHIP
 • wycokck.org/CHIP

QR code for Full CHA Report

QR code for 2018-2023 CHIP

Logos: Wyandotte County Health Department and Wyandotte County

We want to thank you for your time this evening and wanted to leave you with just some resources. Again, our Community Health Assessment is found on our website and there's a QR code that you can scan and then our Community Health Improvement Plan is also available on our website. Our current one that we're working on you can find all the booklets and all the annual reports on that site. I know our team is eager to hear about any comments or questions that you may have, so thank you.

Mayor Garner said thank you for the presentation.

Commissioner Ramirez said I want to thank our Public Health Department for everything that you do. Before I was—I'm getting my degree in Education—I was a Public Health Degree so I understand the hard work that you're doing and what this information can provide for us as a Commission as we go through this year and especially during our budget season. Our budget cycle is coming up and so I know that many—you know, not very many people hear about the Public Health Department. It's a department that works behind the scenes, but does good work. It wasn't until the pandemic when your department was the face and voice of our government for those two years and so I thank you for everything that you have done to keep Wyandotte County safe.

I do want to comment on something on the causes of death between 2018-2020 because I was reviewing this last night. I want to thank Alan for sending us this information so that we had time to brew with it and stick with it. For our Latino population the number one was COVID whereas with the others it was third. My question is, if COVID was not—or if we in the perfect world didn't have COVID, do you believe that cancer would have been the first one? **Ms.**

Groenweghe said yeah. It's a little hard to answer that question. A lot of it's speculative, but typically across the U.S. and Wyandotte County heart disease and cancer are always either first or second causes of death and really they take turns being the leading causes of death because the data is usually so close, so it's a little hard to say, but it's possible. **Commissioner Ramirez** said I figured that. I've remembered going through some of the courses and that's always been breast cancer and heart disease are always back and forth with each other every year.

That just amazes me that our Latino population—it wasn't either of those first, it was COVID during those two years and so that shows, especially my district, I represent a heavily Latino community and so it's important for us to make sure that we are providing that access of healthcare and services and programs and I know we have several clinics that are providing care within the district. I just want to thank you for everything that you do and I hope that you know this shows that, yes, there are barriers. There's a lot of barriers and I know the number one is people not—especially with healthcare, not being able to pay for their health care or delaying their health care, delaying their prescription drugs because they just can't afford it. Also, from this plan there's things that we can do about that, so to my colleagues, let's be mindful of that when we go through budget season. Yes, we need some relief, but also there are things that people want and need, so I thank you for everything and keep up the good work.

Ms. Banner said to that end, I would also point out the fact that there is an opportunity for the discovery in the very place that you point out. So, one of the interesting pieces of this, I thought, was that the life expectancy for the Hispanic population actually outranks all of us and yet they still experience the greatest health barriers. I just found that astonishing and it's an area of discovery for us. I mean we really could learn a great deal from that population and how they manage to still have such a beautiful life expectancy rate and yet overcome a great deal of health barriers. I just wanted to call that out because I think it just aligns with what you were pointing out.

Commissioner Burroughs said this information can be very eye-opening, but can you help me understand a couple of the results from the survey. I want to make sure I fully understand them. I'm looking at page 5—well, I guess it's page 8, I apologize. It's 8 on one side, 4 on the other, 10 on one side and 5 on the other. It talks about community violence was the number one issue and

it's mentioned in a couple of places in here at least within the top four, but yet when you get to the results in the back, the community says it's mental health and both of those issues are extremely important and we deal with them collectively as a body. I'm just concerned as to how violence slid down the survey at the very end when it was in the top part of the survey in most of the survey results.

Ms. Groenweghe said yeah, that's a good question and once you kind of dive more deeply into the report I think it'll be a little bit more clear, but there were a lot of survey questions that we asked, but three of the biggest one were what were your biggest health concerns, your biggest health barriers, and then what are the three biggest things that we could do in Wyandotte County to improve health. The violence came out as number one for the biggest concerns followed closely by mental health, but then in terms of how we can address those issues, mental health that's where it came out as number one and so really there could be a lot of reasons for why the data shook out the way that it did.

A lot of people in the community might perceive that violence is a really big issue that's going to be hard for the county to address whereas having more mental health services seems like a more attainable thing that we could do to improve health, but really what that question, where mental health came up as number one, is getting at is next steps for us. Next steps is a community for improving health and so violence is important to our community, but looking forward, mental health is a way that we can really make a big impact. Does that help answer your question?

Commissioner Burroughs said it does. I understand the reasoning for getting there. I just question if it's such an important issue with the tremendous amount of violence we had, I mean it was a majority—sorry, majority of the respondents in two categories, but violence in the community high on the list and yet mental health is what we come up with. If I had to be king for a day and put my resources somewhere, do I put it in police protection to deal with—or public safety protection to deal with the violence in the community or do I go out and build mental health facilities. I think that's what I'm looking at as a priority because they are both correlated to one another, but it just kind of struck me a little bit that was a high mark for a majority of the respondents, but yet the mental health aspect came out higher at the end.

Ms. Groenweghe said it is definitely interesting how that data shook out the way that it did and I think we're really fortunate that we work with a lot of really great community partners that work in the mental health realm and also the violence prevention. We work closely with the

PD, all kinds of different community partners because it's not just going to be the Health Department deciding which of these issues we're going to tackle, we're going to have to really work with our stakeholders and community partners to help us prioritize. You know, looking at the survey data as a stepping stone as a guide to decide which areas that we're going to tackle whether it be mental health or violence prevention or other issues. It's not just decided by the survey.

Ms. Conner said if I may add just one more thing, just speculating, I don't have evidence of this besides some of the numbers that we've looked at, but violence is frequently concentrated and clustered and may not impact every household in Wyandotte County. Mental health is something that a lot more people can relate to more personally, so maybe they don't know somebody personally who's impacted by violence, but it does frequently make the news, but they do know somebody who has developed anxiety during their teenage years or has experienced depression due to isolation. So, that might be one of the reasons why that came to the forefront of what we can do to improve their community's health because maybe that's what they are more personally experienced with.

Commissioner Burroughs said that's a good analogy and I do appreciate that. I know coming through the pandemic the desocialization of our community plays into the mental health aspect quite a bit. The loss of income, loss of property, loss of loved ones all play on the mental health aspect; however, violence is mobile and it's all over our community and still to come back as a high item, it just caught me off guard to see that aspect got a higher rating than us as a community not dealing with the violence, but thank you.

Commissioner Bynum said, Ms. Banner, I wanted to say congratulations to you on your Interim Director role and also appreciation to each of you for the work that you do. When we were experiencing COVID we saw our Health Department all the time and we've missed you, so it's nice that you're here and it's important that you bring us this information.

I work with older adults in my regular daytime full-time job and you reached out to bring a focus group to our older adults while you were doing the health assessment, so I particularly wanted to thank you for that because we had a really great focus group with Rev. Tony Carter and

we brought, I think, about 15 of our older adults and we had a great, great conversation. Thanks for remembering us as you did that assessment.

You have a slide here that talks about the community needs which I see—I mean to me these are the components of the social determinants of health and number three is services or programs for disabled and elderly and I just don't know that we'll ever have enough of those, but it's always good to try to attain more of really everything on your list, but obviously, that stuck out for me.

I've been engaged with the Health Department and these health issues for a long time beginning when Mayor Reardon formed Healthy Communities Wyandotte which was also a direct result of these health rankings. It's so frustrating to me, I applaud you for continuing to do the work because we have the 5 Year CHIP and I know how hard every person engaged in this CHIP has worked and it is so frustrating to me and I don't want you to go home depressed. I just don't know—I guess I'd be interested in your thoughts. Does it truly take this long to move the needle in a community that faces so many challenges? Is that what we're dealing with? I can keep going if that's the answer.

Ms. Groenweghe said I can start to tackle this question and I appreciate you acknowledging how difficult some of these issues are to conquer and that's something that I definitely want to highlight too, that we are wrapping up our 5-Year CHIP Plan, but it's not because Susan and Blake or anyone on our team or any of these partners have failed in any way. It's because these health issues and challenges are so hard to tackle. They're so big and they're hard to tackle and so we're not going to necessarily make progress that we can see in five years or even ten years and a lot of that boils down to what we call in public health, social determinants of health. I'm sure a lot in this room are familiar with what social determinants of health are, but improving the health of Wyandotte County is not about just making people less obese or improving people's mental health. They're just like these little fixes of just if you do these little things, it'll get better. It's about addressing those social determinants of health which are then going to later, longer term, more than five years down the road help to improve the health of Wyandotte County.

I think we really, at the Health Department, at least feel like if we continue to make improvements and chug along and keep going that we are going to see change. It's just not change that we're going to see in the short term, which can be a little bit frustrating and disheartening, but

we're not disheartened. We want to continue to do this work and see what we can do for Wyandotte County.

Then, I wanted to touch on your comment about seniors as well because that wasn't really an issue that rose to the top with some of the survey data but throughout the focus groups and forums that we did, especially the one you mentioned. We heard a lot of stories from people about senior citizens in particular and how we need to continue to address that need because we're hearing a lot of stories about how seniors don't feel supported in Wyandotte County or that they're not feeling involved in the community and so that's an important thing that we want to continue to work on as well. Does anyone else have anything to add?

Ms. Banner said if I may, just quickly, one of the other reasons why we're not seeing that needle move as quickly as we might hope, it really takes a coordinated, multi-layered approach to actually see results, to actually see us go from a CHA, the results to improvement. Furthermore, we also really lack severely quality improvement science. So, that's actually taking a very intentional approach to address health issues from a quality improvement lens, so that's continuously monitoring and tracking through cycles; planning, studying actually what we're doing, if it works and being able to pivot in a timely fashion. We don't actually have that capacity at the Health Department, so there are multiple components that actually are required in order for us to see that needle even more slightly in 10 years. So think of it more like we are working at the Health Department in a very compartmentalized area very, very hard, so one component is working as hard as they can to try to make a difference in this area when there are multiple layers in a coordinated effort that would actually work as a machine if we had quality improvement science to help us lift that off the ground. So, I want to offer that up as well.

Commissioner McKiernan said I'm just going to really quickly say that we do need to transition to another event and so I will follow up with all of you later with my comments and questions, but I'll just say to the Commission, based on my understanding, it's going to take a generation at least to make meaningful change in any of these factors. We have to be ready for that. We have to commit to that and we have to accept the fact that it will be accomplished after some of us are gone and be okay with that, but I'll follow up with you later.

Mayor Garner said thank you all. An awesome report. I think the one thing that stands out for me is the survey was great and really good information. Even with the crime, I don't know how much of that is fact or perception in people's minds and perception plays into a lot of times from my experience of what people see, you know about the broken windows theory, if you see an area that's blighted, you perceive that may be crime ridden. If you had to look at the data for our Police Chief, crime is actually down significantly, but other areas are years of concern when you look at some of the areas of concern that the public talked about and just drilling down and see what are the causes. I know you spoke to that and the capacity that our Health Department is lacking in a lot of those areas, but as we examine the data and as we continue to have these conversations.

This is a question, I don't know, I'm sure you've done it, but are we looking at—I know we're dead last next to a county that didn't report, but we've been consistently this way for years as far back as I can remember, what are other successful, the top five counties nationally, what are other communities doing that maybe we're just not capturing. What are those blind spots that as far as initiatives and programs? It might be beneficial to Wyandotte County to help us address some of these issues and not just looking at the symptoms because there's a lot of symptoms here, but what are these actual causes and I picked up on some of them, you know, crime, violence.

There's even factors of racism, but the biggest thing that plays out to me is I've listened to the HEAT Report, I've listened to Housing Report, I've listened to you all now and then you look at the maps and it becomes ever more apparent that there's zip codes in this town that really were in redlined areas. Areas that have been completely disinvested and disenfranchised and it's costing people their lives when you talk about life expectancy. That is the biggest concern for me how do we improve the life expectancy because whatever we're not doing, people are dying and so those are the things I want to capture. How do we enhance and improve not just the quality of life but the longevity of a healthy life for our residents.

Thank you all so much and we appreciate your time.

Mr. Deichler said motion to adjourn please.

Commissioner Ramirez made a motion, seconded by Commissioner Stites, to adjourn. Roll call was taken and there were six "Ayes," McKiernan, Ramirez, Markley, Stites, Bynum, Burroughs.

**MAYOR GARNER ADJOURNED
THE MEETING AT 5:51 p.m.**

Brett Deichler
Unified Government Clerk

dt

April 27, 2023

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

EXECUTIVE SESSION, THURSDAY, MAY 11, 2023
5:00 p.m.

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Executive Session, Thursday, May 11, 2023, with nine members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. McKiernan, Commissioner Second District; and Kane, Commissioner Fifth District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Patrick Waters, Acting Chief Counsel; and Dave Wimberly, Senior Human Resources Partner.

MAYOR GARNER called the meeting to order.

ROLL CALL: Ramirez, Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend, Garner.

NOTICE OF EXECUTIVE SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held on Thursday, May 11, 2023, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for consultation with Legal Counsel regarding litigation.

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

Commissioner Markley made a motion, seconded by Commissioner Ramirez, for the Commission to go into Executive Session until 5:20 p.m. to allow the Commission to consult with Legal Counsel regarding litigation, as permitted under the Kansas Open Meetings Act; and that staff designated by the County Administrator be present to participate in the

discussion, and that we reconvene in open session at 5:20 p.m. Roll call was taken on the motion and there were eight “Ayes,” Ramirez, Johnson, Markley, Stites, Davis, Bynum, Burroughs, Townsend.

Present for the Executive Session: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO presiding. **Staff present:** David Johnston, County Administrator; and Patrick Waters, Acting Chief Counsel. **Others present:** Ken Berra, Outside Counsel.

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

**MAYOR GARNER ADJOURNED
THE MEETING AT 5:21 p.m.**

Brett Deichler
Unified Government Clerk

dt

May 11, 2023



Unified Government Clerk's Office

Brett A. Deichler, PMP/CPM

Unified Government Clerk

701 North 7th Street, Suite 323
Kansas City, Kansas 66101-3070

Phone: 913-573-5260
Fax: 913-573-5299
<http://www.wycokck.org>

Memorandum

To: David Johnston
County Administrator

From: Brett Deichler
UG Clerk

Date: May 4, 2023

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

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Weekly Business Material for April 28, 2023 – May 4, 2023

1. PERSONNEL ACTION COMMUNICATION, DATED May 2, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Dustin E Ash	Parks/Rec	4/27/23	Summer Laborer
Trevor Hand	Parks/Rec	4/27/23	Groundskeeper I
Noe I Rodriguez	Sheriff	4/27/23	Correctional Specialist

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Russell J Grieger	Fire	4/20/23	Firefighter/Paramedic	Fire Apparatus Operator
Todd M Kleinschmidt	Sheriff	4/6/23	Deputy	Deputy
Marshee C London	Police	4/6/23	Patrol Officer	Police Sergeant
Andrew R Nelson	PW/Street	4/27/23	Equipment Operator I	Equipment Operator II
James A Petty	PW/Street	4/27/23	Equipment Operator II	Equipment Operator III

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Daniel A Anderson	Sheriff	4/19/23	Deputy
Jason A Coleman	Fire	4/27/23	Fire Apparatus Driver
Julio C Caro Gallegos	Finance/Treasury	4/26/23	Fiscal Supt Asst
Ronald A Green	Finance/Payroll	5/10/23	Manager
Jarrold D Kuckelman	County Admin	5/10/23	Intern
Giuliano J Ramirez	Sheriff	4/19/23	Deputy
Rene E Wilson	Sheriff	4/26/23	Deputy

Action: Received and filed. Copy previously forwarded to Payroll.

2. CLAIM FOR DAMAGES:

Jahmel Martin, 11801 Smalley Ave., alleging damage from pothole traveling south bound on 291 towards Independence on May 1, 2023.

Tina Palmerin, 4215 N. 125th Terr., alleging damage to on April 27, 2023.

Leah Slowter, 4730 Skyline Dr., Roeland Park, alleging damage from park bench on April 18, 2023.

Kenneth Thomas, 710 N. 16th St., alleging damage from pothole at 18th & Kansas Avenue heading west on April 20, 2023.

Barbie Walker, 1709 South Taylor Circle, Olathe, KS, alleging damage from pothole at I-435 N ramp at Parallel on April 1, 2023.

Action: Referred to Legal.

3. SUMMONS:

Daniel Anderson vs. UG WyCo/KCK, et al., Case No. 23CV299.

Kimberly George vs. The Board of Commissioners, Case No. 23CV288. (3)

Action: Referred to Legal.

4. MOTION TO SET-ASIDE:

Unified Government vs. Marisa Bautista, Case No. 22CV758.

Unified Government vs. Reginald Boykin, Case No. 22CV758.

Unified Government vs. Nathan Richardson, Case No. 22CV758.

Unified Government vs. Kenneth Schwartz, Case No. 22CV758.

Elisha Ford vs. Wendy Green, Case No. 22CV758.

Jesus Oseguera-Murguia vs. Melanie Hernandez, Case No. 22CV758.

Unified Government vs. Elizabeth Valles Lujan, Case No. 22CV758.

Wyandotte County/Unified Government vs. Eduardo Ramirez Ayala, Case No. 22CV758.

Action: Referred to Legal.



Staff Request for Commission Action

Tracking No. 212428

Full Commission Meeting Date: 5/25/23

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/8/23

(If none, please explain):

Publication Required: No

<u>Date:</u> 05/10/2023	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Economic Development
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Item Description:

A resolution authorizing the Unified Government to enter into two real estate purchase agreements with the Kansas City Kansas Community College, submitted by Patrick Waters, Acting Chief Counsel.

Action Requested:

To adopt the resolution (and advance to the 5/25/23 full commission meeting).

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution authorizing Purchase Agreement - KCKCC - May 25th Full Commission

RESOLUTION NO. R-_____

**A RESOLUTION AUTHORIZING THE UNIFIED GOVERNMENT TO ENTER INTO
TWO REAL ESTATE PURCHASE AGREEMENTS WITH THE KANSAS CITY
KANSAS COMMUNITY COLLEGE**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (“Unified Government”) is the legal owner of that certain real estate, at or about 645 Nebraska Avenue, in Kansas City, Kansas, and 600 State Avenue, in Kansas City, Kansas, as depicted on Exhibit A, attached hereto, and incorporated herein by reference, (collectively referred to as the “Properties”); and

WHEREAS, it is the policy of the Unified Government that it should dispose of surplus real property in a manner that will provide the best and highest return to the government and its taxpayers; and

WHEREAS, the Unified Government has adopted procedures for the disposal of real property as authorized and provided for in K.S.A. 19-211(b) and as authorized by the Unified Government’s home rule power; and

WHEREAS, the Kansas City, Kansas Community College (“KCKCC”) desires to purchase all of 600 State Avenue and a portion of 645 Nebraska Avenue from the Unified Government, an approximate depiction of which is shown in Exhibit B, attached hereto and incorporated herein; and;

WHEREAS, the Unified Government, KCKCC, and its partners understand the importance of preserving continuity of services related to the delivery and serving of food at the Willa Gill Center, and KCKCC will contractually commit to preserve access to food delivery and food service at the Willa Gill Center during construction of the Kansas City, Kansas Community Education, Health, and Wellness Center (the “Downtown Campus”); as more fully set forth below; and

WHEREAS, the timely redevelopment of the Properties is in the best interests of the parties and the health, safety, and welfare of the Unified Government’s residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS:**

Section 1. That the Unified Government Board of Commissioners hereby approves the sale of all of 600 State Avenue and a portion of 645 Nebraska Avenue, as shown approximately in Exhibit B, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations for each property, as set forth in the agreement negotiated between the parties.

Section 2. That any purchase agreement executed by the Unified Government shall contain a clause in which KCKCC will contractually commit to preserve access to food delivery and food service at the Willa Gill Center during construction of the Downtown Campus. The agreement shall further provide that, should any temporary blockage of the alley running through 645 Nebraska be necessary for construction of the Downtown Campus, KCKCC will notify Mt.

Carmel Redevelopment Corporation, Inc and Hot Lunch Service, Inc. at least seven (7) days in advance and will work with Mt. Carmel Redevelopment Corporation, Inc and Hot Lunch Service, Inc., its construction crews and subcontractors to facilitate food delivery alternatives to insure continuity of food delivery and food service and minimal disruption.

Section 2. That the County Administrator and other officials and representatives of the Unified Government are hereby authorized to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, a purchase agreement for the Properties consistent with the term set forth herein, and to execute such deeds and any such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to take any further action necessary to effectuate the sale.

Section 3. This Resolution will take effect and be in full force from and after its passage by the Board of Commissioners.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY OF _____ 2023.**

Tyrone A. Garner
Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

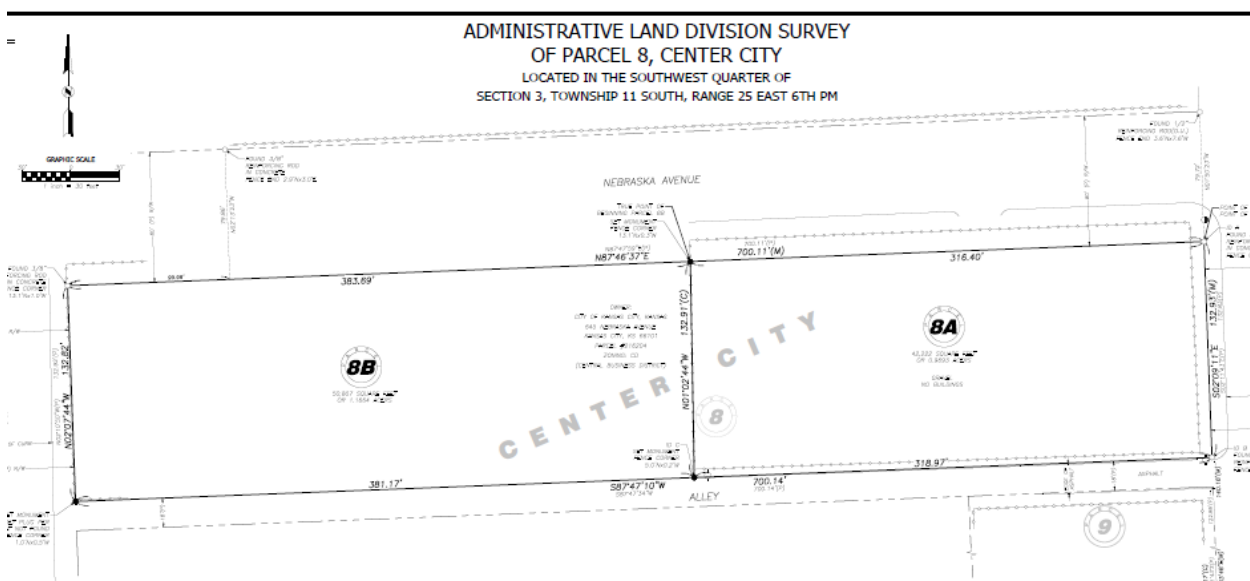
Chief Counsel

Exhibit A





Exhibit B





Staff Request for Commission Action

Tracking No. 212459

Full Commission Meeting Date:

Committee: Administration & Human Services

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 05/23/2023	<u>Contact Name:</u> Angel Ferrara	<u>Contact Phone:</u> x8354	<u>Contact Email:</u> aferrara@wycokck.org	<u>Department/Division:</u> Parks & Recreation
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Item Description:

Resolution for the process of accessing Metro 24 Funds, submitted by Angel Ferrara, Director of Parks and Recreation.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Special Fund Resolution

RESOLUTION NO. 23-__

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTER TO AWARD
GRANTS FROM THE METRO 24 MANAGEMENT FEE**

WHEREAS, in April 2017, the Unified Government of Wyandotte County/Kansas City, KS (“UG”), entered into a Management Agreement with Metro 24 Fitness, LLC to operate a fitness center on behalf of the UG at Argentine Recreational Center; and

WHEREAS, on September 17, 2020, the Unified Government Board of Commissioners approved an amendment to the Management Agreement which stated the management fee paid by Metro 24 will be placed in a special fund (“Fund”) dedicated to youth activities in Argentine and Rosedale; and

WHEREAS, the Unified Government Board of Commissioners must approve a process for the expenditure of the dollars in the special fund.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. The County Administrator shall make recommendations for specific expenditures to be made from the Fund to the Board of Commissioners of the Unified Government.

Section 2. The Board of Commissioners of the Unified Government shall approve all expenditures from the Fund as recommended by the County Administrator.

Section 3. Fund balances shall not be expended without express resolution from the Board of Commissioners.

Section 4. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Board of Commissioners of the Unified Government.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNT/KANSAS CITY, KANSAS,
THIS __ DAY OF _____, 2023.**

Tyrone Garner, Mayor/CEO

ATTEST:

Clerk

APPROVED AS TO FORM:

Wendy M. Green, Senior Counsel



Christian Ramirez
Commissioner, District 3
Board of Commissioners

701 N. 7th Street, Room 979
Kansas City, Kansas 66101
Phone: (913) 573-5040
Fax: (913) 573-5050

MEMORANDUM

TO: Mayor/CEO Tyrone Garner
Board of Commissioners

FROM: Commissioner Christian Ramirez

DATE: May 19, 2023

SUBJECT: REQUEST TO TRAVEL

This is a request for permission to travel for Unified Government business to Tacoma, Washington, to attend the NLC Summer Board and Leadership meeting.

Further, I respectfully request permission to use the funds set aside in the training and travel budget established in the Unified Government Commission Resolution No. R-13-13, Current Rules of Procedure Article VIII, Travel Policy, Sections 801 and 802, to pay the travel expenses of this trip.

I ask that this be placed on the agenda before the Board of Commissioners on Thursday, May 25, 2023.

c: David W. Johnston, County Administrator
Brett Deichler, County Clerk
Thomas L. Wiss, Legislative Auditor



Staff Request for Commission Action

Tracking No. 212430

Full Commission Meeting Date: 05/25/23

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 05/08/23

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
05/19/2023	Jud Knapp	x5472	jknapp@wycokck.org	Economic Development

Item Description:

The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Land Bank Manager

2 Single Family Homes

15 Multi Family Units

1 Commercial

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FC Memo Land Bank Options 05.25.23



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: May 19, 2023
SUBJECT: Option applications for consideration

The following **option application(s)** are being presented at the 05/08/2023 meeting:
Please visit the new site to review the applications below

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

A. Single Family Homes – 2 Homes

11. Justin Sorto – 1 home
 - i. 23 S 18th St – 107737
12. Clarisia L Balladares – 1 home
 - i. 28 N Tremont St – 120402

B. Multi Family – 15 Units

11. DreSean Johnson – 3 Units
 - i. 1837 S 35th St – 170215
12. RA Engineering – 10 Units
 - i. 3038 Suntree Plz – 125603
13. Darlene Dunn – 2 Units
 - i. 5666 Yecker Ave – 037189

C. Commercial – 1

1. Roberto & Nancy Rodriguez – Insurance Agency
 - i. 961 Pacific Ave – 069269



Staff Request for Commission Action

Tracking No. 212431

Full Commission Meeting Date: 05/25/23

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 05/08/23

(If none, please explain):

Publication Required: No

<u>Date:</u> 05/19/2023	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, Submitted by Jud Knapp, Land Bank Manager 1 Yard Extension				
<u>Action Requested:</u> Approve				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> NCD Memo Land Bank Property Transfers 05.08.23				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Neighborhood & Community Development Standing Committee
FROM: Jud Knapp, Land Bank Manager
DATE: April 26, 2023
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** are being presented at the 05/08/2023 meeting:

Please visit the new site to review the applications below

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

PT – Property Transfers

1. Lillie Williams
 - i. 812 Lafayette Ave - 111593



Staff Request for Commission Action

Tracking No. 212432

Full Commission Meeting Date: 05/25/23

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 05/08/2023

(If none, please explain):

Publication Required: No

<u>Date:</u> 05/19/2023	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> Requesting consideration for the Wyandotte County Land Bank to hold all properties held by it within the boundaries of Quindaro Boulevard to the North, 5th Street to the East, Parallel Parkway to the South and 7th Street to the West for the future acquisition by Mt. Carmel Redevelopment Corporation. Submitted by Jud Knapp, Land Bank Manager				
<u>Action Requested:</u> Approve				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution for Hold for Tremount Project				

RESOLUTION NO. R-____-23

**A RESOLUTION
AUTHORIZING THE WYANDOTTE COUNTY LAND BANK
TO HOLD SPECIFIED PROPERTIES FOR THE ACQUISITION
BY MT. CARMEL REDEVELOPMENT CORPORATION**

WHEREAS, the Unified Board of Commissioners of Wyandotte County/Kansas City, Kansas, by way of Resolution No. R-21-99, established the Wyandotte County Land Bank and provided that it would be guided in its affairs by a Board of Trustees consisting of the Mayor/Chief Executive and the Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas; and

WHEREAS, the Wyandotte County Land Bank Board of Trustees is solely authorized, pursuant to K.S.A. 19-26,110 and Sec. 2-173 of the Unified Government Ordinances, to sell or dispose of any property acquired by the Wyandotte County Land Bank; and

WHEREAS, a purpose of the Wyandotte County Land Bank is to return blighted and vacant properties to a productive use; and

WHEREAS, the Mt. Carmel Redevelopment Corporation has a multi-year development project that would require the acquisition of certain parcels currently part of the Wyandotte County Land Bank.

NOW, THEREFORE, be it resolved by the Wyandotte County Land Bank Board of Trustees that:

1. The Wyandotte County Land Bank shall hold all properties held by it within the boundaries of Quindaro Boulevard to the North, 5th Street to the East, Parallel Parkway to the South and 7th Street to the West for the future acquisition by Mt. Carmel Redevelopment Corporation.

2. This Resolution shall become effective upon passage by the Wyandotte County Land Bank Board of Trustees.

ADOPTED BY THE WYANDOTTE COUNTY LAND BANK BOARD OF TRUSTEES THIS
_____ DAY OF _____ 2023.

Tyrone Garner
Mayor/Chief Executive Officer

ATTEST:

APPROVED AS TO FORM:

UNIFIED GOVERNMENT CLERK

Wendy M. Green, Senior Counsel



Staff Request for Commission Action

Tracking No. 212489

Full Commission Meeting Date: 05/25/23

Committee: Full Commission

Date of Standing Committee Action: 05/08/23

(If none, please explain):

Publication Required: No

<u>Date:</u> 05/19/2023	<u>Contact Name:</u> Jud Knapp	<u>Contact Phone:</u> x5472	<u>Contact Email:</u> jknapp@wycokck.org	<u>Department/Division:</u> Economic Development
<u>Item Description:</u> The Land Bank Manager respectfully requests that the Full Commission review the proposed item. Submitted by Jud Knapp, Land Bank Manager				
10 Single Family Homes				
<u>Action Requested:</u> Approve				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> FC Memo Land Bank Options Non-Consent 05.25.23				



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

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M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: May 19, 2023
SUBJECT: Option applications for consideration

The following **option application(s)** were presented at the 05/08/2023 meeting:
Please visit the site to review the applications below.

<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 10 Homes

1. Mark & Rhonda Hamilton – 1 home
 - i. 2916 N 26th St – 163438
2. Maria Hill – 1 home
 - i. 3240 N 46th St - 066341
3. JBLOC LLC – 1 home
 - i. 4907 Lathrop Ave - 178733
4. Jorge Alfaro – 1 home
 - i. 3306 N 33rd St – 165213
5. Omar Jurado – 1 home
 - i. 3032 N 33rd St - 100178
6. Miguel Cortes – 1 home
 - i. 1116 Washington Blvd – 080158
7. Dania Pilar – 1 home
 - i. 930 Central Ave – 069286
8. DreSean Johnson – 1 home
 - i. 3040 N 27th St – 116502
9. David Bean – 1 home
 - i. 257 S Mill St – 122060
10. Georgia Dubois – 1 home
 - i. 1112 Ruby Ave – 143024
 - ii. 1108 Ruby Ave – 143025
 - iii. 1104 Ruby Ave – 143026

