

**UPDATED AGENDA
JUNE 29, 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/88302198445>

Or One tap mobile:

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

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Webinar ID: 883 0219 8445

International numbers available: <https://us02web.zoom.us/j/88302198445>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, JUNE 29, 2023 AGENDA**

X. REGULAR CONSENT AGENDA

REMOVING ITEM

Item No. 1. - RESOLUTION: ADOPTION OF RESOLUTION OF INTENT TO ISSUE INDUSTRIAL REVENUE BONDS (MARGARITAVILLE/HOMEFIELD OUTDOOR PROJECT)

Tracking #: 212434

VI. PUBLIC HEARING AGENDA

ADDING ITEMS

ITEM NO. 1 – PUBLIC HEARING/RESOLUTION: (MARGARITAVILLE/HOMEFIELD OUTDOOR PROJECT)

Tracking #212434

ITEM NO. 2 – PUBLIC HEARING/RESOLUTION: (HOMEFIELD BASEBALL AMENDMENT)

Tracking #212434

VI. CLERK'S STATEMENT

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

VII. PLANNING AND ZONING CONSENT AGENDA

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

IX. MAYOR'S AGENDA

X. REGULAR CONSENT AGENDA

XI. PUBLIC HEARING AGENDA

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

VI. CLERK'S STATEMENT

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

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2023-011 - AARON MOORE WITH KAW VALLEY ENGINEERING

Synopsis: Change of Zone from R-2 Two Family District to RP-5 Planned Apartment District to convert a church into apartments at 2508 North 12th Street and 1208 Cleveland Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212534

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-022 - CURTIS PETERSON WITH POLSINELLI PC

Synopsis: Special Use Permit to operate a retail shooting range at 10000 France Family Drive, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - INDEFINITE)**

Tracking #: 212536

2. **SP2023-023 - MARIBEL SANTA ANNA WITH A+M UNLIMITED LLC**

Synopsis: Special Use Permit to operate an event space at 6300 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212537

C. MASTER PLAN AMENDMENT APPLICATIONS

1. **MPL2023-006 - AARON MOORE WITH KAW VALLEY ENGINEERING**

Synopsis: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 2508 North 12th Street and 1208 Cleveland Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212538

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

1. AN ORDINANCE rezoning property at 4601 Gibbs Road (COZ2022-047) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212539

2. AN ORDINANCE rezoning property at 10200 Abilities Way (COZ2023-001) from CP-2 Planned General Business District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212540

3. AN ORDINANCE rezoning property at 5910 County Line Road (COZ2023-003) from R-1 Single Family District to CP-1 Planned Limited Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212543

4. AN ORDINANCE rezoning property at 1013 Metropolitan Avenue, 1605 South Baltimore Street and 1003 Ruby Avenue (COZ2023-007) from R-1(B) Single Family District to RP-M Planned Mobile Home Park District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212544

5. AN ORDINANCE rezoning property at 410 Ann Avenue (COZ2023-008) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212545

6. AN ORDINANCE authorizing a Special Use Permit at 7250 State Avenue (SP2022-098) to operate a child education center in a building on the campus of KCKCC, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212546
7. AN ORDINANCE authorizing a Special Use Permit at 1127 Southwest Boulevard (SP2022-122) for continuation of a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212547
8. AN ORDINANCE authorizing a Special Use Permit at 1963 North 63rd Drive (SP2023-002) to install and operate a stealth monopole telecommunications tower and associated ground equipment, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212548
9. AN ORDINANCE authorizing a Special Use Permit at 4443 Eaton Street (SP2023-006) for a Short-Term Rental, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212549
10. AN ORDINANCE authorizing a Special Use Permit at 1215 Merriam Lane (SP2023-009) to remove earthen fill from the property, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212550
11. AN ORDINANCE authorizing a Special Use Permit at 924 North 98th Street (SP2023-012) for grading to prepare the site for future development, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212551
12. AN ORDINANCE authorizing a Special Use Permit at 336 South 42nd Street (SP2023-013) for tire sales and servicing for trucks and semi-trucks, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212552
13. AN ORDINANCE authorizing a Special Use Permit at 3130 North 122nd Street (SP2023-014) to operate a YMCA summer day camp, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212553

14. AN ORDINANCE authorizing a Home Occupation Special Use Permit at 3704 North 99th Street (SP2023-015) to operate a commercial specialty shop, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.
(RECOMMENDED FOR APPROVAL)
Tracking #: 212554
15. AN ORDINANCE authorizing a Special Use Permit at 695 and 701 Village West Parkway (SP2023-018) for continuation of live entertainment at Chateau Avalon Hotel, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212555
16. AN ORDINANCE authorizing a Special Use Permit at 13400 Donahoo Road (SP2022-115) to continue to operate a microbrewery, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212556
17. AN ORDINANCE rezoning property at 706 Shawnee Road (COZ2022-051) from R-1 Single Family District to RP-2(B) Planned Two Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212557
18. AN ORDINANCE rezoning property at 12200 Donahoo Road (COZ2023-004) from R1 (WYCO) Residential District to R-1 Single Family District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212558

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. **SP2023-016 - TYLER REYNOLDS AND JUSTIN ROBLES**
Synopsis: Renewal of a Special Use Permit (SP2022-012) for a Short-Term Rental at 527 Tenny Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - 8/1 VOTE FOR 1 YEAR)**
Tracking #: 212533
2. **SP2023-020 - SHAYMOND JANES**
Synopsis: Special Use Permit to operate a Short-Term Rental at 2737 South 53rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL 6/3 VOTE FOR 1 YEAR)**
Tracking #: 212535

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR JUNE 29, 2023

None of the properties included in applications to be considered on the Planning & Zoning agenda have delinquent taxes prior to 2020.

NOTE: This information cannot serve as the basis for approval or denial of an application. It is not among the factors to be considered as set by ordinance or among accepted zoning factors and criteria. However, such information in certain cases might be relevant to evaluating accepted factors or as an accompaniment to other valid purposes and/or factors.

IX. MAYOR'S AGENDA

Item No. 1. - APPOINTMENT: MAYOR'S WORLD CUP READINESS TASK FORCE

Synopsis: Appointment of Alan Carr, Executive Director, Visit Kansas City, Kansas, as chair of the Mayor's World Cup Readiness Taskforce, submitted by Ana Marin, Executive Assistant, Office of Mayor/CEO Tyrone Garner.

Tracking #: 212562

Item No. 2. - PROCLAMATION: JUNETEENTH 2023

Synopsis: Proclamation proclaiming June 19, 2023, as Juneteenth Freedom Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212568

Item No. 3. - PROCLAMATION: NATIONAL PARKS AND RECREATION

Synopsis: Proclamation proclaiming the month of July 2023, as Parks and Recreation Month, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212570

X. REGULAR CONSENT AGENDA

Item No. 1. - RESOLUTION: ADOPTION OF RESOLUTION OF INTENT TO ISSUE INDUSTRIAL REVENUE BONDS (MARGARITAVILLE/HOMEFIELD OUTDOOR PROJECT) (REMOVED PER BLUE SHEET)

Synopsis: Adoption of a Resolution of Intent to issue industrial revenue bonds for the Margaritaville/Homefield Outdoor project, submitted by Patrick Waters, Acting Chief Legal 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. Mayor requested this item be returned to the standing committee for further review.*

*On June 5, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 212434

Item No. 2. - RESOLUTION: AUTHORIZING THE FIRST AMENDMENT TO THE PERFORMANCE AGREEMENT BETWEEN THE UG AND CPC LAND ACQUISITION LLC (CRITERION DEVELOPMENT)

Synopsis: A resolution authorizing the first amendment to the performance agreement between the Unified Government and CPC Land Acquisition LLC (Criterion Development), extending the construction commencement and completion dates, submitted by Patrick Waters, Acting Chief Counsel.

*On June 5, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 212496

Item No. 3. - ORDINANCE: AUTHORIZING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT RELATED TO THE URBAN OUTFITTERS DISTRIBUTION CENTER

Synopsis: An ordinance authorizing the creation of a Community Improvement District related to the Urban Outfitters Distribution Center, submitted by Patrick Waters, Acting Chief Counsel.

*On June 5, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 212499

Item No. 4. - PLAT: VILLAGE PLAZA

Synopsis: Plat of Village Plaza, located at 79th and Washington Avenue, and being developed by REK Enterprises, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212559

Item No. 5. - PLAT: HARDEN 1ST ESTATES

Synopsis: Plat of Harden 1st Estates, located at 8941 Georgia Avenue, and being developed by Josh Harden, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212560

Item No. 6. - PLAT: LEGENDS AUTO PLAZA 4TH PLAT

Synopsis: Plat of Legends Auto Plaza 4th Plat, located at N. 98th Street and France Family Drive, and being developed by HFS KCK LLC, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212561

Item No. 7. - PLAT: EDEN VILLAGE

Synopsis: Plat of Eden Village, located at 10th and Ruby Avenue, and being developed by Three Dog Nights Charities Inc, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212569

Item No. 8. - MINUTES

Synopsis: Minutes from the Special Session meetings of May 18, May 25 and June 1, 2023.

Tracking #: MINUTES

Item No. 9. - WEEKLY BUSINESS

Synopsis: Weekly business material dated May 25, 2023.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

Item No. 1. - PUBLIC HEARING: MARGARITAVILLE/HOMEFIELD OUTDOOR PROJECT (ADDED PER BLUE SHEET)

Synopsis: A public hearing regarding the proposed issuance of industrial revenue bonds for the Margaritaville/Homefield Outdoor project, submitted by Angela Lawson, Acting Chief Legal Counsel.

Tracking #: 212434

Item No. 2. - PUBLIC HEARING: HOMEFIELD BASEBALL AMENDMENT (ADDED PER BLUE SHEET)

Synopsis: A public hearing regarding the proposed issuance of industrial revenue bonds for the Homefield Baseball Amendment, submitted by Angela Lawson, Acting Chief Counsel.

Tracking #: 212434

XII. STANDING COMMITTEES' AGENDA

Item No. 1. - APPROVAL: EDWARDSVILLE WHOLESALE WASTEWATER RATE AGREEMENT

Synopsis: Public Works staff will present a new and updated 5-year agreement with wholesale rates that align with Kansas City, Kansas ratepayers, submitted by Jeff Fisher, Executive Director of Public Works.

This item was scheduled to appear before the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, on June 26, 2023. It was requested, and approved by the Mayor, to fast-track this item to the June 29, 2023, full commission meeting.

Tracking #: 212518

Item No. 2. - POLICY UPDATE: HUMAN RESOURCES GUIDE

Synopsis: Update the existing Human Resources Guide, Section 2.19, "Break Time for Nursing Mothers" policy and Add new HR Guide Policy, Section 2.17A, "Pregnant Worker Fairness Act" policy due to recent new federal regulations by the Department of Labor, submitted by Renee Ramirez, Director of Human Resources.

This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Bynum, on June 26, 2023. It was requested, and approved by the Mayor, to fast-track this item to the June 29, 2023, full commission meeting.

Tracking #: 212529

XIII. ADMINISTRATOR'S AGENDA

Item No. 1. - RESOLUTION: EXCEEDING REVENUE NEUTRAL RATE

Synopsis: A resolution regarding the governing body's intent to exceed the revenue-neutral rate and setting the date of a public hearing, submitted by Jeff Conway, Assistant Counsel.

Tracking #: 212567

XIV. COMMISSIONERS' AGENDA

Item No. 1. - RECOMMENDATIONS: DISBURSEMENT OF 2023 CASINO GRANT FUNDS

Synopsis: Request approval to disburse 2023 UG/Hollywood Casino grant funds as recommended by the Mayor and Commissioners, submitted by Lisa Rangel, Professional Assistant, Commission Office.

Tracking #: 212563

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 site to review the applications below.

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

- A. Single Family Homes – 8 Homes
 - 1. Rogelio Avalos – 1 home
17 S Cherokee St – 139834
 - 2. RA Engineering – 1 home
1598 N 86th St – 934501
 - 3. James and Kelly McClellen - 1 home
1955 S 98th St – 939808
 - 4. Andrea Wardell - 1 home
2926 W 40th Ave – 132806
 - 5. Andrea Wardell - 1 home
4007 S Thompson St – 132914

6. J Ayala Ruiz Ayala by James Michael - 1 home
1256 Argentine Blvd – 068264
1258 Argentine Blvd - 068263
7. Christopher L Gray - 1 home
7651 Webster Ave – 012413
8. Armando Mireles - 1 home
1428 N 31st St - 910829

Tracking #: 212531

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN

**AGENDA UPDATE
UNIFIED GOVERNMENT COMMISSION MEETING
THURSDAY, JUNE 29, 2023**

X. REGULAR CONSENT AGENDA

REMOVING ITEM

Item No. 1. - RESOLUTION: ADOPTION OF RESOLUTION OF INTENT TO ISSUE INDUSTRIAL REVENUE BONDS (MARGARITAVILLE/HOMEFIELD OUTDOOR PROJECT)

Synopsis: Adoption of a Resolution of Intent to issue industrial revenue bonds for the Margaritaville/Homefield Outdoor project, submitted by Patrick Waters, Acting Chief Legal 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. Mayor requested this item be returned to the standing committee for further review.*

*On June 5, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 212434

VI. PUBLIC HEARING AGENDA

ADDING ITEMS

ITEM NO. 1 – PUBLIC HEARING/RESOLUTION:

(MARGARITAVILLE/HOMEFIELD OUTDOOR PROJECT

Synopsis: A public hearing and approval of a resolution regarding the proposed issuance of industrial revenue bonds for the Margaritaville/Homefield Outdoor project, submitted by Angela Lawson, Acting Chief Legal Counsel.

Tracking #212434

ITEM NO. 2 – PUBLIC HEARING/RESOLUTION: (HOMEFIELD BASEBALL AMENDMENT)

Synopsis: A public hearing and approval of a resolution regarding the proposed issuance of industrial revenue bonds for the Homefield Baseball Amendment, submitted by Angela Lawson, Acting Chief Legal Counsel.

Tracking #212434



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Phone: (913) 573-5750
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To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 29, 2023

Re: Change of Zone Petition COZ2023-011 and MPL2023-006

GENERAL INFORMATION

Applicant:

Aaron Moore

Status of Applicant:

Representative
Kaw Valley Engineering
8040 North Oak Trafficway
Kansas City, MO 64118

Requested Actions:

To approve a Master Plan Amendment from Low-Medium Density Residential to Medium-Higher Density Residential (Northeast Area Plan).

Change of Zone from R-2 Two Family to RP-5 Planned Apartment District.

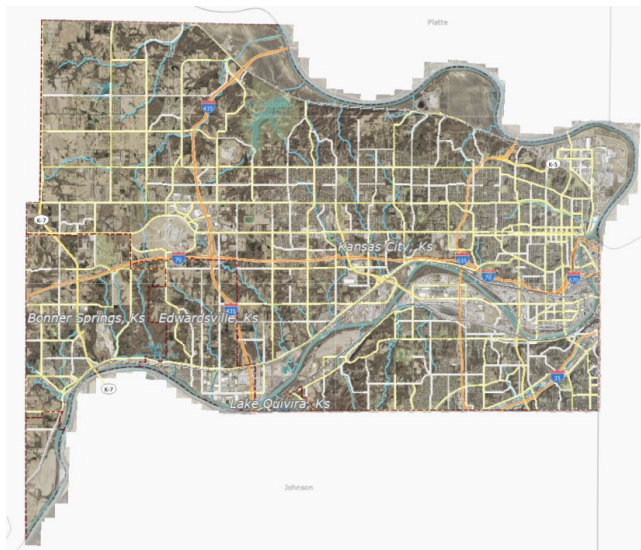
Date of Application:

April 28, 2023

Purpose:

To rezone and convert a vacant church into a 12-unit multi-family apartment building.

Property Location: 2508 North 12th Street and 1208 Cleveland Avenue
Kansas City, KS 66104



Commission District:	Commissioner At Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	R-2 Two Family District
Adjacent Zoning:	North: R-2 Two Family District South: R-2 Two Family District East: R-2 Two Family District West: R-2 Two Family District
Adjacent Uses:	North: Single-family home South: Single-family home East: Single family home and undeveloped lot West: Undeveloped lot and single-family home
Total Tract Size:	0.428 Acres
Master Plan Area:	Northeast Area Plan
Master Plan Designation:	The Northeast Area Plan designates this property as Lower-Medium Density Residential, which allows single family homes, townhomes, and duplexes. A Master Plan Amendment has been submitted to Medium-Higher Density Residential (Northeast Area Plan), which allows single family homes, duplexes, townhomes, and low-rise apartments two (2) to four (4) stories.
Major Street Plan:	The Major Street Plan classifies 12 th Street and Cleveland Avenue as Local Streets.
Required Parking:	Sec. 27-460(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. 20 parking spaces are provided. 17 parking spaces are provided. The Appellant has applied for a variance for a deficit of three (3) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – May 17, 2023; Master Plan Amendment – May 17, 2023 Letters to Property Owners – Change of Zone – May 18, 2023; Plat – May 18, 2023; Master Plan Amendment – May 18, 2023
Public Hearings:	June 12, 2023, and June 29, 2023
Public Support:	None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant and representative, Aaron Moore with Kaw Valley Engineering, wants to rezone 2508 North 12th Street and 1208 Cleveland Avenue from R-2 Two Family District to RP-5 Planned Apartment District to convert a vacant church into a two and one-half (2-½) story, 12-unit multi-family apartment building on 0.428 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. Numerous Property Maintenance Compliance Division violations from 1999 – 2017 for weeds, tall grass, trash, and graffiti.
2. Between 2019 – 2023, violations for structural concerns on the building, specifically boarding an unfit structure.

Outstanding or Related Permits and Cases:

1. BOZA2023-018 for front yard and side yard, corner setbacks and parking requirements.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes, duplexes and undeveloped lots along 12th and 13th Streets and Cleveland Avenue. There is a church, New Fellowship Baptist Church and elementary school, Bertram Caruthers Elementary School approximately two (2) blocks to the northwest and southeast, respectively.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with the surrounding properties as this former church is an anchor on the corner and sits adjacent to two (2) single-family neighborhoods, but these

two (2) parcels once combined will wrap the 12th and Cleveland Avenue corner, which is best planning practice for higher density development.

Substantial screening and buffering between single family homes and multi-family development is required.

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

The removal of the restrictions should not detrimentally affect nearby property because of the required landscaping and buffering that is to be planted to buffer the single-family residentially zoned properties, which can be enhanced by maintaining the existing trees around the perimeter of the property.

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

Based on the aerial photography, this property has been vacant since at least 1991.

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

The proposed development is reasonably necessary for individuals who want to live in the area, but do not want to purchase a detached single-family home. The vacant church building may affect the visual quality and marketability of nearby property by lack of ongoing property maintenance. The conversion and reuse of a vacant building to an active use will enhance the visual quality by activating the streetscape, removing the boards from the windows and doors, and planting landscaping.

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

The proposed development with 12 units will increase traffic along 12th Street and Cleveland Avenue. The Traffic Impact Study is being analyzed by Public Works regarding road capacity, specifically looking at improvements to these intersections and sidewalk connections on both streets.

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

The proposed use does not conform to the Lower-Medium Density Residential land use designation within the Northeast Area Plan, therefore, a Master Plan Amendment is sought from Lower-Medium Density Residential to Medium-Higher Density Residential, which allows duplexes, townhomes, and low-rise apartments two (2) to four (4) stories.

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

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

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 and maintaining existing topography and vegetation along the north and west property lines. Landscaping and screening is imperative.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by East Patrol, District #113.

e. *Fire*

Fire service is provided by Fire Station #5 located off 9th and Quindaro Boulevard.

f. *Transit*

Kansas City ATA does not provide transit service near this property. The closest transit stop is approximately 0.17 mile north at the 12th Street and Quindaro Boulevard intersection, Route #118.

g. *Schools*

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

h. Streets

See item #6 above.

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

The proposed use will have a beneficial economic impact on the community as these two (2) parcels will be taken from exempt tax status to a taxable parcel of land. Additionally, restoring a vacant building to an active use will not only create a taxable parcel, but also provide housing options for KCK residents.

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

Additional information is required to determine if the proposed use/building conversion will meet applicable ordinance requirements in addition to the variances sought by the Board of Zoning Appeals.

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

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

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

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

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

Streets 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 uses. The Traffic Impact Study (TIS) will be reviewed by the Public Works Department to determine if any public improvements are required along 12th Street and/or Cleveland Avenue.

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 estates values.

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

The building is an existing structure, a 17-space parking lot will be constructed in the rear, behind the building along Cleveland Avenue. The site is relatively flat, but the existing trees, especially those along the north property line provide established screening that cannot be replicated with new trees. Greater emphasis must be placed on maintaining the existing slope along the west property line which will assist in shielding headlights from adjacent residences.

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

The applicant has not specified what amenities will be provided for the residents. One (1) small amenity is required.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on May 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Historic Preservation
Traffic
Neighborhood Character
Lighting
Pedestrian Connectivity/Bike Lanes
Platting
Fire Access
Landscaping, Screening and Buffering
Parking
Topography

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2023-006** and Change of Zone **COZ2023-011**, subject to:

1. Because this is a planned district (proposed), a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
2. If historic designation is sought by the applicant, contact Randy Greeves, Historic Preservationist to begin that process at (913) 573-5763 or jlgreeves@wycokck.org;
3. Per the Multi-Family Residential Design Guidelines:
 - a. Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.
 - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - i. The primary entrance or entrances to each principal multi-family building; and,
 - ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.
 - c. Exterior building materials shall not include the following:
 - i. Board and batten wood;
 - ii. Smooth-faced or grey concrete block;
 - iii. Painted concrete block;
 - iv. Tilt-up concrete panels;
 - v. Field painted or pre-finished standard corrugated metal siding;
 - vi. Standard single or double tee concrete systems; and,
 - vii. Vinyl siding.
 - d. Landscaping is required to screen all parking areas and service entries;
4. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be "stepped". Four (4) feet of terrace is required every 8 feet of wall;
5. Relocate the second pole west on Cleveland Avenue due to the potential parking lot curb cut;
6. The sidewalk along Cleveland Avenue shall extend from the intersection west to the edge of the property line.
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary;
7. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

- Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;
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. Interior parking lots lights shall have 90-degree cutoff fixtures;
 10. Install bike racks near the front door or a high trafficked entrance/exit; The proposed building will need to match the building and use similar materials as the existing church;
 11. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;
 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 13. Maintain and prune existing trees along the north and west property lines;
 14. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

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

The site is 0.428 acres, which requires four (4) trees, two (2) additional evergreen or shade trees and 12 shrubs for buffering per the zoning district;

15. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
16. All landscaping shall be irrigated;
17. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
18. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;

19. All electrical meter banks, typically on the side of the building shall be screened from public view;
20. Regarding BPU transformer screening, the following applies:
- a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
21. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;
22. Satellite dishes shall not be erected on the exterior of windowsills. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
23. 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;

24. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
25. 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;
26. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
27. 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;
28. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-011 and MPL2023-006**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

June 12, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Northeast Area Plan Land Use Designation
Multi-Family Residential Design Guidelines
Amenity Guidelines
Permitted and Prohibited Street Tree Listing
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Floor Plan
Building Elevations
Site Photographs taken by Staff on May 17, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	June 12, 2023	June 29, 2023
Rezoning	Approval	
Public Hearing		
Master Plan	June 12, 2023	June 29, 2023
	Approval	
Public Hearing		
Preliminary	June 12, 2023	Not required
Plat	Approved	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-006** 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 **MPL2023-006** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-011** 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 Commissioner **DENY** Petition **COZ2023-011** 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.

June 12, 2023, City Planning Commission Minutes:

Hearing starts at 1:05:15:

MASTER PLAN AMENDMENT APPLICATION MPL2023-006 – AARON MOORE WITH KAW VALLEY ENGINEERING - SYNOPSIS: Master Plan Amendment from Low-Medium Density Residential to Medium Density Residential (Northeast Area Plan) to convert a church into apartments at 2508 North 12th Street and 1208 Cleveland Avenue.

CHANGE OF ZONE APPLICATION COZ2023-011 – AARON MOORE WITH KAW VALLEY ENGINEERING - SYNOPSIS: Change of Zone from R-2 Two Family District to RP-5 Planned Apartment District to convert a church into apartments at 2508 North 12th Street and 1208 Cleveland Avenue.

PRELIMINARY PLAT APPLICATION PLAT2023-016 – AARON MOORE WITH KAW VALLEY ENGINEERING - SYNOPSIS: Preliminary Plat of KCK Church Apartments to combine two (2) residential lots into one (1) lot at 2508 North 12th Street and 1208 Cleveland Avenue.

Detailed Outline of Requested Action: The applicant and representative, Aaron Moore with Kaw Valley Engineering, wants to rezone 2508 North 12th Street and 1208 Cleveland Avenue from R-2 Two Family District to RP-5 Planned Apartment District to convert a vacant church into a two and one-half (2-½) story, 12-unit multi-family apartment building on 0.428 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 June 12, 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:

- Aaron Moore, applicant, Kaw Valley Engineering, 8040 North Oak Trafficway, Kansas City, Missouri 64118
- Andrew Tanner, developer, 7411 Kansas City, Missouri
- Matt Cross, Kaw Valley Engineering, 8040 North Oak Trafficway, Kansas City, Missouri 64118

The Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:15:21: Lead Planner Toy stated that the proposal is for a conversion of a church to apartments. There will be 8 one-bedroom units and 4 two-bedroom units, with a dog park and fitness center in the basement with parking in the rear as required by the Multi-Family Guidelines. A Final Plan Review and Final Plat will need to be filed in the future. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:16:35:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2023-**

006:

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

Motion to **APPROVE** Passed: 9 to 0

Subject to:

1. **Because this is a planned district (proposed), a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;**
2. **If historic designation is sought by the applicant, contact Randy Greeves, Historic Preservationist to begin that process at (913) 573-5763 or jlgreeves@wycokck.org;**
3. **Per the Multi-Family Residential Design Guidelines:**
 - a. **Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.**
 - b. **All pedestrian walkways shall be designed to provide direct access and connections to and between the following:**
 - i. **The primary entrance or entrances to each principal multi-family building; and,**
 - ii. **To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.**
 - c. **Exterior building materials shall not include the following:**
 - i. **Board and batten wood;**

- ii. Smooth-faced or grey concrete block;
 - iii. Painted concrete block;
 - iv. Tilt-up concrete panels;
 - v. Field painted or pre-finished standard corrugated metal siding;
 - vi. Standard single or double tee concrete systems; and,
 - vii. Vinyl siding.
- d. Landscaping is required to screen all parking areas and service entries;
- 4. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be “stepped”. Four (4) feet of terrace is required every 8 feet of wall;
- 5. Relocate the second pole west on Cleveland Avenue due to the potential parking lot curb cut;
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 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary;
- 7. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;

- 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. Interior parking lots lights shall have 90-degree cutoff fixtures;
- 10. Install bike racks near the front door or a high trafficked entrance/exit; The proposed building will need to match the building and use similar materials as the existing church;
- 11. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;
- 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
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- 14. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

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

The site is 0.428 acres, which requires four (4) trees, two (2) additional evergreen or shade trees and 12 shrubs for buffering per the zoning district;

- 15.** All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
- 16.** All landscaping shall be irrigated;
- 17.** All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
- 18.** All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
- 19.** All electrical meter banks, typically on the side of the building shall be screened from public view;
- 20.** Regarding BPU transformer screening, the following applies:
 - a.** Gate doors are required for all types of screening that are placed in front of the transformers.
 - b.** Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c.** Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d.** For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e.** Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - f.** Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
- 21.** Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or

- an architectural wall constructed from the same materials as the main building;
22. Satellite dishes shall not be erected on the exterior of windowsills. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 23. 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;
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 26. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 27. 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;

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

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone COZ2023-011**:

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

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to the above conditions

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE PLAT2023-016**:

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

Motion to **APPROVE** Passed: 9 to 0
Subject to the above conditions



Figure 1. Aerial Photograph 2508 North 12th Street and 1208 Cleveland Avenue (provided by UG Maps).



Figure 2. Zoning Map of 2508 North 12th Street and 1208 Cleveland Avenue (provided by UG Maps).

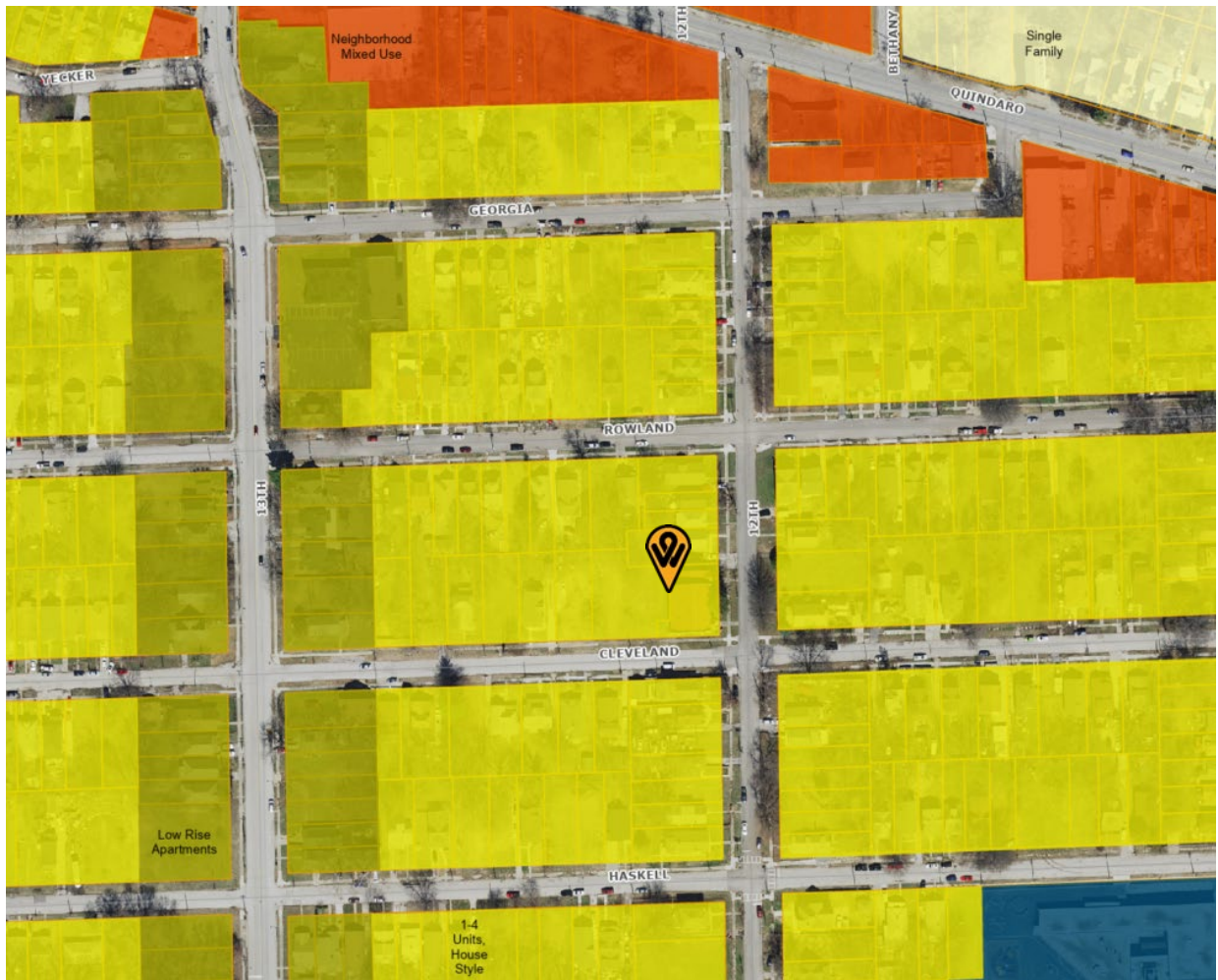


Figure 3. Northeast Area Plan Land Use Designation Map of 2508 North 12th Street and 1208 Cleveland Avenue (provided by ArcGIS Pro).



MEDIUM-HIGHER DENSITY RESIDENTIAL
 The Medium-Higher Density Residential District allows for apartment buildings ranging from 2-4 stories. High quality development and site design is critical.

Allowed Building Types

- Single Family Houses
- Duplexes
- Townhomes
- Low rise apartments 2-4 stories



PRESERVE

These are large areas of vacant land that will be preserved until development pressure warrants development. Infrastructure will not be maintained at the same level in this district.

Allowed Building Types

- None

Multi-Family Residential Design Guidelines

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

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



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



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

Amenity Guidelines

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

Single-Family Residential Amenity Guidelines

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision. Residential developments of any unit type with fewer than 50 dwelling units are required to have one (1) Small Amenity. Residential developments with 50-to-200 dwelling units are required to have two (2) Amenities. Only one (1) of the required amenities may be a Small Amenity. Residential developments with more than 200 dwelling units are required to have three (3) Amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Multi-Family Residential Amenity Guidelines

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

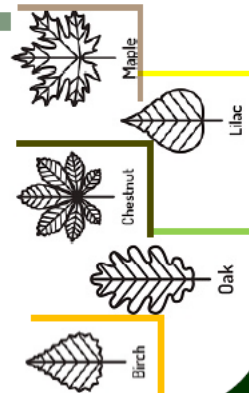
Residential Amenity Reference Table

Small:	
Basketball, volleyball, or other court sport.	
Open play area of at least 15,000 square feet with maximum of three (3) percent slope and tow benches and one play structure.	
One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbeque grill/pit per area.	
Option provided by owner, but must be considered equal to one of the other small options.	
Regular:	
Swimming pool	
Golf Course	
Residential Clubhouse	
Two (2) basketball, volleyball, or other court sports.	
Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per 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.	

Street Tree Planting Restrictions

1. Must locate utilities before digging.
2. Minimum spacing between trees.
15' between small trees
35' between medium trees
50' between large trees
3. Minimum distance from street.
3 ½' for small trees
4' for medium/large trees
4. Trees cannot block view at intersections and not be in "site distance triangle" as defined in the ordinance.
5. Plant 10' away from fire plugs.
6. No plantings under or 22' from overhead utility wires.
6. Duty to maintain and prune trees.
7. No topping of trees.

For all the specific details check Unified Government's Ordinance 0-28-08



Kansas City, Kansas Tree City USA

Kansas City, Kansas has been certified as a Tree City USA Community with the Arbor Day Foundation since 2008.

Benefits of Trees

- Helps to reduce stormwater runoff.
- Absorbs carbon dioxide and stores carbon.
- Reduces heat island effect & helps cool the city.
- Helps reduce energy bills.
- Add value to your home or business.

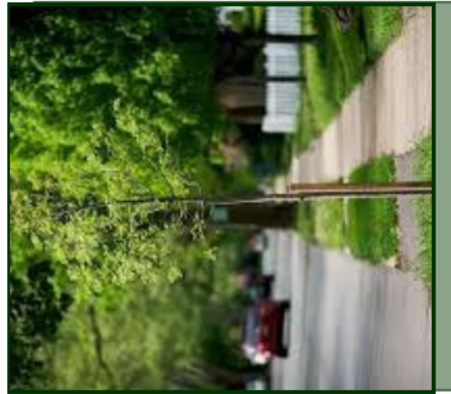
For More Information:

<http://www.wycokck.org/parks>
(Click on Tree Information)

<http://www.kansasforests.org/>

<https://www.arborday.org/>

<https://www.bridgingthegap.org/heartland-tree-alliance/>



Permitted & Prohibited Street Tree Listing For Right-of-Ways in Kansas City, Kansas

Duty to Maintain Street Trees

Owners of property abutting public rights-of-way are responsible for maintaining street trees in a manner which promotes safe and healthy plants and protects the health, safety, and welfare of the public.

In addition, the Unified Government has the right to plant, prune, maintain, or remove street trees. The Board of Public Utilities may also prune or remove street trees which present a hazard to electric power lines or water lines.

Street Tree Species Selection

Trees are a long-term commitment, so it is important that the right species be chosen. The Unified Government has identified trees that are permitted and prohibited to be planted as street trees as follows:

Permitted Street Tree Listing

Small Trees less than 25' at maturity

Amur maple
Paperbark maple
Tatarian maple
Norwegian sunset maple
Serviceberry
Eastern Redbud
Oklahoma Redbud
Crabapple
China Snow tree lilac
Japanese tree lilac
Common chokecherry

Medium Trees between 25' to 40'

European hornbeam
Dogwood
Goldenrain tree
Chinkapin oak
Trident maple
Hedge maple
Shantung maple
American yellowwood
Osage-orange
Emerald Sunshine elm

Large Trees 40' or larger

Miyabei maple
Norway maple
Sugar maple
Caddo sugar maple
River birch single stem
Turkish filbert
Ginkgo
Thornless Honeylocust
Kentucky coffeetree
Sweetgum
Dawn redwood
Black gum
Sawtooth oak
White oak
Swamp white oak
Scarlet oak
Shingle oak
Overcup oak
Bur oak
Willow oak
English oak
Northern red oak
Shumard oak
Bald Cypress
Littleleaf linden
Silver Linden

Prohibited Street Trees

American linden
American elm
Lacebark elm
Prospector elm
Zelkova
Fir
Silver Maple
Mimosa
Northern hackberry
Sugar hackberry
Persimmon
Russian Olive
Green Ash
White Ash
Osage Orange
Mulberry
Spruce
Pine
London Plane Tree
Sycamore
Cottonwood
Bradford pear
Siberian elm
Tree of Heaven
Boxelder
Willow
Edible fruit trees



KAW VALLEY ENGINEERING, INC.

Office: 816.468.5858
Web: www.kveng.com
Address: 8040 North Oak Trafficway
Kansas City, MO 64118

May 24, 2023

B23D4609

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

RE: CHANGE OF ZONE PETITION COZ2023-011, PLAT2023-016 (KCK CHURCH APARTMENTS PRELIMINARY PLAT)

Dear Mr. Toy,

Kaw Valley Engineering, Inc. has reviewed your comments and questions. The following are our responses.

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
Acknowledged.
2. The traffic study is being reviewed by Planning Engineering and Public Works Department. Additional comments may be forthcoming, which may result in this petition being continued for one (1) month.
Acknowledged.
3. Because this is a planned district (proposed), a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time.
Acknowledged.
4. Is the property owner interested in seeking a historic landmark designation?
Yes, but most likely after construction is complete. If there are any tax benefits or subsidies that we would qualify for prior, and it is beneficial to apply prior to beginning construction we would definitely explore that option. We would also appreciate any

Office Locations: Junction City, KS / Kansas City, MO / Lenexa, KS / Salina, KS / Emporia, KS / Wichita, KS

insight into what would be the preference of any Wyandotte County stakeholders, and would take that into serious consideration.

5. Per the Multi-Family Residential Design Guidelines:
- a. Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.
All pedestrian walkways and sidewalks are now shown as 6' feet wide within the property lines.
 - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - i. The primary entrance or entrances to each principal multi-family building; and,
 - ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.
All sidewalks are proposed to provide complete connectivity and access.
 - c. Exterior building materials shall not include the following:
 - i. Board and batten wood;
 - ii. Smooth-faced or grey concrete block;
 - iii. Painted concrete block;
 - iv. Tilt-up concrete panels;
 - v. Field painted or pre-finished standard corrugated metal siding;
 - vi. Standard single or double tee concrete systems; and,
 - vii. Vinyl siding.
Exterior materials of the addition are meant to match the existing building which is stone masonry and plaster.
 - d. Landscaping is required to screen all parking areas and service entries.
Provided.
6. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be "stepped". Four (4) feet of terrace is required every 8 feet of wall.
Acknowledged. Proposed retaining walls are currently 2-3 ft in height.
7. What is the purpose of the proposed building addition?
At one point in time there was an exterior structure on the SW corner of the building. By our best estimation, this structure housed the stairway that allowed church goers to access the mezzanine area, as no stairway to the mezzanine, or remnants of a stairway exist. Since the removal of this structure, the old doorways have simply been boarded up.

The building addition is a bedroom. It allows for more 2-bedroom unit availability as well as providing the accessible 2-bedroom unit option on the main level.

It is our goal to preserve as much of the aesthetic of the church as possible while still making this a viable project for our company financially. We specialize in historic

restoration, and it is important to us that we preserve and showcase the best aspects of the original building: the large windows with the original stained glass accents at the top, as well as any smaller windows that feature stained glass; the original trim and woodwork, in particular the interior ceiling structure and the header at the base of the north side of the mezzanine; any unique stonework such as arches; and the original terra cotta tile roof. With this in mind, here are the reasons for the addition.

- a) We are seeking to create spaces that showcase the windows in their entirety. This is the reason for the loft style apartments in the center of the church, as well as the larger apartment on the 2nd floor mezzanine area that would have the top floor of the addition. The addition allows us to create a space that leaves this window in full view, while still creating enough bedrooms that this is a viable project financially. On the first floor apartment, it would allow us to showcase the four smaller windows while still keeping our desired number of apartments.*
 - b) If we were to simply fill in the open spaces with stone it would not be aesthetically pleasing. The original stone is from 1922. It would be nearly impossible to match. There are some areas where the stone was replaced at some point, and in our opinion it cheapens the look of the original structure. We would like to leave the stone work untouched inside the apartment and encased by the addition, and restore it as best we can to its original state.*
 - c) The opening on the bottom floor has an archway. While it may not be original (we are not sure when the stairway was built or if the mezzanine was original) filling in this feature with stone would effectively eliminate one of the most unique characteristics of the structure. Instead, we would like to preserve this archway, restore it, and use it as the entryway for the bedroom that would be on the first floor of the addition.*
8. Provide floor plans of the building in order to determine the bedroom/unit count and if there is enough parking proposed within the parking lot.
The preliminary floor plans showing the bedroom/unit count are now provided as an attachment in the resubmittal. The final floor plans will be submitted to the UG for building permit at a later time.
 9. It appears the driveway on the north side of the building is used by the residence to the north. Who owns the driveway and is there an access easement?
Historic imagery from Google Earth appears to show two separate driveways with a single curb cut. There appears to be no access easement.
 10. Relocate the second pole west on Cleveland Avenue due to the potential parking lot curb cut.
The second pole west on Cleveland is proposed to be relocated and will be coordinated with BPU.
 11. The sidewalk along Cleveland Avenue shall extend from the intersection west to the edge of the property line.

-
- a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary.
All sidewalk in the right-of-way, within property boundaries are proposed to be replaced.
12. Where are on-site deliveries going to be dropped off?
On-site deliveries will be dropped off in the mail room adjacent to the lift in the NE corner of the 1st floor.
13. What on-site amenities will be provided as part of this development? One (1) small amenity is required.
A fenced in dog area will serve as the on-site amenity and is now shown on sheet C200. Additionally, a fitness room is located within the building.
14. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units.
It is our plan to create a storm shelter that meets all FEMA standards in what will be the fitness center and utility room in the NW quadrant of the basement.
15. 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.
Acknowledged. At this stage in design, exterior lighting has not been proposed.
16. Interior parking lots lights shall have 90-degree cutoff fixtures.
Acknowledged. At this stage in design, parking lot lights have not been proposed.
17. Install bike racks near the front door or a high trafficked entrance/exit.
An area to install bike racks is now shown as note 7 on sheet C200.
18. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape. The proposed driveway on Cleveland will meet UG standards.
There are no proposed improvements to the existing drive on 12th Street.
19. 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.
The Public Works Department has been contacted on 5/23/23 to verify.
20. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square

feet or larger 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.
Acknowledged.

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

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.
Acknowledged.

Building Architecture:

1. The west and south building elevation does not match the proposed rendering. The elevations say "...new stone to match existing.", whereas the rendering depicts residential siding and a flat roof.

The proposed building will need to match the building and use similar materials as the existing church.

Exterior materials of the addition are meant to match the existing building which is stone masonry and plaster. The addition will have a stair stepping roof line to mimic the stepping nature of the south façade.

2. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public.

Downspouts will be painted to match the building and be located as not to be in plain view of the public.

Landscaping and Screening:

1. Maintain and prune existing trees along the north and west property lines.
Acknowledged.
2. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

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

The site is 0.428 acres, which requires four (4) trees, two (2) additional evergreen or shade trees and 12 shrubs for buffering per the zoning district.

Provided.

3. Add street trees along 12th Street and Cleveland Avenue spaced 40 – 55 feet apart.
 - a. Tree species need to be selected that do not have a tall canopy.*Provided.*
4. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.
Provided.
5. All landscaping shall be irrigated.
Note Provided.
6. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.
Trash enclosure screening is now noted on sheet C200.
7. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen.
Acknowledged. At this stage in design, no utility boxes have been proposed.

8. All electrical meter banks, typically on the side of the building shall be screened from public view.
Acknowledged. At this stage in design, no electrical meter banks have been proposed.
9. Regarding BPU transformer screening, the following applies:
- Gate doors are required for all types of screening that are placed in front of the transformers.
 - Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.
Acknowledged. At this stage in design, no transformer has been proposed.
10. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.
Acknowledged. At this stage in design, no visible mechanical equipment in public view has been proposed.
11. Satellite dishes shall not be erected on the exterior of window sills. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.
Acknowledged. No satellite dishes have been proposed at this time.
12. 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.

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.

If you have any questions, please don't hesitate to contact me at (816) 468-5858.

Respectfully submitted,

Kaw Valley Engineering, Inc.

Aaron R. Moore, EIT
Staff Engineer

2508 N 12th Street MINUTES:

Application Number BOZA2023-018

Date and Location: 5/26/23 Virtual via Zoom

Meeting called to order at: 5pm

Names of people in attendance:

Edward Walzer (EW), 1221 Cleveland

Arnett Jones (AJ), 1223 Cleveland

Merry Walzer (MW), 1221 Cleveland

Matt Cross (MC), Kaw Valley Engineering

Andrew Tanner (AT), Anchor Remodel

Larena Mosser, Field of Dreams Neighborhood (Phoned prior to meeting)

Introductions:

Matt Cross and Andrew Tanner introduced themselves and went through a planned presentation outlining the proposed changes to the site and building use.

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

Matt Cross and Andrew Tanner went through a planned presentation outlining the proposed changes to the site and building use.

Questions and answers (include the following):

EW asked how many units are proposed. AT responded with 12 units.

AJ asked the income level for the proposed units, whether they would be Section 8, and whether the Housing Authority would be involved. AT responded that the apartment will not be section 8, the Housing Authority would not be involved, and the units would rent at market value.

AJ asked what made the developer choose the building and neighborhood. AT responded that him and his business partner fell in love with the character of the building while looking for a business location.

AJ stated that most neighbors are elderly and disabled and worried that the units will bring crime. Single family homes are preferable to apartments. AT responded that there will be background checks and credit checks and as owners they want to ensure that their tenants are law-abiding to the most extents possible. They will also have a fence, cameras and other safety measures for the tenants.

AJ stated that she is worried about a quick sell and asked how long Anchor planned to own the building. AT stated that they planned to own for ten years minimum.

AJ is worried about property values and suggests tearing down the church for single family homes. AT stated that rehabbing the church will increase property values versus an unoccupied, dilapidated building. He also stated that tearing down the church is not a possibility.

MW asked if neighbors had been talked to on 12th or Cleveland. AT responded that he had spoken with residents from both streets and offered to provide his personal contact information for future questions, which he did.

AJ asked if kids would be allowed at the apartments. AT confirmed children are allowed. AJ suggested that the kids would need areas to play and that this could increase the possibility of crime. AT outlined the security measures proposed for the building as well as the application screening process.

AJ stated that there is a duplex down the street that raises concerns in the neighborhood. AT, again described their process to screen tenants.

AT stated that the neighborhood is not conducive to this level of density.

MW asked the types of people that would be living there. AT stated that it would be working class people. Units will rent at about \$1,000-1,500 per month, for a 1 or 2 bedroom unit, respectively.

AJ asked about accessible units. AT stated that accessible units will be included as required by code. MC outlined the exterior improvements that include parking, sidewalks, and an entrance ADA ramp.

MW asked about the possibility of speed bumps on the street to slow traffic. MC stated that this would need to be discussed with the UG and is outside of the scope of the project. AT stated that he is willing to work with the residents and UG is that would help appease the community.

MW asked why this area was chosen by Anchor. AT stated that they loved the building, that the neighbors took pride in the community, and Anchor are passionate about rehabbing such a historic and beautiful building.

AJ asked how the units will be marketed and questioned the demand. AT stated that the demand is there and that filling the building will not be an issue.

MW asked who handles the applications, Anchor or a property manager. AT stated that a property manager will manage the building. The property manager is comprised on two architects that the developers personally know.

AT gave his cell phone number, as well as his partner's, to the attendees should they have further questions.

Meeting adjourned at: 6:10 pm

On May 19th Larena Mosser, president of the Field of Dreams neighborhood association at 59th and Leavenworth Road called to inform us that she received the mailed notice. She asked what the plan was for the church and said she was in favor of the planned renovation into an apartment.

Minutes taken by: Matt Cross

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Clay)

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

PR2023-015, COZ2023-011, BOZA2023-018

1. That I am the petitioner for Petition # MPL2023-006, PLAT2023-016
2. That I conducted a neighborhood meeting on May 26, 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.

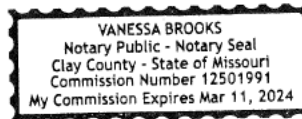
Further affiant saith not.

Aaron Moore
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of May, 2023

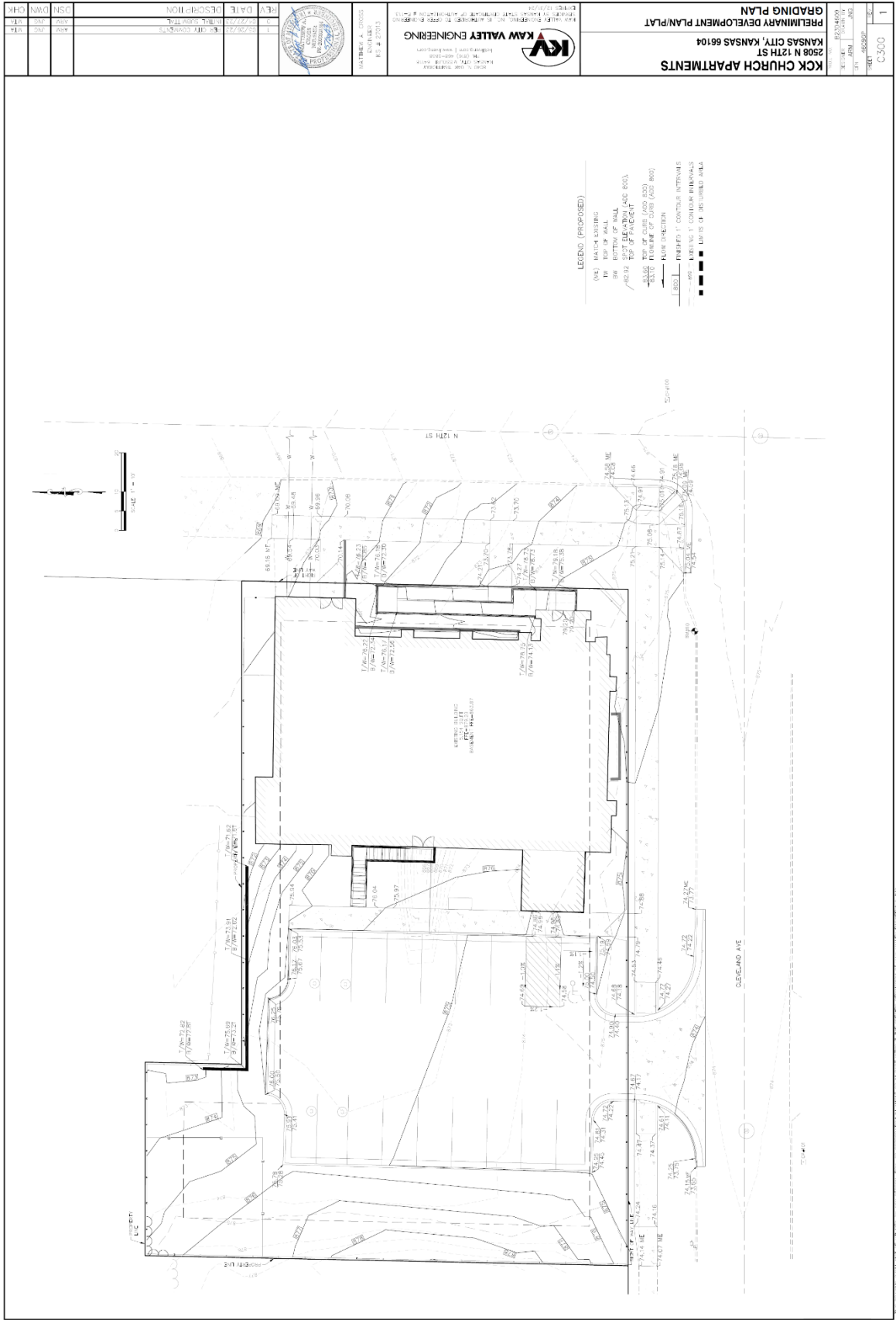
My commission expires 11th of March, 2024

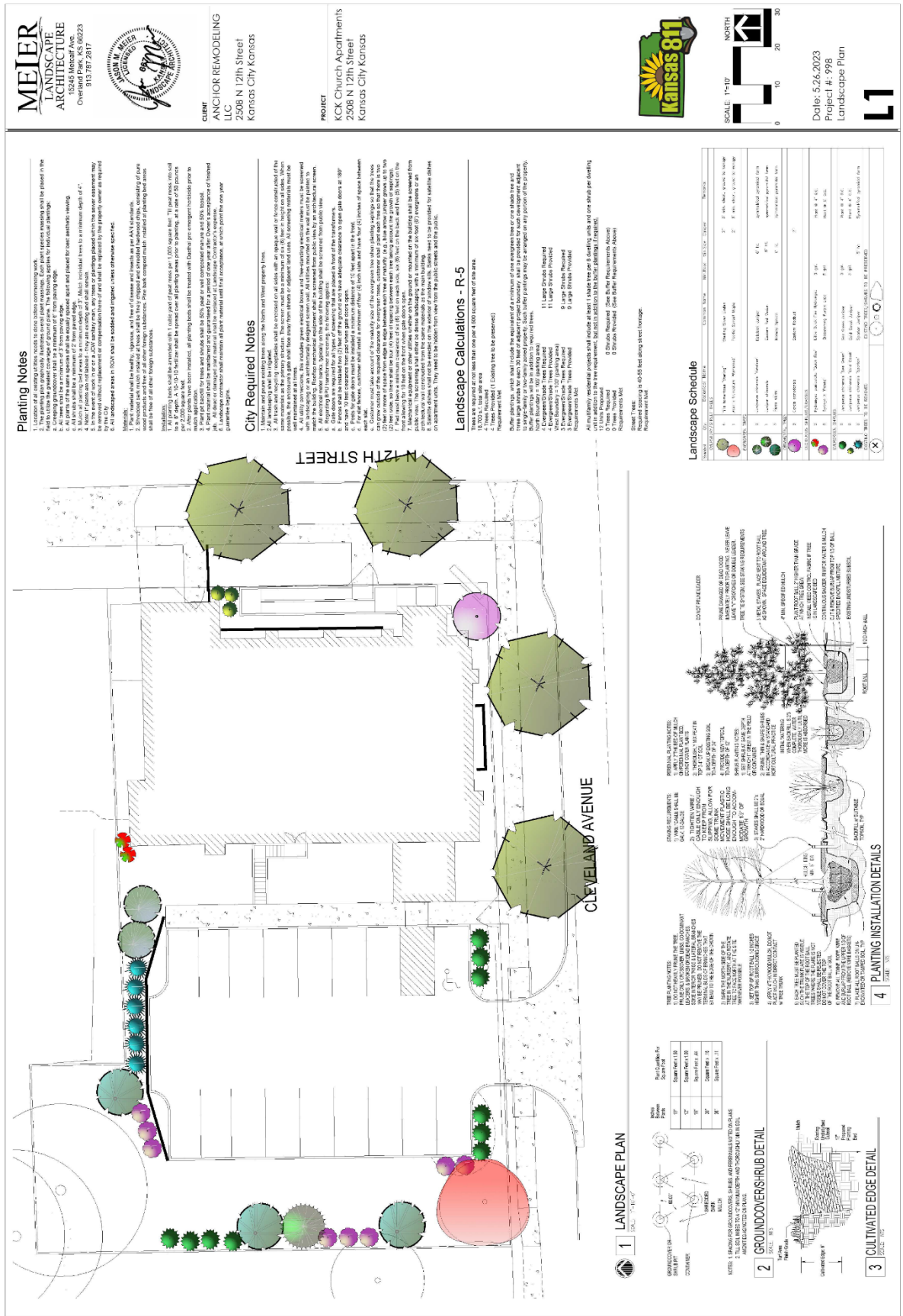
Vanessa Brooks
Notary Public

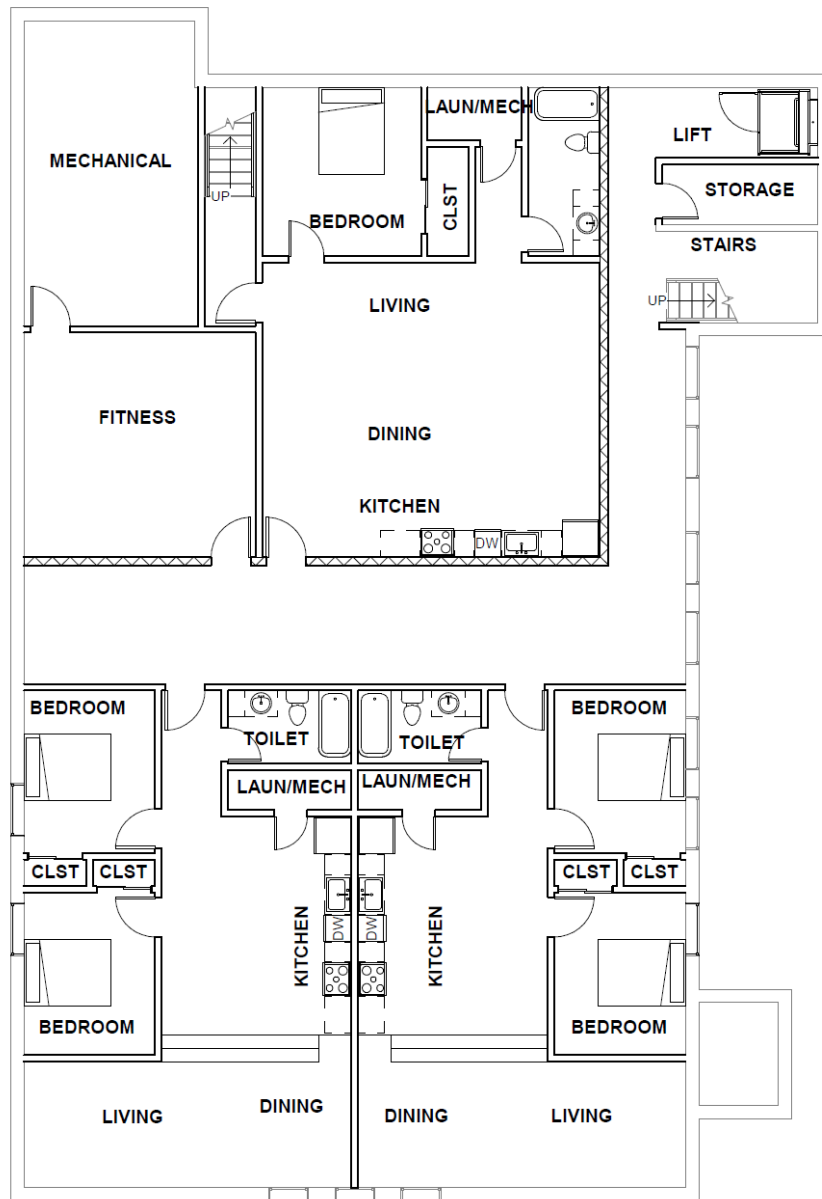


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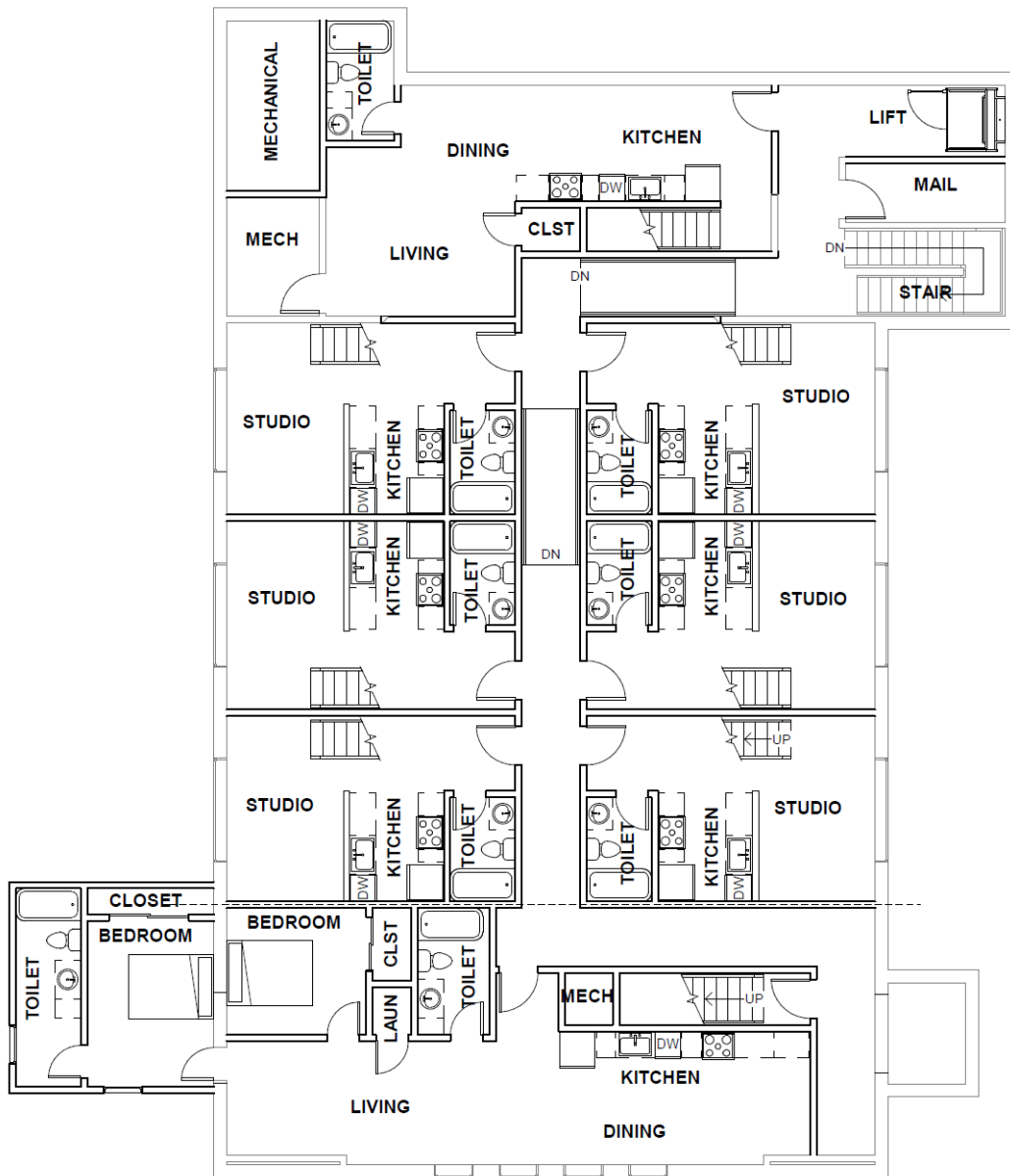




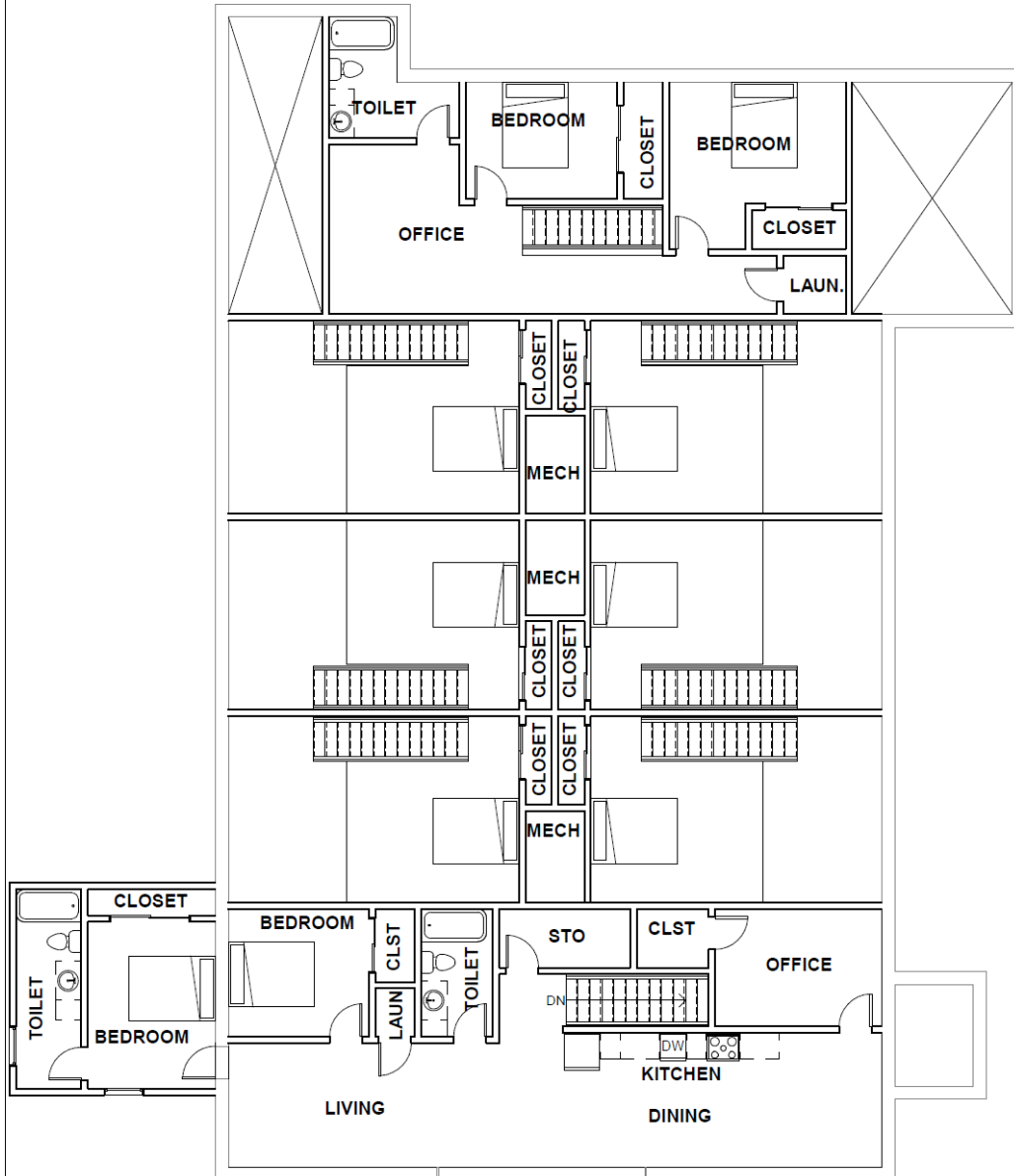




① **LOWER LEVEL**
1/8" = 1'-0"



① MAIN LEVEL
1/8" = 1'-0"



① UPPER LEVEL
1/8" = 1'-0"





Figure 4. Site photograph of 2508 North 10th Street and 1208 Cleveland Avenue looking northwest (provided by Planning Staff).



Figure 5. Site photograph of 2508 North 10th Street and 1208 Cleveland Avenue looking east (provided by Planning Staff).



Figure 6. Site photograph of 2508 North 10th Street and 1208 Cleveland Avenue looking east (provided by Planning Staff).



Figure 7. Site photograph of 2508 North 10th Street and 1208 Cleveland Avenue looking west (provided by Planning Staff).



Figure 8. Site photograph of 2508 North 10th Street and 1208 Cleveland Avenue 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: June 29, 2023

Re: Special Use Petition SP2023-022

GENERAL INFORMATION

Applicant:
Amy Grant

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

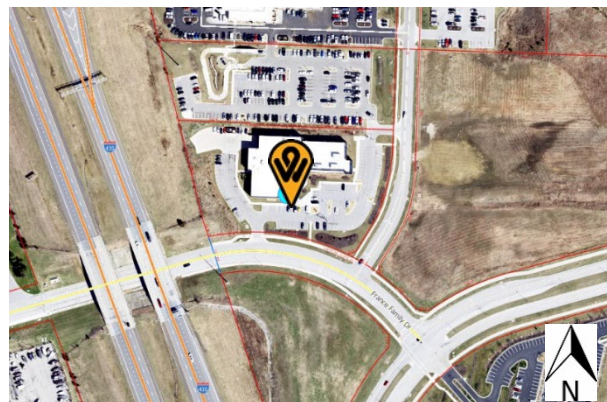
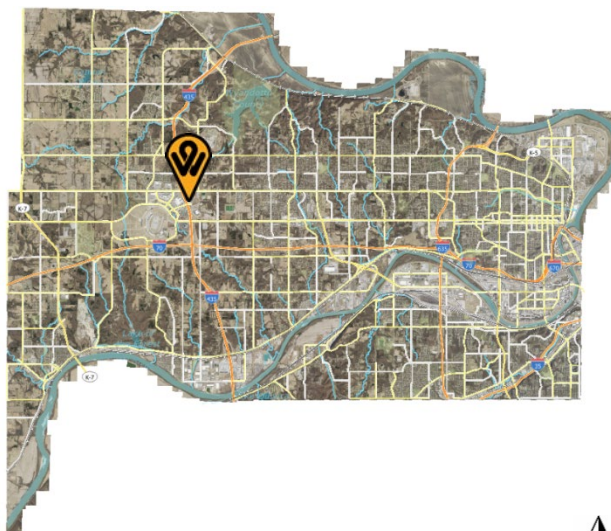
Requested Action:
Approval of a Special Use Permit.

Date of Application:
April 27, 2023

Purpose:
To approve a Special Use Permit for a commercial retail space with a firearm training facility and shooting range. The business has transferred ownership, necessitating a new Special Use Permit.

Property Location:
10000 France Family Drive
Kansas City, Kansas 66109

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:	CP-2 Planned General Business District
	South:	A-G Agriculture District
	East:	CP-2 Planned General Business District
	West:	CP-2 Planned General Business District
Adjacent Uses:	North:	Car Dealership / Legends Auto Plaza
	South:	Vacant Agricultural Parcel
	East:	Car Dealership and DFA Office Space
	West:	Interstate 435 / Retail Shopping Center
Total Tract Size:	3.29 Acres	
Master Plan Designation:	The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Commercial District, which allows for commercial retail and limited commercial services at major arterials near low-density residential areas of the community.	
Major Street Plan:	The Major Street Plan designates France Family Drive and North 100 th Terrace as Collector Streets.	
Parking Requirement:	Section 27-466(e) states uses in this district require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The building is 33,282 square feet, which requires 128 parking spaces. The property provides 146 parking spaces.	
Advertisement:	<u>The Wyandotte Echo</u> – May 18, 2023 Letters to Property Owner – May 19, 2023	
Public Hearings:	June 12, 2023, and June 29, 2023	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Amy Grant with Polsinelli, requests a Special Use Permit for a commercial retail space with a firearm training facility and shooting range at 10000 France Family Drive. This property had received an indefinite Special Use Permit in September 2016; however, the ownership of the business has changed, which necessitates a new Special Use Permit.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. There are no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood. The property is located within the Village West commercial and entertainment district, which consists of a mix of big box retail, an outlet shopping center, auto dealerships, as well as office spaces for the Dairy Farmers of America, entertainment complexes of Homefield, and Sporting Park, high-density residential, and Interstate 435.

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 has been used as a commercial retail space with a firearm training facility and a firing range since 2016. The use is compatible with the nearby retail and entertainment uses.

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 the uses in which it has been restricted, including a firearms training facility, and a shooting range. The removal of restrictions is not expected to detrimentally affect nearby property as long as the use continues to be managed properly.

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

The property has been actively occupied since 2017.

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 the subject property as Planned Commercial District, which allows for commercial retail and limited commercial services at major arterials near low-density residential areas of the community.

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

The proposed use will inherently lead to an increase in traffic and parking demand, as the space currently serves a lower intensity use. The proposed use, however, isn't expected to lead to an increase in traffic to the point where it will exceed the capacity of France Family Drive and North 100th Terrace, both collector streets.

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, however, a shooting range may be seen as a convenient form of leisure. As long as the proper safety precautions are taken, a shooting range is not expected to have a negative effect on nearby 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.*

Noise and vibration are typical issues for this type of use. In the 6 years of operation, there have been no issues with noise, nor have there been any noise or disturbance complaints. As long as the property continues to be managed properly, this should not be an issue.

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

The proposed use could potentially pollute the air, as firearms can produce smoke and other particles with gunpowder. As long as the air is properly filtered at the range, this should not be an issue. The land and water won't be polluted as it is located in an existing, permitted structure.

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

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

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

The relative gain to the public health, safety, and welfare is minimal. A denial of the application will result in the applicant having to find a new location for the business.

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

The proposed use would not result in overcrowding as the establishment operates within an existing building with adequate parking. There is a propensity for any events to cause crowds, however, a certificate of occupancy would provide a limit on undue concentrations of populations.

PREVIOUS ACTIONS

- Approval of a Change of Zone from A-G Agriculture District to CP-2 Planned General Business District in 2007.
- Approval of a Preliminary and Final Plat, Legends Auto Plaza Third Plat in 2015.
- Approval of an indefinite Special Use Permit for shooting range in 2016.
- Approval of a Final Development Plan in 2016.

NEIGHBORHOOD MEETING

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

KEY ISSUES

Landscaping
Restripe Parking Lot
Special Use Permit Term

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit SP2023-022, subject to:

1. **Shall comply with local, State and Federal laws, as applicable;**
2. **The parking lot shall be restriped, as the striping has faded;**
3. **All dead landscaping must be replaced in-kind, as demonstrated in the landscaping plan from 2017;**
4. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the**

- unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
5. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 businesslicense@wycokck.org;
 6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 7. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 8. 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. 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;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 12. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance;

13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
14. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 **SP2023-022** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

June 12, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan, submitted in 2017
Floor Plan, submitted in 2017
Landscape Plan, submitted in 2017
Elevations, submitted in 2017
Site Photos, Taken by Staff, Dated May 12, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	June 12, 2023	June 29, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-022** 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 **SP2023-022**, 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.

JUNE 12, 2023, CITY PLANNING COMMISSION MINUTES:

Hearing starts at 1:57:31:

SPECIAL USE PERMIT APPLICATION SP2023-022 – CURTIS PETERSON WITH POLSINELLI PC - SYNOPSIS: Special Use Permit to operate a retail shooting range at 10000 France Family Drive. *Detailed Outline of Requested Action:* The applicant, Amy Grant with Polsinelli, requests a Special Use Permit for a commercial retail space with a firearm training facility and shooting range at 10000 France Family Drive. This property had received an indefinite Special Use Permit in September 2016; however, the ownership of the business has changed, which necessitates a new Special Use Permit.

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 June 12, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

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

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:00:15: Planner Toy stated that Staff recommends approval subject to the conditions in the staff report.

Motion starts at 2:00:19:

On motion by Mr. Ward, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of **Special Use Permit SP2023-022**:

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

Motion to recommend **APPROVAL** Passed: 9 to 0

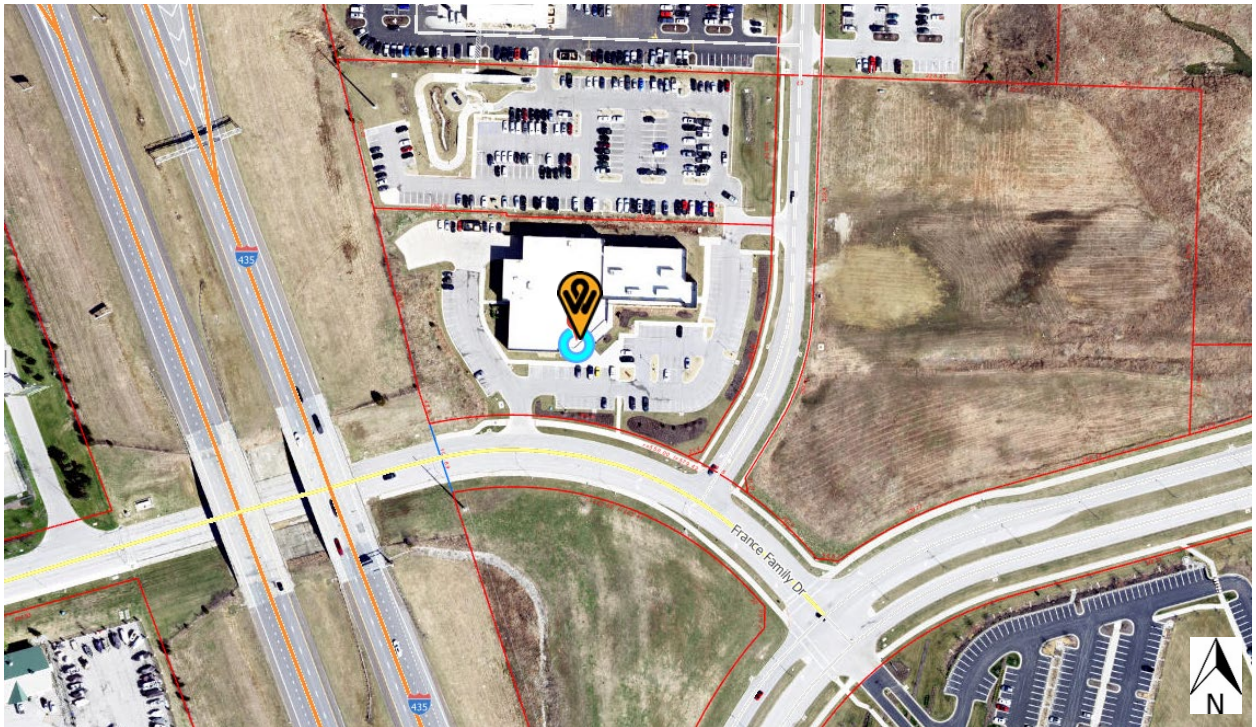
Subject to:

1. Shall comply with local, State and Federal laws, as applicable;
2. The parking lot shall be restriped, as the striping has faded;
3. All dead landscaping must be replaced in-kind, as demonstrated in the landscaping plan from 2017;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
5. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 businesslicense@wycokck.org;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;

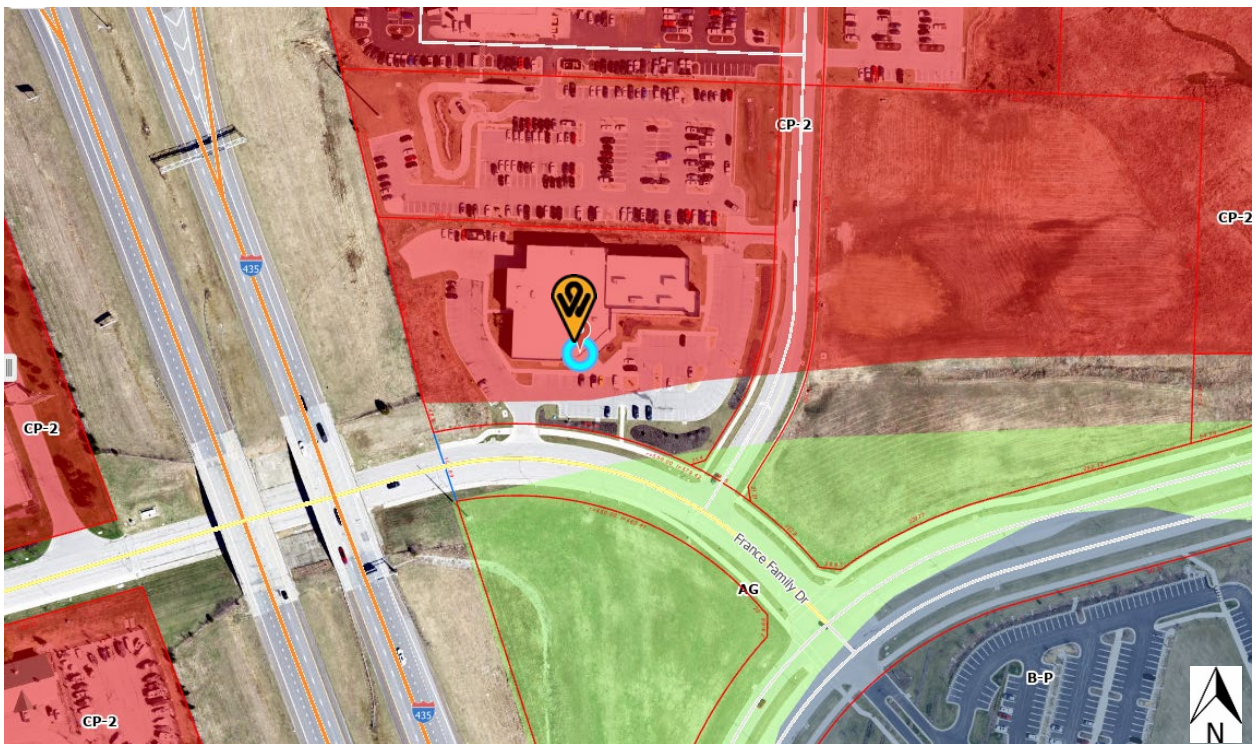
8. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
9. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural 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;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
14. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

ATTACHMENTS

AERIAL IMAGERY



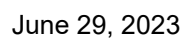
ZONING MAP

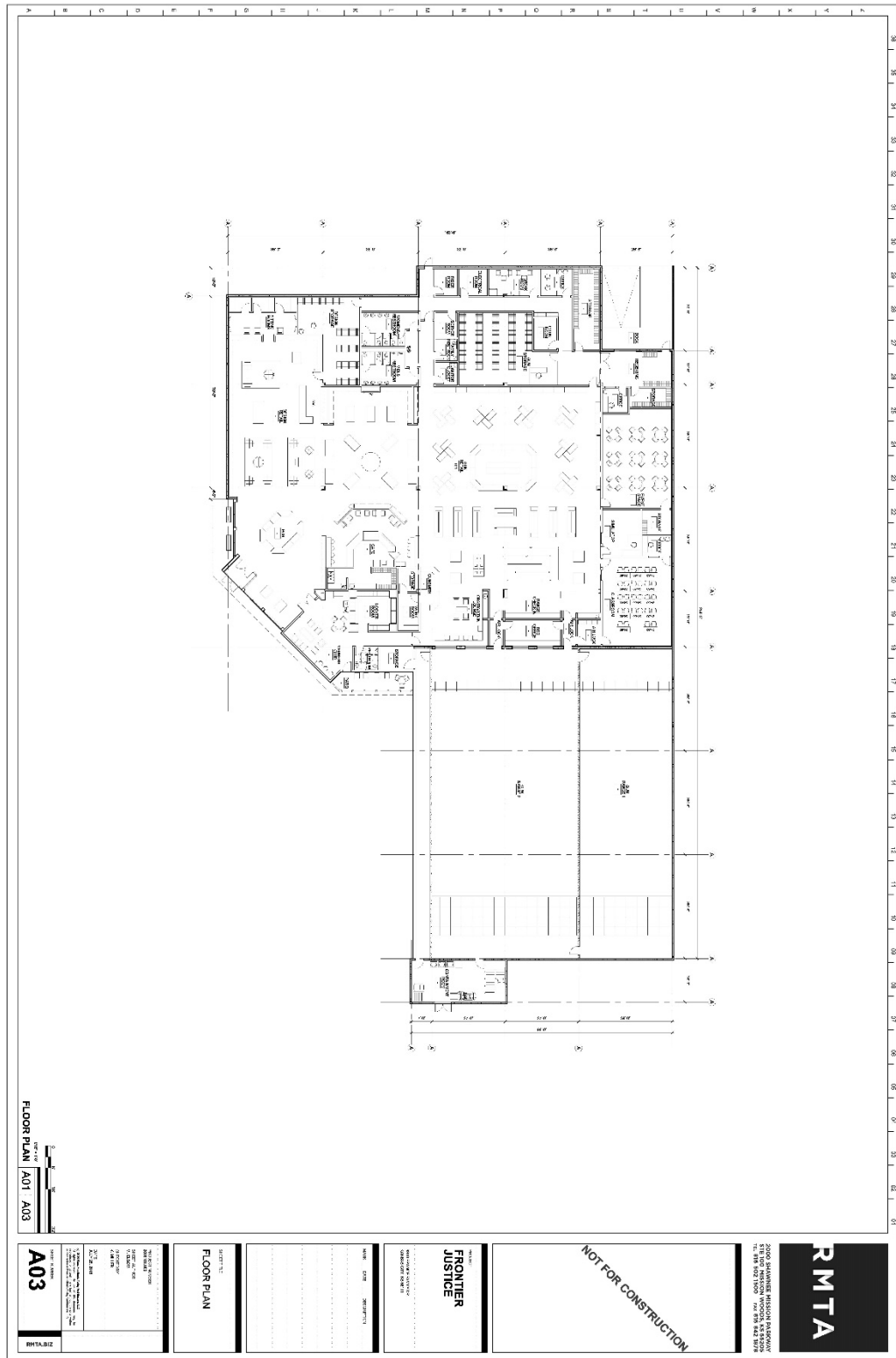


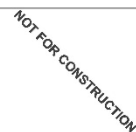
LAND USE MAP

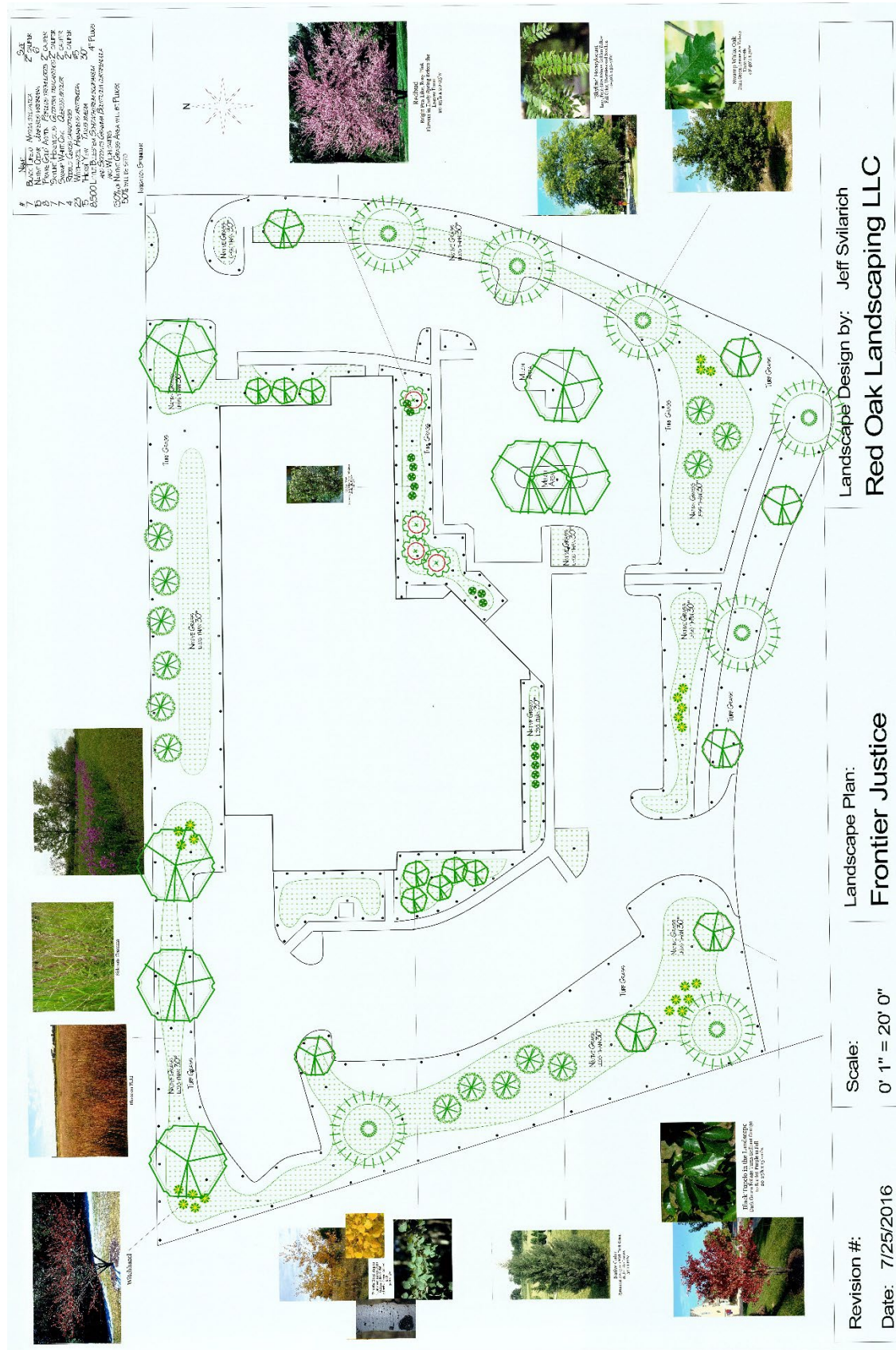


SP2023-022









SITE PLAN, TAKEN BY STAFF, DATED MAY 12, 2023





NEIGHBORHOOD MEETING MINUTES

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 #SUP2023-022.
2. That I conducted a neighborhood meeting on May 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 25th day of May, 2023.

My commission expires July 29th of July, 2024.

JULIE ANN LOWREY
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXPIRES 7/29/2024
COMMISSION # 20401259



Notary Public

5/24/2023 Neighborhood Meeting
(10000 France Family Drive - SP2023-022)

Attendance:
Amy Grant, Polsinelli PC

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.

89805676.1



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

May 12, 2023

SUBJECT: Neighborhood Meeting

Dear Property Owner,

We have filed an application with the Department of Urban Planning and Land Use # SP2023-022. The purpose of this:

➤ Special Use Permit

is for Frontier Justice to operate a retail center, shooting range and firearm training facility at 10000 France Family Drive, Kansas City, Kansas.

We are having a neighborhood meeting on May 24th, 2023 at 5:00 p.m. via Zoom Video Conferencing:

Join zoom meeting:

<https://polsinelli.zoom.us/j/94960475418?pwd=MEhEalBoTU1KTFFwN2Znem1CVFNwUT09>

Meeting ID: 949 6047 5418

Passcode: 074968

To attend via telephone, dial by your location

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

Meeting ID: 949 6047 5418

Passcode: 074968

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

89608063.1



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

89608063.1



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: June 29, 2023

Re: Special Use Petition SP2023-023

GENERAL INFORMATION

Applicant:

Maribel Santa Anna

Status of Applicant:

Representative
A&M Unlimited LLC
5519 Foxridge Drive
Mission, KS 66202

Requested Action:

Approval of a Special Use Permit.

Date of Application:

April 28, 2023

Purpose:

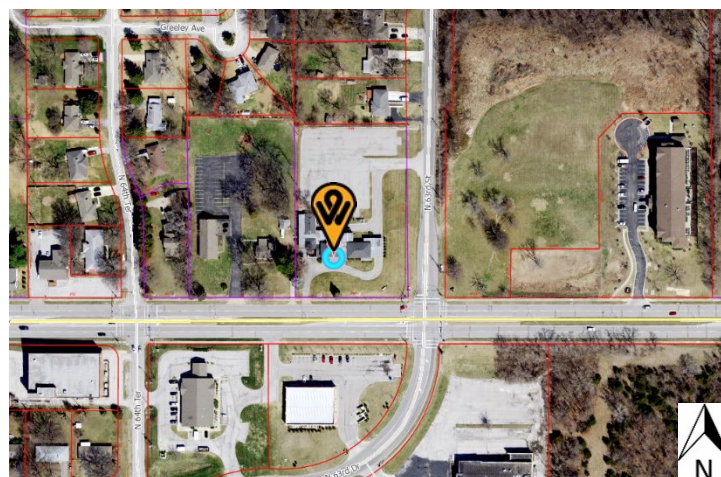
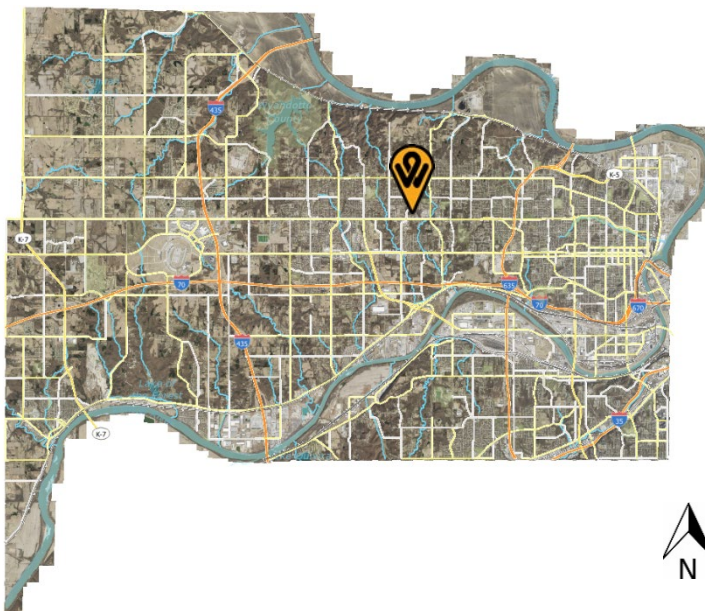
To approve a Special Use Permit
for an event space with offices.

Property Location:

6300 Parallel Parkway
Kansas City, Kansas 66102

Commission Districts:

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



Existing Zoning:	CP-0 Planned Nonretail Business District		
Adjacent Zoning:	North:	R-1 Single Family District	
	South:	CP-2 Planned General Business District	
	East:	R-1 Single Family District	
	West:	R-1 Single Family District	
Adjacent Uses:	North:	Single-family residence	
	South:	Commercial retail store	
	East:	Vacant residential parcel	
	West:	Single-family residence	
Total Tract Size:	2.10 Acres		
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Public/Semi-Public, which allows publicly-owned or non-profit property.		
Major Street Plan:	The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare and North 63 rd Street as a Collector Street.		
Parking Requirement:	Section 27-463(e) states uses in this require paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building. The structure is 10,125 square feet, which requires 41 parking spaces, two (2) of which must be ADA spaces. The property provides 80 parking spaces with four (4) ADA compliant spaces provided.		
Advertisement:	<u>The Wyandotte Echo</u> – May 18, 2023 Letters to Property Owner – May 19, 2023		
Public Hearings:	June 12, 2023, and June 29, 2023		
Public Support:	None to date.		
Public Opposition:	None to date.		

PROPOSAL

Detailed Outline of Requested Action: The applicant, Maribel Santa Anna, is requesting a Special Use Permit to operate an event space with offices at 6300 Parallel Parkway. The applicant is converting a former funeral home into an event space.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There were two (2) calls for police service, one (1) for a drug related offense in 2020, and another for battery in 2018. These are not related to the proposed event space.

Building, Zoning, or Code Enforcement Complaints:

1. There are no active Notices of Violations on the subject property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Bethel-Welborn Statistical Neighborhood. The neighborhood features a mix of single-family residential, as well as light commercial businesses. The property is located in a commercial node along Parallel Parkway, which is a major mixed-use corridor that runs west to Tonganoxie and east to Fairfax.

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

The zoning and uses of nearby properties are set out above. The proposed use could create compatibility issues with nearby single-family residences, as noise and illumination are common with event spaces, however, if managed properly, the proposed use should be compatible with nearby properties.

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

The property is suitable for an event space as it is proposed to be located within a former funeral home with an extensive amount of parking provided. There is the possibility for increased traffic and parking demand, as well as potential impacts from noise and illumination, however, if managed properly, these impacts should not be an issue.

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

The property has been vacant since 2022, when the former funeral home ceased operation.

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 designates this property as Public/Semi-Public, which allows publicly-owned or non-profit property. The proposed use does not conform to the master plan; While it is a semi-public use, the property is not owned by a public entity or non-profit property.

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

The proposed use will inherently lead to an increase in traffic and parking demand, as the property currently serves a lower intensity use than what is proposed. The proposed use, however, isn't expected to lead to an increase in traffic to the point where it will exceed the capacity of Parallel Parkway, a Class A Thoroughfare, and/or North 63rd Street, a Collector Street.

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, although it could be seen as desirable to have as a neighborhood feature. The proposed use could affect the use, quality, or marketability of adjoining property if common issues, such as noise and illumination are not managed properly.

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, and illumination are typical issues with this type of use, however, these are not expected to be an issue as long as it is managed properly.

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

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

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

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

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

The relative gain to the public health, safety and welfare is minimal. A denial of the application will result in the applicant having to find a new location for the business.

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

The proposed use would not result in overcrowding as the establishment operates within an existing building with adequate parking. There is a propensity for an event space to cause crowds, however, a certificate of occupancy would provide a limit on undue concentrations of populations.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Illumination
Noise
Vibration
Parking
Hours of Operation
Occupancy Levels
Screening, Buffering and Landscaping
Trash and Waste

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Special Use Permit SP2023-023, **for two (2) years**, subject to:

- 1. Per the goDotte County-Wide Mobility Plan, North 63rd Street is identified as a priority sidewalk, which requires a 10-foot-wide sidewalk to be installed along 63rd Street on the east side of the property;**
- 2. A tree shall be planted within the existing planters along the south side of the property along Parallel to meet the code standard set by Section 27-463(g);**

3. Additional landscaping or a six (6) foot tall opaque fence shall be constructed on the north and west property lines screening the parking lot and vehicle headlights from the parsonage and single-family homes;
4. All entertainment must cease by at least 1:00 AM;
5. Doors and windows must stay closed during any entertainment performance;
6. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) 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;
7. No amplified speakers or entertainment is allowed in outdoor spaces;
8. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
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. 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. 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. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office located at 4953 State Avenue, Kansas City, KS 66102 – (913) 573-8780 businesslicense@wycokck.org;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
15. 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. 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;**
 - 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
 - 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**
 - 19. 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**
 - 20. 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,**
 - 21. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

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 **SP2023-023** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

June 12, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Floor Plan
Landscape Plan
Landscape Details
Site Details
Site Photos, Taken by Staff, Dated May 12, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	June 12, 2023	June 29, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-023** 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 **SP2023-023**, 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.

June 12, 2023, City Planning Commission Minutes:

Hearing starts at 2:01:24:

SPECIAL USE PERMIT APPLICATION SP2023-023 – MARIBEL SANTA ANNA WITH A+M UNLIMITED - SYNOPSIS:

Special Use Permit to operate an event space at 6300 Parallel Parkway. *Detailed Outline of Requested Action:* The applicant, Maribel Santa Anna, is requesting a Special Use Permit to operate an event space with offices at 6300 Parallel Parkway. The applicant is converting a former funeral home into an event space.

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 June 12, 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.

Planner Molloy asked if the Commission had any contact to disclose on this application. No one responded in the affirmative.

Present in Support:

- Maribel Santa Anna, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:03:45: Planner Toy stated that this building is a former funeral home that is proposed to be converted to offices with an event space. Staff is requiring a 10-foot sidewalk on the east side of the property, but the west side of 63rd Street is part of the GoDotte Mobility Plan. There have been similar projects with Special Use Permits but also redevelopment projects putting in sidewalks to comply with the plan. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 2:04:40:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2023-023**:

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

Motion to recommend **APPROVAL** Passed: 9 to 0

Subject to:

1. **Per the goDotte County-Wide Mobility Plan, North 63rd Street is identified as a priority sidewalk, which requires a 10-foot-wide sidewalk to be installed along 63rd Street on the east side of the property;**
2. **A tree shall be planted within the existing planters along the south side of the property along Parallel to meet the code standard set by Section 27-463(g);**
3. **Additional landscaping or a six (6) foot tall opaque fence shall be constructed on the north and west property lines screening the parking lot and vehicle headlights from the parsonage and single-family homes;**
4. **All entertainment must cease by at least 1:00 AM;**
5. **Doors and windows must stay closed during any entertainment performance;**
6. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
 - e. **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;**
 - f. **Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**
 - g. **An I.D. scanner will be used at all times;**
 - h. **At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;**
7. **No amplified speakers or entertainment is allowed in outdoor spaces;**

8. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
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;
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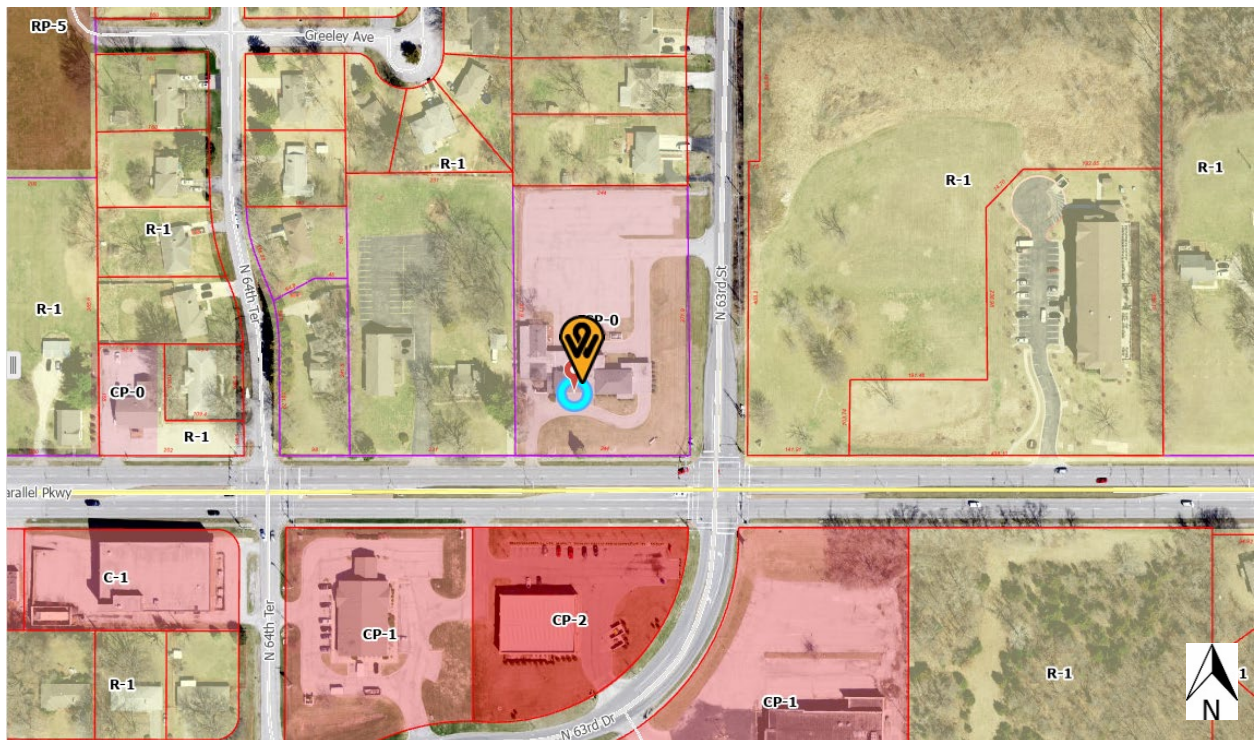
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ATTACHMENTS

AERIAL IMAGERY



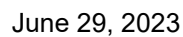
ZONING MAP



LAND USE MAP



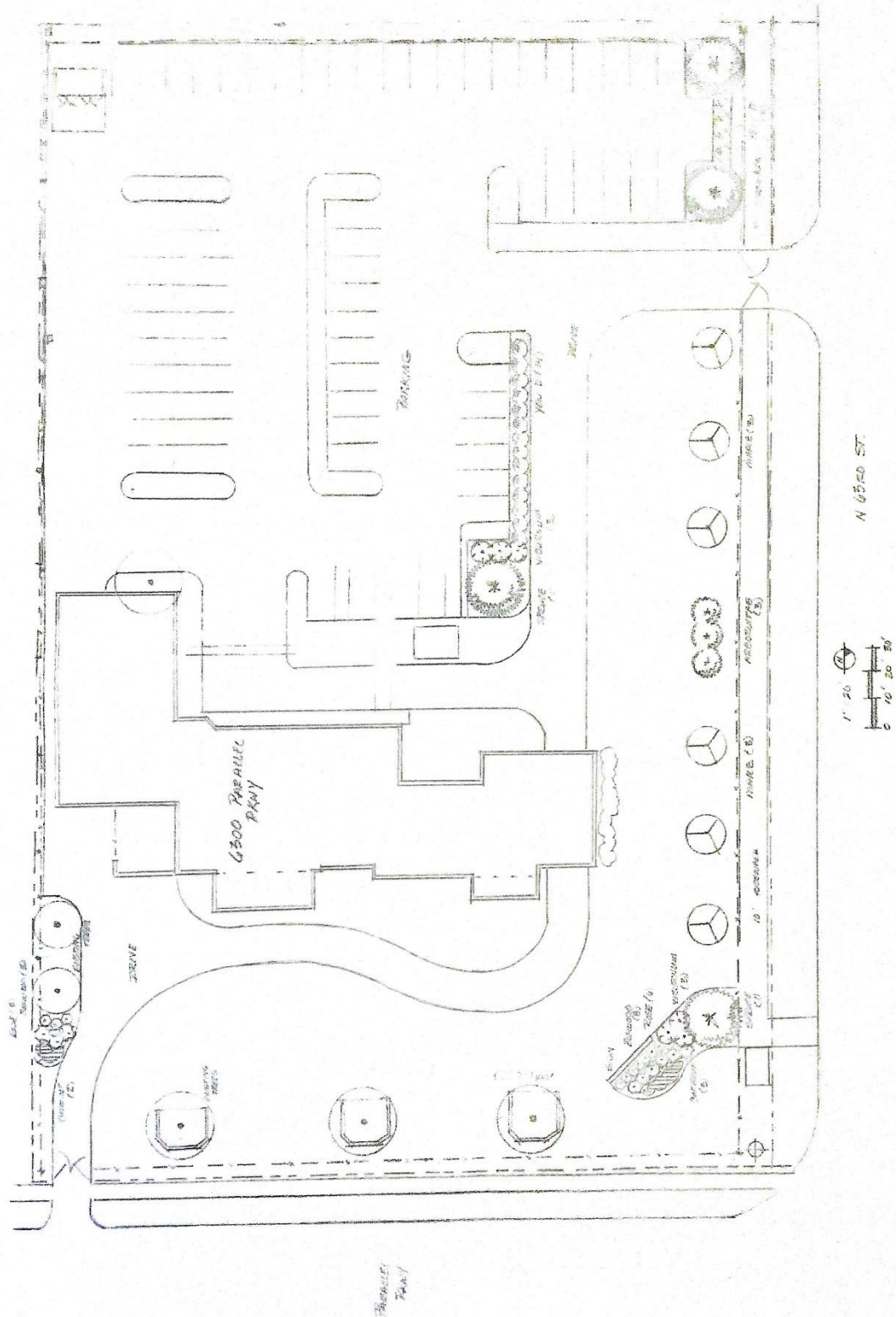
SP2023-023



SP2023-023

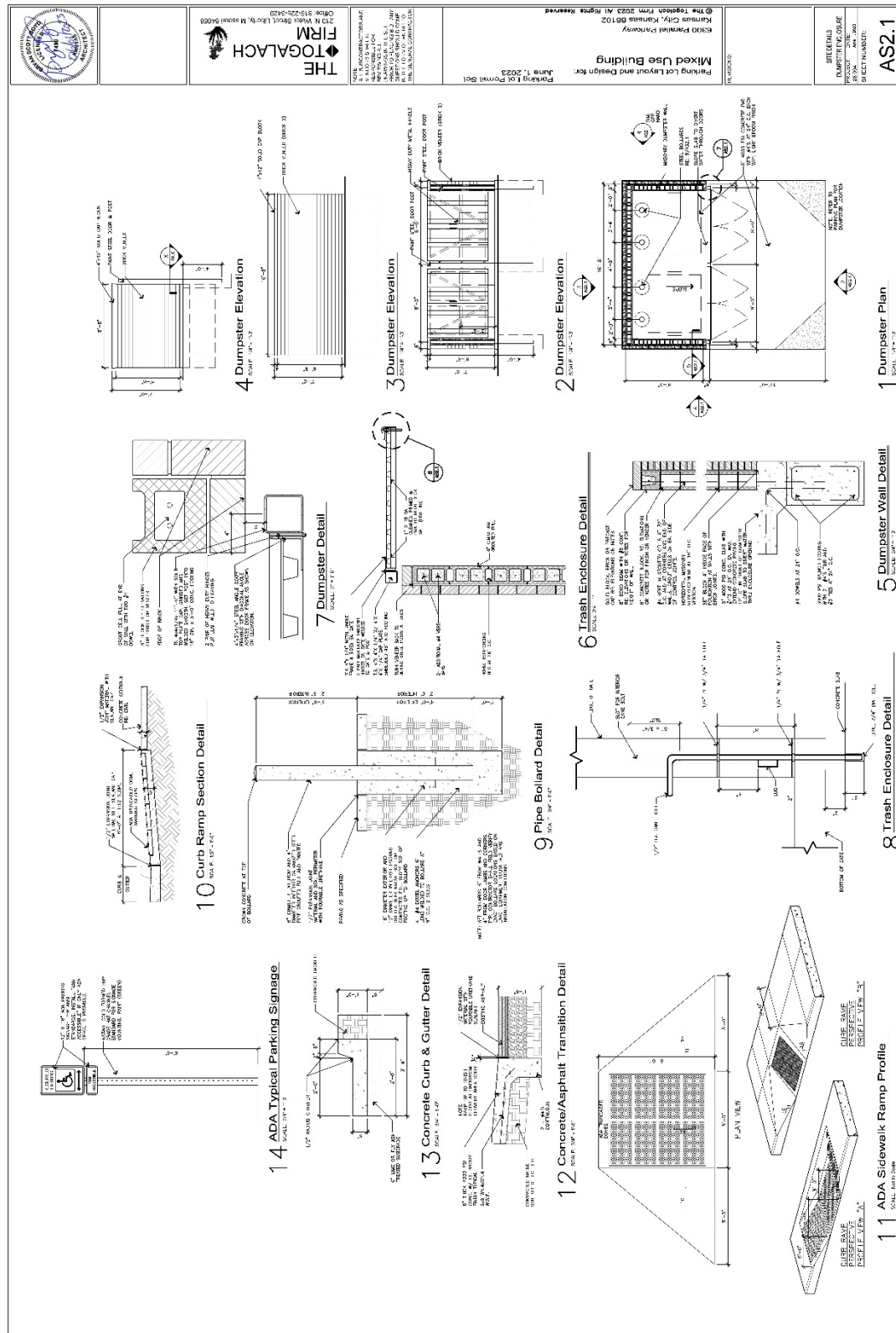
June 29, 2023

LANDSCAPE PLAN AND DETAIL



6300 PARALELL PKWY

AREA	DESCRIP.	AMT	MATERIALS	SIZE	PRICE	TOTAL
NEW LANDSCAPING						
HARDSCAPE						
			STRIP EXISTING SOD WHERE NEEDED			
		455 L'	STEEL EDGE INSTALLED			
		12.0 CY	ENRICHED TOPSOIL TO AMEND BEDS & BACKFILL			
		44.5 CY	MULCH INSTALLED			
TREES						
		3	ABRBORVIAE Thuja plicata x standishi			
			'GREEN GIANT'	25 X 12		
		4	SPRUCE Picea pungens 'HOOPSI' OR	30 X 15		
			'FAT ALBERT'	10 X 10		
		6	MAPLE COLUMNAR Acer freemani			
			'ARMSTRONG'	40 X 12		
SHRUBS						
		11	BOXWOOD 'GREEN VELVET'	2 X 2		
			Buxus micro jap.			
		20	GRASS 'KARL FOERSTER'	2 X 3		
			Calamagrostis acutiflora			
		9	ROSE 'OSO EASY' COLOR CHOICE	2 X 2		
			Rosa x oso easy			
		6	VIBURNUM 'BLUE MUFFIN'	4 X 5		
			Viburnum dentatum			
		18	YEW 'DENSIFORMIS'	4 X 3		
			Taxus x media			
		24	YEW 'HICKSI'	2 X 10		
			Taxus media			
PERENNIALS						
		7	CATMINT 'WALKERS LOW'	1.5 X 1		
			Nepeta x walkers low			
VINES						
		9	EUONYMUS WINTER CREEPER	20'		
			Euonymus fortunei			



SITE PHOTOS, TAKEN BY STAFF, DATED MAY 12, 2023





NEIGHBORHOOD MEETING MATERAILS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

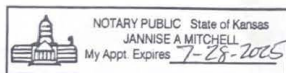
Comes now Manuel Santa Anna, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # _____.
2. That I conducted a neighborhood meeting on 05/26/2023.
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.

Manuel Santa Anna
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of May, 2023.
My commission expires 28th of July, 2025.



Jannise A. Mitchell
Notary Public

A & M Unlimited LLC
6300 Parallel Pkwy, Kansas City, KS

Application Number SP2023-023

05/26/2023

6300 Parallel Pkwy

Kansas City, KS 66102

The meeting was called to order at 5:15 PM.

Attendee: Robert & Tanya Harris, John Daniels

Maribel Santa Anna from A&M Unlimited LLC gave the presentation. The presentation included contact information for A&M such as email and phone numbers.

Gave office working hours at 6300 Parallel will be M-F 7-5PM. Talked about tenants which will include: Office for A&M Unlimited, bookkeeping/tax service, family care clinic, C&C Drywall and Frame.

Venue hours of operations Friday-Sunday 5PM-12AM

Question and Answers:

Noise: Amplified speakers or entertainment will only be allowed indoors. Doors and windows will be closed during any time venue is used.

Safety/Security: The venue will require to have off-duty KS Law enforcement officers. Based on event size and if alcohol will be served. This will be coordinated with Captain Joshua Messick to determine the number of off duty officers needed.

Trash: Waste on property will be managed by adding a dumpster. We will begin with a 2-yard container and increase the size of the container as needed to 8 yards. This will be located and enclosed on the NW corner of the parking lot.

Traffic: Traffic will not be a problem, there is ample parking. There will be no street parking.

Illumination: The venue space has blackout window treatment if more is needed, windows can be tinted.

Residence will in the future be offered as Airbnb for venue guests. Now residence will remain vacant.

Provided attendances with images of floor plan for venue.

Questions and comments from attendees:

Tanya Harris asked for weekend hours. Clarified by Maribel Santa Anna 5PM-12AM.

A & M Unlimited LLC
6300 Parallel Pkwy, Kansas City, KS

Tanya Harris: Can participants bring alcohol to events? Yes, alcohol can be brought to the venue where off duty law enforcement officers will be on site. Maribel Santa Anna

Tanya & Robert Harris made the statement that the neighborhood is nice and peaceful.

John Daniels: Concern about traffic, cars flying down the street after events he suggested speed bumps on road.

Tanya Harris concern about violence, drugs, alcohol, shootings, traffic and property value declining.

Maribel Santa Anna reference back to questions and answers provided on presentation, she also mentioned possibly adding more lighting on parking lot, so all areas are well lit and officers providing security to have visibility of all areas. Security for all events will be coordinated with Captain Messick. The captain will determine how many officers will be needed for the venue. Property value will increase if venue property value increases. Having an empty building can also decrease the value of homes.

Maribel stated that her office will be on site at 6300 Parallel. Told attendees she is open for feedback once the venue is up and running. Provided with her personal cell phone number for any concerns also mentioned she will be part of the operations of the venue and will be onsite until A&M feels venue is running smoothly.

A&M also suggests having a yearly neighborhood block party on property parking and asked for feedback to help coordinate event.

Meeting adjourned at: 6:00PM

Minutes taken by: Amalia Almeida.

Sign In Sheet

6300 Parallel Pkwy KC. KS 66102

DATE: 5/26/23

#	Print Name	Address	Phone #	E-Mail
1	Robert & Tanya Hain	2100 N. 63rd St	913-963-7761	
2	John Daniels	2110 N. 63rd St	913-608-7895	
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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: June 29, 2023

Re: Change of Zone Petition COZ2023-011 and MPL2023-006

GENERAL INFORMATION

Applicant:

Aaron Moore

Status of Applicant:

Representative
Kaw Valley Engineering
8040 North Oak Trafficway
Kansas City, MO 64118

Requested Actions:

To approve a Master Plan Amendment from Low-Medium Density Residential to Medium-Higher Density Residential (Northeast Area Plan).

Change of Zone from R-2 Two Family to RP-5 Planned Apartment District.

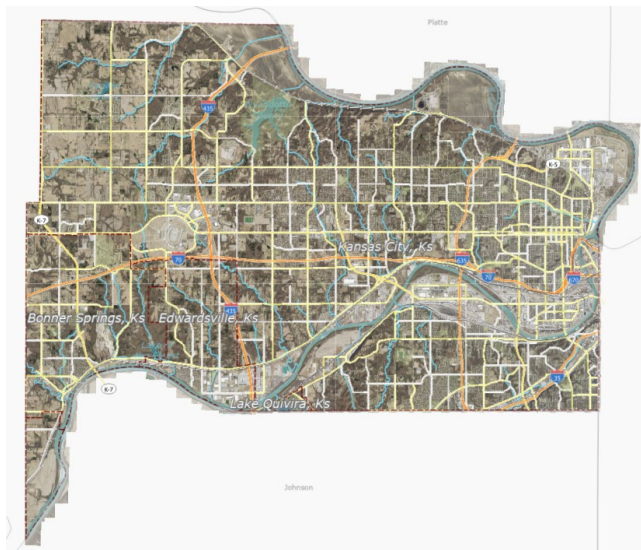
Date of Application:

April 28, 2023

Purpose:

To rezone and convert a vacant church into a 12-unit multi-family apartment building.

Property Location: 2508 North 12th Street and 1208 Cleveland Avenue
Kansas City, KS 66104



Commission District:	Commissioner At Large, District #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
Existing Zoning:	R-2 Two Family District
Adjacent Zoning:	North: R-2 Two Family District South: R-2 Two Family District East: R-2 Two Family District West: R-2 Two Family District
Adjacent Uses:	North: Single-family home South: Single-family home East: Single family home and undeveloped lot West: Undeveloped lot and single-family home
Total Tract Size:	0.428 Acres
Master Plan Area:	Northeast Area Plan
Master Plan Designation:	The Northeast Area Plan designates this property as Lower-Medium Density Residential, which allows single family homes, townhomes, and duplexes. A Master Plan Amendment has been submitted to Medium-Higher Density Residential (Northeast Area Plan), which allows single family homes, duplexes, townhomes, and low-rise apartments two (2) to four (4) stories.
Major Street Plan:	The Major Street Plan classifies 12 th Street and Cleveland Avenue as Local Streets.
Required Parking:	Sec. 27-460(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. 20 parking spaces are provided. 17 parking spaces are provided. The Appellant has applied for a variance for a deficit of three (3) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – May 17, 2023; Master Plan Amendment – May 17, 2023 Letters to Property Owners – Change of Zone – May 18, 2023; Plat – May 18, 2023; Master Plan Amendment – May 18, 2023
Public Hearings:	June 12, 2023, and June 29, 2023
Public Support:	None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant and representative, Aaron Moore with Kaw Valley Engineering, wants to rezone 2508 North 12th Street and 1208 Cleveland Avenue from R-2 Two Family District to RP-5 Planned Apartment District to convert a vacant church into a two and one-half (2-½) story, 12-unit multi-family apartment building on 0.428 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. Numerous Property Maintenance Compliance Division violations from 1999 – 2017 for weeds, tall grass, trash, and graffiti.
2. Between 2019 – 2023, violations for structural concerns on the building, specifically boarding an unfit structure.

Outstanding or Related Permits and Cases:

1. BOZA2023-018 for front yard and side yard, corner setbacks and parking requirements.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes, duplexes and undeveloped lots along 12th and 13th Streets and Cleveland Avenue. There is a church, New Fellowship Baptist Church and elementary school, Bertram Caruthers Elementary School approximately two (2) blocks to the northwest and southeast, respectively.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with the surrounding properties as this former church is an anchor on the corner and sits adjacent to two (2) single-family neighborhoods, but these

two (2) parcels once combined will wrap the 12th and Cleveland Avenue corner, which is best planning practice for higher density development.

Substantial screening and buffering between single family homes and multi-family development is required.

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

The removal of the restrictions should not detrimentally affect nearby property because of the required landscaping and buffering that is to be planted to buffer the single-family residentially zoned properties, which can be enhanced by maintaining the existing trees around the perimeter of the property.

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

Based on the aerial photography, this property has been vacant since at least 1991.

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

The proposed development is reasonably necessary for individuals who want to live in the area, but do not want to purchase a detached single-family home. The vacant church building may affect the visual quality and marketability of nearby property by lack of ongoing property maintenance. The conversion and reuse of a vacant building to an active use will enhance the visual quality by activating the streetscape, removing the boards from the windows and doors, and planting landscaping.

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

The proposed development with 12 units will increase traffic along 12th Street and Cleveland Avenue. The Traffic Impact Study is being analyzed by Public Works regarding road capacity, specifically looking at improvements to these intersections and sidewalk connections on both streets.

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

The proposed use does not conform to the Lower-Medium Density Residential land use designation within the Northeast Area Plan, therefore, a Master Plan Amendment is sought from Lower-Medium Density Residential to Medium-Higher Density Residential, which allows duplexes, townhomes, and low-rise apartments two (2) to four (4) stories.

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

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

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 and maintaining existing topography and vegetation along the north and west property lines. Landscaping and screening is imperative.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by East Patrol, District #113.

e. *Fire*

Fire service is provided by Fire Station #5 located off 9th and Quindaro Boulevard.

f. *Transit*

Kansas City ATA does not provide transit service near this property. The closest transit stop is approximately 0.17 mile north at the 12th Street and Quindaro Boulevard intersection, Route #118.

g. *Schools*

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

h. Streets

See item #6 above.

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

The proposed use will have a beneficial economic impact on the community as these two (2) parcels will be taken from exempt tax status to a taxable parcel of land. Additionally, restoring a vacant building to an active use will not only create a taxable parcel, but also provide housing options for KCK residents.

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

Additional information is required to determine if the proposed use/building conversion will meet applicable ordinance requirements in addition to the variances sought by the Board of Zoning Appeals.

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

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

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

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

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

Streets 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 uses. The Traffic Impact Study (TIS) will be reviewed by the Public Works Department to determine if any public improvements are required along 12th Street and/or Cleveland Avenue.

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 estates values.

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

The building is an existing structure, a 17-space parking lot will be constructed in the rear, behind the building along Cleveland Avenue. The site is relatively flat, but the existing trees, especially those along the north property line provide established screening that cannot be replicated with new trees. Greater emphasis must be placed on maintaining the existing slope along the west property line which will assist in shielding headlights from adjacent residences.

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

The applicant has not specified what amenities will be provided for the residents. One (1) small amenity is required.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on May 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Historic Preservation
Traffic
Neighborhood Character
Lighting
Pedestrian Connectivity/Bike Lanes
Platting
Fire Access
Landscaping, Screening and Buffering
Parking
Topography

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 9 to 0 to recommend **APPROVAL** of Master Plan Amendment **MPL2023-006** and Change of Zone **COZ2023-011**, subject to:

1. Because this is a planned district (proposed), a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;
2. If historic designation is sought by the applicant, contact Randy Greeves, Historic Preservationist to begin that process at (913) 573-5763 or jlgreeves@wycokck.org;
3. Per the Multi-Family Residential Design Guidelines:
 - a. Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.
 - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - i. The primary entrance or entrances to each principal multi-family building; and,
 - ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.
 - c. Exterior building materials shall not include the following:
 - i. Board and batten wood;
 - ii. Smooth-faced or grey concrete block;
 - iii. Painted concrete block;
 - iv. Tilt-up concrete panels;
 - v. Field painted or pre-finished standard corrugated metal siding;
 - vi. Standard single or double tee concrete systems; and,
 - vii. Vinyl siding.
 - d. Landscaping is required to screen all parking areas and service entries;
4. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be "stepped". Four (4) feet of terrace is required every 8 feet of wall;
5. Relocate the second pole west on Cleveland Avenue due to the potential parking lot curb cut;
6. The sidewalk along Cleveland Avenue shall extend from the intersection west to the edge of the property line.
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary;
7. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

- Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;
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. Interior parking lots lights shall have 90-degree cutoff fixtures;
 10. Install bike racks near the front door or a high trafficked entrance/exit; The proposed building will need to match the building and use similar materials as the existing church;
 11. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;
 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 13. Maintain and prune existing trees along the north and west property lines;
 14. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

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

The site is 0.428 acres, which requires four (4) trees, two (2) additional evergreen or shade trees and 12 shrubs for buffering per the zoning district;

15. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
16. All landscaping shall be irrigated;
17. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
18. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;

- 19. All electrical meter banks, typically on the side of the building shall be screened from public view;**
- 20. Regarding BPU transformer screening, the following applies:**
- a. Gate doors are required for all types of screening that are placed in front of the transformers.**
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.**
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.**
 - d. For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.**
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).**
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;**
- 21. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building;**
- 22. Satellite dishes shall not be erected on the exterior of windowsills. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;**
- 23. 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;**

24. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
25. 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;
26. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
27. 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;
28. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting; and,
29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petitions **COZ2023-011 and MPL2023-006**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

June 12, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Northeast Area Plan Land Use Designation
Multi-Family Residential Design Guidelines
Amenity Guidelines
Permitted and Prohibited Street Tree Listing
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Floor Plan
Building Elevations
Site Photographs taken by Staff on May 17, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	June 12, 2023	June 29, 2023
Rezoning	Approval	
Public Hearing		
Master Plan	June 12, 2023	June 29, 2023
	Approval	
Public Hearing		
Preliminary	June 12, 2023	Not required
Plat	Approved	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-006** 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 **MPL2023-006** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-011** 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 Commissioner **DENY** Petition **COZ2023-011** 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.

June 12, 2023, City Planning Commission Minutes:

Hearing starts at 1:05:15:

MASTER PLAN AMENDMENT APPLICATION MPL2023-006 – AARON MOORE WITH KAW VALLEY ENGINEERING - SYNOPSIS: Master Plan Amendment from Low-Medium Density Residential to Medium Density Residential (Northeast Area Plan) to convert a church into apartments at 2508 North 12th Street and 1208 Cleveland Avenue.

CHANGE OF ZONE APPLICATION COZ2023-011 – AARON MOORE WITH KAW VALLEY ENGINEERING - SYNOPSIS: Change of Zone from R-2 Two Family District to RP-5 Planned Apartment District to convert a church into apartments at 2508 North 12th Street and 1208 Cleveland Avenue.

PRELIMINARY PLAT APPLICATION PLAT2023-016 – AARON MOORE WITH KAW VALLEY ENGINEERING - SYNOPSIS: Preliminary Plat of KCK Church Apartments to combine two (2) residential lots into one (1) lot at 2508 North 12th Street and 1208 Cleveland Avenue.

Detailed Outline of Requested Action: The applicant and representative, Aaron Moore with Kaw Valley Engineering, wants to rezone 2508 North 12th Street and 1208 Cleveland Avenue from R-2 Two Family District to RP-5 Planned Apartment District to convert a vacant church into a two and one-half (2-½) story, 12-unit multi-family apartment building on 0.428 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 June 12, 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:

- Aaron Moore, applicant, Kaw Valley Engineering, 8040 North Oak Trafficway, Kansas City, Missouri 64118
- Andrew Tanner, developer, 7411 Kansas City, Missouri
- Matt Cross, Kaw Valley Engineering, 8040 North Oak Trafficway, Kansas City, Missouri 64118

The Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:15:21: Lead Planner Toy stated that the proposal is for a conversion of a church to apartments. There will be 8 one-bedroom units and 4 two-bedroom units, with a dog park and fitness center in the basement with parking in the rear as required by the Multi-Family Guidelines. A Final Plan Review and Final Plat will need to be filed in the future. Staff recommends approval subject to the conditions in the staff report.

Motion starts at 1:16:35:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Master Plan Amendment MPL2023-**

006:

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

Motion to **APPROVE** Passed: 9 to 0

Subject to:

1. **Because this is a planned district (proposed), a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;**
2. **If historic designation is sought by the applicant, contact Randy Greeves, Historic Preservationist to begin that process at (913) 573-5763 or jlgreeves@wycokck.org;**
3. **Per the Multi-Family Residential Design Guidelines:**
 - a. **Pedestrian walkways and sidewalks shall be a minimum of six feet (6') wide.**
 - b. **All pedestrian walkways shall be designed to provide direct access and connections to and between the following:**
 - i. **The primary entrance or entrances to each principal multi-family building; and,**
 - ii. **To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.**
 - c. **Exterior building materials shall not include the following:**
 - i. **Board and batten wood;**

- ii. Smooth-faced or grey concrete block;
 - iii. Painted concrete block;
 - iv. Tilt-up concrete panels;
 - v. Field painted or pre-finished standard corrugated metal siding;
 - vi. Standard single or double tee concrete systems; and,
 - vii. Vinyl siding.
- d. Landscaping is required to screen all parking areas and service entries;
- 4. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be “stepped”. Four (4) feet of terrace is required every 8 feet of wall;
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- 6. The sidewalk along Cleveland Avenue shall extend from the intersection west to the edge of the property line.
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary;
- 7. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;

- 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. Interior parking lots lights shall have 90-degree cutoff fixtures;
- 10. Install bike racks near the front door or a high trafficked entrance/exit; The proposed building will need to match the building and use similar materials as the existing church;
- 11. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public;
- 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
- 13. Maintain and prune existing trees along the north and west property lines;
- 14. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

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

The site is 0.428 acres, which requires four (4) trees, two (2) additional evergreen or shade trees and 12 shrubs for buffering per the zoning district;

- 15.** All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted;
- 16.** All landscaping shall be irrigated;
- 17.** All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
- 18.** All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
- 19.** All electrical meter banks, typically on the side of the building shall be screened from public view;
- 20.** Regarding BPU transformer screening, the following applies:
 - a.** Gate doors are required for all types of screening that are placed in front of the transformers.
 - b.** Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c.** Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d.** For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - e.** Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - f.** Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open;
- 21.** Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or

- an architectural wall constructed from the same materials as the main building;
22. Satellite dishes shall not be erected on the exterior of windowsills. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 23. 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;
 24. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
 25. 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;
 26. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square feet or larger shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
 27. 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;

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

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to recommend **APPROVAL** of **Change of Zone COZ2023-011**:

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

Motion to recommend **APPROVAL** Passed: 9 to 0
Subject to the above conditions

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **APPROVE PLAT2023-016**:

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

Motion to **APPROVE** Passed: 9 to 0
Subject to the above conditions



Figure 2. Zoning Map of 2508 North 12th Street and 1208 Cleveland Avenue (provided by UG Maps).

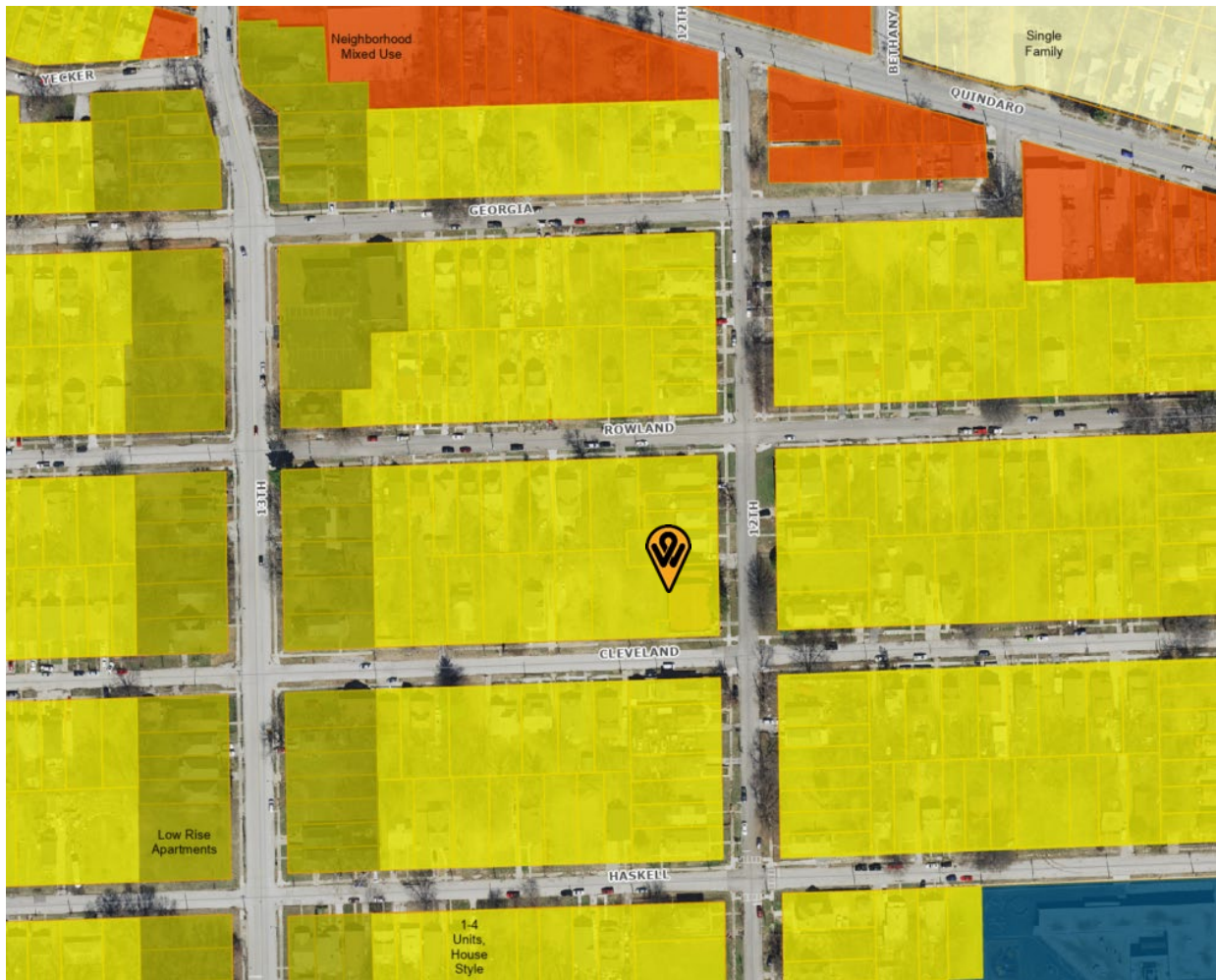


Figure 3. Northeast Area Plan Land Use Designation Map of 2508 North 12th Street and 1208 Cleveland Avenue (provided by ArcGIS Pro).



MEDIUM-HIGHER DENSITY RESIDENTIAL
The Medium-Higher Density Residential District allows for apartment buildings ranging from 2-4 stories. High quality development and site design is critical.

Allowed Building Types

- Single Family Houses
- Duplexes
- Townhomes
- Low rise apartments 2-4 stories



PRESERVE

These are large areas of vacant land that will be preserved until development pressure warrants development. Infrastructure will not be maintained at the same level in this district.

Allowed Building Types

- None

Multi-Family Residential Design Guidelines

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

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



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



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

Amenity Guidelines

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

Single-Family Residential Amenity Guidelines

Amenities are required for each residential subdivision. The requirements are based on the number of units within the subdivision. Residential developments of any unit type with fewer than 50 dwelling units are required to have one (1) Small Amenity. Residential developments with 50-to-200 dwelling units are required to have two (2) Amenities. Only one (1) of the required amenities may be a Small Amenity. Residential developments with more than 200 dwelling units are required to have three (3) Amenities, of which one (1) amenity may be considered a Small Amenity. All amenities will be built in the first phase of the development.

Multi-Family Residential Amenity Guidelines

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

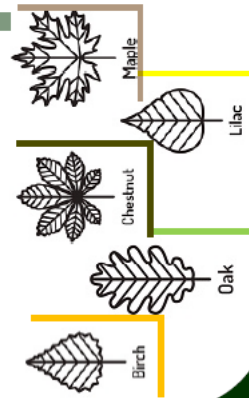
Residential Amenity Reference Table

Small:	
Basketball, volleyball, or other court sport.	
Open play area of at least 15,000 square feet with maximum of three (3) percent slope and tow benches and one play structure.	
One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbeque grill/pit per area.	
Option provided by owner, but must be considered equal to one of the other small options.	
Regular:	
Swimming pool	
Golf Course	
Residential Clubhouse	
Two (2) basketball, volleyball, or other court sports.	
Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per 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.	

Street Tree Planting Restrictions

1. Must locate utilities before digging.
2. Minimum spacing between trees.
15' between small trees
35' between medium trees
50' between large trees
3. Minimum distance from street.
3 ½' for small trees
4' for medium/large trees
4. Trees cannot block view at intersections and not be in "site distance triangle" as defined in the ordinance.
5. Plant 10' away from fire plugs.
6. No plantings under or 22' from overhead utility wires.
6. Duty to maintain and prune trees.
7. No topping of trees.

For all the specific details check Unified Government's Ordinance 0-28-08



Kansas City, Kansas Tree City USA

Kansas City, Kansas has been certified as a Tree City USA Community with the Arbor Day Foundation since 2008.

Benefits of Trees

- Helps to reduce stormwater runoff.
- Absorbs carbon dioxide and stores carbon.
- Reduces heat island effect & helps cool the city.
- Helps reduce energy bills.
- Add value to your home or business.

For More Information:

<http://www.wycokck.org/parks>
(Click on Tree Information)

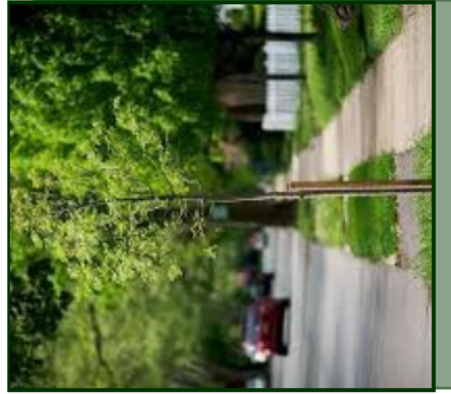
<http://www.kansasforests.org/>

<https://www.arborday.org/>

<https://www.bridgingthegap.org/heartland-tree-alliance/>



Permitted & Prohibited Street Tree Listing For Right-of-Ways in Kansas City, Kansas



Duty to Maintain Street Trees

Owners of property abutting public rights-of-way are responsible for maintaining street trees in a manner which promotes safe and healthy plants and protects the health, safety, and welfare of the public.

In addition, the Unified Government has the right to plant, prune, maintain, or remove street trees. The Board of Public Utilities may also prune or remove street trees which present a hazard to electric power lines or water lines.

Street Tree Species Selection

Trees are a long-term commitment, so it is important that the right species be chosen. The Unified Government has identified trees that are permitted and prohibited to be planted as street trees as follows:

Permitted Street Tree Listing

Small Trees less than 25' at maturity

Amur maple
Paperbark maple
Tatarian maple
Norwegian sunset maple
Serviceberry
Eastern Redbud
Oklahoma Redbud
Crabapple
China Snow tree lilac
Japanese tree lilac
Common chokecherry

Medium Trees between 25' to 40'

European hornbeam
Dogwood
Goldenrain tree
Chinkapin oak
Trident maple
Hedge maple
Shantung maple
American yellowwood
Osage-orange
Emerald Sunshine elm

Large Trees 40' or larger

Miyabei maple
Norway maple
Sugar maple
Caddo sugar maple
River birch single stem
Turkish filbert
Ginkgo
Thornless Honeylocust
Kentucky coffeetree
Sweetgum
Dawn redwood
Black gum
Sawtooth oak
White oak
Swamp white oak
Scarlet oak
Shingle oak
Overcup oak
Bur oak
Willow oak
English oak
Northern red oak
Shumard oak
Bald Cypress
Littleleaf linden
Silver Linden

Prohibited Street Trees

American linden
American elm
Lacebark elm
Prospector elm
Zelkova

Fir
Silver Maple
Mimosa

Northern hackberry
Sugar hackberry
Persimmon
Russian Olive
Green Ash
White Ash

Osage Orange
Mulberry
Spruce
Pine

London Plane Tree

Sycamore
Cottonwood
Bradford pear
Siberian elm

Tree of Heaven
Boxelder
Willow

Edible fruit trees



KAW VALLEY ENGINEERING, INC.

Office: 816.468.5858
Web: www.kveng.com
Address: 8040 North Oak Trafficway
Kansas City, MO 64118

May 24, 2023

B23D4609

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

RE: CHANGE OF ZONE PETITION COZ2023-011, PLAT2023-016 (KCK CHURCH APARTMENTS PRELIMINARY PLAT)

Dear Mr. Toy,

Kaw Valley Engineering, Inc. has reviewed your comments and questions. The following are our responses.

General Planning:

1. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.
Acknowledged.
2. The traffic study is being reviewed by Planning Engineering and Public Works Department. Additional comments may be forthcoming, which may result in this petition being continued for one (1) month.
Acknowledged.
3. Because this is a planned district (proposed), a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time.
Acknowledged.
4. Is the property owner interested in seeking a historic landmark designation?
Yes, but most likely after construction is complete. If there are any tax benefits or subsidies that we would qualify for prior, and it is beneficial to apply prior to beginning construction we would definitely explore that option. We would also appreciate any

Office Locations: Junction City, KS / Kansas City, MO / Lenexa, KS / Salina, KS / Emporia, KS / Wichita, KS

insight into what would be the preference of any Wyandotte County stakeholders, and would take that into serious consideration.

5. Per the Multi-Family Residential Design Guidelines:
 - a. Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.
All pedestrian walkways and sidewalks are now shown as 6' feet wide within the property lines.
 - b. All pedestrian walkways shall be designed to provide direct access and connections to and between the following:
 - i. The primary entrance or entrances to each principal multi-family building; and,
 - ii. To any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the multi-family development.
All sidewalks are proposed to provide complete connectivity and access.
 - c. Exterior building materials shall not include the following:
 - i. Board and batten wood;
 - ii. Smooth-faced or grey concrete block;
 - iii. Painted concrete block;
 - iv. Tilt-up concrete panels;
 - v. Field painted or pre-finished standard corrugated metal siding;
 - vi. Standard single or double tee concrete systems; and,
 - vii. Vinyl siding.
Exterior materials of the addition are meant to match the existing building which is stone masonry and plaster.
 - d. Landscaping is required to screen all parking areas and service entries.
Provided.
6. Sec. 27-575(c)(3) Use of stepped retaining walls is necessary along public streets or other visible areas of the site to reduce the steepness of manmade slopes and to provide pockets or terraces for revegetation and landscaping. Every wall over six (6) feet in height must be "stepped". Four (4) feet of terrace is required every 8 feet of wall.
Acknowledged. Proposed retaining walls are currently 2-3 ft in height.
7. What is the purpose of the proposed building addition?
At one point in time there was an exterior structure on the SW corner of the building. By our best estimation, this structure housed the stairway that allowed church goers to access the mezzanine area, as no stairway to the mezzanine, or remnants of a stairway exist. Since the removal of this structure, the old doorways have simply been boarded up.

The building addition is a bedroom. It allows for more 2-bedroom unit availability as well as providing the accessible 2-bedroom unit option on the main level.

It is our goal to preserve as much of the aesthetic of the church as possible while still making this a viable project for our company financially. We specialize in historic

restoration, and it is important to us that we preserve and showcase the best aspects of the original building: the large windows with the original stained glass accents at the top, as well as any smaller windows that feature stained glass; the original trim and woodwork, in particular the interior ceiling structure and the header at the base of the north side of the mezzanine; any unique stonework such as arches; and the original terra cotta tile roof. With this in mind, here are the reasons for the addition.

- a) We are seeking to create spaces that showcase the windows in their entirety. This is the reason for the loft style apartments in the center of the church, as well as the larger apartment on the 2nd floor mezzanine area that would have the top floor of the addition. The addition allows us to create a space that leaves this window in full view, while still creating enough bedrooms that this is a viable project financially. On the first floor apartment, it would allow us to showcase the four smaller windows while still keeping our desired number of apartments.*
 - b) If we were to simply fill in the open spaces with stone it would not be aesthetically pleasing. The original stone is from 1922. It would be nearly impossible to match. There are some areas where the stone was replaced at some point, and in our opinion it cheapens the look of the original structure. We would like to leave the stone work untouched inside the apartment and encased by the addition, and restore it as best we can to its original state.*
 - c) The opening on the bottom floor has an archway. While it may not be original (we are not sure when the stairway was built or if the mezzanine was original) filling in this feature with stone would effectively eliminate one of the most unique characteristics of the structure. Instead, we would like to preserve this archway, restore it, and use it as the entryway for the bedroom that would be on the first floor of the addition.*
8. Provide floor plans of the building in order to determine the bedroom/unit count and if there is enough parking proposed within the parking lot.
The preliminary floor plans showing the bedroom/unit count are now provided as an attachment in the resubmittal. The final floor plans will be submitted to the UG for building permit at a later time.
 9. It appears the driveway on the north side of the building is used by the residence to the north. Who owns the driveway and is there an access easement?
Historic imagery from Google Earth appears to show two separate driveways with a single curb cut. There appears to be no access easement.
 10. Relocate the second pole west on Cleveland Avenue due to the potential parking lot curb cut.
The second pole west on Cleveland is proposed to be relocated and will be coordinated with BPU.
 11. The sidewalk along Cleveland Avenue shall extend from the intersection west to the edge of the property line.

-
- a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary.
All sidewalk in the right-of-way, within property boundaries are proposed to be replaced.
12. Where are on-site deliveries going to be dropped off?
On-site deliveries will be dropped off in the mail room adjacent to the lift in the NE corner of the 1st floor.
13. What on-site amenities will be provided as part of this development? One (1) small amenity is required.
A fenced in dog area will serve as the on-site amenity and is now shown on sheet C200. Additionally, a fitness room is located within the building.
14. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to tornado standards for the protection of the occupants (FEMA Publication 320 or 361).

Multi-family apartments are required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units.
It is our plan to create a storm shelter that meets all FEMA standards in what will be the fitness center and utility room in the NW quadrant of the basement.
15. 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.
Acknowledged. At this stage in design, exterior lighting has not been proposed.
16. Interior parking lots lights shall have 90-degree cutoff fixtures.
Acknowledged. At this stage in design, parking lot lights have not been proposed.
17. Install bike racks near the front door or a high trafficked entrance/exit.
An area to install bike racks is now shown as note 7 on sheet C200.
18. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape. The proposed driveway on Cleveland will meet UG standards.
There are no proposed improvements to the existing drive on 12th Street.
19. 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.
The Public Works Department has been contacted on 5/23/23 to verify.
20. Improvements that include land disturbance activity on greater than one (1) acre of surface area of land or include the construction or alteration of a structure 1,000 square

feet or larger 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.
Acknowledged.

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

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.
Acknowledged.

Building Architecture:

1. The west and south building elevation does not match the proposed rendering. The elevations say "...new stone to match existing.", whereas the rendering depicts residential siding and a flat roof.

The proposed building will need to match the building and use similar materials as the existing church.

Exterior materials of the addition are meant to match the existing building which is stone masonry and plaster. The addition will have a stair stepping roof line to mimic the stepping nature of the south façade.

2. Downspouts shall be painted to architecturally blend into the building and recessed into the corners of building as not to be in plain view of the public.

Downspouts will be painted to match the building and be located as not to be in plain view of the public.

Landscaping and Screening:

1. Maintain and prune existing trees along the north and west property lines.
Acknowledged.
2. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area.

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

The site is 0.428 acres, which requires four (4) trees, two (2) additional evergreen or shade trees and 12 shrubs for buffering per the zoning district.

Provided.

3. Add street trees along 12th Street and Cleveland Avenue spaced 40 – 55 feet apart.
 - a. Tree species need to be selected that do not have a tall canopy.*Provided.*
4. All overstory trees shall be at least two (2) inch caliper when planted. All ornamental trees shall be at least two (2) inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five (5) gallons when planted.
Provided.
5. All landscaping shall be irrigated.
Note Provided.
6. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times.
Trash enclosure screening is now noted on sheet C200.
7. All utility connections, this includes green electrical boxes and free-standing electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen.
Acknowledged. At this stage in design, no utility boxes have been proposed.

8. All electrical meter banks, typically on the side of the building shall be screened from public view.
Acknowledged. At this stage in design, no electrical meter banks have been proposed.
9. Regarding BPU transformer screening, the following applies:
- Gate doors are required for all types of screening that are placed in front of the transformers.
 - Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - For slat fences, customer shall install a minimum of four (4) inch slats and have four (4) inches of space between each slat.
 - Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.
Acknowledged. At this stage in design, no transformer has been proposed.
10. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot (6') evergreens or an architectural wall constructed from the same materials as the main building.
Acknowledged. At this stage in design, no visible mechanical equipment in public view has been proposed.
11. Satellite dishes shall not be erected on the exterior of window sills. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.
Acknowledged. No satellite dishes have been proposed at this time.
12. 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.

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.

If you have any questions, please don't hesitate to contact me at (816) 468-5858.

Respectfully submitted,

Kaw Valley Engineering, Inc.

Aaron R. Moore, EIT
Staff Engineer

2508 N 12th Street MINUTES:

Application Number BOZA2023-018

Date and Location: 5/26/23 Virtual via Zoom

Meeting called to order at: 5pm

Names of people in attendance:

Edward Walzer (EW), 1221 Cleveland

Arnett Jones (AJ), 1223 Cleveland

Merry Walzer (MW), 1221 Cleveland

Matt Cross (MC), Kaw Valley Engineering

Andrew Tanner (AT), Anchor Remodel

Larena Mosser, Field of Dreams Neighborhood (Phoned prior to meeting)

Introductions:

Matt Cross and Andrew Tanner introduced themselves and went through a planned presentation outlining the proposed changes to the site and building use.

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

Matt Cross and Andrew Tanner went through a planned presentation outlining the proposed changes to the site and building use.

Questions and answers (include the following):

EW asked how many units are proposed. AT responded with 12 units.

AJ asked the income level for the proposed units, whether they would be Section 8, and whether the Housing Authority would be involved. AT responded that the apartment will not be section 8, the Housing Authority would not be involved, and the units would rent at market value.

AJ asked what made the developer choose the building and neighborhood. AT responded that him and his business partner fell in love with the character of the building while looking for a business location.

AJ stated that most neighbors are elderly and disabled and worried that the units will bring crime. Single family homes are preferable to apartments. AT responded that there will be background checks and credit checks and as owners they want to ensure that their tenants are law-abiding to the most extents possible. They will also have a fence, cameras and other safety measures for the tenants.

AJ stated that she is worried about a quick sell and asked how long Anchor planned to own the building. AT stated that they planned to own for ten years minimum.

AJ is worried about property values and suggests tearing down the church for single family homes. AT stated that rehabbing the church will increase property values versus an unoccupied, dilapidated building. He also stated that tearing down the church is not a possibility.

MW asked if neighbors had been talked to on 12th or Cleveland. AT responded that he had spoken with residents from both streets and offered to provide his personal contact information for future questions, which he did.

AJ asked if kids would be allowed at the apartments. AT confirmed children are allowed. AJ suggested that the kids would need areas to play and that this could increase the possibility of crime. AT outlined the security measures proposed for the building as well as the application screening process.

AJ stated that there is a duplex down the street that raises concerns in the neighborhood. AT, again described their process to screen tenants.

AT stated that the neighborhood is not conducive to this level of density.

MW asked the types of people that would be living there. AT stated that it would be working class people. Units will rent at about \$1,000-1,500 per month, for a 1 or 2 bedroom unit, respectively.

AJ asked about accessible units. AT stated that accessible units will be included as required by code. MC outlined the exterior improvements that include parking, sidewalks, and an entrance ADA ramp.

MW asked about the possibility of speed bumps on the street to slow traffic. MC stated that this would need to be discussed with the UG and is outside of the scope of the project. AT stated that he is willing to work with the residents and UG is that would help appease the community.

MW asked why this area was chosen by Anchor. AT stated that they loved the building, that the neighbors took pride in the community, and Anchor are passionate about rehabbing such a historic and beautiful building.

AJ asked how the units will be marketed and questioned the demand. AT stated that the demand is there and that filling the building will not be an issue.

MW asked who handles the applications, Anchor or a property manager. AT stated that a property manager will manage the building. The property manager is comprised on two architects that the developers personally know.

AT gave his cell phone number, as well as his partner's, to the attendees should they have further questions.

Meeting adjourned at: 6:10 pm

On May 19th Larena Mosser, president of the Field of Dreams neighborhood association at 59th and Leavenworth Road called to inform us that she received the mailed notice. She asked what the plan was for the church and said she was in favor of the planned renovation into an apartment.

Minutes taken by: Matt Cross

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Clay)

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

PR2023-015, COZ2023-011, BOZA2023-018

1. That I am the petitioner for Petition # MPL2023-006, PLAT2023-016
2. That I conducted a neighborhood meeting on May 26, 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.

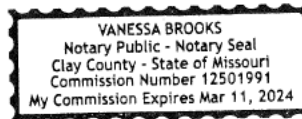
Further affiant saith not.

Aaron Moore
Affiant

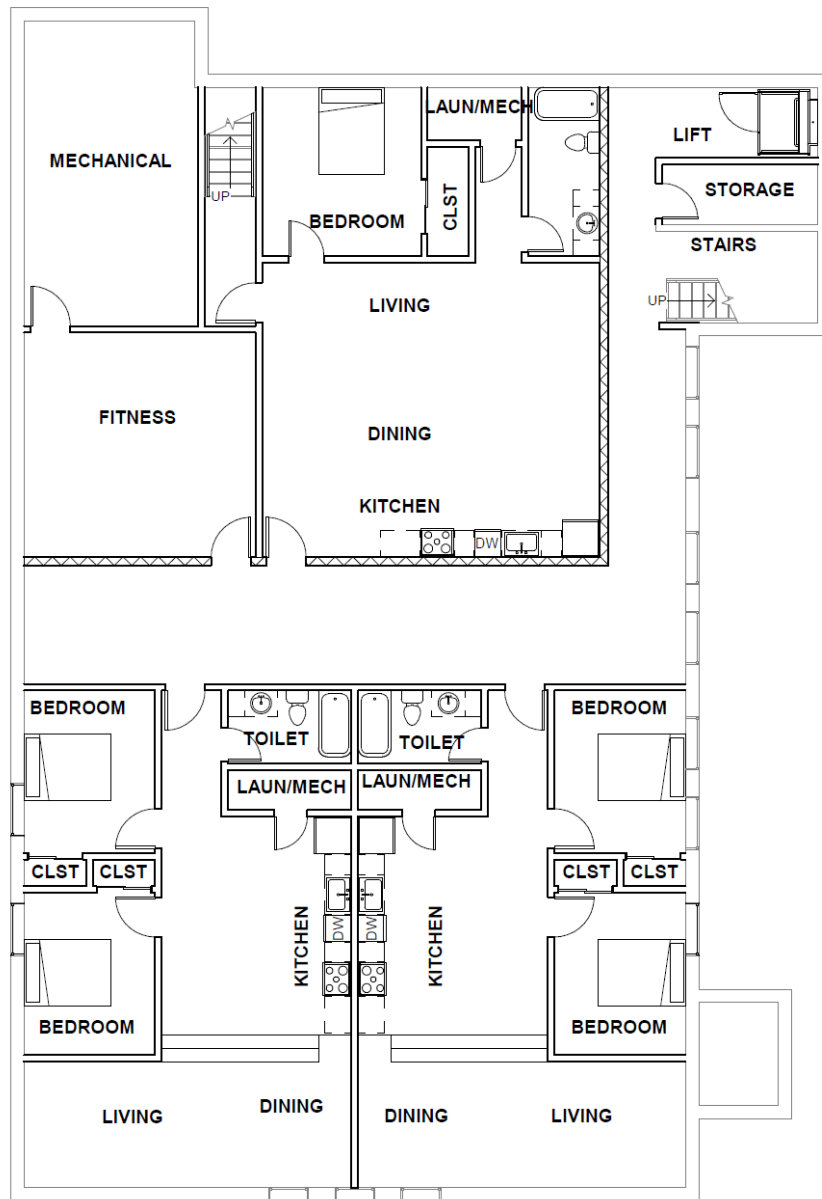
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of May, 2023

My commission expires 11th of March, 2024

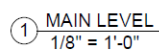
Vanessa Brooks
Notary Public

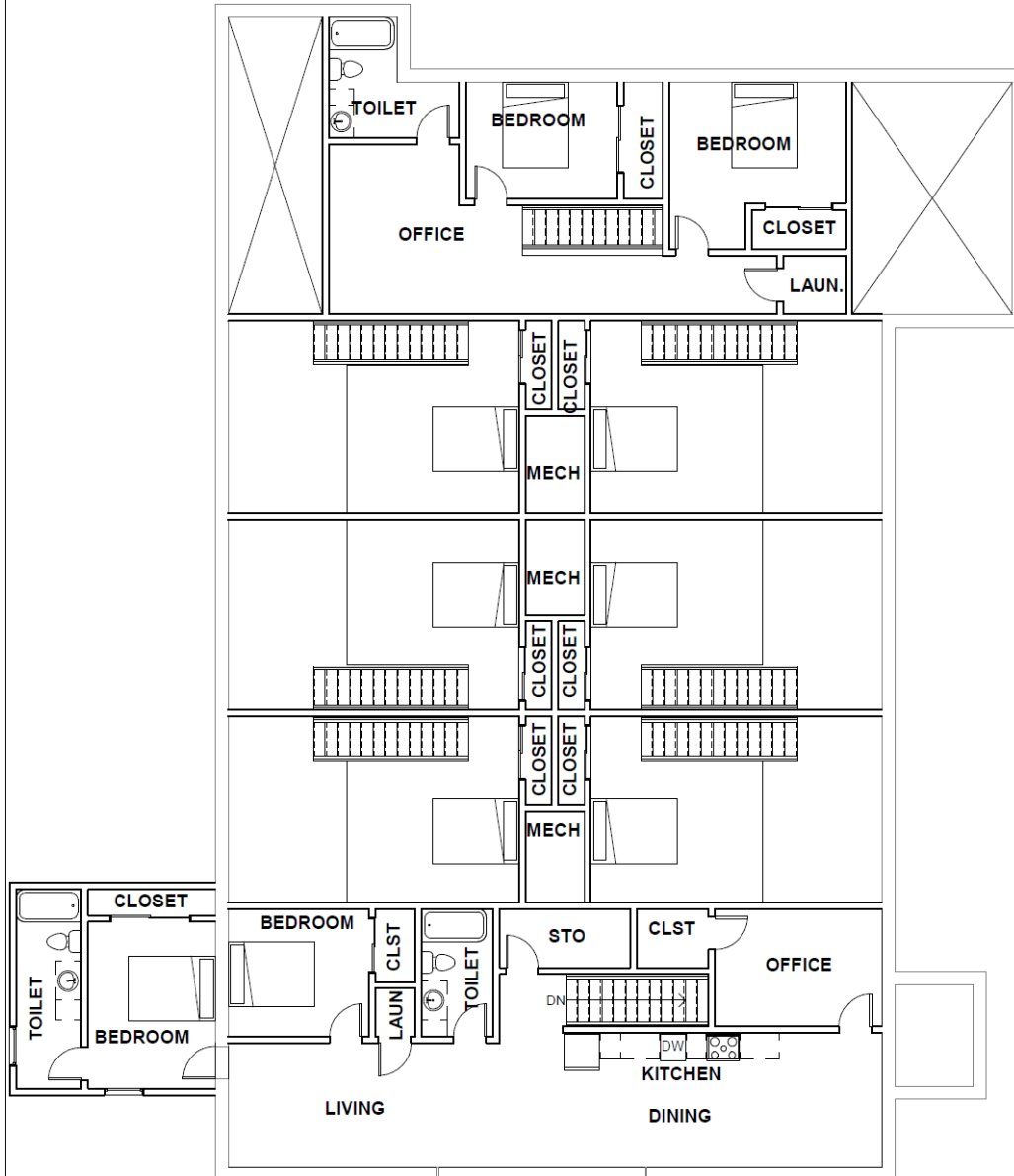






① **LOWER LEVEL**
1/8" = 1'-0"





① UPPER LEVEL
1/8" = 1'-0"





Figure 4. Site photograph of 2508 North 10th Street and 1208 Cleveland Avenue looking northwest (provided by Planning Staff).



Figure 5. Site photograph of 2508 North 10th Street and 1208 Cleveland Avenue looking east (provided by Planning Staff).



Figure 6. Site photograph of 2508 North 10th Street and 1208 Cleveland Avenue looking east (provided by Planning Staff).



Figure 7. Site photograph of 2508 North 10th Street and 1208 Cleveland Avenue looking west (provided by Planning Staff).



Figure 8. Site photograph of 2508 North 10th Street and 1208 Cleveland Avenue looking southwest (provided by Planning Staff).

(First published _____)

COZ2022-047

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 4601 Gibbs Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

Section 1. It is hereby found and determined that a petition was filed on November 28, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

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

2017R-18832, Beginning at a point 545.45 feet East of the Northwest corner of Section 31, Township 11, Range 25, in Wyandotte County, Kansas; thence South 175 feet; thence West 167.94 feet; thence South 517.32 feet; thence East 385.88 feet; thence North 692.32 feet; thence West 217.94 feet to the point of beginning. EXCEPT the North 25 feet thereof taken or used for Gibbs Road. MINUS a lot described as: Beginning at a point 684.39 feet East of the Northwest corner of Section 31; Township 11, Range 25, in Wyandotte County, Kansas; thence South 175 feet; thence East 79.00 feet thence North 175 feet; thence West 79 feet to the point of beginning. Subject to that part on the North lying in Gibbs Road. Located at approximately 4601 Gibbs Road, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to A-G Agriculture District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-001

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 10200 Abilities Way, in Kansas City, Kansas, by changing the same from its present zoning of CP-2 Planned General Business District to CP-3 Planned Commercial 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 January 27, 2023, by the owners of property to have the zoning of said property changed from its present zoning of CP-2 Planned General Business District to CP-3 Planned Commercial 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:

TRACT 1:

PART OF LOT 1, BLOCK C, TOURISM DISTRICT, A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, ALSO BEING PART OF TRACT 1A AS SHOWN ON CERTIFICATE OF SURVEY RECORDED IN [BOOK 4596, PAGE 384](#), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 1A; THENCE NORTH 52 DEGREES 46 MINUTES 06 SECONDS EAST, WITH THE NORTH LINE OF SAID TRACT 1A, AND WITH THE SOUTH RIGHT-OF-WAY LINE OF STATE AVENUE, A DISTANCE OF 178.52 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 44 SECONDS EAST, CONTINUING WITH THE NORTH LINE OF SAID TRACT 1A AND THE SOUTH RIGHT-OF-WAY OF STATE AVENUE, A DISTANCE OF 187.79 FEET; THENCE NORTH 02 DEGREES 17 MINUTES 16

SECONDS WEST, CONTINUING WITH SAID LOT LINE AND RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 44 SECONDS EAST, CONTINUING WITH SAID LOT LINE AND RIGHT-OF-WAY LINE, A DISTANCE OF 327.49 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 23 EAST; THENCE CONTINUING NORTH 87 DEGREES 42 MINUTES 44 SECONDS EAST, AND CONTINUING WITH THE NORTH LINE OF SAID TRACT 1A, AND THE SOUTH RIGHT-OF-WAY LINE OF STATE AVENUE, A DISTANCE OF 432.45 FEET TO A POINT ON THE WESTERLY RIGHT- OF-WAY LINE OF INTERSTATE 435; THENCE SOUTH 68 DEGREES 36 MINUTES 43 SECONDS EAST, CONTINUING WITH THE NORTH LINE OF SAID TRACT 1A AND THE WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 435, A DISTANCE OF 410.89 FEET TO THE NORTHEAST CORNER OF SAID TRACT 1A; THENCE SOUTH 02 DEGREES 22 MINUTES 38 SECONDS EAST, WITH THE EAST LINE OF SAID TRACT 1A AND THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 435, A DISTANCE OF 1282.56 FEET; THENCE SOUTH 35 DEGREES 40 MINUTES 27 SECONDS WEST, CONTINUING WITH THE EAST LINE OF SAID TRACT 1A AND THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 435, A DISTANCE OF 739.95 FEET; THENCE NORTH 69 DEGREES 45 MINUTES 46 SECONDS WEST, AND NO LONGER WITH THE EAST LINE OF SAID TRACT 1A AND THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 435, A DISTANCE OF 580.03 FEET TO THE NORTHEAST CORNER OF TRACT 1B, BLOCK C, TOURISM DISTRICT, SAID POINT ALSO BEING ON THE WESTERLY LINE OF TRACT 1A, BLOCK C, TOURISM DISTRICT; THENCE NORTH 54 DEGREES 30 MINUETS 03 SECONDS WEST, WITH THE NORTH LINE OF SAID LOT 1B AND WITH THE WESTERLY LINE OF SAID TRACT 1A, A DISTANCE OF 607.48 FEET TO THE NORTHWEST CORNER OF SAID LOT 1B, SAID POINT ALSO BEING ON THE EAST LINE OF LOT 1, KANSAS SPEEDWAY CORPORATION, A SUBDIVISION IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 02 DEGREES 20 MINUTES 45 SECONDS WEST, WITH THE WEST LINE OF SAID TRACT 1A, BLOCK C, TOURISM DISTRICT, AND WITH THE EAST LINE OF SAID LOT 1, KANSAS SPEEDWAY CORPORATION, A DISTANCE OF 1314.27 FEET TO THE POINT OF BEGINNING. ALL OF THE ABOVE DESCRIBED LAND BEING ALSO SHOWN AS LOT 1C, BLOCK C, AS SHOWN ON CERTIFICATE OF SURVEY LOT SPLIT RECORDED APRIL 20, 2011, AS DOCUMENT NO. [2011R-04663](#).

TRACT 2:

ALL THAT PART OF LOT 1, KANSAS SPEEDWAY CORPORATION, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 02 DEGREES 20 MINUTES 45 SECONDS EAST, WITH THE EAST LINE OF SAID LOT 1 AND WITH THE WEST LINE OF LOT 1C, BLOCK C, TOURISM DISTRICT, AS SHOWN ON CERTIFICATE OF SURVEY FILED APRIL 20, 2011, AS DOCUMENT NO. [2011R-04663](#), A DISTANCE OF 295.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 02 DEGREES 20 MINUTES 45 SECONDS EAST WITH THE EAST LINE OF SAID LOT 1 AND THE WEST LINE OF SAID LOT 1C, A DISTANCE OF 406.04 FEET; THENCE SOUTH 77 DEGREES 45 MINUTES 24 SECONDS WEST, AND NO LONGER WITH THE EAST LINE OF SAID LOT 1 AND THE WEST LINE OF LOT 1C, BLOCK C, A DISTANCE OF 252.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF VILLAGE WEST PARKWAY, THENCE NORTH 12 DEGREES 59 MINUTES 16 SECONDS WEST WITH THE EAST RIGHT-OF-WAY LINE OF VILLAGE WEST PARKWAY, A DISTANCE OF 196.44 FEET TO A POINT OF CURVATURE; THENCE CONTINUING WITH THE EAST RIGHT-OF-WAY LINE OF VILLAGE WEST PARKWAY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1352.39 FEET, A CENTRAL ANGLE OF 08 DEGREES 39 MINUTES 00 SECONDS, AN ARC DISTANCE OF 204.17 FEET; THENCE NORTH 77 DEGREES 45 MINUTES 24 SECONDS EAST, AND NO LONGER WITH THE EAST RIGHT-OF-WAY LINE OF VILLAGE WEST PARKWAY, A DISTANCE OF 312.23 FEET TO THE POINT OF BEGINNING. THE ABOVE TRACT OF LAND IS ALSO SHOWN AS LOT 1B, KANSAS SPEEDWAY CORPORATION, ON A CERTIFICATE OF SURVEY LOT SPLIT RECORDED MARCH 14, 2012 AS DOCUMENT NO. [2012R-03389](#).

THE ABOVE DESCRIBED TRACTS 1 AND 2 ARE ALSO SET FORTH ON THE CERTIFICATE OF SURVEY LOT SPLIT RECORDED SEPTEMBER 17, 2013, AS DOCUMENT NO. [2013R-13898](#), DESCRIBED AS FOLLOWS: ALL OF LOT 1B, KANSAS SPEEDWAY CORPORATION, AS SHOWN ON THE CERTIFICATE OF SURVEY – LOT SPLIT, FILED AS DOCUMENT NO. [2012R-03389](#), AND ALL OF LOT 1C, BLOCK C, TOURISM DISTRICT, AS SHOWN ON CERTIFICATE OF SURVEY – LOT SPLIT, FILED AS DOCUMENT NO. [2011R-04663](#), AND ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 11 SOUTH, RANGE 23 EAST, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS DESCRIBED IN QUIT CLAIM DEED FILED AS DOCUMENT NO. [2013R-00816](#); ALL OF THE ABOVE BEING DESCRIBED MORE

PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1B, KANSAS SPEEDWAY CORPORATION THENCE NORTH 77 DEGREES 45 MINUTES 24 SECONDS EAST, WITH THE NORTH LINE OF SAID LOT 1B, A DISTANCE OF 312.23 FEET TO THE NORTHEAST CORNER OF SAID LOT 1B, SAID POINT BEING ON THE WEST LINE OF LOT 1C, BLOCK C, TOURISM DISTRICT; THENCE NORTH 02 DEGREES 20 MINUTES 45 SECONDS WEST, WITH THE WEST LINE OF SAID LOT 1C, A DISTANCE OF 325.48 FEET TO THE NORTHWEST CORNER OF SAID LOT 1C, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE AVENUE; THENCE NORTH 52 DEGREES 46 MINUTES 06 SECONDS EAST, WITH THE NORTH LINE OF SAID LOT 1C, AND THE SOUTH RIGHT-OF-WAY LINE OF STATE AVENUE, AS SAID ROAD NOW EXISTS, A DISTANCE OF 178.52 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 44 SECONDS EAST, CONTINUING WITH THE NORTH LINE OF SAID LOT 1C AND THE SOUTH RIGHT-OF-WAY LINE OF STATE AVENUE, A DISTANCE OF 187.79 FEET; THENCE NORTH 02 DEGREES 17 MINUTES 16 SECONDS WEST, CONTINUING WITH THE NORTH LINE OF SAID LOT 1C AND THE SOUTH RIGHT-OF-WAY LINE OF STATE AVENUE, A DISTANCE OF 20.00 FEET; THENCE NORTH 87 DEGREES 42 MINUTES 44 SECONDS EAST, CONTINUING WITH THE NORTH LINE OF SAID LOT 1C AND THE SOUTH RIGHT-OF-WAY LINE OF STATE AVENUE, A DISTANCE OF 327.49 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE CONTINUING NORTH 87 DEGREES 42 MINUTES 44 SECONDS EAST, WITH THE NORTH LINE OF SAID LOT 1C AND THE SOUTH RIGHT-OF-WAY LINE OF STATE AVENUE, A DISTANCE OF 432.45 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 435; THENCE SOUTH 68 DEGREES 36 MINUTES 43 SECONDS EAST, CONTINUING WITH THE NORTH LINE OF SAID LOT 1C AND THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 435, AS SAID HIGHWAY NOW EXISTS, A DISTANCE OF 410.89 FEET TO THE NORTHEAST CORNER OF SAID LOT 1C; THENCE SOUTH 29 DEGREES 20 MINUTES 00 SECONDS EAST (SOUTH 29 DEGREES 09 MINUTES 51 SECONDS EAST 274.49 FEET DEED). CONTINUING WITH THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 435, AND NO LONGER WITH THE NORTH LINE OF SAID LOT 1C, A DISTANCE OF 272.90 FEET; THENCE SOUTH 02 DEGREES 19 MINUTES 30 SECONDS EAST, CONTINUING WITH THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 435, A DISTANCE OF 482.60 FEET; THENCE SOUTH 10 DEGREES 06 MINUTES 28 SECONDS WEST (SOUTH 10 DEGREES 06 MINUTES 57 SECONDS WEST 569.84 FEET DEED), CONTINUING WITH THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 435, A DISTANCE OF 570.19 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1C; THENCE SOUTH 35 DEGREES 40

MINUTES 27 SECONDS WEST, CONTINUING WITH THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 435 AND WITH THE EAST LINE OF SAID LOT 1C, A DISTANCE OF 739.95 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1C; THENCE NORTH 69 DEGREES 45 MINUTES 46 SECONDS WEST, WITH THE SOUTH LINE OF SAID LOT 1C, AND NO LONGER WITH THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 435, A DISTANCE OF 580.03 FEET; THENCE NORTH 54 DEGREES 30 MINUTES 03 SECONDS WEST, CONTINUING WITH THE SOUTH LINE OF SAID LOT 1C, A DISTANCE OF 607.48 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1C; THENCE NORTH 02 DEGREES 20 MINUTES 45 SECONDS WEST, WITH THE WEST LINE OF SAID LOT 1C, A DISTANCE OF 582.75 FEET TO THE SOUTHEAST CORNER OF LOT 1B, KANSAS SPEEDWAY CORPORATION; THENCE SOUTH 77 DEGREES 45 MINUTES 24 SECONDS WEST, WITH THE SOUTH LINE OF SAID LOT 1B, A DISTANCE OF 252.63 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1B, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF VILLAGE WEST PARKWAY; THENCE NORTH 12 DEGREES 59 MINUTES 16 SECONDS WEST, WITH THE WEST LINE OF SAID LOT 1B AND THE EAST RIGHT-OF-WAY LINE OF VILLAGE WEST PARKWAY, A DISTANCE OF 196.44 FEET TO A POINT OF CURVATURE; THENCE CONTINUING WITH THE WEST LINE OF SAID LOT 1B AND THE EAST RIGHT-OF-WAY LINE OF VILLAGE WEST PARKWAY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1352.39 FEET, A CENTRAL ANGLE OF 08 DEGREES 39 MINUTES 00 SECONDS, AN ARC DISTANCE OF 204.17 FEET TO THE POINT OF BEGINNING.

Located at approximately 10200 Abilities Way, Kansas City, Kansas,

be changed from its present zoning of CP-2 Planned General Business District to CP-3 Planned Commercial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, 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 CP-3 Planned Commercial 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

(First published _____)

COZ2023-003

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 5910 County Line Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to CP-1 Planned Limited Business 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 January 30, 2023, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to CP-1 Planned Limited Business 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:

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 11, RANGE 24, IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE NORTH 89°42'05" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 176.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°42' 05" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 184.00 FEET; THENCE NORTH 0°00'00" EAST, A DISTANCE OF 236.74 FEET; THENCE SOUTH 89°42' 05" EAST, A DISTANCE OF 184.00 FEET; THENCE SOUTH 0°00'00" EAST, A DISTANCE OF

236.74 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PARTIN ROAD OR STREET RIGHT-OF-WAY. THE ABOVE-DESCRIBED LEGAL DESCRIPTION CONTAINS 1.00 ACRES, MORE OR LESS, Located at approximately 5910 County Line Road, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to CP-1 Planned Limited Business District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-464, 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 CP-1 Planned Limited Business 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

(First published _____)

COZ2023-007

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 1013 Metropolitan Avenue, 1605 South Baltimore Street and 1003 Ruby Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to RP-M Planned Mobile Home Park 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 February 24, 2023, 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-M Planned Mobile Home Park 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:

LOT 1 BLOCK 1:

A REPLAT OF A PORTION OF BLOCK 2 EAST ARGENTINE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS DESCRIBED BY ROGER B. DILL PS 1408 ON FEBRUARY 21, 2023, AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF LOT 3 BLOCK 2 SAID EAST ARGENTINE; THENCE NORTH 85°55'47" EAST, A DISTANCE OF 228.09 FEET; THENCE SOUTH 02°32'04" EAST, A DISTANCE OF 218.22 FEET; THENCE SOUTH 22°48'31" WEST, A DISTANCE OF 28.03 FEET TO THE SOUTHEAST CORNER OF LOT 16 BLOCK 2 SAID EAST ARGENTINE; THENCE SOUTH 87°27'56" WEST, ALONG THE SOUTH LINE OF SAID LOT 16 AND ITS WESTERLY EXTENSION, A DISTANCE OF 265.96 FEET TO THE SOUTHWEST CORNER OF LOT 37 BLOCK 2 SAID

EAST ARGENTINE; THENCE NORTH 02°32'04" WEST, ALONG THE WEST LINE OF SAID LOT 37 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 116.00 FEET TO A POINT AT THE SOUTHWEST CORNER OF LOT 1 BLOCK 2 SAID EAST ARGENTINE; THENCE NORTH 87°27'56" EAST, ALONG THE SOUTH LINE OF SAID LOT 1 AND ITS EASTERLY EXTENSION, A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3 BLOCK 2; THENCE NORTH 02°33'29" WEST, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 121.45 FEET TO THE POINT OF BEGINNING. CONTAINING 60,475.86 SQUARE FEET MORE OR LESS OR 1.39 ACRES

LOT 1 BLOCK 2:

A REPLAT OF A PORTION OF BLOCK 2 EAST ARGENTINE, A SUBDIVISION OF LAND IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, AS DESCRIBED BY ROGER B. DILL PS 1408 ON FEBRUARY 21, 2023, AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 26 BLOCK 2 SAID EAST ARGENTINE; THENCE SOUTH 87°27'56" WEST, ALONG THE SOUTH LINE OF SAID LOT 26 AND ITS WESTERLY EXTENSION, A DISTANCE OF 265.96 FEET TO THE SOUTHWEST CORNER OF LOT 27 BLOCK 2 SAID EAST ARGENTINE; THENCE NORTH 02°32'04" WEST, ALONG THE WEST LINE OF SAID LOT 27 AND ITS NORTHERLY EXTENSION, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF LOT 34 BLOCK 2 SAID EAST ARGENTINE; THENCE NORTH 87°27'56" EAST, ALONG THE NORTH LINE OF SAID LOT 34 AND ITS EASTERLY EXTENSION, A DISTANCE OF 265.96 FEET TO THE NORTHEAST CORNER OF LOT 19 BLOCK 2 SAID EAST ARGENTINE; THENCE SOUTH 02°32'04" EAST, ALONG THE EAST LINE OF SAID LOT 19 AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING. CONTAINING 53,191.27 SQUARE FEET MORE OR LESS OR 1.22 ACRES.

Located at approximately 1013 Metropolitan Avenue, 1605 South Baltimore and 1003 Ruby Avenue, Kansas City, Kansas,

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

Section 3. Pursuant to the Code of City Ordinances, Section 27-462, 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-M Planned Mobile Home Park 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

(First published _____)

COZ2023-008

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 410 Ann Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.

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 March 24, 2023, 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 R-2(B) Two Family District.

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

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

WYANDOTTE CITY & 802-823 & 825 & 826 & 876, S4, T11, R4, ACRES
0.0792, B135 L49, Located at approximately 410 Ann Avenue, Kansas
City, Kansas,

be changed from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-2(B) Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of

Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication in the Wyandotte Echo.

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-098

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 SP2022-098, commonly known as 7250 State Avenue Kansas City, Kansas, legally described as:

487-B1 A TR OF LAND WEST $\frac{1}{2}$ SE $\frac{1}{4}$ BEG AT CENTER TH N 88 DEG 07 MIN 58 SEC E ALG E AND W CENTER LI OF SEC 363.66 FT MEASURES 365,
Located at approximately 7250 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a child education center in a building on the campus of KCKCC.

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. Landscaping shall be installed around the perimeter of the playground as well as around the mechanical equipment on the north side of the structure;**
- 2. Applicant must be licensed by the State of Kansas and approved by the Wyandotte County Health Department;**
- 3. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;**
- 4. 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;**
- 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;**
- 6. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;**
- 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 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,**

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.

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 _____)

SP2022-122

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 SP2022-122, commonly known as 1127 Southwest Boulevard, Kansas City, Kansas, legally described as:

ROLLING MILL RES. ROSEDALE E. S27, T11, R25, ACRES. 011, B2 L17 & PT L18: BEG S COR: NWLY-59.8FT ALG SWLY LN, NELY-2.8FT, SELY-59.91FT TO SELY LN, SWLY-3.8FT TO POB, Located at approximately 1127 Southwest Boulevard, 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 applicant shall reinstall the curbing along the northside of the property and remove the former driveway;**
- 2. Maximum number of guests shall be five (5);**

3. All parking must be off-street, maximum number of vehicles is four (4);
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 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;
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. 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

(Published _____)

SP2023-002

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 SP2023-002, commonly known 1963 North 63rd Drive, Kansas City, Kansas, legally described as:

PROPERTY DESCRIPTION: PARENT PARCEL (AS PROVIDED) Lot 4, Parallel Plaza Center, a subdivision in Kansas City, Wyandotte County, Kansas.

PROPERTY DESCRIPTION: LEASE AREA (AS SURVEYED) A 35 foot by 50 foot Lease Area, situated in Lot 4, PARALLEL PLAZA CENTER, part of the Northeast Quarter of Section 3, Township 11 South, Range 24 East, in Wyandotte County, Kansas, more particularly described as follows:
COMMENCING at the Southwest Corner of said Lot 4; thence along the South line thereof, North 88°12'41" East, a distance of 306.25 feet; thence leaving said South line, North 01°47'15" West, a distance of 70.00 feet to the POINT OF BEGINNING; thence North 44°23'24" West, a distance of 35.00 feet; thence North 45°36'36" East, a distance of 50.00 feet; thence South 44°23'24" East, a distance of 35.00 feet; thence South 45°36'36" West, a distance of 50.00 feet to the POINT OF BEGINNING. Containing 1,750 square feet.

PROPERTY DESCRIPTION: NON-EXCLUSIVE ACCESS EASEMENT (AS SURVEYED) A 12 foot wide Access Easement, situated in Lot 4, PARALLEL PLAZA CENTER, part of the Northeast Quarter of Section 3, Township 11 South, Range 24 East, in Wyandotte County, Kansas, lying 6.00 feet on each side of the following described centerline: COMMENCING at the Southwest Corner of said Lot 4; thence along the South line thereof, North 88°12'41" East, a distance of 306.25 feet; thence leaving said South line, North 01°47'15" West, a distance of

70.00 feet; thence North 44°23'24" West, a distance of 41.00 feet to the POINT OF BEGINNING of said centerline; thence North 45°36'36" East, a distance of 86.94 feet; thence North 01°35'49" West, a distance of 438.73 feet; thence South 88°24'11" West, a distance of 167.86 feet; thence South 54°59'30" West, a distance of 195.94 feet; thence North 35°00'30" West, a distance of 48.02 feet to the Southerly Right of Way line of N 63RD RD (Public Right of Way) and the POINT OF TERMINATION.

PROPERTY DESCRIPTION: NON-EXCLUSIVE UTILITY EASEMENT (AS SURVEYED) A 35 foot wide Utility Easement, situated in Lot 4, PARALLEL PLAZA CENTER, part of the Northeast Quarter of Section 3, Township 11 South, Range 24 East, in Wyandotte County, Kansas, lying 17.50 feet on each side of the following described centerline: COMMENCING at the Southwest Corner of said Lot 4; thence along the South line thereof, North 88°12'41" East, a distance of 306.25 feet; thence leaving said South line, North 01°47'15" West, a distance of 70.00 feet; thence North 45°36'36" East, a distance of 50.00 feet; thence North 44°23'24" West, a distance of 17.50 feet to the POINT OF BEGINNING of said centerline; thence North 45°36'36" East, a distance of 29.54 feet to the POINT OF TERMINATION.

Located at approximately 1964 North 63rd Drive, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to install and operate a stealth monopole telecommunications tower and associated ground 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. **The telecommunication tower shall be modified to be more stealth (internalized) than previously designed. Any additions or colocations to the tower must also be stealth;**
2. **All monopoles shall be stealth in addition to the proposed "tree" designed stealth screening;**
3. **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 (1/4) inch gap**

between wood slats and masonry columns with a minimum width of two (2) feet and a maximum separation of 32 feet per column. If the applicant does not meet this standard, a deviation from the Board of Zoning Appeals is required;

4. 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 12 months subsequent to the issuance of a certificate of occupancy for the wireless communication facility to ensure the landscaping will survive;
5. Sec. 27-593(a)(30)k.5.(a)2.viii.C. All compound entry gates must be constructed of wood slats on steel rails;
6. 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;
7. 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;
8. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method, but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions. Refer to attached BPU Engineering documents for details;
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. If approved, the applicant must file and maintain a current business occupation tax application with this office;
11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. 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. 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 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;

18. The Special Use Permit shall be valid for ten (10) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning 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 _____)

SP2023-006

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 SP2023-006, commonly known as 4443 Eaton Street, Kansas City, Kansas, legally described as:

SPRING VALLEY ADD & 0968, S35, T11, R25, ACRES 0.260000, L117 & L118,
located at approximately 4443 Eaton Street, Kansas City, Kansas.

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

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

1. **Proof of all repairs or estimates to conduct repairs shall be provided to staff prior to approval of the ordinance;**
2. **The applicant shall repair and/or repave the sidewalk in front of the property;**
3. **The applicant shall repair and/or repave the walkway to the front door.**

4. The applicant shall repave the driveway;
5. The debris in front of the residence shall be cleaned up and the applicant shall ensure no further debris is left in the future;
6. The applicant shall have a certified structural engineer shall perform a structural inspection to determine if structural repairs identified in the report need to be repaired immediately;
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 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;
8. Maximum number of guests shall be 7;
9. All parking must be off-street, maximum number of vehicles is three (3);
10. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
11. Applicant must maintain liability insurance;
12. Applicant must maintain the property's physical condition through the duration of the permit;
13. All reservations shall be a minimum stay of 24 hours;
14. No meals shall be prepared in the dwelling by the owner or owner's agent;
15. 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;
16. 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);
17. The property must remain in proper maintenance and free of hazards, pests, or infestations;
18. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
19. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges

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

20. 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;
21. 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;
22. The Special Use Permit shall be valid for one (1) year from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
23. 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 _____)

SP2023-009

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 SP2023-009, commonly known as 1215 Merriam Lane, Kansas City, Kansas, legally described as:

BEG NE COR SE1/4 NW1/4; S 400FT, S65W-339.29FT, N35W-133FT, N55E-225FT, N35W-150FT, N55E-321.97FT, E 20.4FT TO POB CONT, located at approximately 1215 Merriam Lane, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to remove earthen fill from the property.

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 Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the**

- construction or alteration of any structure the floodplain prior to obtaining a building permit;
2. The Subject Property is within a 100-year Special Flood Hazard Area (SFHA). A SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the proper lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer;
 3. The hours of operation shall be 7:00 AM to 5:30 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend;
 4. There shall be full compliance with the comments from the Wyandotte County Conservation District contained herein, which include;
 - a. Before any grading is done, the area that is not disturbed needs to be seeded and establish a good stand of grass. This will reduce run off into the borrow area.
 - b. Silt fence, placed on the contour, needs to be placed below the borrow area before any grading is done to protect the drainage way of Turkey Creek.
 - c. All erosion control items need to be checked once every week and after any rain event. Any repairs need on the silt fence need to be made immediately.
 - d. Four to six inches of good topsoil needs to be top dressed over borrow area.
 - e. Immediately after completion of grading, seeding and erosion control blanket needs to be installed or sod needs to be laid down on the disturbed area;
 5. Trees to be planted at a ratio not less than one (1) per 7,000 square feet of site area;
 6. Only the amount of fill that was brought in during the original dumping shall be removed;
 7. Rumble strips and/or other mitigation measures must be installed on the subject property in order to prevent dirt, rubble, and other fill material from being tracked by work trucks onto and damaging the public right-of-way;
 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. 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;
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. 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;
13. Section 27-464(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. The subject property has 46,174 square feet, requiring seven (7) trees be provided on the site plan;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the

Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

16. 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
17. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-012

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 SP2023-012, commonly known as 924 North 98th Street Kansas City, Kansas, legally described as:

DESCRIPTION: (Per Title) TRACT 1: BEGINNING AT A POINT 863 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 11, RANGE 23 IN WYANDOTTE COUNTY, KANSAS; THENCE SOUTH 200.00 FEET; THENCE WEST 653.4 FEET; THENCE NORTH 200.00 FEET; THENCE EAST 653.4 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES; TRACT 2: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 11, RANGE 23, IN WYANDOTTE COUNTY, KANSAS; THENCE WEST 929.63 FEET; THENCE SOUTH 2640.00 FEET; THENCE EAST 931.69 FEET; THENCE NORTH 2640.0 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THAT PART TAKEN OR USED FOR ROAD PURPOSES; INCLUDING, BUT NOT LIMITED TO THAT PART TAKEN IN CONDEMNATION PROCEEDINGS IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS, IN CASE NO. 49281-A, FURTHER EVIDENCED IN BOOK 927, PAGE 466, AS DOCUMENT NO. 363340; AND EXCEPT; BEGINNING AT A POINT 346.0 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 11, RANGE 23 IN WYANDOTTE COUNTY, KANSAS; THENCE WEST 200.0 FEET; THENCE SOUTHWEST 203.1 FEET; THENCE EAST 235.6 FEET; THENCE NORTH 200.0 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES; AND EXCEPT; BEGINNING AT A POINT 863 FEET SOUTH OF THE NORTHEAST CORNER

OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 11, RANGE 23 IN WYANDOTTE COUNTY, KANSAS; THENCE SOUTH 200.00 FEET; THENCE WEST 653.4 FEET; THENCE NORTH 200.00 FEET; THENCE EAST 653.4 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES; AND EXCEPT; BEGINNING AT A POINT 1063.0 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 11, RANGE 23, THENCE SOUTH 100 FEET; THENCE WEST 435.6 FEET; THENCE NORTH 100 FEET, THENCE EAST 435.6 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES; AND EXCEPT; BEGINNING AT A POINT 60.0 FEET SOUTH AND 451.5 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 11, RANGE 23, IN WYANDOTTE COUNTY, KANSAS, THENCE SOUTH 2° 40' EAST 290.2 FEET; THENCE NORTH 85°20' WEST 123.0 FEET, THENCE NORTH 2° 40' WEST 274.5 FEET THENCE EAST 122.0 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES; AND EXCEPT; BEGINNING AT A POINT 60.0 FEET SOUTH AND 401.5 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 11, RANGE 23 IN WYANDOTTE COUNTY, KANSAS; THENCE SOUTH 2° 40' EAST 474.5 FEET, THENCE WEST 172.0 FEET, THENCE NORTH 2° 40' WEST 200.0 FEET; THENCE SOUTH 85° 20' EAST 123.0 FEET; THENCE NORTH 2° 40' WEST 290.2 FEET, THENCE EAST 50.0 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES; AND EXCEPT; BEGINNING AT A POINT 546.0 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 11, RANGE 23, IN WYANDOTTE COUNTY, KANSAS; THENCE WEST 290.4 FEET, THENCE SOUTH 150.0 FEET, THENCE EAST 290.4 FEET, THENCE NORTH 150.0 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES; AND EXCEPT; BEGINNING AT A POINT 762.13 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 11, RANGE 23 IN WYANDOTTE COUNTY, KANSAS; THENCE WEST 107.5 FEET, THENCE SOUTH 0° 06' WEST A DISTANCE OF 308.0 FEET; THENCE SOUTH 85° 01' EAST A DISTANCE OF 107.89 FEET; THENCE NORTH 0° 06' EAST A DISTANCE OF 317.0 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES, AND EXCEPT ALL THAT PART TAKEN BY THE CITY OF KANSAS CITY, KANSAS IN CONDEMNATION PROCEEDINGS IN THE DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS, IN CASE NO. 64824-B; AND EXCEPT ALL THAT PART CONVEYED TO THE CITY OF KANSAS CITY, KANSAS FOR HIGHWAY RIGHT OF WAY FILED SEPTEMBER 26, 1980, IN BOOK 2787, PAGE 515, AS DOCUMENT 908741; AND EXCEPT; THE SOUTH 150 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND; BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 11, RANGE 23, IN WYANDOTTE COUNTY, KANSAS; THENCE WEST 929.63 FEET; THENCE SOUTH 2640.0 FEET; THENCE EAST 929.63 FEET; THENCE NORTH 2640.0

FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES. TRACT 3: PARCEL A: BEGINNING AT A POINT 60.0 FEET SOUTH AND 451.5 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 11, RANGE 23, IN WYANDOTTE COUNTY, KANSAS, THENCE SOUTH 2° 40' EAST 290.2 FEET, THENCE NORTH 85° 20' WEST 123.0 FEET, THENCE NORTH 2° 40' WEST 274.5 FEET, THENCE EAST 122.0 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES. PARCEL B: BEGINNING AT A POINT 60.0 FEET SOUTH AND 401.5 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 11, RANGE 23 IN WYANDOTTE COUNTY, KANSAS; THENCE SOUTH 2° 40' EAST 474.5 FEET, THENCE WEST 172.0 FEET, THENCE NORTH 2° 40' WEST 200.0 FEET, THENCE SOUTH 85° 20' EAST 123.0 FEET; THENCE NORTH 2° 40' WEST 290.2 FEET, THENCE EAST 50.0 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES. TRACT 4: BEGINNING AT A POINT 346.0 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 11, RANGE 23 IN WYANDOTTE COUNTY, KANSAS; THENCE WEST 200.0 FEET; THENCE SOUTHWEST 203.1 FEET; THENCE EAST 235.6 FEET; THENCE NORTH 200.0 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES, Located at approximately 924 North 98th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for grading to prepare the site for future development.

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

1. **The following 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.

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 _____)

SP2023-013

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 SP2023-013, commonly known as 336 South 42nd Street, Kansas City, Kansas, legally described as:

TRACT 9148, S18, T11, R25, BEG SECOR NE1/4 SW1/4; W 540.78Ft, NWLY-108.3FT, N63E-188.9FT, N87E-435FT M/L, S189.9FT TO POB LS E 30,
Located at approximately 336 South 42nd Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for tire sales and servicing for trucks and semi-trucks.

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. 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.

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 _____)

SP2023-014

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 SP2023-014, commonly known as 3130 North 122nd Street, Kansas City, Kansas, legally described as:

B1 L1 TO L10; B2 L1 TO L12; B3 L1 TO L12; ALSO, PTS VAC ALLEYS & STS ADJ; ALSO BEG 30FT E & 30FT N OF NE COR B3L1, located at approximately 3130 North 122nd Street.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate a YMCA summer day camp.

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

- 1. Hours of 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.

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 _____)

SP2023-015

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 SP2023-015, commonly known as 3704 North 99th Street, Kansas City, Kansas, legally described as:

A tract of land in the Northeast Quarter of Section 26, Township 10 South, Range 23 East, Wyandotte County, Kansas, being described as follows: Beginning at a point 1232.50 feet South 88° 09' 16" West and 577.50 feet North 01° 47' 43" West of the Southeast corner of the Northeast Quarter of Section 26, Township 10 South, Range 23 East, said point being on a line 1399.90 feet East of and parallel to the West line of said Quarter Section; thence along said line North 01° 47' 43" West, 999.57 feet; thence South 63° 39' 00" East, 197.06 feet; thence South 89°00' 00" East, 301.77 feet; thence South 01° 40' 13" East, 891.14 feet; thence South 88° 06' 47" West, 473.21 feet to the point of beginning, Commonly known as: 3704 North 99th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit to operate a commercial specialty shop.

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

enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The applicant shall turn in sign permit applications for the remaining unpermitted signage;**
- 2. 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;**
- 3. The maximum number of customer vehicles shall be eight (8);**
- 4. 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;**
- 5. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
- 6. The applicant has filed and maintained a current business occupation tax application;**
- 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;**
- 8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 9. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to**

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

11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. 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;
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.

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 _____)

SP2023-018

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 SP2023-018, commonly known as 695 and 701 Village West Parkway, Kansas City, Kansas, legally described as:

All that part of Lot 1, Block C, Tourism District, a subdivision of record in the City of Kansas City, Wyandotte County, Kansas, more particularly described as follows: commencing at the Southwest corner of said Lot 1, thence North 02°20'45" West, along the West line of said Lot 1, a distance of 507.64 feet to the point of beginning; thence no longer along the West line of said Lot 1, along a curve to the left having a radius of 540.00 feet, a central angle of 12°22'26", with an initial tangent bearing of South 79°59'18" East, an arc distance of 116.62 feet; thence North 87°39'15" East, a distance of 157.53 feet to a point of curvature; thence along a curve to the right having a radius of 60.00 feet, a central angle of 43°33'50", an arc distance of 45.62 feet to a point of reverse curvature; thence along a curve to the left having a radius of 78.00 feet, a central angle of 159°42'30", an arc distance of 217.42 feet; thence North 18°54'33" East, a distance of 114.05 feet; thence North 54°30'03" West, a distance of 607.48 feet to a point on the West line of said Lot 1; thence South 02°20'45" East, along the West line of Lot 1, a distance of 540.83 feet to the point of beginning, located at approximately 695 and 701 Village West Parkway, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for continuation of live entertainment at Chateau Avalon Hotel.

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. 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.**

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 _____)

SP2022-115

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 SP2022-115, commonly known as 13400 Donahoo Road, Kansas City, Kansas, legally described as:

Parcel: 958901, Section-Township-Range: 19-10-23, BEG 40FT N OF SW COR SE1/4; W 39.91FT TO E LN ABD RR R/W, NLY CUR RT-205.53FT, N03W-2406.37FT, E 677.97FT, S 2606.85FT, Located at approximately 13400 Donahoo Road, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to continue to operate a microbrewery.

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

- 1. Hours of operation shall be from Thursday and Friday 12:00 PM to 7:00 PM and Saturday 11:00 AM to 4:00 PM;**

2. The applicants should work to recycle the brewery waste it can and properly dispose of the waste it cannot recycle. Regardless, the applicants must comply with all local, county, State, and Federal waste disposal regulations;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
5. The applicant has filed and maintained a current business occupation tax application;
6. All existing and future driveways must feature curb cuts that are constructed to UG standards;
7. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
9. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not

less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;

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

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2022-051

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 706 Shawnee Road, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to RP-2(B) Planned Two Family District.

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

Section 1. It is hereby found and determined that a petition was filed on December 20, 2022, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to RP-2(B) Planned Two Family District.

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

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

2021R-16953, Beginning at the Northwest corner of 7th Street and Shawnee Road as platted in center, a subdivision In Section Twenty-Seven (27), Township Eleven (11) Range Twenty-Five (25), Wyandotte County, Kansas; thence North 154.37 feet; thence North 84 degrees 06 minutes West 38.71 feet; thence South 39 degrees 55 minutes West 82.02 feet; thence South 21 degrees 25 minutes West 105.80 feet; thence Easterly on a 140.00 feet radius curve to the left to the point of beginning, 124.70 feet, Located at approximately 706 Shawnee Road, Kansas City, Kansas,

be changed from its present zoning of R-1 Single Family District to RP-2(B) Planned Two Family District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-456, 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-2(B) Planned Two Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 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

(First published _____)

COZ2023-004

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 12200 Donahoo Road, in Kansas City, Kansas, by changing the same from its present zoning of R1 (WYCO) Residential District to R-1 Single Family District.

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

Section 1. It is hereby found and determined that a petition was filed on February 24, 2023, by the owners of property to have the zoning of said property changed from its present zoning of R1 (WYCO) Residential District to R-1 Single Family District.

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

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

Section 21, Township 10, Range 23, BEG 508FT E & 40FT N OF SW
COR; N 360FT, E 155.1FT, S 360FT, W 154.55FT TO POB CONTG
1.28AC M/L, located at approximately 12200 Donahoo Road, Kansas City,
Kansas,

be changed from its present zoning of R1 (WYCO) Residential District to R-1 Single Family District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for R-1 Single Family District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of

Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval, and publication in the Wyandotte Echo.

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: June 29, 2023

Re: Special Use Petition SP2023-016

GENERAL INFORMATION

Applicant:

Tyler Reynolds and Justine Robles

Status of Applicant:

Property Owner
536 Tauromee Avenue
Kansas City, Kansas 66101

Requested Action:

Renewal of a Special Use Permit,
SP2022-012, which expired
03/02/2023.

Date of Application:

March 24, 2023

Purpose:

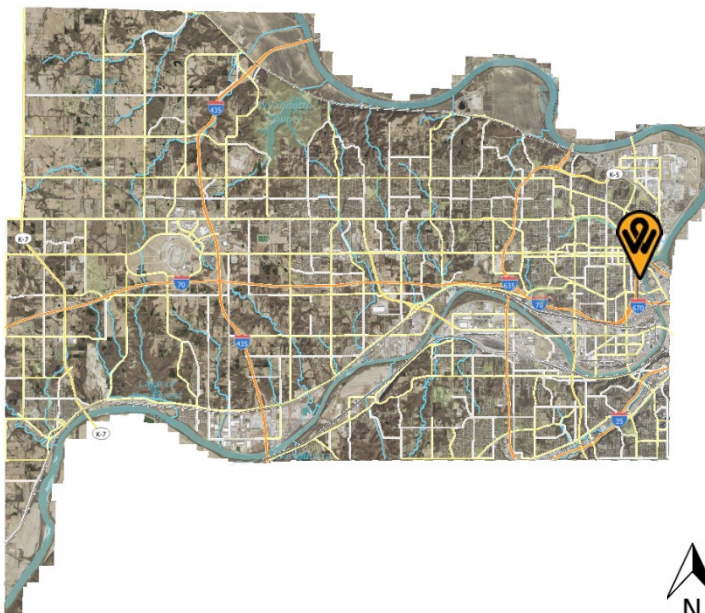
To continue to operate a short-term
rental. This is not the applicant's
primary residence.

Property Location:

527 Tenny Avenue
Kansas City, Kansas 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 and R-2(B) Two Family Districts West: R-1(B) Single Family District
Adjacent Uses:	North: Vacant Lot South: Single-Family Residence East: Single-Family Residence and Two-Family Residence West: Single-Family Residence
Total Tract Size:	0.06 Acre
Master Plan Designation:	The Central Area Plan designates this Property as Urban Density. Urban Density allows for a mix of attached and detached residential including single family homes, duplexes, triplexes, etc., and institutional uses such as churches, schools, and libraries.
Major Street Plan:	The City-Wide Master Plan designates Tenny Avenue as a Local Street.
Parking Requirement:	Section 27-455(d) requires two (2) off-street parking spaces premises for each single-family dwelling. The property currently has two (2) off-street parking spaces, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – April 13, 2023 Letters to Property Owner – April 14, 2023 and May 18, 2023
Public Hearings:	May 8, 2023, June 12, 2023, and June 29, 2023
Public Support:	Staff has received one (1) letter in support as well as public testimony from one (1) individual in support.
Public Opposition:	Staff has received one (1) call in opposition, one (1) email in opposition and one (1) person appeared at the June 12, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The Applicants, Tyler Reynolds and Justine Robles, are request a renewal of a Special Use Permit to operate a short-term rental at

527 Tenny Avenue. The subject property has been used as a rental periodically since 2001 or earlier.

City Ordinance Requirements: 27-592 through 27-606

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 numerous previous violations as late as 2020, however they are prior to the applicant's purchase and renovations.

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 Riverview Statistical Neighborhood and the Central Avenue Betterment Association neighborhood group. The neighborhood is urban in character. Lots are average for urban densities and are approximately 25 feet in width. Streets are mostly asphalt and there are no driveways or garages in the front of properties. Rear detached garages and parking is common. Roads typically have curbs or gutters, and sidewalks only exist on both sides of the street and are often brick. This block of Tenny Avenue is adjacent to 6th Street with a mix of uses.

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

The zoning and uses are set out above. The subject property is surrounded primarily by R-1(B) Single Family Zoning Districts. The property has been non-owner occupied since at least 2001 when records indicate it has been used as a rental. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

This property is suitable for use as a single-family home. The property could be suitable for use as a short-term rental if properly managed. Removal of the

restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise, and overcrowding.

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

The property is recently vacant and was vacant prior to purchase while the home underwent renovations. Prior to renovation, it was used as a rental since at least 2001.

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

Special Use Permits are not addressed in the Central Area Plan. The Central Area Master Plan designates this property as Urban Density which allows single family homes. The proposed use conforms to the area plan if approved 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 Tenny Avenue to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

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

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

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

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

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

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

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

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

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

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP2022-012) for one (1) year in 2022.
- Withdrawn Board of Zoning Appeals Petition (BOZA2022-004) for open space requirements and gravel driveway.

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

Previous Conditions of Approval
Required Repairs

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 1 to recommend **APPROVAL** of Special Use Permit SP2023-016, **for one (1) year**, subject to:

1. This Special Use Permit shall comply with Sections 27-214 and 27-623;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2);
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. 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, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. 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;
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. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit; and,
21. Applicant will send a letter to the property owners within 200 feet and the Strawberry Hill Neighborhood Association with the Applicants' contact information.

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 **SP2023-016** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

June 12, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Site Plan
Floor Plan
Guest Book
Site Photos, Taken by Staff, Dated April 7, 2023
Site Photos, Provided by the applicant, Dated, June 2, 2023
Neighborhood Meeting Materials
Letter in Support
Letter in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	May 8, 2023	Not Applicable
Special Use	Held Over June 12, 2023 Approval	June 29, 2029

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-016** 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 **SP2023-016**, 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.

June 12, 2023, City Planning Commission Minutes:

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

SPECIAL USE PERMIT APPLICATION SP2023-016 – TYLER REYNOLDS AND JUSTINE ROBLES – SYNOPSIS: Renewal of a Special Use Permit (SP2022-012) for a Short-Term Rental at 827 Tenny Avenue. Detailed Outline of Requested Action: The Applicants, Tyler Reynolds and Justine Robles, are request a renewal of a Special Use Permit to operate a short-term rental at 527 Tenny Avenue. The subject property has been used as a rental periodically since 2001 or earlier.

Appeared in Support:

- Tyler Reynolds, applicant, 536 Tauromee Avenue, Kansas City, Kansas 66101
- Justine Robles, applicant, 536 Tauromee Avenue, Kansas City, Kansas 66101

The Planning Commission directed questions to the applicants.

Appeared in Opposition:

- Anna Cole

Staff Recommendation: Planner Toy stated Staff would like to add a condition 21 that the property owner provide their name, address, and telephone number to the individuals that are on the 200' buffer list provided to them by the Staff via letter so the neighbors can contact them if there is an issue. Staff also recommends that the applicants provide their contact information to the Strawberry Hill Neighborhood Association. Staff recommends approval subject to the condition in the staff report.

Commissioner Eilts directed questions to Staff. The applicant responded to the questions by Commissioner Eilts and Staff.

Motion:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL** of **SP2023-016 for one (1) year:**

Carson	Chairman
Beth	Aye
Connelly	Not Present
Eilts	No
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye

Motion to **APPROVE** Passed: 8 to 1
Subject to:

1. **This Special Use Permit shall comply with Sections 27-214 and 27-623;**
2. **Maximum number of guests shall be six (6);**
3. **All parking must be off-street, maximum number of vehicles is two (2);**
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. **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, occupying businesses must file and maintain a current business occupation tax application with this office;**
12. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**

13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
14. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
15. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
18. 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;
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. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit; and,**
- 21. Applicant will send a letter to the property owners within 200 feet and the Strawberry Hill Neighborhood Association with the Applicants' contact information.**

ATTACHMENTS

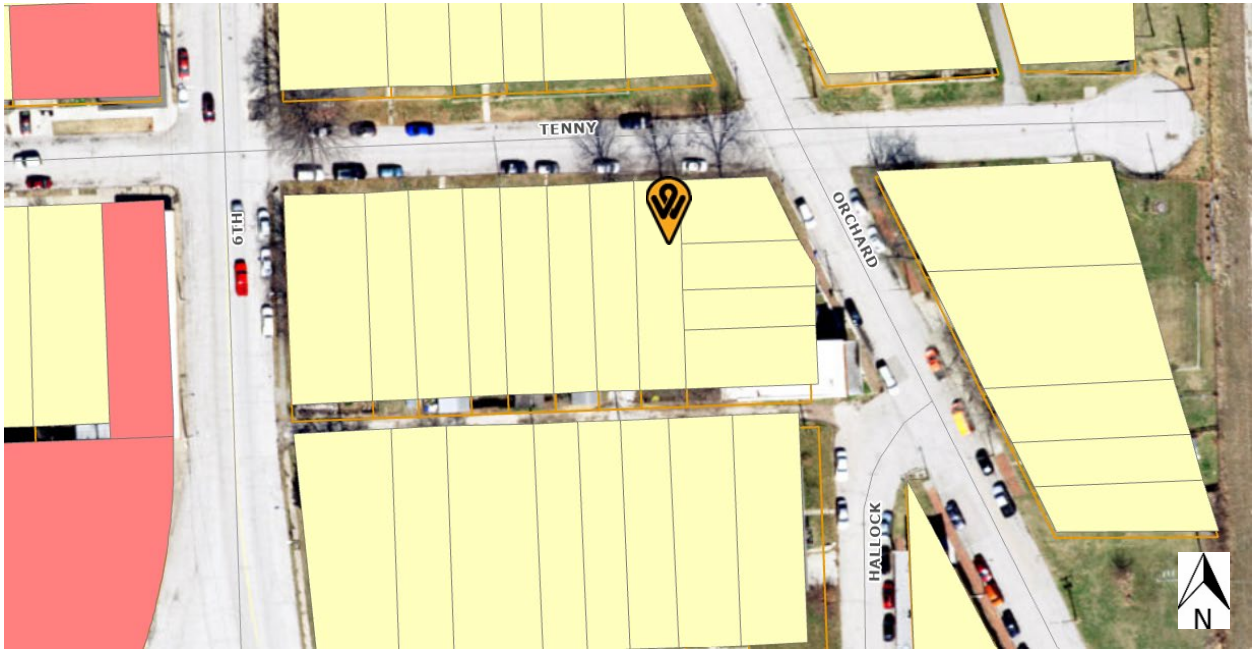
AERIAL IMAGERY



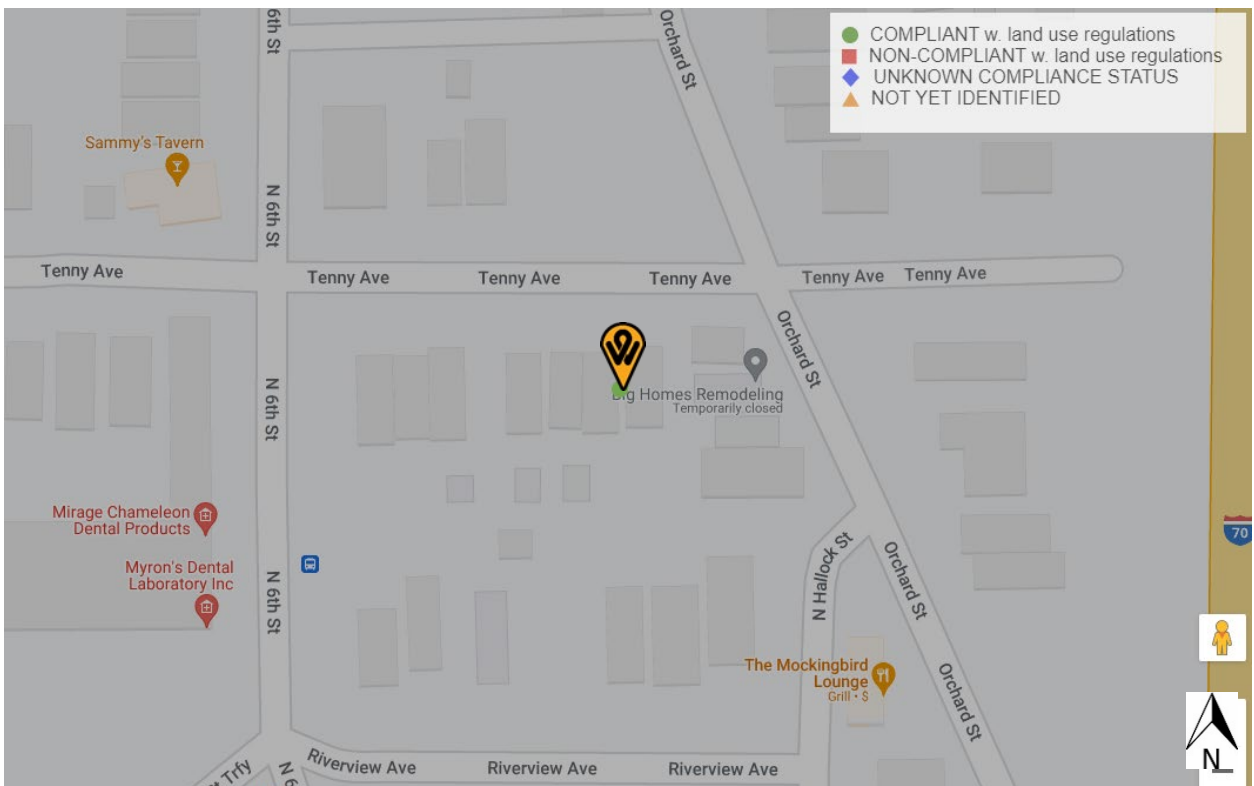
ZONING MAP



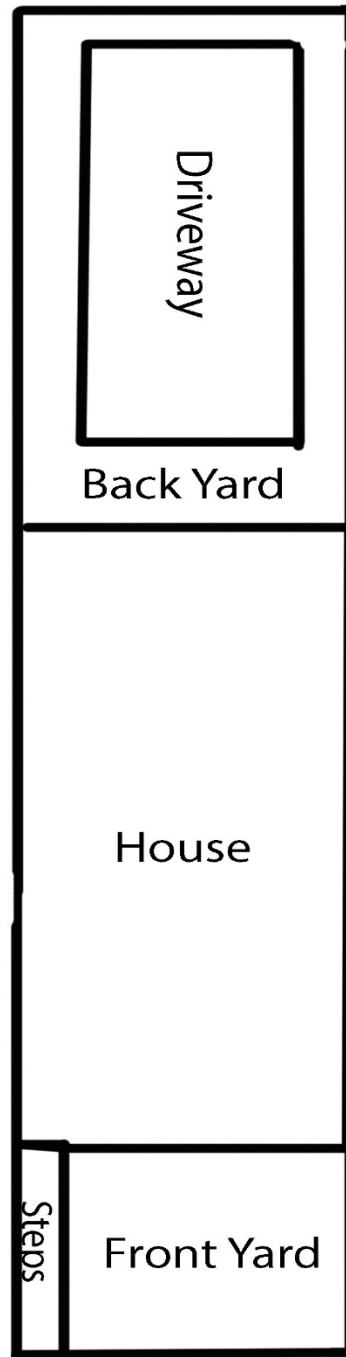
LAND USE MAP



HOST COMPLIANCE MAP



527 Tenny Site Plan



FLOOR PLAN



GUEST BOOK

Welcome guests!

Location:

527 Tenny Ave, Kansas City, KS 66101

Owner Contact:

Justine Leah Robles (213) 400 9202

Tyler Reynolds (913) 375 6338

Max Number of Guests: 8

Welcome:

As your host, it's our goal to make your stay as comfortable as it can possibly be. Our mission is to help our guests create beautiful memories with our cozy home. For an optimal experience for us both, we've spelled out some house rules. Thank you in advance. We truly appreciate your cooperation. .

Check in & Check out

Check in:

Anytime after 3 pm

Please let us know if you are arriving earlier so we could try and accommodate you. Also please notify us if you're arriving after midnight.

Key Code XXXX. This is the code to use for the front door. If you are having any problems using it give us a call and we would be able to help you out.

You will find a towel for each guest on the beds.

WiFi Code

Network name: XXXXXXXXX

Password: XXXXXXXXX

Check out:

Check out is before 11am. Please let us know in advance if you wish to check out late and we will see if we can accommodate you.

House Rules:

- No parties or events (this is enforced by local government)
- Only the guests noted in the booking are allowed to stay overnight otherwise an extra \$15 will be added
- Please remove shoes indoors
- Do not use the premise for any illegal activities

- No smoking inside the home
- Damages exceeding the deposit amount will be billed to the guest and reported to Airbnb
- No pets
- Quiet hours after 10:00 pm
- Please put used dishes in dishwasher and start it before check out
- Please park in provided driveway in rear of house
- Host Compliance information: 913-246-5133, www.hostcompliance/tips

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





NEIGHBORHOOD MEETING MATERIALS

SAMPLE MINUTES:

Application Number SP2023-016

Date and Location: Comments through phone and email by April 24, 2023

Meeting called to order at: _____

Names of people in attendance: 0

Introductions:

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

Questions and answers (include the following):

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

Meeting adjourned at:

Minutes taken by: _____

No questions or comments were received

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

) SS:

COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition # SP2023-016.
2. That I conducted a neighborhood meeting on; Letters sent out on April 8, 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.

Tyler Reynolds_____ Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 20____. My
commission expires _____ of _____, 20____.

_____ Notary Public

LETTER IN SUPPORT

From: [PlanningInfo](#)
To: [Molloy, James](#)
Cc: [Parker, Janet](#)
Subject: FW: SP2023-016: Special Permission Approval Petition
Date: Saturday, June 03, 2023 9:38:48 PM

Janet L. Parker, CSC/APC 913.573.5758
Executive Assistant to Gunnar Hand, AICP jparker@wycokck.org



Department of Planning + Urban Design
Unified Government of Wyandotte County • Kansas City, Kansas

NOTE: All Board of Zoning Appeals, City Planning Commission, and Landmarks Commission hearings will be heard virtually with in-person availability in the City Hall lobby (701 North 7th Street, Kansas City, KS 66101). All meetings with Planning and Urban Design staff will continue to prioritize virtual meetings.

Our goal is to serve you with excellence. Please click the following link and take a moment to complete this short customer service survey to help us better help you: [Planning & Urban Design Department Feedback Form \(openforms.com\)](#)

From: Brandon Fraser <the.brandonfraser@gmail.com>
Sent: Wednesday, May 31, 2023 9:58 PM
To: PlanningInfo <Planninginfo@wycokck.org>
Subject: SP2023-016: Special Permission Approval Petition

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

Petitioner name: Brandon Fraser
Address: 538 Tenny Ave, Kansas City, KS 66101

I fully approve the renewal of this short term rental.

I have lived as a neighbor to 527 Tenny Avenue for 3 years now. Which means I have seen it utilized as a long term rental prior to the current owners. I prefer it's use as an Airbnb. Previously the long term tenants were noisy with occasional domestic disputes and police involvement. Since it's use as an Airbnb I have noticed an improvement in the quality of the properties aesthetic. I have never once been woken in the middle of the night due to screaming as I did before. I have never witnessed a party or frankly any noise or disturbance of any kind. I have never witnessed or experienced an over crowding of the street or lack of parking spaces. I have full peace of mind in the quality of ownership and operation. I have experienced full transparency and open communication regarding

the operation of this short term rental. I enjoy the peace of mind that the owners are near by if any incident occurs. In the past I have even been proactively contacted by the owners regarding the safety of their tenants and on my account as a witness of the triple shooting and murder at Sammy's Tavern. The owners are active in the local community and can be routinely seen working at local businesses or taking part in the Strawberry Hill Art Walks. After reviewing the special permissions request and further the planning regulations in general, I get the sense of a bias against local businesses here in the area. I question whether this is a place I want to settle down and invest in if this is the way people will be treated by the board.

Sincerely,
Brandon Fraser

Parker, Janet

From: Anna Cole <weboevents@gmail.com>
Sent: Monday, June 12, 2023 5:24 PM
To: McKiernan, Brian; Hand, Gunnar; Parker, Janet; Farley, Michael
Subject: SP2023-016 527 Tenny BOZA CPC mttg TONIGHT



Commisioner, Mr. Hand, Mr. Farley and Ms. Parker,

Thank you for taking the time to read this. I am wrong in opposition of approval of this SPU. I apologize for the late notice, I thought it had already been approved in early May. I knew of the renewal because I'm a geek and look at things of this nature on the UG website—not because there was ever a sign in the yard declaring the intention to renew.

Initially, I wasn't excited about renewal but I know that the owners are local and the previous owner/operator, though he falsely and vocally believes me to be anti Development, was not opposed by mewhen he initially applied last year. He did a nice job of remodeling the small home, and for the most part..but for few isolated drunken and brief loudness as the temp occupants went inside ...this STR had not really been an issue on our part of the hill.

However, tbs Friday night I heard a female screaming and was alarmed but then realized it was just the temporary occupants getting into a rideshare. Ok, fine whatever. No big deal.

Then around 1:30 early Saturday morning I was awoken by my dogs barking their heads of at what sounded like a woman being stabbed to death. This is not an exaggeration—I genuinely that she was in trouble. So I checked my cameras and saw a very drunk young women on the stoop of that house surrounded by several other intoxicated people, I believe trying to pick her up.

At this point, the dogs barking woke up my 2 year old which, as you may imagine, was not a pleasant experience for either one of us.

The following morning, on Sunday, I was driving by and at least 10 people were walking out of the home.

_This is a small home, I highly doubt it can reasonably accommodate 10+ people. As a bonus, they were smoking marijuana—which personally, do what you want in your own home, but it is still illegal here and there are tons of kids around here, particularly on a beautiful Sunday morning.

I write all this to say, that I am not against STR's as a principal, but these folks are truly non compliant. I do have video of this and I have tried for about an hour to figure out how to attach to email to no avail.

I have attached a photo of the property I took moments ago...as you can see, there is no sign posted in the yard. At one point they did have one corner of the sign visible as the had placed it inside the screened porch.

I am not asking for a full and permanent ban on them, but I am strongly suggesting that perhaps they be made to reapply—if that is even an option.

This home is sandwiched in between to homes with non English speaking families who agree with me, but are reticent to comment. The both have small children.

Even I am a bit reticent as I don't want upset my neighbors, but this type of "management" is not something I am willing to put up with for an entire year.

Everyone wants a place on "the hill"—rents are crazy now. They would still do very well with a more long term renter while they begin the STR process again and perhaps this time with a bit more respect for their neighbor's right to quiet enjoyment.

Thank you for all that you do and I appreciate you taking the time to read the long email.

Sincerely,

Anna Cole
245 Orchard Street
66101



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: June 29, 2023

Re: Special Use Petition SP2023-020

GENERAL INFORMATION

Applicant:

Shaymond Janes

Status of Applicant:

Owner

Janes Brothers LLC
9625 Lamar Avenue
Overland Park, KS 66207

Requested Action:

Approval of a Short-term Rental
Special Use Permit.

Date of Application:

April 28, 2023

Purpose:

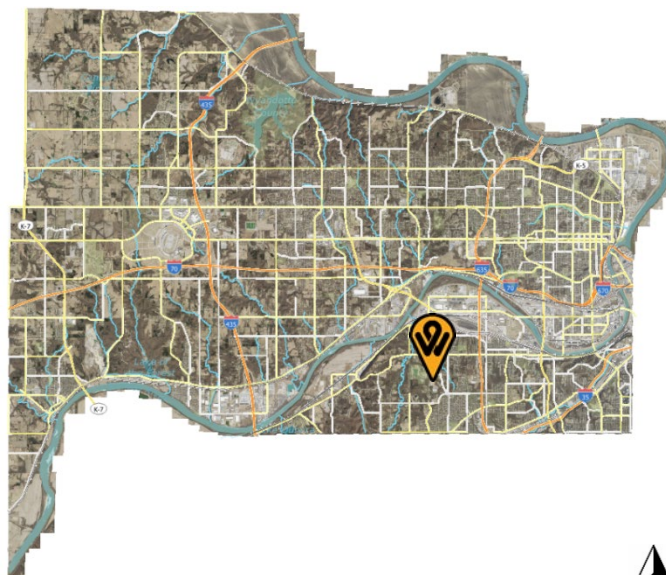
To approve a Special Use Permit for a short-term rental. This is not the owner's primary residence.

Property Location:

2737 South 53rd Terrace
Kansas City, Kansas 66106

Commission Districts:

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



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.30 Acres
Master Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family residences.
Major Street Plan:	The Major Street Plan designates South 53 rd Terrace a Local/Neighborhood Street.
Parking Requirement:	Section 27-454(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The property provides five (5) parking spaces, including two (2) in a garage.
Advertisement:	<u>The Wyandotte Echo</u> – May 18, 2023 Letters to Property Owner – May 19, 2023
Public Hearings:	June 12, 2023, and June 29, 2023
Public Support:	None to date.
Public Opposition:	Staff has received one (1) letter in opposition as well as two (2) phone call in opposition. Five (5) people appeared in opposition at the June 12, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Shayman Janes, is requesting a Special Use Permit to operate a short-term rental at 2737 South 53rd Terrace. This is not the owner's primary residence. This short-term rental has been operating without proper permitting since at least June 2022. This is the first and only non-owner occupied, short-term rental permitted on the 2700 block of South 53rd Terrace.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since it began operating as a short-term rental in 2022.

Building, Zoning, or Code Enforcement Complaints:

1. The property has two (2) active notices of violation for operating a short-term rental without a Special Use Permit.
 - a. 2023 – CAC23-1407 – Administrative Citation – Operating a Short-Term Rental without a Special Use Permit
 - b. 2023 – ZONE2023-017 – Zoning – Operating a Short-Term Rental without a Special Use Permit

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 Turner Statistical Neighborhood, the South Turner Neighborhood Group, and the Turner Community Connection Group. The neighborhood is suburban in character, consisting almost entirely of single-family residences, with a few institutions, such as schools, churches, and a block of apartments.

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

The zoning and uses are set out above. The subject property is surrounded primarily by R-1 Single Family Zoning Districts. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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

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

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

The property is not vacant and has been used as an unpermitted short-term rental since June 2022.

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

Special Use Permits are not addressed in the City-Wide Comprehensive Plan. The City-Wide Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family residences. The proposed use conforms to the comprehensive plan if approved 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 South 53rd Terrace to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

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

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

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

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

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

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

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

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

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

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street is three (3). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant received neighborhood comments by receiving letters or phone calls through the date of May 29, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Home Inspection Report
Operating without a Special Use Permit
Reported Event(s) on the Property
Required Repairs

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 3 to recommend **APPROVAL** of Special Use Permit SP2023-020, **for one (1) year**, subject to:

- 1. This Special Use Permit shall comply with Sections 27-214 and 27-623;**

2. All critical repairs outlined by staff shall be repaired prior to operation;
3. The remaining non-life safety repairs as described within the home inspection report shall be completed by the applicant's next renewal period;
4. The applicant shall withdraw their rental license and instead obtain a business license, as a short-term rental is considered a business within the Unified Government;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. 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);
13. 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;
14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
15. 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.
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;

- 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 Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 19. 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;**
- 20. 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;**
- 21. 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;**
- 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;**

23. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit;
24. Install netting around the basketball court to prevent basketballs from leaving the property onto the neighboring properties; and,
25. No loud music on the back patio after 10:00 p.m.

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 **SP2023-020** subject to all comments and suggestions outlined in this report and the conditions of the City Planning Commission.

ATTACHMENTS

June 12, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos provided by the Applicant on August 25, 2022
Site Photo taken by Planning Staff on May 12, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	June 12, 2023	June 29, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-020** 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 **SP2023-020**, 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.

June 12, 2023, City Planning Commission Minutes:

Hearing starts at 1:19:34:

SPECIAL USE PERMIT APPLICATION SP2023-020 SHAYMOND JANES -

SYNOPSIS: Special Use Permit for a Short-Term Rental at 2737 South 53rd Terrace.

Detailed Outline of Requested Action: The Applicant, Shaymond Janes, is requesting a Special Use Permit to operate a short-term rental at 2737 South 53rd Terrace. This is not the owner's primary residence. This short-term rental has been operating without proper permitting since at least June 2022. This is the first and only non-owner occupied, short-term rental permitted on the 2700 block of South 53rd Terrace.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated June 12, 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; and,
8. An email in opposition from Turner Connection Inc. that Secretary Parker read into the record.

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

Present in Support:

- Shaymond Janes, applicant, 9625 Lamar Avenue, Overland Park, Kansas 66207

Present in Opposition:

- Michael Castro, 2730 South 53rd Street, Kansas City, Kansas 66106
- Alex Craddock, 3009 South 53rd Street, Kansas City, Kansas 66106
- Barb Kill, 5548 Pawnee Avenue, Kansas City, Kansas 66106
- Jamie and Derrick Shipley, 5311 Hagemann Street, Kansas City, Kansas 66106

Staff Recommendation starts at 1:45:31: Lead Planner Toy stated that this is a difficult application as if it was a long-term rental and these issues the Commission is hearing tonight, there is nothing they can do. If this Special Use Permit is approved, there is a revocation process in place directly to the Board of Commissioners if there are issues. Staff would like to add an additional stipulation related to the basketball court. Netting should be installed behind the basketball goal that will prevent the balls from going onto the neighbor's property and becoming a nuisance. There are to be no parties and no loud music on the back patio after 10:00 p.m. Staff understands, as stated by one resident, that calls for service for this type of nuisance are not the top priority, but they will make a complaint and that is something that can be tracked and can be a reason for consideration of revocation. There is a three (3) car maximum with all cars parked in the driveway and no cars on the street. The Short-Term Rental would be unoccupied and would be the only one on the block if the application is approved. He further stated that revocation could be considered at any time during the approval period. Staff recommends approval for one (1) year subject to the revised conditions.

Commissioner Eilts asked if the city would have any liability if this application were approved and something horrible happens. Legal Counsel Conway stated that the approval would not have any liability for the Unified Government.

Motion starts at 1:50:24:

On motion by Ms. Eilts, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **DENIAL** of Special Use Permit **SP2023-020 as the proposal does not conform to the single-family neighborhood:**

Carson	Chairman
Beth	No
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	No
Mohler	No
Straws	No
Ward	No
Armstrong	Aye

Motion to recommend **DENIAL** Failed 4 to 5

On motion by Mr. Ward, seconded by Mr. Miller, the Planning Commission voted as follows to recommend **APPROVAL** of Special Use Permit **SP2023-020**:

Carson	Chairman
Beth	Aye
Connelly	Not Present
Eilts	No
Ernst	No
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	No

Motion to recommend **APPROVAL** Passed 6 to 3

Subject to:

1. This Special Use Permit shall comply with Sections 27-214 and 27-623;
2. All critical repairs outlined by staff shall be repaired prior to operation;
3. The remaining non-life safety repairs as described within the home inspection report shall be completed by the applicant's next renewal period;
4. The applicant shall withdraw their rental license and instead obtain a business license, as a short-term rental is considered a business within the Unified Government;
5. Maximum number of guests shall be seven (7);
6. All parking must be off-street, maximum number of vehicles is three (3);
7. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
8. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
9. Applicant is to maintain liability insurance;
10. The property must remain in proper maintenance and free of hazards, pests, or infestations;
11. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
12. 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);
13. 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;

14. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
15. 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.
16. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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 Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
19. 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;
20. 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;
21. 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;
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;
 23. 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. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit;
 24. Install netting around the basketball court to prevent basketballs from leaving the property onto the neighboring properties; and,
 25. No loud music on the back patio after 10:00 p.m.

ATTACHMENTS

AERIAL IMAGERY



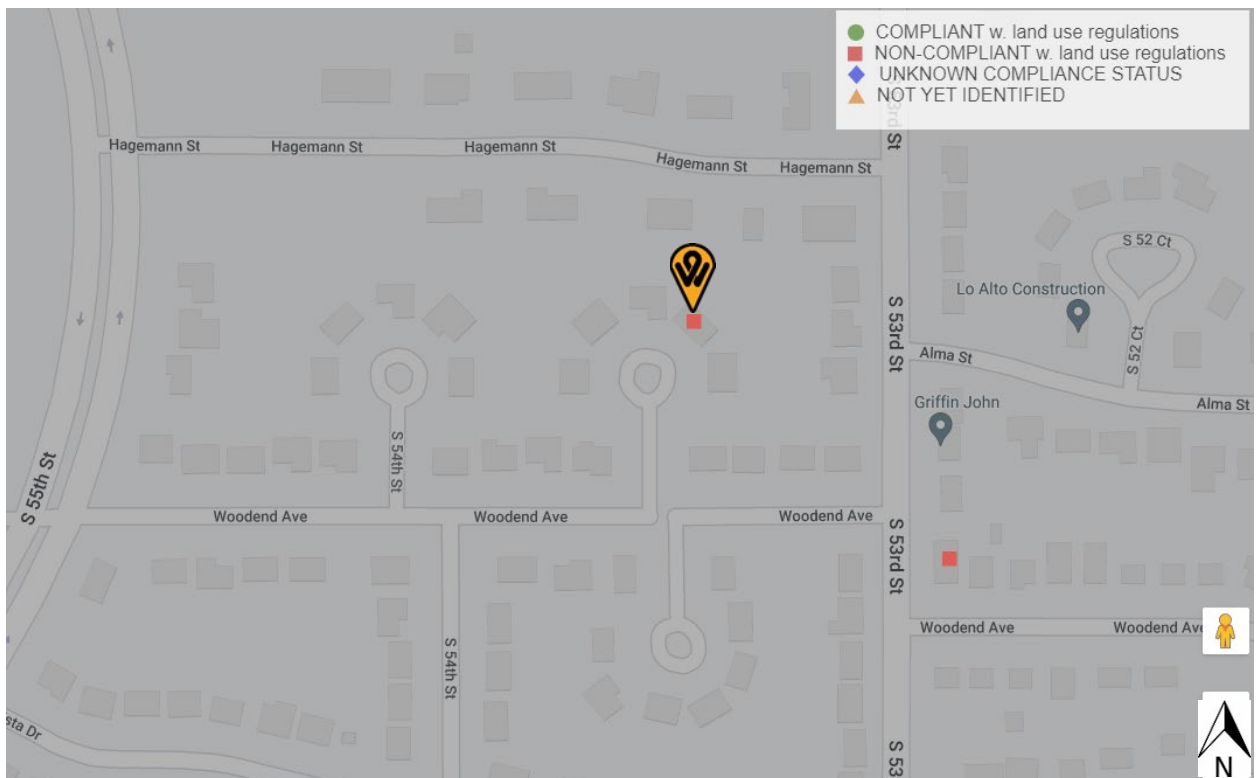
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – MAY 16, 2023



HOME INSPECTION REPORT

Gordon & Associates

Janes

General Summary



Gordon & Associates

10456 W. 131st Street
Overland Park, KS 66213
913-207-2769

Customer
Shaymond Janes

Address
2737 S 53rd Terrace
Kansas City KS 66106

The following items or discoveries indicate that these systems or components **do not function as intended** or **adversely affects the habitability of the dwelling**; or **warrants further investigation by a specialist**, or **requires subsequent observation**. This summary shall not contain recommendations for routine upkeep of a system or component to keep it in proper functioning condition or recommendations to upgrade or enhance the function or efficiency of the home. This Summary is not the entire report. The complete report may include additional information of concern to the customer. It is recommended that the customer read the complete report.

I. STRUCTURAL SYSTEMS

B. Grading and Drainage

Repair or Replace

- **Grading & drainage deficiencies:**

1. Loose guttering connections (Picture 1).
2. Inadequate soil grading. Final grading around the entire foundation should provide a minimum of 6" of slope in the first 6' directly away from the foundation while maintaining 6" of clearance below the sill plates. The grade should provide for an easy flow of surface water away from the foundation and off the property.

C. Roof Covering

Repair or Replace

- **Roof covering deficiencies:**

1. Missing flashing (Picture 1-3).
2. Lifted flashing (Picture 4).
3. Damaged shingles (Picture 5).

D. Roof Structure and Attic

Not Inspected, Repair or Replace

2737 S 53rd Terrace

Page 19 of 23

1. **Roof structure & attic deficiencies:**
 - A) Water damaged sheathing (Picture 1).
 - B) Incomplete insulation coverage (Picture 2).
2. **Noted;** no access (attic above first level).

F. Exterior Walls**Repair or Replace**

- **Exterior/wall deficiencies:**
 1. Wood rot damage (Picture 1-2).
 2. Cracked/damaged stucco (Picture 3).
 3. Missing flashing (Picture 4).
 4. Loose mortar (Picture 5).
 5. Incomplete caulking/sealing (Picture 6).

H. Deck**Repair or Replace**

- **Deck deficiencies:**
 1. Significant riser height discrepancy (Picture 1).
 2. Incomplete railing system (Picture 2).
 3. Wood rot damage (Picture 3).

I. Porch**Repair or Replace**

- **Front porch deficiencies:**
 1. Outdated railing system (Picture 1).
 2. Soil erosion; beneath stairs (Picture 2).
 3. Vertical settlement (Picture 3).

J. Doors**Repair or Replace**

- **Door deficiencies:**
 1. Wood rot damage; master bedroom deck entry door (Picture 1).
 2. Missing safety cables; overhead garage door springs (Picture 2).
 3. Doors conflict with the door jambs:
 - A) Master bedroom balcony door.
 - B) Master bedroom closet door.
 - C) Utility room stairs entry door.
 4. Doors do not properly latch closed:
 - A) Front entry closet door.
 - B) Master bedroom deck storm door.
 - C) Master bedroom deck entry door.
 5. Master bedroom deck entry door; defective knob hardware.

K. Windows**Repair or Replace**

- **Window deficiency;** thermal seal failure; master bedroom x1.

L. Stairs**Repair or Replace**

- **Stair deficiencies:**
 1. Missing handrail (Picture 1).
 2. Inadequate railing system (Picture 2).

II. ELECTRICAL SYSTEMS**A. Service Entrance and Panels**

Repair or Replace

- **Service entrance and panel deficiencies:**

1. Loose circuit breakers (Picture 1).
2. Double tapped neutral connections (Picture 2).
3. Oversized circuit breakers x2.
4. Missing labels.
5. Panel is not dually grounded.

B. Branch Circuits - Connected Devices and Fixtures**Repair or Replace**

- **Branch circuit deficiencies:**

1. Open wire splicing; attic above master bathroom.
2. Inadequate light bulb clearances; basement shelving, garage shelving, bedroom shelves.
3. Connected devices are not GFCI protected:
 - A) Exterior receptacles.
 - B) Kitchen receptacle x1.
 - C) Garage receptacles.
 - D) Basement level wet bar receptacle x1.
 - E) Master bedroom balcony receptacle x1.
 - F) Pool equipment and lights.
4. Exterior receptacle x1:
 - A) Tested as non-grounded.
 - B) Loose coverplate.
5. Kitchen receptacle x1; loose wall/box connection.
6. South exterior light x1; loose wall connection.
7. Lights did not operate:
 - A) Exterior light x2.
 - B) Second level SW bedroom closet light x1.
 - C) Garage light x1.
8. Second level SW bedroom closet light x1; disconnected from ceiling.
9. Master bedroom balcony receptacle x1; defective.
10. Missing/damaged cover plates:
 - A) Garage x3.
 - B) Master deck x1.
11. Missing smoke detectors:
 - A) Second level SE bedroom.
 - B) Second level SW bedroom
 - C) Utility room.
12. Missing carbon monoxide detectors.

III. HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS**A. Heating Equipment****Repair or Replace**

- **Heating system deficiencies:**

1. Inadequate flue pipe clearances from combustibles (Picture 1-2).
2. Passive make up air vents are not installed. The furnace room requires 2 openings in a wall, with one 12" from the top & one 12" from the bottom. Each opening shall have a free area equal to min. 1" square inch per 1,000 BTU/h input rating of the appliance installed but not less than 100 square inches.

IV. PLUMBING SYSTEM**A. Water Supply System and Fixtures****Repair or Replace**

- **Plumbing supply & fixture deficiencies:**

1. Improper installation; exterior water spigot (Picture 1).
2. Defective flush valve; master bathroom toilet (Picture 2).
3. Clogged aerator; wet bar sink faucet (Picture 3).
4. Loose toilet tank bowl connection; basement level (Picture 4).

B. Drains, Waste, Vents**Repair or Replace**

- **Plumbing drain, waste & vent deficiencies:**

1. Leaky sink drain; basement level bathroom (Picture 1).
2. Clogged floor drain; garage.

C. Water Heating Equipment**Repair or Replace**

- **Water heater deficiencies:**

1. Missing flue pipe screws (Picture 1).
2. An expansion tank is not installed on the system.

E. Shower Walls**Repair or Replace**

- **Shower wall deficiency;** incomplete grouting; hall bathroom (Picture 1).

V. APPLIANCES**D. Ranges/Ovens/Cooktops****Repair or Replace**

- **Slide-in range;** an anti-tip bracket is not installed. This is a safety device that prevents the appliance from tipping forward.

G. Bathroom Exhaust Fans and/or Heaters**Repair or Replace**

- **Bathroom exhaust fan deficiency;** inoperable fan (master bathroom).

Home inspectors are not required to report on the following: Life expectancy of any component or system; The causes of the need for a repair; The methods, materials, and costs of corrections; The suitability of the property for any specialized use; Compliance or non-compliance with codes, ordinances, statutes, regulatory requirements or restrictions; The market value of the property or its marketability; The advisability or inadvisability of purchase of the property; Any component or system that was not observed; The presence or absence of pests such as wood damaging organisms, rodents, or insects; or Cosmetic items, underground items, or items not permanently installed. Home inspectors are not required to: Offer warranties or guarantees of any kind; Calculate the strength, adequacy, or efficiency of any system or component; Enter any area or perform any procedure that may damage the property or its components or be dangerous to the home inspector or other persons; Operate any system or component that is shut down or otherwise inoperable; Operate any system or component that does not respond to normal operating controls; Disturb insulation, move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility; Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to mold, toxins, carcinogens, noise, contaminants in the building or in soil, water, and air; Determine the effectiveness of any system installed to control or remove suspected hazardous substances; Predict future condition, including but not limited to failure of components; Since this report is provided for the specific benefit of the customer(s), secondary readers of this information should hire a licensed inspector to perform an inspection to meet their specific needs and to obtain current information concerning this property.

Prepared Using HomeGauge <http://www.HomeGauge.com> : Licensed To Dru Gordon

**INVOICE**

Gordon & Associates
 10456 W. 131st Street
 Overland Park, KS 66213
 913-207-2769
 Inspected By: Dru Gordon

Inspection Date: 3/5/2023
 Report ID: 223057

Customer Info:	Inspection Property:
Shaymond Janes	2737 S 53rd Terrace Kansas City KS 66106
Customer's Real Estate Professional:	

Inspection Fee:

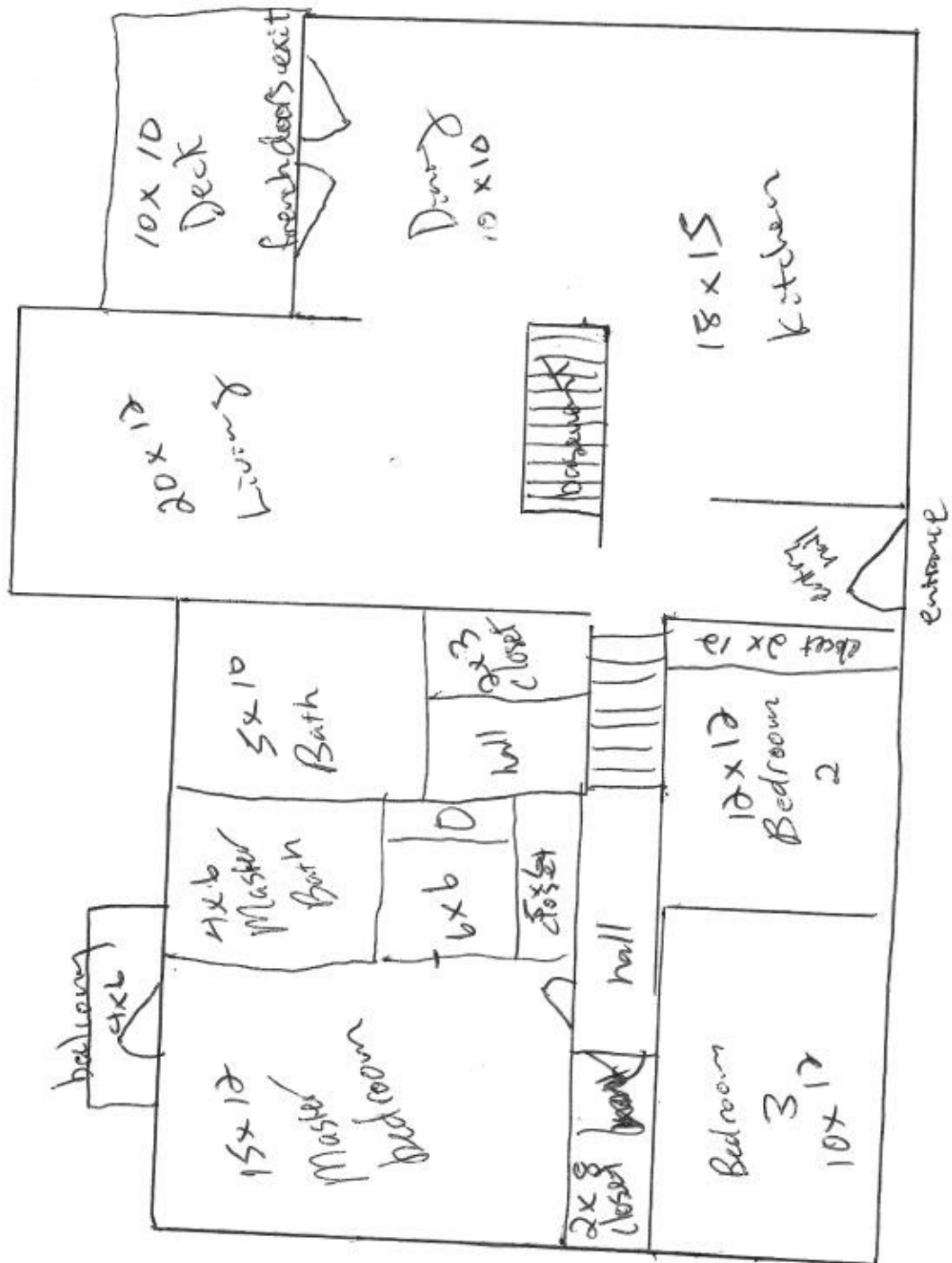
Service	Price	Amount	Sub-Total
General Home Inspection	419.00	1	419.00
			Tax \$0.00
			Total Price \$419.00

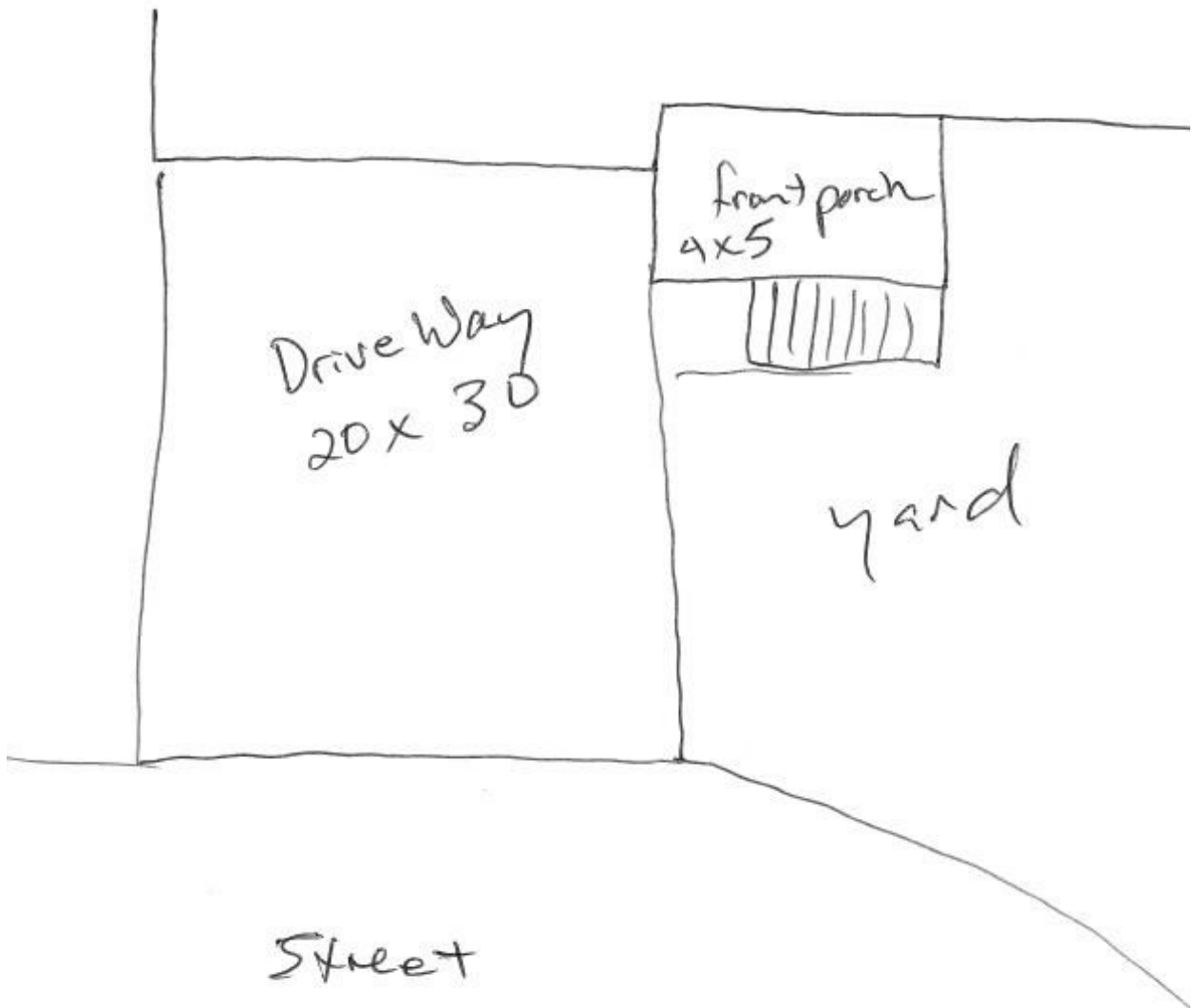
Payment Method: Check
 Payment Status: Paid
 Note:

2737 S 53rd Terrace

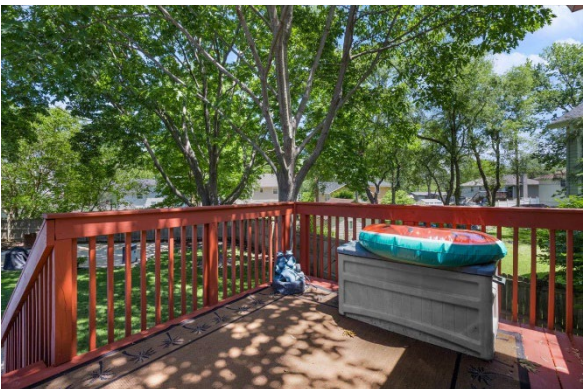
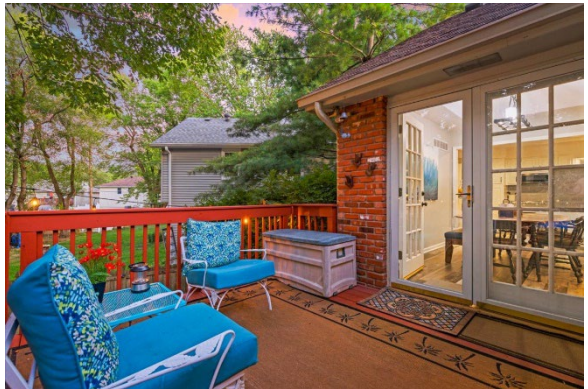
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FLOOR PLAN





SITE PHOTOS, PROVIDED BY THE APPLICANT, DATED AUGUST 25, 2022



SITE PHOTOS, TAKEN BY STAFF, DATED MAY 12, 2023



NEIGHBORHOOD MEETING MATERIALS

From: Shaymond Janes
2737 S. 53rd Terrace
Kansas City, KS 66106

SUBJECT: Neighborhood Meeting

RE: 2737 S. 53rd Terrace – Petition for Special Use Permit (2737)

To: Whomever it may concern:

I, Shaymond Janes, owner of the above-mentioned property (2737), have filed an application with the Department of Urban Planning and Land Use #SP2023-020.

The purpose of this application is to apply for a special use permit to operate the subject property as a short-term rental for families & tourist to rent while visiting Kansas City.

The complete address of the property is:

2737 S. 53rd Terrace
Kansas City, KS 66106

I am having a neighborhood meeting to address comments, questions, and concerns with regards to this matter. The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

To allow for more flexibility, and as allowed by rule of the unified government, I have chosen to conduct this meeting via email, mailed response and/or phone call.

Proposal as outlined in Initial Draft:

The Applicant, Shaymond Janes, is requesting a Special Use Permit to operate a short-term rental at 2737 South 53rd Terrace. This is not the owner's primary residence.

The subject property is located within the Turner Statistical Neighborhood, the South Turner Neighborhood Group, and the Turner Community Connection Group. The neighborhood is suburban in character, consisting almost entirely of single-family residences, with a few institutions, such as schools, churches, and a block of apartments.

The zoning and uses are set out above. The subject property is surrounded primarily by R-1 Single Family Zoning Districts. Continuing use as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the mixed-use corridor. The proposed use is compatible if properly managed.

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. In order to address these issues the following guidelines will be put in place:

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of South 53rd Terrace 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. To help manage issue with parking and traffic, the maximum allowed vehicles for guests will be three (3).

The proposed use provides a convenience to the public in the form of temporary lodging. If managed properly, the continued use of the property will not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property as the proposed use operates entirely within an existing dwelling in a built-out neighborhood.

Noise can be an issue that is related to short-term rentals. In efforts to manage the potential noise the property will not under any circumstance allow for large parties. In efforts to enforce this rule, guests will be required to rent the property for a minimum of 3 nights. Periodic checks will be done by management during guest stays and guests will be reminded immediately if they are in known violation of the rules. The maximum guests allowed to stay at the property at any one time will be limited to 7. Contact information for property management is found at the end of this letter. Phone calls and/or text to management are

welcomed and encouraged if neighbors were to have a concern or question with regards to a guest or for any other matter. Dust, or illumination are not issues typically related to the use of a residential property as a short-term rental and ostensibly not considered to be a problem for nearby property owners, and should not be a problem in this regard.

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

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

The relative gain or loss to the public health, safety and welfare is minimal as it only provides the convenience of lodging with some economic benefit.

The proposed use will not create issues of overcrowding as it operates within an existing structure on the site. The maximum number of guests at one time is seven (7). The maximum number of vehicles off-street is three (3). If the applicant abides by the outlined conditions, undue concentrations of population should not be an issue.

The property is in excellent condition and is regularly maintained by the property owner. Some additional repairs have been noted by inspection and the city and those repairs will be completed by the planning commission chamber meeting which is slated for June 12th at 6:30 pm.

Photos of the subject property are available electronically and will be furnished upon request via email listed below.

Property is owned and will be Managed By:

Shaymond Janes – Janes Brothers LLC

Mailing Address: 9625 Lamar Ave

Overland Park, KS 66207

Direct Phone for Text or Call: (913) 207-3280

Email Address: sjanes1976@icloud.com

Please note that the deadline for having responses, comments &/or questions submitted with the final draft to the planning commission is May 29th, 2023. Please send all responses, comments or questions, preferably in writing via email to sjanes1976@icloud.com. Direct phone calls and or texts are also welcome if necessary.

I look forward to hearing from you, and welcome your response.

Sincerely,

Shaymond Janes
Janes Brothers LLC
9625 Lamar Ave
Overland Park, KS 66207
Sjanes1976@icloud.com
(913) 207-3280

Neighborhood Meeting Minutes:

Application Number SP2023-020

Date and Location: May 29th, 2023

Meeting called to order via email and/or text/phone call:

Names of people in attendance: 0 (zero people attended)

Introductions:

A detailed letter was provided to each applicant and mailed on May 19th as required. No responses were received by either email, phone call or text. There were no questions and as such there were no answers. The meeting was conducted via email, phone call and/or text and so there was no physical sign up sheet.

Two of the letters were "returned to sender" by the USPS as not deliverable as addressed. They were to:

Michael D Woods, and Diane L. Woods of the same address:
5336 Woodend Ave
Kansas City, KS 66106

Meeting adjourned via 12:00am May 29th deadline for response.

Minutes taken by: Shaymond A. Janes

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas

COUNTY OF Wyandotte

Comes now Shaymond A. Janes of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-020.
2. That I conducted a neighborhood meeting on May 29th.
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 5/29/23

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 29th day of May, 2023

My commission expires _____ of _____, 200_.

Not Required
Notary Public

LETTER IN OPPOSITION

Re: 2737 S. 53rd Ter. – Special Use Permit

5311 Hagemann St – directly bordering backyard.

Discussion Point:

- The property has been told to cease short-term renting during the city process, and this is not the case. Confirmation can be provided.
- The property owner is not abiding by the city requirements at this stage, what guarantee would the fully invested neighbors have that the rules would be followed in the future?
- The neighborhood notification was not received at my property; how many other neighbors did not receive?

Major Concerns - Professionally:

- Working from home circumstance – during the standard workday (8-5pm) loud inappropriate music is played. At 1:00pm on a workday, during a renter stay in May, they decided to blare obscene music while I was on the back porch, costing me a client and commission.
- Due to loud music during the day, homeowners must leave the home premise at times to work and take calls offsite.

Major Concerns – legally:

- We have licensed Dobermans that are taunted by the short-terms renters 8 out of 10 times. Insurance agent advised that we are 100% liable for anything that happens with the dogs.
 - We have replaced all the pickets on the neighbor's fence.
- The short-term rental has not been approved, and the city is being advised of the increased homeowner liability due to the renters. If the short-term rental is approved, does this liability legally not apply to the city as well?

Concerns/instances:

- Loud music at night while people are sleeping, including children and disabled neighbor.
- Playing basketball in the middle of the night and jumping into our yards.
- Facility being used as an event location typically with large groups due to the pool, hot tub, and basketball court.
- Drunk men yelling at myself, my dogs, and feel unsafe as a woman (i.e., NFL draft weekend I was yelled at by a bunch of drunk men).

Overview:

- The neighbors are paying the cost for the short-term rental.
 - Having to leave premise of own home to work.
 - Increased insurance due to taunting of animals.
 - Cost of losing business.
 - Increased safety concerns.



Staff Request for Commission Action

Tracking No. 212562

Full Commission Meeting Date: 6/29/23

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
06/23/2023	Ana Marin	x5010	amarin@wycokck.org	Mayor's Office

Item Description:

Appointment of Alan Carr, Executive Director, Visit Kansas City, Kansas, as chair of the Mayor's World Cup Readiness Taskforce.

Action Requested:

For Information Only

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

SKM_C550i23062713110



Unified Government of
Wyandotte County/Kansas City, Kansas

Tyrone A. Garner, Mayor/CEO

701 North Seventh Street, Ste. 926
Kansas City, Kansas 66101
(913) 573-5010

NOTICE OF PENDING APPOINTMENT

Date: 6-22-2023

BOARD POSITION: Mayor's World Cup Readiness Taskforce

INCUMBENT REPLACED: [REDACTED]

TERM EXPIRATION DATE: [REDACTED]

APPOINTING COMMISSION MEMBER: Mayor Tyrone Garner

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Alan Carr

TERM OF OFFICE: November 2025

SIGNATURE OF APPOINTING COMMISSION MEMBER

NOTICE: IF THERE ARE NO CONCERNS RAISED WITHIN THE INITIAL 7 BUSINESS DAY
REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY
PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER
APPLICATIONS WERE SUBMITTED.



PROCLAMATION

- WHEREAS,** On January 1, 1863, President Abraham Lincoln's Emancipation Proclamation went into effect, recognizing and securing in law the unalienable right to freedom of every enslaved person behind Confederate lines; and
- WHEREAS,** over two and one-half years later, Union Army General Gordon Granger arrived in Galveston, Texas, and read Order Number Three on June 19, 1865, informing the enslaved residents of that State of their freedom; and
- WHEREAS,** from that day forward, June 19th has been a day of celebration, prayer, and reflection focused on the history, hardships, and achievements of Black people throughout the United States of America; and
- WHEREAS,** Opal Lee, the "grandmother of Juneteenth" is an American retired teacher, counselor, and key activist in the movement to make Juneteenth a federally recognized holiday inspired President Joe Biden to sign Senate Bill S. 475, on June 17, 2021, making Juneteenth the eleventh federal holiday; and
- WHEREAS,** the work of securing liberty, justice, racial conciliation, and healing for all continues throughout Wyandotte County and the State of Kansas. As such, we will continue our efforts to eradicate systemic racism, racial supremacy, hatred, bigotry, and bias that have a negative disparate impact on people of color; and
- WHEREAS,** the legacy of Wyandotte County/Kansas City, KS, has a rich cultural history as a free state given the Quindaro Township (our abolitionist settlement founded in 1856), along with our cultural diversity and the historic accomplishment of many of our African Americans residents.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim June 19, 2023, as:

"Juneteenth Freedom Day"

in Wyandotte County/Kansas City, Kansas,
and urge all citizens to recognize the
importance of Juneteenth. 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,** The National Recreation and Park Association recognizes July as “Parks and Recreation Month”; and
- WHEREAS,** this year's theme — “Where Community Grows” — celebrates the vital role that parks and recreation play in the quality of life in communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and
- WHEREAS,** parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and
- WHEREAS,** parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and
- WHEREAS,** parks and recreation areas are fundamental to the environmental well-being of our community; and
- WHEREAS,** parks and recreation programs are an integral part of communities throughout this country, including Wyandotte County and Kansas City, Kansas; and
- WHEREAS,** the Unified Government of Wyandotte County/Kansas City, Kansas, recognizes the benefits derived from parks and recreation resources;

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim that July is recognized as Park and Recreation Month, and that Wednesday, July 12, 2023 will be a “Free Swim Day” at Parkwood Pool, 950 Quindaro Blvd.

TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 212434

Full Commission Meeting Date: 5/25/23

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/8/23

(If none, please explain): 5/8/23

Publication Required: No

<u>Date:</u> 06/06/2023	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Legal
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Item Description:

Adoption of a Resolution of Intent to issue industrial revenue bonds for the Margaritaville/Homefield Outdoor project, submitted by Patrick Waters, Acting Chief Legal Counsel.

Action Requested:

Adopt the resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent - Margaritaville + HFO (UG), CBA_Margaritaville_05082023 (002)

RESOLUTION NO. R-____-23

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$135,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING COMMERCIAL FACILITIES AND MULTI-USE RECREATIONAL FACILITIES FOR THE BENEFIT OF HFMGV KCK, LLC, AND ITS SUCCESSORS AND ASSIGNS (MARGARITAVILLE AND HF OUTDOOR)

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, HFMGV KCK, LLC, a Kansas limited liability company (together with successors or assigns, the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, constructing, improving and equipping an approximately 229-room Margaritaville-themed hotel and an outdoor multi-use recreational venue and all related improvements, more fully described in the Application and referred to as the “Themed Hotel” and “Homefield Outdoor,” respectively, in the Development Agreement (defined herein), located approximately to the northwest of State Avenue and N. 94th Street in Kansas City, Kansas (collectively, the “Project”) through the issuance of its revenue bonds in the principal amount not to exceed \$135,000,000 (collectively, the “Bonds”), and to lease the Project to the Company or its successors and assigns in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of Bonds in the principal amount not to exceed \$135,000,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company or its successors and assigns.

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

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government, and the issuance of the Unified Government’s revenue bonds to pay such costs will be in furtherance of the public purposes set forth in the Act.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct, improve and equip the Project out of the proceeds of the Bonds in the principal amount of not to exceed \$135,000,000 to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government hereby expresses its intent to (i) issue its Bonds in one or more series to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of each Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of each series of Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of each series of Bonds and the execution and delivery of any documents related to each series of Bonds are subject to (i) obtaining any necessary governmental approvals, including passage and publication of an ordinance authorizing each series of Bonds; (ii) agreement by the Unified Government, the Company and the purchaser of each series of Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policies relating to the issuance of revenue bonds and ad valorem tax abatement; and (iv) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of each series of Bonds shall be the responsibility of the Company; provided, however, arrangements for the sale of each series of Bonds shall be acceptable to the Unified Government.

Section 6. Limited Obligations of the Unified Government. Each series of Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate to the Trustee and in favor of the owners of each series of Bonds, as provided in the respective Indenture. Each series of Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the respective Indenture. The issuance of each series of Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Ad Valorem Tax Abatement. Subject to the conditions in **Section 4** and the Development Agreement, in consideration of the Company's decision to acquire, construct and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Unified Government under Kansas law) for all property (including real property and building improvements) financed with the proceeds of each series of Bonds.

In consideration of the City's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax for the Project as set forth below, subject to adjustment in accordance with the Development Agreement:

⁽¹⁾ Year	⁽²⁾ PILOT
1	\$801,500
2	809,515
3	817,610
4	825,786
5	834,044
6	842,385
7	850,808
8	859,316
9	867,910
10	876,589

⁽¹⁾ PILOTs will commence the calendar year after the Bonds are issued to finance the Project and will continue for up to 10 years thereafter, subject to the terms of the Development Agreement.

⁽²⁾ Excludes the school district capital outlay mills, as provided by Kansas law.

The Project financed with the proceeds of the Bonds shall be entitled to a maximum 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year such Bonds are issued by the Unified Government.

Section 8. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of any series of Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED GOVERNMENT" AND "LITIGATION -- THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 9. Termination. This Resolution shall terminate upon the earlier of (a) five years after the 2022 Effective Date as defined in the Development Agreement (which is also the last date on which Bonds may be issued pursuant to this Resolution), or (b) any date when the Company's (or its affiliate's) rights hereunder are earlier terminated pursuant to that certain Assignment, Assumption and Second Amended and Restated Development Agreement, as may be amended and supplemented, between the Unified Government and HFS KCK, LLC, a Kansas limited liability company (the "Development Agreement").

Section 10. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for a series of Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 11. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the request of the Company, assign all or a

portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 12. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of each series of Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 13. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

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**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 29TH DAY OF JUNE, 2023.**

By: _____
Mayor/CEO

[SEAL]

ATTEST:

By _____
Unified Government Clerk

Approved as to Form:

By: _____
Office of Chief Counsel

**A Tax Abatement Cost-Benefit Analysis of
HFMGV KCK, LLC (Margaritaville & HF Outdoor)
for the Unified Government of Kansas City/Wyandotte County**

Completed by
Municipal Consulting, LLC
5/8/2023

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.

- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.

- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be

guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future performance could be substantially different.

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	1.61	6%
Wyandotte County	2.82	18%
Kansas City USD 500	14.80	138%
KC Community College	11.59	106%
State of Kansas	1.94	9%

Each of the taxing entities has a positive benefit-to-cost ratio in excess of the desired 1.3. This report assumes that the Unified Government will approve a proposed agreement regarding STAR bond issues. A PILOT payment has been considered in this analysis but no tax abatement is requested. This report assumes that the existing sales tax rates for the city, county and state will remain the same. The proposed average salary of the new jobs is below the county average wage and we adjusted retail spending estimates accordingly.

The PILOT payment schedule used in this analysis is according to the terms of the development agreement which provides for the PILOT to be in place of any property tax payment except for the school capital outlay amount.

If you have any questions or comments, you may reach me with the contact information below.

R. Steven Robb Digitally signed by R. Steven Robb
Date: 2023.05.08 16:08:03 -05'00'

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

COST-BENEFIT ANALYSIS PROJECT SUMMARY

PROJECT NAME: HFMGV KCK, LLC (Margaritaville & HF Outdoor)

DATE: 5/8/2023

GOVERNMENTAL ENTITIES INVOLVED:

CITY: City of Kansas City

COUNTY: Wyandotte County

SCHOOL DISTRICT: Kansas City USD 500

SPECIAL TAXING DISTRICT #1 KC Community College

STATE: State of Kansas

INFLATION RATE: 2.60% **Discount Rate:** 7.50%

This project will acquire, construct, improve and equip a 229-room Margaritaville-themed hotel and an outdoor multi-use recreational venue. The project is expected to create about 286 new jobs.

Although the number of jobs is important, the main benefits from this project will be the visitors to the area and their associated retail spending.

The assumption of the inflation rate is based on the latest 5-year moving average. Current inflation is much higher but not likely to remain so for an extended time.

HFMGV KCK, LLC (Margaritaville & HF Outdoor)

Community Data Inputs:					
	City of Kansas City	Wyandotte County	Kansas City USD 500	KC Community College	State
Mill Levy	38.476593	37.328383	60.829259	27.375176	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a
Utility Revenue/HsHld	\$499.74	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$110.38	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$95.21	\$59.24	n/a	\$106.40	\$1,511.19
Marg. Cost/Res./Student	\$101.65	\$37.66	\$1,602.43	\$54.87	\$654.19
Other Revenues/Worker	\$91.63	\$57.01	n/a	\$102.40	\$1,296.05
Marginal Cost/New Worker	\$97.83	\$36.25	n/a	\$52.80	\$561.06
State Funding/Pupil	n/a	n/a	\$11,887.38	n/a	\$10,173
Federal Funding/Pupil	n/a	n/a	\$4,136.89	n/a	\$1,022
Visitor Daily Spending	\$60.00	\$60.00			\$75.00
Average Hotel Room Rate	\$319	\$319	Total Mill Levy:	165.509411	n/a
Retail Pull Factor	0.94	0.96			n/a
Percent of County Share	90.90%	100.00%			n/a
Ann. Local Per Capita Sales Tax	\$211	\$184			n/a
Ann. State Per Capita Sales Tax	\$1,051	\$1,075			\$1,078
Annual Per Capita Retail Sales	\$16,176	\$16,535			\$16,581
Average Household Size	2.68	2.67			2.49
Avg. Wage-All Occupations	\$53,726	\$53,726			\$48,609

HFMGV KCK, LLC (Margaritaville & HF Outdoor)

Firm Data Inputs:			First Expansion- Year 1											
			Land	Improvements	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Investment in Land & Building			\$0	\$115,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$115,500,000
Investment in Fixtures, etc.				\$13,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$13,500,000
Other project soft costs				\$6,000,000										
Total project costs				\$135,000,000										
Value of city sales tax exemption:			\$281,731	Value of county sales tax exemption		\$173,373	Value of state sales tax exemption:			\$4,005,537				\$4,460,642
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$26,661,169	\$27,354,359	\$28,065,573	\$28,795,278	\$29,543,955	\$30,312,098	\$31,100,212	\$31,908,818	\$32,738,447	\$33,589,647	\$300,069,555
Purchases		0.00%		\$6,132,069	\$6,291,503	\$6,455,082	\$6,622,914	\$6,795,110	\$6,971,782	\$7,153,049	\$7,339,028	\$7,529,843	\$7,725,619	\$69,015,998
Net Utility Revenue-Firm		2.60%	\$21,000	\$849,425	\$871,510	\$894,169	\$917,418	\$941,270	\$965,743	\$990,853	\$1,016,615	\$1,043,047	\$1,070,166	\$9,581,216
Franchise Fees-Firm		2.60%	\$0	\$94,381	\$96,834	\$99,352	\$101,935	\$104,586	\$107,305	\$110,095	\$112,957	\$115,894	\$118,907	\$1,062,246
Net Utility Revenue-Emp.		2.60%	\$0	\$42,916	\$44,031	\$45,176	\$46,351	\$47,556	\$48,792	\$50,061	\$51,363	\$52,698	\$54,068	\$483,012
Franchise Fees-Employees		2.60%	\$0	\$9,479	\$9,726	\$9,979	\$10,238	\$10,504	\$10,777	\$11,058	\$11,345	\$11,640	\$11,943	\$106,688
PILOT- City			\$0	\$186,328	\$188,191	\$190,073	\$191,974	\$193,893	\$195,832	\$197,791	\$199,768	\$201,766	\$203,784	\$1,949,400
PILOT - County			\$0	\$180,767	\$182,575	\$184,401	\$186,245	\$188,107	\$189,988	\$191,888	\$193,807	\$195,745	\$197,703	\$1,891,226
PILOT - State			\$0	\$7,264	\$7,337	\$7,410	\$7,484	\$7,559	\$7,634	\$7,711	\$7,788	\$7,866	\$7,944	\$75,997
PILOT - School			\$0	\$294,573	\$297,519	\$300,494	\$303,499	\$306,534	\$309,600	\$312,695	\$315,822	\$318,981	\$322,171	\$3,081,888
PILOT - Comm. Coll.			\$0	\$132,568	\$133,893	\$135,232	\$136,585	\$137,950	\$139,330	\$140,723	\$142,130	\$143,552	\$144,987	\$1,386,951
New Employees				286	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	286
New to the City			30%	86	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	86
New to the County			50%	143	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	144
New to the State			5.00%	11.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	11
New students in K-12			50%	43	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43
New employee average salary				\$33,530	\$34,402	\$35,296	\$36,214	\$37,156	\$38,122	\$39,113	\$40,130	\$41,173	\$42,244	N/A
Tax Abatement-Land				0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	N/A
Tax Abatement-Bldg.				0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	N/A
Visitors		0.0%	0	100,302	100,500	101,000	101,500	102,000	102,500	103,000	103,500	104,000	104,500	1,022,802
				City	County	State								
Percentage of sales taxable in the				100%	100%	100%								
Percentage of purchases taxable in the				50%	50%	75%								
Assumed Inflation Rate				2.60%										

COST-BENEFIT ANALYSIS PROJECT SUMMARY								
PROJECT NAME: HFMGV KCK, LLC (Margaritaville & HF Outdoor)				Ratio of				
DATE: 5/8/2023				NPV of Net				
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$53,191,368	\$32,955,709	\$20,235,658	\$13,738,849	\$281,731	48.77	1.61	6%
Wyandotte County	\$8,858,679	\$3,137,449	\$5,721,231	\$3,909,421	\$173,373	22.55	2.82	18%
Kansas City USD 500	\$11,463,587	\$774,386	\$10,689,200	\$7,245,769	\$0	0.00	14.80	138%
KC Community College	\$1,665,759	\$143,769	\$1,521,990	\$1,037,709	\$0	0.00	11.59	106%
State of Kansas	\$47,370,895	\$24,470,573	\$22,900,322	\$14,929,343	\$4,005,537	3.73	1.94	9%

SUMMARY OF COSTS AND BENEFITS FOR:

City of Kansas City

PROJECT: HFMGV KCK, LLC (Margaritaville & HF Outdoor)

DATE: 5/8/2023

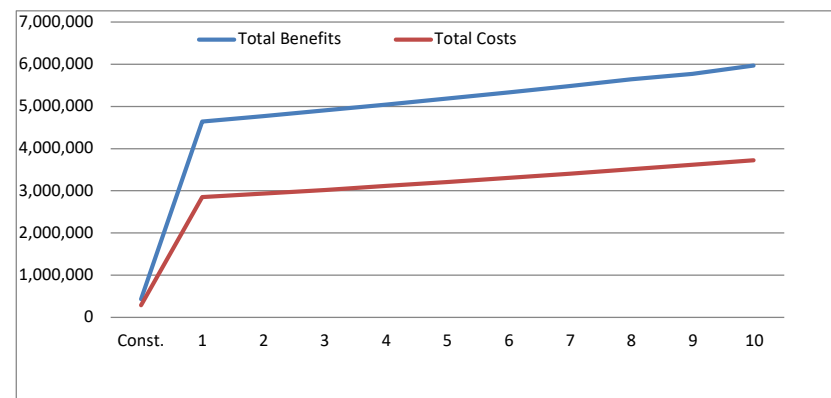
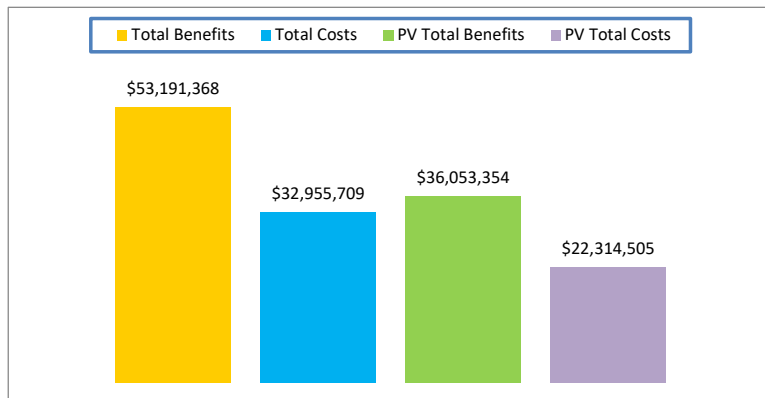
DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 1.61

Ratio of Present Value of Total Benefits to Present Value of Total Costs: 1.62

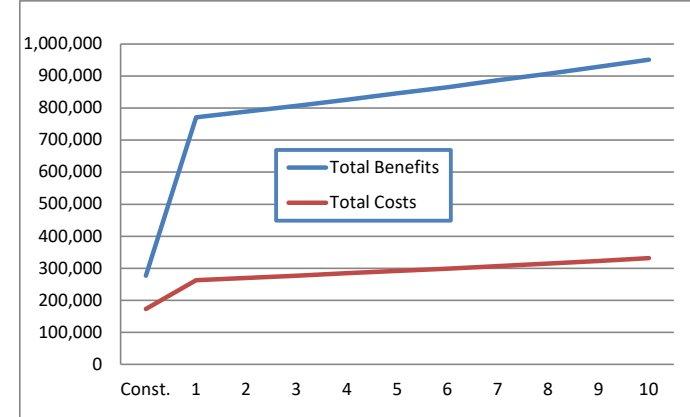
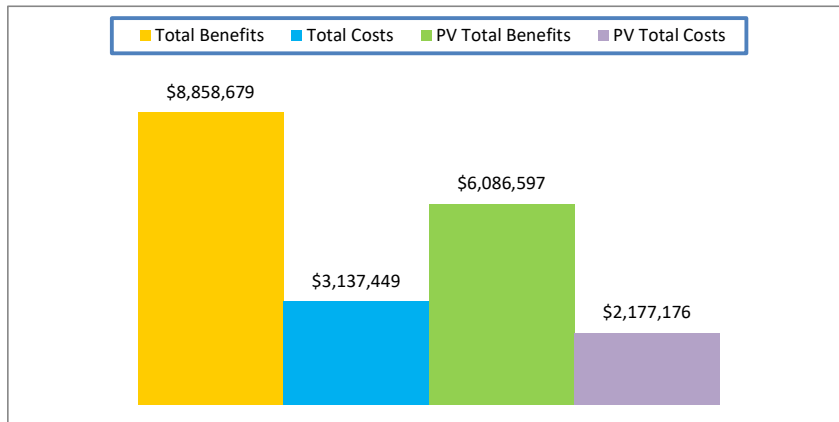
(Typical desired ratio would be 1.3 to 1) Average ROI: 6.14%

Year	Sales and Transient Guest Taxes	New Property Taxes	Utilities and Franchise Fees	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various City Services	STAR Bond Sales & Guest Tax* Collections	Incentives and Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	409,459	0	21,000	0	0	430,459	430,459	0	0	281,731	281,731	281,731	148,728	148,728	148,728	281,731
1	3,439,806	0	996,200	186,328	22,167	4,644,500	4,320,465	23,666	2,826,319	0	2,849,985	2,651,149	1,794,515	1,943,243	1,669,316	0
2	3,535,019	0	1,022,101	188,191	22,743	4,768,054	4,125,953	24,282	2,904,987	0	2,929,269	2,534,792	1,838,786	3,782,029	1,591,161	0
3	3,641,901	0	1,048,676	190,073	23,334	4,903,984	3,947,514	24,913	2,993,949	0	3,018,862	2,430,065	1,885,122	5,667,151	1,517,449	0
4	3,751,952	0	1,075,942	191,974	23,941	5,043,808	3,776,806	25,561	3,085,573	0	3,111,134	2,329,619	1,932,674	7,599,825	1,447,187	0
5	3,865,263	0	1,103,916	193,893	24,563	5,187,636	3,613,492	26,225	3,179,938	0	3,206,163	2,233,281	1,981,473	9,581,298	1,380,212	0
6	3,981,930	0	1,132,618	195,832	25,202	5,335,582	3,457,252	26,907	3,277,124	0	3,304,031	2,140,885	2,031,551	11,612,849	1,316,367	0
7	4,102,050	0	1,162,066	197,791	25,857	5,487,764	3,307,777	27,607	3,377,213	0	3,404,820	2,052,272	2,082,944	13,695,793	1,255,505	0
8	4,225,726	0	1,192,280	199,768	26,530	5,644,303	3,164,773	28,324	3,480,292	0	3,508,617	1,967,289	2,135,687	15,831,480	1,197,484	0
9	4,353,059	0	1,192,280	201,766	27,219	5,774,324	3,011,792	29,061	3,586,449	0	3,615,509	1,885,790	2,158,815	17,990,295	1,126,002	0
10	4,484,157	0	1,255,084	203,784	27,927	5,970,952	2,897,070	29,816	3,695,772	0	3,725,589	1,807,633	2,245,364	20,235,658	1,089,437	0
Total	\$39,790,321	\$0	\$11,202,163	\$1,949,400	\$249,483	\$53,191,368	\$36,053,354	\$266,362	\$32,407,616	\$281,731	\$32,955,709	\$22,314,505	\$20,235,658	\$20,235,658	\$13,738,849	\$281,731



* The development agreement calls for 1% of the city's 1.625% sales tax and 7.84% of the transient guest tax on sales in the project area to be applied toward the project Star bonds.

SUMMARY OF COSTS AND BENEFITS FOR:								Wyandotte County		Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:							2.82		
PROJECT:								HFMGV KCK, LLC (Margaritaville & HF Outdoor)		Ratio of Present Value of Total Benefits to Present Value of Total Costs:							2.80		
DATE:								5/5/2023		DISCOUNT RATE:		7.50%		(Typical desired ratio would be 1.3 to 1)				Average ROI	18.24%
Year	Sales Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	STAR Bond Sales Tax*	Incentives and Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated				
Const.	277,200	0	0	0	277,200	277,200	0	0	173,373	173,373	173,373	103,827	103,827	103,827	173,373				
1	568,279	0	180,767	22,405	771,451	717,629	14,245	249,113	0	263,358	244,984	508,093	611,920	472,645	0				
2	583,420	0	182,575	22,988	788,982	682,732	14,615	255,590	0	270,205	233,817	518,777	1,130,697	448,914	0				
3	599,536	0	184,401	23,585	807,522	650,023	14,995	262,236	0	277,231	223,160	530,291	1,660,988	426,863	0				
4	616,096	0	186,245	24,198	826,539	618,913	15,385	269,054	0	284,439	212,988	542,100	2,203,088	405,925	0				
5	633,112	0	188,107	24,828	846,046	589,321	15,785	276,049	0	291,834	203,280	554,212	2,757,301	386,041	0				
6	650,596	0	189,988	25,473	866,057	561,172	16,195	283,227	0	299,422	194,014	566,636	3,323,936	367,158	0				
7	668,561	0	191,888	26,135	886,585	534,393	16,616	290,590	0	307,207	185,170	579,378	3,903,314	349,223	0				
8	687,021	0	193,807	26,815	907,643	508,917	17,048	298,146	0	315,194	176,730	592,449	4,495,763	332,187	0				
9	705,989	0	195,745	27,512	929,246	484,679	17,492	305,898	0	323,389	168,674	605,857	5,101,620	316,005	0				
10	725,478	0	197,703	28,227	951,408	461,617	17,946	313,851	0	331,797	160,986	619,611	5,721,231	300,631	0				
Total	\$6,715,286	\$0	\$1,891,226	\$252,167	\$8,858,679	\$6,086,597	\$160,322	\$2,803,754	\$173,373	\$3,137,449	\$2,177,176	\$5,721,231	\$5,721,231	\$3,909,421	\$173,373				



* The development agreement calls for 93.4368% of the county's 1% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

SUMMARY OF COSTS AND BENEFITS FOR:

Kansas City USD 500

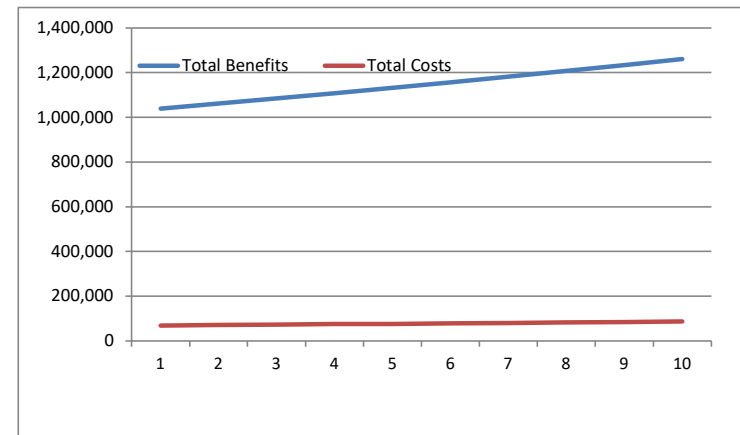
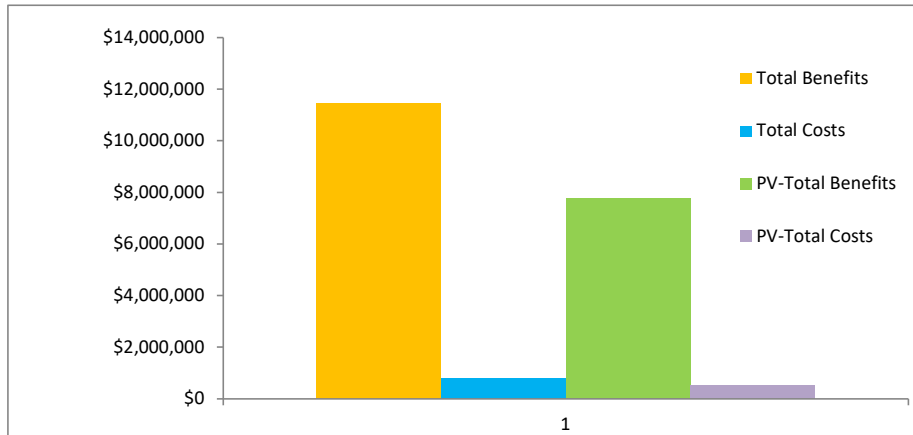
PROJECT: HFMGV KCK, LLC (Margaritaville & HF Outdoor)

DATE: 5/5/2023

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 14.80
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 14.84
(Typical desired ratio would be 1.3 to 1) **Average ROI** 138.03%

Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Marginal Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	0	294,573	38,782	705,931	1,039,287	966,778	68,804	0	68,804	64,004	970,483	970,483	902,775	0
2	0	297,519	39,791	724,285	1,061,595	918,633	70,593	0	70,593	61,087	991,002	1,961,485	857,546	0
3	0	300,494	40,825	743,117	1,084,436	872,928	72,429	0	72,429	58,302	1,012,008	2,973,493	814,626	0
4	0	303,499	41,887	762,438	1,107,824	829,539	74,312	0	74,312	55,645	1,033,512	4,007,005	773,894	0
5	0	306,534	42,976	782,261	1,131,771	788,345	76,244	0	76,244	53,108	1,055,527	5,062,532	735,237	0
6	0	309,600	44,093	802,600	1,156,293	749,233	78,226	0	78,226	50,688	1,078,067	6,140,599	698,546	0
7	0	312,695	45,240	823,468	1,181,403	712,096	80,260	0	80,260	48,377	1,101,143	7,241,741	663,719	0
8	0	315,822	46,416	844,878	1,207,116	676,833	82,347	0	82,347	46,172	1,124,769	8,366,510	630,661	0
9	0	318,981	47,623	866,845	1,233,448	643,346	84,488	0	84,488	44,067	1,148,960	9,515,471	599,279	0
10	0	322,171	48,861	889,382	1,260,414	611,545	86,684	0	86,684	42,059	1,173,730	10,689,200	569,486	0
Total	\$0	\$3,081,888	\$436,494	\$7,945,204	\$11,463,587	\$7,769,277	\$774,386	\$0	\$774,386	\$523,508	\$10,689,200	\$10,689,200	\$7,245,769	\$0



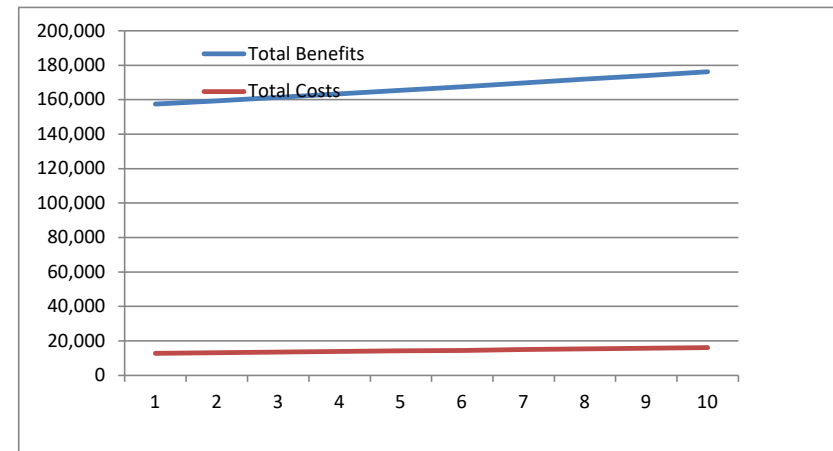
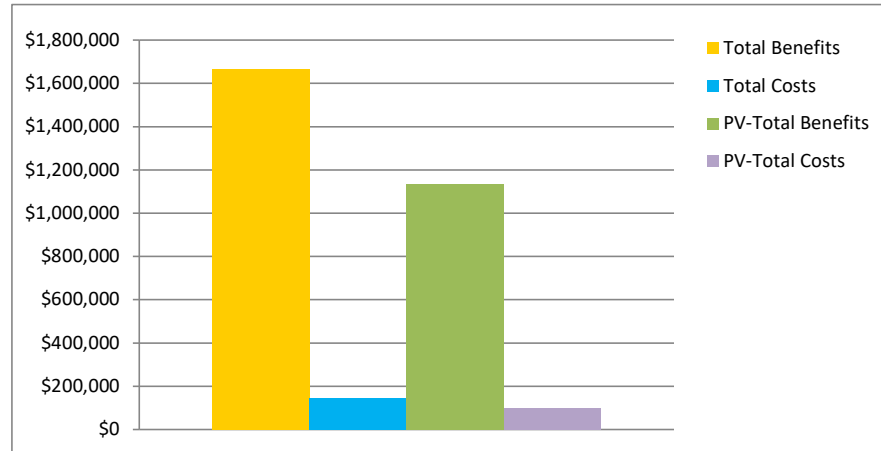
SUMMARY OF COSTS AND BENEFITS FOR: KC Community College
PROJECT: HFMGV KCK, LLC (Margaritaville & HF Outdoor)

DATE: 5/5/2023

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 11.59
Ratio of Present Value of Total Benefits to Present Value of Total Costs: 11.68
(Typical desired ratio would be 1.3 to 1) **Average ROI** 105.86%

Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	0	132,568	24,772	157,340	146,363	12,774	0	12,774	11,883	144,566	144,566	134,480	0
2	0	133,893	25,416	159,309	137,856	13,106	0	13,106	11,341	146,204	290,769	126,515	0
3	0	135,232	26,077	161,309	129,848	13,447	0	13,447	10,824	147,862	438,632	119,023	0
4	0	136,585	26,755	163,340	122,309	13,796	0	13,796	10,331	149,543	588,175	111,978	0
5	0	137,950	27,451	165,401	115,212	14,155	0	14,155	9,860	151,246	739,421	105,352	0
6	0	139,330	28,164	167,494	108,530	14,523	0	14,523	9,410	152,971	892,392	99,119	0
7	0	140,723	28,897	169,620	102,239	14,901	0	14,901	8,981	154,719	1,047,111	93,258	0
8	0	142,130	29,648	171,778	96,316	15,288	0	15,288	8,572	156,490	1,203,601	87,744	0
9	0	143,552	30,419	173,971	90,740	15,686	0	15,686	8,181	158,285	1,361,886	82,559	0
10	0	144,987	31,210	176,197	85,490	16,093	0	16,093	7,808	160,104	1,521,990	77,681	0
Total	\$0	\$1,386,951	\$278,808	\$1,665,759	\$1,134,901	\$143,769	\$0	\$143,769	\$97,192	\$1,521,990	\$1,521,990	\$1,037,709	\$0



SUMMARY OF COSTS AND BENEFITS FOR:

State of Kansas

PROJECT: HFMGV KCK, LLC (Margaritaville & HF Outdoor)

DATE: 5/5/2023

DISCOUNT RATE: 7.50%

Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:

1.94

Ratio of Present Value of Total Benefits to Present Value of Total Costs:

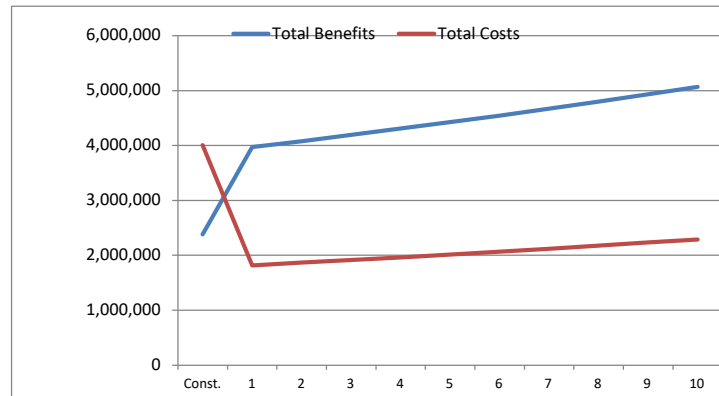
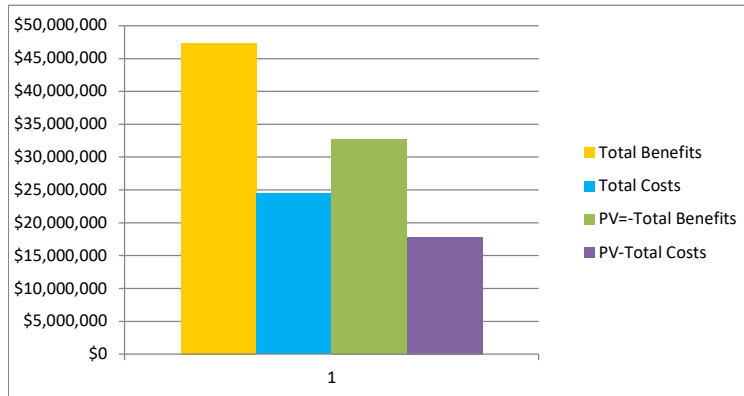
1.84

(Typical desired ratio would be 1.3 to 1)

Average ROI

9.36%

Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Incentives and Property Taxes Abated	STAR Bond Sales Tax*	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	1,801,800	\$0	577,500	0	0	2,379,300	2,379,300	0	\$0	\$4,005,537	\$0	4,005,537	4,005,537	-1,626,237	-1,626,237	-1,626,237	4,005,537
1	3,721,938	\$0	201,558	7,264	42,910	3,973,670	3,696,437	18,261	67,080	\$0	1,732,976	1,818,318	1,691,458	2,155,353	529,115	2,004,979	0
2	3,821,086	\$0	206,799	7,337	44,025	4,079,246	3,529,905	18,736	68,825	\$0	1,778,033	1,865,594	1,614,359	2,213,652	2,742,767	1,915,546	0
3	3,926,592	\$0	212,176	7,410	45,170	4,191,347	3,373,869	19,223	70,614	\$0	1,824,262	1,914,099	1,540,774	2,277,248	5,020,016	1,833,095	0
4	4,035,002	\$0	217,692	7,484	46,344	4,306,522	3,224,726	19,723	72,450	\$0	1,871,693	1,963,866	1,470,544	2,342,656	7,362,672	1,754,182	0
5	4,146,394	\$0	223,352	7,559	47,549	4,424,855	3,082,171	20,236	74,334	\$0	1,920,357	2,014,926	1,403,514	2,409,928	9,772,600	1,678,656	0
6	4,260,852	\$0	229,159	7,634	48,785	4,546,431	2,945,912	20,762	76,266	\$0	1,970,286	2,067,315	1,339,540	2,479,116	12,251,716	1,606,372	0
7	4,378,458	\$0	235,118	7,711	50,054	4,671,340	2,815,673	21,302	78,249	\$0	2,021,514	2,121,065	1,278,482	2,550,275	14,801,992	1,537,191	0
8	4,499,299	\$0	241,231	7,788	51,355	4,799,673	2,691,187	21,855	80,284	\$0	2,074,073	2,176,212	1,220,207	2,623,460	17,425,452	1,470,980	0
9	4,623,464	\$0	247,503	7,866	52,691	4,931,523	2,572,201	22,424	82,371	\$0	2,127,999	2,232,794	1,164,588	2,698,729	20,124,181	1,407,613	0
10	4,751,045	\$0	253,938	7,944	54,060	5,066,987	2,458,471	23,007	84,513	\$0	2,183,327	2,290,847	1,111,505	2,776,141	22,900,322	1,346,967	0
Total	\$43,965,929	\$0	\$2,846,026	\$75,997	\$482,943	\$47,370,895	\$32,769,853	\$205,528	\$754,986	\$4,005,537	\$19,504,521	\$24,470,573	\$17,840,510	\$22,900,322	\$22,900,322	\$14,929,343	\$4,005,537



* The development agreement calls for 100% of the state's 6.5% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

HFMGV KCK, LLC (Margaritaville & HF Outdoor)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	286	286
Construction jobs created	573	0
Number of New Residents in the Community	230	230
Number of Additional Students in the Local School District	43	43
Increase in Local Personal Incomes	\$9,598,021	\$108,025,040
Increase in Local Retail Sales	\$98,262,360	\$1,076,054,196
Increase in the Community's Property Tax Base	\$24,250,000	\$24,250,000
Estimated Annual Property Tax Revenue after the abatement period ends:		
	City	\$241,219
	County	\$234,021
	School	\$381,354
	Comm. Coll.	\$171,622
	State	\$9,404
	Total	\$1,037,619

HFMGV KCK, LLC (Margaritaville & HF Outdoor)

Overall Cost-Benefit Summary

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS		INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Sales and Guest Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				STAR Bond Collections	Cost of Educating New Students	Incentives & Indirect Costs		
City of Kansas City	39,790,321	1,949,400	0			11,202,163	52,941,884	249,483	53,191,368	32,407,616	0	548,093	32,955,709	20,235,658
Wyandotte County	6,715,286	1,891,226	0				8,606,513	252,167	8,858,679	2,803,754	0	333,695	3,137,449	5,721,231
Kansas City USD 500		3,081,888	436,494	7,945,204			11,463,587	0	11,463,587	0	774,386	0	774,386	10,689,200
KC Community College		1,386,951	0				1,386,951	278,808	1,665,759	0	0	143,769	143,769	1,521,990
State of Kansas	43,965,929	75,997	0	0	2,846,026		46,887,951	482,943	47,370,895	19,504,521	754,986	4,211,065	24,470,573	22,900,322
TOTALS	\$90,471,536	\$8,385,463	\$436,494	\$7,945,204	\$2,846,026	\$11,202,163	\$121,286,886	\$1,263,401	\$122,550,287	\$54,715,891	\$1,529,373	\$5,236,622	\$61,481,886	\$61,068,401



Staff Request for Commission Action

Tracking No. 212496

Full Commission Meeting Date:

Committee: Economic Development & Finance

Date of Standing Committee Action: 6/5/23

(If none, please explain):

Publication Required: No

<u>Date:</u> 06/06/2023	<u>Contact Name:</u> Jeffrey Conway, Patrick Waters	<u>Contact Phone:</u> x5075, x5079	<u>Contact Email:</u> jconway@wycokck.org, patrickwaters@wycokck.org	<u>Department/Division:</u> Legal
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Item Description:

A Resolution Authorizing the First Amendment to the Performance Agreement Between the Unified Government and CPC Land Acquisition LLC (Criterion Development), extending the construction commencement and completion dates, submitted by Patrick Waters, Acting Chief Counsel.

Action Requested:

To adopt the resolution. (No publication required, does not need to be fast-tracked.)

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution - First Am. PA - Criterion Development Partners, LLC (UG), 1st Amendment of Performance Agreement - Criterion Development Partners, LLC (UG)

RESOLUTION NO. ____-23

**A RESOLUTION APPROVING AND AUTHORIZING THE
MAYOR/CEO TO EXECUTE A FIRST AMENDMENT OF
PERFORMANCE AGREEMENT BETWEEN THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AND CPC LAND ACQUISITION COMPANY, LLC.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “**Unified Government**”), pursuant to Resolution No. 32-22, previously declared the intent of the Unified Government to issue its industrial revenue bonds in an amount of not to exceed \$62,000,000 (the “**Bonds**”) for the acquisition, construction, and equipping of an approximately 232-unit commercial multifamily development (as more fully described in Resolution No. 32-22, the “**Project**”);

WHEREAS, pursuant to Resolution No. 32-22, the Unified Government and CPC Land Acquisition Company, LLC, a Delaware limited liability company (the “**Company**”), previously entered into that certain Performance Agreement dated as of August 2, 2022 (the “**Original Agreement**”) setting forth certain terms of the Bonds and the Project; and

WHEREAS, the Unified Government and the Company now desire to enter into a First Amendment of Performance Agreement (the “**First Amendment**”) to amend certain terms of the Original Agreement.

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

Section 1. The Mayor/CEO is authorized and directed to execute and deliver the First Amendment between the Unified Government and the Company on behalf of and as the act and deed of the Unified Government, in substantially the same form as presented to the governing body of the Unified Government on this date with such corrections or amendments thereto as the Mayor/CEO, upon recommendation of the Chief of Counsel of the Unified Government, may approve.

Section 2. This Resolution shall become effective upon adoption by the governing body of the Unified Government.

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**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON JUNE __, 2023.**

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

(SEAL)

By: _____
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____
Brett Deichler, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

DRAFT: April __, 2023

FIRST AMENDMENT OF PERFORMANCE AGREEMENT

Dated as of June __, 2023

BETWEEN THE

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

AND

CPC LAND ACQUISITION COMPANY, LLC

Prepared By:

**Gilmore & Bell, P.C.
Kansas City, Missouri**

FIRST AMENDMENT OF PERFORMANCE AGREEMENT

THIS FIRST AMENDMENT OF PERFORMANCE AGREEMENT, dated as of June __, 2023 (the “**First Amendment**”), between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation organized and existing under the laws of the State of Kansas (the “**Issuer**”), and **CPC LAND ACQUISITION COMPANY, LLC**, a Delaware limited liability company (the “**Company**”), amends that certain Performance Agreement dated as of August 2, 2022, (the “**Original Agreement**,” and together with this First Amendment, the “**Agreement**”);

WITNESSETH:

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “**Act**”), to acquire, construct and improve certain facilities for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for said projects, and to issue revenue bonds for the purpose of paying the cost of any such facilities;

WHEREAS, pursuant to such authorization, the governing body of the Issuer has adopted a Resolution (the “**Resolution**”) indicating the Issuer’s intent to issue one or more series of taxable industrial revenue bonds in the principal amount of not to exceed \$62,000,000 (the “**Bonds**”), for the purpose of acquiring, constructing, improving, installing, furnishing and equipping the Project and authorizing the Issuer to enter into the Original Agreement;

WHEREAS, the Issuer is authorized and empowered under the Act and K.S.A. 79-201a, as amended (the “**Abatement Statute**”) to exempt from ad valorem taxation all or any portion of the Project financed with the proceeds of the Bonds, subject to the limitations set forth in the Abatement Statute and the Agreement; and

WHEREAS, pursuant to the foregoing, the Issuer and Company previously entered into the Original Agreement and now desire to enter into this First Amendment to amend certain provisions of the Original Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein contained, the Issuer and the Company hereby represent, covenant and agree as follows:

1. Defined Terms. Unless defined in this First Amendment, all capitalized terms shall have the meaning set forth in the Original Agreement.

2. Amendments. The following portions of the Original Agreement are hereby amended as set forth below.

“**Section 3.2. Completion Date.**” Such Section of the Original Agreement is hereby amended to read as follows:

Section 3.2. Completion Date. Subject only to Force Majeure, the Company agrees to commence construction on or before December 31, 2023, and substantially complete construction of the Project on or before December 31, 2025. “Commence construction” shall mean that the Company has entered into a contract with a licensed contractor for the construction of the Project and the Issuer has issued a building permit therefor. “Substantially complete,” for purposes of this Section, shall mean that the Project can be occupied or utilized for its intended purpose as a multifamily development, as

evidenced by receipt by the Company of one or more temporary certificates of occupancy for all of the multifamily housing structures included in the Project. The parties agree that the governing body of the Issuer will consider an ordinance authorizing the issuance of the Bonds on or about such time, but in no event will the Bonds be issued later than December 31, 2025.

3. Ratification. Except as expressly amended herein, all terms of the Original Agreement will remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed by their duly authorized officers, all as of the date first above written.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

(SEAL)

By: _____
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____
Brett Deichler, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

CPC LAND ACQUISITION COMPANY, LLC
a Delaware limited liability company

By: Criterion Property Company, L.P., a Delaware
limited partnership, its member

By: Criterion Partners, LLC, a Delaware limited liability
company, its General Partner

By: _____

Name: _____

Title: _____



Staff Request for Commission Action

Tracking No. 212499

Full Commission Meeting Date: 6/29/23

Committee: Economic Development & Finance

Date of Standing Committee Action: 6/5/23

(If none, please explain):

Publication Required: Yes 8/3/2023

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
06/06/2023	Jeffrey Conway, Patrick Waters	x5075, x5079	jconway@wycokck.org, patrickwaters@wycokck.org	Legal

Item Description:

An ordinance authorizing the creation of a Community Improvement District related to the Urban Outfitters Distribution Center, submitted by Patrick Waters, Acting Chief Counsel.

Action Requested:

For Approval

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

CID Ordinance - Project URBN (UG), Kansas CID Petition, Waiver of Assessment Proceedings

(Published in *The Wyandotte Echo* on July __, 2023)

ORDINANCE NO. O-____-23

AN ORDINANCE AUTHORIZING THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT IN THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; AND PROVIDING FOR THE METHOD OF FINANCING THE SAME, INCLUDING IMPOSITION OF SPECIAL ASSESSMENTS.

WHEREAS, K.S.A. 12-6a26 *et seq.* (the “Act”) authorizes the governing body of any city or county to create community improvement districts to finance projects within such defined area of the city or county and to levy a community improvement district sales tax and/or levy special assessments upon property within the district to finance the Projects (as defined herein); and

WHEREAS, a petition (the “Petition”) was filed with the Clerk on February 4, 2021, proposing the creation of a community improvement district (“District”) under the Act and the imposition of a community improvement district special assessments on the property in order to pay a portion of the costs of the Projects; and

WHEREAS, the Petition was signed by URBN US Retail LLC, a Pennsylvania limited liability company, the owner of record of all of the real property within the proposed District; and

WHEREAS, the Board of Commissioners (the “Governing Body”) of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) intends to create the District and impose the special assessments within the District as requested in the Petition (the “CID Special Assessments”); and

WHEREAS, the Governing Body hereby finds and determines it to be advisable to create the District and set forth the boundaries thereof, authorize the Projects as described herein, approve the estimated costs of the Projects and the method of financing the same, all in accordance with the provisions of the Act.

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

SECTION 1. Creation of Community Improvement District; Boundaries. The Governing Body hereby finds and determines that the Petition is sufficient, and it is advisable to create, in accordance with the provisions of the Act, the District within the Unified Government. A legal description of the boundaries of the proposed District is set forth on **Exhibit A**, attached hereto and incorporated by reference herein. A map generally outlining the boundaries of the proposed District is attached as **Exhibit B**, attached hereto and incorporated by reference herein.

SECTION 2. Authorization of Community Improvement District Project and Estimated Costs. The general nature of the proposed projects described in the Petition to be constructed within the CID is approved as follows (collectively, the “Project”):

Acquiring and constructing a commercial facility, consisting of an approximately 880,254 square foot omni channel distribution and fulfillment center, containing approximately 60,000 square feet of office space, and including land, buildings, structures, improvements and fixtures, all generally located on 65 acres southeast of the intersection of State Avenue and Speedway Boulevard within the municipal boundaries of the Unified Government, and including particularly operating and/or contracting for the provision of certain transportation services related to and substantially for the benefit of the District.

The estimated or probable cost of the Projects is \$403,000,000. The total cost of the Projects to be financed by the District is \$6,000,000.

SECTION 3. Method of Financing, Community Improvement District Sales Tax and Special Assessments. The Projects will be financed through a combination of private equity, private debt, and The CID Special Assessments pursuant to the Act. The total Special Assessments will equal \$6,000,000, payable in equal annual installments of \$300,000, and the method of assessment will be equally per lot within the District for a term of 20 years, commencing with the tax bill to be distributed December 2023.

No community improvement district sales tax will be imposed by the District.

SECTION 4. Segregation of CID Special Assessment Revenues. All revenues derived from the collection of the CID Special Assessments shall be deposited into a special fund of the Unified Government to be designated as the URBN Community Improvement District Revenue Fund. Such revenues shall be used to pay the costs of the Projects.

SECTION 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the Unified Government and publication once in the official newspaper of the Unified Government pursuant to applicable law.

SECTION 6. Recording. The Clerk shall file a certified copy of this Ordinance with the Register of Deeds of Wyandotte County, Kansas.

[Balance of page intentionally left blank]

PASSED by the Governing Body on this June 29, 2023 and **APPROVED AND SIGNED** by the Mayor/CEO.

By: _____
Mayor/CEO

[SEAL]

By: _____
Unified Government Clerk

Approved as to form:

By: _____
Office of Chief Counsel

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED COMMUNITY IMPROVEMENT DISTRICT

Lot I, Final Plat, Urban Outfitters FC, a replat of part of Lot I Kansas Speedway Corporation, a subdivision in Wyandotte County, Kansas City, Kansas.

All that part of Lot I, Kansas Speedway Corporation, a subdivision in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows: beginning at the northwest corner of said Lot I, thence with the northerly line of said Lot I, and the south right-of-way line of State Avenue, on a curve to the left having a radius of 2939.79 feet, a central angle of 30 degrees 33 minutes 13 seconds, with an initial tangent bearing of North 89 degrees 18 minutes 52 seconds East, an arc distance of 1567.68 feet; thence South 31 degrees 14 minutes 21 seconds East, and no longer with the north line of said Lot I and the south right-of-way line of State Avenue, a distance of 56.34 feet to a point of curvature; thence on a curve to the left having a radius of 165.00 feet, a central angle of 80 degrees 55 minutes 48 seconds, an arc distance of 233.06 feet; thence North 67 degrees 49 minutes 51 seconds East, a distance of 281.79 feet to a point of curvature; thence on a curve to the right having a radius of 235.00 feet, a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 369.14 feet; thence South 22 degrees 10 minutes 09 seconds East, a distance of 945.63 feet to a point of curvature; thence on a curve to the right having a radius of 735.00 feet, a central angle of 20 degrees 48 minutes 47 seconds, an arc distance of 266.99 feet; thence South 01 degree 21 minutes 22 seconds East, a distance of 77.01 feet; thence South 88 degrees 38 minutes 38 seconds West, a distance of 153.83 feet to a point of curvature; thence on a curve to the left having a radius of 2900.00 feet, a central angle of 38 degrees 15 minutes 01 second, an arc distance of 1936.02 feet; thence South 50 degrees 23 minutes 37 seconds West, a distance of 570.35 feet to a point on the west line of Lot I, Kansas Speedway Corporation and the east right-of-way line of Speedway Boulevard; thence with the west line of said Lot I and the east right-of-way line of Speedway Boulevard on a curve to the right having a radius of 1569.02 feet, a central angle of 37 degrees 21 minutes 20 seconds, with an initial tangent bearing of North 37 degrees 59 minutes 42 seconds West, an arc distance of 1022.97 feet; thence North 00 degrees 38 minutes 22 seconds West (North 02 degrees 22 minutes 48 seconds West plat), continuing with the west line of said Lot I and the east right-of-way line of Speedway Boulevard, a distance of 983.49 feet; thence North 30 degrees 29 minutes 49 seconds East (North 28 degrees 45 minutes 22 seconds East plat), continuing with west line of said Lot I and the east right-of-way line of Speedway Boulevard, a distance of 29.03 feet to the point of beginning. The above described tract contains 90.20 acres.

**PETITION FOR THE CREATION OF A
COMMUNITY IMPROVEMENT DISTRICT**

TO: The Governing Body,
Unified Government of Wyandotte County/Kansas City, Kansas

The undersigned, being the owners of record of 100% of the land area contained within the hereinafter described community improvement district, hereby petition the Unified Government of Wyandotte County/Kansas City, Kansas (the “UG”) to create a community improvement district (the “CID”) and authorize the proposed projects hereinafter set forth, all in the manner provided by K.S.A 12-6a26 *et seq.* (the “Act”). In furtherance of such request, the petitioners state as follows:

1. GENERAL NATURE

The general nature of the proposed projects (the “**Projects**”) is as follows:

Acquiring and constructing a commercial facility, consisting of an approximately 880,254 square foot omni channel distribution and fulfillment center, containing approximately 60,000 square feet of office space, and including land, buildings, structures, improvements and fixtures, all generally located on approximately 65 acres southeast of the intersection of State Avenue and Speedway Boulevard within the municipal boundaries of the UG, and including particularly operating and/or contracting for the provision of certain transportation services related to and substantially for the benefit of the community improvement district.

2. ESTIMATED COST

The estimated or probable cost of the Projects is \$403,000,000.

3. PROPOSED METHOD OF FINANCING

It is proposed that the Projects be financed through a combination of private equity, private debt and CID special assessment financing.

4. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

It is proposed that a portion of the Projects be financed through the levy of special assessments on the property within the boundaries of the CID to pay certain costs of the Projects (“**Special Assessments**”). The total proposed amount of Special Assessments on property within the boundaries of the CID to pay the costs of the Projects will equal \$6,000,000, payable in equal annual installments of \$300,000, and the method of assessment will be equally per lot within the CID for a term of 20 years, commencing with the tax bill to be distributed December 2023.

5. PROPOSED AMOUNT OF SALES TAX

No CID sales tax is proposed within the CID.

6. MAP AND LEGAL DESCRIPTION OF THE PROPOSED DISTRICT

A map of the proposed community improvement district (the “**District**”) is attached hereto as **EXHIBIT A.**

The legal description of the District is attached hereto as **EXHIBIT B.**

7. LIMITATION ON USE OF REVENUE

Revenue produced from the Special Assessments shall be limited to the reimbursement of costs associated with the operation of or contracting for the Transit Plan (as defined in the Development Agreement between the petitioner and the UG dated as of September 24, 2020.

8. NOTICE TO PETITION SIGNERS

NAMES MAY NOT BE WITHDRAWN FROM THIS PETITION BY THE SIGNERS HEREOF AFTER THE UG COMMENCES CONSIDERATION OF THIS PETITION, OR LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE UG CLERK, WHICHEVER OCCURS FIRST.

[Remainder of Page Intentionally Left Blank; Signature Page Follows]

IN WITNESS WHEREOF, the undersigned petitioner has executed the above foregoing petition to create the district at the dates set forth opposite their respective signatures below:

URBN US RETAIL LLC
a Pennsylvania limited liability company

By: [Signature]

Title: CHIEF DEVELOPMENT OFFICER
(Type or print)

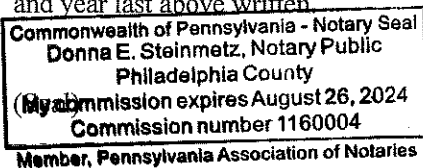
Date: 2/4/2021

ACKNOWLEDGMENT

STATE OF Pennsylvania,
COUNTY OF Philadelphia ss.

BE IT REMEMBERED, that on this 4th day of February, 2021 before me, the undersigned, a Notary Public in and for said County and State, came David Ziel as CDO of URBN US RETAIL LLC, a Pennsylvania limited liability company, who is known to me to be the same person who executed the within instrument, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.



My Commission Expires:

Aug. 26, 2024

[Signature]
Notary Public in and for said
County and State

Map of District

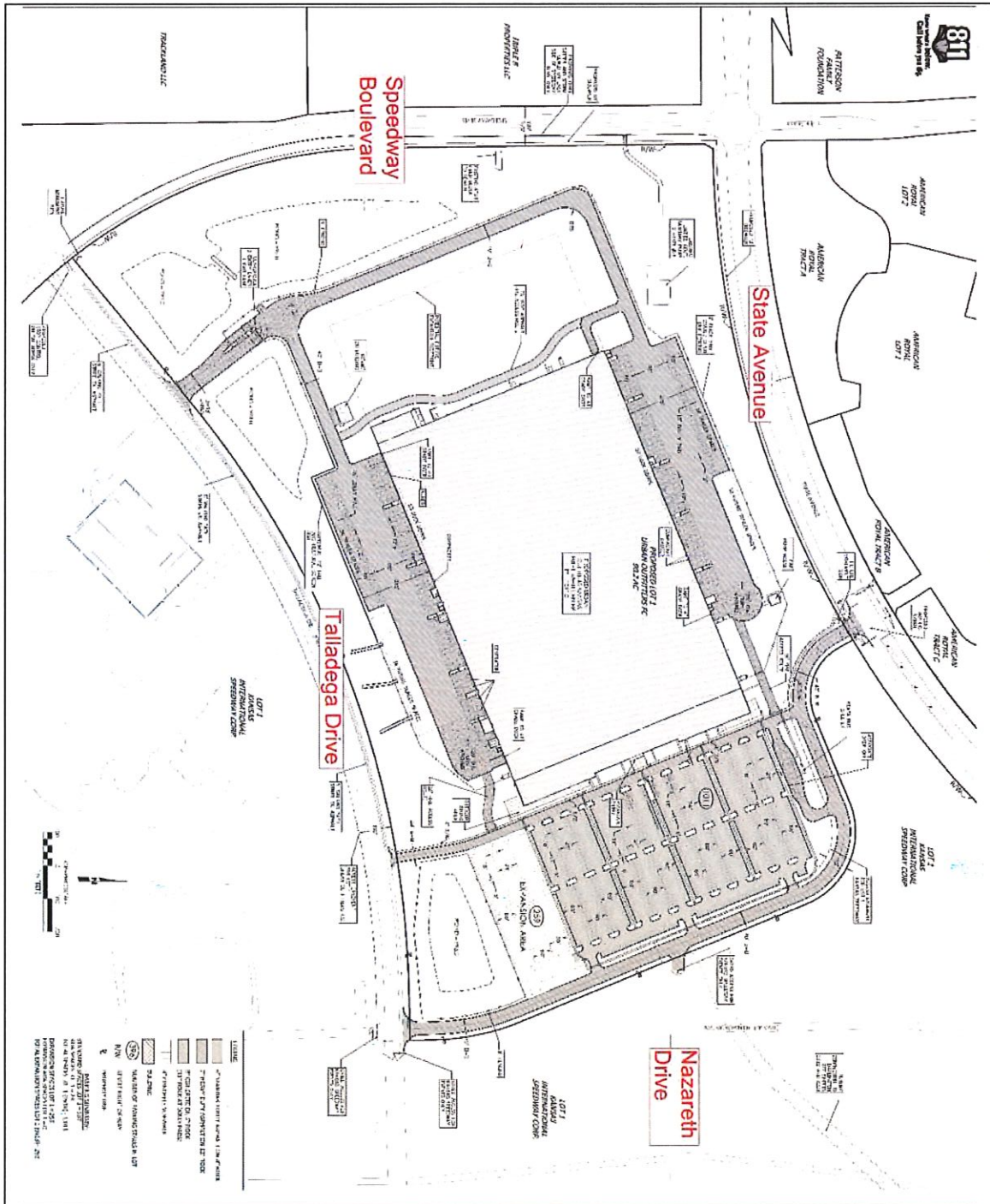


EXHIBIT B

Legal Description of District

Lot 1, Final Plat, Urban Outfitters FC, a replat of part of Lot 1 Kansas Speedway Corporation, a subdivision in Wyandotte County, Kansas City, Kansas.

All that part of Lot 1, Kansas Speedway Corporation, a subdivision in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows: beginning at the northwest corner of said Lot 1, thence with the northerly line of said Lot 1, and the south right-of-way line of State Avenue, on a curve to the left having a radius of 2939.79 feet, a central angle of 30 degrees 33 minutes 13 seconds, with an initial tangent bearing of North 89 degrees 18 minutes 52 seconds East, an arc distance of 1567.68 feet; thence South 31 degrees 14 minutes 21 seconds East, and no longer with the north line of said Lot 1 and the south right-of-way line of State Avenue, a distance of 56.34 feet to a point of curvature; thence on a curve to the left having a radius of 165.00 feet, a central angle of 80 degrees 55 minutes 48 seconds, an arc distance of 233.06 feet; thence North 67 degrees 49 minutes 51 seconds East, a distance of 281.79 feet to a point of curvature; thence on a curve to the right having a radius of 235.00 feet, a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 369.14 feet; thence South 22 degrees 10 minutes 09 seconds East, a distance of 945.63 feet to a point of curvature; thence on a curve to the right having a radius of 735.00 feet, a central angle of 20 degrees 48 minutes 47 seconds, an arc distance of 266.99 feet; thence South 01 degree 21 minutes 22 seconds East, a distance of 77.01 feet; thence South 88 degrees 38 minutes 38 seconds West, a distance of 153.83 feet to a point of curvature; thence on a curve to the left having a radius of 2900.00 feet, a central angle of 38 degrees 15 minutes 01 second, an arc distance of 1936.02 feet; thence South 50 degrees 23 minutes 37 seconds West, a distance of 570.35 feet to a point on the west line of Lot 1, Kansas Speedway Corporation and the east right-of-way line of Speedway Boulevard; thence with the west line of said Lot 1 and the east right-of-way line of Speedway Boulevard on a curve to the right having a radius of 1569.02 feet, a central angle of 37 degrees 21 minutes 20 seconds, with an initial tangent bearing of North 37 degrees 59 minutes 42 seconds West, an arc distance of 1022.97 feet; thence North 00 degrees 38 minutes 22 seconds West (North 02 degrees 22 minutes 48 seconds West plat), continuing with the west line of said Lot 1 and the east right-of-way line of Speedway Boulevard, a distance of 983.49 feet; thence North 30 degrees 29 minutes 49 seconds East (North 28 degrees 45 minutes 22 seconds East plat), continuing with west line of said Lot 1 and the east right-of-way line of Speedway Boulevard, a distance of 29.03 feet to the point of beginning. The above described tract contains 90.20 acres.

WAIVER OF ASSESSMENT PROCEEDINGS

TO THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

The undersigned, (the "Owner"), is the record titled owner of 100% of the real estate situated in the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") legally described as follows (the "Property"):

See Exhibit A attached hereto and incorporated herein by reference.

Pursuant to a petition filed with the UG Clerk on _____, 2021 (the "Petition"), the Owner has requested that special assessment be levied on the Property in the amount of \$6,000,000 over a term of 20 years for the costs of constructing certain of the following described improvements:

Acquiring and constructing a commercial facility, consisting of an approximately 880,254 square foot omni channel distribution and fulfillment center, containing approximately 60,000 square feet of office space, and including land, buildings, structures, improvements and fixtures, all generally located on approximately 65 acres southeast of the intersection of State Avenue and Speedway Boulevard within the municipal boundaries of the UG, and including particularly operating and/or contracting for the provision of certain transportation services related to and substantially for the benefit of the community improvement district.

(collectively, the "Project").

After being advised of the Owner's right to a public hearing and other matters related to special assessments related to the Project, the Owner hereby agrees to the following:

1. Waiver of formal notice of and the holding of a public hearing by the governing body of the UG for the purpose of considering levying special assessments against the Property;
2. Consent to the levy of special assessments against the Property to be assessed equally per lot within the district payable annually over a period of 20 years, beginning with the tax bill to be distributed December 2023, with each annual installment to be a maximum amount of \$300,000 (the "Special Assessment");
3. Waiver of the thirty (30) day period after publication of the assessment ordinance of the UG to contest the levy of the Special Assessment; and

[Balance of page intentionally left blank]

URBN US RETAIL LLC
a Pennsylvania limited liability company

By: X [Signature]

Title: CHIEF DEVELOPMENT OFFICER
(Type or print)

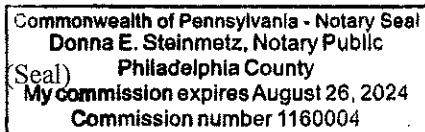
Date: 2/4/2021

ACKNOWLEDGMENT

STATE OF Pennsylvania)
COUNTY OF Philadelphia) ss.

BE IT REMEMBERED, that on this 4th day of February, 2021 before me, the undersigned, a Notary Public in and for said County and State, came DAVID ZIEL as CDO of URBN US RETAIL LLC, a Pennsylvania limited liability company, who is known to me to be the same person who executed the within instrument, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.



Member, Pennsylvania Association of Notaries
My Commission Expires:

Aug. 26, 2024

[Signature]
Notary Public in and for said
County and State

EXHIBIT A

Legal Description

Lot 1, Final Plat, Urban Outfitters FC, a replat of part of Lot 1 Kansas Speedway Corporation, a subdivision in Wyandotte County, Kansas City, Kansas.

All that part of Lot 1, Kansas Speedway Corporation, a subdivision in the City of Kansas City, Wyandotte County, Kansas, being more particularly described as follows: beginning at the northwest corner of said Lot 1, thence with the northerly line of said Lot 1, and the south right-of-way line of State Avenue, on a curve to the left having a radius of 2939.79 feet, a central angle of 30 degrees 33 minutes 13 seconds, with an initial tangent bearing of North 89 degrees 18 minutes 52 seconds East, an arc distance of 1567.68 feet; thence South 31 degrees 14 minutes 21 seconds East, and no longer with the north line of said Lot 1 and the south right-of-way line of State Avenue, a distance of 56.34 feet to a point of curvature; thence on a curve to the left having a radius of 165.00 feet, a central angle of 80 degrees 55 minutes 48 seconds, an arc distance of 233.06 feet; thence North 67 degrees 49 minutes 51 seconds East, a distance of 281.79 feet to a point of curvature; thence on a curve to the right having a radius of 235.00 feet, a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 369.14 feet; thence South 22 degrees 10 minutes 09 seconds East, a distance of 945.63 feet to a point of curvature; thence on a curve to the right having a radius of 735.00 feet, a central angle of 20 degrees 48 minutes 47 seconds, an arc distance of 266.99 feet; thence South 01 degree 21 minutes 22 seconds East, a distance of 77.01 feet; thence South 88 degrees 38 minutes 38 seconds West, a distance of 153.83 feet to a point of curvature; thence on a curve to the left having a radius of 2900.00 feet, a central angle of 38 degrees 15 minutes 01 second, an arc distance of 1936.02 feet; thence South 50 degrees 23 minutes 37 seconds West, a distance of 570.35 feet to a point on the west line of Lot 1, Kansas Speedway Corporation and the east right-of-way line of Speedway Boulevard; thence with the west line of said Lot 1 and the east right-of-way line of Speedway Boulevard on a curve to the right having a radius of 1569.02 feet, a central angle of 37 degrees 21 minutes 20 seconds, with an initial tangent bearing of North 37 degrees 59 minutes 42 seconds West, an arc distance of 1022.97 feet; thence North 00 degrees 38 minutes 22 seconds West (North 02 degrees 22 minutes 48 seconds West plat), continuing with the west line of said Lot 1 and the east right-of-way line of Speedway Boulevard, a distance of 983.49 feet; thence North 30 degrees 29 minutes 49 seconds East (North 28 degrees 45 minutes 22 seconds East plat), continuing with west line of said Lot 1 and the east right-of-way line of Speedway Boulevard, a distance of 29.03 feet to the point of beginning. The above described tract contains 90.20 acres.



**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

June 22, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **VILLAGE PLAZA**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **VILLAGE PLAZA** located at 79th and Washington Avenue and being developed by REK Enterprises.

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,

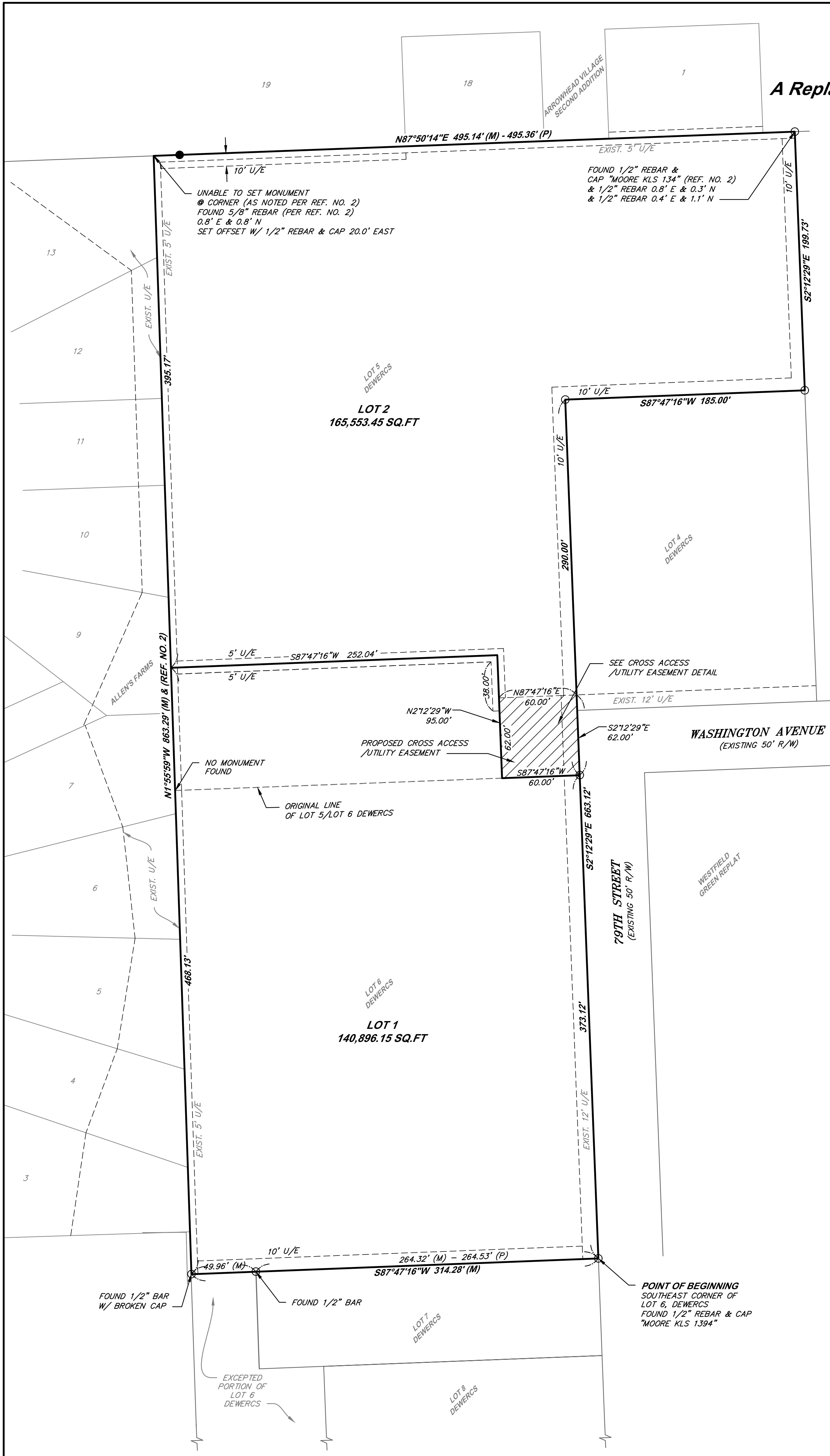
Brent E. Thompson, P.S.
County Surveyor

Digitally signed by Troy
Shaw
Date: 2023.06.22 09:16:54
-05'00'

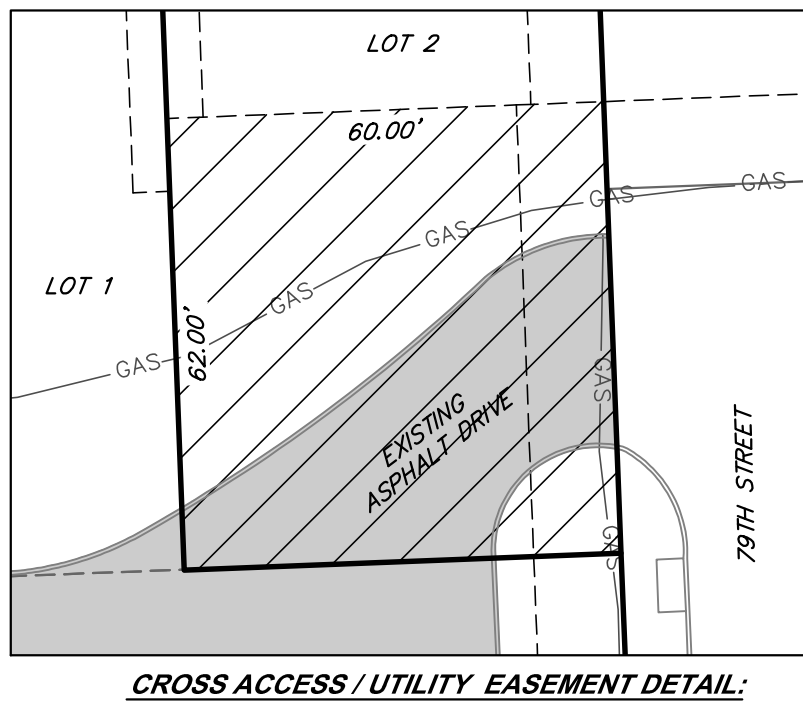
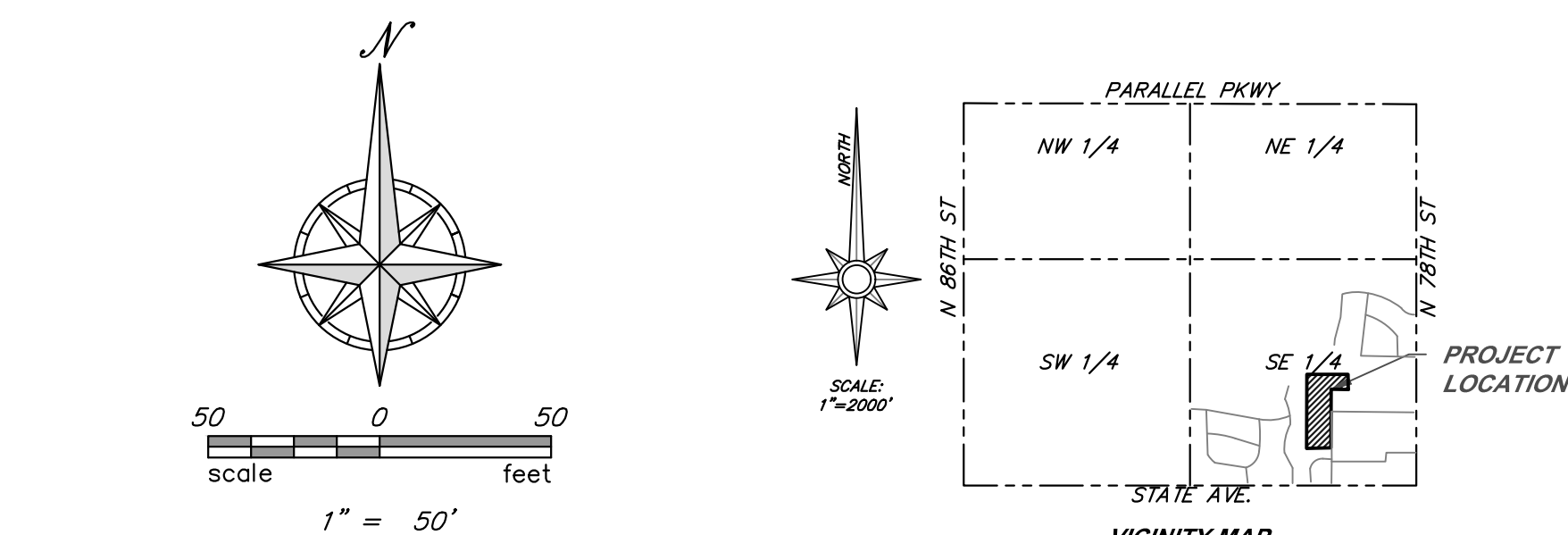
Troy Shaw, P.E.
County Engineer

Attachments

Drawing Path: P:\Active Projects\2019-006 - 1300 North 79th Plat\dwg\plats\19-006_Final Plat.dwg
Plotted at: Mar 09, 2023 - 10:02am



Final Plat of
VILLAGE PLAZA
A Replat of Lot 5 and Part of Lot 6, DEWERCS, a subdivision in the Southeast Quarter
of Section 5, Township 11 South, Range 24 East
of the 6th P.M., in the City of Kansas City, Wyandotte County, Kansas



- LEGEND:**
- FOUND 1/2" REBAR/CAP MOORE KLS 1394' (UNLESS OTHERWISE NOTED)
 - SET 1/2" x 24" REBAR/CAP KSLs 1614 CAP IN CONCRETE (UNLESS OTHERWISE NOTED)
 - (CM) CALCULATED FROM MEASUREMENTS
 - (P) PLATTED
 - (M) MEASURED BEARING AND DISTANCE
 - (D) DEEDED BEARING AND DISTANCE
 - U/E UTILITY EASEMENT
 - B/L BUILDING SETBACK LINE

- GENERAL NOTES:**
- Basis of Bearings: Grid North - NAD 83 KANSAS STATE PLANE COORDINATE SYSTEM NORTH ZONE - East Line of Lot 1 & Lot 2 being S02°12'29"E being the same as East lines of original Lots 5 & Lot 6, DEWERCS originally platted as S00°08'15"E.
 - All values are as platted & measured unless otherwise noted.
 - Mapcheck Closure:
Error Closure: 0.00041 / Course: S51°14'29"E / Error North: -0.0026 / Error East: 0.0032
Precision 1:663,553.66
 - Benchmark: Top sanitary manhole located approximately 4.0' West of Northeast corner of Lot 1. Elevation=939.80
 - Flood Information: The area lies in Zone X per flood insurance rate map number 20209C0132D, Effective Date: September 2, 2011, panel 132 of 210. Zone X - Areas determined to be outside the 0.2% annual chance floodplain. (Source: <https://msc.fema.gov>)
 - No further restrictions are to be proposed, other than those currently in the effect for the subdivision plat of "DEWERCS".
 - Title commitment provided by Chicago Title Insurance Company, File No.: 191324 - Effective Date April 3, 2021 at 08:00 A.M.

- REFERENCES:**
- DEWERCS, a subdivision plat filed on 10/19/1983 in Book 34, Page 92, slide C746.
 - Boundary Survey by Richard D. Moore (KLS1394) Land Survey Inc. (Job No. 12-121) dated 12-14-12 provided by client, not of public record.
 - WESTFIELD GREEN, a subdivision plat filed on March 13, 1963 in Book 29, Page 33.
 - WESTFIELD GREEN REPLAT, a subdivision plat filed on February 19, 1993 in Book 37, Page 37, slide E037.
 - AAROWHEAD VILLAGE SECOND ADDITION, a subdivision plat filed on April 24, 1957 in Book 27, Page 5.
 - ALLEN'S FARM, a subdivision plat filed on December 28, 1984 in Book 35, Page 24, slide C777.
 - ALLEN'S FARM, REPLAT OF LOTS 3 THRU 27, a subdivision plat filed May 16, 1988 in Book 36, Page 38, slide D90.

- RESTRICTIONS:**
- CP-1 PLANNED LIMITED BUSINESS DISTRICT ZONING RESTRICTIONS APPLY AS ESTABLISHED BY WYANDOTTE COUNTY-KANSAS CITY UNIFIED GOVERNMENT ZONING ORDINA

COUNTY SURVEYOR'S CERTIFICATION:

This survey has been reviewed for filing, pursuant to K.S.A. 58-2003, 58-2005 and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.

_____, County Survey Reviewer

SURVEYOR'S CERTIFICATE:

I, D. Steven West, a Professional Surveyor in the State of Kansas, License Number 1614, do hereby certify that the survey shown hereon was completed in the field during the month of March 2021 & December 2022, by me or under my direct supervision and that this plat is a true and accurate exhibit of said field survey.

D. Steven West, PS 1614



LEGAL DESCRIPTION:

A tract of land being all of Lot 5 and a part of Lot 6, DEWERCS, a subdivision of land as filed in Book 45, Page 92 and as described in General Warranty Deed filed as Document No. 2012R-18327, both recorded at the Register of Deeds office of Wyandotte County, being located in the city of Kansas City, Wyandotte County, Kansas, a description written by D. Steven West, PS No. 1614, on January 25, 2023 and being more particularly described as follows:

Beginning at the Southeast corner of Lot 6, DEWERCS, said point being in common with the Northeast corner of Lot 7, DEWERCS, thence S 87°47'16" W along the South line of said Lot 6 and its Westerly extension thereof, said line also being in common with the North line of said Lot 7, a distance of 314.28 feet to the West line of said Lot 6; thence N 01°55'59" E along the West lines of said Lot 6, and Lot 5, DEWERCS, a distance of 863.29 feet to the Northwest corner of said Lot 5; thence N 87°50'14" E along the North line of said Lot 5, a distance of 495.14 feet to the Northeast corner of said Lot 5; thence S 02°12'29" E along the East line of said Lot 5, said line also being in common with the West line of Lot 3, DEWERCS, a distance of 199.73 feet to the East-most Southeast corner of said Lot 5; thence S 87°47'16" W along the South line of said Lot 5, said line also being in common with the North line of Lot 4, DEWERCS, a distance of 185.00 feet to an inflection point of said Lot 5, said point also being the Northwest corner of said Lot 4; thence S 02°12'29" E along the East lines of said Lot 5 and Lot 6, a distance of 663.12 to the Southeast corner of said Lot 6, said point also being the Point of Beginning, and containing 306,449.6 square feet or 7.035 acres more or less.

DEDICATIONS

The undersigned proprietors of the tract of land described on this document, have caused the same to be subdivided in a manner shown on the accompanying plat, which subdivision and plat shall hereinafter be known as "VILLAGE PLAZA".

An easement is hereby granted to the City of Kansas City, Kansas to enter upon, construct, maintain, use, and authorize the location, of conduits for providing water, gas, cable, electric, sewers, and other utility services, including related facilities and appurtenances thereto, and drainage facilities, upon, under, over, and across those areas outlined and designated on this plat as "Utility Easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Kansas City, Kansas.

A perpetual easement of access over, under, across and upon the areas designated as "Cross Access Easement" is hereby reserved by the undersigned proprietors, their heirs and assigns, for the ingress and egress of all owners and occupants of lots and parcels depicted on this plat, and their guest and invitees.

EXECUTIONS

IN TESTIMONY WHEREOF, that Reginald B. King and Erika S. King of REK Enterprises, Inc., have caused this instrument to be executed for the above described parcel to be divided in the manner shown hereon, on this _____ day of _____, 20____.

Reginald B. King, REK Enterprises, Inc. Erika S. King, REK Enterprises, Inc.

NOTARY ACKNOWLEDGEMENT

STATE OF KANSAS)
JSS
COUNTY OF _____)

Be it remembered that on this _____ day of _____, 20____ before me a notary public in and for said county and state, came Reginald B. King and Erika S. King, to me personally known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public

My Commission Expires: _____

APPROVALS

This plat of Final plat of VILLAGE PLAZA submitted to and approved by the Planning Commission for the Unified Government of Wyandotte county / Kansas city, Kansas, this _____ day of _____, 20____.

Planning Commission
Unified Government of Wyandotte County / Kansas City, Kansas

Gunnar Hand, Chairman

Janet Parker, Executive Assistant

Recommended for approval by the County Engineer this _____ day of _____, 20____.

Troy Shaw, P.E. - Wyandotte County Engineer

The dedications shown hereon, if any, are accepted by the commissioners of the Unified Government of Wyandotte County / Kansas City, Kansas, this _____ day of _____, 20____.

Tyrone Garner, Mayor

Brett Delchler, U.G. Clerk

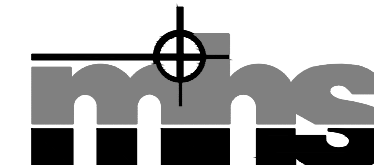
STATE OF KANSAS)
JSS
COUNTY OF WYANDOTTE)

This is to certify that this instrument was filed for the record in the Register of Deeds Office on this _____ day of _____, 20____, at _____ o'clock and is duly recorded.

Nancy W. Burns, Register of Deeds

Susan Nelson, Deputy Register of Deeds

PREPARED FOR:
REK Enterprise, Inc.
1232 N 79th St
KANSAS CITY, KS 66112



McAFEE HENDERSON SOLUTIONS, INC.
Civil Engineering & Land Surveying
15700 College Blvd, Suite 202 Lenexa, KS 66150
Ph: (913) 888-4847 Fax: (913) 390-9865



**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

June 22, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **HARDEN 1ST ESTATES**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **HARDEN 1ST ESTATES** located at 8941 Georgia Avenue and being developed by Josh Harden.

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: 2023.06.22 09:28:39
-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

June 22, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **LEGENDS AUTO PLAZA 4TH PLAT**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **LEGENDS AUTO PLAZA 4TH PLAT** located at N. 98th Street and France Family Drive and being developed by HFS KCK 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: 2023.06.22 09:29:50
-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

June 22, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **EDEN VILLAGE**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **EDEN VILLAGE** located at 10th and Ruby Avenue and being developed by Three Dog Nights Charities Inc.

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: 2023.06.26 08:36:04
-05'00'

Troy Shaw, P.E.
County Engineer

Attachments

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

SPECIAL SESSION, THURSDAY, MAY 18, 2023
5:00 p.m.

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, May 18, 2023, with ten members present: Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Bynum, Mayor ProTem presiding. Garner, Mayor/CEO; and Markley, Commissioner Sixth District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Bridgette Cobbins, Assistant County Administrator; Angela Lawson, Deputy Chief Counsel; Brett Deichler, Unified Government Clerk; Monica Sparks, Deputy Unified Government Clerk; Debbie Jonscher, Acting Chief Financial Officer; Reginald Lindsey, Budget Director; Mike Grimm, Research Manager; Michael Peterson, Assistant Budget Director; LaVert Murray, Economic Development Advisor in Mayor's Office; and Jeff Fisher, Executive Director of Public Works.

Mayor ProTem Bynum said my name is Melissa Bynum. I am the Commissioner At-Large District 1; however, tonight I am acting as Mayor ProTem due to Mayor Garner's absence. Before we call the meeting to order I want to announce that we have individuals attending remotely as well as on-site. All participants joining electronically, please mute your phones and computers when you're not speaking to avoid background noise. During the meeting, please make sure you announce yourself by name and title every time you speak so the public that is participating knows who is speaking. This is critical given the number of remote participants and is also current guidance from our Kansas Attorney General. Make sure you are speaking into your microphone when you are speaking and that makes sure your comments are heard and accurate for the record.

Mayor ProTem Bynum called the meeting to order.

ROLL CALL: Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held on Thursday, May 18, 2023, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for a PILOT presentation and discussion regarding revenue neutral.

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 ProTem Bynum said there are two items on our agenda tonight. We have a presentation from our Special PILOT Subcommittee that has been meeting now for a while and then the second half of our meeting will be a discussion on the Revenue Neutral Rate. I'm going to ask our County Administrator, David Johnston, if you have any opening remarks.

David Johnston, County Administrator, said the goal that I have asked the Commission to consider at tonight's meeting is to give me a consensus at the end of the meeting on these two important topics that will help define the revenue available in the budget process. I look forward to our staff and the committee that did work on the PILOT to present information that will lead to, hopefully, a robust discussion amongst our commissioners and at the end give some consensus so we can incorporate whatever technique or whatever approach that you prefer we use in our budget process.

Without further ado, Madame ProTem, I'll put it back to you.

Mayor ProTem Bynum said first of all I want to thank all of you for your attention. I really appreciate it. I want to reach out to our committee that formed last fall and just say a special thank you to each and every person who's given time and attention to the effort that we're bringing you tonight.

The Mayor requested that I undertake this effort early last fall and so I created this committee that's here with us tonight. We've been meeting regularly ever since and so I sincerely ask that you give us your attention as we bring forward our presentation and ultimately our

May 18, 2023

recommendations. We do anticipate that our presentation takes about 30 minutes, so just know that we're going to be talking with you for a few minutes. Obviously, after that, we're going to be asking you to weigh in with your comments, questions, concerns and as Mr. Johnston said, our goal is that the Commission does come to a consensus around, hopefully, our recommendations, but nonetheless a consensus around a way forward.

The task was to look for remedies on the PILOT rate in particular, possibly remedying PILOT for perhaps those we might consider the most vulnerable in our community. So, that's what you'll be hearing quite a bit about and I want to just briefly go around and introduce our team and then let our three community members introduce themselves to you as well before we start off into our discussion. I want to start on my right, which is our Deputy Chief Counsel, Angela Lawson. You all know and love her. She's been around with us for a long time. She brings kind of a special expertise to the conversation because she handles both the Board of Public Utilities and Unified Government legal matters, so thank you, Angela, for being here. I want to introduce Dr. Evelyn Hill. She chairs the Justice & Equity Coalition. Thomas Gordon is representing the Silver-Haired Legislature. We have BPU Board Member Rose Mulvaney Henry. On our back table, you know most of these people. We have Research Manager Mike Grimm, CFO at the Board of Public Utilities Lori Austin, obviously, General Manager at the Board of Public Utilities Bill Johnson, we have our Budget Manager Reggie Lindsey, we have our Interim CFO Debbie Jonscher, and I can't forget our Deputy Clerk Monica Sparks because this is the team that has been researching, talking with us, bringing us information. We asked a lot of questions, we brought forward a lot of what if we did this, what if we did that. I don't have to tell you that our phenomenal staff went straight back and got us the answers for the next meeting, so it's been quite an effort to date.

With that, I do want to give Dr. Evelyn and our community members a moment to introduce themselves.

Dr. Evelyn Hill said, Commissioner Bynum, thank you for this opportunity to just serve all the commissioners. Good afternoon and we look forward to this presentation to you today. I'm with the Justice & Equity Coalition and I serve on several other boards and so, of course, our focus is equity and justice for all.

Thomas Gordon said thank you very much Mayor ProTem Bynum and the commissioners for allowing us this opportunity to address this issue. I serve with the Silver-Haired Legislators for the state of Kansas and we represent the seniors throughout the entire state. I'm here on behalf of the seniors for Wyandotte County so that we may find a way that we can be unified to represent our Unified Government.

Rose Mulvaney Henry said I am a current BPU Board Member. I'm also an attorney here in Kansas City and I look forward to being able to finally present some recommendations to the Commission for PILOT reduction.

Mayor ProTem Bynum said thank you again so much for the time you've given us to bring this forward tonight. We'll start off looking at our presentation and, again, our PILOT discussion and background just part of this is by way of a reminder for you as well as a reminder for our viewing public. You know our community doesn't live and work with this all day every day like we do and so sometimes I think it's good to go back and just refresh, so that's what we're going to do here on this slide.

PILOT Discussion & Background

- PILOT stands for Payment in Lieu of Taxes
- The PILOT is an important revenue source to the Unified Govt.
 - Since the BPU is a public (not private) entity, they do not pay real property taxes to the Unified Govt. which helps pay for necessary services to the residents of Wyandotte Co.
- The Unified Govt. approves a rate to be applied to BPU gross electricity and water receipts
- Franchise fees are paid by customers who receive bills from private companies (e.g. Evergy, Atmos Natural Gas)

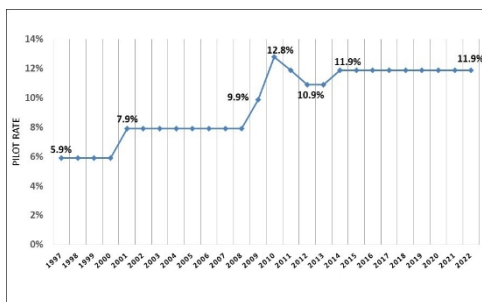
PILOT stands for Payment In Lieu of Taxes. It's an important revenue source for our Unified Government. The BPU is not a private entity. It's a public entity, so they don't pay real property taxes into the Unified Government coffers, so the PILOT helps to replace that fund and helps pay for, obviously, services that we provide to our residents. As you know, the Unified Government applies a rate to be applied to the gross electricity and water revenues of the Board of Public Utilities and it's not a franchise fee. Moving on to the next slide please.

PILOT Discussion & Background

- The PILOT fee is not a franchise fee/tax
 - A **franchise fee** is paid by privately-owned companies (natural gas, telephone, fiber/cable) whose infrastructure (e.g. lines, mains) is along, in or on any public thoroughfare.
 - KSA 13-1269 allows the Unified Govt. to collect revenues on a percentage of BPU gross operating revenue
 - Charter ordinance CO-5-01 requires BPU to transfer a percentage of gross operating revenues to the Unified Government
- ALL customers of the BPU, no matter where located or tax status (e.g. exempt) pay the PILOT.

Again, it's not a franchise fee. A franchise fee is paid by privately-owned companies, the gas company, the phone company, cable/fiber whose infrastructure lines are along—or often on our main public thoroughfares. State Statute allows the Unified Government to collect revenue on a percentage of Board of Public Utilities gross operating revenue and we also have a charter ordinance that requires that the BPU transfer a percentage of those revenues to the Unified Government, so it's an important last bullet point on this slide and so we wanted to make sure that we included it here. All customers of the Board of Public Utilities, no matter where they are located or their tax status, such as if they might happen to be tax exempt, like a non-profit or a church, pay the PILOT. We wanted to make sure that we make that distinction.

PILOT Rate History, 1997 to 2022

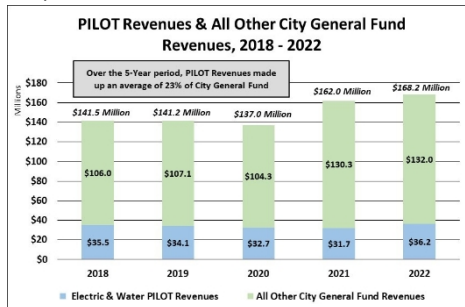


We will turn it to our Research Manager Mike Grimm.

Mike Grimm, Research Manager, said this slide looks at the PILOT rate history starting in '97 when it was 5.9%. A slight increase in 2001 at 7.9% and then a more substantial increase after the 2008 recession. It climbed to 9.9% in 2009 and topped out in 2010 at 12.8% before reducing back

down to 10.9% in 2012. Then, in 2014 11.9% for the next nine years where we're at today at 11.9%.

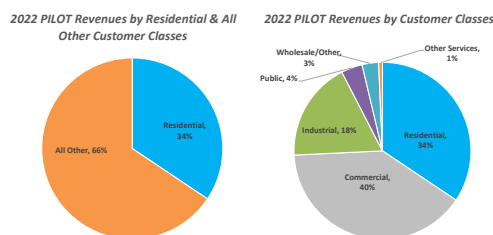
City General Fund & PILOT Revenues



This slide looks at the City General Fund and a subset you see there on the bottom. The blue on each bar is the PILOT revenue, so in 2022 \$168.2M in the City General Fund and of that the PILOT made up \$36.2M. If we look across those five years, the PILOT revenues made up an average of 23% of the City General Fund.

Mayor ProTem Bynum said next we'll have Lori Austin with BPU just walk us through the charts on the BPU customer classes.

BPU Customer Classes



PILOT Revenues to Unified Govt. Totaled \$36.2 Million in 2022

Lori Austin, CFO at BPU, said this slide just is a representation of our customer classes. The graph on the left identifies the residential portion, which is about 34% and all others are 66%. The graph on the right, the chart on the right, represents a further breakdown of that residential being 34%. Our commercial is 40% in that we also have small, medium and large commercial customers, 18% is our industrial customers. We have a public portion which is 4% and that represents schools,

the KCK School District as well as some public authorities. We have about 3% that's our wholesale sales as well as other which represents like our borderline agreement and then a very small percentage, 1%, which is our service fees and connection fees or other fees such as that. So, in total for 2022, the PILOT revenue was around \$36.2M.

Mayor ProTem Bynum said our Budget Manager will lead us through the next couple slides.

Analysis #1 – 1% *Residential* PILOT Rate Decrease Per
Year Down to 6.0% PILOT

IMPACT TO RESIDENTIAL PILOT REVENUES DUE TO PILOT RATE REDUCTION			Residential and Non-Residential (All Classes)
Year	Residential PILOT Rate	Residential PILOT Revenues	
Current	11.90%	\$12,451,000	\$36,211,000
1	10.90%	\$11,405,000	\$35,165,000
2	9.90%	\$10,358,000	\$34,118,000
3	8.90%	\$9,312,000	\$33,072,000
4	7.90%	\$8,266,000	\$32,026,000
5	6.90%	\$7,219,000	\$30,979,000
6	6.00%	\$6,278,000	\$30,038,000

Reginald Lindsey, Budget Manager, said the first residential PILOT decrease scenario that we have is to cut 1% from the PILOT for six years. We can see going across the top of the chart there, we have the Residential PILOT Relief Rate and then we also have a Residential PILOT Revenues, which the numbers are a little different from what you all were sent out the other day where it was \$11M. The number now is \$12.4M and then when we sent out the information it was \$35M, but the number is actually \$36.2M that Mike Grimm and Lori just spoke about.

If we were to cut 1% of the PILOT each year for residential, it would be like \$1M a year and we can see when we get to year six, we would be losing—we would be down to \$30M in revenue, so all in all the amount of revenue that we lose from the City General Fund from this 1% residential PILOT rate decrease would be \$6.1M over those six years.

Analysis #1b – 1% **Residential** PILOT Rate Decrease Per
Year Down to 6.0% PILOT AND PILOT Relief*

IMPACT TO RESIDENTIAL PILOT REVENUES DUE TO PILOT RATE REDUCTION			Residential PILOT Relief (\$2M ANNUALLY)	Residential and Non-Residential (All Classes)
Year	Residential PILOT Rate	Residential PILOT Revenues		
Current	11.90%	\$12,451,000	---	\$36,211,000
1	10.90%	\$11,405,000	\$9,405,000	\$33,165,000
2	9.90%	\$10,358,000	\$8,358,000	\$32,118,000
3	8.90%	\$9,312,000	\$7,312,000	\$31,072,000
4	7.90%	\$8,266,000	\$6,266,000	\$30,026,000
5	6.90%	\$7,219,000	\$5,219,000	\$28,979,000
6	6.00%	\$6,278,000	\$4,278,000	\$28,038,000

*0.0% PILOT rate for households meeting income and age or disability status.

Our second Residential PILOT Decrease scenario includes a zero percent PILOT rate for households medium income and age disability status that Mr. Gordon and Dr. Hill are going to discuss after I finish, but what that does is add \$2M in relief and would make those residents PILOT zero percent. So, on top of the 1% that we would cut each year, we'd have the million dollars for the 1% and then an additional \$2M for those that are most in need. So, we can look at the end of six years of cutting 1%, we'd be losing \$8.1M within the Unified Government City General Fund.

Reducing PILOT Rate to 6.0%
1% Reduction Per Year

Impact on Average Residential Customer

Residential PILOT Rate	Monthly			Annual		
	PILOT Charge	Savings	Cumulative Savings	PILOT Charge	Savings	Cumulative Savings
11.90%	\$19.20	---	---	\$230.40	---	---
10.90%	\$17.59	-\$1.61	-\$1.61	\$211.08	-\$19.32	-\$19.32
9.90%	\$15.98	-\$1.61	-\$3.22	\$191.76	-\$19.32	-\$38.64
8.90%	\$14.37	-\$1.61	-\$4.83	\$172.44	-\$19.32	-\$57.96
7.90%	\$12.76	-\$1.61	-\$6.44	\$153.12	-\$19.32	-\$77.28
6.90%	\$11.15	-\$1.61	-\$8.05	\$133.80	-\$19.32	-\$96.60
6.00%	\$9.54	-\$1.61	-\$9.66	\$114.48	-\$19.32	-\$115.92

MONTHLY & ANNUAL SAVINGS WITH 5.9% PILOT RATE REDUCTION OVER PERIOD:
MONTHLY: \$9.52
ANNUAL: \$114.24

This next slide gives us a view of monthly impact to the citizens on the monthly scale and also on the annual scale. If we cut 1% each year, each year we see that it's \$114 a year that citizens would save and that's at the end of the six years and cutting 6%. Then, cutting 1% each year monthly is a \$9.52 impact to the citizens bills and, again, that's an impact of \$6.2M to the Unified Government City General Fund. I'll turn it over to Mr. Gordon.

because the proposed decrease suggestions are designed to take place more than five years before it reaches a level rate. We don't have the time to wait for that. Most of us at age 65 as have been identified; therefore, no PILOT should be collected starting immediately and retroactive for all qualifying seniors back to January 1, 2023 because we have a vested equity.

The maximum household income should not be predicated on contributions from others who live in that household. The rationale behind this is that the contributions made to support that household is expected to allow the senior to remain in their household and not become a liability to the local government sponsored and funded programs. In other words, if the seniors have their children living with them and helping to take care of them, that does not impact the budget where they have to go out into the community to live. So, if they can get a little bit of reduction with their PILOT, it's not much, but it would help.

There are many other ways to offset the potential revenue adjustments and eliminating the PILOT program from seniors over the age of 65. The aforementioned is based on the following, which is reflected on the slide.

The household estimates are from the American Community Survey for 2021 dataset, so therefore, we want to eliminate the PILOT for those that are qualifying in the household income at \$37,750, which will be explained later and 65 years and older. This is based off of 6,500 estimated households or households with a totally permanently disabled person which adds another 2,000 people which it comes out to be 8,500 households that could be exempt from the PILOT. The revenue impact is a reduction of \$2M in the PILOT revenues. Just facts that I just learned a moment ago, in 2023 there was approximately 549 applicants that applied for these benefits and we're speaking about 8,500 that's only going to have a \$2M impact. We only had 549 applicants in 2023 and that came to approximately a total of \$131,247 that was paid out, so therefore, the reduction of the PILOT is not going to have a tremendous impact for those that are age 65 and older.

I want to thank you for listening and your willingness to consider actionable resolution which can contribute to the retention of property owners which leads to growth in all aspects of a healthy thriving community in Wyandotte County.

Mayor ProTem Bynum said we will touch on those numbers again very soon with Clerk Monica Sparks and in the meantime I want to hand it to Dr. Evelyn Hill to talk about these ordinances

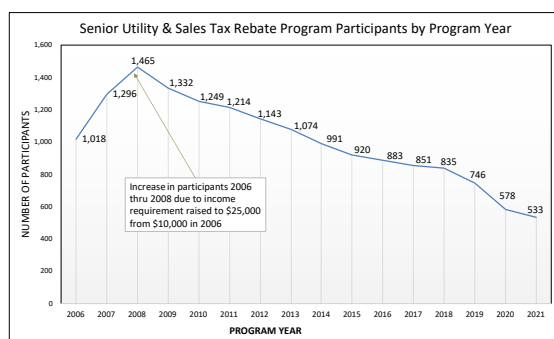
which are separate from the PILOT, but these are referenced in the numbers that Mr. Gordon was speaking about, the 549 applications, so these are the Sales Tax and Utility Rebates that we just finished, you know, that application cycle, so Dr. Evelyn please.

Unified Government Program Ordinance Revisions

- Utility and Sales Tax Rebates are programs which provide a rebate on a portion of the amount paid on utilities and sales taxes to eligible seniors
- Current guidelines: Income for husband and wife \$25,000 or less
- Revise requirements to match PILOT relief scenarios
 - Age 65 or over
 - Income at or below \$37,750 (to be revised annually to match Kansas Homestead program)
- Review maximum payout amount for both utility (maximum of \$150.00) & sales tax programs (maximum of \$151.32)
- Currently, only City of Kansas City, Kansas residents; Legal counsel is researching availability of program for other municipalities who pay utilities.

Dr. Evelyn Hill, Justice & Equity Coalition, said number one, Utility and Sales Tax Rebates are programs which provide a rebate on a portion of the amount paid on utilities and sales taxes to eligible seniors. The current guidelines are as follows: Income for husband and wife \$25,000 or less. Revised requirements to match PILOT relief scenarios: number one, age 65 or over and number two, income at or below \$37,750 to be revised annually to match Kansas Homestead Program and that's something Commissioner Bynum mentioned earlier that it hadn't been done annually, so that'll be a good addition. Next, to review the maximum payout amount for both utility, maximum of \$150 and sales tax programs, maximum of \$151.32. Currently that's only for the city of Kansas City, Kansas residents; however, Legal is researching the availability of the program in other municipalities who pay utilities.

Angela Lawson, Deputy Chief Counsel, said preliminary research indicates that the Unified Government would be able to set the—change the PILOT to zero for people outside of the city limits if they are a customer.



Mayor ProTem Bynum said I want to turn it to our Deputy Clerk Monica Sparks and she's going to talk a little bit about these Sales & Utility Tax rebates. Again, we just concluded that season of taking those applications and she's got some data that I think puts what Dr. Hill said in context and kind of speaks to the playing field that we're bringing to you in terms of equalizing these multiple programs.

Monica Sparks, Deputy UG Clerk, said what you see in front of you is a historical graph that represents historical applications that have been administered through the UG Clerk's Office. As most of you probably know the Clerk's Office is responsible to administer these programs. You can see that we hit a peak in 2008 of 1,400 applications that were actually paid. We are down, as you can see. COVID kind of took us down even more and we've been slowly declining. We recognized that and at the end of last year we knew that we needed to take some steps because this is such a valuable program for our seniors and we wanted to get the word out as much as we could, so we really tried to do as much engagement. We worked and collaborated with a lot of departments within the UG. We did mailers, we did flyers, we actually went out into the community to various community sites and made ourselves available to take the applications. We attended some meetings with some of the commissioners to take applications right there onsite and you can see that we were down to 533 last year.

I can report that we have preliminary numbers for this year. They are unaudited, but right now we are showing a total of 549 applications paid. That's not how many we actually had to service because we had a lot of people that came in, we had about 700 applications that came to the door, but they could not be paid for various reasons most of which is because they were over the income guideline. We were only able to pay 549 for a total of \$131,247.

We believe that there are a lot of barriers that have prevented this program from being successful. Some of those barriers are transportation. We know our seniors suffer from being able to get to where they need to be in the county. We worked with Fleet to provide free rides to our seniors. Communication, we have been working very hard with our Communications Department to do a lot of outreach. We learned some lessons from this year that we can do better next year and we can start earlier in the season to get the information to our citizens and then language is also a huge barrier. We are a very diverse county and the only information that has been available in the past has been in English. We also translated everything into Spanish this year, so we had some availability to our citizenry.

Mayor ProTem Bynum said I want to thank you for all the efforts that you undertook as well as your team in the whole Clerk's Office for bringing us through that process and to the results that we did achieve this year, so thank you very much.

Now we're going to move into the proposal and we're going to speak through the steps on BPU electric and water, the PILOT separation for residential accounts and, again, you've seen this before. You saw this I think in February at a Commission meeting and the consensus at that time was to hold it for our committee to do our work, so here we are and we're ready to go.

This is the conversation that we're going to have tonight for possible Commission action, so I'm going to let Counsel Lawson walk us through this.

Proposal:
BPU Electric & Water PILOT Separation
for Residential Accounts and Lowering of
PILOT cap to 12%

Separation of Residential Accounts & Lowering of
PILOT Cap

Possible Commission Action

1. Amend Charter Ordinance CO-3-02 in order to provide the option for a separate residential PILOT percentage.
2. Lower the PILOT cap for both residential and all other accounts to 12% from the current 15%.
3. Change the notification deadline from September 1st to October 1st to take into account the longer budget adoption season.

Ms. Lawson said this slide—if the Board decides to enact the committee’s recommendations that would require a change to the charter ordinance because you adopted this by charter ordinance and you adopted it by charter ordinance because the state already had a statute in place and that didn’t uniformly apply to all the municipalities, so the Commission was able to adopt their own language and so that would require a change.

- (a) As hereinafter directed, the board is hereby empowered to transfer to the unified government: (i) a percentage or other portion of the gross operating revenue of each utility; or (ii) a percentage or other portion of the gross operating revenue of each utility attributable solely to its residential accounts, and a different percentage or other portion of all other gross operating revenue of each utility attributable to all other accounts.
- (b) The amount to be transferred to the unified government under this section shall be determined by resolution by the unified government in an amount not less than five percent nor more than 12.5 percent of its gross revenues, whether combined or separated by accounts as set forth in Section 18(a)(ii), for such fiscal year. The

This shows what a draft of what that would look like. (a) separates it out by utility so the Commission could set two different percentages for the utility instead of doing it as one. The second one lowers the ceiling from 15 to 12% whether it’s combined or separated by accounts, so those are the two options.

Why this requires a Charter Ordinance.

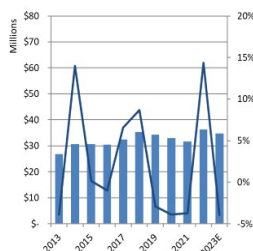
- “State law, specifically KSA 13-1271 and KSA 13-1269, both allow for a percentage of “gross operating revenues” of a utility to be transferred to the municipality.
- However, those statutes are non-uniform and so the UG exempted itself from the statutes starting with CO-5-01, amended by CO-3-2, but it kept in the “gross operating revenue” language.
- As such, under current ordinance we cannot separate out the residential versus other accounts without an amendment.
- Charter Ordinances require two-thirds approval (8 votes) plus a 61-day waiting period after publication to make sure there is no challenge via citizen petition.

Then, again, why it requires a charter ordinance and I went through that, but as the Board knows a change to the charter ordinance would require the super majority of the two-thirds vote, two weeks publication and a 60-day waiting period. It could be subject to a protest petition signed by 10% of the voters.

Mayor ProTem Bynum said this next slide I’m going to have BPU Board Member Rose Mulvaney Henry walk us through this slide.

PILOT Recent Numbers

Electric and Water (PILOT) has been set at 11.9% since 2014
 Total 2021 Pilot was \$31.7 M (down 3.7% from 2020), with \$26.3 M from electric and \$5.4 M for water.
 Total 2022 Pilot was \$36.2 M (up 14% from 2021), with \$30.7 M from electric and \$5.5 M for water.
 Estimated 2023 Pilot is \$35.0 M (down 3.9% from 2022), with \$29.2 M from electric and \$5.5 M from water.



Rose Mulvaney Henry, BPU Board Member, said you guys will see I’ve got the hardest slide of the night, so pay attention. I’m just going to give you some recent numbers that we’ve had, some of which you’ve heard already this evening. Since 2014 the PILOT rate has been set at 11.9%. In 2021 that yielded \$31.7M, which was down 3.7% from 2020 and the electric side of the house generated \$26.3M of revenue and the water side generated \$5.4M of revenue. In 2022 that total was up to \$36.2M. That’s up 14% in 2021 and, again, electric contributed to \$30.7M of that and water contributed \$5.5M. The estimated PILOT for 2023 is \$35M, which is down 3.9% from 2022 and, again, the bulk of that is \$29.2M from electric and \$5.5M from water.

Recommendations

1. Charter Ordinance Change
2. Update ordinances for utility/sales tax rebate programs to reflect annual income equal to the Kansas Homestead rebate program
3. Commit to a steady PILOT rate reduction for residential customers
4. Adopt zero PILOT rate for account holders who qualify for utility/sales tax and/or Kansas Homestead rebate programs
5. Continue to research grant opportunities

Mayor ProTem Bynum said I want to stop here. I don't think it's a stretch for you to understand that we just distilled six and seven months' worth of every other week conversations into 30 minutes. So, obviously, we've done a lot of talking with one another and a ton of research by our staff to bring us the information. The recommendations that we're bringing you, obviously, number one is to change our charter to allow for these different rates between residential and other customers.

Secondarily, the ordinances that we speak of, the Utility and Sales Tax Rebate Programs, part of what Deputy Clerk Monica was sharing with us is that we can bring a better level of relief to those who qualify for that if we make it more accessible to more people. So, you're familiar, I hope, with the Kansas Homestead Rebate Program, that's run by Topeka, but it has parameters that allow for \$37,750 annual this year, 65 and over, or permanently disabled. That's where we're getting the basis for what we're bringing to you. The charter—the ordinances that we have locally that allow for utility rebates and sales tax rebates, one of those hasn't been modified since 2006. The other one hasn't been modified since 2009. That's just wrong, so that's why we're bringing to you to modify those ordinances, bring them up-to-date and make them match the Kansas Homestead Rebate Act so that we're making things uniform and less difficult for people to understand as they're trying to see if they qualify for these programs or not.

Then, we're asking you to commit to a steady PILOT rate reduction for residential customers. We gave you a scenario of a percent a year for six years. We're asking you to adopt zero PILOT, no PILOT for those same account holders that qualify, again, under the parameters of the Kansas Homestead Rebate Program. So, that makes Kansas Rebate, utility, sales tax and now PILOT all have exactly the same qualifying parameters and, again, you saw the numbers that would cost us, so you kind of know the figures that we're talking about.

Lastly, continue to research grant opportunities. You know we know that through some of the federal acts that have been adopted through the current administration that the BPU may have grant opportunities that could help. We know that the Unified Government may have opportunities that could help and furthermore we know that there are also current federal income tax credits for individual households who perform energy saving functions in their homes, so those are other ways that relief could come. Everything we're bringing you is about bringing a measure of relief primarily to that most vulnerable member in our population.

I want to stop here. I want to thank this committee again and I want to give Bill Johnson a moment for some remarks and then we will just open it up for your comments and questions.

Bill Johnson, General Manager for BPU, said first of all I would like to say good evening to all the commissioners that are here and thank you for your time attending this meeting. I want to especially thank this committee or this task force for all the work that you've done and we know that as you've gone on for several weeks and several months and having conversations around this topic. We also appreciate the fact that you reached out to us for information and Lori and her team has been able to respond as quickly as we could in furnishing the information necessary so that you could make some important decisions around this topic.

I think this is welcome news on coming from the BPU Board of Directors, our staff see this as PILOT relief for our community. We all know and hear from our public on an ongoing basis and not just looking at it from a one-year reduction, but continuous reduction over the course of the years as been recommended here. So, if you could please give that consideration and some thought into finding ways of providing relief to the people that are most vulnerable, we would certainly appreciate that as a step going forward as we continue to also look at other ways of providing relief. You know we'll certainly take that on as a commitment to do as best as we can to continue to work and support the efforts of providing electric and water services and other types of relief to our public. Thank you for your time tonight.

Mayor ProTem Bynum said at this time we're ready to have a conversation. We're hoping that you can come to consensus on some step forward. I hope that we've been clear about what we're bringing to you. Like I said, we distilled quite a few months' worth of work down into these slides.

Commissioner McKiernan said I have no problem with number one. I have no problem with number two. Conceptually I have no problem with number three. All I want to know is what I've asked every time this discussion has come up, tell me what we are going to cut from the services that we provide. I understand that we want to provide relief, but we also want to provide services to the people of Wyandotte County and this year with the full PILOT, not reduced over time, we have a deficit budget this year with the full amount in the budget. I'll just need to know much more clearly either what it is we plan to cut from the services we provide or how we plan to find bonafide concrete replacement revenue streams for those services that we provide.

I have no problem with number four and number five is nice, but I don't know that it really has a big impact on our annual budgeting. I think numbers two and four, we could implement those with minimal impact on our budget, but potentially maximal impact on the people who would fall in those categories, so I have no problem executing that right away.

Number three is a great idea. I just want to know what are we going to cut or how are we going to replace the revenue.

Commissioner Ramirez said first I want to thank the task force and the committee for the work you did. I know this is a very important hot issue with our community. When we have our public comment period once a month, I know that is something that we have constituents come to us about, PILOT relief and what we can do for them. I do have one question. It pertains to our Deputy Clerk about the rebate program because I know you did a lot. You and your department and our Clerk, the Clerk's Office did a lot to make sure—you went out into the community to make sure people knew about the program and how it was accessible. I think we need to do that more for City Hall and we need to make our City Hall more mobile because—not just for our vulnerable population, but for everybody. Not everybody has the opportunity to take the travel to come down to City Hall and do their business and so I think we need to make more options available to make our City Hall more mobile.

When they apply, do they need to apply with a staff member? Are there stipulations or requirements that it needs to be a staff member through the Clerk's Office? **Ms. Sparks** said yes and the reason for that is because we need to verify the information. We need to verify income and we need to verify the utility information. We actually have to work with the utility bill itself, not a summary, because the rebate is based on different charges on that bill, so we have to actually

see that bill. **Commissioner Ramirez** said hypothetical, let's say we wanted to make it more mobile and do a PILOT program where we had volunteers go door-to-door and to our senior population and work with them in their homes to apply for that, could everyday residents be a volunteer to be able to provide that service, be able to go door-to-door or would they need to do the training or do they physically need to be a staff member of the Clerk's Office? **Ms. Sparks** said no, they don't have to be in the Clerk's Office. We researched that this year with Legal. We can train individuals to take on this responsibility. We were actually working with the Health Department this year for our community health partners to do an open forum under Open Cities that would allow them to submit the information to us without having to appear here, so we can train individuals to do that.

Commissioner Ramirez said I would say I think that would be an idea for us to look into. Getting people out in the community, volunteers to go out to our vulnerable population because not every—our senior population, not all of them have access to internet or a mobile phone and so if we can create a program where we can create an army of volunteers to be able to go out door-to-door and have conversations with our senior population and be able to provide the information and application and work with them to fill it out. I think that would be beneficial and it would help us, hopefully, get back up to being able to increase applications that we pay out to our senior population.

Ms. Sparks said I can tell you in that regard that the open forum that was created would have worked. We didn't get enough people trained timely that as they went out into the community, like our community health partners, who work with many areas of the population that as you described, don't have access to the internet, don't even know about the program that would probably qualify. They just couldn't get everything in place before the program ended. **Commissioner Ramirez** said thank you for all that you did and the community partners. Now that you have time, you can put the more time and the more work into training the volunteers and getting, hopefully, more volunteers to be able to cast a wider net.

For the recommendations, I think my stance is going to mirror Commissioner McKiernan's. Number one, I have no problem especially since we saw on the graph only 34% of our BPU users are only residential, there should be a difference in the classification of residential and other accounts be it industrial, commercial, what have you, but there should be a difference in how we classify those accounts for the PILOT.

Number two, I have no problem with. It's long overdue as Mayor ProTem has said. It's long overdue. It's been a while since we've done anything, so let's bring those into line. Number three I will say yes, if sustainable. If we can sustain our budget and not have to, as Commissioner McKiernan said, cut services or have to alter services in any way, yes, but only if it's sustainable for our budget. Commissioner McKiernan brought up a good point that we do have a structural deficit within our budget that we still need to tackle and we're gracious that we have a new Administrator who's going to help us get through that, guide us through, help us make the tough decisions that we're going to need to make to get us out. So, yes, but yes only if sustainable for number three.

Number four, yes, absolutely yes. At our last public comment period one community member came up and spoke about the vulnerable population and so I have no issue. If you follow within the guidelines of our utility and sales tax rebate, you shouldn't have to pay the PILOT either, so I have no problem with that.

Number five, I agree that unless it has a significant part in our revenue and being able to replace revenue, I would say yes, but a good point that our Administrator made earlier today, grants shouldn't be used for operating expenses. They are short-lived and the majority of grants are for special purposes. So, let's look for grants to help us, but not for a long-term fix. I hope that gives direction to our Administrator and the committee of what my support is. I want to find a relief, we need the relief, but as always I say it's making sure it's commonsense and that it's sustainable because we want to provide the relief, but we also want to provide the services and unfortunately a lot of our citizens want more. They want more services. So, as long as it's sustainable and we can do it, I'm all for it.

Commissioner Kane said I'd be nervous about doing any of it and for the same reason they just said. What are we giving up. I do like the presentation when we're getting it because we're going into the budget, so we would have to know what we would not be able to do if we did this. Then, the commitment is steady PILOT rate reduction for residential customers. I would think that you would start out with one year, see what it did to us in the budget for the next year before we would commit five or six years in a row because we do not know what this is going to do to us right out of the gate. So, do we all want to do this, you bet, but I would be very, very nervous not knowing what we've be given up, you know, service wise, roads, streets, whatever it is and a commitment

of six years is way too much for me. The new Administrator would have to say all right, we're not going to be able to do this if we do that. I would want a clear understanding of what we're going to lose because we're going to lose something because that's a lot of money coming out of the kitty so to speak.

Mayor ProTem Bynum said I'm sorry, I wanted to recognize Brett Deichler because he had a comment with regard to Monica's work.

Brett Deichler, Unified Government Clerk, said to Commissioner Ramirez's point, we obviously being the UG Clerk's Office, do support that outreach and volunteerism wholly. We're trying to get out to the streets. We're trying to actually meet people where we can get these things and applications in. I would caution that we will also need to have a couple of internal conversations in regards to systems access whereas if we had outside personnel that weren't UG employees, I would want to make sure that we have vetted with our IT staff, etc. that we also have gone through the right hoops to make sure that we've got the security measures in place for sensitive content. I just want to make that very clear that while we do support this wholly, we would also want to make sure that we did our due diligence internally in regards to security as well, but that's just the point of reference at this point.

Mayor ProTem Bynum said I think it's a really important point. A couple of things on my mind from what I'm hearing, when we look at Deputy Clerk Sparks telling us, which I think she shared out loud that the payout for the current year—did you say that out loud Monica, \$131K paid in rebates to 549 individuals and the scenario that we bring you is that if we adjust the program qualifications, it could be up to 8,500. This is a huge difference, right, 500 to 8,500. Commissioner Burroughs and then I'll kind of circle back to the point I was making.

Commissioner Burroughs said can I ask why you guys didn't—why the task force didn't look at the federal poverty level as the floor for identifying those that are really living in poverty, recognized by the federal government. That's one because I do know that in 2023 the federal poverty rate for a family of four was 30,000 and you're going with Kansas Homestead which is \$37K. We could save on the PILOT by reducing who was really poor and eligible. I would love

to have the situation where I could go out and give away revenue to those that feel that they are being targeted, but I'm just stating that in 2023 the federal poverty level for a family—for a single individual is 36K for a family. **Mayor ProTem Bynum** said I'm sorry, just say it again for me. **Commissioner Burroughs** said it's 36,420. I was looking at it—that's 200% above the federal poverty level. What you're recommending is like 225% above the federal poverty level for one individual. Most people on social security draw down an average a month of just under \$1,100. So, if you have two people in a household, that adds up to \$24K per household and that still is below the poverty level, so I was kind of curious why we chose to take the more ambitious number which would qualify a larger majority of our population versus really identifying those that are financially strapped and that are getting public assistance, that are finding themselves—I think you made the comment also please correct me if I'm wrong, 65 and older with permanent disability. If that's the case, I think the state only does that for veterans and not all families, so I would need to research that just to make sure.

Mayor ProTem Bynum said Monica is our expert, so she can probably tell us. **Commissioner Burroughs** said I don't need an answer now, but I was just thinking that when we were working on the Tax Committee, it was only 65 for those that were veterans. I mean we would like to make it 65 and older for everyone, but I think if we were to—I might propose that we look at the federal poverty level and then maybe move it up by 10% or 25% to get to what we can identify, those that are really in need of our community versus just saying we're going to go with \$37K income and that's going to make like you said, 8,500 households eligible and I just think that as someone who grew up in poverty in this community, that's a pretty handsome level to be looking at making contributions for utilities out of other people's pockets when it's not federal poverty level.

Mayor ProTem Bynum said just a couple of quick comments and I'll let her clarify around both our program and the state because there is a veteran component in there somewhere. I think it's an entirely separate program if I'm not mistaken. I think what you suggest is definitely a conversation for our governing body to have. Maybe it is federal poverty level versus what we brought because I think ultimately at the end of the day the Commission decides, so I'm grateful to have the conversation. What we were doing was trying to create uniformity across these programs partly because it makes it so much simpler. They're already complex enough and I also

want to let Deputy Clerk Monica speak to the \$37,500 household income level because I think it's household income. Am I right Monica? **Ms. Sparks** said you are correct. **Mayor ProTem Bynum** said so that could be three people and they all make \$11K, so you know, it's household income and it was another reason why we put it at the 37.5 because if you are living in a house with three, four, five people, now that number's kind of low, so that's why. It's entirely up to this group.

Commissioner Burroughs said if you were a single wage earner, you will still qualify under this program because you're head of household. The filing single head of household in most cases, so that would qualify through the program. That's \$3,146 a month on a 37,750 projection.

Nowhere did I and maybe we have this discussion later, what permanently disabled, the definition or qualification as to what that entails. Usually if you're on disability of some sort, it kind of gives us some guidance, but I'm just kind of curious as we may want to look at a definition, what permanently disabled means and I would hope that we would look back and see if the state income tax only applies to those veterans. **Mayor ProTem Bynum** said no, I know that part. Go ahead Monica.

Ms. Sparks said I have the requirements here for this year's Homestead. Age 55 or older for the entire year, so it was age 55, not 65, or have a dependent child under 18 years of age that lived with you for the entire year or blind or totally and permanently disabled for the entire year. So, there's your disabled information and then this year, Commissioner, you are right, there was a new program for veterans disability and the requirements for that was Kansas resident 100% of the year, honorably discharged from active duty, certified to have 50% or more permanent disability.

Commissioner Burroughs said thank you for that and the reason why I bring that up is because this is a generous benefit and we talk about—I know most of us would like to find some sort of relief, but maybe what we need to do is slowly get into it versus taking a big bite of the apple all at one time. I commend my commissioners for realizing this is appropriating dollars that we don't even have yet and so if we're going to do that, it might be ideal to run what I call a pilot program in reference to this PILOT I guess, but a pilot program and we identify maybe 100% of the poverty level, 110%, but the way I look at it in the numbers, we're over 220% of the poverty level utilizing the Homestead income as a qualification. I think if we lowered that down, we might be able to offer some relief and see how it impacts our budget and then have a more robust

discussion moving forward in years to come, but thank you for all the research and work. I know it can be very complex and the simplicity that you were trying to accomplish. At the same time, I grow a little concerned about the overall impact to the budget and for those that still have to pay the PILOT, the fairness and equity issue.

Mayor ProTem Bynum said just a couple quick things and then I'll call on Commissioner Johnson. I think that as we all move forward through our budget process, we can keep looking at these things for those kinds of refinements if we agree that we'd like to provide a level of relief which I hope we have consensus around that. We need to keep in mind that, for example, if we start this on January 1 of '24, we have UG staff and BPU staff that are going to have to put their heads together pretty quickly to work out the administrative pieces of how something like this would work. That would also be the timeframe during which we would have to encourage those that qualify under the program to come in and apply for it.

I don't have a crystal ball, but I'm 99% certain that on January 1 of '24 we aren't providing PILOT relief to 8,500 households. There's just no way. When we worked this hard to get 700 people to apply—in other words, you know, the \$2M scenario that we bring you is based on if 8,500 households apply for it. I would be pretty happy if we provide some kind of PILOT relief that mirrors something along the other programs and 1,000 people apply, but obviously, that dent is way smaller than 2M. I'll say one more thing and I'll let Commissioner Johnson speak. We'll wrap this up in just a couple minutes because it is a good segue into the second half of our evening together, which is a revenue neutral conversation.

I think it's really important to have this conversation in light of the fact that we also are going to speak about revenue neutral and I don't know what I was going to say, it was really good.

Commissioner Johnson said that's why I write all my thoughts down because there's no way in the world I can remember five minutes later what I'm trying to say. Again, before we get started, I just want to thank everyone on this committee and everyone that put in the time and the effort. I know that it can be very rigorous and time-consuming and so I want to appreciate for the record the work that you all have done to present this to us.

I want just as a matter of clarity to look at—we have analysis 1 and then I see analysis number 1b on page 7. Is page 8 analysis b or number two rather. I'm just trying to get some clarity

on what is being presented here. **Mayor ProTem Bynum** said in terms of the—when you say 8, do you mean the slide that says reducing PILOT rate to six at a 1% reduction per year? **Commissioner Johnson** said yes. **Mayor ProTem Bynum** said that is showing you what the ratepayer would see in terms of savings. If we did a 1% reduction, and Reggie, I'm going to turn to you, I think that's at the end of six years, the bottom line. **Commissioner Johnson** said that's like an analysis number 2 that we can juxtapose to the first two.

Mr. Lindsey said our analysis 1 is looking at it with the 1% PILOT rate decrease and then analysis 1b includes the 1% decrease and it also includes the additional \$2M for those that are most in need. That's the difference between 1 and 1b. **Commissioner Johnson** asked, is there an analysis number 2 or not? There is not analysis 2, okay, I just wanted to get clarity on that. **Mayor ProTem Bynum** said there is a 1 and a 1b. **Commissioner Johnson** said technically 1a and 1b. **Mayor ProTem Bynum** said you're getting picky.

Commissioner Johnson said on page 16, BPU Board Member Mulvaney Henry, told us this was a lot going on. It looks very volatile when I look at that. The question to me is why, what causes the volatility? **Ms. Mulvaney Henry** said, Commissioner Johnson, I'm going to do as any good public official would do and I'm going to defer to our CFO who is sitting behind me because I'm pretty confident. I mean I can make something up, but I mean part of this is COVID and part of this we're seeing—I'll let Lori speak to collections.

Ms. Austin said the volatility in the PILOT is a result of our revenue and in '21 and '22 with our fuel and purchase power cost being somewhat volatile, as our revenues were down because of COVID the PILOT drops. In '21 we did experience the winter storm in early '21 and that generated a lot more revenue for us which we then lowered the PILOT in order—or lowered the ERC rate in order to return that money. Then, '22 our fuel costs were a lot higher than they were in '21. It's all a result of our fuel and purchase power cost of the volatility with that. **Commissioner Johnson** said this kind of volatility is normal within the industry. **Ms. Austin** said yes. It seems like it's because—**Commissioner Johnson** said this year you're anticipating having a down year. Do we have anything that looks outward from 2023 to 2024, 2025, so to speak? **Ms. Austin** said you know we're seeing gas prices down quite a bit. You know projections projected this year to have high gas prices and now they've dropped. I mean they've dropped tremendously, so we do our best to try to figure that out and we adjust our ERC on a—we call it our ERC energy rate component on a quarterly basis. **Commissioner Johnson** said I noticed an increase in my

BPU this year the likes of which I hadn't seen in prior years. It is probably due to these variables here. **Ms. Austin** said yes.

Mr. Johnson said to add one more piece to what Lori talked about, I would say would be the cold winter Mt. Yuri, so that was a February event. If you guys remember, Kansas City, Kansas, Oklahoma, Texas, and a lot of southern states were under extreme weather conditions. In fact, I think Texas bared the biggest run of all of that, but because of those extreme weather conditions all of our generators were running full output and that cold weather event was the first time that I can remember in my history at BPU that we went through a period like that with the Southwest Power Pool and trying to make sure that we furnish enough power to meet the demand of the entire region. All utilities were in that mode that were in the generation business.

Part of what that also did was it brought in some additional revenue for BPU during that period of time and markets and power sales to the Southwest Power Pool, but basically our ERC or Rider is designed for, you know, we pay for the cost of power. When we come up short in the required revenue to make those payments, we adjust the ERC. When we over collect, then we adjust the ERC. The money goes back to the community and we were giving money back to the community because we were making record sales and by policy we have to offset that revenue by giving it back to the community. So, it wasn't money that BPU profited from. It became a benefit to our community because we refunded 11, 12, \$12M back in relief at that point in time, but long story short, it was an anomaly, it's not something that happens all the time. Most of the other things Lori has described is pretty much normal. **Commissioner Johnson** said so to contend with Mother Nature. It's a tough customer.

I do agree with the recommendations, Commissioner Bynum, because in addition to providing relief to our residential constituents, it's also a way for us to address the issue of gentrification and that's what this community continues to grow, we're continuing to want to see the east side of town expand and things like this are elements that will help us to address that and in my opinion be proactive with that. I think between us and the UG we need to be able to tell the community how they're benefitting from these various decisions including with BPU. I want to rebate or provide relief to them. They need to know that in that wonderful newsletter that you all put together with everybody's picture on it.

I'm going to double down on Commissioner McKiernan, how do we replace those loss revenues, if at all. I had to learn. This is the only area in my life where we don't start out a budget by looking at revenues. Everywhere else I go we start looking at revenues and then we talk about expenses and we know we can do this, you can't do that, but here we start with the expenses and then we've got to figure out how you're going to get revenues. It bugs me, it always has, but that's the way that it is. It does not appear that we have a definitive means of replacing definitive reductions. That's a problem, so it makes me ask, are there other areas within BPU that maybe we could charge for fee income on other things. I'm not sure, but I'm asking the question, are there other areas that we could look at so that we could offset some of those reductions because we all know that the grant process is just a lengthy process, highly competitive in this day and time. If we don't know what we have before we start adding these cuts, you know—I voted against the budget last year. For the first time in my tenure, I voted against the budget. Anyway, I think I'll end it right there and we'll go from there.

Mayor ProTem Bynum said I will say that we didn't say that what we were bringing was easy.

Commissioner Stites said one question that I had on the Utility & Sales Tax Rebate, of the 549 paid out, how many of those were from Bonner and Edwardsville? **Ms. Sparks** said zero. **Commissioner Stites** asked, how come? **Ms. Sparks** said because the ordinance as written, right now, only applies to the citizens of Kansas City, Kansas.

Commissioner Stites said I want to go to page 2 and if we want to refer to bullet point number 2. If we could get that pulled up, I think it'd be important to see. I'll read it. All customers of BPU, no matter where located, where located, which I think that refers to Bonner Springs and Edwardsville or tax status, e.g. exempt, pay the PILOT, but they're not able to take advantage of this program. I don't get it. **Mayor ProTem Bynum** said I think we're trying to fix that as part of the ordinance. **Commissioner Stites** said stop trying and do it. **Mayor ProTem Bynum** said yeah and, hopefully, you all will agree so that we can bring forward an ordinance that corrects that. **Commissioner Stites** said I agree.

I think that an asset that we could have used, and I know, Monica, we had spoke a couple different times about ways that we could get this information out to the public. The Department of Aging I think is an excellent source to get the folks that we're talking about that could potentially

meet that criteria, age and with income, so the Department of Aging would be a great resource for us to get that information out for people to access.

I too agree with—I mean we all want to reduce the tax burden. I get it, but I think it's going to be incumbent upon us to work with our community partners, our County Administrator, to come back and say what services are you willing to do without or be able to cut or reduce because clearly we're not bringing in more money. We all already know that in three years or so, I can't remember what the prediction was, but three to five years, we're in trouble and now we're talking about taking more money away. That gets us there even quicker.

I think that although I do agree that we need to be working to reduce our taxes, we also need to be working with our community to say what are some things that you're willing to do without for us to reach those goals for you. To help reduce these taxes, you need to help us. I can't remember who said it, we continually get asked for more services, provide more, and that's tough to do and I know this job's not an easy job. No one said it was, but we need to be partnering up and using our community as a sounding board so that we can figure that out.

On page 10 it said that currently only Kansas City, Kansas residents, Legal Counsel is reaching out availability of the program with other municipalities. I'm guessing that is what we're talking about for the utility and sales tax, right, okay, so my question would be, how does this reduction affect the PILOT in Bonner Springs or Edwardsville because they both pay it. Bonner Springs pays it on water, it will organically go away because they're building a new water treatment facility, so their PILOT will go away because they only are paying a PILOT right now on emergency bulk water. Is that correct? **Ms. Lawson** said that's correct. The PILOT is on the BPU, so only those sales that originate through the BPU are charged that particular PILOT.

Commissioner Stites asked, does Edwardsville now who—they do pay a PILOT on water and electricity, right? **Ms. Lawson** said if those sales are through the BPU. **Commissioner Stites** said all water to Edwardsville supplied through BPU, yeah I know it is. **Mr. Johnson** said Edwardsville retail water customers for BPU, Bonner is building a new water treatment facility and that would discontinue our service to them except when they need to take emergency water from us, then we would make those sales to them. **Commissioner Stites** said to Bonner, but Edwardsville is treated as just a retail customer. **Mr. Johnson** said Edwardsville citizens are treated like KCK when it comes to water service. It's a normal retail customer for BPU just like

customers in KCK pay water, pay our water service for our water system. Edwardsville does the same thing.

Commissioner Stites said the water lines that are in Edwardsville, and we may be getting off and I may have a different franchise fee type question for the waterlines that are in Edwardsville's easements, their city, because they're not charging back to BPU for a franchise fee to sell that water to us, but we could have that discussion later because I know we've got to move on. I am in favor of us getting on board quickly with bringing the equity piece to all of Wyandotte County and getting them accessible to these programs. **Ms. Lawson** said the research was only done as to the utility because the sales tax would be the sales tax that was collected here, I think is the thought.

Commissioner Davis said first I want to commend you, Commissioner and the entire task force. I know this is not easy work and you all are just sitting here and rolling with the punches, so by no means take any of these questions as a taking for granted of your working effort. Really, thank you. We've needed to have this conversation for a very, very long time and, so thank you for all of your work.

I have some questions about the rebate, both of them, and then questions about the PILOT. For the utility rebate and then this senior sales tax rebate, what part of the budget do both of those rebates come from? Is there anything that we designate in the budget or is it coming out of the General Fund, how is that process done, is there a cap on how much we would spend, does anybody have any answers on that? **Mr. Lindsey** said it does come from our City General Fund and we do budget the amount each year. I don't know right off how much the budget is, but I do know most of the time we do have some funding left over. **Commissioner Davis** said all right, some funding left over. I'm sorry, did I cut you off? **Mr. Lindsey** said no, that was all I was saying. **Commissioner Davis** said good because that was kind of the point, we may have some additional revenue there that we could look at to say what do we want to do with this money considering the fact that year after year after year less and less of our seniors, unfortunately, are tapping into this program. I don't know how much, but maybe in further research, Mayor ProTem Bynum, that can be brought to light. But, yeah, the total amount for both programs would be good and then how much we allocate because we do allocate that in the budget, what's the maximum of that pot of money, what does that look like.

Within the ordinances, these are just general comments, for the Utility & Sales Tax Rebate, is a cost-of-living adjustment included, if so, I would be for it, but is it included within and what would be—**Mayor ProTem Bynum** said the ordinance change we're asking for, that it adjusts annually so that 17 years later we're not like, oh, this is kind of low. **Commissioner Davis** said perfect because that is the other side right, \$37.5 or \$25K back into '06 or '09 is not the same here in 2023. We all know that. Just look at inflation.

Time window; was there any discussion and I got this idea from you Ms. Sparks. Thank you so much in the work that you all have done, and Mr. Deichler as well, on this program. Was there a discussion on the timing of the rebate program. Right now it's from January 1st to March 31st. We had heard some comments in public comments about that window not being long enough or maybe being at the wrong time of the year. Just curious if there are any thoughts on that. **Mayor ProTem Bynum** asked, does staff have any comments. I'm imagining that was also prescribed in our ordinance, but I don't know that for sure. **Ms. Sparks** said it is. **Mayor ProTem Bynum** said that could be up for discussion. **Ms. Sparks** said absolutely. **Mayor ProTem Bynum** said yeah, as far as I know. Anything we all determine that we would want that ordinance to look like, that's what we would bring.

Commissioner Davis said I would love—I mean maybe we talk with some of our seniors and thinking of in my district, I know Victory Hills Baptist Church does a lot of work too with the Victory Hills Senior Center and so we have a lot of folks that are doing this work and, Commissioner Bynum, yourself you do this work working with those seniors. Maybe we can have a discussion on what timing would be most appropriate considering tax time is in April, that 31st of March could also be a very, very tough cut, so thank you for that information Ms. Sparks.

Commissioner Davis said for the BPU PILOT, I'm interested to—I'll just ask this question because I don't know if this is true or not. Is the intent or the current center of the board to raise water and electric rates this year for BPU and I know no vote has been taken. **Mr. Johnson** said I can't say that we will raise them, it's up to our Board of Directors, but we've completed our cost of service and we've started the conversations and we'll be opening up public hearings to introduce new rates. With that, like any year—let me back up and say we haven't raised electric rates in five years, we haven't raised water rates in 10 years. With that rate increase the UG would also get a windfall automatically built into that because it's a percentage of whatever our rates and whatever our revenue is, so as those rates adjust, our revenue you would also get the benefit of

that. **Commissioner Davis** said the benefit would be through the PILOT, is that what you're—**Mr. Johnson** said yes. It'll be still whatever the PILOT rate is, it'll be a percentage of our revenue.

Commissioner Davis said gotcha. One more question and then I'll give my final thoughts here. The BPU PILOT, these proposals, are they inflation sensitive, just the numbers that we got? **Mr. Lindsey** said we do not have a inflation in those. Are you talking about analysis 1 and analysis 1b? **Commissioner Davis** said yeah. **Mr. Lindsey** said no, they don't have inflation. **Commissioner Davis** said it's kind of flat. I mean I would like to see a proposal that kind of included inflation and it could be a guess, give me 5% increase every year, we don't know what's going to happen but just given what's happening with the federal reserve I think that would be very, very helpful and give us a very accurate picture of it.

I am for all of the recommendations especially for the rebate because I think there's a lot of work and I think we've established money left on the table that we can really do something with. For the PILOT reduction I am for it, but again, I agree with my colleagues, show me where in the budget are we making adjustments, where can we find some cost savings where we can shift over. We have a large budget, it's almost half a billion dollars and I'm all for it and perhaps whether it's—if it's not six years, maybe it's three years with a promise to come back. Something that could kind of get us there, but I am all for this and I commend you all for the hard work that you've done.

Mayor ProTem Bynum said we've gone a little long on this part of the presentation and we can wrap it up and I'll just make maybe a few closing comments. First of all, it's—while I deeply appreciate all the work and all the time and I really don't want to stop hanging out with you guys, so maybe we can form some other kind of club. It is a good segue into the second part of what we're going to talk about tonight and maybe we should have started there and I have my own thoughts on that. We've asked multiple times around the room love it, how do we pay for it. In my opinion, you know, this entire discussion is that question. Love it, how do I pay for it, so I say to us collectively that will be our work to do.

If we want to bring PILOT relief, if we want to bring any kind of mill levy reduction whether it's revenue neutral or not, our work here tonight is to have that conversation. We aren't going to know any of those answers tonight, but what we do have here is an Administrator who is listening and ready to start working with us on love it, how are we going to pay for it. That to me

could mean a whole variety of things and I'll just put it on the table. I think we've put it on the table before and we've seen our Budget Director bring us a presentation on revenue generation, so we'll just toss out that little sales tax word, right, as an item that could be on the table.

Mike Kane is right. I think it makes us nervous to talk about doing something for six straight years, but we can say tonight we commit to that, but next year we're in deep trouble and then we have to say sorry, can't do it, but we can commit to the concept. I think really what I'm asking for you to come along with us on tonight is the concept of relief, the concept of, you know, the first two I think are kind of easy, change the charter ordinance and update the ordinances around utility and sales tax rebates to correct the things that we think are wrong with them. If we want to have a further conversation about what that annual income is, I'm open for that because the point in us doing the work and bringing it to you was to identify where we have consensus and where we maybe need to do some more work on it. If the team wants to keep working with me, great and if not, we all can work on it together. So, you know, can we commit to some kind of PILOT decrease and I did hear several of you support the zeroing out of the PILOT for some of the most vulnerable. I don't think we're saying no to anything, but I hope we're saying yes to continuing to work together on it towards some of these issues, some of these answers that when we adopt a budget in a few months, these things are in there.

Commissioner Townsend said I wish to extend thanks for all the hard work that this committee has done. The first thing I want to ask is will it continue beyond tonight or is this the end of the task force? I hope not. **Mayor ProTem Bynum** said I would say I'm willing to continue. We're going to want and our Administrator is going to want direction. We can keep working, you know, what shall we work on or we can direct what we'd like to tweak from this to our Administrator and if the team wants to keep working on it, that's fine, but like I said, they do have lives although we did really enjoy, I think, working together. We're going to keep working in one way or another because we're hoping to bring something forward for you all to adopt.

Commissioner Townsend said another question I have is about recommendations one and two, the ordinance changes. Would those be something you're proposing, even if worst case scenario, there was no PILOT reduction this year or is that something that goes hand in hand? **Mayor ProTem Bynum** said I would say yes, even if there's no PILOT reduction, to me we

should fix those things. **Commissioner Townsend** said that won't cost us anything—well, I'm definitely for that.

Echoing some of the comments you heard earlier, love the concept, but we are in a deficit. I would need to know to vote what are we not going to do because when you're talking about \$6M, I know I heard that number early in the presentation, that will not be in the General budget, that's major. Several weeks ago there was a discussion about, for example, short-term rentals and there was some concern by our constituents about code enforcement and their desire to see more code enforcement action, that costs money. Roads, that's the number one thing that our constituents have told us time and again they want to see, so whose roads won't be fixed. The same people who would get relief from a PILOT reduction, you know, they use the roads, they're still calling about enforcement so I love the concept. I don't know what we could do without the other piece, that's just for me, but I commend you because this is rough.

The other thing that I noticed and Commissioner Johnson has already asked about it, the slide on 16, this shows the volatility of the PILOT even without a cut, so we're not sure from one year to the next exactly, maybe at some point what those revenues are going to be. Then, Mr. Johnson saying that there are other increases contemplated. I think I want to know that's going to happen or it's not going to happen so we know, but you all have put in yeoman's job on all of this.

Again, to Deputy Clerk Sparks and her staff and the Clerk, should be commended for all of the outreach and the effort that you put in this year to get our seniors and others who may be eligible for these rebates to benefit from them. You took the approach we're going to go out to the people so you did get an increase of people who came, 700, and those who qualify, well, that's the state that sets those, not the Unified Government, correct, those qualifications or who set those qualification guidelines? **Mayor ProTem Bynum** said that's the Homestead rebate and the Unified Government, number two, the ordinances, those are set here. We were helping with three different things. Again, Monica and her staff were helping to do the Homestead rebate, which is the state of Kansas and then both of these rebates, the utility and the sales tax rebate, and that's the one where we have set the income level and we've never adjusted it over time. **Commissioner Townsend** said yeoman's effort to you and your staff.

Commissioner Johnson said this is my last one I promise. Is there any reason why we couldn't consider lengthening the term and reducing the percentage amount to a half percent and then

maybe build it up to one percent over the course of that same timeframe? Take away the volatility—**Mayor ProTem Bynum** said yes—**Commissioner Johnson** said is that a thing that could be considered? **Mayor ProTem Bynum** said we can do whatever you all tell us we're going to do. **Commissioner Johnson** said look at a 10-year term. **Mayor ProTem Bynum** said we're bringing you—and I'm glad you're thinking that way because we're bringing you a set of recommendations. We're bringing you those recommendations based off of—there's a reason why we put the community on this committee. We're bringing you the recommendations based on what the community is asking us for. What happens will be up to the Commission and if it's some modified version, then so be it. Does that make sense? **Commissioner Johnson** said it make sense. **Mayor ProTem Bynum** said we could do any number of modifications.

Ms. Lawson said I wanted to clarify that the reduction plan, unless that is embedded in the charter ordinance where you lower the cap every year, if it's just sort of a plan the Commission adopts, the Commission has every right to modify that because you can't bind a future government to that, so that's very flexible.

Commissioner Davis said I will be brief. I'll just be the one to say this. We've seen a lot of people exit the Unified Government employment for various reasons and that has had an impact on staffing. Absolutely, we need to consider getting more people; however, we've had vacancy rates that have been pretty high prior to this mass exodus. Perhaps we need to rethink services, positions, pay scale that could accommodate some of these programs. The funding for these positions is ongoing and so if we are able to shift some of that funding responsibly with staff and be what we are asking in mind, perhaps we may find some other sustainable resources. I'm just putting that out there for conversation, and again, we'd have to do that responsibly, but it is something that is there.

Mayor ProTem Bynum said just a quick update or comment for Commissioner Stites point of the Area Agency on Aging, and again, I'll let Monica tell me if I'm wrong, but I think the Area Agency is a great resource to help with this. In the past they processed all these applications. I think it might have been a staffing issue that caused that change. **Ms. Sparks** said they didn't process all the applications. Up until the time of COVID they were accepting applications and

they would assist with that. Once COVID hit, they were no longer able to do that in-person. This year they did assist. They took our flyers, they put them at all the congregate meal sites, they gave us a mailing list that we sent postcards to. They did not actually process applications. **Mayor ProTem Bynum** said thank you very much. I knew she could clarify that, but I wanted to make sure you knew that they've been a great partner all along.

Commissioner Stites said I think that's great and I think that with the added that we're able—the added additional resources that we could put out there, we can drastically change that 549, right, to get to a number that we can say is not embarrassing. I'm glad everybody of those 549 got it but it's embarrassing to think that we have so many more people that could have got this and they didn't. **Mayor ProTem Bynum** said I agree 100%.

Thank you so much. I feel like I at least have consensus around some of it and then consensus around continuing to work toward something that you all would be willing to adopt. I think our Administrator hears the conversation and I'm willing to work with you to work on drafting some ordinance changes that we could bring and possibly bring back to the group as well.

I want to thank this group and I think we should thank them with some applause and maybe a snack. We have one closing comment from our Clerk.

Mr. Deichler said I do apologize and Mayor Pro-Tem thank you. I want all of us to be mindful too as we move forward, not in just this discussion, but as we work as a group here collectively and if anybody knows me knows I'm an advocate of IT and leveraging processes. As we talk about the change in staff and not having enough resources, things like that, this is a great example of using say hyper automation to kind of put together processes where, let's say, we use density or heat maps or things like that to target groups that really could actually work inside of this and qualify, but if we're looking for repeat customers per se versus people that have never actually got this, now how do we market that outbound reach and where do we go to. We can look at some internal applications using guys like Mike Grimm who's an expert. I know he's got everything on his plate right now too, but you know in the data science world we could certainly look at some of those models and hyper automate things that would allow us to be more efficient, raise the bar, so we as individuals get above the mundane task and get out there and start to actually empower and reach more people in these targeted groups. I think that's a very mindful thing to think about as we move through all things, budget this coming year. **Mayor ProTem Bynum** said excellent.

Mayor ProTem Bynum said okay, we will bless you and dismiss you. Thank you so much and we'll give them a minute to make their way or stay if you want. We do have a presentation and discussion on revenue neutral and I wanted to just share a comment. I had a brief conversation with our Mayor yesterday in prep for this conversation. He just wanted to reiterate to you his support and desire for revenue neutral. With that, I'm going to turn this to our County Administrator to start us into this portion of the evening.

David Johnston, County Administrator, said to set the stage, while our staff gets situated, the intent of our budget process for this coming year is based on starting with a status quo budget using this fiscal year's budget into next year's budget with the only increases being salary increases driven by our collective bargaining agreements and then in fairness assuming an increase to our non-union employees and then incorporating a slight inflation factor in our model. That's the basis behind the numbers that you're going to hear during today's presentation when you see the numbers, but just keep in mind that it's a budget that we're going into, I'm going to use in my budget formation for a recommendation for Commission consideration and discussion.

No new stuff because I think you'll see toward the end there's no room for new stuff. You need to hear that again. There's no room for new stuff. I know you're tempted when you hear from our constituents and from our community stakeholders who are also trying to find additional revenue and it's natural for them to come to their local government as one of their stops. It's going to be very difficult for us to expand current services with additional revenue or expense demands. Just keep that in the back of your head as you listen to the presentation by Reggie and his team and Debbie and Brett. Without further ado, let's get the ball rolling, which is defining right now what is revenue neutrality and then we'll go into the specifics that Reggie and Debbie have worked on.

REVENUE NEUTRALITY

May 18th Budget Workshop #1



Brett Deichler, Unified Government Clerk, said when it comes to revenue neutral we are charged with making sure that the numbers do the right thing, so with that being said, I just wanted to take a very quick minute to explain a couple of things I think that's been kind of a point of confusion. There is a difference in just the revenue neutral being a number, which in this case last year's budget and what the revenue neutral rate is. They do work the same in tandem, but I want to make sure everybody's clear with that. We, the Clerk, we look for some certified values. One starting with assessed value. That comes to us. We also receive certified budgets from our own internal here and also the taxing jurisdictions in Wyandotte County and then the Clerk is charged with doing the math basically to keep that number, you know, as far as what the levy would look like to generate those funds for what's been allocated and certified by the jurisdiction.

Revenue Neutral Rate

- Defined (KSA 79-2988)
 - *Revenue neutral rate means the tax rate for the current tax year that would generate the same property tax revenue as levied the previous tax year using the **current tax year's total assessed valuation**.
- Examples of when assessed value may be added to current year's total assessed value
 - The construction of any new structures or improvements or the remodeling of existing structures
 - Expiration of property tax abatements or TIFs
- Summary: Total assessed valuation, which is defined as total taxable value, is used as input in calculation of RNR

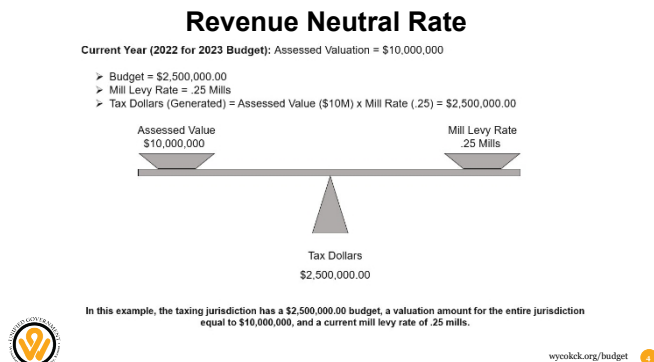


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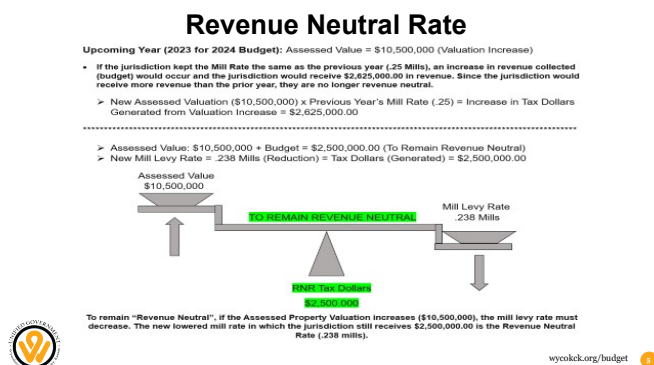
This by general definition, the revenue neutral rate means the tax rate for the current tax year, which I'm going to use a very brief small example just to keep the numbers easy that would basically generate the same amount of property taxes levied in the previous tax year using the current tax year's assessed valuation, which is important because as an organization, a government organization, we hope our values increase. In saying that, the examples of when values might

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increase is like construction coming on, TIF's expiring, things like that, but those all add to the total assessed valuation which is part of the equation for calculating these numbers.



Here's a model right here looking at that line where you take in this example an assessed value of \$10M. I know that doesn't sound like a lot, but it's an easy number here. You take a budget that you're looking for to generate \$2.5M. Well, the basic math tells you that would be a mill rate of .25 mills, which gives you your taxable ad valorem dollars that you're going to send your mailers out and try to collect, so \$2.5M.



Moving into the next slide, real simple, if you have an increase in valuation of \$500K, you would be at \$10.5M. Well, what do you have to do. It's pretty simple. If that goes up, the revenue neutral rate now would be the new mill levy would have to go down to .238 to still keep that \$2.5M in revenue neutrality, but your revenue neutral rate would now be .238 instead of .25. If you exceed that, in this case you would, if you kept that levy the same as the prior year at the 10.5 assessed valuation, you would now have in excess because you'd be at \$2,625,000 which would cause you to have a public hearing to justify that overage from 2.5. That is really the essence of

what is revenue neutral versus the revenue neutral rate and if there's no questions on the way that math separates what we do and how we get those numbers, I'll pass it over to Debbie and Reggie and their team.

Revenue Neutral Rate, cont.

Example: Estimated impact on COUNTY mill levy fund mill rate and taxes levied

Property Taxes Levied and Mill Rate	Prior Year	Current Year At Constant Rate	At Revenue Neutral Rate
Existing Property Taxes Levied	\$63,816,000	\$73,388,000	\$62,407,000
New Constr., Improvements, Remodels Taxes Levied	---	\$1,601,000	\$1,361,000
Expiring Abatement Taxes Levied	---	\$56,000	\$48,000
Total Taxes Levied	\$63,816,000	\$75,045,000	\$63,816,000
Mill Rate	37.328	37.328	31.743

Note: Assume a 15% growth in existing valuation from prior to current year.

- Going revenue neutral factors in any new improvements or expiring abatements
- Additional revenue generated from economic development is not captured for services but reduces the overall tax levied on the existing base



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Mike Grimm, Research Manager, said this is an example I'll say maybe a little bit more real world example. Mr. Deichler, correct me if I speak incorrectly, but this would look at just the county side and on the prior year, so let's say we had \$63.8M and that was generated with a rate of 37.328 mills, if we go to that middle column and let's say we're the current year or, you know, budget process we're going through and let's say the value increased from \$63M-\$64M to \$73M and then we add construction and some expiring abatements, now we're up to \$75M. Hypothetically in this example, in tax revenues and that would be generated using the same mill levy rate with 37.328. Now, if we decide or look at going revenue neutral, the revenues would still be that \$63.8M, but now we'd be looking at a mill levy rate of 31.743. Again, just an example of how that would work.

Just in general, those comment bullets on the bottom, going revenue neutral does factor new improvements that as we discuss expiring abatements, would cause lowering of the mill levy rate to realize the same tax revenues. That last bullet, when economic development occurs, to reiterate this, we go to revenue neutral, we don't realize the increase value in those economic development initiatives I'll say.

Revenue Neutral Rate, cont.

Example: Estimated impact on CITY/KANSAS CITY, KS mill levy fund mill rate and taxes levied

Property Taxes Levied and Mill Rate	Prior Year	Current Year At Constant Rate	At Revenue Neutral Rate
Existing Property Taxes Levied	\$58,286,000	\$67,029,000	\$56,879,000
New Constr., Improvements, Remodels Taxes Levied	---	\$1,601,000	\$1,358,000
Expiring Abatement Taxes Levied	---	\$58,000	\$49,000
Total Taxes Levied	\$58,286,000	\$68,688,000	\$58,286,000
Mill Rate	38.477	38.477	32.650

Note: Assume a 15% growth in existing valuation from prior to current year.

- Going revenue neutral factors in any new improvements or expiring abatements
- Additional revenue generated from economic development is not captured for services but reduces the overall tax levied on the existing base



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If we look at this next slide, same thing on the city side. Same example, I'm not going to go through the whole thing, but prior year if we have about \$58M, we have growth, we have new construction and now we're up to about \$69K, but if you go revenue neutral, we're back down to capping those revenues at \$58M and thus reducing the mill levy to, in this instance, 32.65.

INCREASED VALUATION Tax Levy Fund Impact

- Preliminary estimates of property valuations show generating additional revenue of \$15.3M across all tax levy funds.
- Projected 15% increase to valuations overall, with additional 1% growth for additional development agreements expiring
- Estimated 14% reduction in Mills needed to achieve revenue neutral rate (10.6 Mills)

Tax Levy Fund	Property Taxes Levied in 2023	2023 Mill Rate	Estimated Property Taxes Levied in 2024	Additional Revenue	Revenue Neutral Mill Impact
City General Fund	\$30,022,509	21.431	\$34,936,964	\$4,914,455	-3.00
City Bond & Interest	\$23,879,235	17.046	\$27,788,083	\$3,908,848	-2.39
City Funds Totals	\$53,901,744	38.477	\$62,725,047	\$8,085,261	-5.39
County General Fund	\$46,180,288	29.191	\$53,667,782	\$7,487,494	-4.09
County Bond & Interest	\$3,512,121	2.220	\$4,081,570	\$569,443	-0.31
Consolidated Parks Fund	\$2,613,919	1.652	\$3,037,730	\$423,811	-0.23
Health	\$2,488,017	1.573	\$2,891,414	\$403,397	-0.22
Aging	\$1,638,245	1.036	\$1,903,864	\$265,619	-0.15
Elections	\$1,392,989	0.881	\$1,618,843	\$225,854	-0.12
Mental Health	\$678,060	0.429	\$787,998	\$109,938	-0.06
Developmental Disability	\$549,628	0.347	\$638,743	\$89,115	-0.05
County Funds Totals	\$59,053,273	37.328	\$68,627,943	\$8,857,991	-5.23
Total	\$110,228,094	75.805	\$125,519,681	\$15,291,587	-10.62

Mr. Lindsey said the current slide, what we're looking at is the Tax Levy Funds and, basically, what we have here are property taxes levied in 2023 and then we did an estimate on what we estimated property taxes to be levied in 2024 and that estimation is based on a 15% growth over property taxes that were leveraged in 2023. What we have is where we can see we have City General Funds, which is the City General Fund and the City Bond & Interest Fund and then we also have the County Funds, which includes the County General Fund, County Bond & Interest, Consolidated Parks, Health Levy Fund, Aging Fund, Election Fund, Mental Health & Development Disability. We can see with the City General Funds, the estimated impact that we see, the \$8M impact and growth if we were to realize the value of our excess values, but if we do not realize the value and go revenue neutral, that will be taking \$8M from what we have access to in the City General Fund or for all our City Levy Funds.

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Then, in our County Funds, the impact would also be about \$8.8M for those funds and in total it would impact our whole budget by \$15.2M and we estimate that would be 10 mills that we would need to decrease back to.

Fund Forecast		City General		Revenue Neutral Rate				
City General Fund	2022 Amended Budget	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 160,970,000	\$ 167,127,864	\$ 154,558,990	\$ 156,444,370	\$ 161,403,047	\$ 166,547,881	\$ 172,177,016	\$ 177,174,814
2024 Revenue Neutral Rate Impact				\$ (4,014,079)	\$ (5,208,923)	\$ (5,417,280)	\$ (5,633,971)	\$ (5,859,330)
TOTAL EXPENSES	\$ 170,650,500	\$ 168,788,479	\$ 160,382,000	\$ 171,054,000	\$ 178,137,000	\$ 196,485,000	\$ 204,970,000	\$ 213,520,000
Net Change in Fund Balance	\$ (9,680,500)	\$ (1,660,565)	\$ (5,823,090)	\$ (15,509,630)	\$ (6,733,953)	\$ (29,937,119)	\$ (32,792,984)	\$ (36,345,186)
Cash Basis Ending Fund Balance	\$ 21,293,100	\$ 29,319,035	\$ 23,496,025	\$7,980,395	\$ (8,747,558)	\$ (38,694,877)	\$ (71,437,601)	\$ (107,802,847)
Reserve % of Expenditures	21.20%	26.19%	23.93%	13.10%	3.45%	-12.10%	-27.60%	-43.52%
Fund Balance 17% Target	\$29,011,605	\$28,094,046	\$27,264,940	\$29,232,180	\$30,283,290	\$33,402,430	\$34,844,000	\$36,298,400

City General Fund		2022 Amended Budget	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES		\$ 160,970,000	\$ 167,127,864	\$ 154,558,990	\$ 161,358,448	\$ 166,811,970	\$ 171,985,161	\$ 177,810,987	\$ 183,034,144
2024 Revenue Neutral Rate Impact					\$	\$	\$	\$	\$
TOTAL EXPENSES		\$ 170,650,500	\$ 168,788,479	\$ 160,382,000	\$ 171,954,000	\$ 178,137,000	\$ 196,485,000	\$ 204,970,000	\$ 213,520,000
Net Change in Fund Balance		\$ (9,680,500)	\$ (1,660,565)	\$ (5,823,090)	\$ (10,595,552)	\$ (11,325,030)	\$ (24,499,839)	\$ (27,159,013)	\$ (30,485,856)
Cash Basis Ending Fund Balance		\$ 21,293,100	\$ 29,319,035	\$ 23,496,025	\$12,900,473	\$1,575,444	\$ (23,174,395)	\$ (50,283,406)	\$ (80,769,264)
Reserve % of Expenditures		21.20%	26.19%	23.93%	16.10%	0.13%	-4.99%	-17.27%	-30.93%
Fund Balance 17% Target		\$29,011,605	\$28,094,046	\$27,264,940	\$29,232,180	\$30,283,290	\$33,402,430	\$34,844,000	\$36,298,400

What we have here is a view of the City General Fund. The top portion of financials are if we decide to go revenue neutral rate and the bottom is if we go full evaluation and recognize our excess value. We can see we have our total revenues for 2024—**Mayor ProTem Bynum** said let's pause for a minute because I think our packet's way bigger than—it's got a bunch of slides in between the two slides you're showing, so it's at the back. **Mr. Lindsey** said for time's sake, we did cut the presentation down. **Mayor ProTem Bynum** said that's okay, so we're looking at City General toward the back and I don't have a City General at all. I start with County. **Commissioner McKiernan** said page 32 of your PDF. If you did everything by PDF, it would be numbered—or you just want to say—**Mayor ProTem Bynum** said I'll just look at the screen and if they all found it, fine. Reggie, keep going, sorry.

Mr. Lindsey said we have total revenues and also in the models have total expenditures and we also show what the net change in fund balance would be and we also have the cash basis ending fund balance and the reserves of those percentages. We can see in our 2023 Amended Budget, basically, we estimate to end with a '23 fund balance, we'd have like \$23M in our cash basis fund balance.

As we move over to the 2024 forecast, what we have built on right now is—County Administrator Johnston said, we have built this at a base budget when we have like our contractual agreements with our labor unions built in so we can see where our revenues that we're estimating would be \$156M. We have total expenses going out at \$171M. If we're to go revenue neutral, we

would be cutting back on revenues of about \$4.9M in the City General Fund and we would have a cash basis ending fund balance of about \$8M and that would get us down to 13% in our fund balance.

Debbie Jonscher, our Interim CFO, she works with our credit rating agencies on an annual basis and she has some advice for us.

Debbie Jonscher, Interim CFO, said I just wanted to comment that when you're looking at the forecast for revenue neutral in 2024, our fund balance does not go negative; however, our fund balance percentage drops to 13.3%, which is actually below our fund balance policy minimum of 17%, so the credit rating agencies do look at that. So, even though we are still in—we have a positive balance at the end of that year, it does drop our fund balance percentage down and they do watch closely on that when we hold the credit ratings meeting with our—when we're going out for our bond issuance. **Mayor ProTem Bynum** said, Debbie, can I ask a question or Reggie, either one of you, to just clarify for me on the slide, when we say net change in fund balance—I'm looking at '24, \$15.5M, that's not a negative fund balance, that's just the net change. **Ms. Jonscher** said that's the net change from your revenues and expenditures. **Mayor ProTem Bynum** said if we go revenue neutral. **Ms. Jonscher** said that's correct.

Mayor ProTem Bynum said other questions if we stop right there?

Commissioner Johnson said, Debbie, you've already talked about this, when we're repricing some bonds maybe a couple of months ago, credit rating agencies talked about you don't need to have another year where we have a structure, what do you call that—**Ms. Jonscher** said structural imbalance. **Commissioner Johnson** said a structural imbalance which means we're going into our savings account so to speak. They've already stated this to us. What I'm interested to know and I guess there is no way of knowing this, but what kind of impact—**Mayor ProTem Bynum** said I think you need to move your microphone a little closer. **Commissioner Johnson** said I've never been told that before. It would be interesting to see or kind of try to forecast what kind of impact this would have, the net neutral rate process, would have on our credit rating in addition to what we're seeing here because I see red, red, red. **Ms. Jonscher** said right. I will say that when we presented our numbers earlier this year, we did our estimates for 2022 as well as our 2023

Budget and the 2023 Budget did show a structural imbalance between revenues and expenditures. They commented on that and even though I think our projection was around 23%, which is almost at that 25%, which is a three-month reserve, even being that high, they were still noticing your revenues and your expenditures are not aligned. I don't know—as long as our fund balance percentage stayed at a healthy level, say around the 20-25%, I don't know that would significantly impact the rating, but if they continue to see that or they have stated if you drop below your minimum percentage and you kind of go back and forth, I think that could eventually have—I'm not saying it would have an impact the very next year, but it could have an impact in the near future.

Commissioner Johnson said I just want the public to understand if our rating ever dropped, that would mean we would have to pay more in terms of interest rates. **Ms. Jonscher** said that's right. **Commissioner Johnson** said on the bonds (inaudible) the bonds that we borrow against, which means that the public has to cover that within the context of our overall budget. **Ms. Jonscher** said yeah, it's because the investors look at the rating. They use that rating to kind of assess the risk to buy our bonds and the higher the risk, the higher the interest rate could be. **Commissioner Johnson** said I don't believe we want to talk about this much longer, it tells me all I need to know.

Commissioner Davis said I really have more of a comment—well, thank you all for presenting this information. This is great. I haven't had time to look over it, but when I do, I'll probably have questions. I've been asked about this when I've gone in my district and I've spoken with folks and the best way I can put it from an individual basis—because maybe it's hard to understand, you know, SP and AAA and AA1, but from like a personal basis going revenue neutral would be equivalent to saying I don't want to raise, but I do want to continue to buy nice things or I want to buy a Tesla. It just doesn't make sense and so I think if we can find as many ways as possible to have this conversation in a way that our constituents could really understand it, particularly at the individual level.

We talk about the credit rating, well, you know, municipal governments they use letters and numbers. Let's just say that's an individual. If your rating is going to go down to 600, 500, 450, that means if you want to buy a house, if you want to borrow money, if you want to get a credit card, it's going to be much harder. That is an equivalent conversation that we're having

here as a municipal government, so I just wanted to put that out there for a comparison for folks that are listening.

Mr. Lindsey said also one thing that I'll point out is within the City General Fund in the model where we're going revenue neutral, we look at 2025, once we get to 2025, one of the things that happen is our cash basis ending fund balance ends up being negative. With this base budget that we have built in here and the revenue that we would have coming in from revenue neutral, we wouldn't even be able to approve a budget in 2025 because we wouldn't have any fund balance. We can see that number starts to progress each year going from 2026 to 2027 to 2028 where finally in 2028 we grow to \$107M, so if we don't take any action to do something and decide to go revenue neutral, that's the state we would be in.

Next, I'll give you a view of the full evaluation and that's like recognizing the excess value increase that we have of 15%, so this budget that we have on the expense side here that we have built in is also our base budget where we have contractual obligations for labor unions built in. We can see in 2024 we do have more outflows of expenditures coming in at \$171M compared to revenues of \$161M coming in, so it puts us in like a structural imbalance of \$10.5M. We see our fund balance drops to 16% from the estimated 23% from 2023 and as we move over into 2025, we do end up still having the fund balance, but the fund balance greatly drops because we end up digging into our fund balance of \$11M and that's because we have revenues going out of \$166M—or coming in of \$166M and total expenses end up being \$178M that we are spending. So, we end up having a fund balance of \$1.3M in 2025 and that's with recognizing the full 15% in excess valuation.

As we move over into 2026 we can see we wouldn't even be able to approve a budget that year because we wouldn't be in the negative with fund balance of \$23M and then we get to 2028 we have a negative fund balance of \$80M. Questions on there?

Mayor ProTem Bynum said I have a question. This is full valuation, no mill rate change. **Mr. Lindsey** said yes. **Mayor ProTem Bynum** said okay.

Commissioner Stites said I got a question. Here's a very interesting thing. So, our evaluations went up at what are we saying, a percentage 15, the number that we're using. What would we be

doing if our evaluations went up 5%, not 15? **Mr. Lindsey** said we would definitely—I mean now we’re going to be looking at definitely having to cut the—adjust the budget by 2025. **Commissioner Stites** said right, adjust the budget. I mean that’s where we at. **Mr. Lindsey** said if we adjusted it more sooner—we would definitely be adjusting a little bit sooner. **Commissioner Stites** said right and that’s where we’re at. I mean it’s not that hard to figure this out. We’re bringing in this amount of money and we’ve got to figure out how—I mean I don’t care what the red looks like in 2028, I’m talking about today.

If our evaluation—most people would be happy if their evaluation or their valuation increased at a steady amount, 5%, but that’s not what’s happened in the last two years. We’ve got folks out there that their valuations have went up 30% in two years and that’s a shock to their household budget. We’re trying to pass that on to them and they can’t do it and I appreciate what Commissioner Davis—I mean I get it. You’re saying there’s people out there that won’t say they want to buy—they want to raise and maybe buy a Tesla, we got people out there saying I want to buy groceries, not trying to figure out how they’re going to buy a damn car or much less a \$60K car, \$80K car. They want to figure out how they’re going to get the dollars to pay for their medication, how they’re going to get their gas to go to work or get to work or the grocery store.

It’s bigger—I’m not saying that I’m a proponent right now of revenue neutral, but we can’t tax our way out of this to our citizens. They are at the breaking point and we’ve got to figure this out in-house, not looking outside. If that means—and this goes back to my notes that I have right here with the PILOT. We have to figure out what our wants are, what our needs are, and our musts and then start working from there. What I can see is what we’ve done is just a terrible job of it leading up to today because where would we be in the last two years if evaluations were at 5% each year. We just got to that 2028 number a whole lot quicker.

Commissioner McKiernan said really Commissioner Stites is right. What I’ve been asking for for years is show me where. Professional staff who know about the services we provide, give me an itemized list with numbers of places and amounts that we can cut to meet whatever revenue projection it is that we want to meet. What’s it going to be and be prepared to come. If Public Safety and Public Works are three-quarters of the personnel spending in the Unified Government and according to last year this year’s budget by my rough calculations, Police, Fire, Sheriff and Public Works are three-quarters of the personnel spending. Where are we going to cut, how are

we going to cut, how are we still going to provide services to the maximum ability—maximum of our ability if we make this cut, that cut, the other cut. I want something that is concrete to react to, to make a decision on.

We came last year and we start this whole revenue neutral discussion just out of the blue with no basis and here's the rationale we're going to use. Here's the formula we're going to use, here's the relative ranking of this service versus that service, this employee versus that employee and on this basis and we all look to you. You are the city and county government professionals that we rely on to give us guidance and ultimately, yeah, we'll help make the hard decisions. We always do, but until I get some guidance on here's where we're going to cut and here's what it'll do to services and here's what it'll do to citizens, I'm just floating along kind of flying blind. I don't know where to turn my effort, to turn my focus, so that's what I really want to have is here are some concrete suggestions in all of our cost centers.

Last year we talked about we're going to protect our, what was it, we were going to protect something and it's like no, if we're making cuts, we're making cuts across every office and every service that we provide and not just some blanket, everybody cut 5%. No, you guys are the ones who can tell us where to make targeted cuts that will maximize our fiscal impact and, hopefully, minimize the impact of service delivery. So, that's what I'm still looking for. Thanks in advance what we're about to do.

Mayor ProTem Bynum said I just want to interject here for a moment. I'm going to kind of take what you said and sort of wrap it toward our Administrator because I think what you want to hear from us is where shall we go. I think the goal for tonight is kind of the way you started us. If we're going to have a revenue neutral discussion and you've shown us, at least you know, enough that we understand what it looks like and we can look at the county piece of that, but if we want to do something with the PILOT, anything, whatever we all decide and we recognize that we have more than a dozen collective bargaining agreements, I'm thinking, that we know because we negotiated them have increases.

I'm looking for—if we go revenue neutral, we kind of know what that revenue amount is. Now we kind of know a dozen collective bargaining units with raises, we know that figure, we will know that figure, some sort of PILOT relief is a figure. Health insurance costs are x number

of dollars, so I think you were kind of saying this at the beginning, so we're cutting away at our revenue, our neutral revenue.

To Commissioner McKiernan's point, we're going to have to know more, we're going to have to have a way, my opinion, this is what I've been thinking about. We're going to have to have a much deeper dive into the pages of the budget book because we're going to have a whole lot more money to chop out of that expense side of the budget so that we can go revenue neutral. We're just going to have to commit to looking much, much deeper into the pages of the budget book for where are we spending money that we're all going to collectively decide not to spend it. I'll stop there. That's what's in my brain.

Commissioner Ramirez said I think I'm going to be speaking throughout this presentation, so I'm just going to go with it. Here again on a non-starter topic, we've been through this already. I'm sure we know the feel of the entire Commission, but for—I don't speak for everybody. I can speak for myself that I absolutely do not support revenue neutral in the moment. Now, does that mean we can get there in the future, sure, but right now, absolutely not. It would be fiscally irresponsible. If we went to revenue neutral rate, we would be in the red a year earlier than if we took the full evaluation. That would give a year, and I'm sure our Administrator is a miracle worker, but I don't think he's a miracle worker where he can get priority-based budgeting up and running within a year. He needs time, staff needs time to implement that program and we need staff to implement that program, \$15.2M, where are we going to cut that, Parks? Parks is already underfunded. Public Works, we're going to have our infrastructure fail in 10 years if we don't put more funding into our infrastructure.

We are the second to last unhealthiest county in the entire state and we want to cut \$15M from our budget. It makes no sense. Yes, we need to make targeted cost savings. We need to look into the budget to find where we can dig ourselves out of the hole. Let's have that conversation. Stop bringing this up. It's not going to happen now. I'm getting frustrated. We could make meaningful leaps, we can make meaningful changes if we actually sat down and had the necessary conversations. Instead we're having non-starters once again.

I understand that the Mayor supports it and wants it. If he supports it, then provide the Commission—I agree with Commissioner McKiernan, but if your office supports it, you give us a list of your own of what you want to cut \$15M worth of. Present it to us, present it to the public,

allow them to comment on what you want to cut. As you've said in the past, this is the people's budget, then they have a right to know and comment on what gets cut from this budget.

So, Administrator, from me it's a no. We don't have it. You said we don't have anything to do anything new. We have nothing at the moment. It's a status quo to maintain until we can get priority-based budgeting up and running. Until then I hope, I pray and hope that the remainder of our budget workshops are actually substantive and we can actually dive deep into what we can make changes into, what changes we can make to get us out of our structural deficit.

Commissioner Townsend said I'll cut to the chase. I'm not in favor of the revenue neutral approach at all. With regard to cutting, where to cut, what to cut, some of those start with when we get these contracts from Public Works and the increases and I voted against that. I voted against that section of the budget. I didn't say no to everything last year, but that section of the budget was a no because of the structural imbalance and it's just going to be difficult, but we have to look at everybody when contracts come up and remember this red here. That's already passed, but I am not in favor of revenue neutral.

I look at it in another way as well. I think Commissioner Davis was talking about cars. I go back to the standing committee meetings we had and most recently we had one that talked about a possible increase—help me Commissioner McKiernan because you made a very salient point, was it 1.3 or 13M that we were looking to collect in tax revenue I think from the Homefields. Even if it's 1.3, the point is with revenue neutral you don't realize any of that. I mean it's like we're not taking advantage of the hard efforts made to bring people into Wyandotte County and to increase money into the coffers, so the revenue neutral is a no for me.

Commissioner Johnson said the way that we grow the budget is through economic development. The way we grow the budget is through economic development. The way that we grow this economy, grow this city is through economic development and so our Economic Development Director needs to be at the table. We don't have an Economic Development Director. We're having these conversations and, again, I agree with Commissioner Ramirez, I don't even know why we're even entertaining this considering where we are economically. As an urban city that have more needs than revenues this discussion—I would ask, have we ever been presented, and I don't recall, so somebody educate me or help me to remember, have we ever seen a model of this,

similar city, that is using this revenue neutral means whether it be in the state or around the country where it has actually worked in a similar setting. I don't think that I've seen that, maybe it has and I just missed it, but really for me until we start focusing on how to grow this city through economic development, a lot of these conversations are just—you know this takes a lot of wind and air to try to articulate all this at the end of the day. I'm not voting for it, that's for sure.

Commissioner Stites said was it economic development—is how we grow them? Is that what you were saying? That's what I thought anyway, and I agree. I want everyone to remember that whenever projects are brought forward here in the near future, that economic development is the way to affect our budget, bringing in more personal property taxes, bringing in some jobs, bringing in sales tax. We need to be out there actively searching for economic development, not just hoping that it comes to us. We need to have somebody beating the—Chris, I don't know if you're volunteering, oh, I thought you were volunteering. I seen you raise your hand, but that's exactly how we do it and you are right.

I kind of look at this a little bit differently and, Commissioner Davis, you brought up the car thing, so I'm going with it again. It's kind of like when you go to look at a car, you're looking at the base model. Here's the base model. This is what it costs, it costs x and then you decide as a buyer or as a government what you can afford to add to that base model. If it's 75% of our budget goes to Public Safety and Public Works, then you know what, we know where we've got to be to cover the nut. Then, we go, all right, that's how much we have to have every year to make it work. So, do I want to add a heated steering wheel, do I have the money to add a heated steering wheel, do I have money to add you name it and that's where we've got to go. We got to know where that bottom line is, and I totally agree with you, and we've been asking for it.

I also believe that we've got to have all taxing entities throughout Wyandotte County at the table to assist us in this burden, and I'm talking about the community college—I won't name them all. I'm just going to say all of them, all taxing entities. Community College was one of them—no, I know them all. I know them all. What have they done to help our tax implications over the last two, three, five, ten years? I'm not sure very much, but they're sure the recipients of a lot of money and we need everybody to help pull in the same direction and I don't believe that we're getting that today. The burden of tax relief should not fall squarely on the shoulders of the Unified Government.

If I'm not mistaken, when we have that dollar bill, and I've asked—Debbie has sent it to me—three more slides into this, slide 974 there will be that dollar. I think we're 42%, if it was 42% of if it's 46% now, less than half, but yet you know who catches most of the grief, the people sitting in this room right here. I'm hoping that they're all going to vote when it comes to board members for the community college, the school districts, all the other taxing entities, and the library board. We have to work together and not just put this on the backs of the commissioners to figure this problem out. Do we have a role in it, absolutely, we are the largest taxing entity at 46%, but we're not the only one.

Commissioner Burroughs said revenue neutral came about because we had a tax lid and cities pushed against it, League of Municipalities pushed against it, and we were at a point where there were plenty of exemptions to allow us to know what our revenue stream would be. They went with revenue neutral because the state doesn't trust us as a local community or as a governing body to provide tax relief if they give us money. They don't trust us, they don't like local control unless they're controlling you locally. That's what they are—that's where this revenue neutral rate came from.

The revenue neutral rate is going to force us, and I'm going to say that again, it is going to force us to dig deep into the budget. I don't like revenue neutral any more than anybody else; however, in the six years I've been here we haven't drilled down into the budget to look at costs. We keep talking about priority-based budget and I hear every one of you speak occasionally that we need to lower our costs. Well, when we bring those issues forward, we're either pontificating or we're trying to crucify somebody or we're doing a major layoff. That's not the discussion that's to be had, it's how do we get the best return on the limited amount of dollars we have. We are a governing body to provide services, to be held accountable for those services, and I agree, we can't control what the other boards and stuff do with their mill levies, but we can control what we do with ours.

We can be very vocal and paint a message that we heard the taxpayers of Wyandotte County say their property taxes are too high. Thank God we have economic development going on in this community to increase our sales tax because there was a time we didn't have sales tax here to help support this budget. It was all reliant on property tax and fees. We can't continue to

operate that way. We have an opportunity now with additional sales taxes and an increase in value to be more prudent in how we go about doing the budget.

I'll work with any of you to find a balanced budget that provides what we have to have and what we would need to have, not what we would like to have, because like to have is going to put us deeper and deeper into debt unless we're really prudent and looking at—somebody mentioned a 5% cut across the board. We have Directors of every department that can go back and look at their budget and bring something up and say I can cutback on my telemarketing, I can cut back on my commodities, I can cut back on my overtime and those are hard issues, but they bring that forward, we don't have to accept it. It's letting them identify to our budget staff and to the Administrator what they identify as being able to cut and if it's not a full 5%, look there's low-hanging fruit out there. If we come in and have to make those cuts, we're not taking any input from staff then, we just make those cuts and those are the painful ones to make.

I would just state that revenue neutral forced us to look a little bit harder last year and we lowered the mill a little bit to pacify the public and maybe put to rest some of the vocal minority of voices that say our taxes are high when they came here to speak to us, but we can be more prudent in how we go about—I'm a fiscal conservative. I'm not apologizing to anybody in this community for being a watchdog of their money. That's how I'm wired and that's what I will continue to do, but I still want to provide good government, good efficient, effective government.

Commissioner Davis said I love how everybody's using the car analogy and by the way, my analogy was not on our—it was not from the perspective of the resident, it was the perspective of us as the Unified Government. I just wanted to make that clear that this exercise at that analogy is from the perspective of us as a government and how we spend our funding.

I agree with all of you. We need to tell the story. This year is an election year and so I would hope that folks that are listening to this, they would ask—not just folks running in UG, but everyone that is running for a position that is a taxing entity whether that be the school board or the college, what they're going to do about property taxes because, again, it can't just be all on the UG. By the way, we did do something about property taxes, right, we actually did reduce the mill. We had a little to no help from those neighboring taxing jurisdictions, which meant that when folks got their bill, they really didn't see any real relief, which leads me to the state who can do a

tremendous amount of work beyond passing this revenue neutral bill to basically force municipalities to do this exercise.

If the state wanted to help us out, they can take away their 1% of property taxes. There's no point of any of our property tax bill going—there's no point of sending any of our money from property taxes to the state if they really want to provide the relief.

The other thing is, if you all recall, and I think it was our lobbyist, Mr. Davis, that brought forth the revelation that the state decided not to put a cap on evaluations. That's the other side and so I understand the desire to force us as municipalities to have this conversation. We're trying to deliver for our residents, but we need the state to meet us halfway and put a cap. We can't put a cap and they can help us in that regard.

As a government we did spend money last year and some of it was unplanned. If you all recall, we got pay parity between the Sheriff's Office and KCKPD. That costs money. We opened Fire Station 15, that cost money. We finally got the contract through for our Fire Department Local 64. We decided to increase funding for Parks & Rec. We did this, we made the vote, we decided this and our residents and other folks encouraged us to do so and so the numbers that we're looking at, both city and county, they are a reflection of decisions that we made.

I would love for staff to bring us forth recommendations; however, I do want to be cautious of that. I do not want staff to have to bear the brunt of the political implications of cuts. I think it's not fair to say well staff recommended that we cut so and so or that we took out this position. I think as the elected leaders, we're going to have to own it. If we want the cuts, we're going to have to tell that story to our constituents, this is how we are physically responsible. Without doing that, I think we are selling ourselves short.

So, no, I'm not for going revenue neutral. Yes, I am for calculated strategic reduction in revenue or reduction in expenditures with an eye towards economic development, but what we have right now, this isn't the state's idea. I was in school getting my MPA when this was passed, it is just terrible law among many other terrible things that we have seen from state legislators trying to control constituents and I wish and I would hope we would work together on the evaluation side and on the mill side so that we can get real relief for our residents.

Commissioner Kane said I really liked our PILOT conversation today. I thought it was pretty cool and we saw some things we hadn't seen in the past, but I think this meeting is a waste of our

time. You know when we talk about the unions and they got their raise, but what about our salary folks, they deserve raises as well. How many people are in positions because so many people have quit. We've caused a pretty nasty work environment and I can't even tell you how many people have quit, so making this budget is going to be a little bit harder because you have less people to do it. These are things that we need to think about.

I didn't like revenue neutral last year, I think it's a total waste of our time to even look at it this year. Staff's got their hands full with dealing with us. We need to look at one thing at a time and that's it and move forward.

First of all, we've got to start filling the economic development jobs. We've got to start filling the jobs we lost in the Legal Department, the Financial Department. We have to start filling these jobs because we cannot rely on these folks to take the weight on their shoulders every single day. I guarantee you if it was us, and we were down three or four people in our office, we would be pissed and I thank the salary folks for what they're doing. Your hands are completely full, but as we do these audits that we're doing now in some of these departments, I think we need to take a look at those audits and adjust ourselves accordingly whether some people really need to work for us or not.

Like I said, I think it's a waste of time and I think we need to stop the meeting because this is a crock. I don't want to see this kind of stuff, I don't want to waste my time, I don't want to waste staff's time coming up with this stuff. How much time did you guys take to come up with this knowing damn well those commissioners aren't going to like that and I have and I will continue to work with every single person here, both sides of the fence. If the union does something wrong, I'll tell them. If the salary people done something wrong, I'll tell them too, but we've got to stop meeting with crap like this to appease somebody because this is what they want.

Commissioner Ramirez said, again, going back to my comment before, we can have those conversations if we're allowed to have those conversations. This is put on an agenda. We don't have power over the agenda. Only one member of this board does. Us going revenue neutral we're putting the—I can't remember the cliché is saying the cart before the horse. If we're wanting revenue neutral, then let's have those conversations, let's be forced to have those conversations, but not pass revenue neutral. We also—I believe I forgot what Commissioner Johnson was talking about, economic development. Just today, I and the Administrator and Commissioner Burroughs

were at a press conference for a once in a generation event that is coming to our region, the World Cup in 2026. What are we going to do to prepare ourselves to capture the residual effects of what happens over that state line. Cutting \$15M isn't going to do that. We're not going to have the services, we're not going to have the staff to be able to put into processes and programs to capture the residual effects of that. That has an opportunity to change our community. It may not be in our city, but we'll feel it and we need to be prepared to tackle that.

It's always constantly said that we need to streamline our government and bring down costs. You know the Mayor always talks about it, we all talk about it and it's with all due respect, we keep talking the talk, now let's walk the walk. It's about time we do that.

Commissioner Bynum said thank you to everyone. I'll make some comments and turn it to you to close it out. It's been a long night, but I think it's been a good night and I thank you for the comment about the PILOT presentation because that group of folks did put a lot of time and effort into that and it's a very sincere request.

I kind of want to direct comments to the Administrator. You're new and you knew coming in that you were coming into a challenging environment. Economically, I mean where would you go that you're not.

To Commissioner Kane, it makes me feel bad—I feel bad the level of work that was done to bring this because this had to be just a ton of work. You don't have to tell me how many hours, but there's five of you here with the whole rest of your team, it's a ton of work and it makes me feel really bad because we get it. I may not know the nitty-gritty of fund balance and what year we go broke, but I get it, I get it, I get the gist of the conversation.

I'm looking to our Administrator, going back to the comments I made earlier, and I think I heard several of you say something similar. I want, not them, our Administrator to help us dive deeper. We need to be able to dive deeper. I can, you know, at a real general level understand and digest this. The only way I start fixing it is by diving deeper and that's why I was saying earlier we kind of know what's going to cost more. Where can we go, you made reference to this Commissioner Burroughs, and yes, work with the other taxing entities, but the only part we control is city and county.

I'm just hoping—I mean I think we've said no to revenue neutral again and I'm willing to look at revenue neutral. I just can't do it this way. The only way I can do it is to dive deeper

so that I know how to make those hard decisions about where the \$15M is. I can't do it with this. I'm okay with having the conversation, but we've got to have more detail and what I'm remembering is—even predates my time here, when I would—because I'm a big nerd watch the budget presentations of the Commissions before me and the commissioners would say, well, I'd like to hear from the Police Department, I'd like to know more about the Health Department and then that department would come—you remember what I'm talking about. I just think that's more detail.

Anyway, I'll stop. Administrator Johnston, I'll let you close us out.

Mr. Johnston said thank you. I just wish you would have shared all your opinions tonight. **Mayor ProTem Bynum** said we're a quiet bunch, aren't we? **Mr. Johnston** said I heard a lot of comments tonight and I guess I want to respond to Commissioner Kane and all of you, is that a lot of hard work was presented by the staff, by the PILOT committee that Chairwoman Bynum directed. Why these were presented is because these were concepts that were on the table and were not resolved and they were—what I got the message when I started is it needed to be dealt with one way or the other and the best way that I felt we could do it is to have the budget process start with a revenue focus. That tells us what work we have to do.

The concerns you all raise, particularly when we put up that one slide that Reggie did on the longer term impact on our budgets in the future, is a telltale sign. These issues that we're going to have to deal with are years in the making. It didn't happen last year, it didn't start two or three years, it started many years ago. I think we all recognize there is going to be a dramatic need for fiscal discipline. So, there are no overnight solutions. There is going to be work that needs to be done.

I think the message that I'm going to be carrying back to staff is we're going to take a deep dive in the budget and we're going to get low-hanging fruit identified, mid-tree fruit identified and the ones you can't touch because we're legally mandated to do, the quick and dirty that Commissioner Stites said. This is going to affect so much. There's going to be a lot of need for community communication, so you know the fact is that revenue neutral only works if you're constantly in a profit position as a public entity. It gives you the privilege to freeze your rate because you don't need to. When you see the red on our graphs, I think we've answered that question about revenue neutrality. We will not incorporate it in the budget in my recommendation.

What you do with it, it's your problem after I present it, but we will have to make recommendations on how to actually get us back to what is a balanced budget. We've balanced our budget by drawing from our reserves. That's not a balanced budget, and as you can see, that reserve evaporates in just a couple years, so that privilege is gone. I have to tell you that in my estimation.

We, unfortunately, have an appetite of using debt financing on operational costs, so I'm concerned about the cost of borrowing and so we're going to have to examine that. We're also going to have to examine our economic development incentives because we do not get the return into our coffers fast enough. When you have a 22-year mortgage out there, you give it away for 22 years, we have to wait 22 years for the benefit. We can still offer incentives, but maybe in different ways than normal and, yes, have the courage to enjoy the criticism that we will have. You're changing how you incentivize business. Well, maybe we have to say we can't afford that right now, but we can afford this and you'll be part of a great community.

So, we have a daunting challenge on our hands. The staff and I will work very diligently in working on my recommended budget to you with probably hard choices and not just this year, but in a couple years ahead. I want to delay that red. I want to delay getting below 17% on our reserves. That's going to take work and we need to communicate that.

The message I'm also getting from the Commission, and I got it from the Mayor too, is David is going to have to work at doing things differently in the UG. Now, we've got to define it as Commissioner Davis said— or Commissioner Ramirez. Now we have to walk the walk. We recognize the problem, now we have to act on that problem and so we'll work with you, we'll work with our staff, we will even work with all our community stakeholders that rely on us to talk about this new narrative that we have to embrace to move our community forward.

Commissioner Ramirez also said something, in three years this area is going to be on the world stage. We're part of that world stage because of our facilities on the west side, the Children's Mercy Stadium, the Olympic Training Facility are all going to be used by these international teams that are going to be coming here. Even though we have these challenges, we still have service responsibility and we can't shirk that responsibility to our citizens, so we will always have a Unified Government in place providing services. That's one thing we need to understand. How we provide those services are going to change, will need to change, but in three years we're going to be a wonderful host and contributor to the region because people are going to come to

Wyandotte County to visit the teams and see them in action on the west side at Mercy Stadium, at the Olympic Training Facilities and we have to be at our best.

As I said in the interview, there is a spirit here in Wyandotte County. They're going to rise to the attention of to meet that challenge and that spirit also will, I think, help us make the tough choices that need to be made to provide our services in a different way, maybe at different levels, maybe at different priorities, but we will still serve our citizens and I think we can't lose that site. So, we have a lot of hard work to do, but I think we're up to it.

Commissioner Johnson said one quick question. One of the things that your predecessor, the Interim County Administrator Harrison-Lee, suggested that I thought was a good idea. I want to get your feedback. I was looking at our budget in a two-year cycle versus one year. Any feeling on that one way or the other? **Mr. Johnston** said you're talking about biennial budgeting. States do it, some cities have embraced it because it creates you're making two year decisions instead of one year decisions. The benefit really, it forces you to quit looking at your local government like a checkbook. You start seeing the long-term vision of how your decisions today get past today and it's something to entertain and then like legislators do, they usually have a short session and they will only address budget in a short session on something that really forces them to take a look at part of the budget, not the entire budget. So, cities have used that. It does provide more certainty and it takes a lot of the drama—you have drama one year, not every year and usually the drama is in the off election year, so you get that done as well. I'm not running for office, but I have to work for people who are. It's an interesting balance, but don't misunderstand that, it can be a tool for us to talk about.

Commissioner Johnson said I don't know if this Commission is up to that or not. I certainly would love to see it come. **Mr. Johnston** said we have to talk about it because it's a new way of doing business.

Commissioner Stites said the last thing I want to ask or make a statement about is, in my very first one-on-one with you, David, you passed out a book and I think all of us got that book and I bet I'm the only one that's read it, and I appreciate the book that you gave, but it talks about economic development and how we get there and what it means to our community. So, what I'm asking of you tonight is, could we focus on getting an Economic Development Director in place

as soon as possible. We have developers out there right now, today, that don't know where to go. They've been told over the last 18 months to talk to this person and then no, don't talk to this person, you talk to that person, that person, no, you're not this one. People don't know where to go and we've sit there. Commissioner Johnson said economic development is how we get ourselves out of this, but yet we really aren't doing a good job at trying to be welcoming to developers, Willie Lanier. We haven't been—we don't have a point of contact for developers, they don't get answered back in a timely manner. We've got to fix the economic development portion of our government.

Now, I'm not saying—there's folks in there. I mean there's good folks in there. I get that. They need help. We need to either provide that help with either training or staff or additional resources, but that's what I would be asking.

Mr. Johnston said that book that I gave each of you, if you read that, a thriving economic development—a community that's really into economic development and successful in it, has a womb to tomb approach to economic development. We have said whether it's through the EDC or even from the stuff that's on our website that we support entrepreneurship, but we don't have accelerators or incubators here. We say we support our small business people, but the Small Business Assistance Center is in Johnson County and they expect our people to drive down there for their training facilities. There's no reason why we can't demand that they have a place here in town somewhere to provide the training whether it's how do you deal with personnel regulations, how do you pay your taxes, what access to Capital is available, etc., etc. We don't have that here and we need to start demanding that it's here. Eighty percent of local economic growth is with your small and mid-size businesses that already are investing in this community. We need to have a stronger business retention expansion program.

The EDC does a wonderful job looking for new large investment opportunities, that needs to continue, but we also need when we talk about the tomb is small and medium businesses where their ownership wants to retire, can we have someone come up and buy that business and keep it going. That's the tomb. We need that ecosystem in place, and yes, we are going to hire an Economic Development Director. In the meantime, they can always call the Administrator's Office and call me if they need to know who to talk to. That's our role as managing programs on

our side of the table. You're the policy, we're the workers and they can call my office until we get that person in place.

I don't want to—there was a lot of negative energy today, but we're going to end on a good one. We've got the World Cup in three years, that's going to happen, and as I get older time flies faster, so it's going to happen and we got to be a player and we need to embrace it, set our best foot forward even with this backdrop that we're dealing with, so that's a non-negotiable.

The second thing is, I'm going to talk about the spirit again. We'll deal with it. Cities deal with this all the time. I'm closer to the east coast where I come from, there are east coast cities that have been taken over by their state because they refuse to work at it, so the state took them over. We're not going to let that happen here. So, please understand the Unified Government is going to be strong, it's just going to be different and that's a fundamental thing that we have to. Not, well, maybe we have to do it, so that's the direction I've got tonight. I do appreciate it. That does come from all this discussion and now we had it. I have direction to work with staff through our public processes to—eventually, I will present a balanced budget because I have to, but probably with a lot of hard choices, which is the deep dive that Commissioner Bynum referred to that will add that good discussion that she said is needed. We can end with that if that's okay.

Mayor ProTem Bynum said, Mr. Johnston, thank you. Commissioners, thank you. Staff, super big thank you. I'll take your motion. I just want you all to know that I got two books from the Administrator, I'm just saying. I'm not one to brag, but I guess I had more homework to do.

Commissioner Kane made a motion, seconded by Commissioner Stites, to adjourn. Roll call was taken and there were nine "Ayes," Ramirez, Johnson, Kane, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan.

MAYOR PROTEM BYNUM ADJOURNED
THE MEETING AT 8:00 p.m.

Brett Deichler
Unified Government Clerk

dt

May 18, 2023

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

SPECIAL SESSION, THURSDAY, MAY 25, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, May 25, 2023, with eleven members present: Bynum, Commissioner At-Large First District (left the meeting at 6:46 p.m.); Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District (left the meeting at 6:33 p.m.); Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: David Johnston, County Administrator; Bridgette Cobbins and Alan Howze, Assistant County Administrator's; Patrick Waters, Acting Chief Legal Counsel; Brett Deichler, Unified Government Clerk; Debbie Jonscher, Acting Chief Financial Officer; Reginald Lindsey, Budget Director; and Jeff Fisher, Executive Director of Public Works.

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 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 to ensure that all your comments are heard and an accurate record can be made.

Mayor Garner called the meeting to order.

ROLL CALL: Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, May 25, 2023, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for a Budget Workshop.

CONSENT TO MEETING of the governing body of Wyandotte County/Kansas City, Kansas, accepting service of the foregoing notice, waiving all and any irregularities in such service and in such notice, and consent and agree that we, the governing body, shall meet at the time and place therein specified and for the purpose therein stated.

Mayor Garner said this is a scheduled budget workshop. I'll now turn it over to our County Administrator David Johnston and he will lead the meeting from here.

David Johnston, County Administrator, said I appreciate the opportunity to start these budget workshops with the Commission. We're going to be starting it with reminding us where we get our money. It's the revenue sources that make up both the City and County budget and all the levy funds. As always, we will have Reggie and staff lead us through this presentation.

Reggie Lindsey, Budget Director, said I'm going to turn it over to Debbie Jonscher, our Interim CFO. She is going to get us started off.

Debbie Jonscher, Interim CFO, said I'm going to start off the presentation. We're going to be showing a long-range forecast for all of our funds and kind of going through what revenue sources those are and if they are restricted by either state statute or ordinance that the Unified Government has and then showing you what the forecast looks like out through 2028 on each of the funds.

the services. Then, we also have the one Fiduciary Fund which is usually for assets that are held in trust and that's the Environmental Trust Fund.

Fund Forecasts Assumptions

- Revenues
 - Property Tax
 - 15% growth in 2024, 6% in 2025, 4% onward
 - Sales Tax, Liquor Tax, Transient Guest Tax
 - 2.9% growth in 2024, 2% onward
 - Charges for Service
 - Trends deciphered on a case-by-case basis
- Expenditures
 - Personnel
 - Projected with vacancy trend based on departmental vacancy rates
 - Operating expenses
 - 3% growth based on 2022 Estimated Actuals
 - Capital based on Capital schedule

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This next slide kind of shows the assumptions that we've built into our forecast. On the Revenue side, since we don't have final valuations yet from the Clerk's Office, those are set to be finalized by June 15th, but for now we are—for property tax revenues we are assuming a 15% growth for 2024, a 6% in 2025, and then out through 2028 we're looking at 4%.

Sales Tax, Liquor Tax, and the Transient Guest Tax: As we all know sales tax is a little more volatile and it's sensitive to economic conditions so we tend to be a little more conservative with our estimates there, so we're projecting 2.9% growth in 2024 and then 2% going outward. Charges for Service, we kind of look at that on a case-by-case basis depending on what kind of contract for service we might have.

On the Expenditures, personnel would include all union contracts that have been approved going forward as well as we do have a projected vacancy built into that trend.

Operating Expenses, we've estimated a 3% growth based on 2022 Actuals and the Capital is based on what we currently have in the Capital schedule.

Commissioner Markley asked, for personnel there is no raise for non-union folks figured in as an assumption? **Mr. Lindsey** said there is. **Commissioner Markley** asked, do we know that percentage? **Mr. Lindsey** said 4%. **Commissioner Markley** said 4% we have figured in for everybody. **Mr. Lindsey** said everyone. That's all 14 unions.

Commissioner McKiernan said regarding personnel again, are you projecting that current authorized, but unfilled positions, will stay status quo that is unfilled? **Mr. Lindsey** said yes. **Commissioner McKiernan** said okay.

Commissioner Kane asked, is there a reason why we're not going to fill them and then what are we doing with the money that we would have paid somebody if they'd have been here? **Mr. Lindsey** said we do have overtime that happens with positions that aren't filled right now and so once we fill those positions, overtime will free up money to fill positions. **Commissioner Kane** said we do plan on filling the positions. **Mr. Lindsey** said yes. **Commissioner Kane** said great.

Commissioner Burroughs said the sales tax is projected at 2.9% and 2% on out, I believe that's what you stated Debbie. Do we know what the sales tax has been for the last three years as a moving average? **Mr. Lindsey** said we don't have that number right now. **Commissioner Burroughs** said I just remember two years ago it was 5% and we took a pretty conservative approach with that and 2.9 seems, you know, even more conservative. I don't mind being conservative, trust me, I just don't want to also chip away an opportunity to recognize income that we may have, but not having to be able to look at it in the budget. **Ms. Jonscher** said right. I think last year we did include a 5% and that was based on how we were trending earlier in the year. I don't know, I'm going to probably let Reggie answer on what they've looked at for this year. **Mr. Lindsey** said we came up with a 2.9% just based on economic factors that are going on. There have been some layoffs in the area and we have noticed where spending is not been as high in some retail service areas, so that's what we based our 2.9% on.

Commissioner Burroughs said I would encourage us to maybe look at what the State Department of Revenue took in in sales tax statewide. I think they blew past their projected budgets too and I don't mind a conservative approach, but 2.9 just kind of sticks out to me. **Ms. Jonscher** said we can certainly look at that and make adjustments to our forecast. **Commissioner Burroughs** said on a lot of money there (inaudible).

Ms. Jonscher said I'll turn it over to Reginald Lindsey to talk about the Tax Levy Fund.



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On the City side there are two tax Levy Funds being the City General Fund and the City Bond & Interest Fund.

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County General Fund	2022 Amended Budget	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 76,004,000	\$ 75,992,912	\$ 77,890,000	\$ 14,427,435	\$ 80,118,260	\$ 93,309,389	\$ 102,020,349	\$ 106,056,600
Local Millage for CRT	-	-	-	\$ (8,820,000)	\$ (1,125,240)	\$ (2,006,368)	\$ (2,688,424)	\$ (2,170,888)
TOTAL EXPENSES	\$ 78,008,000	\$ 74,250,213	\$ 85,056,000	\$ 84,854,497	\$ 87,844,000	\$ 91,699,000	\$ 94,760,000	\$ 97,682,750
Net Change in Fund Balance								
Cash Basis General Fund Balance	\$ 12,403,839	\$ 11,554,337	\$ 18,508,487	\$ 11,298,331	\$ 12,560,817	\$ 14,679,406	\$ 16,919,754	\$ 19,316,616
Revenue % of Expenditures	80.7%	24.4%	91.84%	16.57%	17.8%	14.3%	21.0%	22.8%
Fund Balance 1/1/2022	\$2,326,300	\$2,702,200	\$3,491,290	\$4,391,290	\$4,932,688	\$5,922,300	\$6,109,200	\$6,600,000

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The first one we're jumping into is the County General Fund. Basically, here in this fund how we can kind of see looking at the chart 2022 Estimated Actuals and how we ended the year. We ended up bringing in \$1.2M more dollars in revenues than expenditures that we spent. That left us at a fund balance of like 24%. As we move over into 2023 Amended Budget we can see that we have like a \$3.6M structural deficit there where we brought in or spent more, \$81M in expenses and we had \$77M go out and that dropped our fund balance down to almost 18%.

As we look into 2024, we can see that we have a—our structural imbalance is like \$226K and that does drop our fund balance down to around 17%, which leaves us in pretty good shape. As we look out into the years going out to 2025, 2026, 2027 and 2028 we can see the fund balance does gradually start to go up each year.

One of the things that's also within this fund is last year during the budget process we did commit to putting in a mill for CIFI which is our County Infrastructure Fund for financing and what that does is provide funding for Bonner Springs, Edwardsville, and the city of Kansas City, Kansas, the funding for infrastructure needs. We can see in 2024 we're committing that mill and will have \$1.8M and it does grow each year. So, those numbers are factored into these numbers so the revenues that we have going out and the expenses that we do have going into the outyears reflect those numbers. Also, within the fund there are 676 FTE's that are funded from here.

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County Bond & Interest	2022 Amended Budget	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 5,713,853	\$ 5,796,322	\$ 6,100,345	\$ 6,780,411	\$ 7,086,332	\$ 7,384,398	\$ 7,606,879	\$ 7,888,628
TOTAL EXPENSES	\$ 6,107,241	\$ 5,980,639	\$ 6,112,175	\$ 5,980,290	\$ 6,579,044	\$ 6,960,023	\$ 6,988,348	\$ 7,043,496
Net Change in Fund Balance	\$ (393,388)	\$ (184,317)	\$ 43,990	\$ 785,021	\$ 507,287	\$ 424,375	\$ 618,531	\$ 844,132
Cash Basis Ending Fund Balance	\$ 1,786,333	\$ 2,147,204	\$ 2,195,394	\$ 2,980,415	\$ 3,487,702	\$ 3,911,577	\$ 4,570,110	\$ 5,395,041
Reserve % of Expenditures	29.45%	37.02%	33.92%	49.84%	53.01%	57.26%	65.40%	76.60%
Fund Balance 17% Target	\$1,035,251	\$966,309	\$1,036,070	\$1,016,665	\$1,118,438	\$1,173,069	\$1,183,019	\$1,197,394

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Ms. Jonscher said the next fund is the County Bond & Interest Fund. The primary revenue source for this fund is the Property Tax Levy. Funds are restricted for the payment of principal and interest on bonds and just to note, once the money comes into this fund, the only way it can be taken out if it's not used for the payment of principal and interest on debt would be that all outstanding debt issuances have to be retired and that is by state statute and that's both for the City

May 25, 2023

Commissioner Ramirez said just for clarification, for the 2024 to 2028 the net change in fund balance, is that supposed to be black or red? **Mr. Lindsey** said it should be black. **Commissioner Ramirez** said okay. That's what I thought. I just wanted to make sure.

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Develop. Disabilities	2022 Amended Budget	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 655,710	\$ 639,580	\$ 660,233	\$ 721,766	\$ 771,033	\$ 813,566	\$ 850,500	\$ 890,558
TOTAL EXPENSES	\$ 589,409	\$ 497,208	\$ 394,671	\$ 615,708	\$ 638,062	\$ 660,764	\$ 683,817	\$ 709,231
Net Change in Fund Balance	\$ 66,301	\$ 142,382	\$ 265,562	\$ 106,058	\$ 132,971	\$ 152,802	\$ 166,683	\$ 181,327
Cash Basis Ending Fund Balance	\$ 471,475	\$ 560,496	\$ 616,058	\$ 752,122	\$ 885,094	\$ 1,037,896	\$ 1,204,579	\$ 1,385,736
ACTR Ending Fund Balance	\$ 474,334	\$ 560,485	\$ 645,977	\$ 732,041	\$ 865,063	\$ 1,037,885	\$ 1,204,498	\$ 1,385,655
Reserve % of Expenditures	80.43%	115.03%	101.03%	122.14%	136.70%	127.00%	116.14%	119.37%
Fund Balance 17% Target	\$100,200	\$82,823	\$101,094	\$194,669	\$806,471	\$12,330	\$116,249	\$120,369

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Mr. Lindsey said the fund we're looking at right now is Developmental Disabilities. This provides services to the disabled clients across the county. It provides vocation services to help those clients gain wage and earning job skills and then also provides services that helps those individuals learn independent learning. Looking at the 2022 Estimated Actuals for this fund, we had \$487K that was spent. We had total revenues come in of \$639K and our fund balance ends up being like 115% for this fund.

One of the things I would like to share with you historically, with this fund back in 2019 we did move a portion of the mill to the Health Department, so there's a mill over there in the Health Department that was once in Development Disabilities. At that point in time when Development Disabilities had that mill shifted, it did kind of make their fund structurally imbalanced, but as the excess value has gone up over a few years, they have been able to realize more funding that's coming in to make this fund more healthy than it has been in the past. The department was being frugal and not spending money, but there is a possibility with having more fund balance that we can improve services here or not improve, but increase the services that are here or we could look at shifting a mill or cutting the mill here and it wouldn't be a whole mill. It would be a percentage of a mill.

Also, just kind of give some of the details on the funds that are within that department. There are three FTE's that are paid from this Development Disabilities Mill Levy and then they have three employees that are paid from their grant.

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balance is going down each year, so by the time we get out to 2028 that fund balance does drop to 4%.

In this Health Levy Fund we have 39 employees that are paid from it and the Health Department also has 79 employees that are paid from grants, which equal 118 employees within that department, but within this fund there are 39 employees.

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Mental Health Levy	2022 Amended Budget	2023 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 707,881	\$ 704,360	\$ 738,329	\$ 926,469	\$ 1,007,242	\$ 1,094,029	\$ 1,144,040	\$ 1,200,095
TOTAL EXPENSES	\$ 718,419	\$ 708,491	\$ 844,148	\$ 899,872	\$ 895,357	\$ 922,123	\$ 950,096	\$ 978,947
Net Change in Fund Balance	\$ (10,608)	\$ (5,147)	\$ (135,819)	\$ 66,988	\$ 111,683	\$ 162,505	\$ 193,944	\$ 231,159
Cash Basis Ending Fund Balance	\$ 67,692	\$ 24,668	\$ 18,842	\$ 76,330	\$ 281,613	\$ 350,019	\$ 543,963	\$ 775,366
Reverse % of Expenditures	9.42%	10.50%	2.23%	8.72%	20.64%	37.90%	57.25%	79.28%
Fund Balance (7% Target)	\$22,143	\$20,548	\$4,505	\$47,810	\$232,243	\$266,812	\$340,766	\$460,367

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We also have the Mental Health Fund which has a levy attached to it and the purpose of this is to contract services out with non-profit corporations to provide either mental services or services for clients with mental health needs. We do contract out with Behavioral Health for this contract where the amount of the contract that gets paid from this mill is \$750K a year and there's also \$150K that comes from the County General Fund for a total of \$900K a year.

We see in 2022 the estimated actuals that went out were \$708K in expenses and revenues of \$704K, so we have a very minimal structural imbalance of \$3K, having a cash ending fund balance of \$74K which is 10%. We can see as we go out into the years, 2023 we do end up spending \$55K more in revenues than we have coming in and it does drop our fund balance, but as we go out we see the fund balance does by the time we get to 2028 go up to 80%.

That transfer would come from the Solid Waste Enterprise Fund, but if we determine we don't need that transfer, then we would leave the funds in the Solid Waste Fund.

Commissioner Burroughs said, Debbie, I appreciate that. When I start seeing a 853% reserve number that's quite high, but I also know that all it takes is one event to wipe that fund out and then some, but I do have a question for Legal and I don't need an answer tonight. Is there a chance that when we start seeing funds that are generating large reserves to the extent they are, it tells us that we're not providing services or we're not spending the expenditures hypothetically on technology we're waiting for the contract to come in, but is there a way for us to stop the revenue on those and spend that down and then re-implement it or is it something that we can—how would we go about addressing that. We could lower the mill on those particular funds and readjust those mills to do it, but when we see large reserves I think we need an explanation to why those reserves continuing to grow beyond the 17% especially when they get up to nearly three digits. I don't mind having some reserves, but when we're sitting on millions of dollars that should be going out into services for these particular programs, I'm just trying to see where we might be able to find some money for the budget.

Patrick Waters, Interim Chief Legal Counsel, said I'm happy to look into that. That's probably something that needs a little research. Do you mean in between budget cycles making adjustments or do you mean—**Commissioner Burroughs** said well if we get to a critical point. Hypothetically, if we set the 17% target as the amount of reserves, we may want to have the target raised up a little higher to 20% and once it exceeds the 20% that we either halt it or it goes into another account to be set off to the side. I mean we are collecting dollars that aren't being spent and if they're not being spent this year, but there to be spent next year on technology, which we know you need to save up for that, that's one thing and we should have an explanation as to why those reserves are as large as they are. These reserves have come down considerably from what they were five years ago, but when I still see a projection of 853% that's possible, that tells me that either services aren't being provided or we're not spending the money as designated as need be and we may want to look at either eliminating that mill or lowering that mill for a period of time and we can do that during the budget cycle.

Mr. Johnston said those are the same type of questions that we asked at a meeting two days ago with our Finance staff. Why are we sitting on a lot of this positive large pots of money. I mean, remember these are taxpayers money and either we need to make sure they're kept in their pocket or we're providing services to them. I think the discussion that we had was the very questions that you asked. Are there service levels that we should be providing to our citizens and not, are they saving the money for a particular reason and I think what was perplexing to all of us, we didn't have answers to that and, therefore, that's part of this year's budget process is to get those types of answers and incorporate them in my final budget.

Hopefully, we'll see good news either way. Either where we can expand services, fine; if we can do mill relief, fine. Those are good news, but that can only be for where we can deal with these large reserves that we're seeing here, so we've had those discussions and you'll see how we will apply them in the budget process.

Commissioner Burroughs said I'm pleased to hear that because a few of the others they were a little low and we were running into having to chip at the reserves and was taking us down below that 17% level. If we have during budget discussion, if we can adjust those mills to level that out a little bit, then that's what I feel might be an opportunity for us to do, but thank you Mr. Administrator, I do appreciate that and thank you staff.

Commissioner Ramirez said Colleagues, correct me if I'm wrong, in our financial policy with fund balance it does state if it exceeds the fund balance target, we have the ability to take that fund balance elsewhere. Am I correct? **Commissioner Burroughs** said if it goes to a similar type issue in most cases. In other words, if it's a technology fund that's overfunded and then it has to go to technology somewhere else within our business acumens, doing with another agency, but yes, you're correct. **Commissioner Ramirez** said that's what I thought I remember from reading the fund balance policy.

for construction, reconstruction, repair and maintenance of city streets and highways. I just wanted to note we're getting about—in 2022 we got about \$7.6M in revenues and we've got from—we're estimating \$7M all the way out to \$8.2M in revenues as those revenues grow. We've kept expenses—we are a little—the net change going out for the future years is negative, but we can correct that if we need to or what it's simply doing is spending down the fund balance in those funds.

We do pay for some personnel from the Street Department in this fund as well as the snow removal contract and street and maintenance equipment.

Commissioner Bynum said question. The Special Street & Highway money, does it come in through the state? **Ms. Jonscher** said yes. **Commissioner Bynum** said so the motor fuel tax is collected and then disseminated, again like it says, by population of city and county. So, this is not a tax that we levy or collect. **Ms. Jonscher** said right. It comes in quarterly from the state.

Commissioner Stites said why would we have a fund balance at all in that collection. If it's something we're not collecting, we're not going to be issuing or worried about a catastrophic event, but yet at the end of the day, today we're looking at having \$3.4M left in there with nowhere for this money to go. **Mr. Lindsey** said we do have 42 employees that are paid from here so we do have employees that are being paid from this fund. We do like to have a reserve there. **Commissioner Stites** said \$3.5M—(inaudible). **Mr. Lindsey** said also I was going to add that we do projects from here also so some years we'll have some projects that hit here. One of our plans to do here is to move our street preservation all the way into this fund. It was probably about three years ago, right before COVID, we did have more employees here and we moved them to the City General Fund and we plan to try to do more street maintenance here. The fund balance has not always looked like this, but with us moving the people from this fund to the City General Fund has allowed this fund to grow more.

Commissioner Stites asked, how are the dollars allocated to—I don't remember seeing it and if we did, just tell me where it's at, but this is the City's forecast, right, but if you go up and you look, it says that population based on the city and county. Are dollars going out of this revenue that we're getting from the state back to the County General Fund? **Mr. Lindsey** said I believe—

we don't have anything going to the County General Fund—like the other cities within the county, they receive their own allotment from the state.

Ms. Jonscher said we receive the city portion and then the city's portion of the county and I would believe the county—the other cities would receive the same thing. **Commissioner Stites** said we're not collecting any money off of Bonner Springs, Edwardsville or Lake Quivira. They're collecting their own. We're only receiving our own. I say our own, KCK's own. **Ms. Jonscher** said that's correct. **Commissioner Stites** said got it.

Ms. Jonscher said I will also just note that if you look at the expenditure budget, the 2022 Amended Budget was about 8.7, but it looks like we only spent about 6.9 so there is about 1.8M there and I'm not sure what that's related to, but we can look into that. That also did contribute to some of the increase in the fund balance.

Commissioner Stites said I'll just make one more short comment. Last year I think a City mill was equivalent to 1/6 roughly, right, if I'm not mistaken, so times two there is about 3.2. There's two mill reduction that we held that we could have passed to our citizens for tax relief instead of that setting in a bank account. **Ms. Jonscher** said we would have to—if you're saying lowering two mills within the City General Fund, if you were going to shift cost here, it would have to be related to street maintenance. You would either have to move street employees that are being paid out of the General Fund back into here or if there's any street expenses in the City General Fund, those could be moved here.

Commissioner Stites said I guess I'm a little confused because we have a surplus of money of \$3.5M, right? Those employees that you're talking about were still getting paid and we still—I'm not talking about moving anybody and we still had \$3.5M that we did not spend last year. **Ms. Jonscher** said this mill—there's no tax levy in this fund, so the tax levy you would have—reducing two mills in the City General Fund would not affect this fund, but you're suggesting that if we had done that, we could have shifted cost to this fund. **Commissioner Stites** said correct. **Ms. Jonscher** said we could have done that, but they would have had to been cost related to street maintenance. **Commissioner Stites** said got it.

Commissioner Johnson said Commissioner Stites just kept asking questions until I finally decided to jump on there. Why couldn't we move the cost for employees back from the General Fund to this fund for those specific employees as a means of reconciling the structural deficit that we have in the General Fund. Does that make sense? **Ms. Jonscher** said we could do that. We could move more personnel back into this fund because we have over the course of several years moved personnel out of here because, you know, to try to free up additional money for street maintenance. But, if you move additional personnel into here, then that reduces the amount you will be able to use for street maintenance and actual infrastructure. **Commissioner Johnson** said you can play it either way though because Jeff Fisher might say I want to use this extra money next year, you know, and so has that discussion been had with this department, with Public Works, the discussion of moving the employees over to this area? **Ms. Jonscher** said we can have additional discussions. We've had those discussions before which is partly why we've been trying to move personnel out of this fund to allow them to spend this money on capital infrastructure. That would reverse some of what we've done over the past several years.

Commissioner Johnson said I don't have a recommendation one way or the other, but we have a pot of money here that can be used one way or the other.

Mr. Johnston said I think these questions are very interesting because we can make trade-offs, but when you're talking about a pot of money that is specifically collected to address only infrastructure issues, when I see a balance of \$2M or \$3M, that's not much because Public Work projects, if we have to do an emergency, it's nice to have that nest egg. You don't want to zero it out, but maybe there is some adjustment that you could use. We have some flexibility, but just because you see \$3.4M, remember in Public Work projects, those are expensive and it has its own inflation rate of about 15 to 20% per year so the buying power of this gets less. But, yes, I understand what you're saying. There is flexibility that we could use within the budget.

Commissioner Burroughs said I would just state that the gas tax is being affected by the continued growth of electric vehicles and you're sensing it on your highway plan and for the State of Kansas, so those revenues will eventually shrink more statewide than they have as of late, but with the proliferation of more fuel efficient vehicles and electrical vehicles, you're going to see

that gas tax and the revenue stream shrink statewide. I don't know what kind of revenue we'll be receiving five to ten years from now.

Commissioner Kane said I don't want to take any money away from Public Works. I wish Fisher wasn't here, but I've got two roads that are out and it would be quite—I would love to see us spend that money to fix those. I don't want to take money where it's not needed, but I'd sure like to spend it where we could fix it. Isn't that right, Mr. Fisher? I can't hear you. **Mr. Fisher** was inaudible.

Commissioner Townsend said I guess in listening to the conversation we're talking about \$3.4M in the black here. That's a drop in the bucket. When I go back to the conversation—was it three on threes we had a couple weeks ago that talked about infrastructure and we need to be adding what about \$6M each year to Public Works for street and highway. I don't want to get things mixed up, but overall that's what I'm thinking. This is nothing. We don't have extra money. We need about \$6M annually just to stay at the same level we are in terms of road improvement and our constituents have said they want better, so I just want to make sure I'm following this conversation. We don't have extra money anywhere.

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Tourism & Convention	2022 Amended Budget	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 3,763,566	\$ 4,383,156	\$ 4,301,781	\$ 4,387,796	\$ 4,475,552	\$ 4,565,063	\$ 4,656,363	\$ 4,749,482
TOTAL EXPENSES	\$ 5,294,087	\$ 3,439,789	\$ 4,799,050	\$ 3,701,136	\$ 3,895,076	\$ 3,940,593	\$ 4,019,605	\$ 4,048,382
Net Change in Fund Balance	\$ (1,530,521)	\$ 743,347	\$ (497,269)	\$ 686,660	\$ 580,474	\$ 624,471	\$ 636,758	\$ 701,100
Cash Basis Ending Fund Balance	\$ 1,489,566	\$ 3,762,334	\$ 3,265,043	\$3,951,705	\$4,532,180	\$5,156,651	\$5,793,350	\$6,496,681
Reserve % of Expenditures	49.74%	142.64%	91.80%	137.60%	145.74%	159.90%	172.50%	188.85%
Fund Balance 17% Target	\$960,148	\$534,794	\$553,859	\$629,193	\$662,893	\$699,901	\$743,343	\$795,847

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Mr. Lindsey said the current slide we're looking at is the Tourism & Convention Fund. Revenues here come from our hotels and motel transactions and there's restricted use of revenues for promotion, convention, and tourism within the city of Kansas City, Kansas. We do have \$1.4M annually that goes out for Visit KCK from this budget and the budget does have three FTEs in it. 2022 Actuals we have \$3.4M that went out. We had \$4.1 that came in in revenues for a fund

balance of \$3.7M. As we move into 2023, we can see we're planning \$4.8M going out and \$4.3M come in. We did, earlier this year, have a transaction where we were paying for a bridge raise for the Rock Island Bridge, that is coming out of here this year. We can see going into 2024 and out to 2028 we do have a really stable fund balance going out into those years where in 2024 we're estimating a \$3.9M fund balance and then going out to 2028 that fund balance grows to almost \$6.5M.

Commissioner Stites asked, at what percentage of growth do you show that? Is that pretty conservative or is it pretty aggressive? **Mr. Lindsey** said for 2023 we did adjust to a 3% sales tax increase and then in 2024 we have almost a 3% increase and then going out 2025 to 2028 there's a 2% each year. One of the reasons we did that, and again, just looking at what we're hearing about the economy as far as there are some layoffs in the area, certain retail services have noticed sales start falling off, so that's where we came up with those estimates.

Commissioner Ramirez said you may or may not know this answer. Do we know how many hotels and motels in general that we have within the city? **Mr. Lindsey** said we do have that information. I do not know it off the top of my head. We do have that information and we can get it. **Commissioner Ramirez** said okay. I was asking because we have to think—you know we're talking tourism and I know you're giving the growth, but you know two years, 2026, we're going to have a big event right next door to our city. They're not going to have all the hotels and motels to house everybody. It's the World Cup and so people are going to come over here to our side of town and come to our hotels and motels and book, which is going to increase the revenue coming in. Have we thought that when—I know it's kind of very, very hard to figure that in at the moment, but is that something that's been thought of or that's a conversation that's been had.

Mr. Johnston said we've had that conversation, but I think one of the things we caution when we talk about that is that's going to be a one-time and, therefore, we will take any that—any increase because of that event is gravy. It's hard to say what it's going to be, but we really don't want to have that be regular income because of that fact, so it's better to be conservative on current trends and then, hey, that's a great year we have, let's do something special with that extra money.

Commissioner Ramirez said I agree with that. I do agree that's going to be a one-time infusion that's going to be on our sales tax, on what have you, on everything that we—that's within this city and county. So, no, I agree with that.

Commissioner Kane asked, can we have Fisher come up and give a three minute talk about where he's at with his stuff? **Mayor Garner** asked, what specifically were you looking for. **Commissioner Kane** said just to see where he's at with some of his projects. **Mayor Garner** said I think what I'll do for you, Commissioner, I'll set up a Special Session just on infrastructure and Public Works. **Commissioner Kane** said perfect. **Mayor Garner** said I'll get with the Administrator and we can have that as part of the public budget process. **Mr. Johnston** said we are going to have a session on CMIP. **Mayor Garner** said, Commissioner Kane, did you pick up on that? The Administrator's saying he's already got a CMIP Special Session that he's going to work with me on—planned already. **Mr. Lindsey** said that'll be June 15th.

Commissioner Markley said I just want to make a suggestion for that little one-time bump. As some of you know I'm chairing the Mayor's Arts Committee. That committee is looking to start an Arts Commission—or to restart an Arts Commission. We had one many, many, many years ago here in the county. I think it would be nice to use that extra random bump as some seed money for them to get that commission started, so you'll probably hear from me again on that, but it would be nice because it wouldn't be out of the amount that we are expecting to get so much as a utilization of additional funds that are coming in. **Mr. Lindsey** asked, do you know the amount on the seed money that might be needed? **Commissioner Markley** said I don't, but we're working on it. That's the discussion right now is what does that look like and what do we think would be needed. **Mr. Johnston** said she's planting seeds, so let's respect that.

Mayor Garner said, Commissioner Markley, if you want to bring up—you brought that up and I believe you're going to want a resolution or an ordinance to solidify that. What's that looking like. Is that going to be in this budget cycle? **Commissioner Markley** said good question. We're in discussions right now about what that entity looks like and what sort of the makeup of that is. We haven't settled on anything yet. What I anticipate is that, at least initially, this organization is going to need some sort of administrative support and grant related support and so we're talking

to Arts KC about whether they have a role in sort of acting as a contract agency to bump us along so we can build a commission that is robust enough to sort of standalone. It could be what this seed money does is pay Arts KC to be our admin and apply for grants on our behalf until we are big enough to apply for grants on our own. That's kind of what I think we're starting to see come together, but we haven't settled on anything yet and I don't know that we're going to come to a complete conclusion by the budget season, but we're going to try to.

Commissioner Davis said speaking of the World Cup, if you all recall, the state is allocating funding. I was talking with Commissioner Stites about this for the purpose of Sporting KC and the fact that we are going to be hosting at least practices or something of that sort. I think it would behoove us to have some conversations with the Lieutenant Governor and the Secretary of Commerce on where those millions of dollars are going to go because Wyandotte County will absolutely have to bear the cost when we have those massive events. I'm thinking about our infrastructure, I'm thinking about Public Safety and what it's going to require of that and so as we're having those particular conversations, I think we should definitely think about what type of investment the state is willing to make as well.

Mayor Garner said, Administrator, can you bring the Commission and maybe the public up to where we're at and your assignment to that Metro Committee? **Mr. Johnston** said there's a committee that was named to really lead the efforts of the region's response to support the World Cup in 2026. I am the Wyandotte County representative and our other Kentucky representative is Senator—sorry, wrong K state, Senator Sykes from northern Johnson County is the Governor's appointee on that committee as well. That committee is charged to guide the efforts and support efforts of that massive tourism event for us and I think we're geared to have two waves of soccer. First a preliminary round and a quarter round, so having two waves of that is going to be a boon. Part of that discussion is that the committee will be discussing with both Governors Office because each state is allocating money, \$50M from Missouri, \$10M from Kansas and how will that be played out in the support for the World Cup. Since we're going to be on the national stage, we have to be up to par for that challenge and so that's just one focus area that this committee is charged to program, utilize; however, the state legislators and the governors have earmarked it.

We'll be hearing more and more of that as it gets defined out of the Statehouse and that's a windfall for us.

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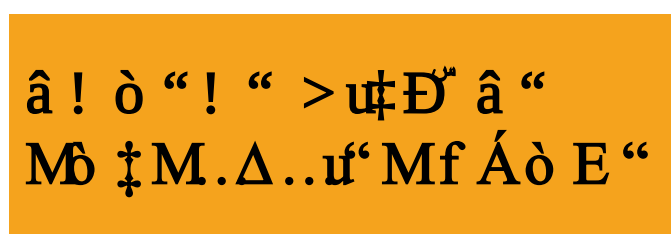
Mr. Lindsey said the next one we're going to look at is the Wyandotte County 911...

Commissioner McKiernan said we can come back to this in a minute, but would I be wrong to say that the high majority of the services we provide, City and County, come through our General Funds? That if we talk about the services that the citizens broadly receive from the Unified Government, they are paid for through our three City, County and Parks General Funds, would that be roughly correct? **Mr. Lindsey** said that is correct. **Commissioner McKiernan** said I want to come back to that in a minute because these are not trivial, these are concrete beneficial funds, but most of these are not Mill Levy—I mean not General Mill Levy. They are Special Mill Levy or Special Revenue or Enterprise and so I’m going to come back to something in a minute, if I could, about our Consolidated General Funds and how those look irrespective of these. Not to trivialize these because they’re there, but as I’m looking at the Consolidated General Funds for the next couple of years, we talk about we have a \$3M balance in one of these funds, it doesn't even begin to make up the deficit that would exist in those other funds and once we use those funds one time, they’re gone, they’re not recurring. If I could just ask, I want to come back to the Consolidated General Funds in a minute.

Mr. Lindsey said the current funding we're looking at is the Wyandotte County 911 Fund. Revenue for this fund comes from \$0.53 per month per subscriber account for telephones, landlines, hardware and wireless and voice over internet protocol telephones, so that revenue goes

into this fund. In 2022 it produced \$970K of revenues. We had \$801K of expenses to go out. The expenses have to be used on our 911 Call Center and maintenance and licensing fees for 911, equipment purchase of 911 equipment and upgrades. This fund is specifically used for our Dispatch Center and 911 upgrades and just keeping the Dispatch Center running. We can see fund balance here for 2022 we ended up with a 50% fund balance. Moving into 2023 we're expecting a 70% fund balance. As we get out to 2028 we do have like a 90% fund balance.

This is called Wyandotte County 911 Fund, but it is a City General—not a City General Fund, but a City Fund.



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FMS Fund	2022 Amended Budget	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 42,416,706	\$ 43,482,960	\$ 43,421,774	\$ 43,848,110	\$ 44,063,420	\$ 44,842,453	\$ 45,095,273	\$ 45,648,331
TOTAL EXPENSES	\$ 41,754,290	\$ 41,849,629	\$ 42,885,330	\$ 43,093,000	\$ 43,247,410	\$ 44,704,381	\$ 45,326,222	\$ 45,521,603
Change in Fund Balance	<u>\$ (7,418,244)</u>	<u>\$ 1,633,331</u>	<u>\$ 1,536,444</u>	<u>\$ 1,044,886</u>	<u>\$ (133,960)</u>	<u>\$ (4,461,928)</u>	<u>\$ (4,461,928)</u>	<u>\$ (1,622,618)</u>
Cash Basis Ending Fund Balance	\$ 1,481	\$ 1,086,345	\$ 1,052,182	\$ 1,371,300	\$ 1,093,379	\$ 990,791	\$ 849,643	\$ 1,508,518
Decrease of Expenditures	3.69%	11.23%	16.53%	13.57%	11.83%	3.35%	9.30%	
Debt, Beginning FYB Forecast	\$7,813,339	\$4,471,769	\$5,539,339	\$7,543,339	\$7,543,339	\$7,543,339	\$7,543,339	\$7,543,339

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Next, we're going to jump into our Enterprise Funds and Enterprise Funds are funds that are self-sufficient. They bring in revenues for charges that they charge to citizens and businesses within the city.

The first one we're going to look at is the Emergency Medical Services Fund and basically this is for the Fire Department. They started providing emergency medical services back on July 1st of 2004. A source of revenues are one-fourth cent sales tax which was passed by voters

May 25, 2023

Commissioner Burroughs said, Debbie, with that, I noticed that we're still taking money out of reserves to make up for the shortfall. Do we know if it's because they're not renting all the units out because rent has gone up in most of these commercial facilities and so I'm just curious as to why we're still having to supplement it out of reserves. I mean that's the only question I have as to what may be causing—either they're not charging enough for the rent or we have vacancies down there that's impacting the amount of revenue. **Ms. Jonscher** said we have contracts for the two development agreements, so those revenues are fixed and they come in every year. They're set to pay a certain amount every year and I believe it's through—it's either 2025 or 2026. I probably need to look at that because I believe that's when the debt expires and those leases for the development were set to cover the debt that was still outstanding.

As far as 2022, I'm not sure what led to that. I know we have some operating charges in there. We have some storage I think that's paid out of there, so maybe that cost increased and we didn't get it put into the budget, but yeah, we should be able to budget and cover those costs within there. The fund balance stays around the \$200-\$300K range each year.

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Sewer System Fund	2022 Amended Budget	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ 49,084,000	\$ 49,283,633	\$ 50,161,901	\$ 52,621,089	\$ 54,799,944	\$ 56,901,794	\$ 59,170,710	\$ 61,530,869
TOTAL EXPENSES	\$ 48,564,900	\$ 49,132,004	\$ 50,504,197	\$ 53,259,526	\$ 55,834,667	\$ 58,175,623	\$ 60,487,564	\$ 62,865,877
Net Change in Fund Balance	\$ 1,049,500	\$ 2,880,500	\$ 48,227	\$ 290,443	\$ (5,144,744)	\$ (4,853,709)	\$ (6,760,903)	\$ (7,333,660)
Cash Basis Ending Fund Balance	\$ 14,594,833	\$ 14,734,847	\$ 21,907,074	\$ 20,967,632	\$ 17,532,889	\$ 12,678,010	\$ 6,962,075	\$ 1,626,466
Reserve % of Expenditures	30.01%	51.28%	43.73%	39.00%	30.06%	20.53%	10.23%	2.43%
Fund Balance 12/31 Target	\$8,226,033	\$2,036,661	\$4,320,335	\$9,882,832	\$10,488,888	\$10,488,888	\$11,367,823	\$11,367,823

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The next fund is the Sewer System Enterprise Fund. The sewer rates fund the expenses of the Water Pollution Control Division. All revenues fund the operations, maintenance, and debt service of sewer operations. As you can see, this fund has a pretty good fund balance. In 2022 estimated and even through 2023. Starting in 2024 we do start eating up the fund balance so we probably, to get that into balance, we just need to look at the expenditures that are sitting there. We may need to reduce those to get—because we do want to keep—since this one does pay for salaries, we do want to keep a reserve within there to cover if there's overtime or any charges like that.

The fees do have increases built in each year and that's related to the consent decree that was entered into several years ago and that helps to fund the debt that's issued for the consent decree.

As I mentioned, when I talked about the Debt Service Fund, this is one of the funds that does pay into the Debt Service Fund for its debt that's issued.

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Solid Waste Fund	2022 Amended Budget	2022 Estimated Actuals	2023 Amended Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES	\$ -	\$ -	\$ 10,490,000	\$ 10,722,300	\$ 11,043,969	\$ 11,375,288	\$ 11,710,547	\$ 12,048,043
TOTAL EXPENSES	\$ -	\$ -	\$ 10,260,464	\$ 10,578,853	\$ 10,807,872	\$ 11,247,553	\$ 11,597,898	\$ 11,958,686
Net Change in Fund Balance	\$ -	\$ -	\$ 149,536	\$ 143,347	\$ 135,997	\$ 127,735	\$ 116,549	\$ 109,427
Cash Basis Ending Fund Balance	\$ -	\$ -	\$ 149,536	\$ 292,883	\$ 428,880	\$ 556,615	\$ 675,163	\$ 784,591
Reserve % of Expenditures			1.46%	2.77%	3.93%	4.95%	5.82%	6.56%
Fund Balance 17% Target			\$1,744,279	\$1,765,422	\$1,854,335	\$1,922,064	\$1,973,660	\$2,032,965

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The next one is the Solid Waste Enterprise Fund. This is the one that was newly established in 2023. It's to track the fees collected for residential garbage and recycling services and make it easier to track the services that are being spent, so that's why you don't see anything in 2022 because previously these charges were in the General Fund and the Environmental Trust Fund. Currently, as you can see, we do have this fund in balance and the rates will be reviewed each year to look at what expenses—because the trash contract has a CPI increase set for each year, so depending on how much that varies, we'll have to look at the rates each year to determine if the rates collected are covering the trash contract.

total expenses going out of \$1M, so left us with like \$67K more revenue coming in than expenses going out. The fund balance ended up being almost \$400K.

As we move over to 2023, we are estimating to spend \$121K in the fund balance here, but as we go out from 2024 to 2028 the fund balance does stay pretty stable within this fund. Some things that are also being paid out of this fund are four FTEs and then also capital that is being spent out of this fund also.

That is the last fund that we wanted to cover with you all tonight.

Commissioner Bynum said I have some questions. Mayor, before I ask my questions, you know, I learned ask not, receive not and so with that I'm going to ask again and I'm going to keep asking our Commission to consider the elimination of the PILOT for the target population we brought to you last week. I'm going to ask it next week and the week after that. **Mayor Garner** said with that said, Administration and staff, if you would, I guess, for our next round based on the information you've gotten from Commissioner Bynum's work in working with her, can you present those projections to this full Commission for debate and consideration as part of the budget conversation so that issue can be addressed. **Commissioner Bynum** said thank you on behalf-- and we brought—first of all, Mayor, they did all the work, you know, I convened the committee but they did all the work and we have some rough ideas, but given kind of some of what we're seeing here, I'm just putting it in the universe again that I would like to ask for that relief for that target population.

The questions I'm having tonight are around your special funds, but in the beginning you went to the Tax Levy Funds, Aging, Mental Health, etc. I want to make sure I understand. Multiple times, Reggie, as you walked us through those funds you said we could provide more services or we could shift the mill levy rate, so a couple of things. If we have a conversation about going revenue neutral on just the County side of the budget, it's all a hypothetical conversation, that would not necessarily change these rates, right? We could change these rates. Am I correct, these are all some portion of a mill that's funding these special tax levies at the dollar amounts that they're generating. I'm speaking of the Tax Levy Funds, specifically, right now, Aging, and we can adjust those up and down at our discretion. Am I right about that?

Ms. Jonscher said yes, you can move—there's eight levee funds on the County side and you can, without even changing it, you could shift from one of the levees to the General Fund or

vice-versa without even changing the levee. Now, if you're talking about going revenue neutral, that would probably reduce the total County levy and then you probably would have to reduce— **Commissioner Bynum** said okay, that's what I'm trying to get at I guess. To go revenue neutral on just the County side of the budget, last week that presentation was 37.328 mills down to 31.743. It looks to me like within some of these fund balances on these Tax Levy units on the County side, we might have room—and Brian makes a good point, because if you do that, if you go from 37.3 to 31.7, then that's next year and the year after that and the year after that. So, over here when we look at the levy funds, I'm just wondering if we don't go revenue neutral, and again, I'm just talking about the County side, we could still make adjustments in these rates that could even potentially still produce more revenue, just not as much as what's currently being produced.

I'm not trying to like scare any department. This is a part of why I was asking last week for this kind of deep dive. This is the beginning to me of the deep dive that we're asking you for because we want to bring mill levy relief and if we can bring that in the form of revenue neutral, fine, but we again, we must know where those expenditures will not occur. Some of it could be in very small increments of these Tax Levy Funds and I just want to make sure I'm speaking correctly and if I'm not, I need to be explained.

Mr. Johnston said I think when we presented both the PILOT option last week and the revenue neutrality, each of those would reduce the amount—well, would reduce the revenue pool for the County General—our General Funds in essence. The magnitude to—when you look at the adjustments that maybe you'll be talking to the Levy Funds to the magnitude of the impact to the General Funds, it's not going to be covering that magnitude. That's one thing to keep in mind that it's not the elixir that I think everybody would like it to be, but it's one of the options that we're going to be looking for.

We're doing the deep dive at the staff level. We'll be explaining those to you and I'm going to say, like I said at the end of that meeting, it's going to be a tough budget process and maybe that's a segue into Commissioner McKiernan's desire to speak about the General Funds.

Commissioner McKiernan said the 2024, 2025 and 2026, so your forecasts up here are based on the model that you presented, the assumptions in the model. PILOT revenue shows up in City General Fund income, correct, so when we talk PILOT, we're talking City General Fund, not County, not Parks Consolidated, not Special Revenue, not Bond & Interest, City General Fund,

okay. At its core, a local government is basically a service organization and for a lot of service organizations it's pretty safe to say that about 75% of the total expense is personnel. Would you say that it's safe to say that 75% of our expense in our three General Funds ends up being personnel or is that overestimating that? **Mr. Lindsey** said no, that's about what it is.

Commissioner McKiernan said about what it is, so in 2024 out of the \$255M of combined General Funds, \$191M of that will be personnel. I don't see any way out of this without cutting personnel. Paper clips and pickup trucks are not going to balance this budget. I think we need to confront that, that if we're even thinking about revenue reductions, we have to think about what jobs will not be funded and filled, what services will not be provided because right now, as I look just at the General Funds, we have a deficit of \$10.5M in '24, a deficit of 9.9 in '25 and a deficit of 22.9 in '26 and that's if I add together City, County and Parks.

I don't see any way that paper clips and pickup trucks is going to balance that budget and erase those deficits, so I think that's something, we as a Commission, need to confront that as we talk about making big changes, big shifts to balance this budget, it's going to have to come—tell me if I'm wrong. I hope I am, but there's going to have to be some personnel shift, would that be correct? **Mr. Lindsey** said that is definitely correct and mostly in the City General Fund.

Commissioner McKiernan said I think one of the things that we as a Commission need to consider is what services currently being provided, what services that citizens are currently asking for increased levels of would we need to trim and cut back in order to achieve the personnel savings necessary to balance the budget. I'm just going to throw that out there that I think that's something we are going to need to confront one way or the other.

Mayor Garner said, Commissioner, before you move on, the Administrator is going to chime in.

Mr. Johnston said I appreciate the reminder of that. I think that's a reality that is at the staff side of the table are realizing too. I think for the first time even internal staff are seeing the same numbers that you are and we have to do this readjustment and it's going to be a few years process to get us back to a more stable environment. As I said last time, this did not happen over the last couple years. It's decades in the making, but now we're at a point where fiscal discipline has to be king and our focus and that means looking at personnel, looking at ways of how we do business, how we use debt to fund our things. Now it's also going to be a reality in discussions with you

because over the last couple years you have given staff priorities that you have expectations like 25% increase every year on infrastructure. I'm going to tell you right now, that's not going to happen. That's a reality. It's an ideal, but we're not going to be able to deal with it with our current situation. I'll say it that bluntly. That's going to have to be an expectation that's reduced.

There's got to be an expectation to community stakeholders that they can't come to the UG like they used to in the past to get the support that they want. That's got to be a hard fact to talk about our partners who we rely on to provide services. It's going to be a challenge and the fact that you overtly saying, hey, we got to face the elephant in the room, we're going to do that. I envision that once I present to you my work and then leave it to you to beat yourselves up over, you're going to have to confront individual priorities with fiscal realities that we can't continue to pay.

What you had here today is step one in the budget process, get an understanding of where all our revenue comes in for both budgets and the other budgets that we have, but you also—there was one thing I wanted all of you to realize, some of the comments that our two financial professionals mentioned, in a lot of these funds we have employees embedded in them and that usually is a game that those of us in large budget processes we took them out of the General Fund because we had pressures on the General Fund.

I'm at a point where I don't know how much I have that latitude in our budget processes, but we've shifted a lot and across the country why you've established Levy Funds is you wanted to keep your General Fund Levy below. If you look at some of those Levy Funds, those are typical services that you would find governments providing anyway, but to show that your General Fund is lower, you created a Special Levy Fund and took that out of it. It's a public sector tool that then you can say, well no, I maintain the General Fund, but you increase the Special Levy on the outside of the fund.

There are these mechanisms that have evolved over the years that we've used in the history of the UG, but it's used everywhere. I mean the joke in Illinois is it has the most taxing districts in the country because they wanted to keep County and City General Funds low, so they created Park Districts, they created Forest Districts, they created Drainage Districts, they created Mosquito Abatement Districts; all receiving a Tax Levy away from what normally used to be in it.

So, again, telling the citizen voter we've kept the General Fund down, they never talk about how we did it. Just understand that these are things that have happened over time and we have to deal with it maybe more dramatically on the front end, but it's going to be a multi-year process.

Commissioner Markley said just a two second note, I know the three of us—at least he's not even over there, he ran off, but remember when we first came on we were paying back some funds that we borrowed from, so we don't want to be doing that again. I would just make that side note. It's not fun to have to pay yourself back because it took money out of funds you shouldn't have, so something to keep in mind.

Commissioner Davis said this has been—listening I think a few thoughts, Administrator, just to consider. I would like to know the vacancy rate of our employees. We have seen a large, large number exit the Unified Government. What is the percentage, what are we at right now. I would also like to know what is the funding that goes with that, so with the exit of so many of our employees, what is the carryover funding that goes with that had they not left the Unified Government?

We, I think, have made it clear that whether it's local ordinances or resolutions or funds that are state statute generated that we may not be following some of them. So, I would recommend maybe either looking into a contractor or someone to do the work of going through these state funds or going through some of these resolutions and seeing if we are abiding by these funds and their purposes.

The last thing I'll say is I do agree we do need to revisit the conversation on our reserves. With that deficit in mind, on the City side, there's just no way I can justify taking away revenue via revenue neutral or tax relief. Until we change that number for expenses, it's just for us to deliver services to our citizens at the very minimum. It just doesn't make sense, but perhaps we can find some cost savings that can be returned to the General Fund so that we're not in as large of a ongoing deficit as we see right before us on the City side.

The last thing I'll say is, Colleagues, if you recall, our previous Administrator had suggested a mid-year budget adjustment, which would give us the opportunity to look at, you know, midway through the budget where we are at and whether or not we want to continue on that

road or whether or not we want to adjust. I also know there's been conversations on a two-year budget. I would just recommend that we consider all of those options so that we can have a heavy pulse on—a nice pulse on what's happening with our finances.

Commissioner Burroughs said, Colleagues, we had a discussion last week in reference to the revenue neutral rate and it's quite obvious from last year's budget discussion and this year's budget discussion revenue neutral rate was off the table. We have been mandated to do that by law, to have that discussion and if we're not going to do the revenue neutral, then we have to come public as to why we're not. What revenue neutral discussion forced us to do was give us the opportunity to look at this budget to the extent that we are and this is something that I'm looking forward to. I'm working with staff and since I've been here in the five years, we haven't had this thorough of a discussion by funds and had the debate and discussion that we've had tonight. So, there's promise here that now we're really, really drilling down to the budget. None of us want to see people lose jobs, none of us want to see a cut in services; however, we do have a responsibility to be efficient and effective and fiscally sound in our economy known as our government and this is what this revenue neutral discussion has kind of forced us to do.

I really appreciate the discussion. Staff, thank you for the work and the conversation and I appreciated the little conversations we had last night Reggie in Bonner Springs and Edwardsville that Chuck Stites and I attended in reference to what we're hearing from other communities. I stand ready to do my part. I know we're going to have differences of agreement, but the bottom line is we're elected to do this and I'm excited that now we're beginning to really, really do it, so thank you.

Mayor Garner said good discussion. Any more questions from our commissioners? Thank you staff for that presentation. I agree with Commissioner Burroughs, a really robust conversation that needs to be had as we continue to deep dive into this budget process to hopefully get to where the residents expect us to be.

We do have a 7:00 Commission meeting. Staff has indicated they're going to need about 15 minutes or so, maybe a little bit more to set up, so we're going to push that 7:00, and I apologize on behalf of the Unified Government Commission, just because of the importance of this meeting, we're going to have to push the 7:00 back to about 7:15. We will reconvene for our normal full

Commission Meeting at 7:15 in the Commission Chambers, but as such I will adjourn this Special Session. Do I have a motion?

Commissioner Markley made a motion, seconded by Commissioner Ramirez, to adjourn. Roll call was taken and there were seven “Ayes,” Ramirez, Johnson, Stites, Davis, Burroughs, Townsend, McKiernan.

**MAYOR GARNER ADJOURNED
THE MEETING AT 6:55 p.m.**

Brett Deichler
Unified Government Clerk

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May 25, 2023

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

SPECIAL SESSION, THURSDAY, JUNE 1, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, June 1, 2023, with ten members present: Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Stites, Commissioner Seventh District (arrived at 5:35 p.m.); Davis, Commissioner Eighth District; Bynum, Mayor ProTem presiding; Garner, Mayor/CEO (arrived at 5:33 p.m.). Townsend, Commissioner First District; was absent. The following officials were also in attendance: David Johnston, County Administrator; Bridgette Cobbins and Alan Howze, Assistant County Administrator's; Angela Lawson, Deputy Chief Counsel; Brett Deichler, Unified Government Clerk; Monica Sparks, Deputy Unified Government Clerk; Debbie Jonscher, Acting Chief Financial Officer; Reginald Lindsey, Budget Director; Mike Grimm, Research Manager; Michael Peterson, Assistant Budget Director; LaVert Murray, Economic Development Advisor in Mayor's Office; and Jeff Fisher, Executive Director of Public Works.

Mayor ProTem Bynum said Mayor Garner is delayed and I will ProTem until his arrival. Before I call the meeting to order I want to announce that we do have individuals attending remotely as well as on-site. If you're participating by phone, we ask that you mute your phones when not speaking to avoid background noise. During the meeting, make sure you announce yourself by name and title when you speak so the public knows who is speaking. This is critical given the number of remote participants and is also current guidance from our Kansas Attorney General. Make sure you are speaking into your microphone to ensure your comments are heard and that we have an accurate record of the meeting.

Mayor ProTem Bynum called the meeting to order.

ROLL CALL: Johnson, Kane, Markley, Davis, Bynum, Burroughs, McKiernan, Ramirez.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be held on Thursday, June 1, 2023, at 5:00 p.m. in the fifth floor conference room of the Municipal Office Building for a Budget Workshop.

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 ProTem Bynum said tonight is a Budget Workshop and I'm going to recognize David Johnston, our County Administrator, for his remarks and then a presentation from our staff.

David Johnston, County Administrator, said taking us down this journey to refresh our understanding of where we get our revenue, the resources to provide the public services, and we have a presentation put together by Reggie and the rest of the Budget staff. Reggie, I'll turn the floor to you.

Reginald Lindsey, Budget Director, said what we plan to do tonight is Michael Peterson, our Assistant Budget Director, and Mike Grimm, our Research Manager, will give you an update on where our property tax comes from and also give you a little background on what some of the other municipalities around us, what their property tax rates are and then we're also going to do the same thing for sales tax.

**PROPERTY OWNERS IN
Kansas City, KS | USD 500**
Where do my taxes go?



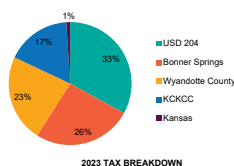
June 1, 2023

We're going to start the presentation off to look at how the dollar bill is distributed across the different municipalities within the Unified Government. First, we have the city of Kansas City, Kansas. It pays property tax into the city of Kansas City, Kansas and Wyandotte County, which both are part of the Unified Government.

If you are a resident in Kansas City, Kansas, you also pay into school districts. If you're a resident in Kansas City, Kansas, there's a possibility that you pay the property tax either into the Kansas City, Kansas School District, the Turner School District, or also the Piper School District. The dollar we're looking at on the screen breaks out what you pay as a Kansas City, Kansas resident living in Wyandotte County.

How it's broken out here is, you pay .23 cents to the city of Kansas City, Kansas from your property tax dollar and then you also pay .23 cents to Wyandotte County as part of your property tax dollar. Some of the property tax dollar goes to USD 500, which is .37 cents and I would like to add that 20 mills of all the school districts within the state of Kansas goes directly to the state and then they redistribute those back to them, but there are also some mills depending on what that school districts rates are that go directly to them. Then, the Kansas City, Kansas Community College, .17 cents of a dollar goes to it—of that dollar—of the pie is 17%.

**PROPERTY OWNERS IN
Bonner Springs | USD 204**
Where do my taxes go?

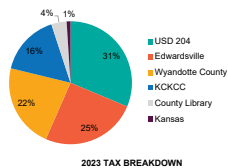


wycock.org/budget

The current slide we're looking at is the city of Bonner Springs. One of the things with the city of Bonner Springs, the Unified Government it only pays taxes to the county side, so no taxes goes to the city of Kansas City, Kansas as that part of the Unified Government. It goes to the county. The portion that goes to Wyandotte County is .23 cents of that tax dollar and then the city of Bonner Springs get .26 cents of that tax dollar, USD 204 which is the Bonner Springs/Edwardsville School

District, they end up getting .33 cents of that dollar and then Kansas City, Kansas Community College gets .17 cents of that dollar.

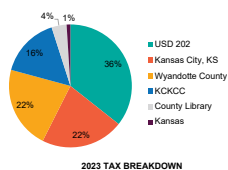
**PROPERTY OWNERS IN
Edwardsville | USD 204**
Where do my taxes go?



wyandotte.org/budget

The city of Edwardsville, the school district there gets .31 cents of the property tax dollar, the city of Edwardsville gets .25 cents of the tax dollar, and Wyandotte County ends up getting .22 cents of the tax dollar that goes towards property tax in Wyandotte County and then the community college ends up .16 cents.

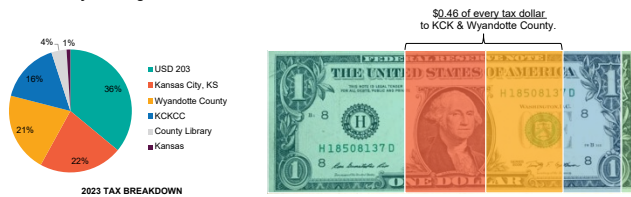
**PROPERTY OWNERS IN
Turner | USD 202**
Where do my taxes go?



wyandotte.org/budget

Residents that live in the Turner School District that live in the city of Kansas City, Kansas, they end up paying .22 cents to the Unified Government for Kansas City, Kansas taxes and then they end up paying .22 cents to Wyandotte County for Unified Government taxes. They also pay .36 cents to the USD 202 which is the Turner School District and then they pay .16 cents to the Kansas City, Kansas Community College.

**PROPERTY OWNERS IN
Piper | USD 203**
Where do my taxes go?



wycock.org/budget

Residents that live in Kansas City, Kansas that live in the Piper School District, taxes they pay to the Piper School District are .36 cents of the dollar and then they pay .22 cents of the dollar to the city of Kansas City, Kansas which comes to the Unified Government's city portion of the budget. Then, they also pay .21 cents to Wyandotte County which comes to the Unified Government on the county side of the budget and then they pay .16 cents to the Kansas City, Kansas Community College.

I'm going to turn it over to our Assistant Budget Director Michael Peterson and he's going to talk a little bit more about property tax.

Commissioner Johnson said I just want to give one piece of clarity. There are, I think, three entities that pay into the County Library, but Kansas City, Kansas does not—there are certain counties that do—or certain cities that do and certain cities that don't. Kind of just explain the library portion of that and how that works with the different cities.

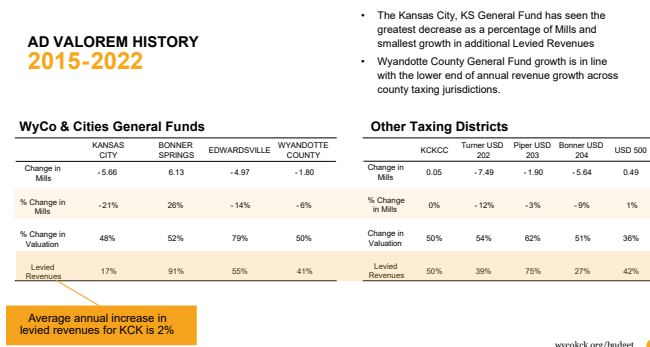
Mr. Lindsey said there is a certain portion of Kansas City, Kansas that does pay into the County Library and so Bonner Springs, Edwardsville, and residents in the Kansas City, Kansas School District that live in Piper and residents in Kansas City, Kansas that live in the Turner School District, they do end up paying into the County Library. The reason is because they don't have libraries that are funded through the school districts there, so that's the reason for that.

Bonner Springs, the city does offer funding to the library there. **Commissioner Johnson** said thank you. I appreciate that clarity.

Mr. Lindsey said I don't know, Angie, is there anything you wanted to add to that? **Angela Lawson, Deputy Chief Counsel**, said no, it's referred to as the PET District, the Piper,

Edwardsville, and Turner that sets the mill levy because they don't have their own library. Bonner also pays, perhaps through sales tax, but they have a funding mechanism for their library.

Commissioner Kane said (inaudible) something they don't get? **Mr. Lindsey** said when you say that—**Commissioner Kane** said (inaudible). **Mr. Lindsey** said I do participate with a County Library Board and I know there is some action being taken with that Board to get a county library within Piper in the future. I do know that is something they are working on.

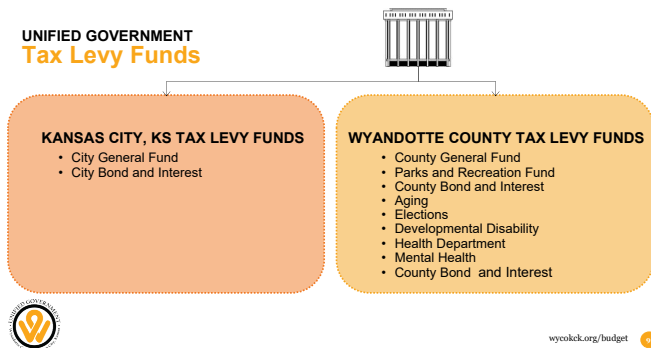


Michael Peterson, Assistant Budget Director, said one of the things that the Budget Office has done in the past year or so is to try to take a look at how we benchmark against other communities as far as our property taxes and sales taxes go and so we wanted to spend some time going over that information with you all tonight.

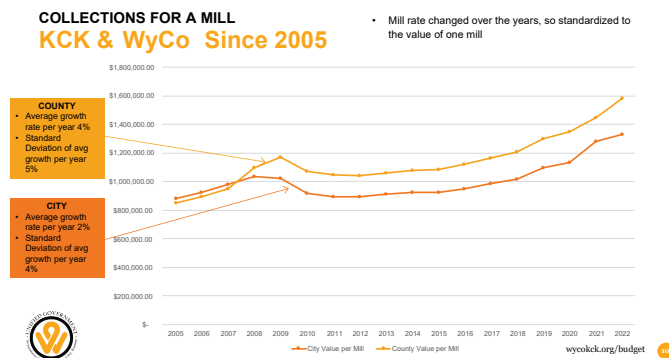
We frequently hear that our property taxes are some of the highest taxes in the state. What we did is we pulled information and we looked at the collections, so basically, we looked at the difference between mills, mill rates. We looked at the difference between valuation and we also looked at the difference and collections between the different taxing entities.

On this chart we show across the dollar bills that we had that Reggie went through the different percentages of growth and change and mills as well as revenues across the different taxing entities. One of the key things that stood out to us when we went through this information was Kansas City, Kansas, so the fund that we're struggling in the most we changed—we dropped our value—our mills by 21% in the last seven years, since 2015, so basically, we were trying to identify a point in time prior to the STAR Bond payoff that we could kind of look at for comparative purposes. Since that point we've dropped the mills on the City side by 5.66 mills. That's a 21%

decrease and since that point we've only seen an average growth in revenue of about 2% in property tax for Kansas City, Kansas. I will point out that the County side we did not drop as much. We dropped about 1.8 mills, but it is one of the lower growths out of the different taxing entities at 41% across the same time span.



Our different Tax Levy Funds across the Unified Government, we have 11 different Tax Levy Funds. Two of those funds are on the City side, the City Bond & Interest and the City General Fund. Nine of those funds are County Tax Levy Funds that go to support County services.



To show you a trend of growth over time, this was presented to the ED&F Committee earlier in the year, but property tax tends to be a less volatile source of income. We can see that the average percent growth on the County side was about 4% a year and the average percent growth on the City side was about 2% per year. Now, this is collections, so this is the value of a mill actually, so this is the collections for a mill that were received in each of those years. You can see that there was a little bit more volatility in the recent years with COVID and property valuations increasing as much as they have in the last—in 2021 and 2022 with the real estate market.

Commissioner Burroughs said thank you for that comment. When you say these are the dollars that a mill is rated—or reflective of on taxes collected or revenue collected, what about delinquencies. Is that number figured in with the mill rate (inaudible) total amount? **Mr. Peterson** said yes. A lot of times what we've shown in the past is the value on the full assessed value of a mill. This is the value that is actually on collections, which includes the delinquency rate. **Commissioner Burroughs** so this includes the delinquency rate. **Mr. Peterson** said this is how much we would actually anticipate collecting as the UG for the City and the County mill rates. **Commissioner Burroughs** said at that 100% collectability. **Mr. Peterson** said no, with the delinquency factor built in, so after the delinquency factor is built in. **Commissioner Burroughs** said yeah, they're not included. That's what I was trying to get figured out.

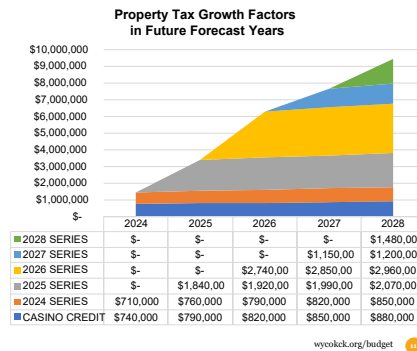
Mayor ProTem Bynum said I have a question to follow up on that. On the graph then the County graph is the one on the top line and in 2022 one mill would raise \$1.6M. **Mr. Peterson** said that is correct. **Mayor ProTem Bynum** said the City side, one mill is going to raise—**Mr. Peterson** said roughly about \$1.3M.

Commissioner McKiernan said to go back to Commissioner Burroughs question for just a moment on collections. Historically I was told that we used to budget in or calculate, figure 7% uncollected, when we constructed the income side of the budget. Is that about what we're still calculating? **Mr. Lindsey** said yes. **Commissioner McKiernan** asked, is the actual uncollected fairly close to that figure. I mean I'm assuming if we're continuing to use it, it must be, so we're at about 7% uncollected. **Mr. Lindsey** said I don't know that number for 2022. I don't know that number yet. **Commissioner McKiernan** said but historically, that's been about what the uncollected has been which then drives that number to the calculations for the next year. Alright.

OTHER GROWTH FACTORS Tax Levy Fund Impact

- Projected impacts on property tax collections across Kansas City and Wyandotte tax levy funds
- The last credit for the Hollywood Casino Property Tax settlement ends in 2023 with UG receiving full payment in 2024
- IRB and Economic Development impacts for forecasted years by year of impact sunset

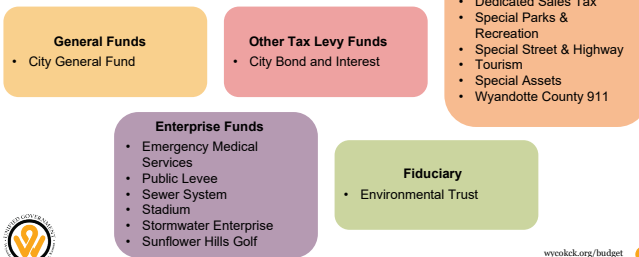
**THIS REVENUE GROWTH IS
ALREADY BUILT INTO THE LONG
RANGE FORECAST**



Mr. Peterson said we've been asked about what the impact economic development growth would be across the Unified Government, so Mike Grimm, our Research Manager, has helped put together some analysis of the additional growth that we would see due to the expiration of economic development deals and IRB's.

So, basically, what we can see here is over the next five years through 2028, we're expecting additional \$9.4M in revenue in property taxes through the change in receiving those additional funds. This is across all the UG funds, so this would be about half City, half County and then would be further distributed into the various individual mills. I will definitely point out that these are already built into the long-range forecasts that you guys have already seen in prior workshops. This additional growth is built into our forecasts.

KANSAS CITY, KS Revenue Sources



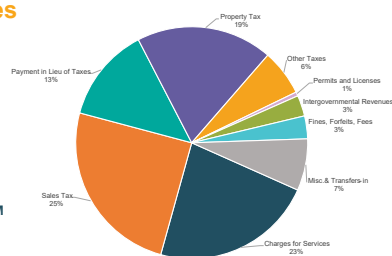
When I go specifically into the City and County funds, we are a Unified Government, but we have two different budgets. We have a budget for Kansas City, Kansas which is the budget that supports all the different city services and then we have a budget for Wyandotte County. First, we're going to spend some time going over the comparisons and mills for the City side of the budget amongst Kansas City's.

Kansas City, Kansas has 16 funds that we manage in the budget process. Two of those are Tax Levy Funds, seven Enterprise Funds or business type funds that are supported by primarily by charges for services and six Special Revenue Funds, which are designated use funds that we get revenue from specific designated sources.

KANSAS CITY, KS FUNDS 2023 Revenue Sources

Major KCK Revenues:

- **Sales Tax**
 - City Sales & Use Taxes \$46.7M
- **Property Tax**
 - Ad Valorem \$53.9M
- **Payments in Lieu of Taxes**
 - PILOT \$40.7M
- **Charges For Services**
 - WPC Sanitation Charges \$49.9M

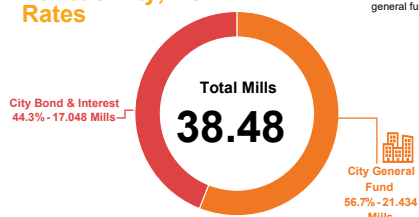


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Of that budget, that's a \$318.4M revenue budget, we can see that specifically Property Taxes makes up about 19% of that budget. That's substantially different than the County side of the budget that we'll talk about a little bit later. The largest revenue generator's for the City side of the budget are Sales Tax at 25% and Charges for Services at 23%. The primary reason for Charges for Services being so large are our business type funds of which Water Pollution Control by itself generates about \$15M just with their sanitation charges.

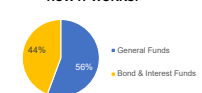
Some of the substantial revenues that we get from the City side of the budget are Sales Tax at \$46.7M, Property Tax is about \$53.9M, Payment in Lieu of Taxes that we receive from BPU at about \$40.7M a year.

2023 BUDGET Kansas City, KS Mill Rates



- 44.3% of Property Tax Levies in the 2023 Budget are dedicated to Debt Service
- This has increased from a 37.7% allocation of Mills to support debt service with a 25% reduction in general fund Mills (7 Mills) levied since 2013.

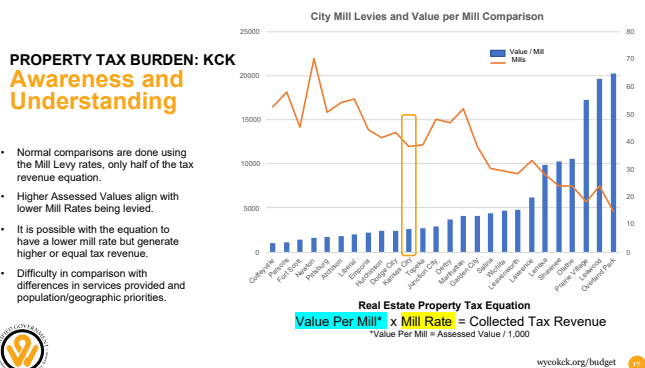
HOW IT WORKS:



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When we look at the 19% of the City budget that is received from property taxes, that is collected on the mill rate that's levied on the City side of the budget, which is 38.48 mills right now. So, of those mills about 44.3% goes to support the City Bond & Interest Fund which is the fund that pays the principal and interest on our debt. Then, 56.7% supports the City General Fund, which is where we pay our general city services out of.

On an earlier slide we saw a 21% decrease in mills and so all of those mills that we took on the City side came out of the City General Fund side of the budget, so that was a 25% reduction in mills on the City General Fund side of the budget since 2013. That has changed the proportion of the mills that are going to support our debt service from roughly 38% to 44% of the mills to levy on the City side of the budget.



When you look at property taxes, property taxes are calculated and generated with a combination of the valuation of the community and the mill rates that are assessed. What this chart shows is it shows the relationship between the number of mills that are levied by a community and the value of that community. What you can see here is, these are the first-class cities in Kansas. The orange line is the number of mills that each community is levying and the blue bars are the amount of value that each organization is receiving for one mill. You can see Kansas City, Kansas is roughly in the middle of the chart towards the left side and you can clearly see the relationship between the value and the number of mills. So, basically, the more value that a community has, the less mills they have to levy to support the services that are provided to their community.

Commissioner McKiernan said I appreciate the data and this is going to set up what's going to come in two slides from now, but looking at this, do I understand correctly that, for example, we're

going to compare Kansas City against Overland Park, that the mill rate or the multiplier against every dollar of value is higher in Kansas City than it is in Overland Park, correct? Yes, it's correct, right?

Debbie Jonscher, Acting Chief Financial Officer, asked, you said the mill rate, correct? **Commissioner McKiernan** said the mill rate, the multiplier. I mean the mill rate is simply the multiplier against value, so the mill rate is higher in Kansas City, Kansas—**Mr. Lindsey** said the mill rate is higher. **Commissioner McKiernan** said okay. So, that means that for every dollar of property value a larger chunk of that dollar comes because the multiplier, the mill rate, is larger and so a person in Kansas City, Kansas pays a larger chunk of every dollar of value. Even if the total bill might be lower, they pay a larger chunk of every dollar of value than the person in Overland Park. Would that be correct? **Mr. Lindsey** said yes.

Commissioner McKiernan said but Overland Park by virtue of having astronomically higher value, collects much more revenue than we do. So, a person in Kansas City, Kansas would say my mill rate is so high I'm getting charged so much out of every dollar of value, but the actual payment is lower because the value of the property is lower. Am I correct? **Mr. Peterson** said yes.

Commissioner McKiernan said I just want to make sure that we all understand that a mill rate does not equal how much money is paid because it's multiplied against value and sometimes we get caught on mill rates and we forget that it's multiplied against value and a lower value is a higher multiplier to get the same amount of money to run city and county services. I just want to make sure that we all understand—that I understand it and that we all get that out there, that it's not just the mill rate, but it's the mill rate against value that we ultimately want to take a look at.

Commissioner Johnson said just to dovetail on what Commissioner McKiernan is saying, you can see that—and we get into a lot of discussion about the value of our property taxes going up because of the market factors, but you can clearly see that we're nowhere near comparison to the county—that county data is right next to us if you look at the various cities of Lenexa, Overland Park, Leawood obviously, Prairie Village, Olathe; their values are significantly higher than the value that we have in Kansas City, Kansas. When persons come to me and they are talking about their taxes are so high, I say how much would it cost for you to build a house like you just built in

Wyandotte County over in Johnson County and if they would do the comparison, they would find out it would be significantly higher to build the same property. We have to be realistic in how we respond to community factors and voices when it says that we need to continue to lower taxes.

Commissioner McKiernan has already explained much better than I ever would, but we really need to make that a marker as we have this conversation with the community at-large.

Commissioner Markley said I just want to echo what Commissioner Johnson said. I mean it's something I say to new commissioners frequently, part of our job is education. We have to be sharing this information with our constituents so they understand what we're talking about and how things are calculated and how their bill gets the way it is.

Commissioner McKiernan said, again, I'm setting up two slides down the road here, but I mean if you consider out of every dollar of value, our residents are paying a little bit higher out of every dollar of value and that certainly is going to be felt on the taxpayers end, but that's necessary for us to gather the money to deliver high quality city and county services. So, ultimately, that's what we need to do and if we compound that need for a higher mill rate with potentially a lower median household income, then there are a lot of factors that make it feel like a lot of money is coming out of every piece of property, every household, but that's what's necessary for us to deliver the high quality city and county services that people want to receive or at least that's how I interpret it.

PROPERTY TAX BURDEN: KCK Awareness and Understanding

- Kansas City, Kansas has half of the population density of other similar range Kansas 1st Class Cities
 - Significantly less population supporting city services per square mile
- Levied revenues are on the lower end of revenues generated per person to support city services
- Kansas City, KS generates half the revenue of other jurisdictions to support city services and infrastructure for our geographic footprint.

CITY	1 MILL REVENUE	POP PER SQUARE MILE	TAX PER CAPITA	TAX PER SQUARE MILE
Wichita	\$4,398,161.37	2,459	\$329.73	\$810,880
Overland Park	\$4,177,745.42	2,619	\$308.45	\$807,778
Olathe	\$2,275,127.35	2,375	\$385.63	\$915,694
Topeka	\$1,384,251.65	2,070	\$433.01	\$896,370
Kansas City, KS	\$1,329,358.73	1,224	\$334.91	\$409,820
Lawrence	\$1,169,509.26	2,933	\$394.48	\$1,157,207

**REAL ESTATE
PROPERTY TAX EQUATION**
 $\text{Value Per Mill}^* \times \text{Mills}$
 = Collected Tax Revenue
*Value Per Mill = Assessed Value / 1,000



wyandotte.org/budget

Mr. Peterson said from this information we pulled out a handful of the largest cities that are in the state of Kansas on the 1st Class City list to do a little bit further detailed analysis. Here you can see the value of one mill, so this is the amount of revenue that's generated for one mill for

each of these communities. I don't have the actual mill rates on here, but they're on the chart on the previous slide, so you can see that Kansas City, Kansas is towards the low end of this chart, substantially lower than Wichita, Overland Park, Olathe, some of the other communities that we can be comparable to.

Our population density, that's one thing that definitely set out to us is the amount of people that we have for land area, so the amount of people that we have to support our tax base is roughly half of what all the other cities on this list have for their geography. What that leads to is with our mill rate per capital taxation so that's the amount of revenue that we're generating per person, we're definitely towards the low end of this list. We're amongst the bottom three and then the amount of tax that we're levying per square mile in our community, we're generating half the revenue of the other communities on this list, if not more, to support our city services.

Mayor ProTem Bynum asked, can you go back one slide. On the graph, what do the numbers on the left and right-hand side represent? **Mr. Peterson** said the numbers on the left-hand side are the amount of revenue that we collect for one mill and then the numbers on the right-hand side are the number of mills that are levied by each community. **Mayor ProTem Bynum** said on the very far right, Overland Park, the top of the blue bar at 60 is what, 60 what, mills? **Mr. Peterson** said that would be the yellow—or the orange line, so that would be about somewhere in the range of 13-14 mills—**Mayor ProTem Bynum** said the blue bar is the value, assessed value of—**Mr. Peterson** said the value of a mill in that community. **Mr. Peterson** said the right side is corresponding to the orange line, so the right side is the number of mills that are levied and the left side is corresponding to the blue bars, which is the value that's in a mill for that same community.

Mayor ProTem Bynum said I'm sorry, I do not know, on the far right blue bar representing Overland Park, it's sitting right at the number 60. **Mr. Peterson** said that 60 is corresponding to the orange line. It's the opposite. The values on the—the blue bar is corresponding to the \$20K number on the left, which is not \$20K, but the orange bar is about the 14 on the right, so they're opposite. We can give you the data behind this.

Mayor ProTem Bynum said yeah, I mean I get the concept. I just—**Mr. Lindsey** said the line is saying that Overland Park, they are paying probably around 17 mills and then their assessed value with the blue line is amount \$20M that's assessed value for each. **Mayor ProTem Bynum** said for each mill. So, you're telling me—this is where I'm going and I don't have to

dwell on this chart, but our city one mill is worth \$1.3M and then Overland Park one mill is generating what, \$4.1M. That's what your next slide says, but I didn't know if this graph was trying to illustrate the same thing, but I guess it's not. I'll move on. **Mr. Peterson** said it is and we can doublecheck the graph for sure.

Commissioner Burroughs said I'm going to go back to the delinquent tax issue. I see what we generate here per mill, but do we know what the industry standard is across the board for cities of the first-class on delinquency rate? Do we have any idea? Is our rate within the industry norm if there is such a thing, are we high on delinquency and unpaid taxes? I'm just trying to get a handle on how we can increase that value of that mill if we're not discounting or forgiving property tax value on delinquencies or what we can do to address delinquencies because that is income that we're not able to calculate. If we're going to appropriate dollars through policy for programs, then I would like to know how much we're not collecting in revenue and then how much we're giving away in revenue before we even have it or if we ever have it. **Mr. Lindsey** said we don't know what the other first-class cities delinquencies rates are. We do base our delinquency rate historically on what we have collected. That is a number that we can look into, but our rate is based on what we have collected in the past and currently we do—we haven't visited what our delinquent rate was actually for 2022.

Commissioner Burroughs said great and I appreciate that, and if I may Madam Chair, the reason why I ask that is because if we look at a standard delinquency rate of 7%, we just get used to seeing 7%, we're going to mark 7% delinquency, we don't address it, but if we see it jump to 8, we might say we might want to look at it. If we see it jump to 10, now we know we've got an issue, but if it's 7 and it stays at 7 and we continue to put it in, then it shares with us, it shares with me, that we're not addressing the delinquency issue rather we sell it in a portfolio to an industry to go out and sell it for 50 cents on the dollar and we get something for it and let them go out and collect it and foreclose or whatever so we don't have to be the bad guys. I would like to kind of understand what our delinquency rate is and how much money that may entail. It would give us an idea at a future meeting, that's fine. I don't need an answer tonight.

Mr. Peterson said I know that is something that we have addressed in the past. That was one of the things that was specifically targeted through the SOAR initiative and we did a lot of work on delinquent revenue collections. I am not—this is the first year that Budget specifically is

handling the revenue side and so I'm not very familiar with all that at the moment, but we can definitely look into it.

Commissioner Burroughs said (inaudible). That may be one that we can grab quickly.

Mayor ProTem Bynum said welcome Commissioner Stites.

Ms. Jonscher said I just wanted to say that in the past, prior to COVID, I believe we were in the 5% range on delinquency. I'm trying to remember back. I think it was in 2021 that we may have bumped that up to 7% and then held it in 2022 at 7% and I believe from our Fourth Quarter Budget-To-Actual Report we were at just a little over 100%, so I think we may be a little less than 7%, but we'll be looking at that before we finalize all of our numbers for the 2024 Budget.

PROPERTY TAX BURDEN: KCK Awareness and Understanding

- Normal comparisons are done using the Mill Levy rates, only half of the tax revenue equation.
- Higher Assessed Values align with lower Mill Rates being levied.
- It is possible with the equation to have a lower mill rate but generate higher or equal tax revenue.
- Difficulty in comparison with differences in services provided and population/geographic priorities.



Mr. Peterson said just for one specific example, we wanted to pull out one of the communities (inaudible) specifically here ourselves referenced to show the relationship between the value per mill and the collections and the mill rates. This is a direct comparison between Kansas City, Kansas and Overland Park. What you can see on the chart population wise, we're fairly similar, 150 to 200 population, land area they are substantially smaller in size than we are in Kansas City, Kansas, so our population density is less than half of what—they have more than doubled the number of people per their land area than we do in Kansas City, Kansas. So, mill rates, their mill rate is about 38% or it's substantially less than ours. Their mill rate is about 14.5, ours is 38.5. However, the value per mill, their value per mill is about three times what ours is, so for every mill of revenue—every mill that they levy they generate about \$4.2M in revenue. For every mill that we levy we generate about \$1.3M in revenue, so basically, the end result of that is that they end

up generating 19% higher revenue than we do in Kansas City, Kansas for a mill that's less than half of ours, that's 38% of ours.

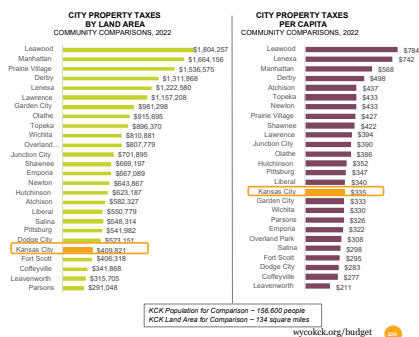
Commissioner Ramirez said this map or this tells what Commissioners McKiernan, Bynum, and everyone was trying to get to, so I'm just going to, for my brain, to clarify. Overland Park has a much lower mill rate than we are, but their mill is generating a lot more than ours. My big question may have been answered, why, more value, more people, alright. **Mr. Johnston** said the assessed value of the city's pool is far higher than ours and so that's the basis. Then, when you look at the charts that are up there now, it kind of paints the broader understanding of—they have a larger population, your density and their density is a little higher than ours. You can drive through our Kansas City, Kansas area, there's a lot of undeveloped land that has a lower assessed valuation than a building has on it. You go to Overland Park, they're right next to each other and has a higher value, so one mill of that because of a higher assessed valuation, they get more revenue into the coffers.

Commissioner Ramirez said from that, and please correct me if I'm wrong staff or colleagues, what we need to do then is increase our population and increase assessed valuation to help lower the mills. **Mr. Johnston** said you need to increase the assessed valuation. **Commissioner Ramirez** said yes, that's what I said, assessed valuation and increase our population. **Mr. Johnston** said your property tax isn't driven by your population. It's based on your assessed valuation. **Commissioner Ramirez** said okay.

Mr. Johnston said one thing—we all get kind of into the weeds on property tax. It's a very simple algebra equation. It's assessed valuation times by your tax rate equals the levy, the amount of money that you get. It's very simple when you do it that way because that's the basis. That's what our appraisers do across the country to get to your levy, so it's very simple to do that. If you have that understanding, it's that simple of an equation.

PROPERTY TAX BURDEN: KCK Awareness and Understanding

- Kansas City, KS levies among the low end of property taxes per land area to support the services that are provided to the community.
 - Large geography and low population density make it difficult to fund and provide services that are geography based with lower funding levels available for urban services.
 - Street Preservation on more lane miles
 - Public Safety response times
 - Community Services accessibility
- Kansas City, KS is aligned with or lower than other Kansas cities on the amount of taxes that are levied per population to support the services that are provided to the community.



Mr. Peterson said going further, we went and did the benchmark against all the different first-class cities as to where the revenue that we collect for our land area compared to other communities and then the revenue that we generate with property taxes per person compared to other communities, so what we found is that for Kansas City, Kansas the revenue that we're generating per person is roughly middle of the road. We're fairly low on the end of the scale especially compared to some of the higher end communities like Leawood or Lenexa that are generating almost double—or double what we are per person on their revenue collections.

On the land area comparison we are almost towards the bottom, so we're generating substantially less revenue to support our geography than other communities. We're down there with Coffeyville, KS., Fort Scott. We did notice that Leavenworth stands out because it is one of the larger communities, but as we—I'll point out again when we go through sales taxes, they specifically have levied a 1% sales tax in their community to offset property taxes for property tax relief. That's probably one of the reasons why they're at the bottom of the chart.

Commissioner Johnson said I love this chart and by the way, I love this presentation. My hats off to you all. You've done a great job. You're not finished yet, but I wanted to let you know already, thank you for this work.

What this does not really measure for—maybe Commissioner McKiernan might be able to help skew a little better for me is, our people are working in the southern—in Johnson County, a lot of our people are while people from other counties are coming into Wyandotte County and getting our higher paying jobs. Somehow that's kind of fitting in here and I don't know how or where, but I do know there's this transfer of income so that we are continuously at the lower side of the household median income and so when this dialogue about paying too much taxes, I want

to take this to everybody and flip it over and say this is what's happening. This is the dynamic of what's happening in our community. You don't just flip these things. These things take place over generations and I think we're slowly moving in the right direction, but it's hard to explain to the persons that don't have access to this information. You're right Commissioner Markley. We have to do a better job of communicating to our constituents about the dynamics that are happening in our city because it's not just as simple as well, just cut the taxes though we can do that, but we're going to have to fire a whole lot of people. All of that is fixed up into these bars and, again, I'm going to stop. I just tore it out so I can take this around with me, put it in my wallet.

Commissioner Davis said I echo everything you all are saying. If I remember correctly, just for the public, for you all to be aware, every year the Appraiser pulls us off to the side, we all have meetings, on-threes, where we are given an analysis on the housing market in Wyandotte County. If my memory serves me correct, the median home value in Wyandotte County is \$185K and growing. The median home value for Johnson County is \$425K if I recall that information correctly. That is having an impact on what we are seeing because we talked about the value. That's what Commissioner McKiernan, what Commissioner Ramirez, and others are alluding to. For us to solve this, we need more people, but I can also hear Mr. Kindle, the Wyandotte County Economic Development Council, also saying our people need to be lifted up, higher paying jobs, higher household incomes that can handle the increase in assessed value so that when there's an increase you got it. There's education, there is access to good jobs, there is investment in people and young people.

When we talk about the need for more people and we talk about density, I think we have to be mindful of what everybody wants to see for livability in Wyandotte County, that we have to be mindful and have a generational approach to economic development because—love our seniors, right, but the average Wyandotte Countian is about in their early 30's and so there's this question of how do we appeal to everybody. How do we appeal to everybody.

Here's the other thing, I was hearing this podcast about the Silver Tsunami and the fact that baby boomers are retiring and there's this question of how are millennials, (inaudible), how are we going to support our parents, how are we going to support our grandparents as they are entering into retirement. We will have to be very thoughtful about that, but we need to grow this city back to pre-consolidation levels, particularly for KCK.

I would love maybe in another presentation for us to get the history of the population for Wyandotte County and for KCK because I'm sure, colleagues, if you have not seen that information, you will see we lost a lot of people in the 80's and 90's prior to consolidation because of various issues and that has resulted in the numbers of what we're looking at today.

Commissioner Bynum said I just wanted to say that the population decline began in the 70's and so after consolidation is when we saw the population begin to trend back upwards. I think it's very interesting, we've had this conversation many, many times over these years of budgeting through these difficulties, so there's no doubt that when you speak of things being generational, you're 100% on target because everything that we're working on this year we worked on last year and the seven years prior to that, that I have been here. It's a very incremental thing.

I think it would be interesting for us to revisit these population trends that you speak of because they are critical to what's happening here. Thanks, that's all I wanted.

Mr. Peterson said I will just point out that the land area one is particularly interesting to us because a lot of our city services are geography based so if you think about our city parks, you think about police response times, fire response times, where our fire stations are located, the amount of road infrastructure that we have, curbs and sidewalks, all of that is geography based, so it's all—if you have a bigger geography, you need more of it to sustain the same area. When we're generating as little revenue as we are from property taxes, that kind of illustrates why we're having so many struggles on the City side of the budget.

WYANDOTTE COUNTY Revenue Sources

General Funds

- County General Fund

Other Tax Levy Funds

- Aging
- Elections
- Parks and Recreation
- Developmental Disability
- Health Department
- Mental Health
- County Bond and Interest

Special Revenue Funds

- Special Parks & Recreation
- Special Alcohol – County
- Court Trustee
- Register of Deeds Tech Fund
- Clerk's Tech Fund
- Treasurer's Tech Fund
- County Jail Commissary

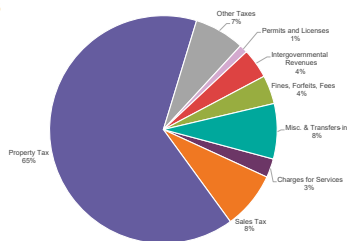


I'm going to transition over to the County side of the budget. The County side of the budget for Wyandotte County is made up of 15 different funds. Significantly and substantially different from the City side of the budget. Eight of these funds or over half are Tax Levy Funds and they make up the largest portion of the Wyandotte County budget.

WYANDOTTE COUNTY FUNDS 2023 Revenue Sources

Major County Revenues:

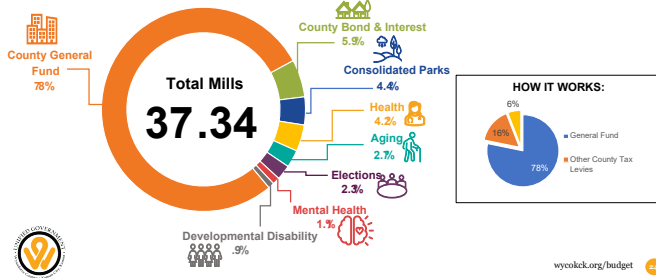
- **Property Tax**
 - Ad Valorem \$62.7M
 - Motor Vehicle \$6.7M
- **Sales Tax**
 - County Sales and Use Taxes \$7.5M



wyandotte.org/budget

Property Taxes was about 19% of the City budget, it's 65% of the County side of the budget which is about a \$109M budget.

2023 BUDGET County Mill Rates



wyandotte.org/budget

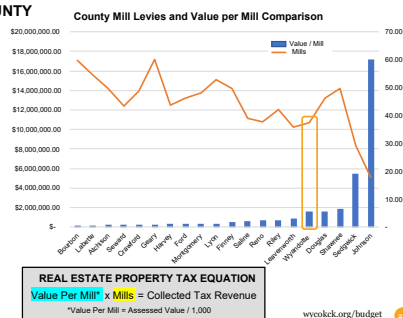
The County side of the budget is roughly about 37 mills, so it's somewhat equivalent to the City side of the budget as far as the mill levy goes. A substantial difference to the City side of the budget is only 5.9% of the budget—of the mills that are being levied on the County side are going to support the County Bond & Interest Fund, which means different than the City side of the budget, 94% of the mills that are levied on County side of the budget are going to support services that we are providing to the community and that we're able to leverage against operations.

Also, significantly we have about 16% of our mills that are levied to different various Special Use Funds that are unique from the City side of the budget. Those range from the Health Levy, Aging Levy, Elections, Mental Health, Developmental Disability, and Consolidated Parks.

PROPERTY TAX BURDEN: COUNTY

Awareness and Understanding

- Normal comparisons are done using the Mill Levy Rates, only half of the tax revenue equation.
- Higher Assessed Values align with lower Mill Rates levied.
- It is possible with the equation to have a lower mill rate but generate higher or equal tax revenue.
- Difficult to compare communities with differences in services provided, population, and geographic priorities.



Again, here is a view of the relationship between the mills—the mill rates for the different counties and so there's substantially more counties than what are shown on this chart in the state of Kansas. What we did is we pulled out the counties that contain the first-class cities, so these are all the counties in the state that contain some of the first-class cities, the 25 first-class cities that we saw on the first chart. This is, again, the relationship between the value of a mill and the number of mills levied. You can see words toward the right side of the chart.

PROPERTY TAX BURDEN: COUNTY

Awareness and Understanding

- Wyandotte County, as an urban county, has significantly greater population density to other counties in Kansas
 - Significantly more population supporting city services per square mile
- Levied revenues are among the lowest revenues generated per person to support city services
- The value density allows for greater revenue generation for our geographic footprint to support county services

COUNTY	1 MILL REVENUE	POP PER SQUARE MILE	TAX PER CAPITA	TAX PER SQUARE MILE
Johnson	\$17,146,555.37	1,250	\$507.88	\$634,851
Sedgwick	\$5,500,418.69	525	\$308.38	\$162,022
Shawnee	\$1,876,583.10	328	\$524.89	\$172,000
Douglas	\$1,606,555.03	262	\$622.08	\$163,194
Wyandotte	\$1,582,682.14	1,058	\$358.05	\$378,707
Leavenworth	\$840,823.66	178	\$367.54	\$65,380

REAL ESTATE PROPERTY TAX EQUATION
 $\text{Value Per Mill} \times \text{Mills} = \text{Collected Tax Revenue}$
 *Value Per Mill = Assessed Value / 1,000



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Wyandotte County is substantially different on the comparison for our population density and our tax per capita and tax per square miles than the City side of the budget. We are definitely a more urban county than the other counties in the state of Kansas, so our population density is double or more what the population density is of other counties that we're looking at. These are the counties that contain some of the major cities in the state of Kansas. What that means for the county

residents of Wyandotte County is that we're able to levy substantially lower tax collections per person than other counties are for their county services and even though we are levying substantially a lower tax per person, we're able to generate a lot more revenue to support our county services, which are the services that are demanded by an urban population.

PROPERTY TAX BURDEN: COUNTY Awareness and Understanding

- Normal comparisons are done using the Mill Levy rates, only half of the tax revenue equation.
- Higher Assessed Values align with lower Mill Rates being levied.
- It is possible with the equation to have a lower mill rate but generate higher or equal tax revenue.
- Difficulty in comparison with differences in services provided and population/geographic priorities.



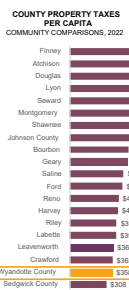
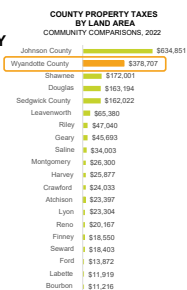
Real Estate Property Tax Equation
 $\text{Value Per Mill} \times \text{Mill Rate} = \text{Collected Tax Revenue}$
 *Value Per Mill = Assessed Value / 1,000

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This is the same chart that we saw for Overland Park. This is specifically Johnson County versus Wyandotte County just because, again, we frequently get compared to our neighbor. What we can see, Johnson County has substantially a higher population than we do. Their land area is also larger. Our population density is roughly similar just because we're both largely urban counties. The mill rate, they're levying roughly half the mills that we are in 2022, so their mill rate in 2022 was 17.77 mills, ours was 37.33; however, they're able to generate about ten times the amount of revenue that we do for one mill of property taxes and that results in about five times more revenue that's generated for that half—half the mill.

PROPERTY TAX BURDEN: COUNTY Awareness and Understanding

- With one of the lowest Mill Rates in the state Wyandotte County collects more revenue for its land area than other Kansas counties to better provide and support county services.
- With a larger urban composition than other counties in Kansas and higher population density additional resources are available at a lower rate to support county level services.
- Higher assessed valuation and property density allow the county to maintain a lower burden across the population than other counties for county services.



WYCO Population for Comparison - 184,300 people
 WYCO Land Area for Comparison - 152 square miles

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Again, comparing to similar what we did on the City side, this similar type chart, so what we're seeing here is for our geography we're able to generate substantially more revenue than other

counties are in the state of Kansas just because of our assessed value, just a different picture. Just because of the urban nature of our county compared to other counties we have a higher assessed value so we can generate more revenue for our mills and that results in a lower tax burden on our average citizen compared to the other counties in Kansas for the county services that we provide.

That ends the property tax portion of our presentation.

Commissioner Ramirez said with this showing—saying our County side is collecting more revenue, correct? Is that what it's saying? **Mr. Peterson** said on the City side, because we have so few people per our area, we were on the low end of the collections for a land area because we have a higher population density than other counties do in the state of Kansas. We're on the higher end of—we have more value density than other counties in the state of Kansas, we're on the higher end for the amount of revenue that we're able to generate for our geography.

Commissioner Ramirez said okay. This kind of correlates to what we've been saying as our County side of the budget is a little more healthy, more stable than our City side, so this shows the data and this gives us the actual data to say for a fact that our County side is a little more stable than our City side.

Commissioner Davis said I would just like to say that I know that Johnson County is our neighbor, you know, it's south of us, but comparing us to Johnson County is just not fair and I think it's very helpful just because that's what we see, but I think we've just got to find peers that are far more comparable to our history, to kind of the level of wealth, in access, in education and growth. I tell residents this all the time, it's just apples and oranges just considering the—**Commissioner Markley** said apples to pizza. **Commissioner Davis** said different food groups at this point. Just given that the level of wealth—and let's be honest and we've talked about it and the H.E.A.T. Report has talked about it, redlining also played a role here. The redlining happened in Wyandotte County, but the green lining and the blue lining where federal investment went in and said yes, we will go ahead and subsidize that investment for homes and for community building that went south of us. So, there is a role that the federal government plays in this as well.

Commissioner McKiernan said I think you all have done a great job of pointing out to us the—how much value plays into driving the mill rate to generate the revenue that it takes to provide city

and county services. I want to go back to something that Commissioner Johnson said earlier and that is the fact that I think if I get Greg Kindle correctly here, we have about the highest salary per job in Wyandotte County, but our citizens have one of the lower per capita incomes in Wyandotte County and I think that compounds the challenge because people who expect high levels of city/county services in a county where there was low valuation overall, when you add a low household income on top of that, it just increases how much that payment hurts, so to speak, out of any households income.

So, one of the other things, generationally, that we have to do is figure out how to get those more high paying jobs that are already here occupied, taken by citizens who are already here and I get it, that's a big heavy lift, but that's one of the things that we need to be thinking strategically about as we move forward.

Mr. Peterson said I'm going to turn it over to Mike Grimm, our Research Manager.

Commissioner Stites said more of a statement. I will tell you, you know, it's interesting, we have a lot of unfilled high paying jobs in our county right now, so I don't know if it's that we're not getting the proper training to those folks to get those jobs. There are jobs everywhere. If you want to work in this county, there's a job for you. If it's training that we need to maybe focus on to get those folks trained up to get those jobs, maybe just something to chew on there.

SALES TAXES

- Sales Tax
- Tourism Tax



Mike Grimm, Research Manager, said I'm going to spend some time and talk about Sales Taxes and the Tourism Tax, specifically focusing more so on the rates of the Sales and Tourism Tax.

SALES/USE TAX RATES Comparison

WYCO CITIES & KCMO

City	Total Tax Rate Non-Food	Rank Among Listed Cities
Wyandotte County Cities		
Bonner Springs	9.250%	1
Kansas City, KS	9.125%	2
Edwardsville	9.000%	3
Lake Quivira	7.500%	4
Kansas City, Missouri		
Cass County	9.100%	1
Jackson County	8.975%	2
Platte County	8.850%	3
Clay County	8.725%	4

KANSAS FIRST CLASS CITIES

City	Total Tax Rate Non-Food	Rank Among Listed Cities
Junction City	9.750%	1
Shawnee	9.600%	2
Coffeyville	9.500%	3
Leawood	9.500%	4
Olathe	9.475%	5
Fort Scott	9.400%	6
Lenexa	9.350%	7
Topoka	9.350%	8
Lawrence	9.300%	9
Manhattan	9.300%	10
Liberal	9.250%	11
Parsons	9.250%	12
Salina	9.250%	13
Kansas City	9.125%	14
Leawood	9.100%	15
Overland Park	9.100%	16
Pittsburg	9.000%	17
Dodge City	9.000%	18
Prairie Village	8.975%	19
Garden City	8.950%	20
Hutchinson	8.800%	21
Atchison	8.500%	22
Emporia	8.500%	23
Newton	8.500%	24
Derry	8.000%	25
Wichita	7.500%	26

This first slide, just a little bit of context, the table on the right looks at Kansas first-class cities and the total sales tax rate in that city. We're not including any special taxing districts, CID—Community Improvement Districts or Transportation Development Districts. We're not carving out any of the state's reduction on the Food Sales Tax, so just in general what somebody would pay if they buy an item that's nonfood.

We see Kansas City, Kansas 9.125%. That rates fourteenth. Out of the 26 first-class cities, the top of the list is Junction City 9.75, the bottom Wichita. I'll point out they do not have a city sales tax being Wichita.

On the left we see the cities of Wyandotte County and Bonner Springs 9.25%, there's Kansas City, Kansas ranks second, Edwardsville at 9% and a little bit of Lake Quivira in Wyandotte County, again, no city sales tax there.

We put a little bit of information on our neighbors across the state line, Kansas City, Missouri just because people do have a choice of where they go shop. As you may know, Kansas City, Missouri lies in four counties, so therefore, they're going to have a little bit different sales tax rate. You can see the rates there. Just generally a little bit lower when we look at—compared to Kansas City, Kansas. There's some other metropolitan communities on the Kansas side.

Mr. Lindsey said if you go back to that slide, one of the things—we also compare Kansas City, Missouri because some of the social needs we have in the city of Kansas City, Kansas are some of the same social needs that Kansas City, Missouri has, so we wanted to make sure we look at their sales tax as compared to us also. We have more information on that as Mike goes through comparing the tax rates.

SALES TAX DETAIL

Kansas Counties/Cities

WYANDOTTE COUNTY			
KANSAS CITY, KS		Bonner Springs (Wyand. Co. pt.)	
State of Kansas	6.500%	State of Kansas	6.500%
Wyandotte County	1.000%	Wyandotte County	1.000%
Kansas City, KS, City	1.000%	Bonner Springs, City	1.250%
General Fund	1.000%	General Fund	1.000%
EMS equipment	0.250%	General Capital Improvements	0.250%
Public Safety Infrastructure (10/1/19, annex 5/10/2019)	0.750%	Public Safety & Emergency Services Capital	0.250%
Total City Rate	2.000%	Total City Rate	2.250%
Total Current Sales Tax Rate	9.500%	Total Current Sales Tax Rate	9.750%

JOHNSON COUNTY			
Olathe		Overland Park	
State of Kansas	6.500%	State of Kansas	6.500%
Johnson County	0.900%	Johnson County	0.900%
General	0.900%	General	0.900%
Public Safety	0.200%	Public safety I	0.200%
Public Safety Capital & Operations Tax	0.200%	Public safety II	0.200%
Chastain	0.200%	Chastain	0.200%
Brain Drain	0.100%	Stormwater	0.100%
Education Triangle Tax	0.100%	Research Triangle	0.100%
Total County Rate	1.470%	Total County Rate	1.470%
Shawnee City	1.000%	Shawnee City	1.000%
General	1.000%	General	1.000%
Street Maintenance Sales Tax	0.250%	Street Improvements	0.250%
Parks	0.125%	Parks	0.125%
Total City Rate	2.375%	Total City Rate	2.375%
Total Current Sales Tax Rate	8.875%	Total Current Sales Tax Rate	8.875%

Lenexa			
State of Kansas	6.500%	State of Kansas	6.500%
Johnson County	0.900%	Johnson County	0.900%
General	0.900%	General	0.900%
Public safety I	0.200%	Public safety I	0.200%
Public safety II	0.200%	Public safety II	0.200%
Stormwater	0.100%	Stormwater	0.100%
Research Triangle	0.100%	Research Triangle	0.100%
Total County Rate	1.470%	Total County Rate	1.470%
Lenexa City	1.000%	Lenexa City	1.000%
General	1.000%	General	1.000%
Public Safety, Parks, Center project	0.250%	Public Safety, Parks, Center project	0.250%
Total City Rate	2.375%	Total City Rate	2.375%
Total Current Sales Tax Rate	8.875%	Total Current Sales Tax Rate	8.875%

Shawnee			
State of Kansas	6.500%	State of Kansas	6.500%
Johnson County	0.900%	Johnson County	0.900%
General	0.900%	General	0.900%
Law Enforcement	0.200%	Law Enforcement	0.200%
Public Safety	0.200%	Public Safety	0.200%
Chastain	0.200%	Chastain	0.200%
Stormwater	0.100%	Stormwater	0.100%
Research Triangle	0.100%	Research Triangle	0.100%
Total County Rate	1.470%	Total County Rate	1.470%
Shawnee City	1.000%	Shawnee City	1.000%
General	1.000%	General	1.000%
Parks, Public, Stormwater	0.125%	Parks, Public, Stormwater	0.125%
Public Safety	0.125%	Public Safety	0.125%
Stormwater, Parks, Sidewalks	0.375%	Stormwater, Parks, Sidewalks	0.375%
Total City Rate	2.625%	Total City Rate	2.625%
Total Current Sales Tax Rate	8.095%	Total Current Sales Tax Rate	8.095%

Mr. Grimm said this next table we just focus on Wyandotte County, the three cities less Lake Quivira, and the sales tax rate. Sales tax rates kind of have three components level of governments. We have our state rate at 6.5%. Of course, that's going to be the same for all entities or cities. Here in Wyandotte County we have a 1% county tax and then the cities have their own sales taxes and then that's where, at least in Wyandotte County, we start to see what we call Specials. Here in Kansas City, Kansas we have our EMS quarter cent sales tax, our Public Safety Infrastructure Dedicated Sales Tax, so when you add up the three entities state, county, city, you get your total.

Sales Tax rate, Bonner Springs and Edwardsville also have some Specials on the City side as well as, you can see, there's a General Sales Tax rate for each of those cities.

When we look at Johnson County, I just chose four of the more frequently discussed cities that we're aware of. Of course the state rate is going to be the same. We start to see on the County that they actually have what we call some Specials. There are three of them that are Public Safety related. They've had three different referendums over the years. There's a Storm Sewer and an Education Triangle, that Research Triangle Sales Tax rate, and then also for each of these cities there are some Specials mainly focusing around Public Works, Streets, Sidewalks, etc. and then Parks.

SALES TAX DETAIL Kansas Counties/Cities

Other Communities		Leavenworth		Topeka		Wichita	
Lawrence	Current Rates	Leavenworth	Current Rates	Topeka	Current Rates	Wichita	Current Rates
State of Kansas	6.500%	State of Kansas	6.500%	State of Kansas	6.500%	State of Kansas	6.500%
Douglas County	1.000%	Leavenworth County	1.000%	Douglas County	1.000%	Douglas County	1.000%
Jail & Health Buildings	1.000%	Leavenworth City	1.000%	General	0.750%	Wichita City, city & county fire rate	0.500%
Mental Health	2.250%	General	0.500%	Wichita University	0.500%	Total Current Sales Tax Rate	7.500%
State County Rate	2.250%	Community Center & Capital Improvements	0.500%	State County Rate	1.000%		
Leavenworth City	1.000%	Property Tax Reduction	1.000%	State City	1.000%		
General	1.000%	Total City Rate	2.000%	General	1.000%		
Health & Infrastructure	2.250%	Total Current Sales Tax Rate	6.500%	State, local, public, university	2.000%		
Public Transit	2.250%			State City Rate	0.500%		
Alcoholic Beverage	2.000%			Total Current Sales Tax Rate	6.000%		
State City Rate	2.000%						
Total Current Sales Tax Rate	6.500%						



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Just to look at a few other communities on the Kansas side, so Lawrence we do see on the county they have their Specials. They have Jail and a Mental Health. As referenced earlier for Leavenworth, you see they have their Property Tax Reduction Mill Levy on the city side, but also in Lawrence or Douglas County, I'll say, they have a Mental Health Mill Levy where, of course, all of our Mental Health Services are provided by the property tax funding. Also, the city of Lawrence has a Public Transit Sales Tax. That's coming out of our General Fund, so you start to see some variation on sales taxes and, again, that can be used to offset perhaps, you know, property tax mills.

Topeka, just some Specials. Wichita, and again, they have a County 1% and then no sales tax for the city.

Commissioner Stites asked, would you be able to explain on Leavenworth, the Property Tax Reduction Sales Tax, how does that work. What does that exactly mean? I'm not sure I know. **Mr. Grimm** said I don't have a definition, but I would presume that it's just what it is, that it's revenues that—on the city, and we'll get into this in a little bit, on the City side you can add a Special and define it for whatever you want, to a point I presume. You could have sales tax generated that you would help offset—or it would go into your General Fund like we do our property taxes—**Commissioner Stites** said County sales tax, right? **Mr. Grimm** said this is on the City side. **Commissioner Stites** said Leavenworth City. **Mr. Grimm** said City, 1%. **Commissioner Stites** said those allocated funds would go to the City of Leavenworth, not the County of Leavenworth. **Mr. Grimm** said I would presume, yes. **Commissioner Stites** said interesting. So, they're using tax dollars generated by other, hopefully, people that are shopping from outside the city limits of Lansing, right, because they're not trying to put the tax burden on

the residents to use those funds to offset a property tax. **Mr. Grimm** said correct and that's an argument with sales tax. You get folks coming in from outside the county to help pay for potentially some other services. **Commissioner Stites** said got it.

Mr. Lindsey said also, Commissioner Stites, a little earlier in the presentation we did cover the city of Leavenworth where they did have one of the lower property tax rates compared to other cities, so that's one of the reasons they were able to do that because they have this Special Sales Tax. **Commissioner Stites** said I apologize that I missed that, but I was sitting on I-70 at 78th Street with a flat tire, so I'm sure it was valuable information.

SALES TAX DETAIL KCMO



KANSAS CITY, MISSOURI	Jackson Co.	Clay Co.	Platte Co.	Cass Co.
State of Missouri	4.225%	4.225%	4.225%	4.225%
General	3.000%	3.000%	3.000%	3.000%
Education	1.000%	1.000%	1.000%	1.000%
Conservation	0.125%	0.125%	0.125%	0.125%
Parks & Soil	0.100%	0.100%	0.100%	0.100%
County Rates	1.500%	1.750%	1.375%	1.625%
County	0.500%	0.500%	0.500%	0.500%
County Law Enforcement	n/a	0.125%	0.500%	0.250%
General County, Misc.	0.250%	0.250%	n/a	0.500%
Children's Services Board	0.250%	0.250%	n/a	n/a
Transportation	n/a	n/a	0.175%	n/a
Stadium	0.175%	n/a	n/a	n/a
Zoo	0.125%	0.125%	n/a	n/a
Emergency Services	n/a	n/a	n/a	0.125%
Law Enforcement	n/a	n/a	n/a	0.250%
Kansas City, Missouri - City Rates	8.250%	8.250%	8.250%	8.250%
Capital Improvement	1.000%	1.000%	1.000%	1.000%
Public Mass Transit	0.500%	0.500%	0.500%	0.500%
KCATA	0.175%	0.175%	0.175%	0.175%
Firefighters	0.500%	0.500%	0.500%	0.500%
Public Safety	0.250%	0.250%	0.250%	0.250%
Parks	0.500%	0.500%	0.500%	0.500%
Central City Economic Development	0.125%	0.125%	0.125%	0.125%
Total Kansas City, Missouri Sales Tax Rates	8.875%	8.750%	8.850%	9.100%

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Mr. Grimm said we'll just take a little bit deeper look at Kansas City, Missouri and again the city of Kansas City, Missouri lies in four counties. The state has a sales tax rate of 4.225, so a little over 2% higher than Kansas—lower, I'm sorry, thanks Michael. The County Rates average about 1.4. On the counties that we looked at on the prior slides is about 1.8, so close. The cities—well, you see that's going to be the same in each County 3.25 and then the cities that we looked at previously, an average of 1.6. So, you kind of net all those out and the state is a little bit lower for Kansas City, Missouri. The County is about the same as the City, it's a little bit higher, so all in all it's just a little bit lower sales tax.

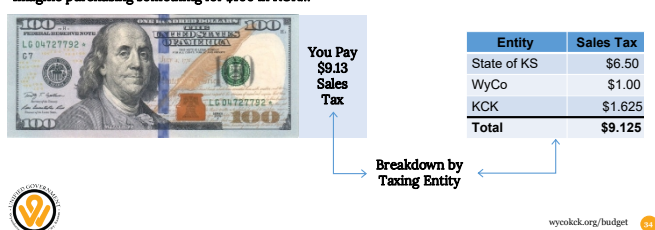
We'll point out what's been mentioned, we see quite a few more Specials on the County and City side from Transportation and, of course, the County has the zoo and the stadium. On the City we do see Public Transit, for example, so they do have a little bit more of a funding mechanism coming from sales tax, a little more broadly than we do on the Kansas side.

Mr. Lindsey said one thing I'll add is this is an example with the Special Sales Tax on the City side in Kansas City, Missouri, they have two Special Sales Tax for Transit. I'll just give an example, our Transit is about \$7M within our City General Fund, so if we did have a Special Sales Tax for Transit, I mean that's like \$7M we could remove from our budget that could go to other services or to reduce a mill. This is just an example of what different Special Sales Tax could do.

SALES/USE TAX

Revenue Example

Imagine purchasing something for \$100 in KCK..



Mr. Grimm said if we start to focus on—when we get these sales taxes in, you know, what do those monies look like, where do they go. So, if we had a \$100 purchase in Kansas City, Kansas, the state would get total sales tax rate 9.13%, the state would get \$6.50, Wyandotte County would get \$1.00 and the City would get about \$1.63.

Commissioner Ramirez asked, Reggie, could you repeat what you said a minute ago about Special Sales Tax and what that could do? It was towards the end before we moved on. **Mr. Lindsey** said Kansas City, Missouri has two Special Sales Tax for Transit and we fund our Transit out of our City General Fund while their Transit is funded by Special Sales Tax and so our Transit budget is about \$7M out of our City General Fund and some years that's what our deficit has been in the City General Fund, that is about what it is now, but it grows in future years. If we had the possibility to fund it, our Transit, from Special Sales Tax, we could almost eliminate our deficit and we could make—**Mr. Johnston** said you just add a little extra on your sales tax and it's going to pay for that service. You can take that service out of your Property Tax General Fund.

Commissioner Ramirez said and this where—internally—it's an internal battle for myself because sales tax is a very regressive tax. Our lower income feel it more than our higher income individuals. I mean Wyandotte County is already a lower income community and so, yeah,

we're off-setting lowering—we may be lowering our—off-setting from our property tax, but we're increasing our sales tax. In my mind doing that we're paying Peter to pay Paul or we're robbing Peter to pay Paul at that point in my mind. That's how I'm reading it. **Mr. Johnston** said usually where you see the sales tax supplanting property tax revenue is where you have a significant tourism business, where you're betting that you're going to have more outside consumption than internal consumption. That's why you see a lot of cities that have airports say we're going to have airport ticket tax, we're going to have a local sales tax on rental cars because it's outsiders paying that, not our local residents, and then they will take that money for specific uses so you don't have to raise the property tax to provide those local services. **Commissioner Ramirez** said okay.

Mr. Johnston said but your point is, and I think it's a point that was made when we were looking at housing values and all that, you do have to take in consideration value discussions. That when you have a significant population that we have that is lower income, will an alternative like using an increase sales tax to supplant property tax revenue actually be good for that population in our community. So, that really is a value discussion that the elected officials need to have with the community if we think about going down that route.

Commissioner Johnson said the other thing that you have to consider is if you go out to the Legends, I like to drive around the parking lot and look at the license plates. There are license plates almost as much I see Wyandotte County, I see equal portion from Jackson County and all counties around Wyandotte County that are paying into that sales tax.

The other piece that I was going to state considering what you were talking about, Commissioner Ramirez, was you also have to consider the lack of density that we have. We just kind of talked about that, as relative to the other communities when we talk about—so it's really probably a fine line, maybe an art, maybe a science, I don't know, but we do need to have I think a real thorough vetting of that conversation because I do think there is some value in adding something in this sales tax piece that might be a value to us overall.

Commissioner Bynum said I have a question and I think a statement. When you reference our transit operation being around \$7M, is that the amount that we pay to KCATA or is that the total amount that it costs us to run transit because we operate some of those routes ourselves. **Mr. Lindsey** said that is the total amount that we pay to contract with KCATA and what our own routes

are. **Commissioner Bynum** said the amount that we pay KCATA for like the fixed route of State Avenue, KU, 7th Street, and whatnot, is within the \$7M. **Mr. Lindsey** said yes.

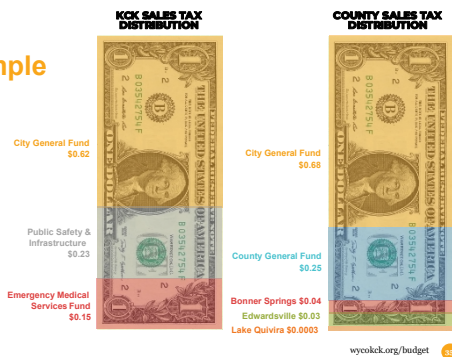
Commissioner Bynum said I'm not suggesting necessarily a sales tax for transit, but to Commissioner Ramirez's comment, I wonder if you would have any way of giving us an analysis based on an average consumer that if we did contemplate some kind of sales tax for some special purpose, let's say that we contemplate a quarter of a cent, in order that we can possibly reduce a payment somewhere else, would there be any way to analyze—I'm just an average consumer, how many quarter cents am I going to pay over a year. Is that \$100 of real money to me versus savings that I might get because you used that sales tax to reduce something on another side like property tax. I'm just curious if that's an analysis that could even be attempted because while a sales tax is regressive, if in real dollars a quarter cent sales tax is actually less money out of my pocket because you gave me a reduction somewhere else, that might be a conversation worth having.

Commissioner Davis said I'll just say on the sales tax piece, I'm for exploring the conversation because it would behoove us to explore all revenue options given the financial forecast of our community. For the city of Lawrence, during the time I was living there while I was in school, they passed a sales tax on affordable housing and on providing mental health services. This is a community that is far more progressive than us and they chose to make the investment and the argument that was made is if we invest, kind of like what you were saying Commissioner Bynum, if we invest more from a preventative standpoint on housing folks, we will save money on EMS, we will save money for firefighters, we will save money for police officers if we solve some of these issues that are poverty related. I haven't seen necessarily any studies on whether or not that has been the case, but from a morale standpoint it was less about how much it's going to be and where it's going—it's less about how much it's going to be and more about where the investment is going to go. If the investment is going to go towards our seniors, if it's going to go towards providing affordable housing, if it's going to go towards childcare, absolutely, I would love to explore that conversation.

SALES/USE TAX Revenue Example

State Law KSA 12192 defines the procedure for apportioning County sales tax revenues based on a two-part formula. County government and the cities within the County share in the distribution:

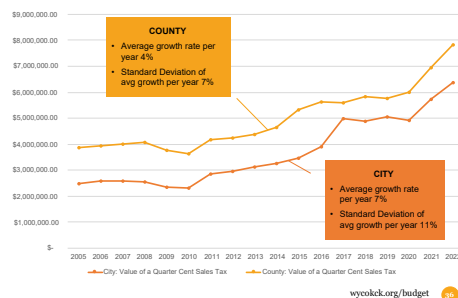
- One-half based on city's respective share of the population of the county.
- One-half based on "proportion of the total tangible property tax levies made in the preceding year."



Mr. Grimm said on this slide, if we—we're just looking at tax revenue, so on the left on the City side, Kansas City, Kansas, if we have \$1.00 in tax revenue, you can see on the left where that would go, .62 cents to the City General Fund, .23 cents to Public Safety & Infrastructure, and then .15 cents to EMS. As you recall, the County Sales Tax rate is 1%, so if we had a sale that generated \$1.00 in tax revenues—on the County side it's split up a little bit differently. The state of Kansas says that we have to split that dollar up and then that language is on the left there with the bullets that it has to be split up based on population and taxing effort, basically, your valuation, your taxes levied basically in those times as assessed value. So, when we do that we see Kansas City, Kansas gets .68 cents of that \$1.00 County Sales Tax. The County General Fund gets a .25 and that's where, if we add those up, sometimes we say the Unified Government gets .93 cents of that dollar. You can see that Bonner gets .04 cents, Edwardsville .3 cents, and Lake Quivira a very small amount.

VALUE OF A QUARTER CENT SALES TAX City & County Since 2005

- Sales tax rate changed over the years, so standardized to the value of a quarter cent sales tax
- STAR not reflected here; after 2017, STAR adds about \$8M per year for the city and \$1M per year for the county



This graph looks at the value of a quarter cent sales tax since 2005. We split out the County and the City, so we do see the county's average growth rate of 4% per year over that period and the City 7%. We do see on the City side that—that's a little more involved. What's shown here and

we see bumps on the City side. There's also a Use Tax, so it's kind of what—it's not a retail sales tax, it's what a business might have to pay for equipment. It's just a little more volatile, but this just kind of gives you the trend of County and City Sales Tax over time and the growth shown there, 4% and 7%.

KSA 12189

Increasing Sales Taxes

- Any sales tax increase would have to be approved by a majority of registered voters.
- COUNTIES may levy a local tax in one-fourth increments (0.25%, 0.50%, 0.75% and 1.0%)
 - maximum county sales tax rate is 1.0% (legislative action required for more than 1.0%; these exemptions may include certain county related public safety buildings and health care services)
 - Wyandotte Co. has no potential to increase general sales tax
- CITIES may levy a local sales tax in five-hundredth percent increments (0.05%)
 - maximum city sales tax rate is 3% (2% general and 1% special)
 - Kansas City, KS has potential to increase general rate 1.0%; specials by 0.375%

Approximately \$6.5M increase in revenue
per 0.25% sales tax rate (KCK only)



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Where are we if we want to think about increasing sales taxes here in Wyandotte County and the cities in the county. First, I'll state that any sales tax would have to be approved by a majority of registered voters. On the City side, any city in the county, the sales tax levy rate could be increased five-hundredth percent increment. The maximum on the City side is 3% and then that's split up 2% in General and then 1% for Specials, so we already have in Kansas City, Kansas a General rate of 1%, so we have that potential to increase 1%. The Specials existing or already total .625, so we have room to grow .375% to get us to that 1%.

On the County side, we're already maxed out at the 1%. There's some legislative action required for anything over 1% and it's already identified in state statute for Wyandotte County that for Public Safety type buildings, improvements, new buildings, we could increase that and then have a Special on the County side for that where health care services is already defined and we could have a Special on that one also.

We note there that for each quarter cent sales tax increase, and we're just talking Kansas City, Kansas here, that's about \$6.5M in revenues. I'll note that's historical trends. I think we're looking—considering probably in the future—we did a little research in trending, sales tax is trending down, so it might be a little less than that, but that gives us a ballpark of what a quarter cent would do if we increase the sales tax.

OTHER CONSIDERATIONS

Transient Guest Tax

- A tax imposed on hotel stays (includes vacation/short-term rental businesses)
- Tax is imposed by city or a county if no city has imposed such tax
- Transient guest city rate is currently 8% in Kansas City, KS

Across Kansas,
rates range
from 2% to 9%.

City	Rate
Bonner Springs	6.00%
Edwardsville	6.00%
Lawrence	6.00%
Olathe	6.00%
Wichita	6.00%
Lansing	7.00%
Topeka	7.00%
Kansas City	8.00%
Leawood	8.00%
Lenexa	8.00%
Merriam	8.00%
Roseland Park	8.00%
Shawnee	8.00%
Mission	9.00%
Overland Park	9.00%
Kansas City, MO	7.50%



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I have a few slides on Transient Guest Taxes. This is a Dedicated Sales Tax. It can only be used for convention, visitor type functions as defined in the state statute. The tax imposed on hotels, a short-term vacation type rentals, we already have a city rate so we cannot tack another rate on for, you know, like on the County side. It's an either/or. Our rate is currently 8% and you can see where that is on the cities. I have on the chart Bonner Springs, Edwardsville 6%, kind of the high end mission in Overland Park at 9%. At the very bottom you see Kansas City, Missouri at 7.5%.

OTHER CONSIDERATIONS

Transient Guest Tax

- In 2022, transient guest revenues were \$4.2 million, after pledged amount to special projects per development agreements.
- \$1.4M to Visit Kansas City, Kansas, per contract thru 2026 with annual CPI/inflation adjustments included.
- Increasing transient guest tax by 1% would generate approx. \$550,000 annually.



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To just give you some context, in 2022 revenues were \$4.2M and that's after we backed out some amounts that we had pledged for some development agreements and hotels. We do give the Convention & Visitor's Bureau \$1.4M. We have a contract through 2026 and that's adjusted annually for the CPI. If we do increase the Transient Guest Tax rate by 1%, that would generate about \$550K annually.

Commissioner Bynum said I've got a request for our County Administrator. Through our ordinance work on the short-term rentals we were informed that the short-term rentals pay the Transient Guest Tax and that those are collected through whatever the online portal is that they're

using to book them and then they go to Topeka and then they come here somehow. We didn't have clarity on identifying how much money that is and I feel like somebody in Topeka has to be able to drill down. Somebody in revenue has to be able to drill down and get us the answer on what dollar amount of Transient Guest Tax is being generated by short-term rentals and I would like to know just more out of curiosity, but it would also give me comfort and verification that that is actually happening.

TRANSIENT GUEST TAX
1% Increase Scenario

	2021 Actual	2022 Amended	2023 Forecast	2024 Forecast	2025 Forecast
Gross Revenue	\$41,314,113	\$52,264,200	\$53,772,014	\$54,847,455	\$55,944,404
Current Tax Rate 8%	\$3,305,129	\$4,181,136	\$4,301,761	\$4,387,796	\$4,475,552
Increased Tax Rate to 9%			\$4,839,481	\$4,936,271	\$5,034,996
Increase in Revenue			\$537,720	\$548,475	\$559,444
Total Forecast Increase			\$537,720	\$1,086,195	\$1,645,639



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Mr. Grimm said just one more slide and this kind of drives the point home on the revenues on the Transient Guest Tax from 2021, 2022 Amended and then some outyears. What 8% tax generates and then if we were to increase that 1% in the forecast years, you can see the increase in revenues, \$537K, \$548K and \$559K in that accumulative effect over the forecast period.

That's all we have for slides.

Mr. Lindsey said, Commissioner Ramirez, last week you asked about how many hotels paid into the Transient Guest Tax and there are 24 of them.

Mayor Garner asked, can you repeat that Reggie? **Mr. Lindsey** said 24 hotels pay into the Transient Guest Tax.

Commissioner Ramirez said thank you to Mr. Johnston, our Administrator, and our Budget staff and Finance for putting this very eye-opening presentation up and compiling all the data. I feel like now I finally have the hang of it and what our issue is and what we need to work on. The two big takeaways from today is one, we need to increase our assessed valuation and then two is the possibility of offsetting costs by a sales tax.

Again, I believe two or one budgets ago when we were going through this, you know, sales tax, we had a brief discussion about it and again I reiterate, if we're going to go down that route or have that discussion, we're going to have to educate, educate, educate because if we just have the conversation here, pass it and put it on the ballot, it's not going to pass. We have to go out into the community and talk to them. Have those discussions about what the sales tax is going to be used for and why we're using the sales tax. It's not going to work if we just have the conversation here, pass it, put it on the ballot, it will not pass. It's going to take time to educate and to talk to the community. It's not going to be a quick, in my opinion, it shouldn't be a quick fix. It should not be.

I'm hesitant on using the sales tax, I am hesitant, but if it's what helps us, I'm for it, but only if we do and put in the time of educating the community of what that sales tax will be used for and how and why we're using that sales tax to upset other costs and to lower something else.

Again, I just thank staff for all of this information. Mr. Johnston, thank you for this. It's very, very, very informative. I feel like now going into the budget cycle I have more knowledge and more ability to deal with the budget that we have and make the tough decisions that we need to do.

Commissioner Stites said good luck with that because I'm going to tell you right now, everybody that's out there that's complaining today on the amount of taxes that we're paying and then you're going to turn around and say, hey, let's go—we want you to vote for more taxes and pay more, we'll help you. If that's the route it goes, I am encouraged to know or I'm glad to know that it will go in front of a full vote of all the constituents because I think I know which way that would go and I know which way it would go probably if it was voted on in here and I think that's two different directions.

I don't think—again, we're not going to tax our way out of this. We've got to look deeper into—and I know it was discussed that paper plates and paper clips, or what was it, pickup trucks and paper clips aren't going to fix our problem. Well, I don't know. I know that we had a consultant come in and I have yet to see where any of that information that talked about our top to bottom evaluation of where we can cut, where we can't cut and where we look at. I am not in favor of one-half of any penny of a sales tax increase. Again, I don't think we're going to tax our way out of this and I don't think shifting this burden to our taxpayers now is the right answer.

Mayor Garner said thank you staff, thank you Administrator.

Mr. Johnston said when we started this discussion with you three weeks ago I stated that we're going to focus first on revenue. I need to know how much revenue, what approach do you want to take on creating revenue so I can then apply that how we deal with the expense side of the budget. What I heard is, this was kind of a new approach for you. You start with revenue as opposed to start with the individual department budgets, but what I heard here today was a robust discussion on tax policy. That's something that I don't—what I'm hearing you've not really had that enriched discussion. You have personal philosophies and all that, but I'm bringing it into a practical realm that I'm responsible for, working with you to generate a pot of money to be able to use to provide public services, simple as that.

We will still work on—we'll always work on the expense side, but for you to have a deeper understanding about the revenue side and be able to articulate to your citizens, to our citizens about the dynamics that we have here, it needs to be part of that. You saw where we—how taxes are affected by your individual community dynamics, assessed valuation, population, etc., etc., how tax policy is actually a reflection of community values. Some of you have said we're going to have to talk about that, but that's in essence what it is, a value statement, for your community.

It really gets down to understanding where the pool of money comes from for us to pay for the services. The next step is the part of the budget process where, okay, we're estimating a pool of money, now how are we going to apply that on the expense side. Given the interesting dynamics that we revealed where the City side is structurally imbalanced to a point where there's got to be a hard look at our operation costs, but you can also discuss options on tax policy.

That was our hope in approaching the budget this way is that you understand where the pool of money comes from and what challenges we have to provide that—those resources for us to use. I'm just greatly encouraged to hear the discussion that you had today as we kind of conclude the revenue side of these discussions in Special Sessions as we then go full bore into the other part of the budget process.

One of the things that you saw up there is how much of our General Fund is used to pay debt, 44% of our General Fund pays debt. Now, that needs to be examined because that's way too high for a viable community. I have a feeling just in reading the history is we've traded things off

to balance our budget. We have put jobs into Special Funds so it's not in the General Fund ledger. These are tricks that I learned in grad school, it's used everywhere, but eventually it comes to bite you. We really need to have a more fundamental approach to budgeting in this area because what I hear from advocates like Commissioner Bynum, there are folks that are begging for a less tax burden one way or the other, but the tradeoff is at what expense to the levels and quality of service. That's going to be the next interesting discussion we're going to have with you as I present a balanced budget for you. Like I said last time, I'll do my work with our staff to create my recommended balanced budget for you to do whatever you want with it, but it still has to be balanced at the end.

That's all I have to say. This is an exciting—budgeting doesn't have to be difficult, but you need to understand all the factors that go into it.

Commissioner Bynum said thank you Administrator. I really appreciate your comments and I think some of my questions are semi answered by your comments that the things I would like to know are coming, it sounds like I'm hearing you say. Here's where I am Mayor. At some point I want to know, and I'm sure we will know, the dollar amount that is anticipated at the current mill levy rate and the current valuation rate as in, if nothing changes, and we have increased valuations, what does that dollar amount look like because it's obviously more than last year. I'm assuming we're going to have that answer sooner rather than later.

Mayor Garner asked, Reggie, do you have that information just on what that estimate is because I know you don't have exact. I think I may have asked that question before. We're looking at a 15% increase, I believe, in taxes based on the valuations. Have you all translated that to what the expected revenues would be? **Mr. Lindsey** said we're estimating about \$1.9M right now. **Commissioner Bynum** asked, how many .9? **Mr. Lindsey** said \$1.9M. **Commissioner Bynum** said \$1.9M more—**Mr. Lindsey** said no. That's how much a mill is. **Commissioner Bynum** said oh okay. So the question I'm asking is how many total more dollars—assuming we do nothing, no mill levy rate reduction and the valuation is higher, how many more dollars is that? **Mr. Lindsey** said no and we did show that in one of the presentations that we have done in the last few weeks, but it was \$15M. I thought you were asking how much was each mill worth. **Commissioner Bynum** said 15M—**Mr. Lindsey** said \$15M. **Commissioner Bynum** said

County and City? **Mr. Lindsey** said yes. It's about \$8M each. **Commissioner Bynum** said okay, thank you, I missed it, I'm sorry.

The other stuff I need to be churning is we know that potential total higher dollar amount that we have to work with, let's say, we know, I'm assuming, what the increased costs will be based on, you know, 13 bargaining units, raises, health insurance, whatever the increases are, we kind of know what those will be. I want to return again to the PILOT relief conversation and I want to have a deep, deep dive into the budget line items and all of that to say that if we're going to have any success, we've got to have very specific concepts, all of us, for where the reductions would take place. So, I'm putting my PILOT reduction on the table which cuts into the pie. What are the other very specific expense reductions that we would make and I just don't know—I'm just hoping that's part of what's coming. That's all I'm trying to spit out. We need all that data in order to have that really hard conversation.

Mr. Johnston said we intend to do that. The approach that—I guess when I got this job and I kind of had an idea that we were going to have some budget challenges, as I got into this tenure, it's now 10 weeks, is that it's a little deeper than I think we all wanted to hear. Because I went into this in week two thinking we can get by if we just do a status quo budget with the raises that the CBA is putting in place and all that, but as we work in the budget process and saw kind of the severity with the City side is in, it's like this year's budget—if you remember that chart that said in '26 where the Reserves go away, if we do status quo budgeting, the first step is to delay that '26 and put it to '27.

Then comes a process where we're doing significant deep dives in efficiencies and processes in priorities. Maybe we can't do everything we've done in the past, but to eventually work toward eliminating that red and it needs—really having this desire to have discussion from the elected officials are going to be—this budget process isn't going to end when we pass it. It keeps going for a couple years where we're going to have deep discussions on new ways of doing things, different ways, not providing certain services because it's one thing to manage per year, but we can't afford to manage a local government like a checkbook, can I afford it today, but in three years it's going to hurt us. We need to have that landscape.

We have a longer range budget model that Michael and Reggie put together that helps us provide context that maybe we've not used before. It's got to be part of that discussion and, you

know, if I was a state regulator and we were in '26 and I saw what the '26 profile was, I say I'm putting the City side of this budget in receivership and you would lose all authority to manage the City side of the budget. I'll be damn if I'm going to be the County Administrator where that happens, but that's the reality that we have here. We don't have the ability to say we're going to borrow from the county to deal with our city problem anymore because the city budget is stable, reserves are where it should be, around 20%. It's not like it's 40% and we can borrow and make that tradeoff. No, the City side needs significant examination over the next two years because if I'm a state regulator, I'm going to say the city knew that this problem existed and you did nothing about it, you get the desserts that the state government is going to do to you because you didn't take your responsibility seriously.

We don't have this tradeoff anymore and, you know, some of this stuff is how can I— example, we said we have positions funded by Special Funds, those positions aren't in the department budget, it's in the Fund Budget. So, for me to articulate what is the cost of providing this service to our cities, if I didn't have staff telling me that you might have 25 EMS people funded by the EMS Fund, I would assumed it's in the Fire Department budget. In most places it is in the Fire Department budget and the fund is an internal transfer into the General Fund to pay that service, not pay directly out of that fund. So, it's those mysteries that have been able to creep up into our budget processes that need to be uncovered.

I said in one of my interviews one of the things that I've always had to run into in cities that I've managed, I always ultimately have eventually make order out of chaos and I think that's mystery that we're all going to undertake over the next few years. It will be fascinating because you're going to be talking about tax policy to solve expense side. You're going to say what can we do on the expense side, the processes, money savings, and priority of programs to meet what revenue we project. That is exciting. I mean that's one of the reasons why I'm in public service. You know I'm only 40 years old and I'm losing my hair and I have gray, but that's why it's exciting. It will be a good ride.

Commissioner Ramirez said something. As we go down these processes there has to be a communication and education component to explain not only to our citizens, but to the stakeholders who rely on our funding to provide services too because they're going to be in the mix. What you'll find, and when I read about communities that go through such a thing, you get at the end a stronger community and I think that's what we want. When we know we're a stronger

community, outsiders will see the confidence that we've developed over that time, investors will want to say they got their act together, this is a good place to do business. I will help create jobs to provide a higher income than what exists in the community today. Everything is interrelated when you're in government. Sometimes we get too focused on our own little area. That's what being a County Administrator/City Manager is so fascinating, I don't have that luxury. I have to take a look at the umbrella, the entire thing and see how they're interrelated and I look forward to working with you on that journey over the next two or three years.

Commissioner Johnson said all I say is this is the way to look at it. Revenue first, we've got to look at our revenues first and I'm so glad that we're finally doing that. I know the three years we lowered the mill levy on the City side by two mills, I remember saying at that time we've got to be careful that we're not cutting too close to the bone and I think we did and I think that's part of the situation we find ourselves in. I will double down on what Commissioner Bynum said. I would like to take a look at the PILOT, I would like to look at it over a 10-year cycle versus a 6-year cycle, I would like to look at taking smaller increments. I think Commissioner Markley said taking small bites at maybe at a half of one percent over the course of 10 years or until we get to the point where we're within industry standards in terms of what we charge for that. I will double down on that.

I'm going to say it like I should have before, the only way to grow the community is through economic development. The only way to do it is through economic development and somehow we've got to make sure we've get our people those jobs, those good jobs that are bringing—those companies are bringing. In order to do that, we've got to be competitive and we had a discussion I think last Thursday where we're having a potential opportunity, but they're saying they are looking at how many dollars of abatement they've been looking at over the course of years. So we have to be mindful of, if we're going to grow the community, what all goes along with that.

I want to continue to talk about a community benefits ordinance so that we can kind of offset some of those dialogues, if they want x then you need y, but we have to be community driven in terms of bringing in more businesses that can employ our people because we're upside down right now. There's a transfer of wealth that's going on and it's leaving Wyandotte County. The transfer of wealth is leaving Wyandotte County. We have it here, these good paying jobs, so we

need to make sure we get good paying jobs, we need to make sure we're bringing economic development in and we understand that this is a generational cycle. You know I'm doing this for my kids and my grandkids, that's why I have all these gray hairs, but anyway I thank you for that Mayor, but this has been a great conversation. I appreciate staff for all the work that you all have done. This has been a very appropriate, responsible dialogue.

Commissioner Davis said along with the PILOT, because I know that is going to be kind of some shifting and some moving, but there is something very, very positive and I will keep ringing the bell on this, I got an email from Commissioner Bynum this morning about it, expanding our Senior Sales Tax and our Utility Tax Rebate is going to be huge. If we go through with that and align that with the state, more of our seniors who are in need will have access to this rebate, they will have access to get financial relief. It is not all gloom and doom. There is money that is being left on the table. Our staff has been working very, very hard to ensure that seniors are getting the relief and I'm excited that even in the mix of all of this there is still great work that is being done by Commissioner Bynum that we can all endorse and ensure that relief is provided to our seniors in need.

Commissioner Bynum said, Mayor, I submitted that request today for those two ordinance revisions to come forward to us, so thanks for the reminder. **Mayor Garner** said in concept I have no objection to that moving forward and I know the Administrator is going to work on that.

Mayor Garner said thank you to staff, thank you to our Administrator. If you haven't figured out by now, I mean we should all feel really something special with David Johnston really managing this organization with our well-qualified staff here at the Unified Government taking us through this challenge that we know we can overcome. Yeah, there's red there, we all know that, but that's something that the public, and hopefully those that are watching, and the message will get out, this Commission and this staff is committed to avoiding 2026 and we've got staff and we've got an Administrator and we've got the commitment from this Commission to make sure that we have a balanced budget and that the red does not exist and we're going to do everything to get there.

I want to applaud Ashley Hand and staff that were at the Dotte Talks as we had several community members, some of them are here tonight that really shared the challenge of working

with the budget simulator on how to get to a balanced budget and it's not easy. It's not easy at all when you look about how do you define what essential services are and when you really look at that, you can almost say everything is an essential service, but hard things have happened along the way and challenges exists for this Unified Government. We should all be optimistic that we are all working together.

One thing that I told the public at a few of the meetings that I went to is that, yeah, there are a lot of challenges. We're going to identify what the priorities are, this Commission is and hard decisions will be made and, yes, there is going to be shared sacrifice because we do have challenges to overcome. I like what I'm hearing tonight and hopefully others do. I know there's some debate about the sales tax, but it is a conversation that I think needs to be had because when you're talking about bringing in revenues, all options should be put on the table so this Commission can make an informed decision on how best to proceed forward when they make their vote and that's part of that discussion because revenues are really key.

I know last year staff worked and that's something that if this Commission is interested in looking at again on—I know Commissioner Ramirez talked about, and he's right, we've got to sell that to the public, we've got to know what those projects are going to be, how we're going to benefit the community and then let the community decide if that's something of value to them.

I've heard Commissioner Stites talk about a lot of folks in the community may be against taxes. I think part of the argument I made last year was that if this Commission is going to be asked to find ways to be more efficient as a government and find those efficiencies and to lower taxes, when you talk about shared sacrifice, really when you talk about the things that were brought out last year from staff as far as the sales tax, which is Public Safety, Infrastructure, Parks & Rec, some of those priorities that were listed from the community and all four corners of Wyandotte County benefited from that, that decision is ultimately left up to the taxpayers. It's really not so much this Commission making the decision, it's really community, do you want to pay more for these things you said you want and the benefit is that people that shop here and visit here will also share in that cost as opposed to trying to find those revenues to give those services or resources or infrastructure needs and putting that on the back of hardworking property taxpayers here in Wyandotte County. That's something to think about as well.

Commissioner Johnson hit it right on the nose. We've got to expand our tax base, we've got to anchor new residents here and to do that, we've got to give people a reason to want to move

and live here and number one, we've got to have good paying jobs to raise income levels hopefully to create generational wealth and then we've got to create processes, and I know Commissioner Johnson has worked hard over the year with his task force on trying to find ways to streamline doing business here at the Unified Government because if you talk to most developers they tell you that continues to be a challenge. I know our administration and staff is looking at that along with Commissioner Johnson, but at the end of the day I can say expanding that tax base and bringing more types of amenities, good service, and resources is really what we need. So, economic development is, and I agree with Commissioner Johnson, has to be one of those top priorities moving forward.

So, yes, Commissioner Stites, our Administrator is looking at that and that is a priority for him as well and economic development and he has a plan for that. Yeah, but you looked, so I have to answer that look with a yes, give you a thumbs up.

To move that even forward, that's one good thing about our Administrator. He comes from ICMA, he has that background in finance and in economic development, so we're glad to have him, we're glad to have him at the helm, we're glad to see what staff is doing. This is a great discussion. I'm excited about the budget talks moving forward and, hopefully, that this community, those within sight and sound watching, please tell people to watch these budget meetings, to come out, be involved, talk to your commissioners, talk to me so we can kind of know what your priorities are and that would really help this Commission make the informed decisions because they are going to have to make some hard decisions over the next couple of years. But, at the end of the day, Wyandotte County is going to be okay. The essential services are going to be provided, police are still going to patrol your streets, fire is still going to show up, people are still going to answer the phones, staff is still—the good employees working here are still going to be here, but some services and some things that we can all agree on might have to be curtailed just a little bit until we can stabilize our fiscal help here at the Unified Government.

Thank you all. That's pretty much all I have to say. At this time I'll adjourn the Special Session. Do I have a motion?

Commissioner Burroughs made a motion, seconded by Commissioner Davis, to adjourn. Roll call was taken and there were nine "Ayes," Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez

MAYOR GARNER ADJOURNED
THE MEETING AT 7:00 p.m.

Brett Deichler
Unified Government Clerk

dt

June 1, 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 25, 2023

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

BM

Weekly Business Material for May 19, 2023 – May 25, 2023

1. REPORT:

Financial Report for the Self-Supporting Municipal District/Downtown Improvement District for the month of April 2023 (SSMID).

2. PERSONNEL ACTION COMMUNICATION, DATED May 23, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Alezandrea Miskec	Parks/Rec	5/11/23	Rec Specialist
Jamesha S Price	Aging	5/25/23	Program Specialist

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Corey D Hill	PW/WPC	5/11/23	Utility Maint Mech II	Utility Maint Mech III

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Ada B Yang	Procurement	5/17/23	Prof Assistant
Mildred A Edwards	Mayor's Office	5/10/23	Asst to the Mayor

Section VIII – Other Requests

Name	Department/Division	Action Requested and Explanation
David Mendoza	PW/WPC	Certification pay class II efft 4/21/23

Action: Received and filed. Copy previously forwarded to Payroll.

3. CLAIM FOR DAMAGES:

Jay Reynolds, 6309 Oak Grove Rd., alleging damage to property due to a plow truck, located at the residence on 2/11/23.

Sean Carter Bradley, 710 N 7th St., alleging bodily harm and unsanitary conditions on 4/12/23.

Sean Carter Bradley, 710 N 7th St., alleging stolen personal property on 4/28/23.

Sharon Vestal, 401 S 76th St., alleging damage due to improper drain lines on 4/17/23.

Velia P. Cadena Guerrero, 1119 Metropolitan Ave., alleging an accident causing damage to a personal vehicle involving KCKPD on 4/26/23.

Jose Perez-Garcia, 904 Elmwood Ave. KCMO, alleging personal injury due to a vehicle accident involving a KCKFD truck pumper Q3, on 6/11/2021.

Action: Received and filed. Copy previously forwarded to Legal.

4. SUMMONS:

The Unified Government of Wyandotte County/Kansas City, KS vs., M. Akbar Rafiq, Case No. 2022-CV-000758.

Action: Received and filed. Copy previously forwarded to Legal.

5. TRAVEL REQUESTS:

Christian Cooley, GeoSpatial Services, travel to San Diego, CA, July 10-14, 2023, to attend the ESRI User Conference, employee training and travel.

Jeff Fisher and Diana Jimenez, Public Works/Admin, travel to San Diego, CA, August 26-30, 2023, to attend the APWA PWX 2023, employee training and travel.

Karl A. Oakman, KCKPD, travel to New York, New York, May 17-20, 2023, to attend Police Executive Research Forum (PERF) annual meeting, employee training and travel.

Action: Approved by Administrator's Office and received and filed.

6. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:

- Premier Pyrotechnics, Inc.
- Wolfepack BBQ
- Securiguard Inc & Vendtech-SGI LLC
- Kansas City Ultimate Security, Inc.

Action: Referred to License.

7. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

- El Toro Loco Legends LLC, William W. Hutton, d/b/a El Toro Loco Mexican Bar & Grill, 1706 Village West Pkwy, Kansas City, KS 66111. (2)
- JIAJ INC, Diana Salazar, d/b/a Tapatio Mexican Grill, 151 S 18th Street, Ste A, Kansas City, KS 66102.

Action: Referred to License.

8. APPLICATIONS FOR PRIVATE SECURITY BUSINESS:

Kansas City Ultimate Security, d/b/a Kansas City Ultimate Security, 16657 E 23rd St. S., Ste 371., Independence, MO 64055.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 212434

Full Commission Meeting Date: 5/25/23

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/8/23

(If none, please explain): 5/8/23

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
06/29/2023	Patrick Waters	x5079	patrickwaters@wycokck.org	Legal

Item Description:

Adoption of a Resolution of Intent to issue industrial revenue bonds for the Margaritaville/Homefield Outdoor project, submitted by Patrick Waters, Acting Chief Legal Counsel.

Action Requested:

Adopt the resolution

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent - Margaritaville + HFO (UG) (5)

RESOLUTION NO. R-____-23

RESOLUTION DETERMINING THE INTENT OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$135,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING COMMERCIAL FACILITIES AND MULTI-USE RECREATIONAL FACILITIES FOR THE BENEFIT OF HFMGV KCK, LLC, AND ITS SUCCESSORS AND ASSIGNS (MARGARITAVILLE AND HF OUTDOOR)

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, HFMGV KCK, LLC, a Kansas limited liability company (together with successors or assigns, the “Company”), has submitted to the Unified Government an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Unified Government finance the cost of acquiring, constructing, improving and equipping an approximately 229-room Margaritaville-themed hotel and an outdoor multi-use recreational venue and all related improvements, more fully described in the Application and referred to as the “Themed Hotel” and “Homefield Outdoor,” respectively, in the Development Agreement (defined herein), located approximately to the northwest of State Avenue and N. 94th Street in Kansas City, Kansas (collectively, the “Project”) through the issuance of its revenue bonds in the principal amount not to exceed \$135,000,000 (collectively, the “Bonds”), and to lease the Project to the Company or its successors and assigns in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of Bonds in the principal amount not to exceed \$135,000,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company or its successors and assigns.

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

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government, and the issuance of the Unified Government’s revenue bonds to pay such costs will be in furtherance of the public purposes set forth in the Act.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct, improve and equip the Project out of the proceeds of the Bonds in the principal amount of not to exceed \$135,000,000 to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the Unified Government hereby expresses its intent to (i) issue its Bonds in one or more series to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the Unified Government; (ii) provide for the lease (with an option to purchase) of each Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of each series of Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of each series of Bonds and the execution and delivery of any documents related to each series of Bonds are subject to (i) obtaining any necessary governmental approvals, including passage and publication of an ordinance authorizing each series of Bonds; (ii) agreement by the Unified Government, the Company and the purchaser of each series of Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policies relating to the issuance of revenue bonds and ad valorem tax abatement; and (iv) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 5. Sale of the Bonds. The sale of each series of Bonds shall be the responsibility of the Company; provided, however, arrangements for the sale of each series of Bonds shall be acceptable to the Unified Government.

Section 6. Limited Obligations of the Unified Government. Each series of Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate to the Trustee and in favor of the owners of each series of Bonds, as provided in the respective Indenture. Each series of Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the respective Indenture. The issuance of each series of Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Ad Valorem Tax Abatement. Subject to the conditions in **Section 4** and the Development Agreement, in consideration of the Company's decision to acquire, construct and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Unified Government under Kansas law) for all property (including real property and building improvements) financed with the proceeds of each series of Bonds.

In consideration of the City's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax for the Project as set forth below, subject to adjustment in accordance with the Development Agreement:

⁽¹⁾ Year	⁽²⁾ PILOT
1	\$801,500
2	809,515
3	817,610
4	825,786
5	834,044
6	842,385
7	850,808
8	859,316
9	867,910
10	876,589

⁽¹⁾ PILOTs will commence the calendar year after the Bonds are issued to finance the Project and will continue for up to 10 years thereafter, subject to the terms of the Development Agreement.

⁽²⁾ Excludes the school district capital outlay mills, as provided by Kansas law.

The Project financed with the proceeds of the Bonds shall be entitled to a maximum 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year such Bonds are issued by the Unified Government.

Section 8. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of any series of Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE UNIFIED GOVERNMENT CONTAINED UNDER THE CAPTIONS "THE UNIFIED GOVERNMENT" AND "LITIGATION -- THE UNIFIED GOVERNMENT" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE UNIFIED GOVERNMENT, AND THE UNIFIED GOVERNMENT MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 9. Termination. This Resolution shall terminate upon the earlier of (a) five years after the 2022 Effective Date as defined in the Development Agreement (which is also the last date on which Bonds may be issued pursuant to this Resolution), or (b) any date when the Company's (or its affiliate's) rights hereunder are earlier terminated pursuant to that certain Assignment, Assumption and Second Amended and Restated Development Agreement, as may be amended and supplemented, between the Unified Government and HFS KCK, LLC, a Kansas limited liability company (the "Development Agreement").

Section 10. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for a series of Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 11. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the request of the Company, assign all or a

portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 12. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of each series of Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 13. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

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**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 29TH DAY OF JUNE, 2023.**

By: _____
Mayor/CEO

[SEAL]

ATTEST:

By _____
Unified Government Clerk

Approved as to Form:

By: _____
Office of Chief Counsel



Staff Request for Commission Action

Tracking No. 212434

Full Commission Meeting Date: 5/25/23

Committee: Economic Development & Finance

Date of Standing Committee Action: 5/8/23

(If none, please explain): 5/8/23

Publication Required: No

<u>Date:</u> 06/29/2023	<u>Contact Name:</u> Patrick Waters	<u>Contact Phone:</u> x5079	<u>Contact Email:</u> patrickwaters@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Adoption of a Resolution of Intent to issue industrial revenue bonds for the Homefield Baseball Amendment, submitted by Patrick Waters, Acting Chief Legal Counsel.				
<u>Action Requested:</u> Adopt the resolution				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> Resolution of Intent - Amended - HF Baseball (UG)				

RESOLUTION NO. R-__-23

**RESOLUTION AMENDING RESOLUTION NO. R-22-22 PREVIOUSLY
ADOPTED BY THE GOVERNING BODY OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS, DETERMINING ITS
INTENT TO ISSUE INDUSTRIAL REVENUE BONDS TO FINANCE THE COSTS
OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MULTI-
SPORT ATHLETIC COMPLEX FOR THE BENEFIT OF HFBB KCK, LLC, AND
ITS SUCCESSORS AND ASSIGNS (HOMEFIELD BASEBALL)**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the Unified Government adopted Resolution No. R-22-22 on April 7, 2022 (the “Original Resolution of Intent”) determining the intent of the governing body to issue its industrial revenue bonds (the “Bonds”) in the aggregate amount not to exceed \$45,000,000 to finance the costs of acquiring, constructing, improving and equipping a multi-sport athletic complex, including baseball and other outdoor facilities, and all related improvements more fully described in the Application and referred to as “Homefield Baseball” in the Development Agreement (as defined in the Original Resolution of Intent), to be located north of State Avenue in the vicinity of N. 90th Street (the “Project”) for the benefit of HFBB KCK, LLC, a Kansas limited liability company (the “Company”); and

WHEREAS, the governing body, at the request of the Company, desires to amend the Original Resolution of Intent to adjust the payment in lieu of tax schedule set forth therein.

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

Section 1. Findings. The governing body of the Unified Government hereby finds that all procedural items prescribed by the Act with regard to this Resolution have been undertaken, including the public hearing held on this date (and publication and provision of notice thereof) and preparation of a cost-benefit analysis.

Section 2. Amendment. Section 7 of the Original Resolution of Intent is hereby amended to read as follows:

Section 7. Ad Valorem Tax Abatement. Subject to the conditions in **Section 4** and the Development Agreement, in consideration of the Company’s decision to acquire, construct and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Unified Government under Kansas law) for all property (including real property and building improvements) financed with the proceeds of each series of Bonds.

In consideration of the City's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax for the Project as set forth below, subject to adjustment in accordance with the Development Agreement:

⁽¹⁾ Year	⁽²⁾ PILOT
1	\$85,362
2	86,216
3	87,078
4	87,949
5	88,828
6	89,717
7	90,614
8	91,520
9	92,435
10	93,360

⁽¹⁾ PILOTs will commence the calendar year after the Bonds are issued to finance the Project and will continue for up to 10 years thereafter; provided, such potential 10-year term shall begin on the calendar year following the first date of issuance of a series of industrial revenue bonds for either the Project or the Homefield Building (as defined and as further set forth in the Development Agreement).

⁽²⁾ Excludes the school district capital outlay mills, as provided by Kansas law.

The Project financed with the proceeds of the Bonds shall be entitled to a maximum 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year such Bonds are issued by the Unified Government.

Section 3. Effectiveness of Original Resolution of Intent. Except as amended herein, all other provisions of the Original Resolution of Intent are hereby ratified and shall remain in full force and effect.

Section 4. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 5. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

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**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON JUNE 29, 2023.**

By: _____
Mayor/CEO of the Unified
Government of Wyandotte County/
Kansas City, Kansas

[SEAL]

ATTEST:

By: _____
Unified Government Clerk

Approved as to form:

By: _____
Office of Chief Counsel

Resolution of Intent – Amended
Homefield Baseball



Staff Request for Commission Action

Tracking No. 212518

Full Commission Meeting Date: June 29, 2023

Committee: Public Works & Safety

Date of Standing Committee Action: June 26, 2023

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
06/23/2023	Jeff Fisher	x5415	jfisher@wycokck.org	Public Works

Item Description:

The current wholesale wastewater rate interlocal agreement has expired with the City of Edwardsville. Public Works staff and Black & Veatch completed a rate study. Public Works staff will present a new and updated 5-year agreement with wholesale rates that align with Kansas City, Kansas ratepayers. The agreement was approved unanimously at the City of Edwardsville council meeting on June 12, 2023, submitted by Jeff Fisher, Executive Director of Public Works.

Action Requested:

Fast-tracked to Full Commission meeting on June 29, 2023.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Wholesale Sewer Agreement (06 12 2023)

COUNTY OF WYANDOTTE §

THIS AMENDED AGREEMENT made this 1st day of July 2023, between the Unified Government of Wyandotte County & Kansas City, Kansas, a municipal corporation, acting herein by and through its County Administrator, hereinafter referred to as “UG;” and the City of Edwardsville, Kansas, a municipal corporation, acting herein by and through its City Manager, hereinafter referred to as “Edwardsville” and

WHEREAS, Edwardsville owns and operates a waste water collection system, and

WHEREAS, the public health, welfare, and safety of the residents of UG and Edwardsville require the development of adequate systems of sewage collection and disposal, the elimination of water pollution, and the preservation of the water resources of the area; and

WHEREAS, UG and Edwardsville have an interest in maintaining and restoring the chemical, physical, and biological integrity of waters and water resources, especially those being used by UG and Edwardsville, and ensuring the reduction of pollution in said waters and water resources, and planning the use, development, restoration, preservation and enhancement of said waters and water

resources; and

WHEREAS, Edwardsville desires to contract for wastewater treatment service on behalf of Customers of Edwardsville, and UG desires to provide wastewater treatment service on a wholesale basis to Edwardsville; and

WHEREAS, K.S.A. 12-2908 authorizes Edwardsville and the UG to contract with each other perform the governmental services outlined herein, and

NOW, THEREFORE, UG and Edwardsville, in consideration of the terms, covenants, and conditions herein contained, hereby AGREE as follows:

CONTRACT

Adoption of Preamble. All matters stated in the preamble of this Contract are true and correct and are hereby incorporated into the body of this Contract as though fully set forth in their entirety herein.

1.0 Definitions When used in this Contract, these terms shall be defined as follows:

1.01 **Act or “the Act”**. The Federal Water Pollution Control Act, also known as the Clean Water Act (“CWA”), as amended (33 U.S.C. 1251, et seq.).

1.02 **Biochemical Oxygen Demand (BOD)**. The quantity of oxygen utilized in the biochemical oxidation of organic matter specified by procedure in Standard Methods, and results expressed in terms of weight and concentration [milligrams per liter (mg/l)].

1.03 **Calibration**. Verification of meter accuracy utilizing standard primary device procedures and calibration signals and/or a separate flow measurement instrument.

1.04 **Capital Improvements**. Any of the following facilities which provide utility services and benefits common to all wholesale and retail Customers, and that have a life expectancy of one or

more years located within the jurisdictional limits of UG or the City of Edwardsville: wastewater treatment facilities, metering and sampling facilities, control systems and appurtenances, all major collectors and interceptors, lift stations and force mains associated therewith.

1.05 **Categorical Industrial User (CIU)**. An industrial user that is subject to Categorical Pretreatment Standards according to 40 CFR Section 403.6 and 40 CFR Chapter I, subchapter N, which are technology-based standards developed by EPA setting industry-specific effluent limits.

1.06 **Control Authority**. The UG's water pollution control division, KDHE, or the EPA, depending on the level of oversight or jurisdiction for a facility or location.

1.07 **Edwardsville**. Depending on the context, may refer to the City of Edwardsville or to Edwardsville's Customer or other Customers of Edwardsville being provided service pursuant to this Contract.

1.08 **Edwardsville System**. The facilities of Edwardsville used for pretreatment, collection, and transportation of Wastewater to the Points of Entry into UG's system.

1.09 **Delivery Facilities**. All facilities necessary for the transmission of wastewater from the City of Edwardsville System to the UG System that are on the City of Edwardsville's side of the Point of Entry that are constructed specifically to allow UG to serve Edwardsville.

1.10 **Director**. The UG's Director of Water Pollution Control or the designee.

1.11 **Direct Cost**. Costs directly assignable to the wholesale customer.

1.12 **Domestic Accounts**. Single family and residential duplex dwellings served by one water meter. This definition is used only in the context of determining billing on a per-connection basis.

1.13 **UG Expense**. Expenses incurred by UG related to wholesale wastewater service, such expenses to be allocated as a System Cost in future cost-of-service studies.

1.14 **UG System.** UG’s wastewater collection and treatment system, including the Point of Entry provided for herein.

1.15 **Edwardsville System.** Edwardsville wastewater collection system, including the Point of Entry provide for herein.

1.16 **Edwardsville Representative.** City Manager of the City of Edwardsville or designee.

1.17 **Facility Expansion.** The expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new Capital Improvement, in order that the existing facility may serve new or expanded development. The term does not include the repair, maintenance, modernization, or an expansion of an existing facility to better serve existing development.

1.18 **General Benefit Capital Facilities.** Wastewater facilities that provide utility services and benefits common to both UG retail and UG wholesale Customers, including wastewater treatment facilities, metering and sampling facilities, control systems and appurtenances, and collectors and interceptors.

1.19 **Indirect Discharge.** The discharge or the introduction of industrial wastes from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the UG System (including holding tank waste discharged into the system).

1.20 **Industrial User.** A source of Indirect Discharge, which does not constitute a “discharge of pollutants” under regulations, issued pursuant to Section 402, of the Act (33 U.S.C. 1342).

1.21 **Industrial Wastes.** All water-borne solids, liquids or gaseous substances resulting from industrial, manufacturing or food processing operations, or from the development of a natural resource, or any mixture of these with water or domestic sewage.

1.22 **Infiltration.** Water that has migrated from the ground into the wastewater system.

1.23 **Inflow**. Water, other than wastewater that enters a sewerage system (including sewer service connections) from sources such as, but not limited to, roof drains, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary catch basins, cooling towers, storm waters, surface runoff, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration water.

1.24 **Kansas Department of Health & Environment (KDHE)**. The State agency specifically responsible for the regulation of municipal wastewater systems in the State of Kansas.

1.25 **Liquid Waste**. The water-borne solids, liquids, and gaseous substances derived from certain sources including, but not limited to, a grease trap, septic tank, chemical toilet waste and sand trap waste.

1.26 **Metering and Sampling Facility**. The meter, meter vault, and all metering and telemetry equipment required to measure and/or sample wastewater flows of the City of Edwardsville at Point of Entry(s) or into UG's System.

1.27 **Non-domestic Account**. Commercial, industrial, multifamily or other accounts that are not considered Domestic Accounts. This definition is used only in the context of determining billing on a per-connection basis.

1.28 **Non-Metered Area**. Areas within the City of Edwardsville's boundaries that generate wastewater that do not drain into a part of the City of Edwardsville system for which wastewater flow is measured by an approved metering and sampling facility.

1.29 **Non-Categorical Industrial User (IU)**. Any non-domestic Industrial User, other than a CIU, which introduces Wastewater into a Publicly Owned Treatment Works (POTW).

1.30 **Point of Entry (POE)**. The metering facility; the point of connection to the UG System.

1.31 **Pretreatment**. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or

in lieu of discharging or otherwise introducing such pollutants into a POTW. Physical, chemical or biological processes can obtain the reduction or alteration, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

1.32 **Pretreatment Requirements.** Pollutant concentration discharge limitation and reporting requirements will be applied by the most restrictive standard stipulated in either UG's Code and any amendments thereto, or Edwardsville's Code of Ordinance, or Federal Pretreatment Standards promulgated by the U.S. Environmental Protection Agency.

1.33 **Significant Industrial User (SIU).** Any industry, which discharges industrial wastes, directly or indirectly into the City of Edwardsville's System and/or UG's System:

Significant industrial user means:

- (1) All categorical industrial users.
- (2) Any noncategorical industrial user that:
 - a. Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excluding sanitary, noncontact cooling and/or boiler blowdown wastewaters);
 - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant receiving the wastewater; or
 - c. The control authority or approval authority has determined a reasonable potential to adversely affect the POTW treatment plant by inhibition, pass through or pollutants, sludge contamination, or endangerment of POTW workers.

The control authority may decide to remove any noncategorical industrial user from the list of significant industrial users if the industrial facility has no reasonable potential to violate any pretreatment standards (general and specific prohibitions or local limits).

1.34 **Standard Methods.** Those testing or analysis procedures as prescribed in the current edition of "Standard Methods for Examination of Water and Wastewater," published by the American Public Health Association and/or the U.S. Environmental Protection Agency "Manual of Methodologies for the Examination of Water and Wastewater," or will otherwise comply with

procedures specified in state and federal discharge permits held by UG.

1.35 **System Costs.** Operating expenses and capital related costs incurred by UG in the provision of wastewater collection and treatment service to the wholesale class of wastewater customers. Such costs are to be specifically identified by UG as a component of the annual cost of providing wholesale wastewater treatment service.

1.36 **Total Suspended Solids (TSS).** Solids, measured in mg/l, that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.

1.37 **Wastewater.** All liquid or water-carried waste products from whatever source derived, whether treated or untreated, which are discharged into or permitted to enter into the UG System. The words “wastewater” and “sewage” are interchangeable.

2.0 Connection to the UG System

2.1 UG hereby grants to Edwardsville, upon compliance with the terms and conditions contained herein, permission to connect Edwardsville System to the UG System. The City of Edwardsville shall deliver and discharge wastewater into the UG System; and, UG shall transport, treat, and dispose of the wastewater received from the City of Edwardsville, in accordance with this Contract, unless the Parties otherwise agree in writing. The City of Edwardsville shall provide all lines, metering station(s), lift stations, and associated facilities and shall acquire all property, interests, licenses, and permits that are necessary to collect and transport Wastewater from the City of Edwardsville to the UG System.

2.2 This agreement is solely between the UG and Edwardsville. Without prior approval by the UG, Edwardsville shall not contract with a third party or permit a third party to connect to the UG System, either directly or indirectly. Without prior approval by the UG, Edwardsville shall not allow a third party to connect to its system if such a connection would result in the third party's wastewater discharging into the UG System.

2.3 It shall be the sole responsibility of the City of Edwardsville to convey and deliver the Wastewater to the Point or Points of Entry approved by UG and designated in Exhibit A. UG agrees to accept up to 2.1 million gallons per day of Wastewater from Edwardsville at the Point(s) of Entry as designated on Exhibit A, attached hereto and incorporated herein, and at such additional Points of Entry as may later be mutually agreed upon by the Director for UG and the Edwardsville Representative. A Point of Entry may be changed, or additional Points of Entry added upon mutual agreement, signed by an authorized representative of each Party. Both parties agree to negotiate equitable distribution of direct costs if moving or modifying the Point(s) of Entry occurs.

2.4 The Wastewater delivered to the Point or Points of Entry must be of a minimum quality so as to meet the requirements set in Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas as approved by UG and designated in Exhibit A.

2.5 The cost of all Delivery Facilities necessary to convey Wastewater to the designated Points of Entry, whether shown on Exhibit A, or mutually agreed upon at a later date, together with the cost of connection of the City of Edwardsville System to the UG System shall be borne by the City of Edwardsville.

2.6 Edwardsville shall be responsible for the design, contracting, construction and financing of Delivery Facilities and acquisition of any necessary rights-of-way and easements for such facilities subject to UG approval. All designs, materials and specifications shall conform to KDHE requirements as a minimum standard. Plans and specifications for Delivery Facilities, which connect to the UG System, shall be submitted to the Director for review. All plans and specification that are not reviewed and returned to Edwardsville within sixty (60) days shall be deemed approved. Edwardsville shall address any comments submitted by the Director to the City. Edwardsville agrees that UG has the right to make periodic inspections during the construction phase of the Delivery Facilities.

2.7 To facilitate adequate five-year planning for the transportation and treatment of wastewater, UG will require that the following approval process be utilized when large volume contributors are anticipated to be added to the system. UG will require that a five-year planning document revised annually that details projected increases in wastewater flow to the UG System be submitted to the

Director for incorporation into the UG planning document. The City of Edwardsville's planning document will be submitted annually by November 1. Edwardsville agrees not to provide service to, or contract or subcontract with, any new single retail or commercial customer whose need for Wastewater service would result in non-compliance with KDHE or EPA regulations regarding plant capacity or effluent quality.

3.0 Maintenance of UG and Edwardsville Wastewater Systems

3.1 Edwardsville agrees to maintain its wastewater system(s) in good condition and to make repairs in a timely manner and to require its customers to maintain and repair their respective systems. UG shall have the right to refuse to accept Wastewater for treatment if Edwardsville's System(s) is not being maintained to those generally accepted standards set forth in KDHE rules and regulations. UG shall not have any responsibility or liability now or ever for the operation of the City of Edwardsville's System(s), except as agreed to in writing by the parties hereto.

3.2 UG agrees to maintain its system in good condition and to make repairs in a timely manner. Edwardsville shall not have any responsibility or liability now or ever for the operation of the UG System, except as specifically provided herein, or under separate written modification or Agreement.

4.0 Metering and Sampling

4.1 The UG shall have the right to obtain wastewater samples at designated sampling points mutually agreed to by the parties. The purpose of the samples is to determine the quality of the wastewater at each sampling point to ensure the wastewater is typical municipal sewer flow. If samples are conducted by the UG, it shall collect twenty-four (24) hour flow-weighted composite samples for five (5) consecutive days. Typically, samples will include BOD, TSS, and temperature. In case of a malfunction of the sampling equipment for whatever reason for one or more days, additional days shall be added to obtain five (5) samples. The five (5) samples will be averaged to determine the wastewater strength. The wastewater will be considered typical municipal flow if it complies with the requirements set in Chapter 30 of the Code of the Unified Government of Wyandotte County/ Kansas City, Kansas. UG may sample at any time. If, at the request of

Edwardsville or at the request of the Director, more extensive monitoring is desired, such additional monitoring shall be paid for by the party making the request. If Edwardsville requests such additional monitoring, UG shall invoice Edwardsville for the operational and administrative costs and payment shall be made within (30) thirty days after receipt of invoice. Edwardsville shall receive copies of all sampling reports.

UG shall analyze the samples collected in accordance with Standard Methods. Edwardsville may be present during the initial set-up of sampling equipment and at the time of pick up for each twenty-four (24) hour composite sample. UG agrees, if requested, to split said wastewater samples with Edwardsville for independent analyses.

If, in the opinion of the Director, compliance monitoring is required, the Director may order that additional monitoring be performed with or without prior notice to Edwardsville. Said compliance monitoring is to be in addition to the periodic sampling set forth in Section 4.1. All information obtained because of such compliance monitoring shall be provided to the City of Edwardsville. UG will provide notice of the results of such compliance monitoring to Edwardsville within a reasonable time thereafter. UG shall pay all costs for additional monitoring ordered at the Director's discretion, pursuant to this paragraph.

4.2 All flow discharged into the UG System by Edwardsville shall be metered, unless specifically agreed to by both parties in writing. Should both parties agree in writing that metering is not possible, the agreed upon method for determining the volume shall include an adjustment for infiltration and inflow.

4.3 If, in the judgment of the Parties, the sewage generated within one or more areas of Edwardsville cannot be accurately measured by an approved type of metering station, then the charge for sanitary sewer service within that drainage area will be made on a per-connection basis as agreed to by the parties in writing.

4.4 Edwardsville agrees that UG shall have the right to sample wastewater at all Points of Entry and at such other locations as may be mutually agreed to in writing by both parties, for the purpose of determining the volume and quality of wastewater entering the UG System.

5.0 Rights-of-Way

The Parties shall grant, without charge, such easements and the use of rights-of-way along public highways or other property owned by the Parties, as requested by one Party to the other Party for the sole purpose of constructing or maintaining mains or facilities within the boundaries of either Party to convey Wastewater delivered to the Points of Entry. The Parties hereto will be required to restore the other's property to a condition equal to its original condition, unless otherwise mutually agreed in writing. UG and Edwardsville agree to coordinate their location of the mains and/or facilities in the other's easements and rights-of-way in order to prevent future conflicts insofar as reasonably practicable.

6.0 Flow Rates and Charges

6.1 The UG agrees that Edwardsville has been allocated the following flow rates:

Maximum Average Daily Flow	-	2.1 MGD
Peak (wet-weather) Flow	-	6.3 MGD

The rates provided in the Rate Schedule will apply to all flows at or below these rates. Flows that exceed these rates will be billed at 125% of the Rate Schedule Volume Charge.

6.2 Wholesale wastewater rates (wholesale class) will be based upon generally accepted cost-of-service rate methodologies. The cost-of-service for the wholesale class shall include reasonable and necessary operation and maintenance expenses, depreciation expenses, administrative expenses, and a fair and reasonable return on its investment in its system receiving wholesale wastewater from Edwardsville. The UG will conduct, at its sole expense, a cost-of-service or rate study at 3-to-5-year intervals. Edwardsville shall be notified in advance of such study and engaged in its development. Edwardsville shall provide such information as necessary to assist in the development of the study. UG internal rate reviews will be conducted annually, generally based upon consultant rate study methodology, to review rates and charges, and to adequately fund budgeted costs. The Parties shall have access to all data used to calculate the proposed rate to be charged, and the City of Edwardsville will be provided at least 60 days advance notice with

opportunity to review and comment on any proposed rate changes altering the rate schedule. Commencing the month after the effective date of this agreement, the rates in the Rate Schedule will apply.

6.3 Rate Schedule:

Volume Charge

July 1, 2023	\$ 2.230 per 1,000 gallons
July 2, 2024	\$ 2.319 per 1,000 gallons
July 1, 2025	\$ 2.411 per 1,000 gallons
July 1, 2026	\$ 2.508 per 1,000 gallons
July 1, 2027	\$ 2.608 per 1,000 gallons

Facility Charges

July 1, 2023	\$ 13,600.00/monthly
July 1, 2024	\$ 15,170.00/monthly
July 1, 2025	\$ 15,777.00/monthly
July 1, 2026	\$ 16,408.00/monthly
July 1, 2027	\$ 17,064.00/monthly

6.4 Amendment of Rate

The rate charged the City of Edwardsville shall increase or decrease in accordance with any amendment to the Rate Schedule contained herein. Both parties agree to the importance of conducting a cost-of-service study as described in 6.2 above. Generally, such cost-of service study confirms the rates the UG applies to all billing classes including Edwardsville and also assists in identifying target (annual) rate increases until the next planned study is completed. The UG will provide at least 60 day written notice to Edwardsville if the UG request an annual rate increase that will vary from the rates in 6.3 above.

6.5 UG shall render bills for Wastewater treatment and disposal service to Edwardsville monthly. All such bills shall be due and payable by Edwardsville not more than thirty (30) days

from the billing date. The bills will show current charges, as well as past-due charges. Current charges shall be the amount due for Wastewater treatment and disposal service provided since the prior billing period. Past-due charges shall be the total amount unpaid from all prior billings as of the current billing date. Payments received shall first be applied to the past due charges, if any, and thereafter to the current charges. For late payments, a finance charge of eight percent (8%) per annum may be calculated from the date when the payment was due until paid.

6.6 If Edwardsville disputes a bill and is unable to resolve the difference informally, Edwardsville shall notify the Director in writing. Dispute of a bill is not grounds for nonpayment. If Edwardsville at any time disputes the amount to be paid to UG, Edwardsville should nonetheless promptly make such payment; but, if it is subsequently determined by agreement or court decision that such disputed payment should have been less, or more, UG shall promptly correct the charges. All such amounts due and owing to UG by Edwardsville, or due and owing to Edwardsville by UG, shall be paid plus eight (8%) percent per annum from the date when due until paid.

6.7 The parties agree that services obtained pursuant to this Contract are essential and necessary to the operation of Edwardsville's wastewater facilities, and that all payments made by Edwardsville shall constitute reasonable and necessary operating expenses of wastewater systems within the meaning of Kansas Annotated Statutes, with the effect that the obligation to make such payments shall have priority over any obligation to make any payments from such revenue, with respect to all bonds or other debt obligations heretofore or hereafter issued by Edwardsville.

6.8 Edwardsville agrees, throughout the term of this Contract, to fix and collect such rates and charges for wastewater service in its system as will produce revenues in an amount equal to at least:

- (I) All of the operation and maintenance expenses of such system, including specifically, its payments under this Contract.
- (II) All other amounts as required by law and the provisions of the ordinances or resolutions authorizing its revenue bonds or other obligations now or hereafter outstanding, including the amounts required to pay all principal of, and interest on such bonds and other obligations.

7.0 Edwardsville Concerns and Disputes

7.1 Edwardsville shall notify the Director regarding any concern or dispute related to the wholesale Customer volumes billed and/or wholesale rates charged. UG shall provide explanations and/or documentation which outline the processes used by UG in order for Edwardsville to fully understand how the monthly volumes and billings were determined and/or wholesale rates were calculated.

7.2 If Edwardsville disputes the monthly billing and/or rates, Edwardsville must continue to make prompt monthly payments as required by this Contract. If, after a thorough review, the UG determines that Edwardsville's concern or dispute has merit and justification, the area of concern or dispute shall be promptly adjusted and corrected. Unless otherwise specified in this Contract, the determination or settlement in areas of dispute, will generally be judged in accordance with standard practices

8.0 Industrial Connection and Monitoring

8.1 Edwardsville agrees that it will not permit any Significant Industrial User within its jurisdiction to connect or remain connected directly or indirectly, to its system, without an approved UG issued wastewater discharge permit issued pursuant to UG Code.

8.2 Edwardsville agrees that the UG may conduct any monitoring, sampling and inspection of Edwardsville System and Industrial Users as necessary to ensure that industrial waste introduced into the City of Edwardsville System meets the quality standards set out in Section 10.2 hereof. Upon request to Edwardsville, a representative of UG will be permitted to observe Edwardsville's collection of samples from Industrial Users, and Edwardsville agrees to furnish UG separate duplicate samples for independent testing; and, upon request, to provide the Director sample analysis results and Pretreatment records.

8.3 Edwardsville agrees to disconnect from its system any Industrial User found to be in

violation of allowable discharges or who refuses access to its facilities for the purpose of sampling wastewater being discharged into the City of Edwardsville System; after such notice and appeal process afforded such Industrial Users.

8.4 Following reasonable notice to the City of Edwardsville by UG, UG may enter Edwardsville's jurisdiction if UG determines that questionable discharges or prohibited discharges are entering the UG System through the Point of Entry. Edwardsville agrees to assist UG and to coordinate with its customers in locating and eliminating such prohibited discharges within the Edwardsville System.

8.5 The Director shall send written notice to the City of Edwardsville if it is determined that a Customer is failing to provide a satisfactory Pretreatment program, or a discharge by the City of Edwardsville is in violation of this Contract. The notice shall contain the following:

- (a) the nature and description of the violation;
- (b) the provision of this Contract being violated;
- (c) the corrective action that must be taken; and
- (d) the time in which the corrective action must be taken.

UG and Edwardsville shall cooperate to determine the source of any wastewater discharge violation and agree to cooperate in remedying the violation; but, Edwardsville shall be responsible for insuring that the violation is properly and timely corrected. Edwardsville's failure to take reasonable efforts to have the violation corrected in the time specified shall be a breach of this Contract for which UG may terminate service to the particular Customer wherein the offending violation is taking place.

9.0 Wastewater Quality

9.1 Edwardsville agrees that it shall enact operating policies and enforce an ordinance governing industrial waste that is at least as stringent as requirements specified by the KDHE.

9.2 The parties recognize that federal and state laws and regulations concerning Wastewater

treatment and discharges may periodically change during the term of this Contract, requiring revisions in this contract. It is the intent of this Contract that it be reviewed periodically and revised in accordance with the latest laws and regulations of federal and state agencies having jurisdiction over wastewater treatment and discharges. Edwardsville agrees, upon reasonable notice, to enact and enforce ordinances, or any future ordinances relating to industrial discharges, prohibited or controlled wastes, or pretreatment requirements that is required in accordance with the latest laws and regulations.

9.3 Edwardsville shall require all Significant Industrial Users within its jurisdiction that ultimately discharge into the UG System to apply for and obtain a permit from the Unified Government allowing such discharge. Such permit shall require Industrial Users to abate prohibited substances from their discharge as a condition to discharging wastewater into the Edwardsville System. The permit application shall contain, as a minimum, the following:

1. Name and address of discharger
2. Agent for discharger
3. Type of industry
4. Products produced or services rendered
5. Chemicals being stored and/or used
6. Anticipated daily wastewater flow rates

Edwardsville shall provide UG a copy of such application and permit, if issued, within fourteen (14) days after issuance.

10.0 Title to and Liability for Damages and Responsibility for Treatment and Disposal of Wastewater

Liability for damages arising from the transportation, delivery, reception, treatment, and/or disposal of all wastewater discharged into the UG System hereunder shall remain with Edwardsville to the Point of Entry, and upon passing through Point of Entry, title to such wastewater and liability for such damages shall pass to UG. UG has the responsibility for the proper reception, transportation, treatment and disposal of all wastewater discharged into the UG System, but not for prohibited

discharges by any party at any Point of Entry. UG may, after treatment of such wastewater, reclaim, use or sell the water, sludge or any other product for reuse. Both parties hereby agree that neither party will have any obligation to indemnify any other party for acts for which the party would otherwise be immune pursuant to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6104, *et seq.*), and amendments thereto, nor will the indemnity obligations set forth herein act as a waiver of either party's protections under such provisions, and further that any liability of both parties will be subject to the liability limitations set forth in K.S.A. 75-6105, and amendments thereto. Additionally, and notwithstanding anything set forth herein to the contrary, the parties specifically agree that the terms of this section and the terms of this Agreement, will be subject to and limited by the Kansas Cash Basis Law (K.S.A. 10-1100 *et seq.*) and the budget law (K.S.A. 75-2935 *et seq.*), and amendments thereto.

11.0 Infiltration and Inflow

Edwardsville agrees that it has an obligation to prevent to the maximum extent practicable infiltration and inflow into its system and then into the UG System. Edwardsville further agrees that all sewer connections within its jurisdiction, which ultimately enter the UG System, will be constructed in accordance with applicable specifications and standards required by the KDHE. Further, Edwardsville covenants and agrees to maintain strict supervision and maintenance of its system to reasonably prevent connections through which surface drainage can enter the UG System. Edwardsville shall not make, nor shall it permit to be made, any connection, which will contribute storm water runoff from rainwater, spouts, drainage areas, streets, gutter drain or other source of rainwater into Edwardsville's System.

12.0 Assistance

12.1 In the event Edwardsville requests assistance with the Edwardsville System, UG may, at its option, assist Edwardsville. Edwardsville agrees to pay UG its actual costs incurred, including, but not limited to, administration, labor and material expended, as documented by UG. Nothing herein shall be construed to require UG to assist Edwardsville. Such costs will be invoiced to Edwardsville and payment made within thirty (30) days after receipt of invoice.

12.2 In the event, UG requests assistance with the UG system, Edwardsville may, at its option, assist UG. UG agrees to pay Edwardsville its actual costs incurred, including, but not limited to, administration, labor and material expended, as documented by Edwardsville. Nothing herein shall be construed to require Edwardsville to assist UG. Such costs will be invoiced to UG and payment made within thirty (30) days after receipt of invoice.

13.0 Reports and Records

If requested by either party, the other party shall provide the following data on an annual basis:

- A. Actual number of Customer accounts discharging into the Edwardsville System;
- B. Classification of Domestic and Non-Domestic Accounts within its service area by number and percentage of accounts discharging into the Edwardsville System.
- C. Additional data which may assist UG and/or Edwardsville in developing methodology for cost of service studies or planning studies; provided, however that UG shall not request data that will require Edwardsville to incur unreasonable expenses in providing such data.
- D. An annual report of Significant Industrial Users.

14.0 Notices

Any notice, communication, request, reply or advice herein provided or permitted to be given, made or accepted by either party to the other party must be in writing and shall be sent by certified U.S. Mail postage prepaid to the following addresses:

UG:	Director of Water Pollution Control Unified Government 50 Market Street Kansas City, Kansas 66118
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With a Copy to:	Chief Counsel Unified Government 701 N. 7 th Street Kansas City, KS 66101
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Edwardsville:	City Manager
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City of Edwardsville
690 South 4th Street
PO Box 13738
Edwardsville, Kansas 66113

With a Copy to

City Attorney
City of Edwardsville
690 South 4th Street
PO Box 13738
Edwardsville, Kansas 66113

The parties shall provide notice in writing of any change that may occur in their respective addresses from time to time as needed.

15.0 Inspection and Audit

Complete records and accounts required by each party hereto shall be kept for a period of five (5) years. Each party shall at all times, upon notice, have the right at reasonable times to examine and inspect said records and accounts during normal business hours; and further, if required by any law, rule or regulation, make said records and accounts available to federal and/or state auditors.

Whenever, under the terms of this agreement, UG is permitted to give its written consent or approval, UG may give or may refuse such written consent or approval and, if given, may restrict, limit or condition such consent or approval in any manner it shall deem advisable; however, consent will not be unreasonably withheld.

16.0 Waiver, Remedy, Severability

16.1 No waiver by either party hereto of any term or condition of this Contract shall be deemed or construed to be a waiver of any other term, or condition, or subsequent waiver of the same term or condition.

16.2 In addition to any other remedy as may be provided by law, this Contract shall be specifically enforceable by the parties hereto. Venue for any action shall be in Wyandotte County, Kansas. This Contract shall be governed by the laws of the State of Kansas.

16.3 It is agreed that, in the event any term or provision herein contained is held to be invalid by any court of competent jurisdiction, the invalidity of such term or provision shall in no way affect any other term or provision contained herein; further, this Contract shall then continue in full force and effect as if such invalid term or provision had not been contained herein.

17.0 Ownership and Liability

17.1 Except as expressly provided herein, this Contract shall not be construed to create any type of joint or equity ownership of any property, any partnership or joint venture, nor create any other property rights or liabilities. Edwardsville payments (whether past, present, or future) will not be construed as granting to Edwardsville any partial ownership of, prepaid capacity in, or equity in the UG system. Provided however, Edwardsville shall have the continuing right to receive the services provided for herein under the terms of this Contract.

17.2 Contracts made and entered into by either Edwardsville or UG for the construction, reconstruction or repair of any Delivery Facility shall include the requirement that the independent contractor(s) must provide adequate insurance protecting both the City of Edwardsville and UG as ensured. Such contract must also provide that the independent contractor(s) covenant to indemnify, hold harmless and defend both the City of Edwardsville and UG against any and all suits or claims for damages of any nature arising out of the performance of such contract.

18.0 Compliance with Permit Conditions

Edwardsville acknowledges that UG is the holder of discharge permits issued by the United States of America and the State of Kansas. Edwardsville agrees that it will comply with all permit conditions in any way relating to its collection system and any discharge into the UG System. Edwardsville agrees that in the event, a fine is assessed against UG for any violation of any permit condition, and the violation is attributable to any act of omission or commission by Edwardsville, Edwardsville will pay to UG the amount of such fine. If such fine is not attributable to Edwardsville, such fine shall be paid by UG.

19.0 Term of Contract/Effective Date

The term of this Contract shall begin on July 1, 2023 and continue for ten (10) years, with the provision for two (2) 10-year term extensions based on mutual agreement from the date first stated above. The parties anticipate certain portions of this contract, specifically but not limited to the rates set in Section 6, will be subject to renegotiation after the completion of the cost of service analysis establishing a wholesale rate structure. . Thereafter this Contract shall be subject to re-negotiation if both Parties agree that it is in the best interests to re-negotiate the agreement. Any amendments to the Contract will be valid only if in a writing signed by both parties and approved by both governing bodies. . Any party electing to terminate this Contract must provide the other party with two (2) years notice.

20.0 Force Majeure

No party hereto shall be considered to be in default in the performance of any of the obligations hereunder (other than obligations of either party to pay costs and expenses), if such failure of performance shall be due to an uncontrollable force beyond the control of the parties, including but not limited to: failure of facilities, flood, earthquake, tornado, storm, fire, lightning, epidemic, war, riot, civil disturbance or disobedience, labor dispute, and action or non-action by a failure to obtain the necessary authorizations and approvals from any governmental agency or authority or the electorate, labor or material shortage, sabotage, or restraint by a court order or public authority, which by the exercise of due diligence and foresight such party could not have reasonably been

expected to avoid and which by exercise of due diligence it shall be unable to overcome. Either party rendered unable to fulfill any such obligation shall exercise due diligence to remove such inability with all reasonable dispatch.

In the event the proper operation of the UG System, as a result of the above, requires UG to temporarily interrupt all or part of the services to Edwardsville, no claims for damage shall be made by Edwardsville against UG. UG will exercise its best efforts to ensure that such interruptions will not adversely affect the health and welfare of Edwardsville's residents. In the event the proper operation of Edwardsville System, as a result of the above, requires Edwardsville to temporarily interrupt, reduce or increase flow to the UG System, no claims shall be made by UG against Edwardsville.

21.0 Termination

21.1 This Contract is not intended to specify an exclusive remedy for any default, but all such other remedies (other than termination) existing at law or in equity may be availed of by either party and shall be cumulative. Recognizing, however, that the failure of either party to perform cannot be adequately compensated in money damages alone, both parties agree that in the event of any default on its part, the other shall have available to it the equitable remedy of mandamus and specific performance, in addition to any other legal or equitable remedies (other than termination) which may be available. The remedy of termination for default precluded by this paragraph does not prohibit either Party from terminating this Agreement for default in accordance with the terms of this Agreement, or as otherwise specifically provided herein.

21.2 Also this Contract may be terminated in whole or in part by the mutual consent of the governing bodies of the City of Edwardsville and the UG. Notwithstanding anything contained herein to the contrary, any material breach, as defined herein, by either party hereto shall be cause for termination of this Contract by the other Party in the manner set forth in this Section.

21.3 The UG may terminate this Contract if Edwardsville fails to pay the UG for undisputed costs of services rendered in accordance with this Contract. Upon Edwardsville's failure to pay for undisputed costs of services rendered in accordance with this Contract, the UG shall place a notice

of nonpayment in the mail to Edwardsville in the manner set forth in Section 14 of this Agreement. The UG shall send a notice of termination to Edwardsville in the manner set forth in Section 14 of this agreement if such unpaid charges are not paid in full (including incurred interest) within sixty (60) days of the notice of nonpayment. Termination for nonpayment of charges shall become effective upon the expiration of three (3) years from the date such notice of termination is placed in the mail to Edwardsville. Edwardsville shall remain liable to the UG for any obligations incurred for services provided prior to the effective date of the termination of this Agreement.

21.4 The terms and procedures set forth in Sections 24.3 and 24.4 while referring primarily to UG, shall be equally applicable to Edwardsville. UG shall deliver to Edwardsville ninety- (90) days prior written notice of its intention to so terminate this Contract if Edwardsville fails to cure or adjust such material breach, including in such notice a reasonable description of the breach. In the event Edwardsville does not agree that it is in such breach, default or failure, Edwardsville may respond in writing for UG's further review; or, in the alternative Edwardsville may respond with a plan of action for UG's approval, which approval will not be unreasonably denied. UG shall advise the City of Edwardsville in writing immediately upon acceptance of the cure of any such breach. If within said ninety- (90) days Edwardsville shall fail or refuse to cure such breach to the reasonable satisfaction of UG, then and in such event, UG shall have the right with six months advance written additional notice to Edwardsville, to declare this Contract terminated. In the event of termination of this Contract, all rights, powers, and privileges of Edwardsville hereunder shall cease and terminate. The following breach, default or failure to perform a duty or obligation shall be considered a material breach:

- a. Failure to adopt and enforce any ordinance required to be adopted and enforced herein, if Edwardsville has received notice as required in Section 4 of this Agreement, or if by a Customer of Edwardsville, the failure of Edwardsville to take reasonable steps to obtain such action by Customer.
- b. Making any connection to the UG system at any point except as provided in Section 2.3 hereof.
- c. Failure to provide UG ingress and egress for purposes of sampling and operation and maintenance of any metering or any sampling facility.
- d. Failure to permit any sampling of Wastewater as provided for herein.

- e. Failure to disconnect industrial users of Edwardsville pursuant to this Contract.
- f. Failure to maintain the quality of discharge as required in this Contract.
- g. Failure of Edwardsville to comply with Section 9 hereof.
- h. Failure of UG to provide the services required by this Contract or to carry out its duties and responsibilities under this Contract.

21.5 In case of any other breach, default, or failure to perform duties under this Contract, not addressed by Sections 21.1 or 21.4, UG shall deliver to Edwardsville sixty (60) day's advance written notice of such breach. In the event Edwardsville does not agree that it is in such breach, default or failure, Edwardsville may respond in writing for UG's further review; or in the alternative Edwardsville may respond with a plan of action for UG's approval, which approval will not be unreasonably denied. Edwardsville may timely appeal UG's determination of breach or UG's failure to approve its plan cure the alleged breach to the UG's Commission.

21.6 Any failure by UG to terminate this Contract or the acceptance by UG of any benefits under this Contract for any period of time after such material breach, default, or failure by Edwardsville, shall not be determined to be a waiver by UG of any rights to terminate this Contract for any subsequent material breach, default, or failure.

21.7 Any failure by Edwardsville to so terminate this Contract, or the acceptance by Edwardsville of any benefits under this Contract, for any period of time after such material breach, default, or failure by UG, shall not be determined to be a waiver by Edwardsville of any rights to terminate this Contract for any subsequent material breach, default or failure.

22.0 Miscellaneous

22.1 This Contract is subject to all applicable federal and state laws and any applicable permits, ordinances, or amendments adopted pursuant to Section 19.0 and any rules, orders, or regulations of any state or federal governmental authority having or asserting jurisdiction. Nothing contained herein shall be construed as a waiver of any right by either party to question or contest any such law, ordinance, order, rule or regulation in any forum having jurisdiction.

22.2 The parties hereto agree to make any changes in this Contract made necessary by any amendment or revision to state or federal regulations.

22.3 Upon prior notice by UG, any duly authorized employee of UG bearing proper credentials and identification shall notify Edwardsville of need for access to any premises located within Edwardsville's boundaries limits or served by Edwardsville for the purpose of inspections and observation, measurement, sampling and testing and/or auditing, in accordance with the provisions of this Contract. Edwardsville may elect to accompany the UG representative. To the extent permitted by law, UG agrees to indemnify Edwardsville and hold Edwardsville harmless for any damage or any injury to person or property caused by the negligence of such duly authorized employee while such employee is in the course and scope of his employment.

22.4 In each instance herein where reference is made to a federal or state regulation, it is the intention of the parties that, at any given time the current federal or state regulation shall apply. If a publication or reference work referred to herein is discontinued or ceases to be the generally accepted work in its field, or if conditions change, or new methods or processes are implemented by UG, new standards shall be adopted which are in compliance with state and federal laws and any valid rules and regulations pursuant thereto.

22.5 Section headings in this Contract are for convenience only and do not accurately or completely describe the contents of any Section. Such headings are not to be construed as a part of this Contract, or in any way defining, limiting or amplifying the provisions hereof.

22.6 Whenever any disputed matter herein is to be specifically determined by the use of a mediator, the following procedure is to be followed. The party requesting that the dispute be settled by mediation shall serve on the other party a request in writing that such matter be handled by mediation. Edwardsville Representative and Director shall mutually agree in writing on the selection of an impartial mediator. Such agreement shall be made within ten (10) days from the date that the request for mediation is received. If agreement is not reached on the selection of the impartial mediator on or before the tenth (10th) day after the date that notice is received, the Director shall immediately request a list of seven qualified neutral mediators on the list. If they do not agree within five (5) working days after the receipt of the list, Edwardsville Representative and Director

shall alternate striking a name from the list and the name remaining shall be the impartial mediator. Edwardsville Representative and Director shall mutually agree on a date for the mediation. The decision of the mediator shall not be final. Mediation shall not in any event toll any default period under the Contract, unless approved mutually in writing by UG and Edwardsville.

22.7 This Agreement is subject to the Kansas Cash Basis Law, K.S.A. 10-1101 *et seq.* and amendments thereto. Any automatic renewal of the terms of the Agreement shall create no legal obligation for either party. This Agreement shall be construed and interpreted so as to ensure that both parties shall at all times stay in conformity with such laws and, as a condition of this Agreement, both parties reserve the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement is deemed to violate the terms of such law. Both parties are obligated only to pay periodic payments or monthly installments under the Agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during the party's current budget year or (b) funds made available from any lawfully operated revenue producing source.

[Remainder of Page Intentionally Blank, Signature Page Follows]

IN WITNESS WHEREOF, the Parties hereto have caused this Contract to be executed in duplicate original counterparts, by their respective officers and officials, thereunto duly authorized.

Carolyn Caiharr, Mayor

ATTEST:

Zachary Daniel, Assistant City Manager/City Clerk

APPROVED AS TO FORM:

Josh Ney, City Attorney

Tyrone Garner, Mayor/CEO

ATTEST:

Brett Deichler, Unified Government Clerk

APPROVED AS TO FORM:

UG Chief Counsel



Staff Request for Commission Action

Tracking No. 212529

Full Commission Meeting Date:

Committee: Administration & Human Services

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 06/23/2023	<u>Contact Name:</u> J. Renee Ramirez	<u>Contact Phone:</u> x5665	<u>Contact Email:</u> rramirez@wycokck.org	<u>Department/Division:</u> Human Resources
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Item Description:

Update existing Human Resources Guide, Section 2.19, "Break Time for Nursing Mothers" policy and Add new HR Guide Policy, Section 2.17A, "Pregnant Worker Fairness Act" policy due to recent new federal regulations by the Department of Labor, submitted by Renee Ramirez, Director of Human Resources.

Action Requested:

Fast-track item to Full Commission on June 29, 2023.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

PWFA and PUMP Act HR Guide updates Resolution, Overview_PWFA PUMP Act_Policies_AHS Standing Committee Mtg_06-26-23, BreakTimeforNursingMother_2.19_FINAL_06-27-23, Pregnant Worker Fairness Act Policy_2.17A_FINAL, Request for Lactation Space and Break Time

RESOLUTION NO. _____

**A RESOLUTION ADOPTING A NEW POLICIES UNDER SECTIONS
2.17A and 2.19 OF THE HUMAN RESOURCES GUIDE OF THE UNIFIED
GOVERNMENT, ENSURING UNIFIED GOVERNMENT COMPLIANCE
WITH THE FEDERAL GOVERNMENT'S PROTECTION FOR
PREGNANT WORKERS AND P.U.M.P. ACTS.**

WHEREAS, Pursuant to Section 2-103(12) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, the county administrator has the authority to prepare for adoption those policies relating to the selection, discipline, dismissal and all other personnel related matters applicable to all employees of the Unified Government.

WHEREAS, the Unified Government has adopted those personnel policies and made them available to Unified Government employees in a document known as the Human Resources Guide (HRG).

WHEREAS, additions or amendments to the Human Resources Guide may be proposed from time to time, subject to adoption by the Unified Government Board of Commissioners.

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

Section 1. That new Policies 2.17A and 2.19 of the Unified Government Human Resources Guide are adopted as attached.

Section 2. The Mayor, the County Administrator and the Unified Government's other officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This policy shall take effect and be in full force on _____, 2023.

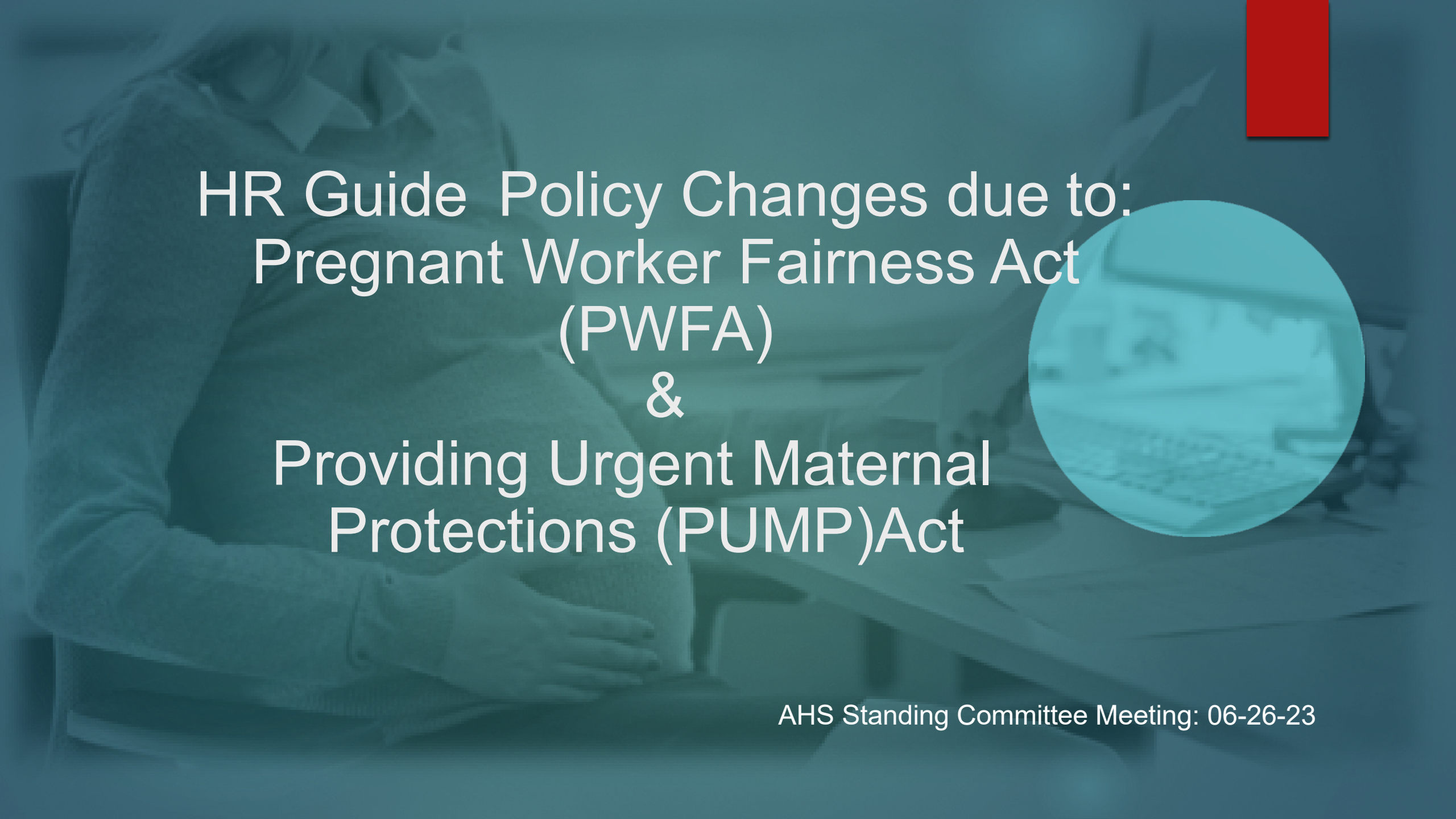
**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS _____ DAY
OF _____, 2023.**

Approved:

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk



HR Guide Policy Changes due to: Pregnant Worker Fairness Act (PWFA) & Providing Urgent Maternal Protections (PUMP) Act

AHS Standing Committee Meeting: 06-26-23

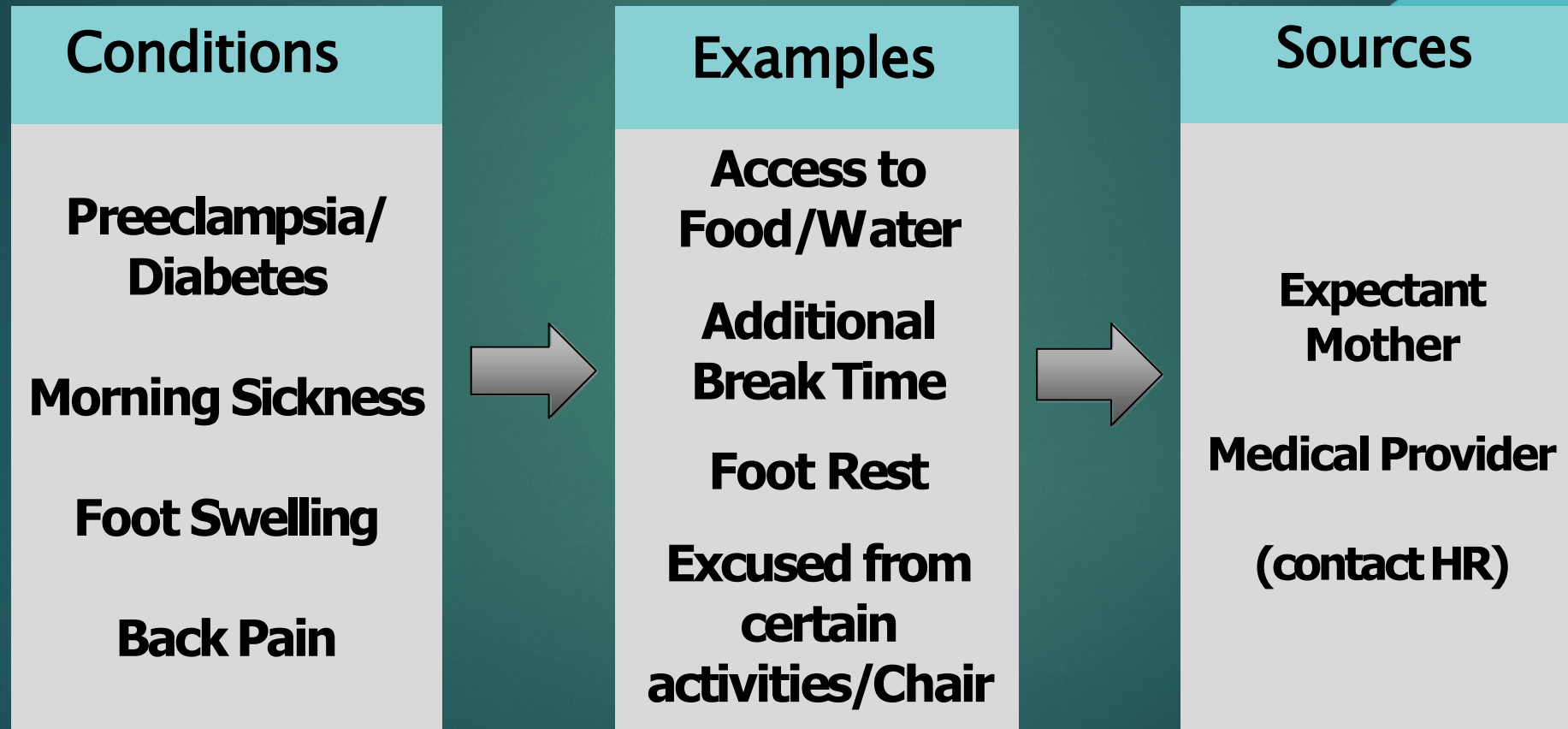


Pregnant Worker Fairness Act (PWFA)

Overview of Pregnant Worker Fairness Act (PWFA)

- Effective June 27, 2023
- Goal: Prevent women from being forced out on unpaid leave or out of their jobs due to pregnancy related reasons.
- As an employer, the UG must engage qualified employees and applicants to assess appropriate reasonable accommodations effected by pregnancy, childbirth or related medical conditions.

Pregnancy Accommodations



HR Guide Section 2.17A

PWFA policy overview

- Prohibits discrimination against employees and applicants who are pregnant &/or who have pregnancy related medical conditions
- Details the methods by which employees can request a reasonable accommodation through Human Resources
- Provides guidance to employees on methods to report violations of policy
- Directs departments to consult HR when a pregnancy accommodation is requested to ensure consistent and unified approach to matters of this nature.
- Details corrective action to be taken if policy is violated by supervisors.



Providing Urgent Maternal Protections (PUMP) Act

Overview of Providing Urgent Maternal Protections (PUMP) Act

- The 2010 provisions of the Fair Labor Standards Act (FLSA) language regarding break time and space for lactating employees expounded via new PUMP Act.
- As an employer, the UG must engage qualified employees and applicants to assess appropriate reasonable accommodations effected by pregnancy, childbirth or related medical conditions.
- PUMP Act clarifies that exempt employees are covered.
- A provision requiring employers to rectify deficiencies in providing sufficient accommodation to a lactating employee within 10 days.

Requirement for Space

- **Functional private space**
- **Can be temporary**
- **Shielded from view and free from intrusion by the public and colleagues**
- **A “room” is not always required**
 - **privacy partitions, converting storage closet etc**
- **HR will be working with different locations to Convert some designated spaces for lactation**

CAN NOT BE A BATHROOM



HR Guide Section 2.19 – Break Time for Nursing Mothers Policy revisions

- Current HRG Policy in compliance with break time and space language.
- Current HRG Policy also indicates exempt employee are eligible for break time.
- New language clarifies department's responsibility to work with HR to ensure proper break time and space is being provided.
- New language clarifies corrective action if supervisors do not comply with policy.
- New language clarifies methods for employees to request break time and lactation space.
- New language added that UG has 10 days to ensure we provide an adequate accommodation.

QUESTIONS?

??





Unified Government Human Resources Guide

Effective 06-27-23

BREAK TIME FOR NURSING MOTHERS

I. General

In accordance with the Providing Urgent Maternal Protections (PUMP) Act and provisions of the Fair Labor Standards Act, the Unified Government will provide reasonable break time and a shielded location, which shall not include a bathroom, for an employee to express breast milk, each times she needs to, for her nursing child for up to 1 year after the child's birth.

II. Reasonable Break Time

- A. The Unified Government will provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk, as well as the duration of each break, will likely vary.
- B. The employee shall meet with her supervisor in advance to make arrangements for the times and location of breaks.
- C. Supervisors and/or Department head will consult with Human Resources to ensure reasonable break time is granted.

III. Lactation Space

- A. Each department will make available a location that is functional as a space for expressing breast milk, as needed. A bathroom, even if private, is not a permissible location for expressing milk. The space must be shielded from view and free from any intrusion from co-workers and the public. If the space is not dedicated to the nursing mother's use, it must be available when needed. A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that it meets the above requirements.
- B. The supervisor and/or Department head will work with Human Resources to ensure that an adequate lactation space has been identified.

IV. Coverage and Compensation

- A. This policy applies to both non-exempt and exempt employees.
- B. For non-exempt employees, break time allowed under this policy will be uncompensated, except that employees may use their regular, paid breaks to express milk. Non-exempt

employees who elect to use their regular, paid breaks may take their breaks as needed during the workday to express milk and will be afforded a location meeting the requirements of subsection III(A) of this policy. Non-exempt employees may choose to use compensatory time or vacation leave in lieu of uncompensated break time to express milk.

- C. Exempt employee will be paid their full weekly salary regardless of whether they take breaks to express milk.
- D. Departments must ensure that employees are fully relieved of duties when expressing milk. In the event it is unavoidable that an employee works while expressing milk for any particular break, a non-exempt employee must be compensated for time worked while expressing milk.

V. Employees Rights and Responsibilities

- A. Qualified employees with rights under this policy and the Providing Urgent Maternal Protection (PUMP) act will be provided adequate break time and lactation space for the purpose of expressing milk.
- B.
- C. Individuals who believe that they have not been accommodated should follow the procedure set forth in 2.2 Harassment in the Workplace. Under the PUMP Act, the Unified Government has ten days from the date it receives notice from the employee to rectify any failure to accommodate.

Related Policies: 2.8 Hours of Operation
 5.6 Family and Medical Leave Act
 2.2 Harassment in the Workplace

Related Form(s): Request for Lactation Space and Break Time



Unified Government Human Resources Guide

Effective 06-27-23

PREGNANT WORKER FAIRNESS ACT POLICY

- I. General: In accordance with the Pregnant Worker Fairness Act, The Unified Government will provide reasonable accommodation to applicants and employees who are pregnant and/or who has a childbirth or pregnancy related medical condition. No individual will be discriminated against on the basis of pregnancy or related medical conditions in relation to the terms and conditions of employment.
- II. Reasonable Accommodation
 - A. The Unified Government will provide a reasonable accommodation to an employee or job applicant who is pregnant and/or who has a childbirth or pregnancy related medical condition.
- III. The Unified Government will make an individualized assessment of whether a qualified individual who is pregnant or who has a related medical condition meets the selection criteria for employment. To the extent the Unified Government's selection criteria have the effect of disqualifying an individual because of pregnancy, those criteria will be job-related and consistent with business necessity, barring in mind the temporary nature of pregnancy and the potential need to temporarily remove the essential functions of a position.
 - A. Upon request, the Unified Government will provide a reasonable accommodation to an employee or job applicant who is pregnant or has a related medical condition, unless doing so would cause the Unified Government undue hardship (significant difficulty or expense). No department has the authority to determine whether a reasonable accommodation causes an undue hardship. Determination of undue hardship is made by the Human Resources Department, Legal Department and County Administration.
 1. Reasonable accommodations may include making facilities readily accessible and usable; job restructuring to include temporarily removing the essential functions of a position; modifying work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies etc.
 - B. Pregnant employees or those with pregnancy or childbirth related medical conditions who believe they need a reasonable accommodation should notify their supervisor, department head or Human Resources.
- IV. Medical Documentation
 - A. To the extent possible, the employee will be utilized as the source of information to help determine the reasonable accommodation based on the nature of their pregnancy/medical



Unified Government Human Resources Guide

Effective 06-27-23

condition. In cases whereby the need for an accommodation is not readily apparent and/or the requested accommodation is particularly complex and/or not easily achieved, Human Resources must be contacted to work with the employee and the employee's medical provider through an interactive process.

- B. The Human Resources department is the only authorized staff to seek medical documentation. This documentation will not be maintained in the employee's personnel file and is considered confidential.

V. Complaint procedure

- A. Individuals who believe that they have been discriminated against in violation of this policy or believe they have not been adequately accommodated should follow the procedure set forth in 2.2 Harassment in the Workplace.
- B. Unified Government supervisors and members of management who become aware of discrimination or denial of an accommodation in accordance with this policy shall report the violation to the Director of Human Resources within 24 hours.

I. Enforcement and Discipline

- A. All management employees are responsible for enforcing this policy. A management employee who fails to enforce this policy is subject to discipline, up to and including termination.
- B. An employee who violates this policy is subject to discipline, up to and including termination.

Related polices:	2.1	Equal Opportunity in Employment
	2.2	Harassment in the Workplace
	2.17	Americans with Disability Act
	2.19	Break Time for Nursing Mothers
	5.6	Family and Medical Leave Act



Unified Government Human Resources Guide

Effective: June 27, 2023

REQUEST FOR LACTATION SPACE AND BREAK TIME

PLEASE PRINT

Name _____ Department/Division _____

Job Title _____ Date of Hire _____ Employee Number _____

Cell Phone: _____ Work Location _____ Work Schedule _____

(*include the time of your shift begins and end and the date of the week you are scheduled to work above: For example, 8am – 5pm Mon-Fri)

Supervisor's Name _____ Supervisor's Work Phone _____

Current Workstation Type:

☐ Cubicle ☐ Open Space Desk ☐ Field Work ☐ Personal Enclosed Office ☐ Other _____

Birth Due Date: _____

Anticipated lactation schedule: _____

Employee Signature: _____ Date: _____

Department Section:

Please describe any closed private spaces in your department that could be utilized for a lactation space that is not a bathroom. If you do not have a closed private space, please contact Human Resources.

Department Head Signature: _____ Date: _____

Human Resources Section:

Please identify lactation space determined:

Human Resources Signature: _____ Date: _____



Staff Request for Commission Action

Tracking No. 212567

Full Commission Meeting Date: 6/29/23

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
06/23/2023	Jeffrey Conway	x5075	jconway@wycokck.org	Budget

Item Description:

A resolution regarding the governing body's intent to exceed the revenue-neutral rate and setting the date of a public hearing, submitted by Jeff Conway, Assistant Counsel.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of intent to exceed RNR 2023 06.29.23

(Published _____)

RESOLUTION NO. _____

A RESOLUTION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS REGARDING THE GOVERNING BODY'S INTENT TO LEVY A PROPERTY TAX EXCEEDING THE REVENUE NEUTRAL RATE.

WHEREAS, the Unified Government of Wyandotte County/ Kansas City, Kansas is the consolidated government for Wyandotte County, Kansas and Kansas City, Kansas; and

WHEREAS, the Unified Government is statutorily required to notify the Unified Government Clerk by July 20, 2023, of its intent to exceed the revenue-neutral rate and to provide the date, time, and location of the public hearing and to provide its proposed tax rate; and

WHEREAS, the Revenue Neutral Rate for the City of Kansas City, Kansas was calculated as 33.442874 mills by the Unified Government Clerk; and

WHEREAS, the Revenue Neutral Rate for the County of Wyandotte, Kansas was calculated as 32.500869 mills by the Unified Government Clerk; and

WHEREAS, the budget proposed by the Governing Body of the Unified Government of Wyandotte County/ Kansas City, Kansas will require the levy of a property tax rate exceeding the Revenue Neutral Rate; and

WHEREAS, the Governing Body intends to hold a hearing and hear testimony from all interested taxpayers desiring to be heard as required by state law.

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

Section 1. The Governing Body of the Unified Government of Wyandotte County/ Kansas City, Kansas hereby sets a public hearing regarding its intention to exceed the Revenue Neutral Rate for August 28, 2023, at 7pm to be held in the Commission Chambers on the 1st Floor of City Hall at 701 N. 7th St., Kansas City, Kansas and directs that notice of the public hearing be given as required by state law.

Section 2. The Governing Body of the Unified Government of Wyandotte County/ Kansas City, Kansas expresses its intention to exceed the Revenue Neutral Rate with a proposed tax rate and maximum mill levy for the City of Kansas City, Kansas of 38.476593 mills.

Section 3. The Governing Body of the Unified Government of Wyandotte County/ Kansas City, Kansas expresses its intention to exceed the Revenue Neutral Rate with a proposed tax rate and maximum mill levy for Wyandotte County, Kansas of 37.328383 mills.

Section 4. The Governing Body of the Unified Government of Wyandotte County/ Kansas City, Kansas directs that a copy of this Resolution be sent to the Unified Government Clerk as notice of the Unified Government's proposed intent to exceed the Revenue Neutral Rate.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS, THIS 29TH DAY OF JUNE 2023.**

Tyrone A. Garner, Mayor/CEO

ATTEST:

Brett Deichler
Unified Government Clerk

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ROLL CALL VOTE ON THE ADOPTION OF RESOLUTION _____

On a motion by Commissioner _____ and a second by Commissioner _____

Christian Ramirez	District 3	Aye _____	No _____	Absent _____
Harold Johnson	District 4	Aye _____	No _____	Absent _____
Mike Kane	District 5	Aye _____	No _____	Absent _____
Angela Markley	District 6	Aye _____	No _____	Absent _____
Chuck Stites	District 7	Aye _____	No _____	Absent _____
Andrew Davis	District 8	Aye _____	No _____	Absent _____
Melissa Bynum	At-Large District 1	Aye _____	No _____	Absent _____
Tom Burroughs	At-Large District 2	Aye _____	No _____	Absent _____
Gayle Townsend	District 1	Aye _____	No _____	Absent _____
Brian McKiernan	District 2	Aye _____	No _____	Absent _____
Tyrone Garner—Mayor/CEO (if necessary)		Aye _____	No _____	Absent _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
)
COUNTY OF WYANDOTTE)

The undersigned, Interim Clerk of the Unified Government of Wyandotte County/Kansas City, Kansas, does hereby certify that the above roll call vote of the Board of Commissioners of the Unified Government of Wyandotte County/Kansas City, Kansas on June 29, 2023, is a true and accurate record of the roll call vote on the adoption of Resolution No. _____.

WITNESS my hand and official seal.

(Seal)

By: _____
Brett Deichler
Unified Government Clerk



Staff Request for Commission Action

Tracking No. 212563

Full Commission Meeting Date: 6/29/23

Committee: Full Commission

Date of Standing Committee Action: NA

(If none, please explain):

Publication Required: No

<u>Date:</u> 06/23/2023	<u>Contact Name:</u> Lisa Rangel	<u>Contact Phone:</u> x5141	<u>Contact Email:</u> lrangel@wycokck.org	<u>Department/Division:</u> Administrator's Office
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Item Description:

Request approval to disburse 2023 UG/Hollywood Casino grant funds as recommended by the Mayor and Commissioners.

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

2023 Award Presentation, UG_Reviews-Final 6 26 23 for Commission Approval at 6.29.23 mtg



Hollywood Casino Grant Award Recommendations

June 29, 2023



2023 Recommendations

Sorted Highest to Lowest Recommended Award

Organization, Project Title	2022 Award	2023 Request	2023 Total Rec.	% of Request Rec. for	# of Comms Rec.
Hillcrest Ministries of MidAmerica, Inc.	\$29,000	\$20,000	\$27,469	137%	7
Leavenworth Road Association	\$0	\$58,653	\$26,500	45%	3
Argentine Betterment Corporation, A Healthy Argentine	\$29,000	\$100,000	\$25,350	25%	3
United Prayer Movement	\$0	\$20,000	\$20,000	100%	1
Friends of Yates, Inc.	\$21,500	\$60,000	\$19,000	32%	4
Police Athletic League of KCK	\$33,000	\$90,000	\$18,137	20%	5
Jerry Lee Jarrett Life Center	\$0	\$50,000	\$13,500	27%	5
Mid-America Regional Council Community Services Corporation	\$0	\$45,000	\$12,500	28%	2
Avenue Of Life Inc	\$14,954	\$75,000	\$12,500	17%	3
Groundwork Northeast Revitalization Group, Inc., Learn To Earn Program	\$0	\$25,000	\$11,800	47%	3
Community Garden Inc	\$14,000	\$30,000	\$11,287	38%	1
Bonner Springs/Edwardsville Education Foundation	\$14,909	\$57,600	\$11,087	19%	2
Piper Soccer Club	\$13,000	\$30,000	\$11,087	37%	2
Rosedale Development Association	\$13,500	\$24,000	\$11,000	46%	2
Community Housing of Wyandotte County, Inc., Strawberry Hill Neighborhood Association/St Johns Park Playground Equipment	\$0	\$10,000	\$11,000	110%	3
KC United! Youth Sports and Education Initiative	\$6,409	\$30,000	\$10,562	35%	4
The Village Initiative Inc.	\$17,841	\$50,000	\$10,000	20%	3
Oak Ridge Youth Development Corporation	\$14,839	\$30,000	\$10,000	33%	3
Murals of Inspiration	\$12,339	\$25,000	\$8,987	36%	4
The Farm School at Gibbs Road	\$9,500	\$25,645	\$8,000	31%	1
Young Women on the Move	\$8,000	\$12,000	\$7,500	63%	2
Turner Recreation Commission	\$5,000	\$10,000	\$7,500	75%	3
Armourdale Renewal Association	\$0	\$15,500	\$7,475	48%	3
Cross-Lines Community Outreach	\$9,159	\$25,000	\$7,469	30%	3
Lowriding 2 Success Bike Club KCKS	\$0	\$10,000	\$6,187	62%	4
Mt. Carmel Redevelopment Corporation, Inc.	\$8,339	\$15,150	\$6,000	40%	2
Bishop Ward High School	\$9,000	\$12,500	\$5,587	45%	3

2023 Recommendations

Sorted Highest to Lowest Recommended Award

Organization, Project Title	2022 Award	2023 Request	2023 Total Rec.	% of Request Rec. for	# of Comms Rec.
Victory Hills Baptist Church	\$3,339	\$10,000	\$5,500	55%	2
Historic Westheight Neighborhood Assoc	\$0	\$8,500	\$5,500	65%	2
Heart of America Council Boy Scouts of America	\$3,909	\$10,000	\$5,000	50%	1
University of Kansas Medical Center Research Institute, Inc.	\$0	\$14,567	\$5,000	34%	1
Piper Education Foundation	\$0	\$25,000	\$5,000	20%	1
Working Families' Friend	\$12,500	\$20,000	\$5,000	25%	2
YouthFront, Inc.	\$0	\$10,000	\$5,000	50%	1
Groundwork Northeast Revitalization Group, Inc., Turtle Hill Neighborhood Pocket Park	\$0	\$11,000	\$4,900	45%	4
Boston Daniels Urban Arts, Inc	\$10,000	\$30,000	\$4,637	15%	3
Kansas City Kansas West Kiwanis Foundation	\$2,500	\$7,004	\$4,600	66%	2
Salvation Army-Kansas & Western Missouri Divisional Headquarters	\$6,339	\$20,000	\$4,500	23%	2
Full Throttle Foundation KC	\$0	\$15,000	\$4,500	30%	3
Bethel Neighborhood Center	\$9,000	\$30,000	\$4,000	13%	2
Mercy and Truth Medical Missions, Inc.	\$5,000	\$54,000	\$4,000	7%	1
Cultivate KC	\$7,339	\$10,000	\$3,500	35%	2
Giving the Basics, Inc.	\$2,000	\$20,000	\$3,500	18%	2
Red Tail Academy	\$0	\$55,000	\$3,500	6%	2
Care Beyond the Boulevard, Inc	\$0	\$30,000	\$3,500	12%	2
Kansas City Kansas Baseball Association	\$3,000	\$5,000	\$3,000	60%	1
Vernon Multipurpose Center	\$0	\$5,200	\$3,000	58%	2
Argentine Betterment Corporation, American Legion Post 213 Ballfield Renovation Project	\$0	\$12,000	\$3,000	25%	1
20/20 Leadership	\$0	\$3,000	\$3,000	100%	1
Better Together Inc	\$0	\$10,000	\$2,500	25%	1
The National Agricultural Center and Hall of Fame	\$0	\$13,425	\$2,500	19%	1
Community Housing of Wyandotte County, Inc., Splitlog Farm & Orchard and Boulevard Garden Lofts	\$8,000	\$15,000	\$2,500	17%	2

2023 Recommendations

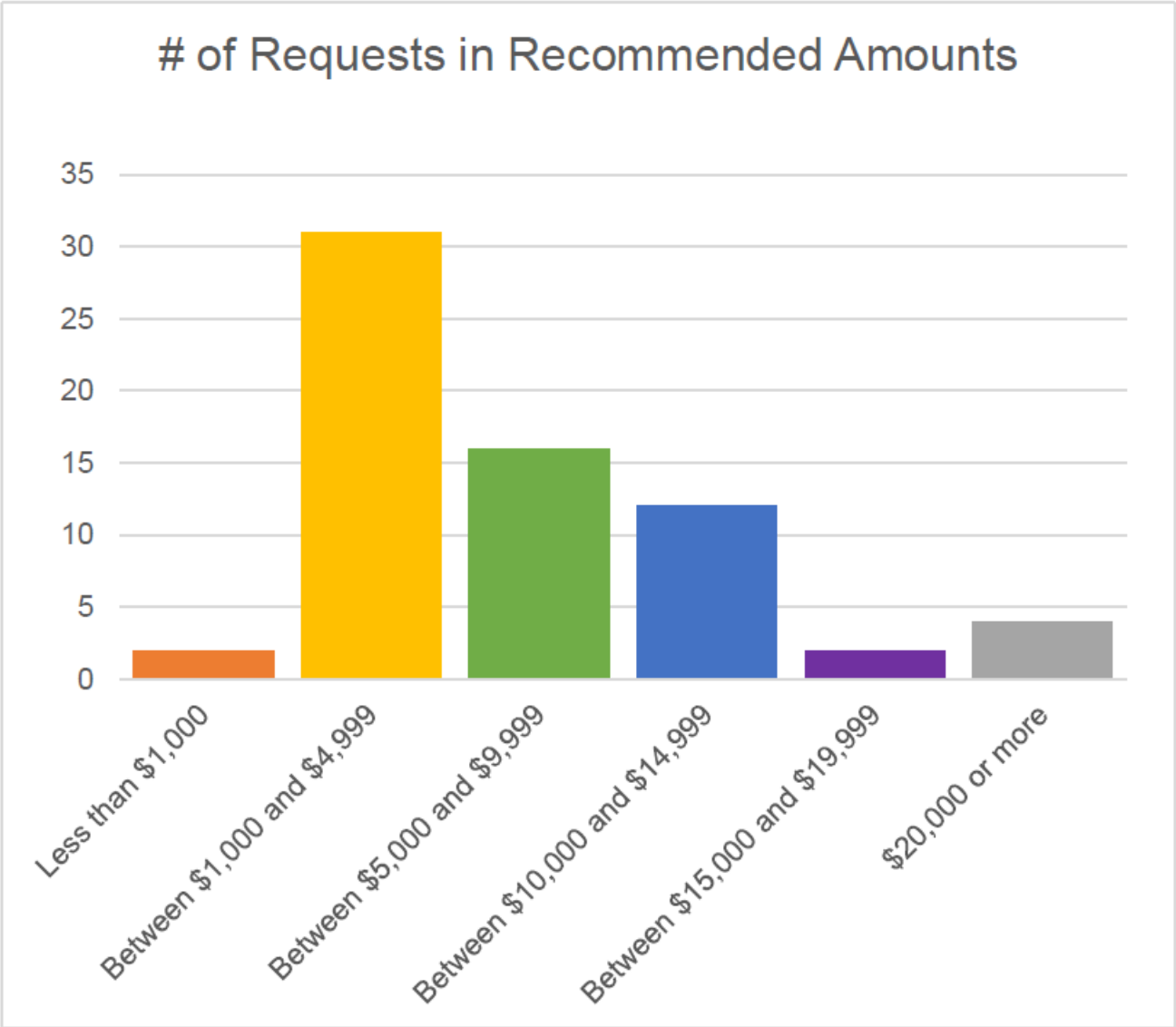
Sorted Highest to Lowest Recommended Award

Organization, Project Title	2022 Award	2023 Request	2023 Total Rec.	% of Request Rec. for	# of Comms Rec.
Feed His Lambs Foundation	\$13,000	\$30,000	\$2,000	7%	1
The Family Conservancy	\$4,000	\$20,000	\$2,000	10%	2
Kansas City Kansas School Foundation For Excellence, Inc.	\$4,339	\$10,000	\$2,000	20%	2
Community Health Council of Wyandotte County Inc.	\$0	\$107,800	\$2,000	2%	1
A Loving Space Foundation	\$0	\$3,000	\$2,000	67%	2
Kansas City Dream Center	\$0	\$25,000	\$2,000	8%	1
Kansas City Ballet Association	\$1,910	\$5,000	\$1,900	38%	1
El Centro, Inc.	\$15,839	\$15,000	\$1,900	13%	1
Chandler/Turner Scholarship Fund	\$0	\$4,000	\$1,750	44%	3
Olathe Public Schools Foundation	\$0	\$15,000	\$1,500	10%	1
One Community JiuJitsu Club	\$0	\$16,000	\$1,200	8%	1
Chin Community of Kansas Inc.	\$0	\$45,000	\$1,000	2%	1
KidZone Learning Center of Wyandotte County, Inc.	\$0	\$10,000	\$1,000	10%	1
Pharmacy of Grace	\$0	\$20,000	\$500	3%	1
Girl Scouts of Northeast Kansas & Northwest Missouri	\$0	\$10,000	\$500	5%	1

# of 2023 Applicants Recommended for Award	67
Total Recommended Award Amount	\$461,370
# of 2022 Awardees Recommended for Award in 2023	36

2023 Recommendation Amount Ranges

Recommended Award is	# of Requests
Less than \$1,000	2
Between \$1,000 and \$4,999	31
Between \$5,000 and \$9,999	16
Between \$10,000 and \$14,999	12
Between \$15,000 and \$19,999	2
\$20,000 or more	4
Total	67



Recommendations By Commissioner

2023 Recommendations By Commissioner

Commissioner	# Recommended	Amount Recommended	# of Times Commissioner Gave the Only Recommendation on an Application
Burroughs	16	\$42,187	2
Bynum	31	\$42,187	4
Davis	10	\$42,187	2
Garner	16	\$42,187	2
Johnson	10	\$41,687	1
Kane	9	\$42,187	2
Markley	7	\$42,187	4
McKiernan	13	\$42,187	1
Ramirez	5	\$40,000	2
Stites	8	\$42,187	2
Townsend	20	\$42,187	2
Average	13	\$41,943	2

[Org_0] Organization Name	[FInfo_0] Spons	Amount requested:	Reviewer F	Reviewer La	Reviewer Recommended Amount
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KidZone Learning Center of Wyandotte County, Inc.		\$10,000.00	Andrew	Davis	\$1,000.00
A Loving Space Foundation		\$3,000.00	Andrew	Davis	\$1,000.00
Chandler/Turner Scholarship Fund		\$4,000.00	Andrew	Davis	\$1,000.00
Groundwork Northeast Revitalization Group, Inc.		\$11,000.00	Andrew	Davis	\$1,000.00
One Community JiuJitsu Club		\$16,000.00	Andrew	Davis	\$1,200.00
Murals of Inspiration		\$25,000.00	Andrew	Davis	\$1,987.00
Salvation Army-Kansas & Western Missouri Divisional Headquarters		\$20,000.00	Andrew	Davis	\$2,500.00
Turner Recreation Commission		\$10,000.00	Andrew	Davis	\$2,500.00
Victory Hills Baptist Church		\$10,000.00	Andrew	Davis	\$5,000.00
Presidential Highfields Homeowners Association	Leavenworth Road	\$58,653.05	Andrew	Davis	\$25,000.00
					\$42,187.00

Lowriding 2 Success Bike Club KCKS		\$10,000.00	Angela	Markley	\$2,000.00
Better Together Inc		\$10,000.00	Angela	Markley	\$2,500.00
Turner Recreation Commission		\$10,000.00	Angela	Markley	\$2,500.00
The Farm School at Gibbs Road		\$25,645.00	Angela	Markley	\$8,000.00
Community Garden Inc		\$30,000.00	Angela	Markley	\$11,287.00
Argentine Betterment Corporation		\$100,000.00	Angela	Markley	\$14,000.00
Kansas City Ballet Association		\$5,000.00	Angela	Markley	\$1,900.00
					\$42,187.00

Murals of Inspiration		\$25,000.00	Chuck	Stites	\$1,000.00
Working Families' Friend		\$20,000.00	Chuck	Stites	\$2,000.00
20/20 Leadership		\$3,000.00	Chuck	Stites	\$3,000.00
Feed His Lambs Foundation		\$30,000.00	Chuck	Stites	\$2,000.00
Police Athletic League of KCK		\$90,000.00	Chuck	Stites	\$4,000.00
Jerry Lee Jarrett Life Center		\$50,000.00	Chuck	Stites	\$10,000.00
Bonner Springs/Edwardsville Education Foundation		\$57,600.00	Chuck	Stites	\$10,187.00
Edwardsville Community Fund	Mid-America Regi	\$45,000.00	Chuck	Stites	\$10,000.00
					\$42,187.00

YouthFront		\$90,000.00	Christian	Ramirez	\$5,000.00
University of Kansas Medical Center Research Institute, Inc.		\$14,567.00	Christian	Ramirez	\$5,000.00
Hillcrest Ministries of MidAmerica, Inc.		\$20,000.00	Christian	Ramirez	\$10,000.00
Argentine Betterment Corporation		\$100,000.00	Christian	Ramirez	\$10,000.00
Rosedale Development Association		\$24,000.00	Christian	Ramirez	\$10,000.00
					\$40,000.00

Girl Scouts of Northeast Kansas & Northwest Missouri		\$10,000.00	Melissa	Bynum	\$500.00
Historic Westheight Neighborhood Assoc		\$8,500.00	Melissa	Bynum	\$500.00
Victory Hills Baptist Church		\$10,000.00	Melissa	Bynum	\$500.00
Jerry Lee Jarrett Life Center		\$50,000.00	Melissa	Bynum	\$500.00
Chandler/Turner Scholarship Fund		\$4,000.00	Melissa	Bynum	\$500.00
Lowriding 2 Success Bike Club KCKS		\$10,000.00	Melissa	Bynum	\$500.00
Bishop Ward High School		\$12,500.00	Melissa	Bynum	\$900.00
Bonner Springs/Edwardsville Education Foundation		\$57,600.00	Melissa	Bynum	\$900.00
Boston Daniels Urban Arts, Inc		\$30,000.00	Melissa	Bynum	\$950.00
ARA		\$15,500.00	Melissa	Bynum	\$975.00
Strawberry Hill Neighborhood Assn	Community Housi	\$10,000.00	Melissa	Bynum	\$1,000.00
Kansas City Kansas School Foundation For Excellence, Inc.		\$10,000.00	Melissa	Bynum	\$1,000.00
KC United! Youth Sports and Education Initiative		\$30,000.00	Melissa	Bynum	\$1,062.00
Argentine Betterment Corporation		\$100,000.00	Melissa	Bynum	\$1,350.00
Piper Soccer Club		\$30,000.00	Melissa	Bynum	\$1,400.00
Groundwork Northeast Revitalization Group, Inc.		\$11,000.00	Melissa	Bynum	\$1,400.00
Kansas City Area Parents as Teachers Consortium	Olathe Public Sch	\$15,000.00	Melissa	Bynum	\$1,500.00
Community Housing of Wyandotte County, Inc.		\$15,000.00	Melissa	Bynum	\$1,500.00
Full Throttle Foundation KC		\$15,000.00	Melissa	Bynum	\$1,500.00
Avenue Of Life Inc		\$75,000.00	Melissa	Bynum	\$1,500.00
Care Beyond the Boulevard, Inc		\$30,000.00	Melissa	Bynum	\$1,500.00
Cultivate KC		\$10,000.00	Melissa	Bynum	\$1,500.00
El Centro, Inc.		\$15,000.00	Melissa	Bynum	\$1,900.00
Police Athletic League of KCK		\$90,000.00	Melissa	Bynum	\$1,950.00
Cross-Lines Community Outreach		\$25,000.00	Melissa	Bynum	\$2,000.00
Community Health Council of Wyandotte County Inc.		\$107,800.00	Melissa	Bynum	\$2,000.00
Bethel Neighborhood Center		\$30,000.00	Melissa	Bynum	\$2,000.00
Hillcrest Ministries of MidAmerica, Inc.		\$20,000.00	Melissa	Bynum	\$2,000.00
Salvation Army-Kansas & Western Missouri Divisional Headquarters		\$20,000.00	Melissa	Bynum	\$2,000.00
Kansas City Kansas West Kiwanis Foundation		\$7,004.27	Melissa	Bynum	\$2,600.00
Groundwork Northeast Revitalization Group, Inc.		\$25,000.00	Melissa	Bynum	\$2,800.00
					\$42,187.00

Red Tail Academy		\$55,000.00	Mike	Kane	\$2,500.00
Working Families' Friend		\$20,000.00	Mike	Kane	\$3,000.00
Bishop Ward High School		\$12,500.00	Mike	Kane	\$3,500.00
Oak Ridge Youth Development Corporation		\$30,000.00	Mike	Kane	\$3,500.00
Murals of Inspiration		\$25,000.00	Mike	Kane	\$5,000.00
Hillcrest Ministries of MidAmerica, Inc.		\$20,000.00	Mike	Kane	\$5,000.00
Heart of America Council BSA		\$10,000.00	Mike	Kane	\$5,000.00
Piper USD 203	Piper Education F	\$25,000.00	Mike	Kane	\$5,000.00
Piper Soccer Club		\$30,000.00	Mike	Kane	\$9,687.00
					\$42,187.00

Presidential Highfields Homeowners Association	Leavenworth Road	\$58,653.05	Tyrone	Garner	\$500.00
Lowriding 2 Success Bike Club KCKS		\$10,000.00	Tyrone	Garner	\$500.00
Mt. Carmel Redevelopment Corporation, Inc.		\$15,150.00	Tyrone	Garner	\$1,000.00
Full Throttle Foundation KC		\$15,000.00	Tyrone	Garner	\$1,000.00
Vernon Multipurpose Center		\$5,200.00	Tyrone	Garner	\$1,000.00
Jerry Lee Jarrett Life Center		\$50,000.00	Tyrone	Garner	\$1,000.00
A Loving Space Foundation		\$3,000.00	Tyrone	Garner	\$1,000.00
Hillcrest Ministries of MidAmerica, Inc.		\$20,000.00	Tyrone	Garner	\$1,000.00
The Village Initiative Inc.		\$50,000.00	Tyrone	Garner	\$1,000.00
Boston Daniels Urban Arts, Inc		\$30,000.00	Tyrone	Garner	\$1,000.00
Chin Community of Kansas Inc.		\$45,000.00	Tyrone	Garner	\$1,000.00
KC United! Youth Sports and Education Initiative		\$30,000.00	Tyrone	Garner	\$1,000.00
Police Athletic League of KCK		\$90,000.00	Tyrone	Garner	\$1,187.00
Oak Ridge Youth Development Corporation		\$30,000.00	Tyrone	Garner	\$5,000.00
Friends of Yates, Inc.		\$60,000.00	Tyrone	Garner	\$5,000.00
United Prayer Movement		\$20,000.00	Tyrone	Garner	\$20,000.00
					\$42,187.00

Boston Daniels Urban Arts		\$30,000	Harold	Johnson	\$2,687.00
Friends of Yates		\$60,000	Harold	Johnson	\$5,000.00
Groundworks NRG		\$25,000	Harold	Johnson	\$7,500.00
Historic Westheight Neighborhood		\$8,500	Harold	Johnson	\$5,000.00
KC United!		\$30,000	Harold	Johnson	\$6,500.00
Mercy & Truth Medical Missions		\$54,000	Harold	Johnson	\$4,000.00
Mt Carmel Redevelopment		\$15,150	Harold	Johnson	\$5,000.00
The Village Initiative		\$50,000	Harold	Johnson	\$4,000.00
Young Women on the Move		\$12,000	Harold	Johnson	\$2,500.00
					\$42,187.00

Argentine Betterment Corporation		\$100,000.00	Tom	Burroughs	\$3,000.00
Armourdale Renewal Association		\$15,500.00	Tom	Burroughs	\$2,500.00
Community Housing of Wyandotte County, Inc.		\$10,000.00	Tom	Burroughs	\$4,000.00
Friends of Yates, Inc.		\$60,000.00	Tom	Burroughs	\$5,000.00
Full Throttle Foundation KC		\$15,000.00	Tom	Burroughs	\$2,000.00
Groundwork Northeast Revitalization Group, Inc.		\$25,000.00	Tom	Burroughs	\$500.00
Hillcrest Ministries of MidAmerica, Inc.		\$20,000.00	Tom	Burroughs	\$4,000.00
Jerry Lee Jarrett Life Center		\$50,000.00	Tom	Burroughs	\$1,500.00
Kansas City Kansas West Kiwanis Foundation		\$7,004.00	Tom	Burroughs	\$2,000.00
Leavenworth Road Association		\$58,653.00	Tom	Burroughs	\$1,000.00
Lowriding 2 Success Bike Club KCKS		\$10,000.00	Tom	Burroughs	\$3,187.00
Police Athletic League of KCK		\$90,000.00	Tom	Burroughs	\$5,000.00
Rosedale Development Association		\$24,000.00	Tom	Burroughs	\$1,000.00
The National Agricultural Center and Hall of Fame		\$13,425.00	Tom	Burroughs	\$2,500.00
Turner Recreation Commission		\$10,000.00	Tom	Burroughs	\$2,500.00
Mid-America Regional Council Community Services Corporation		\$45,000.00	Tom	Burroughs	\$2,500.00
					\$42,187.00

Kansas City, Kansas Baseball Association		\$5,000.00	Gayle	Townsend	\$3,000.00
Red Tail Academy		\$55,000.00	Gayle	Townsend	\$1,000.00
Chandler/Turner Scholarship Fund		\$4,000.00	Gayle	Townsend	\$250.00
Cross Lines Community Outreach		\$25,000.00	Gayle	Townsend	\$1,468.50
Friends of Yates		\$60,000.00	Gayle	Townsend	\$4,000.00
Giving the Basics		\$20,000.00	Gayle	Townsend	\$1,500.00
Groundwork, NRG		\$25,000.00	Gayle	Townsend	\$4,000.00
Hillcrest Ministries of MidAmerica		\$20,000.00	Gayle	Townsend	\$1,468.50
Jerry Lee Jarret Life Center		\$50,000.00	Gayle	Townsend	\$500.00
KCK School Foundation for Excellence		\$10,000.00	Gayle	Townsend	\$1,000.00
KC United Youth Sports and Education		\$30,000.00	Gayle	Townsend	\$2,000.00
Murals of Inspiration		\$25,000.00	Gayle	Townsend	\$1,000.00
Oak Ridge Youth Development Corp		\$30,000.00	Gayle	Townsend	\$1,500.00
Pharmacy of Grace		\$20,000.00	Gayle	Townsend	\$500.00
The Family Conservancy		\$20,000.00	Gayle	Townsend	\$1,000.00
The Village Initiative		\$50,000.00	Gayle	Townsend	\$5,000.00
Vernon Multi-Purpose Center		\$5,200.00	Gayle	Townsend	\$2,000.00
Young Women on the Move		\$12,000.00	Gayle	Townsend	\$5,000.00
Avenue of Life		\$75,000.00	Gayle	Townsend	\$4,000.00
Cultivate Kansas City		\$10,000.00	Gayle	Townsend	\$2,000.00
					\$42,187.00

ARA		\$15,500.00	Brian	McKiernan	\$4,000.00
Avenue of Life, Inc		\$75,000.00	Brian	McKiernan	\$7,000.00
Bethel Neighborhood Center		\$30,000.00	Brian	McKiernan	\$2,000.00
Bishop Ward High School		\$12,500.00	Brian	McKiernan	\$1,187.00
Care Beyond the Boulevard		\$30,000.00	Brian	McKiernan	\$2,000.00
CHWC		\$15,000.00	Brian	McKiernan	\$1,000.00
Cross Lines		\$25,000.00	Brian	McKiernan	\$4,000.00
Giving the Basics		\$20,000.00	Brian	McKiernan	\$2,000.00
Hillcrest Ministries		\$20,000.00	Brian	McKiernan	\$4,000.00
Kansas City Dream Center		\$25,000.00	Brian	McKiernan	\$2,000.00
Police Athletic League		\$90,000.00	Brian	McKiernan	\$6,000.00
Strawberry Hill Neighborhood Association		\$10,000.00	Brian	McKiernan	\$6,000.00
The Family Conservancy		\$20,000.00	Brian	McKiernan	\$1,000.00
					\$42,187.00



Staff Request for Commission Action

Tracking No. 212531

Full Commission Meeting Date: 06/29/2023

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 06/05/2023

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
06/15/2023	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

8 Single Family Homes

Action Requested:

Approve

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

FC Memo Land Bank Options 06.29.23



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

M E M O R A N D U M

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: June 15, 2023
SUBJECT: Option applications for consideration

The following **option application(s)** were presented at the 06/05/2023 meeting:
Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

A. Single Family Homes – 8 Homes

1. Rogelio Avalos – 1 home
 - i. 17 S Cherokee St – 139834
2. RA Engineering – 1 home
 - i. 1598 N 86th St – 934501
3. James and Kelly McClellan - 1 home
 - i. 1955 S 98th St – 939808
4. Andrea Wardell - 1 home
 - i. 2926 W 40th Ave – 132806
5. Andrea Wardell - 1 home
 - i. 4007 S Thompson St – 132914
6. J Ayala Ruiz Ayala by James Michael - 1 home
 - i. 1256 Argentine Blvd – 068264
 - ii. 1258 Argentine Blvd - 068263
7. Christopher L Gray - 1 home
 - i. 7651 Webster Ave – 012413
8. Armando Mireles - 1 home
 - i. 1428 N 31st St - 910829

