

**OCTOBER 26, 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 this URL to join. <https://us02web.zoom.us/j/83777734049>

Or One tap mobile:

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Webinar ID: 837 7773 4049

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- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY GEORGE KEMPER, EBENEZER MINISTRIES**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, OCTOBER 26, 2023 AGENDA**
- VI. CLERK'S STATEMENT**
(Anyone wishing to speak about a particular item on the Consent Agenda must notify the Mayor when he asks if there are any "set-asides" on the Consent Agenda. Your item will then be discussed and voted on separately. All remaining items on the Consent Agenda are viewed as a single group and voted on with one vote.)
- VII. PLANNING AND ZONING CONSENT AGENDA**
- VIII. PLANNING AND ZONING NON-CONSENT AGENDA**
- IX. MAYOR'S AGENDA**
- X. REGULAR CONSENT AGENDA**
- XI. PUBLIC HEARING AGENDA**
- XII. STANDING COMMITTEES' AGENDA**
- XIII. ADMINISTRATOR'S AGENDA**
- XIV. COMMISSIONERS' AGENDA**

- XV. LAND BANK BOARD OF TRUSTEES' AGENDA
- XVI. PUBLIC ANNOUNCEMENTS
- XVII. ADJOURN

VI. CLERK'S STATEMENT

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

VII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. **COZ2023-012 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP**
Synopsis: Change of Zone from CP-O Planned Non-Retail Business District to RP-5 Planned Apartment District to convert a school into apartments at 290 South 10th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212796
2. **COZ2023-015 - BRIAN TERRY**
Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming at 3850 North 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212797
3. **COZ2023-017 - VICTOR FRANK MARTINY II**
Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep farm animals at 6019 Woodend Avenue and 6029 Oak Grove Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212799
4. **COZ2023-020 - JACKSON TAYLOR WITH TWG DEVELOPMENT**
Synopsis: Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District to construct an apartment complex at 745 North 78th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212800
5. **COZ2023-025 - LANDON FLIGER WITH ATLAS LAND CONSULTANTS**
Synopsis: Change of Zone from R-1 Single Family District to R-2 Two Family District to bring an existing duplex into compliance at 3009 North 57th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212802

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-024 - BRIAN TERRY

Synopsis: Special Use Permit for grading of the property for hay fields at 3850 North 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design, **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212798

2. SP2023-036 - GUNNAR HAND WITH UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Special Use Permit for an event space with live entertainment and alcohol sales at 600 North 7th Street (Memorial Hall), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL - INDEFINITE)**

Tracking #: 212805

3. SP2023-041 - MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC.

Synopsis: Special Use Permit to operate a group dwelling unit at 2204 North 5th Street. submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL)**

Tracking #: 212806

4. SP2023-063 - SUMEY RABIE

Synopsis: Special Use Permit to operate an auto repair shop at 927 Kansas Avenue (SP-2020-97 expired 8/5/2023), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL)**

Tracking #: 212808

5. SP2023-065 - UMED SAIDOV WITH FRANKS MOTORS INC.

Synopsis: Special Use Permit to operate an auto repair shop at 402 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL)**

Tracking #: 212809

6. SP2023-069 - NEAL PALMER

Synopsis: Special Use Permit for a Short-Term Rental at 2520 North 131st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212811

7. SP2023-070 - SARAH CATHERINE BELARDE

Synopsis: Renewal of a Special Use Permit (SP2022-068, expired 10/6/2023) to operate a Short-Term Rental at 3008 South 9th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212793

8. **SP2023-073 - OSCAR FLORES-URRUTIA**

Synopsis: Renewal of a Special Use Permit (SP2021-066, expires 12/9/2023) to operate a dog kennel at 4001 North 74th Street submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 212794

C. MASTER PLAN AMENDMENT APPLICATIONS

1. **MPL2023-007 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP**

Synopsis: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 290 South 10th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212795

2. **MPL2023-010 - JACKSON TAYLOR WITH TWG DEVELOPMENT**

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) to construct an apartment complex at 745 North 78th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212801

3. **MPL2023-013 - LANDON FLIGER WITH ATLAS LAND CONSULTANTS**

Synopsis: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 3009 North 57th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212803

VIII. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. **SP2023-019 - TIMOTHY OKEOWO WITH REDEEMED CHRISTIAN CHURCH OF GOD**

Synopsis: Special Use Permit for the Temporary Use of Land to keep a shipping container in the parking lot of a church at 8155 Parallel Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 6/1 VOTE)**

Tracking #: 212804

2. **SP2023-047 - LANCE PIERCE WITH KARAT VACATION RENTAL MANAGEMENT (CONTINUED FROM 9/28/23 MEETING)**
Synopsis: Special Use Permit to operate a Short-Term Rental at 3917 Fisher Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/2 VOTE)**
Tracking #: 212740
3. **SP2023-061 - TATUM PHILLIP (CONTINUED FROM 9/28/23 MEETING)**
Synopsis: Special Use Permit to operate a Short-Term Rental at 809 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/1 VOTE)**
Tracking #: 212744
4. **SP2023-062 - RACHEL MILLS**
Synopsis: Special Use Permit to operate a drinking establishment at 612 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 5/2 VOTE)**
Tracking #: 212807
5. **SP2023-067 - MEGAN DUMA WITH MD RENTAL HOMES, LLC**
Synopsis: Special Use Permit for a Short-Term Rental at 2706 Espenlaub Lane (SP2021-028 expired 8/5/2023), submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(NO RECOMMENDATION BY CITY PLANNING COMMISSION - BOTH VOTES 4/4 TIE)**
Tracking #: 212810
6. **SP2023-071 - JOSH ZERLAN WITH COBALT PROPERTY MANAGEMENT, LLC**
Synopsis: Special Use Permit to operate a Short-Term Rental at 731 North 75th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 6/1 VOTE)**
Tracking #: 212812

B. PLAN REVIEW APPLICATIONS

1. **PR2023-014 - CODY BUSICK WITH VINEYARD CHURCH OF PIPER (CONTINUED FROM 9/28/23 MEETING)**
Synopsis: Preliminary Development Plan to expand an existing church at 10601 Hutton Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212666

C. MISCELLANEOUS

1. PRESENTATION: PLAN KCK STRATEGIES (CONTINUED FROM 9/28/23 MEETING)

Synopsis: Update regarding Plan KCK strategies provided by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

For information only

Tracking #: 212753

TAX STATUS REPORT

BOARD OF COMMISSIONERS AGENDA FOR OCTOBER 26, 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

1. PROCLAMATION: KANSAS CITY MONARCHS DAY

Synopsis: Proclamation proclaiming November 1, 2023, as Kansas City Monarchs Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212831

2. PROCLAMATION: ADRIENNE NASTAV EXHIBIT HALL DAY

Synopsis: Proclamation proclaiming October 2, 2023, as Adrienne Nastav Exhibit Hall Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212825

3. PROCLAMATION: KANSAS CITY KANSAS CHAMBER OF COMMERCE DAY

Synopsis: Proclamation proclaiming October 13, 2023, as Kansas City Kansas Chamber of Commerce Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212828

4. PROCLAMATION: MARCH4MIA DAY

Synopsis: Proclamation proclaiming October 14, 2023, as March4Mia Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212829

5. PROCLAMATION: WYANDOT CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Synopsis: Proclamation proclaiming October 29, 2023, as Wyandot Chapter of the Daughters of the American Revolution, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212830

6. **PROCLAMATION: BREAST CANCER AWARENESS MONTH**

Synopsis: Proclamation proclaiming the month of October 2023, as Breast Cancer Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212826

7. **PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH**

Synopsis: Proclamation proclaiming the month of October 2023, as Domestic Violence Awareness Month, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212827

X. REGULAR CONSENT AGENDA

1. **RESOLUTION/ORDINANCE: DEBT PROJECT AUTHORIZATIONS**

Synopsis: A resolution and Ordinance authorizing 2024 debt projects, submitted by Debbie Jonscher, Interim Chief Financial Officer.

*On October 9, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 212769

2. **PLAT: ENDLESS OUTDOORS**

Synopsis: Plat of Endless Outdoors, located at 2640 Woodend Lane, and being developed by Endless Outdoors, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

Tracking #: 212835

3. **MINUTES**

Synopsis: Minutes from the Special Session meeting on September 6th and 14th, 2023.

Tracking #: MINUTES

4. **WEEKLY BUSINESS**

Synopsis: Weekly business materials dated October 5th and 12th, 2023.

Tracking #: WEEKLY BUSINESS

XI. PUBLIC HEARING AGENDA

1. **RESOLUTION: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS (4601 RAINBOW LLC)**

Synopsis: Conduct a public hearing and approve the adoption of a resolution determining the intent to issue Industrial Revenue Bonds in the amount of not to exceed \$52,927,000 to finance the costs and equipping a Commercial Multifamily facility for the benefit of 4601 Rainbow, LLC., submitted by Jeff Conway, Assistant Counsel, Legal Department.

*On October 9, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 212767

2. **ORDINANCE: DOWNTOWN CAMPUS PROJECT (LANIER UNITED LLC)**

Synopsis: Conduct a public hearing and approve an ordinance adopting the 2023 Redevelopment Project plan and terminating the existing redevelopment project plan district, submitted by Jeff Conway, Assistant Counsel.

Resolution R-56-23 was adopted by the governing body on September 14, 2023, setting the public hearing.

Tracking #: 212833

XII. STANDING COMMITTEES' AGENDA

XIII. ADMINISTRATOR'S AGENDA

1. **RESOLUTION: AMENDING ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR LANIER UNITED**

Synopsis: Approval of an amendment to the Resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue taxable Industrial Revenue Bonds for the benefit of Lanier United LLC, in a principal amount not to exceed \$23, 260,000, submitted by Jeff Conway, Assistant Counsel.

This commission previously approved Resolution No. R-86-20 adopted on December 17, 2020 authorizing issuance of bonds.

Tracking #: 212832

2. **ORDINANCE: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR MILHAUS PROPERTIES LLC**

Synopsis: Approval of an Ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue taxable Industrial Revenue Bonds (94th and State, LLC Project) series 2023, in a principal amount not to exceed \$45,000,000, submitted by Jeff Conway, Assistant Counsel.

Resolution R-20-21 was adopted by the governing body on March 11, 2021, authorizing intent to issue bonds.

Tracking #: 212834

XIV. COMMISSIONERS' AGENDA

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Change of Zone Petition COZ2023-012 and MPL2023-007

GENERAL INFORMATION

Applicant:

Tomas de la Paz

Status of Applicant:

Representative
Christine Brewood with HJM Architects
7520 Washington Street
Kansas City, MO 64114

Requested Actions:

To approve a Master Plan Amendment from Public/Semi-Public to High Density Residential (Central Area Plan).

Change of Zone from CP-0 Planned Nonretail Business District to RP-5 Planned Apartment District.

Date of Application:

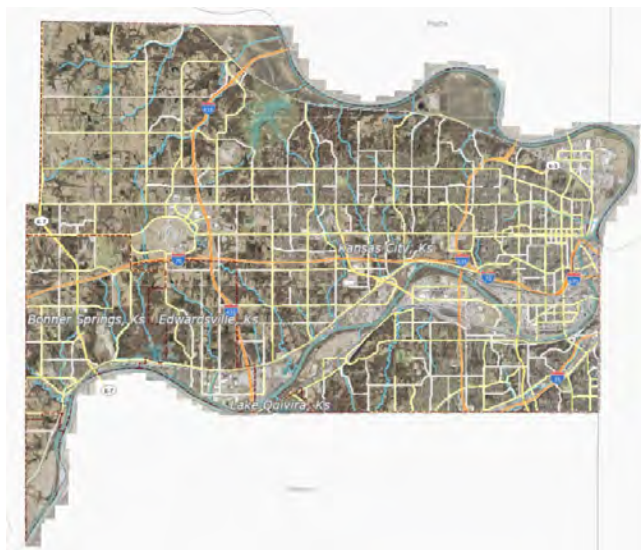
April 28, 2023

Purpose:

To rezone and convert a vacant school building into a 20-unit multi-family apartment building.

Property Location:

290 South 10th Street
Kansas City, KS 66112



Commission District:	Commissioner At Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	CP-0 Planned Nonretail Business District
Adjacent Zoning:	North: R-1(B) Single Family and MP-1 Planned Light Industrial and Industrial Park Districts South: C-0 Nonretail Business and R-1(B) Single Family Districts East: R-1 Single Family District West: R-1(B) Single Family and R-2(B) Two Family Districts
Adjacent Uses:	North: Offices and warehousing South: Single family homes East: Single family homes and Whittier Elementary School West: Undeveloped land and single-family homes
Total Tract Size:	0.93 Acre
Master Plan Area:	Central Area Plan
Master Plan Designation:	The Central Area Plan designates this property as Public/Semi-Public, which allows schools, public land and buildings, churches, and non-profit land and buildings. A Master Plan Amendment has been submitted to High-Density Residential (Central Area Plan), which allows mid-rise and high-rise apartment buildings, condominiums, institutional uses such as schools, churches, and libraries.
Major Street Plan:	The Major Street Plan classifies 10 th Street as a Class C Thoroughfare and Gilmore Avenue as a Local Street.
Required Parking:	Sec. 27-460(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. 37 parking spaces are required. 37 parking spaces are provided.
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, June 5, 2023, July 5, 2023 and August 8, 2023; Plat – May 18, 2023, June 5, 2023, July 5, 2023 and August 8, 2023; Master Plan Amendment – May 18, 2023, June 5, 2023, July 5, 2023 and August 8, 2023

Public Hearings:	September 11, 2023, October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The representative, Christine Brewood with HJM Architects, wants to rezone 290 South 10th Street from CP-0 Planned Nonretail Business District to RP-5 Planned Apartment District to convert a vacant school into a three (3) story, 20-unit multi-family apartment building, preliminary plat to subdivide the parcel into two (2) lots and amend the Central Area Plan from Public/Semi-Public to High-Density Residential on 0.93 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 2003 – 2021 for graffiti, weeds, tall grass and unsecured deteriorating building.
2. Between 2020 – 2023, violations for structural concerns on the building, specifically boarding an unfit structure.

Outstanding or Related Permits and Cases:

1. BOZA2023-019 for building height, open space minimum requirement and ADA parking spaces.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes to the west, south and east. There is an industrially zoned parcel to the north that has multiple tenants and uses within the building and is Whittier Elementary School across the street to the east.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with the surrounding properties as this former school is a neighborhood anchor on a corner parcel and sits in between two (2) single-family neighborhoods. The preliminary plat proposes to subdivide this lot into two (2) parcels, which will allow for future development or programming.

Screening and buffering between single-family homes and multi-family development is required and imperative.

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 landscaping and buffering that is required to be planted along the single-family residentially zoned properties, which can be enhanced by planting more landscaping 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 2008.

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 and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or townhome or condo. The proximity to the elementary school could be a benefit to young families.

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 20 units will increase traffic along South 10th Street, as that is the only access to the property. 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 Public/Semi-Public land use designation within the Central Area Plan; therefore, a Master Plan Amendment is sought from Public/Semi-Public to High-Density Residential mid-rise and high-

rise apartment buildings, condominiums, institutional uses such as schools, churches and libraries.

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

The proposed use should not cause environmental harm through runoff because the proposed development will capture storm water runoff by removing large areas of impervious surface and restoring these areas with grass and vegetation.

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 west and north property lines. Landscaping and screening are imperative.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by East Patrol, District #116

e. *Fire*

Fire service is provided by Fire Station #9 located off 11th Street and Central Avenue.

f. *Transit*

Kansas City ATA provides transit service near this property. The transit stop is in front of this building at the intersection of 10th Street and Gilmore Avenue, Route #104.

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 with the applicant converting a vacant and decaying building to an active use, increasing available housing stock and increasing the tax base. The multiple housing unit types (between one (1) and two (2) bedrooms) within the complex will promote a diverse population to make use of the nearby employment, transit and retail centers.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with the applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If this application is denied, the owner 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 will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land uses. The Traffic Impact Study (TIS) will be reviewed by the Public Works Department to determine if any public improvements are required along South 10th Street and/or Gilmore 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 proposed grading plan intends to keep the property as is, with the exception of the retaining wall and additional parking lot off South 10th Street. It is important to maintain the existing condition onsite as this is a State of Kansas historic landmark.

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.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on May 28, 2023 at the Kansas City, Kansas Public Library at 625 Minnesota Avenue, Kansas City, KS 66101. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2023-007** and Change of Zone Application **COZ2023-012**, subject to:

1. These City Planning Commission petitions are being heard in conjunction with **BOZA2023-019**;
2. Because this is a planned district, 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;
3. Because this parcel is designated as a State Historic Landmark, the State Historic Preservation Officer (SHPO) must review and approve the site and building improvement plans prior to receiving a building permit by the

- Building Inspection Division;**
- 4. 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;**
 - 5. Sec. 27-573(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. This standard shall be applied to new retaining walls. The existing, historic retaining wall of the school is to be maintained in perpetuity;" and amend Conditions #15 to read "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. This standard shall apply to only new construction.**
 - 6. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior**
 - 7. The existing stone retaining wall located in the southwest corner of site, adjacent to Gilmore Avenue shall be preserved with the understanding and agreement that as the wall extends north towards the rear property line, the wall which is between at-grade to one (1) foot shall remain in-place until a development plan is created for Whittier Heights, Lot 1;**
 - 8. As discussed with the applicant and design team, the stairs on the south side of the site off Gilmore Avenue will be preserved and a sidewalk will connect the stairs to the front door on the east side of the building;**
 - 9. The sidewalk along Gilmore Avenue shall extend from the intersection west to the end of the parcel. There will be a small gap between this development and South 11th Street.**
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary.**
 - b. A brick sidewalk would be considered an historic feature of the site;**

10. 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);
11. 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;
12. 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;
13. Interior parking lots lights shall have 90-degree cutoff fixtures;
14. Install bike racks near the front door or a high trafficked entrance/exit;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
16. 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. This standard shall apply only to new construction. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior;
17. Maintain existing trees throughout the site;
18. 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 0.93 acres, which requires 9 trees, three (3) additional evergreen or shade trees and 20 shrubs for buffering per the zoning district;

19. Add street trees along South 10th Street and Gilmore Avenue spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy to observe the BPU overhead electrical lines;
20. Remove the falling over volunteer tree along Gilmore Avenue;
21. 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;
22. All new landscaping shall be irrigated with an in-ground, buried irrigation system;
23. 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;
24. 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;
 25. All electrical meter banks, typically on the side of the building shall be screened from public view;
 26. All exterior lighting, whether mounted on a building or within a parking lot 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;
 27. 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;
 28. 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;
 29. 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;
 30. 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;
 31. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;

32. 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;
33. 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;
34. 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;
35. 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;
36. 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,
37. 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.

KEY ISSUES

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

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 **COZ2023-012 and MPL2023-007**, subject to all comments and the conditions of the City Planning Commission:

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Central Area Land Use Designation
Multi-Family Residential Design Guidelines
Multi-Family Residential Amenity Guidelines
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on May 17, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing Rezoning	September 11, 2023 (Held Over) October 9, 2023 Approved	October 26, 2023
Public Hearing Master Plan	September 11, 2023 (Held Over) October 9, 2023 Approved	October 26, 2023
Public Hearing Preliminary Plat	September 11, 2023 (Held Over) October 9, 2023 Approved	Not required

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-007** 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 **MPL2023-007** 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 **COZ2023-012** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-012** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 9, 2023 City Planning Commission Minutes

Hearing starts at 1:44:05:

MASTER PLAN AMENDMENT MPL2023-007 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP - SYNOPSIS: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 290 South 10th Street.

CHANGE OF ZONE APPLICATION COZ2023-012 – TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP - SYNOPSIS: Change of Zone from CP-O Planned Non-Retail Business District to RP-5 Planned Apartment District to convert a school into apartments at 290 South 10th Street.

PLAT APPLICATION PLAT2023-017 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP - SYNOPSIS: Preliminary Plat of Whittier Heights to split the parcel into two (2) lots at 290 South 10th Street.

Detailed Outline of Requested Action: The representative, Christine Brewood with HJM Architects, wants to rezone 290 South 10th Street from CP-0 Planned Nonretail Business District to RP-5 Planned Apartment District to convert a vacant school into a three (3) story, 20-unit multi-family apartment building, preliminary plat to subdivide the parcel into two (2) lots and amend the Central Area Plan from Public/Semi-Public to High-Density Residential on 0.93 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 October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The Notice in the Wyandotte Echo for the Change of Zone and Master Plan applications;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals hearing and City Planning Commission hearing last month.

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

Recording Secretary Parker stated that these applications were held over from last month's meeting to allow the Staff and applicant to address the conditions of approval discussed at the meeting.

Present in Support:

- Christine Brewood, representing the applicant, HJM Architects, 7520 Washington Street, Kansas City, Missouri 64111

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:49:29: Planning Director Hand stated that at last month's meeting variance application BOZA2023-019 was heard by the Board of Zoning Appeals. The Board approved the variance for the parking design standards and denied the side yard setback. As the Applicant's representative noted, they changed the direction of it and therefore the setback requirement was negated. He further stated that this property is in the Central Area Plan off 10th Street and Gilmore. Staff received no letters in support nor opposition. There are some older Notices of Violation related to the property which would be addressed through the redevelopment of this property. Staff recommends approval subject to the condition in the staff report. A final development plan will be required for this project. The property will be split through the historic site of the school and the agreement was that the retaining wall will remain. Staff reviewed the plan with the State Historic Preservation Office and they noticed that the site plan they reviewed for their State Law review was a different site plan and since the second parking lot off 10th Street was added that would trigger a second State Law review. However, since the Unified Government now has an agreement with the State Historic Preservation Office, that review will be done by the Planning + Urban Design Department. It will not be reviewed by the Kansas City, Kansas Landmarks Commission as it is not a local Landmark. Director Hand addressed the proposed revisions to the conditions:

1. Condition #5 – Amend to state: Section 27-57(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. This standard shall be applied to new retaining walls. The existing, historic retaining wall of the

- school is to be maintained in perpetuity.
2. Condition #15 – Amend to state: 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. This standard shall apply only to new construction. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior.
 3. No changes to Conditions #8 or #13.
- The applicant addressed the condition for the street trees.

Commissioner Eilts stated that when she drove by the site, it appeared there was a fire. Director Hand stated that the extent of the fire could trigger additional reviews.

Motion starts at 1:55:58:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-007:**

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

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



Figure 1. Aerial Photograph of 290 South 10th Street (provided by UG Maps).



Figure 2. Zoning Map of 290 South 10th Street (provided by UG Maps).



Figure 3. Central Area Plan Land Use Designation Map of 290 South 10th Street (provided by ArcGIS Pro).

Designation	Description	Allowed Building Types
Community Commercial	These uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small scale accessory commercial uses and small-scale commercial centers	• Grocery stores • Medium sized (25,000 to 75,000 sq ft) box stores • Sit-down and drive-through restaurants • Banks • Drug stores • Gas stations and convenience stores
Neighborhood Commercial	Allows a wide range of small-scale commercial and office development. Uses may include commercial retail, professional offices and services.	• Gas stations and convenience stores • Restaurants • Offices
Mixed-Use	Located at major arterial intersections and within traditional neighborhood design (TND) developments, these areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential.	• Restaurants • Small and medium commercial • Professional and office services • Institutional; such as schools, churches and libraries • Mixed-density residential • Parks, plazas, and open space
High-Density Residential	These uses are intended to provide for future housing needs through the construction of attached owner and renter occupied mid-rise and high-rise residential developments.	• Mid-rise and high-rise apartment buildings • Condominiums • Institutional; such as schools, churches and libraries
Medium-Density Residential	These uses are intended to provide for future housing needs through the construction of a wide variety of attached residential development.	• Garden apartments • Attached residences including town homes, duplexes, triplexes, fourplexes, etc. • Institutional; such as schools, churches and libraries
Urban Density	Allows a mix of detached and attached residential	• Single family homes • Attached residences including town homes, duplexes, triplexes, fourplexes, etc. • Institutional; such as schools, churches and libraries
Parks/Open Space	These uses are intended to provide both passive and active recreational opportunities throughout the City.	• Park buildings • Open space • Trails
Public/Semi-Public	These uses include publicly owned or non-profit property. When these uses are sold, the City should carefully consider alternative uses for redevelopment.	• Schools • Public land and buildings • Churches • Non-profit land and buildings
Utility	This category includes provisions for public and private infrastructure and facilities related to water, sanitary sewer, electric power, natural gas, cable, telephone and mobile phone facilities.	• Cell phone towers • Utility substations • Electric power lines • Other utilities.
Right-of-Way	N/a	N/a

Multi-Family Residential Design Guidelines

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

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



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



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

Amenity Guidelines

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

Single-Family Residential Amenity Guidelines

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

Multi-Family Residential Amenity Guidelines

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

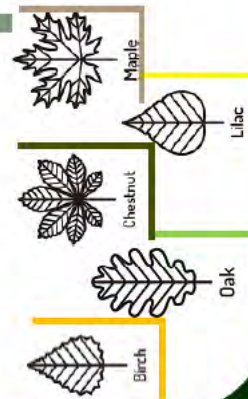
Residential Amenity Reference Table

Small:	
Basketball, volleyball, or other court sport.	
Open play area of at least 15,000 square feet with maximum of three (3) percent slope and low benches and one play structure.	
One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Option provided by owner, but must be considered equal to one of the other small options.	
Regular:	
Swimming pool	
Golf Course	
Residential Clubhouse	
Two (2) basketball, volleyball, or other court sports.	
Two (2) lot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per lot, one (1) bench per lot.	
Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.	
Option provided by owner, but must be considered equal to one of the other regular options.	

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.

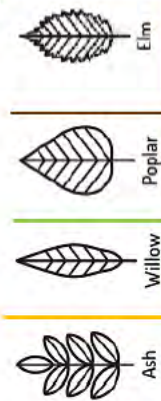
For More Information:

<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
Oklaoma 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

COZ – Staff Comments and Suggestions Response

PROJECT: 290 S 10th Street

Change of Zone Petition COZ2023-012, PLAT2023-017 (Whittier Heights Preliminary Plat) and MPL2023-007

DATE: 5/26/23

ARCHITECT'S PROJECT NUMBER: 2210

FROM:

Christine Brewood
HJM Architects, Inc.
7520 Washington Street
Kansas City, MO 64114

Urban Planning and Land Use Comments and 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.
 - o *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.
 - o *Acknowledged.*
3. Because this is a planned district, 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.
 - o *Acknowledged.*
4. Because this parcel is designated as a State Historic Landmark, the State Historic Preservation Officer (SHPO) must review and approve the site and building improvement plans prior to receiving a recommendation by the City Planning Commission and decision by the Unified Government Board of Commissioners. Secondly, any comments generated by SHPO must be incorporated into these entitlement documents.
 - o *Acknowledged.*
5. Per the Multi-Family Residential Design Guidelines:
 - a. Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.
 - o *Acknowledged.*
 - 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.
 - o *Acknowledged.*
 - c. Exterior building material 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.
 - o *Acknowledged*
- d. Landscaping is required to screen all parking areas and service entries.
 - o *Acknowledged.*
- 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.
 - o *To maintain historic walls, propose existing retaining walls over six (6) feet in height remain existing heights.*
- 7. Where are on-site deliveries going to be dropped off?
 - o *USPS and parcel companies will be given a key or code to drop off deliveries in the parcel room and interior mailboxes.*
- 8. What on-site amenities will be provided as part of this development? One (1) small amenity is required.
 - o *An open play area or a picnic area will be provided.*
- 9. The sidewalk along Gilmore Avenue shall extend from the intersection west to the end of the parcel. There will be a small gap between this development and South 11th Street.
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary.
 - b. A brick sidewalk would be considered an historic feature of the site.
 - o *Propose public use sidewalk on south side of Gilmore Avenue. Access to the apartments is on 10th Street. Area between curb and wall on the north side of Gilmore to remain.*
- 10. Where are on-site deliveries going to be dropped off?
 - o *See comment 7.*
- 11. What on-site amenities will be provided as part of this development? One (1) small amenity is required.
 - o *See comment 8.*
- 12. 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 a community shelter that can accommodate all residents within the multi-family units.
 - o *Acknowledged.*
- 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.
 - o *Acknowledged.*
- 14. Interior parking lots lights shall have 90-degree cutoff fixtures.
 - o *Acknowledged.*
- 15. Install bike racks near the front door or a high trafficked entrance/exit.
 - o *Propose to not install bike racks if not required.*
- 16. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape.
 - o *Acknowledged.*
- 17. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
 - o *Acknowledged.*

18. 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.
 - o *Acknowledged.*
19. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
 - o *Acknowledged.*
20. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.
 - o *Acknowledged.*

Building Architecture:

1. Because this structure and parcel is designated as a State Historic Landmark, comments pertaining to exterior doors, windows and façade improvements will be generated by the State Historic Preservation Officer (SHPO). Their comments and review must occur before Planning + Urban Design can complete their review.
 - a. The retaining wall will most likely be part of the historic landscaping and so SHPO may not allow its partial demolition for ADA access.
 - b. There is a pathway from the stairs to the entrance along Gilmore Avenue. Walling in and covering the stairs with soil and grass is damaging the character of the site. This needs to be assessed and addressed in order to not destroy any historic landscaping or features.
 - o *(CO2R_5_26_23) To increase security and fall safety, proposal is to fill in the stairs and wall off the opening along Gilmore with masonry similar to, but different from, the historic stone along the wall. The new wall will be held back from the historic wall, and 3 historic stone steps at the bottom of the street will be retained, along with the tops of the wing wall along each side of the stair. The proposal has been discussed with SHPO and is under review.*
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.
 - o *Existing historic downspout locations will be used. If the existing historic copper scupper is salvageable, it will be repaired and retained and downspouts will be copper. If it is not salvageable, scuppers and downspouts will be prefinished metal in a color that blends with the building.*

Landscaping and Screening:

1. Maintain existing trees throughout the site.
 - o *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 0.93 acres, which requires 9 trees, three (3) additional evergreen or shade trees and 20 shrubs for buffering per the zoning district.
 - o *Acknowledged. Plan for paved area that shifts from Lot 2 to Lot 1 with new division is under discussion and could remain paved until Lot 1 is developed.*
3. Add street trees along South 10th Street and Gilmore Avenue spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy.
 - o *(L01R_5_26_23) Trees added along Gilmore Avenue. South 10th Street remaining as is due to low cable lines blocking any trees.*
4. Remove the falling over volunteer tree.
 - o *(C02R_5_26_23) revised to show tree removed.*
5. 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.
 - o *Acknowledged.*
6. All landscaping shall be irrigated.
 - o *Acknowledged.*
7. 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.
 - o *Acknowledged.*
8. 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.
 - o *Acknowledged. Rooftop mechanical equipment is small, set back from roof edge, and out of public view.*
9. All electrical meter banks, typically on the side of the building shall be screened from public view.
 - o *Acknowledged.*
10. All exterior lighting, whether mounted on a building or within a parking lot 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.
 - o *Acknowledged.*
11. 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.
 - o *Acknowledged.*
- 12. 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.
 - o *Acknowledged.*
- 13. 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.
 - o *Acknowledged.*
- 14. 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.
 - o *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 Change of Zone Petition COZ2023-012, PLAT2023-017 (Whittier Heights), MPL2023-007 June 12, 2023 13 at (913) 573-5750 or signpermits@wycokck.org to begin this process.
 - o *Acknowledged.*

Planning Engineering Comments:

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



Thank you,
Christine Brewood
HJM Architects, Project Manager
7520 Washington St. Kansas City, MO 64114
cbrewood@hjmarch.com



Neighborhood Meeting Preliminary Plan Review Minutes

Application Number: COZ2023-012.MPL2023-007.PLAT2023-017.BOZA2023-019

Date and Location: 5/28/2023 at KCK Main Library at 625 Minnesota Avenue

In Attendance:

- Ivan Pedreros
- Tomas de la Paz
- Connie McCabe
- Gonzalo Rodriguez
- Elizabeth Castillo-Santos
- Sulma Conde

Introductions:

Ivan Pedreros began his presentation at 3:05 with a thank you to those in attendance.

He introduced himself and Tomas de la Paz, highlighting their backgrounds in property renovation and construction in Missouri and Kansas.

He talked about the importance of attractive, affordable housing for safe, thriving communities and how a long-abandoned building is a tragic blight on the neighborhood.

Ivan touched on the old Whittier school and its significance to the community and his plans to transform it into Whittier Lofts, a 20-unit apartment building with the potential to energize this neglected stretch of 10th Street.

With property blueprints, Ivan pointed out apartment layouts, green spaces, common areas, parking lots and the main security gate.

He explained how because the project has been approved as a historical building, they are applying for state and federal Historic Tax Credit to renovate and maintain the integrity of the building.

He also explained how Whittier Lofts plans to apply for the Low-Income Tax Credit as well so that these apartments will be affordable for the families, seniors and young adults in the community.

Questions:

Gonzalo Rodriguez asked how the project was to be funded. Ivan said private investors.

Gonzalo Rodriguez was concerned about drugs and how we are going to bring good tenants. Ivan explained that the idea is to make the rent affordable for people who have work. It will not be free housing.

Elizabeth Castillo-Santos asked who will administer the apartments once they are built. Ivan said the plan was to have a property management company handle administration duties.

Elizabeth Castillo-Santos asked when the project would start. Ivan said that if all the permissions are approved, the project might initiate not earlier than late August.

Elizabeth Castillo-Santos expressed concern over increased problems with homeless people and drug dealing in and around old Whittier school. Ivan said he hoped that crews working on site—people visibly, regularly coming and going on the property—would be a deterrent to both the homeless population and teenagers that often broke into the building.

Sulma Conde reiterated the homeless issue. She said she lives on 10th Street, and her kids can't go outside because the alley behind the school is often used as a toilet.

Sulma Conde also said that she is worried that if renters are short term, like month to month, they would not be invested in the neighborhood. Ivan said the plan is to have fixed term leasing so tenants would have to commit to a year. He also said the idea is for Whittier Lofts to be used by those in the community: teachers, for instance, at the new Whittier school across the street or families whose children can just walk to school. Ivan said the idea is to improve the neighborhood not do something to make problems worse.

Sulma Conde said she is concerned that the apartment building would bring more traffic than the community center that operated the building in the old days. Ivan said that the plan is to have gates and only tenants with remote controls would be able to access. Because there is a cap on the number of parking spaces, and the lot will not be open to the public, there should not be more traffic than when there was a community center which would have many activities with multiple people coming and going all day.

Elizabeth Castillo-Santos asked if Ivan has any experience doing this and why is the plan to go with apartments as opposed to something else. Ivan said that he has refurbished and built houses from the ground-up and Tomas has extensive experience remodeling and recasting restaurants and hotel buildings. This is their first project on what was originally a school, but they concede that starting with a property will be faster than starting from zero. As for the concept, they want the property to improve the community, so apartments for the very families that live and work in the area makes the most sense. Much more so than using the building for offices which would mean different people coming and going.

Sulma Conde also talked about the problem of drugs in the street. Ivan said that he recognizes how an empty building can be a magnet for those kinds of things, but that neighbors who care about the neighborhood need to continue to report such problems to the police. He also said that the sooner the project can get going, the sooner they can give life to the corner, the sooner some of these problems can dissipate.

Sulma Conde asked if there would be a gym on the property. Ivan said no, not in this property. He did explain that there is a possibility to build a second complimentary apartment building adjacent to the school. If the original Whittier Lofts is well received by the community, and there is demand for apartments in the area, then a second building for 40- or 60-units is a possibility, and a gym is something worth considering.

At the end of this meeting, everyone admitted that this project will bring life and security to this long-abandoned lot, and the future tenants, 20 families with, it is hoped, links to the community, will contribute to making a safer, better neighborhood. All in all, they look forward to seeing construction start soon to help deter vandalism, drug dealing and homeless settlements in/near the area.

Meeting adjourned at: 4:10.

Minutes taken by: Connie McCabe

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

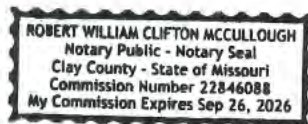
1. That I am the petitioner for Petition # COZ 2023-012, MPL 2023-007, PLAT 2023-017, BOZA 2023-019
2. That I conducted a neighborhood meeting on MAY 28, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

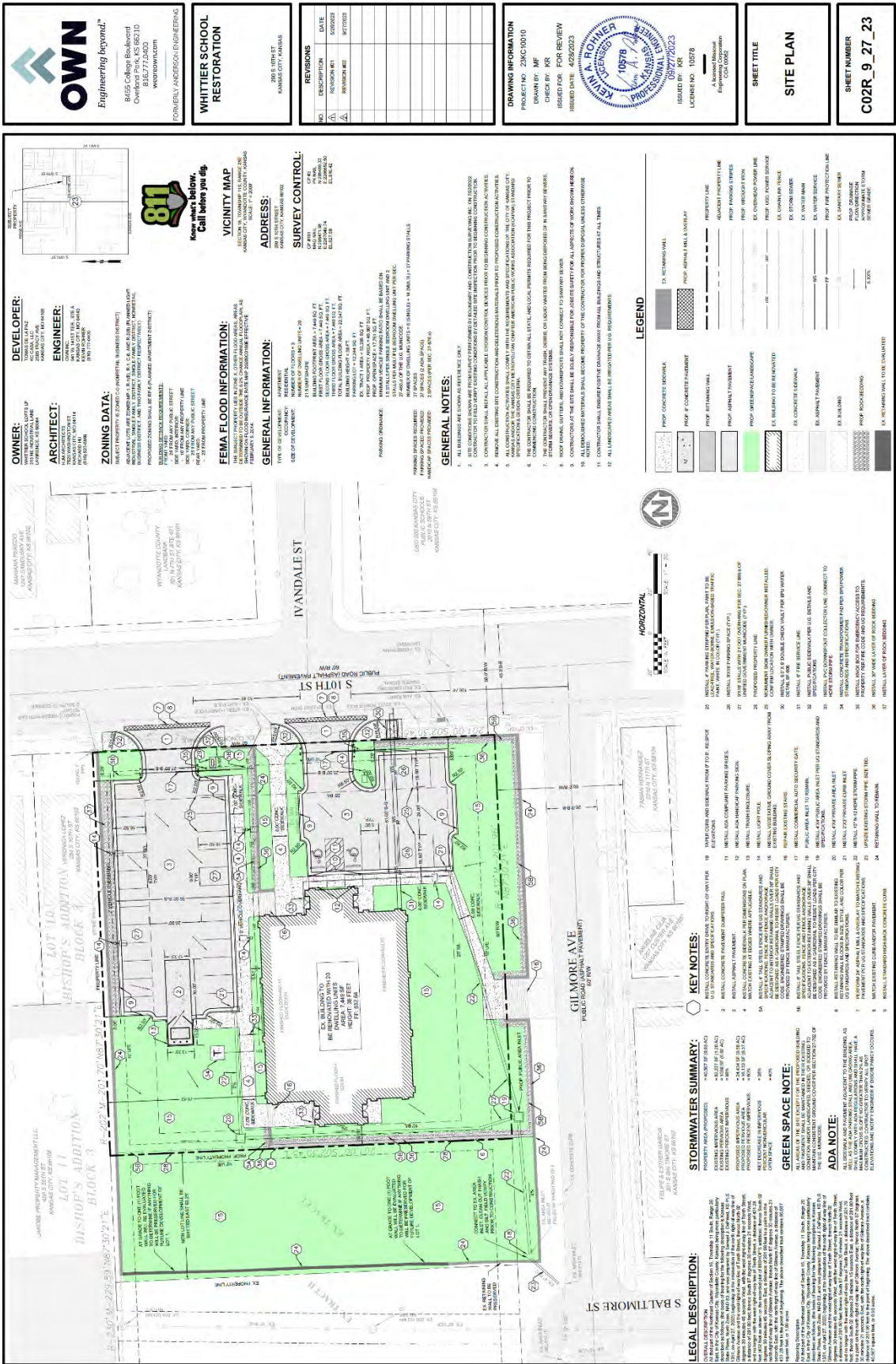
Connie McCabe
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31 day of May, 2003, 2023

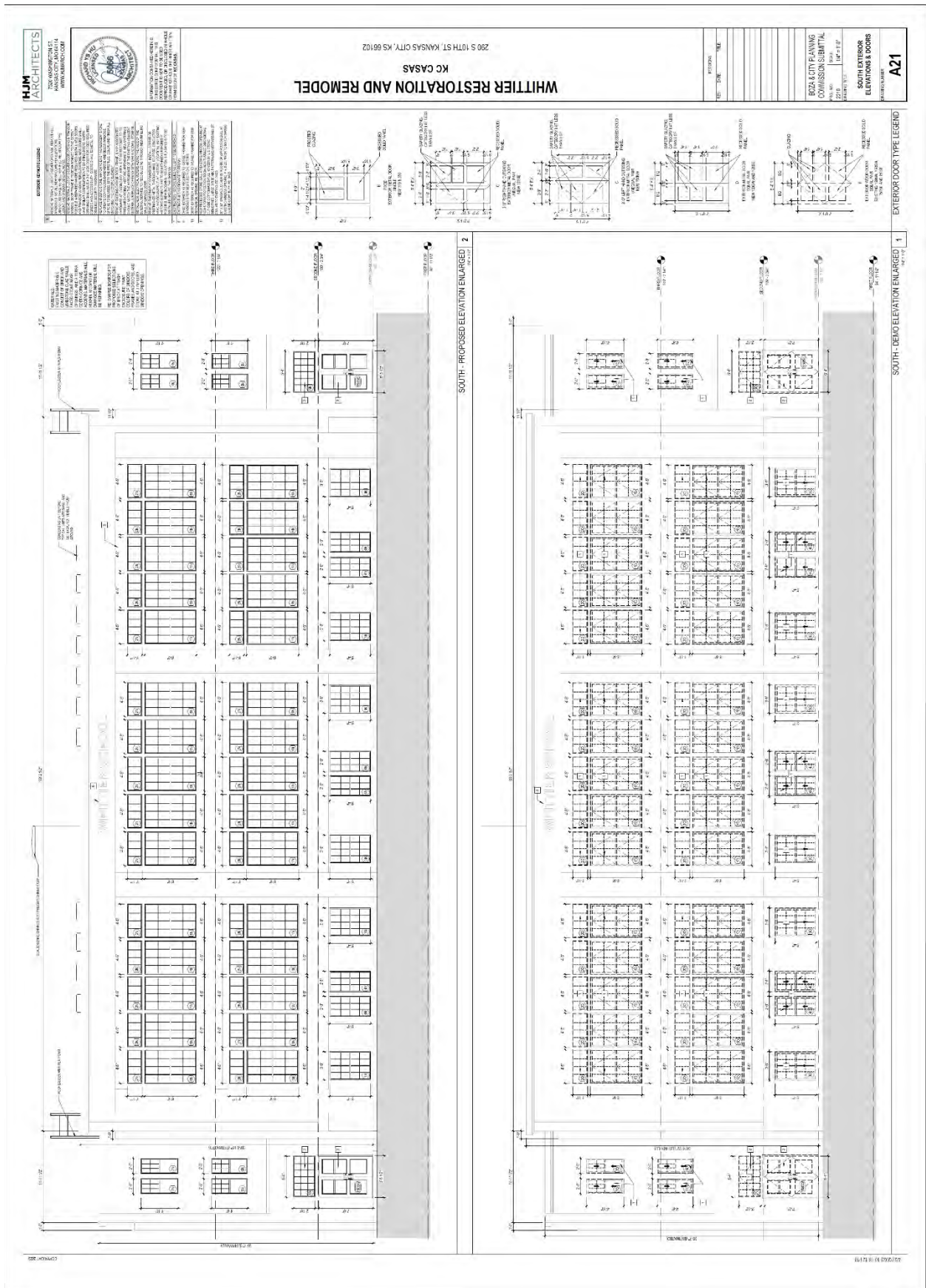
My commission expires Sept of 26, 2003, 2026



Robert William Clifton McCullough
Notary Public







EXTERIOR DOOR TYPE LEGEND

NORTH - PROPOSED ELEVATION ENLARGED
1/8" = 1' 2"

NORTH - DEMO ELEVATION ENLARGED

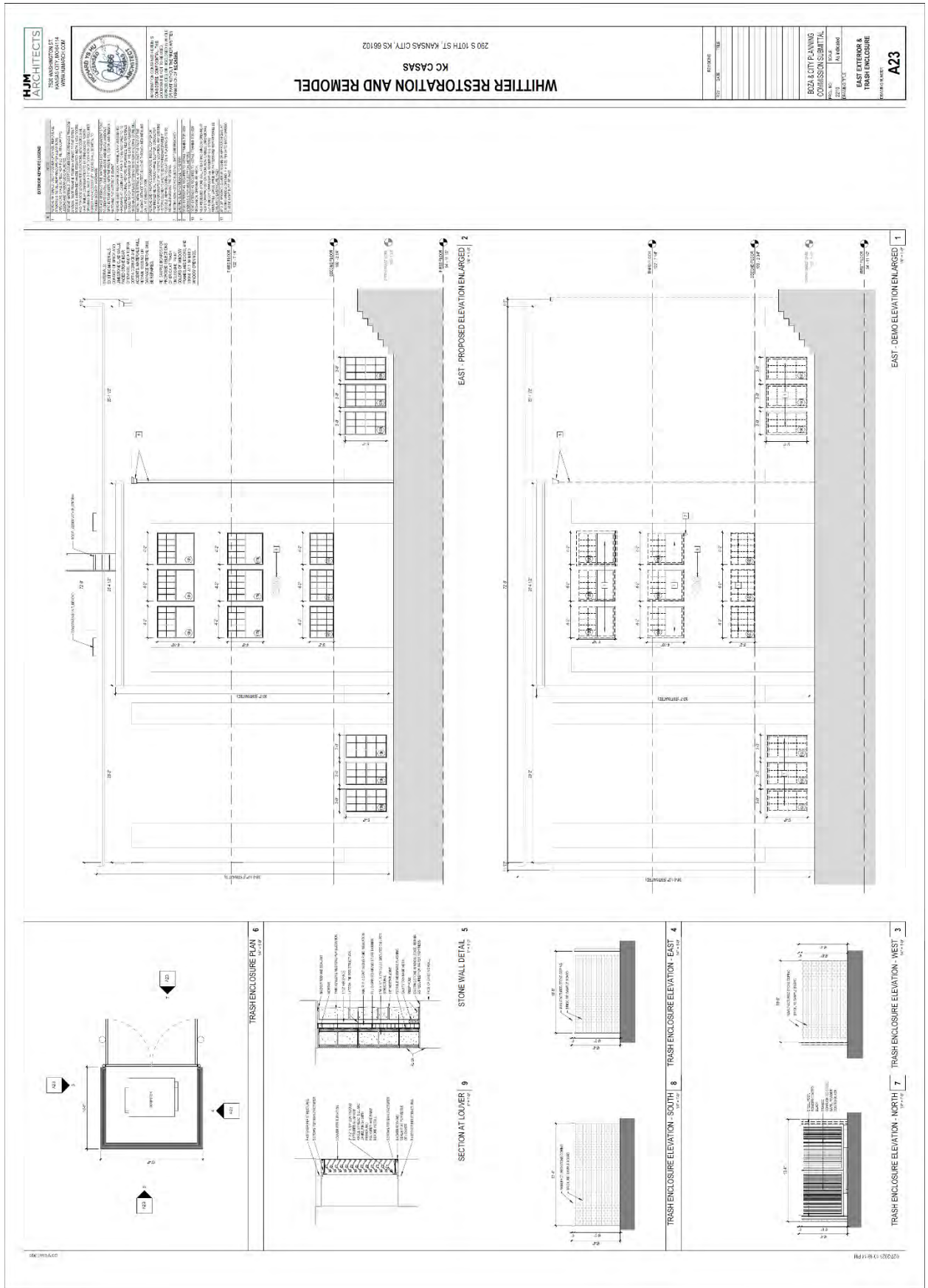




Figure 4. Site photograph looking north at 290 South 10th Street (provided by Planning Staff).



Figure 5. Site photograph looking northeast at 290 South 10th Street (provided by Planning Staff).



Figure 6. Site photograph looking east at 290 South 10th Street (provided by Planning Staff).



Figure 7. Site Photograph of 290 South 10th Street looking southeast (provided by Planning Staff).



Figure 8. Site Photograph of 290 South 10th Street looking northwest (provided by Planning Staff).



Figure 9. Site Photograph of 290 South 10th Street looking southwest (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: **Petition COZ2023-015 and SP2023-024**

GENERAL INFORMATION

Applicant:
Brian Terry

Status of Applicant:
Property Owner
3645 North 85th Street
Kansas City, KS 66109

Requested Actions:
Approval of a Change of Zone from R-1
Single Family District to A-G
Agriculture District.

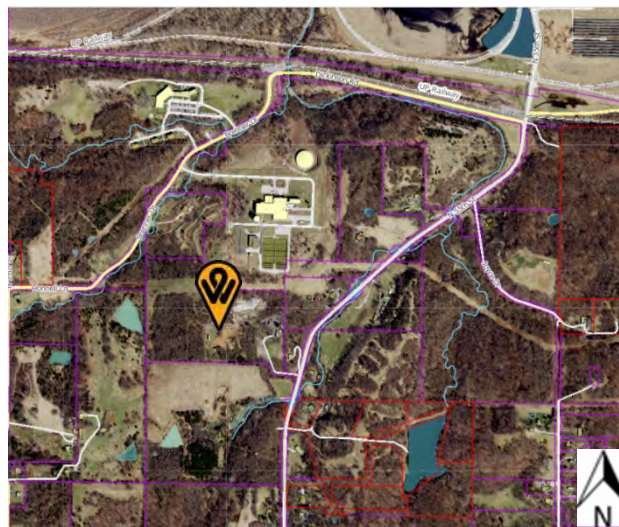
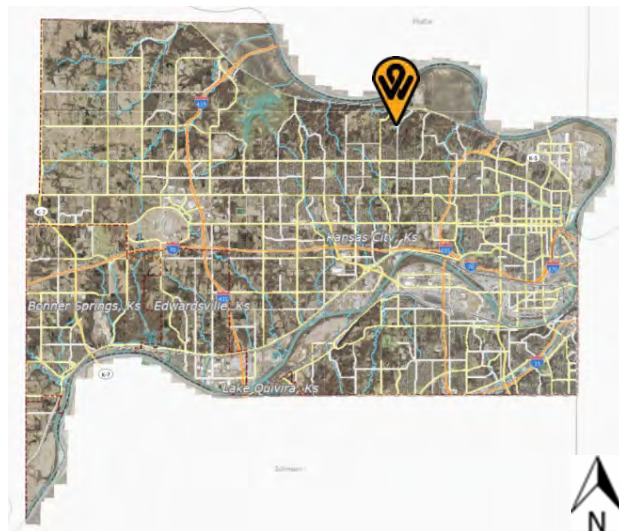
Approval Special Use Permit for on-site
grading associated with hay fields.

Date of Application:
May 26, 2023

Purpose:
To rezone for agricultural farming and on-
site grading for hay fields.

Property Location:
3850 North 55th Street

Commission Districts:
Commissioner At-Large, District #1:
Melisa Bynum
District #1 Commissioner: Gayle
Townsend



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: BPU facility South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	25.13 Acres
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches, large-lot single-family detached residences and passive and open space.
Major Street Plan:	The Major Street Plan classifies 55 th Street as a Collector Street.
Required Parking:	Sec. 27-452(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Two (2) spaces are required. The Applicant is providing two (2) parking spaces in the driveway, but there is ample space to add additional parking.
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – June 15, 2023; Special Use Permit – June 15, 2023 Letters to Property Owners – Change of Zone – June 16, 2023, July 5, 2023, August 8, 2023 and September 5, 2023; Special Use Permit – June 16, 2023, July 5, 2023, August 8, 2023 and September 5, 2023
Public Hearing:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brian Terry, has filed a Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming and a Special Use Permit for on-site grading of hay field on 25.13 acres at 3850 North

Change of Zone Petition COZ2023-015 and SP2023-024

55th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. There are numerous code violations and administrative citations between August and November 2019 for parts and trailers scattered around the property, trash, structural repairs, numerous unregistered vehicles, people living in unsanitary conditions.
2. BSR22-0007 – Stop Work Order for excavating and hauling/dumping without permits on January 27, 2022.
3. BSR23-0025 – Stop Work Order for land disturbance on January 31, 2023.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes on larger acreages. The area is relatively rural in nature along North 55th Street to the east. The majority of the parcels are zoned R-1 Single Family District, however, there are some zoned A-G Agriculture District. The site is within the vicinity of BPU Nearman Creek Power Station.

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

The zoning and uses of nearby property are set out above. The property is owned by Terry's Hauling, LLC, which lends credence to a home-based business operating on the property. A home business keeping heavy trucks, trailers and/or equipment is not preferred as commercial contractors are best suited to be in M-2/MP-2 General Industrial District or higher. A home-based office poses no issues, but an operation at this scale would not normally be compatible with established residential 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?*

Agricultural farming will not detrimentally affect nearby property, however, the continued presences of trucks along North 55th Street for continued grading may affect nearby property.

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

The property is not vacant, as the applicant is the homeowner.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public considering these benefits are solely for applicant. If the grading occurs on-site without the need for trucks to provide or haul away earthen material, then the proposed use should not permanently injure the appropriate use, visual quality, or marketability of adjoining property, but may impair adjacent properties in the interim.

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.*

Without knowing the specifics of the grading operation, Staff cannot determine if there will be an increase in traffic to the point where it would adversely affect road capacity or safety.

If the on-site grading were associated with an ongoing building permit to build a structure, a Special Use Permit would not be necessary.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan Rural Residential designation for this property allows agricultural uses, ranches, and large-lot detached single-family residences. This proposed use is in conformance with the Master Plan.

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

The proposed use should not cause environmental harm, but if not property managed and regulations are not adhered to, erosion and stormwater drainage can be affected causing problems for adjacent property owners.

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

a. Water service

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by Midtown Patrol, District #223.

e. Fire

Fire service is provided by Fire Station #18 located at 55th Street and Leavenworth Road.

f. Transit

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

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

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

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

The proposed uses are capable of meeting applicable ordinance requirements with the submittal of required civil drawings and written explanation of scope of work.

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

The relative gain to the public health, safety, and welfare is minimal as it provides the convenience of for the applicant/property owner only. If denied, the landowner could continue to use the property for agricultural use, but is restricted to the R-1 Single Family District standards and regulations and on-site grading not associated with a building permit would not be permitted.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Because this application was filed in June 2023, prior to the August 2023 dissolution of e-mail/phone neighborhood meetings, the applicant held a neighborhood meeting by phone/e-mail through June 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-015** and Special Use Permit Application **SP2023-024, for two (2) years**, subject to:

1. **Hours of operation for balancing the site for grading shall be Monday through Friday, 8:00 AM to 5:00 PM;**
2. **The equipment used on the property will be a 955 loader, crusher, dump trucks, excavator and concrete truck. At the conclusion of the on-site grading, this equipment shall be removed as the keeping of industrial equipment is not permitted on the premises without a Special Use Permit for the Temporary Use of Land for industrial purposes. This Special Use Permit is for on-site grading only;**
3. **Obtain a hauling permit from the Public Works Department;**
4. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
5. **All existing and future driveways must feature curb cuts that are constructed to UG standards.**
 - a. **The existing driveway does not meet UG standards;**
6. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**

- 7. 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;**
- 8. A grading permit is required from the Building Inspection Division prior to earthen material is brought in, removed or relocated on the property;**
- 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. 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;**
- 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 13. 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.**

KEY ISSUES

Size of grading proposal
Compliance with local regulations

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 **COZ2023-015** and **SP2023-024**, subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Conservation District Comment Letter
Applicant Response Letter
Neighborhood Meeting Documents
Plot Plan
Grading Plan
Erosion Control Plan
Site Photograph taken by Planning Staff on June 16, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	October 9, 2023	October 26, 2023
Rezoning	Approval	
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Approval	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE COZ2023-015** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-015** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVAL** of Petition **SP2023-024** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-024** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 1:59:25:

CHANGE OF ZONE APPLICATION COZ2023-015 – BRIAN TERRY - SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming at 3850 North 55th Street.

SPECIAL USE PERMIT APPLICATION SP2023-024 – BRIAN TERRY – SYNOPSIS:

Special Use Permit for grading of the property for hay fields at 3850 North 55th Street.

Detailed Outline of Requested Action: The applicant, Brian Terry, has filed a Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming and a Special Use Permit for on-site grading of hay field on 25.13 acres at 3850 North 55th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Brian Terry, applicant, 3850 North 55th Street, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:01:52: Planning Director Hand stated that the Change of Zone is for the hay fields and the Special Use Permit is for grading and grubbing to bring the site back to agricultural purposes. The property is in the City-Wide Comprehensive Plan, Staff has received no letters in support nor violation. There are Notices of Violation on the property for work done on the property without a Special Use Permit, which is being addressed through this process. Staff recommends approval of the Change of Zone and the Special Use Permit for two (2) years subject to the conditions in the staff report.

Mr. Terry asked for clarification of the concrete driveway. Director Hand showed the applicant the area that needs to be concrete from the street to the property line and then the remainder of the driveway can be gravel.

Motion starts at 2:04:40:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-015:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. Hours of operation for balancing the site for grading shall be Monday through Friday, 8:00 AM to 5:00 PM;
2. The equipment used on the property will be a 955 loader, crusher, dump trucks, excavator and concrete truck. At the conclusion of the on-site grading, this equipment shall be removed as the keeping of industrial equipment is not permitted on the premises without a Special Use Permit for the Temporary Use of Land for industrial purposes. This Special Use Permit is for on-site grading only;
3. Obtain a hauling permit from the Public Works Department;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards.
 - a. The existing driveway does not meet UG standards;
6. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
7. 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;
8. A grading permit is required from the Building Inspection Division prior to earthen material is brought in, removed or relocated on the property;
 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. 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;
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 13. 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.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-024:**

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

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



Figure 1. Aerial Map of 3850 North 55th Street (provided by UG Maps).

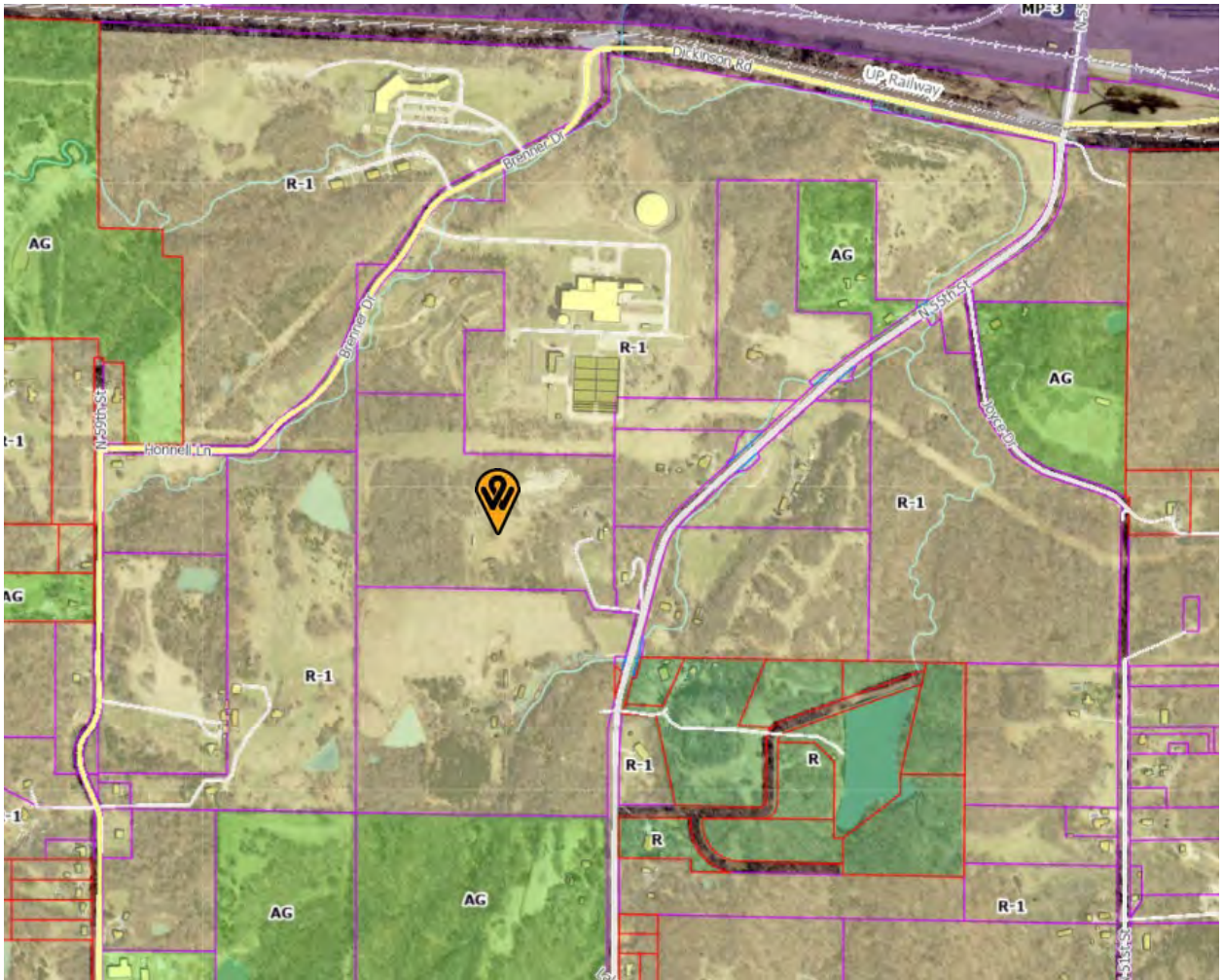


Figure 2. Zoning Map of 3850 North 55th Street (provided by UG Maps).

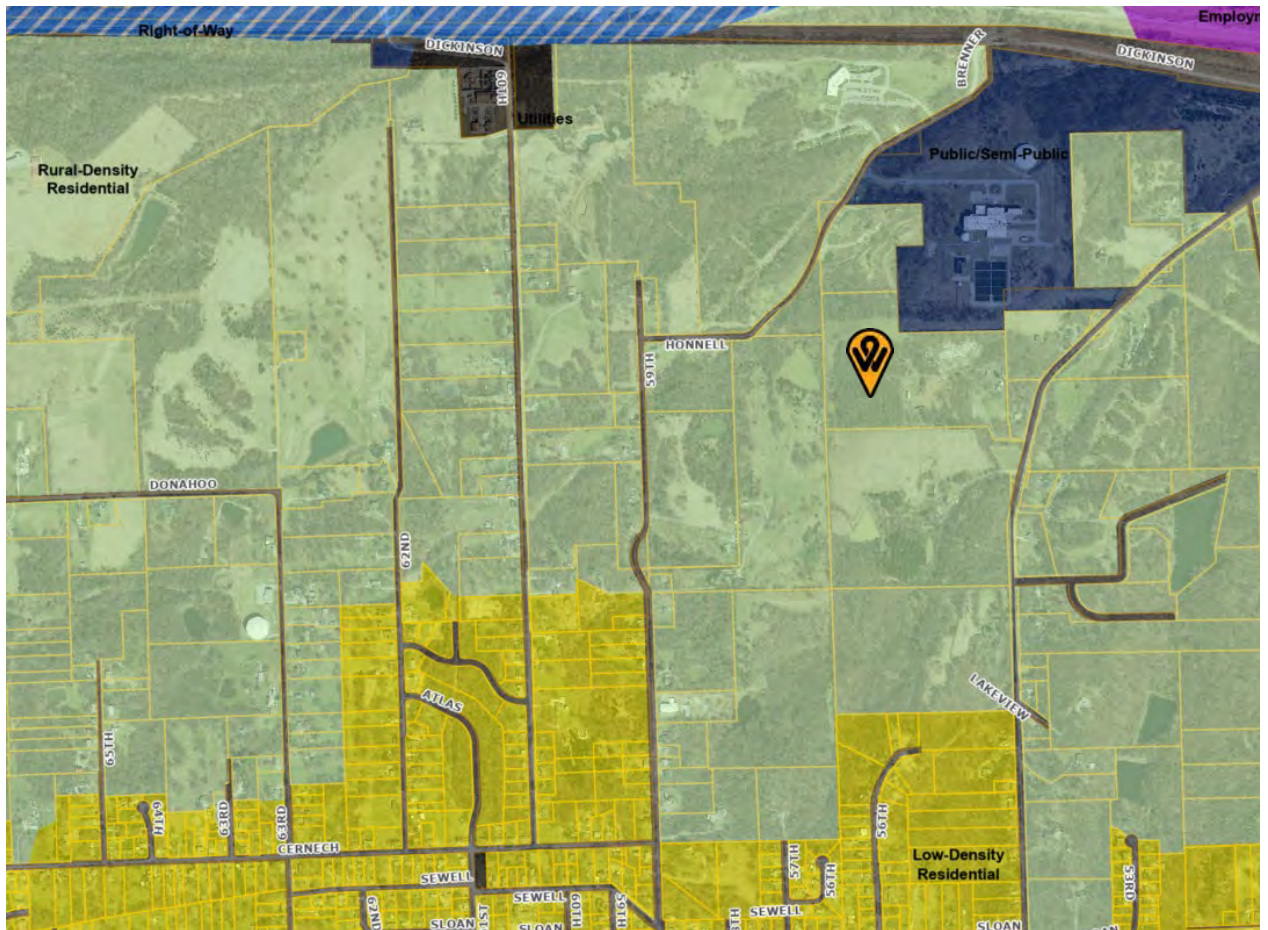


Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of 3850 North 55th Street (provided by ArcMap).



Wyandotte County Conservation District
1204 N. 75th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wyco_conservation@gmail.com

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

June 15, 2023

RE: COZ-2023-015 and SP2023-024 Brain Terry R-1 to A-G for agricultural farming at
3850 North 55th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ-2023-015 and SP2023-024 Brain Terry R-1 to A-G for agricultural farming at
3850 North 55th Street.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwellings and Small Commercial Buildings
Soil Features

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

- There are three major soil types identified: Know silt loam, 7 to 12 percent slopes, Know silt loam, 12 to 18 percent slopes and Know silt loam, 18 to 30 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- Some of this area has been cleared and had fill it appears over the years. We didn't receive information on where practices were going to be used. Soil erosion can be a major concern if not managed. Hay production can be a good land use for this property if it is planted in healthy soils.
- Other areas are quite steep and covered with trees and brush. This area can be managed for woodland production.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

"Draft" Comments

Brian Terry

3850 N 55th St

KCKS 66104

1. A&B: Site Plan: Have a survey scheduled for Tuesday, June 27th with Justin Bracks 816-918-5962

C: Erosion Control Plan: 3' silt fencing installed and maintained on the lower east side of the property. Have already installed the construction entrance.

D: Standard Details and Notes: Regrading upper section of property to balance out all areas for adding a pole barn, leveling hay fields, and easier maintenance of fencing and mowing.
2. Who resides at property: Brian Terry
3. Hours Of Operations: 8-5 Monday-Friday
4. Type Of Equipment: 955 Loader, Crusher, Dump Trucks, Excavator, and Concrete Truck
A: Where Stored: Onsite
B: Truck Arrival/Departure: 10-15 a day
5. Length of Project: 12 months
6. Net Loss/Gain: Less than 10%
7. Haul Route: 55th St South to Leavenworth Road East to 635 North out of City.
8. Have requested Building Permit, was told that I have to get property changed to Agricultural first.

9. Driveway: Driveway is constructed of gravel and asphalt. All driveways in the neighborhood are constructed the same. There are no curbs on the street.
- 10 Have requested Land Disturbance Permit: Meeting is July 7th, 2023

6/12/2023

Terry's Hauling LLC
1032 S 26th Street
Kansas City, KS 66106

Subject: Neighborhood Consent

We have filed an application with the Department of Urban Planning and Land Use. The purpose of this is to change the zone at the following address: 3850 N 55th Street, Kansas City, KS 66104.

We are requesting all neighbors within 200 feet of the property permission to change the zoning from R-1 back to Agricultural. The reason for the change is to put cattle on the property and farming purposes.

Should you have questions or concerns, feel free to reach out to us.

Sincerely,

Terry's Hauling LLC
Brian Terry 913-915-8883

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS }
COUNTY OF Wy } ss: Terry's Hauling LLC

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

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

Further affiant saith not.

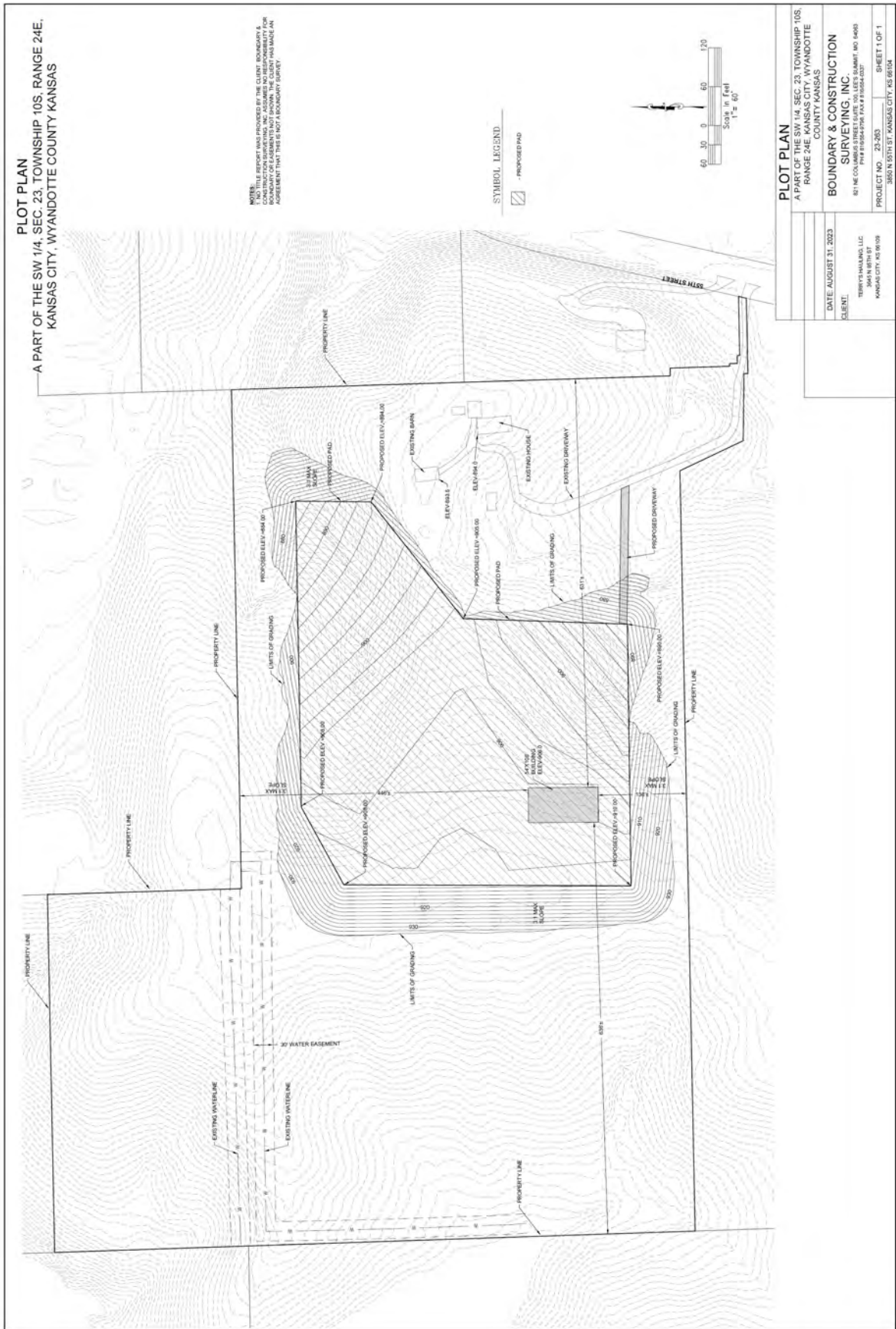
Alice Terry
Affiant

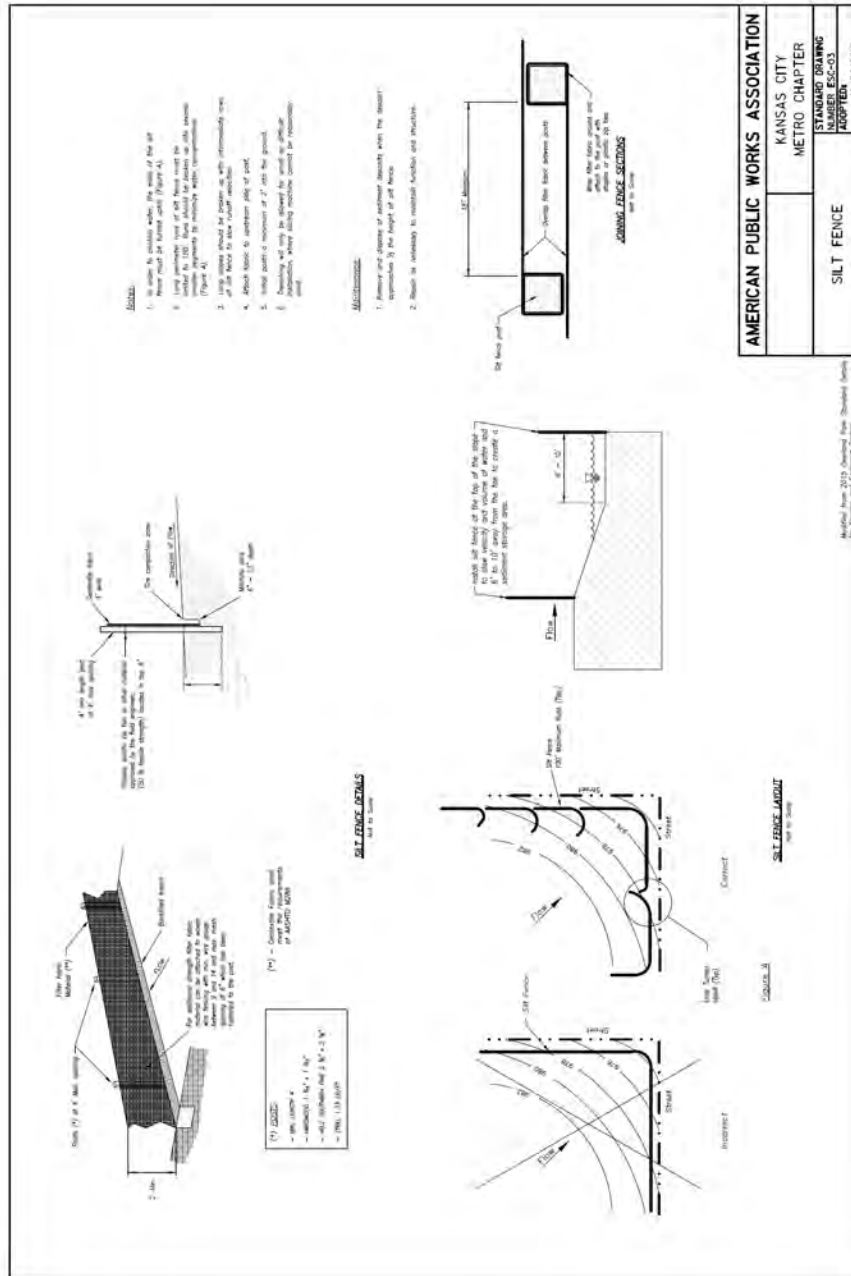
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 13th day of

JUNE 2023
My commission expires 31st of Dec, 2024



Sue Bowdre
Notary Public





EROSION CONTROL DETAILS

CONTROL DETAILS
A PART OF THE SW 1/4, SEC. 23, TOWNSHIP 10S,
RANGE 24E, KANSAS CITY, WYANDOTTE
COUNTY, KANSAS.

**BOUNDARY & CONSTRUCTION
SURVEYING, INC.**

PROJECT NO. 23-263	SHEET 3 OF 3
3850 N 55TH ST. KANSAS CITY, KS 66104	

DATE AUGUST 31, 2023
CLIENT

TERMINO HOLDINGS, LLC

661 661 661 ALI O'NEILL
LA HAVRE, N.J.





Figure 4. Site photograph looking west at 3850 North 55th Street (provided by Planning Staff).



Figure 5. Site photograph looking west at 3850 North 55th Street (provided by Planning Staff).



Figure 6. Site photograph looking north on North 55th Street (provided by Planning Staff).



Figure 7. Site photograph looking south on North 55th Street (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: October 26, 2023

Re: Change of Zone Petition COZ2023-017

GENERAL INFORMATION

Applicant:

Victor Martiny II and Katie Martiny

Status of Applicant:

Property Owners
6404 Oak Grove Road
Kansas City, Kansas 66106

Requested Actions:

Approval of a Change of Zone.

Date of Application:

May 26, 2023

Purpose:

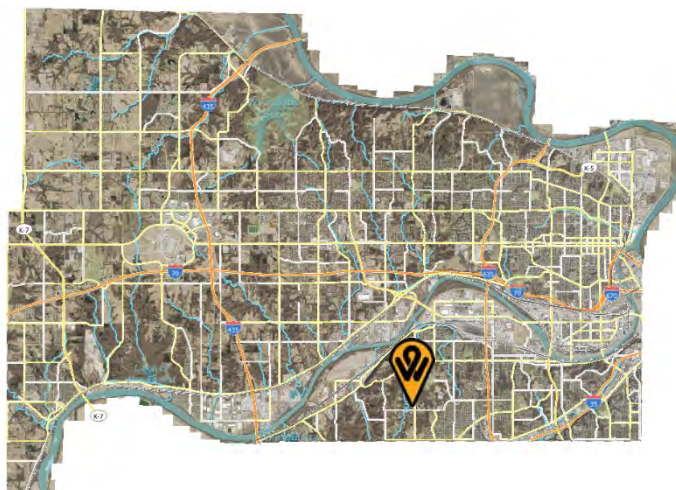
To approve a Change of Zone from
R-1 Single Family District to A-G
Agriculture District for agricultural
uses

Property Locations:

6029 Oak Grove Road and
6019 Woodend Avenue
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 and A-G Agriculture Districts 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:	48.54 Acres
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches and large lot residential development.
Major Street Plan:	The goDotte Mobility Plan classifies Oak Grove Road as a Local/Neighborhood Street.
Required Parking:	Section 27-452(e) requires two (2) off-street parking spaces for each single-family dwelling. The property can accommodate more than two (2) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023, July 20, 2023, September 14, 2023 Letters to Property Owners – June 16, 2023, July 21, 2023 and September 14, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Victor Martiny II and Katie Martiny, are requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 6029 Oak Grove Road and 6019 Woodend Avenue. This change of zone is necessitated by the fact that there is not a dwelling unit on the property, and there are multiple accessory structures on the property, which violates R-1 standards for accessory uses. The applicants are also seeking a preliminary and final plat to combine two (2) lots and vacate a portion of the Woodend Avenue right-of-way.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The current property owner has not received any noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. There is an active Notice of Violation on the property for an unpermitted accessory structure. That violation would be corrected by this Change of Zone.
 - a. ZONE2022-027 – Zoning – Unpermitted Accessory Structure

Outstanding or Related Permits and Cases:

1. 2023 – BOZA2023-028 – Variance – Setbacks and depth to width ratio.

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

The subject property is within the Morris Statistical Neighborhood, The Turner Community Connection group and the Morris neighborhood group. The surrounding neighborhood is comprised of large lot single family residences and agricultural lots.

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 properties directly adjacent to the subject property are zoned exclusively R-1 Single Family District and is used for single-family residences, however, there is property zoned A-G Agriculture District surrounding the property to the north. The proposed use is compatible with nearby zoning.

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

Combined, the properties are 48.54 acres, which is larger than the threshold required for the A-G Agriculture District. The property, however, abuts and surrounds adjacent R-1 Single Family District zoning and single-family

residences, which could be an issue. If managed properly, the property is suitable to be rezoned to A-G Agriculture District.

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

The subject property is not vacant, it is being utilized for agricultural purposes.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public as it is for the private use by the property owner. The proposed use will not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property, as long as the proposed use is managed properly, and conditions are adhered to.

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

The proposed use will not increase traffic to the point that it will exceed the capacity of Oak Grove Road, a local street. The proposed development will be utilized for private and personal use by the applicant and will not function as a business.

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

The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches and large lot residential development. The proposed use conforms to the City-Wide Comprehensive Plan, as it proposes agricultural uses.

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

The proposed use could potentially harm the environment if not managed properly. Water run-off can be contaminated with animal waste, which can harm nearby property. Additionally, if groundcover and tree stands are not maintained, there could be an increase in water run-off. The applicant must comply with all recommendations from the Conservation District.

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

a. *Water service*

BPU provides water service.

b. Sanitary sewer service

The UG does not provide sanitary sewer service. The property operates off of a septic system.

c. Storm water control

The UG provides storm water control via a series of ditches and streams.

d. Police

Police service is provided by South Patrol, District #334.

e. Fire

Fire service is provided by Station #17, which is five (5) miles away from the subject property.

f. Transit

No transit service is provided to the subject property.

g. Schools

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

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

The proposed use will have a minimal economic impact on the community as it is for the private use and enjoyment of the property owner.

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

The proposed use is capable of meeting applicable ordinance requirements as long as the animals are kept and maintained as per the Conservation District comments, and the property is conserved and managed properly.

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 will be minimal. There are concerns with increased water runoff and contamination of water runoff. due to animal waste. If denied, the applicant would have to demolish all but one (1) accessory structure.

Preliminary and Final Plat

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

The subject property is currently developed. The Plat will combine the two (2) single-family parcels into one parcel and vacate unbuilt right-of-way.

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

See Change of Zone Factor #9.

- 3. 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.***

No additional streets will be created as part of this plat. The lot will be accessed off Oak Grove Road.

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

There will be no change in the arrangement of buildings, parcels, streets, or otherwise with this plat that would affect adequate light, open space or air, to facilitate fire protection, or long-term sustained real estate values as currently designed.

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

There will be no change to the development pattern, natural features, vegetation, or topography. The plat requests to vacant portions of Woodend Avenue to combine their properties together.

- 6. 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.***

This plat is combining two (2) residential/agricultural lots into one (1) lot in the R-1 Single Family District, which is proposed to be rezoned to the A-G Agriculture District. The combination of two (2) parcels into one (1) does not require any amenities.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-017**, subject to:

1. The following recommendations from the Wyandotte County Conservation District shall be followed, including:
 - a. The stream (Davis Creek) and the drainage areas shall be fenced off, with a buffer of 25 feet on each side to preserve the integrity of the stream.
 - b. Stream crossings with geo-textile and gravel should be installed to provide long-term protection for drainage areas.
 - c. Timber areas should be fenced off as well to keep livestock out.
 - d. Any timber areas that are cleared shall be mulched and seeded.
 - e. Groundcover shall be enhanced;
2. The applicant shall file for a retroactive building permit for any structure that is over 120 square feet that was constructed without a permit;
3. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface;
4. This City Planning Commission case is being heard in conjunction with BOZA2023-028. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-028 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
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. 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;
7. Lighting shall be installed to have a 90-degree cutoff;
8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by

buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
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.

KEY ISSUES

Activity on the Property
Active Notice of Violation
Animals
Primary and Accessory Structures Materiality
Tree Stand Preservation

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-017** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Preliminary Plat
Final Plat
Conservation Plan
Wyandotte County Conservation District Comments
Wyandotte County Geospatial Services Comments
Wyandotte County Surveyor Comments
Neighborhood Meeting Materials
UG Maps Pictometry, Dated March 2023
Site Photos, Provided by the Applicant
Site Photos, Provided by Staff, Dated July 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	October 9, 2023	October 26, 2023
Rezoning	Approval	
P + F Plat	October 9, 2023	Not required
	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-017** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____;
2. _____; And

3. _____.

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-017**, 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.

October 9, 2023, City Planning Commission Minutes:

Hearing starts at 2:06:38:

CHANGE OF ZONE APPLICATION COZ2023-017 – VICTOR FRANK MARTINY II – SYNOPSIS: Change of Zone from R-1 Single Family District to A-G Agriculture District to keep farm animals at 6019 Woodend Avenue and 6029 Oak Grove Road.

PLAT APPLICATION PLAT2023-027 – VICTOR MARTINY II – SYNOPSIS: Preliminary Plat to combine two (2) residential lots into one (1) lot at 6029 Oak Grove Road and 6019 Woodend Avenue.

Detailed Outline of Requested Action: The applicants, Victor Martiny II and Katie Martiny, are requesting a Change of Zone from R-1 Single Family District to A-G Agriculture District to utilize the property for agricultural uses at 6029 Oak Grove Road and 6019 Woodend Avenue. This change of zone is necessitated by the fact that there is not a dwelling unit on the property, and there are multiple accessory structures on the property, which violates R-1 standards for accessory uses. The applicants are also seeking a preliminary and final plat to combine two (2) lots and vacate a portion of the Woodend Avenue right-of-way.

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 October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo;
7. The Notices to property owners; and,
8. The Testimony at the Board of Zoning Appeals meeting earlier this evening.

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

Present in Support:

- Victor and Katie Martiny, applicants, 6029 Oak Grove Road, Kansas City, Kansas 66106

Present in Opposition:

➤ No one appeared

Staff Recommendation starts at 2:09:20: Planning Director Hand stated these applications will combine two (2) lots and vacate a portion of the property. These applications are associated with variance BOZA2023-023, which was approved earlier this evening by the Board of Zoning Appeals. This case was initiated through an unpermitted barn. The property is in the City-Wide Comprehensive Plan in the Turner Morse neighborhood. Staff received no letters in support nor opposition. There is a Notice of Violation which has been addressed through the variance application and these entitlements. Staff recommends approval subject to the conditions in the staff report which includes receiving a retroactive building permit for the barn.

Motion starts at 2:10:40:

On motion by Mr. Straws, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-017:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

- 1. The following recommendations from the Wyandotte County Conservation District shall be followed, including:**
 - a. The stream (Davis Creek) and the drainage areas shall be fenced off, with a buffer of 25 feet on each side to preserve the integrity of the stream.**
 - b. Stream crossings with geo-textile and gravel should be installed to provide long-term protection for drainage areas.**
 - c. Timber areas should be fenced off as well to keep livestock out.**
 - d. Any timber areas that are cleared shall be mulched and seeded.**
 - e. Groundcover shall be enhanced;**
- 2. The applicant shall file for a retroactive building permit for any structure that is over 120 square feet that was constructed without a permit;**
- 3. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface;**
- 4. This City Planning Commission case is being heard in conjunction with**

- BOZA2023-028. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-028 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;**
- 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. 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;**
 - 7. Lighting shall be installed to have a 90-degree cutoff;**
 - 8. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
 - 9. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
 - 10. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which**

the subject property is located; and,
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.

On motion by Mr. Straws, seconded by Mr. Beth, the Planning Commission voted as follows to **APPROVE PLAT2023-027**:

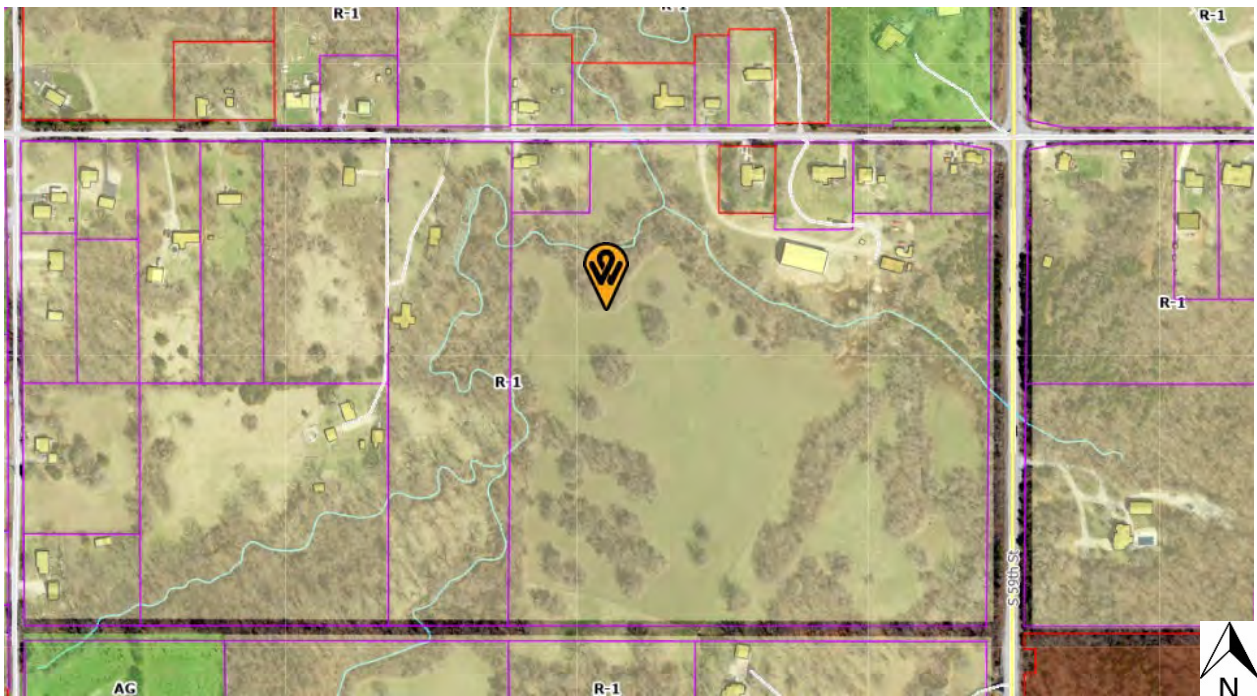
Carson	Chairman
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Not Present
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye

Motion to APPROVE Passed: 7 to 0
Subject to the above conditions

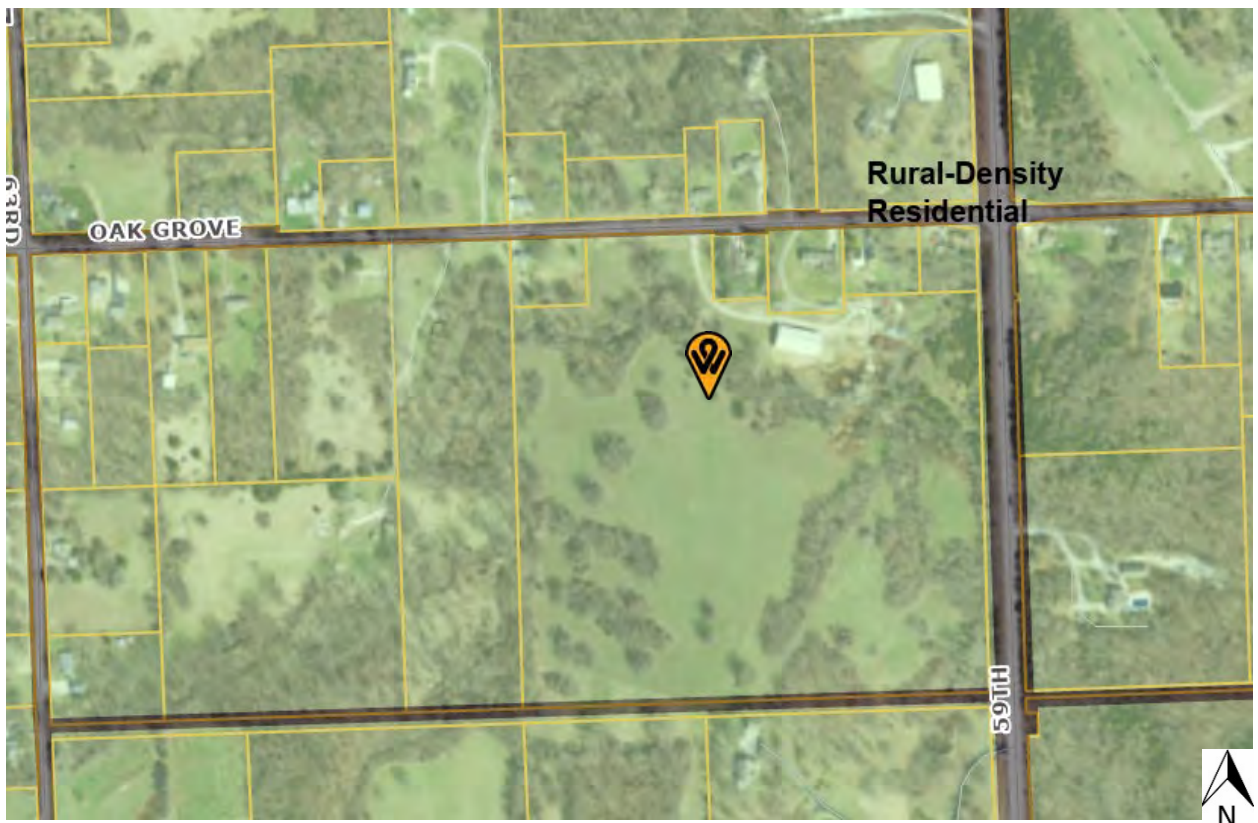
AERIAL IMAGERY

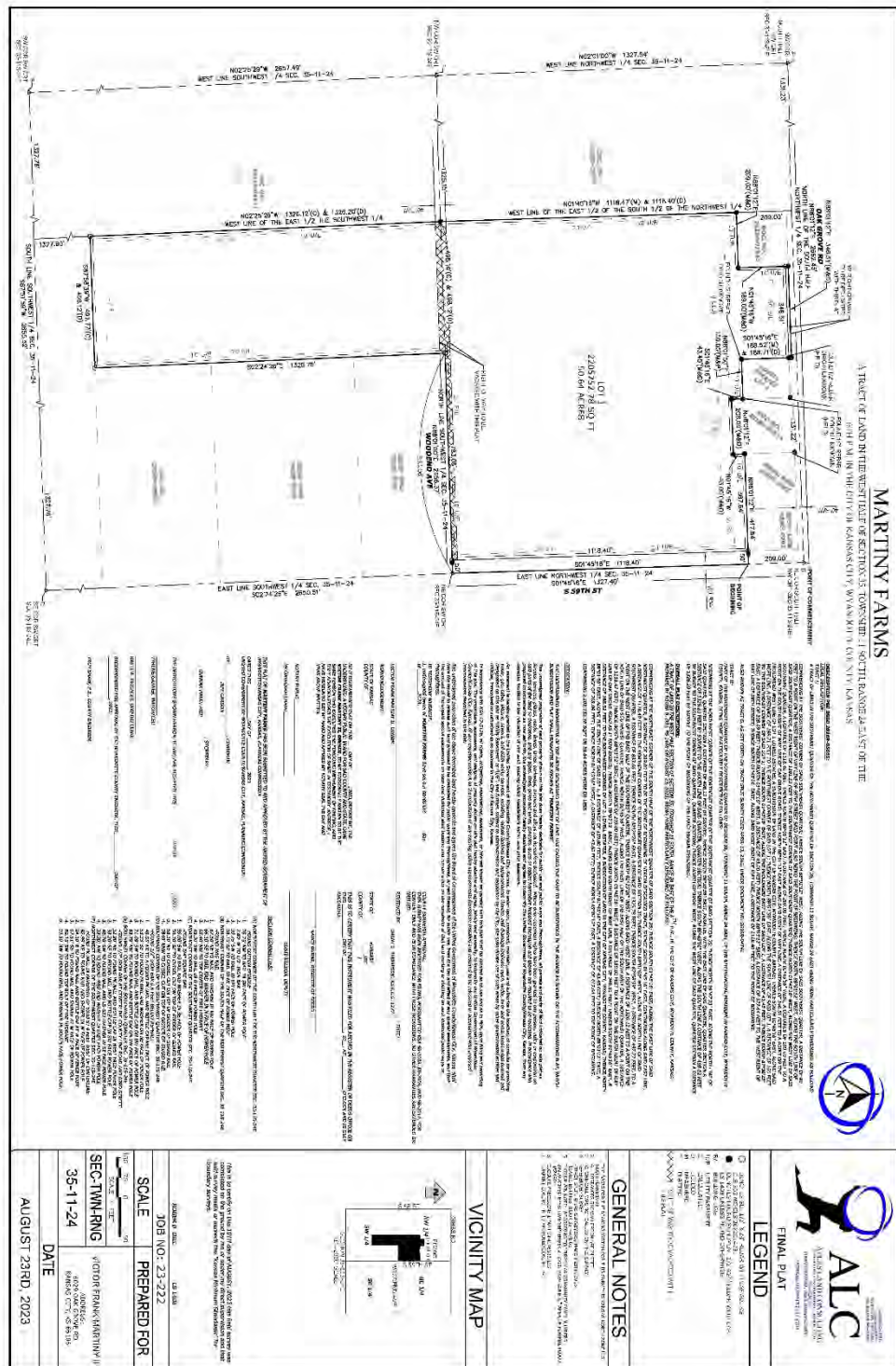


ZONING MAP

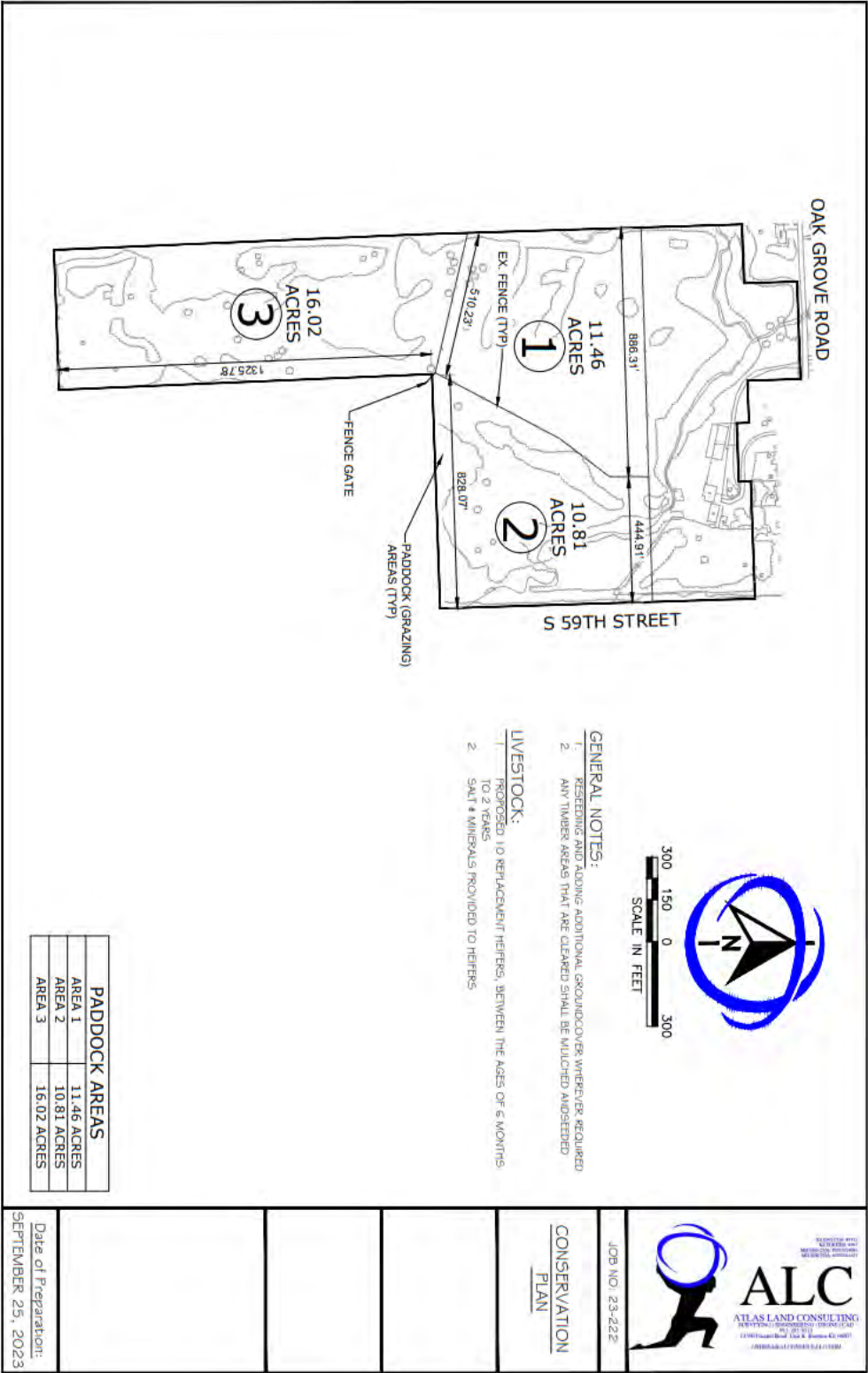


LAND USE MAP





CONSERVATION PLAN



WYANDOTTE COUNTY CONSERVATION DISTRICT COMMENTS

Victor Martiny II
6029 Oak Grove &
6019 Woodland Avenue

Initial comments and plans for rezoning property to Agricultural

Farm Review

We visited the farm and had a tour of the property. It is being well maintained but can have a few improvements made. This will improve the quality and sustainability of the farm. To ensure you are getting full credit for being a producer we want to make sure you are registered with the FSA as the owners of the farm. I am coordinating with the new State Non-traditional /Urban Conservationist for the best USDA Service Center office for you to work with.

Project wise, the first item to be completed are fencing projects. Protecting the streams and drainage areas should be fenced first. They need to be fenced to protect the streambanks and water quality. Ideally a buffer of 25 feet on each side is best for preserving the integrity of the streambank. Alternatives for watering animals will be mentioned below. Stream crossings with geo-textile and gravel should also be installed to preserve and provide long term protection and use for movement from pasture to pasture. We can provide plans for the best materials and installation guides.

The timber areas need to be fenced to keep livestock out. Preventing any animal injuries in these areas is The timber areas do not provide any feed valve to the animals and it causes an erosion problem. Livestock also compact the soil which reduces rainfall infiltration and reduces tree growth.

Pasture health is the next item. Revitalizing the health of the ground cover and improving the grass stands. Some tree clearing is needed to enhance fencing. There are many places where the removal can provide a straight line for some distance of fencing. Areas that are cleared will need to be mulched and seeded immediately. Some small areas of trees that are on top of the hill can be left for sun protection. This can be a serious lighting problem when it is storming.

The seeding can be improved by inter-seeding with birds foot trefoil. There are some weeds that can also be removed. A fertility soil test should be taken to check nutrient levels. This office can help with information on testing procedures.

There are some good trees in the stand now. It would be good to have a forester make an evaluation of the stand. There are cost share programs to help with timber stand improvements.

Since we are going to recommend keeping livestock out of the streams, you need a water source. We did find one spring that can be developed into a water source. These are inexpensive to develop. Adding a frost-free water to the back of your pond will add life to the pond and allow animals to get cool clean drinks of water all year. These are generally cement and fairly low cost to purchase with the collar and pipe. We will be happy to help with plans to place one.

Equipment and livestock crossing areas need to be developed that are safe for the streams. Help with ideas can be provided by this office.

There are some bare areas and some poor stands of grass that could be reseeded.

GEOSPATIAL SERVICES COMMENTS



GeoSpatial Services Division

710 North 7th Street Suite 200
Kansas City, Kansas 66101

Phone: (913) 573-2941
Fax: (913) 573-4165

To: Gunnar Hand, Planning and Urban Design
Janet Parker, Planning and Urban Design
From: Robert Ringel, GIS Analyst, Unified Government GSS
Date: September 11, 2023
RE: **MARTINY FARMS**

We have researched the official county records for the above plat as submitted to
Planning and Urban Design by:
Atlas Land Consulting

And we have determined the following:

Takes all of CIC-TAS Parcels:

922535 & 922603

Owner-of-Record:

Victor Frank Martiny, II

Jurat Signature:

Victor Frank Martiny, II

We find that the plat is: **Presently unacceptable for posting.**
Please note the following comment.

1) Rights-of-way

The right-of-way for 59th Street needs to be 50 feet.

I recommend that 10 feet more of right-of-way be dedicated for Oak Grove Road, which
would be the same as Lovell Estates.

2) Woodend Avenue

I recommend that the north half of Woodend Avenue right-of-way also be vacated over
to 59th Street.



KS ENG COA: #3315
KS SUR COA: #363
MO ENG COA: #2022014084
MO SUR COA: #2022014231

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

PLAT2023-027 / BOZA2023-028 / COZ2023-017

6029 OAK GROVE - MARTINY FARMS

GeoSpatial Comments:

1. The right-of-way for 59th Street needs to be 50 feet. I recommend that 10 feet more of right-of-way dedicated for Oak Grove Road, which would be the same as Lovell Estates. – **59th Street ROW updated, Dedicated 10 feet to match Lovell Estates.**
2. I recommend that the north half of Woodend Avenue right-of-way also be vacated over to 59th Street. – **Added the North Half of Woodend Ave to the vacation.**

County Surveyor Comments:

1. Oak Grove is a Collector street with a total of 60 feet r/w. Need to dedicate an additional 10 feet. – **10 feet added to the plat.**
2. You say C&D but shouldn't this be listed as measured since you found existing monuments? (typical) – **All necessary calculated labels changed to measured.**
3. Need to move text so that the 10' u/e shows up. Typical in other areas. - **Changed as most as possible with the space we have available.**
4. 59th Street is a Class B Thoroughfare with a total of 100 feet of r/w. Needs to dedicate 10 additional feet. - **R/w changed, we had the wrong r/w width shown on plat.**
5. I believe this should go all the way to the section line – **boundary moved to the section line**
6. Agree with Robbies comment. With that said County Engineer needs to approve. – **Boundary moved to vacate north half of Woodend Ave**

14500 Parallel Rd Unit R Basehor, KS 66007

7. Why are we showing a distance between these two points – **arrow moved to correct location for distance**
8. The record deed listed as 2016-05565 goes along the section line (centerline of Woodend Ave) need to show accordingly. – **Boundary updated to include to center of section line**
9. According to the original deed this line is supposed to be parallel to this line – **line updated to be parallel**
10. As said road now exists – **The deed does not state that**

Planning BOZA Comments:

Planning and Urban Design Comments:

1. How many animals does the applicant intend to keep on the property? What type of animals will the applicant keep? **around 1- replacement heifers - 6 months to 2 years of age.**
2. The applicant will be required to obtain retroactive building permits for the unpermitted accessory structure. **Acknowledge.**
3. Provide a Conservation Plan from the Wyandotte County Conservation District on the property. The conservation district can be contacted at wyco.conservation@gmail.com or (913) 334-6329. **Do Not Acknowledge. We have submitted a Agricultural Conservation Plan from Atlas Land Consulting.**
4. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface. **Acknowledge.**

Planning Engineering Comments:

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

Wyandotte County Conservation District Comments:

1. The stream (Davis Creek) and the drainage areas shall be fenced off, with a buffer of 25 feet on each side to preserve the integrity of the stream.

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2. Stream crossings with geo-textile and gravel should be installed to provide long-term protection for drainage areas.
3. Timber areas should be fenced off as well to keep livestock out.
4. Any timber areas that are cleared shall be mulched and seeded.
5. Groundcover shall be enhanced.

Do Not Acknowledge. We have submitted and Agricultural Conservation Plan from Atlas Land Consulting.

Standard Conditions:

1. This Board of Zoning Appeals case is being heard in conjunction with COZ2023-017 and PLAT2023-027. Any approval by the Board of Zoning Appeals of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of Petition(s) COZ2023-017 and PLAT2023-027 by the Unified Government City Planning Commission and upon any ordinance publications required by law. **-Acknowledge**
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. **-Acknowledge**
3. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly. **- Acknowledge.**
4. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services. **- Do Not Acknowledge - Section 27-593 is only pertaining to fowl which we do not own. Please see attached copy of Section 27-593. Section 7 regarding keeping/registering of livestock only pertains to properties not zoned agricultural. Please see attached copy of section 7.**
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. **-Acknowledge**

14500 Parallel Rd Unit R Basehor, KS 66007

6. 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. -**Acknowledge**
7. Lighting shall be installed to have a 90-degree cutoff. -**Acknowledge**
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@wycocok.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly. -**Acknowledge**
9. All existing and future driveways must feature curb cuts that are constructed to UG standards. -**Acknowledge**
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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 by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located. -**Acknowledge**
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. -**Acknowledge**

Planning COZ Comments:

Planning and Urban Design Comments:

1. How many animals does the applicant intend to keep on the property? What type of animals will the applicant keep? **Around 10 replacement heifers 6 months - 2 years of age.**

14500 Parallel Rd Unit R Basehor, KS 66007

2. The applicant will be required to obtain retroactive building permits for the unpermitted accessory structure. **Acknowledge.**
3. Provide a Conservation Plan from the Wyandotte County Conservation District on the property. The conservation district can be contacted at wyco.conservation@gmail.com or (913) 334-6329. **Do Not Acknowledge. We have submitted an Agricultural Conservation Plan from Atlas Land Consulting.**
4. No vehicles or trailers shall be parked on an unimproved surface. All parking must be on a paved surface. **Acknowledge.**

Planning Engineering Comments:

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

1. None

B. Items that are conditions of approval:

1. Detailed engineering comments are made by separate technical review of the plans and submitted directly to the applicant. Provide revised plans and responses in accordance with the engineering comments.
- C. Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 1. None –

Wyandotte County Conservation District Comments:

1. The stream (Davis Creek) and the drainage areas shall be fenced off, with a buffer of 25 feet on each side to preserve the integrity of the stream.
2. Stream crossings with geo-textile and gravel should be installed to provide long-term protection for drainage areas.
3. Timber areas should be fenced off as well to keep livestock out.
4. Any timber areas that are cleared shall be mulched and seeded.
5. Groundcover shall be enhanced.

Do Not Acknowledge. We have submitted an Agricultural Conservation Plan from Atlas Land Consulting.

Standard Conditions:

1. This City Planning Commission case is being heard in conjunction with BOZA2023-028. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2023-028 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law. **Acknowledge**

14500 Parallel Rd Unit R Basehor, KS 66007

2. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly. **Acknowledge**
3. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services. **Do Not Acknowledge - Section 27-593 is only pertaining to fowl which we do not own. Please see attached copy of Section 27-593. Section 7 regarding keeping/registering of livestock only pertains to properties not zoned agricultural. Please see attached copy of section 7.**
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. **Acknowledge**
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. **Acknowledge**
6. Lighting shall be installed to have a 90-degree cutoff. **Acknowledge**
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. **Acknowledge**
8. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledge**
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. **Acknowledge**
10. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works

14500 Parallel Rd Unit R Basehor, KS 66007

during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620. **Acknowledge**

11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located. **Acknowledge**

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

14500 Parallel Rd Unit R Basehor, KS 66007

MEETING MINUTES

Application Number: COZ2023-017 & COZ2023018

Date & Location: June 25th, 2023. Calls or emails only.

Meeting called to order at: No location. We chose the option of having people call or email us with questions, comments or concerns. We received 3 phone calls and 1 email. We mailed our letters June 14th, 2023 and the deadline to contact us was June 25th, 2023.

Names of people who contacted:

1. Erin Oliver (emailed)
2. David & Anita Nigro (called)
3. Bill & Frances Howard (called)
4. Mark Stainbrook (called)

Questions/Comments/Concerns:

1. Ms. Oliver only wanted to know why we were rezoning. We stated that we are rezoning to continue keeping livestock on the property.
2. Mr. Nigro called to ask why we were rezoning and he thought we were already zoned AG. We explained that we were rezoning to continue keeping livestock on property, and that we are currently zoned Residential with Ag Use.
3. Mrs. Howard called to ask if anything was going to change with the rezoning. We explained to her that nothing would be changing on the property.
4. Mr. Stainbrook called to ask why we had to rezone. We stated that we are rezoning to continue keeping livestock on the property.

Meeting Adjourned at: 6/25/23

Minutes Taken By: Victor & Katie Martiny

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

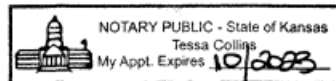
Comes now Victor F. Marigny II, of lawful age, sound mind and open his/her oath states as follows:

1. That I am the petitioner for Petition # _____.
2. That I conducted a neighborhood meeting on 6/15/23-6/25/23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Victor F. Marigny II
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of June, 2023
My commission expires 19th of Oct, 2023



Tessa Collins
Notary Public



SITE PHOTOS, PROVIDED BY THE APPLICANT



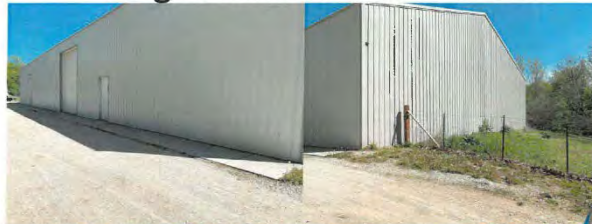
**Current shed on
Parcel 922535**



**Current barn on
parcel 922525**



Large Barn on Parcel 922535



SITE PHOTOS, PROVIDED BY STAFF, DATED JULY 14, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Change of Zone Petition COZ2023-020 and MPL2023-010

GENERAL INFORMATION

Applicant:
Jackson Taylor

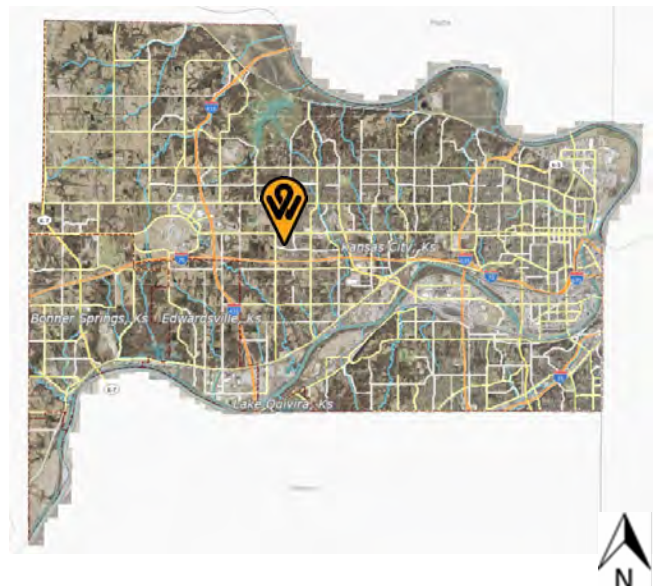
Status of Applicant:
Representative
Fred C. Merrill with Cultivate Realty and
Development
5440 West 110th Street, Suite 300
Overland Park, KS 66211

Requested Actions:
To approve a Master Plan Amendment
from Low Density and Public/Semi-Public
(City-Wide Comprehensive Plan) to
Medium Density Residential (City-Wide
Comprehensive Plan).

Change of Zone from R-1 Single Family
District to RP-5 Planned Apartment
District.

Date of Application:
June 29, 2023

Purpose:
To build five (5) multi-family apartments
buildings and one (1) clubhouse totaling
152 units.



Property Location:	745 North 78 th Street, 701 North 78 th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue, Kansas City, KS 66112
Commission District:	Commissioner At Large, District #1: Melissa Bynum District #8 Commissioner: Andrew Davis
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: RP-4 Planned Garden Apartment District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Apartments South: Single-family home East: Single-family homes West: Single-family homes and a church
Total Tract Size:	24.47 Acres
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Low Density Residential and Public/Semi-Public. Low Density Residential allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks and open space. Public/Semi-Public allows schools, publicly-owned lands and buildings, churches, and other non-for-profit owned land and buildings. A Master Plan Amendment has been submitted to Medium-Density Residential (City-Wide Comprehensive Plan), which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, parks, and open space.
Major Street Plan:	The Major Street Plan classifies North 78 th Street as a Class A Throughfare, Tauromee Avenue as a Collector Street and 77 th Terrace and Elizabeth 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. 291 parking spaces are required. 310 parking spaces are provided.

Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – July 20, 2023; Master Plan Amendment – July 20, 2023, Letters to Property Owners – Change of Zone – July 19, 2023, August 8, 2023 and September 5, 2023; Plat – July 19, 2023, August 8, 2023 and September 5, 2023; Master Plan Amendment – July 19, 2023, August 8, 2023 and September 5, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	Opposition to the project was expressed at the neighborhood meeting. There were two (2) persons present in opposition at the October 9, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jackson Taylor with TWG Development, LLC, wants to rezone 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue from R-1 Single Family and to RP-5 Planned Apartment Districts to build five (5) three (3) story apartment buildings totaling 152 units and a clubhouse on 24.47 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes and churches along North 78th Street, a two (2) story garden apartment complex adjacent to the north and commercial nodes at 78th and Tauromee Avenue and 78th and State Avenue intersections.

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

The zoning and uses of properties nearby are set out above. The proposed use is not necessarily compatible with the surrounding properties to the south, east and west as these areas are established single-family residences. This property in particular can be a transition between those single-family homes and commercial business along North 78th Street, however, the second access driveway is through existing single-family parcels exiting onto a local street. High density development should occur at major intersections along transit corridors.

Traditionally, multi-family development is buffered with duplexes or townhomes from single-family development. Significant 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 required to be planted along the single-family residentially zoned properties, which can be enhanced by maintaining the existing topography and vegetation around the perimeter of the property in addition to screening the access drive exiting on Tauromee Avenue from the single-family residences.

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, however, there are multiple parcels included in this development proposal that have numerous buildings that need to be demolished.

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 and young business professionals who want to live in the area, but do not want to purchase a single-family detached home, townhome or condo. The proposed use could be

a land use buffer between the commercial uses along 78th Street to the north, north of Armstrong Avenue and prevent commercial intrusion.

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 152 apartment units will increase traffic along North 78th Street and Tauromee Avenue. The Traffic Impact Study is being reviewed the Public Works Department 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 Low Density Residential and Public/Semi-Public land use designations within the City-Wide Comprehensive Plan; therefore, a Master Plan Amendment is sought Medium Density Residential (City-Wide Comprehensive Plan), which allows duplexes, townhomes, mid-rise apartments, and institutional uses such as schools, churches and libraries.

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

The proposed use should not cause environmental harm through runoff because the proposed development will capture the storm water runoff instead of sheet flowing off the property onto 78th Street and other parcels.

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, east and south property lines. The property is changing from undeveloped, rolling and treed land to a relatively flat, graded site. Landscaping and screening are imperative, and an open space easement shall be established for the remaining undeveloped site.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #221

e. Fire

Fire service is provided by Fire Station #19 located off 80th Street and Minnesota Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property. The closest transit stop is approximately one-half (½) mile north at the 78th Street and State Avenue intersection, Route #101.

g. Schools

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. The multiple housing unit types (between one (1), two (2) and three (3) bedrooms) within the complex will promote a diverse population to make use of the nearby employment, transit and retail centers.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with the applicable ordinance requirements.

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

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

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

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

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

Streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land uses. The Traffic Impact Study (TIS) will be reviewed by the Public Works Department to determine if any public improvements are required along 78th Street, Tauromee Avenue and/or Elizabeth 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 estate's 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 proposed grading plan intends to grade the site, falling from south to north, as there is natural drainage off the property. Greater emphasis must be placed on maintaining the existing tree and ridge line around the perimeter of the property, as there is natural screening from the west, abutting the existing single-family homes, the north from the garden apartments and east from the existing single-family home.

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 is providing a clubhouse, gardens, small playground, four (4) foot concrete sidewalk trail and a picnic table and shelter.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at Mason Jar located at 941 North 74th Drive on July 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2023-010**, and Change of Zone Application **COZ2023-020**, subject to:

1. **Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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. **The City Planning Commission granted a deviation to the retaining wall design standard so that a single slope retaining wall (i.e., NOT “stepped”) can be built. These non-standard retaining walls are to be designed to blend into the landscape as much as possible, provide above standard landscape screening, and either be made of masonry stone or give the appearance, either by stamping concrete or using stacked concrete blocks to mimic natural stone, including staining the concrete to appear more natural”.**
3. **Extend the sidewalk from the south side of the easternmost apartment building south along the secondary access drive to Tauromee Avenue;**
4. **In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;**
5. **Add a crosswalk across Tauromee Avenue and tie into the existing sidewalk on the south side. This will require coordination with the Public Works Department regarding the specific type of signaling needed for the crosswalk;**
6. **A sidewalk shall extend from the clubhouse west and connect to the sidewalk on North 78th Street;**
7. **In the middle of the proposed parking lot, install a new north/south and east/west walking path with trees for shade and reduce parking within the development. This walking path, in the shape of a “T” will be between the two (2) southern buildings orientated north/south and the two (2) northern building orientated east/west;**
8. **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).**

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

- required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;
9. Lighting cannot exceed one (1) footcandle at the property line;
 10. Interior parking lots lights shall have 90-degree cutoff fixtures;
 11. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points at the apartments);
 12. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, 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;
 13. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade;
 14. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. Board and batten are not permitted and shall be removed from the elevations;
 15. 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;
 16. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes;
 17. The final plat must reflect the following: (i) the land between Buildings 1, 2, the existing detention pond and the northern property line as an open space easement with an independent note stating that buildings, parking lots and/or vehicular drive are not permitted within the open space easement; (ii) a 25' building setback along the project's southern boundary abutting the rear yards of 7706, 7718 and 7640 Tauromee Avenue; (iii) and a 25' building setback along the western property boundary adjacent to 7640 & 7634 Tauromee Avenue.
 18. Plant trees around the detention basin;
 19. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
 20. 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 24.47 acres, which requires 237 trees, 19 additional evergreen or shade trees and 152 shrubs for buffering per the zoning district;

21. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 78th Street and Tauromee Avenue shall have street trees planted along the sidewalk;
22. 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;
23. All landscaping shall be irrigated;
24. 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;
25. 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;
26. All electrical meter banks, typically on the side of the building shall be screened from public view;
27. 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.
 - a. 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.
 - b. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - c. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - d. 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).
 - e. 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;
28. 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;
29. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 30. 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;
 31. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 32. 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;
 33. 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;
 34. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 35. 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.

KEY ISSUES

Traffic
Massing and Building Orientation
Neighborhood Character
City-Wide Comprehensive Plan Multi-Family Design Guidelines
Lighting
Pedestrian Connectivity/Bike Lanes

Platting
Fire Access
Landscaping, Screening and Buffering
Parking

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 **COZ2023-020 and MPL2023-010**, subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Designation Map
City-Wide Comprehensive Plan Medium Density Residential Designation
City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines
Multi-Family Residential Amenity Guidelines
KCKFD Comments
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Site Line Cross Section
Building Elevations
Site Photographs taken by Staff on July 19, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	October 9, 2023	October 26, 2023
Rezoning	Approval	
Public Hearing		
Preliminary		
Plat	October 9, 2023 Approved	Not required
Public Hearing		
Master Plan	October 9, 2023 Approval	October 26, 2023

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-010** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-010** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-020** 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 **COZ2023-020** 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.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 2:12:30:

MASTER PLAN AMENDMENT APPLICATION MPL2023-010 – JACKSON

TAYLOR/TWG DEVELOPMENT – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) to construct an apartment complex at 745 North 78th Street.

CHANGE OF ZONE APPLICATION COZ2023-020 – JACKSON TAYLOR/TWG

DEVELOPMENT – SYNOPSIS: Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District to construct an apartment complex at 745 North 78th Street.

PLAT APPLICATION PLAT2023-022 – JACKSON TAYLOR/TWG DEVELOPMENT –

SYNOPSIS: Preliminary Plat to combine three (3) lots into one (1) lot to construct an apartment complex at 745 North 78th Street.

Detailed Outline of Requested Action: The applicant, Jackson Taylor with TWG Development, LLC, wants to rezone 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue from R-1 Single Family and to RP-5 Planned Apartment Districts to build five (5) three (3) story apartment buildings totaling 152 units and a clubhouse on 24.47 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 October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curt Petersen, attorney representing the applicant, 900 West 48th Place, Kansas City, Missouri

Present in Opposition:

- Arlene Harris, 728 North 75th Terrace, Kansas City, Kansas 66112
- Gary and Kate Stewart, 7522 Orient Avenue, Kansas City, Kansas 66112

Mr. Petersen addressed the comments from those in opposition.

The Planning Commission directed questions to Staff.

Staff Recommendation starts at 2:41:46: Planning Director Hand stated the request is for a 152-apartment complex. The property is in the City-Wide Comprehensive Plan in the Mid-Town neighborhood off 78th Street. Staff received no letters in support nor opposition prior to this evening and did note the opposition at the neighborhood meeting. Staff recommends approval subject to the conditions in the staff report including the Final Development Plan and Final Plat and an emphasis on pedestrian connectivity and the Multi-Family Design Guidelines. He further stated that there was a traffic study completed for this project and was reviewed by the County Traffic Engineer and public improvements are required. Director Hand stated that the Planning Commission has granted a deviation in the past regarding the retaining wall (Condition #2). Regarding Condition #17, Staff typically tries to take all the undeveloped part of a parcel and preserve it for open space to serve as a buffer. If the Planning Commission wishes to exclude this condition, Staff would request some level of buffering be retained to the existing residential parcels based on the testimony this evening. Staff would recommend working with the developer on this condition for a different type of open space easement that is less and would not prevent potential future development. Director Hand stated that this requirement is different as there is a large piece of undeveloped land. Typically, it's a patch of tree stand here or there. He stated that the reason the Staff tried to get those agreements in place now is because there is no way to predict who will be the decision-makers in the future if and when future development occurs. If it is in the conditions, Staff can look at the staff report and know what was approved.

The Planning Commission directed questions to Staff.

Motion starts at 2:51:00:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-010:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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. The City Planning Commission granted a deviation to the retaining wall design standard so that a single slope retaining wall (i.e. NOT “stepped”) can be built. These non-standard retaining walls are to be designed to blend into the landscape as much as possible, provide above standard landscape screening, and either be made of masonry stone or give the appearance, either by stamping concrete or using stacked concrete blocks to mimic natural stone, including staining the concrete to appear more natural;
3. Extend the sidewalk from the south side of the easternmost apartment building south along the secondary access drive to Tauromee Avenue;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
5. Add a crosswalk across Tauromee Avenue and tie into the existing sidewalk on the south side. This will require coordination with the Public Works Department regarding the specific type of signaling needed for the crosswalk;
6. A sidewalk shall extend from the clubhouse west and connect to the sidewalk on North 78th Street;
7. In the middle of the proposed parking lot, install a new north/south and east/west walking path with trees for shade and reduce parking within the development. This walking path, in the shape of a “T” will be between the two (2) southern buildings orientated north/south and the two (2) northern building orientated east/west;
8. 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).

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

9. Lighting cannot exceed one (1) footcandle at the property line;
10. Interior parking lots lights shall have 90-degree cutoff fixtures;
11. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points at the apartments);
12. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, 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;
13. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level

- of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade;
14. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. Board and batten are not permitted and shall be removed from the elevations;
 15. 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;
 16. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes;
 17. An easement shall be recorded to preserve all of the open space directly north of Buildings 1, 2 and the existing detention pond along the project's entire northern boundary in perpetuity. Additionally, a second open space easement shall be recorded along the project's southern boundary of no less than 100 feet abutting the rear yards of 7706, 7718 and 7640 Tauromee Avenue, and wrapping around the entire western property line of 7640 & 7634 Tauromee Avenue, and including the entire land area along the southern driveway access from the S-curve south to Tauromee Avenue to ensure appropriate buffering to adjacent single-family homes;
 18. Plant trees around the detention basin;
 19. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
 20. 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 24.47 acres, which requires 237 trees, 19 additional evergreen or shade trees and 152 shrubs for buffering per the zoning district;

21. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 78th Street and Tauromee Avenue shall have street trees planted along the sidewalk;
22. 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;
23. All landscaping shall be irrigated;
24. 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;
25. 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;
26. All electrical meter banks, typically on the side of the building shall be screened from public view;
27. 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.
 - f. 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.
 - g. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - h. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - i. 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).
 - j. 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;
28. 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;
29. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
30. 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;

31. All existing and future driveways must feature curb cuts that are constructed to UG standards;
32. 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;
33. 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;
34. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
35. 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 Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-020:**

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

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

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PLAT2023-022**:

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

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

Subject to the above conditions

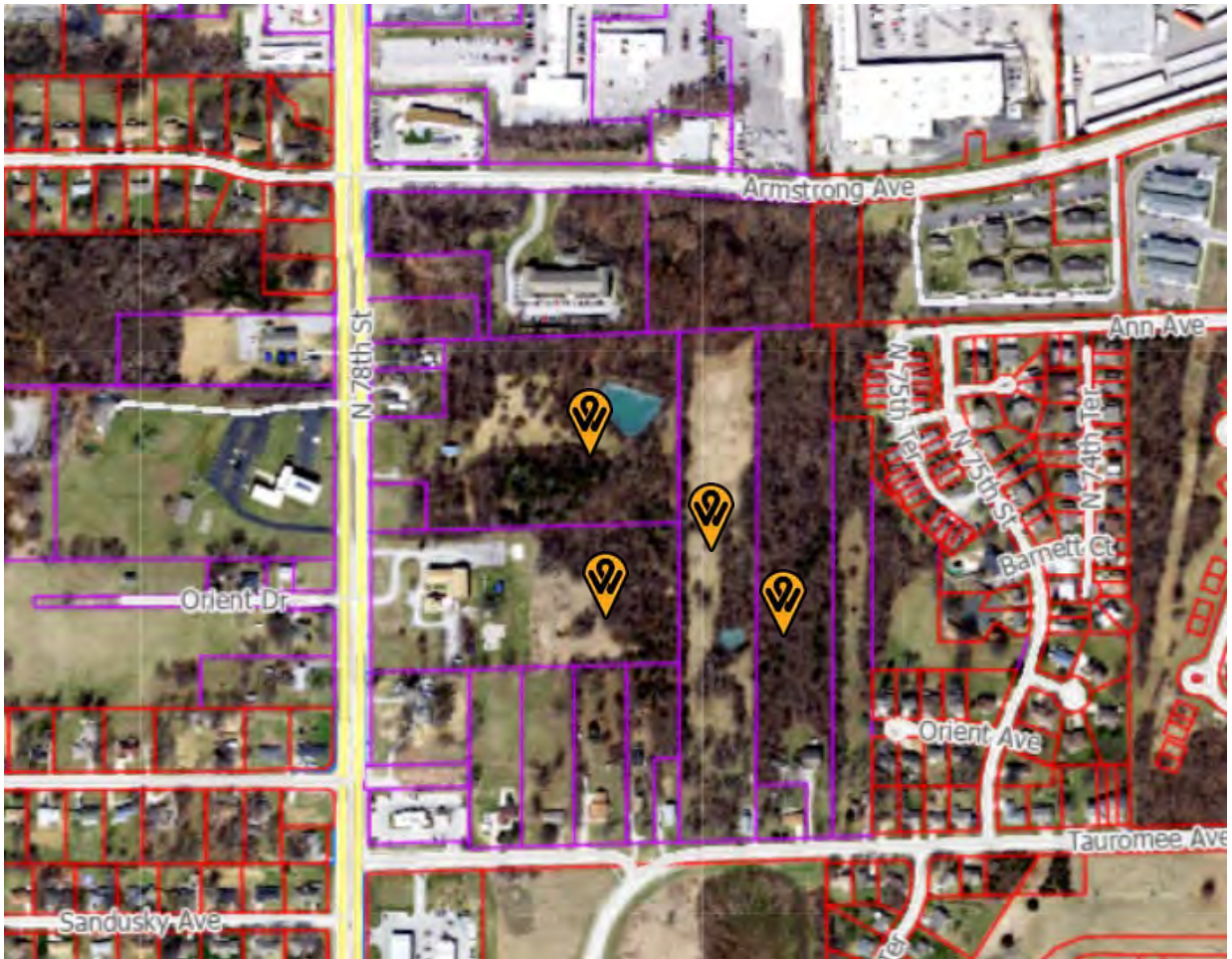


Figure 1. Aerial Photograph of 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue (provided by UG Maps).

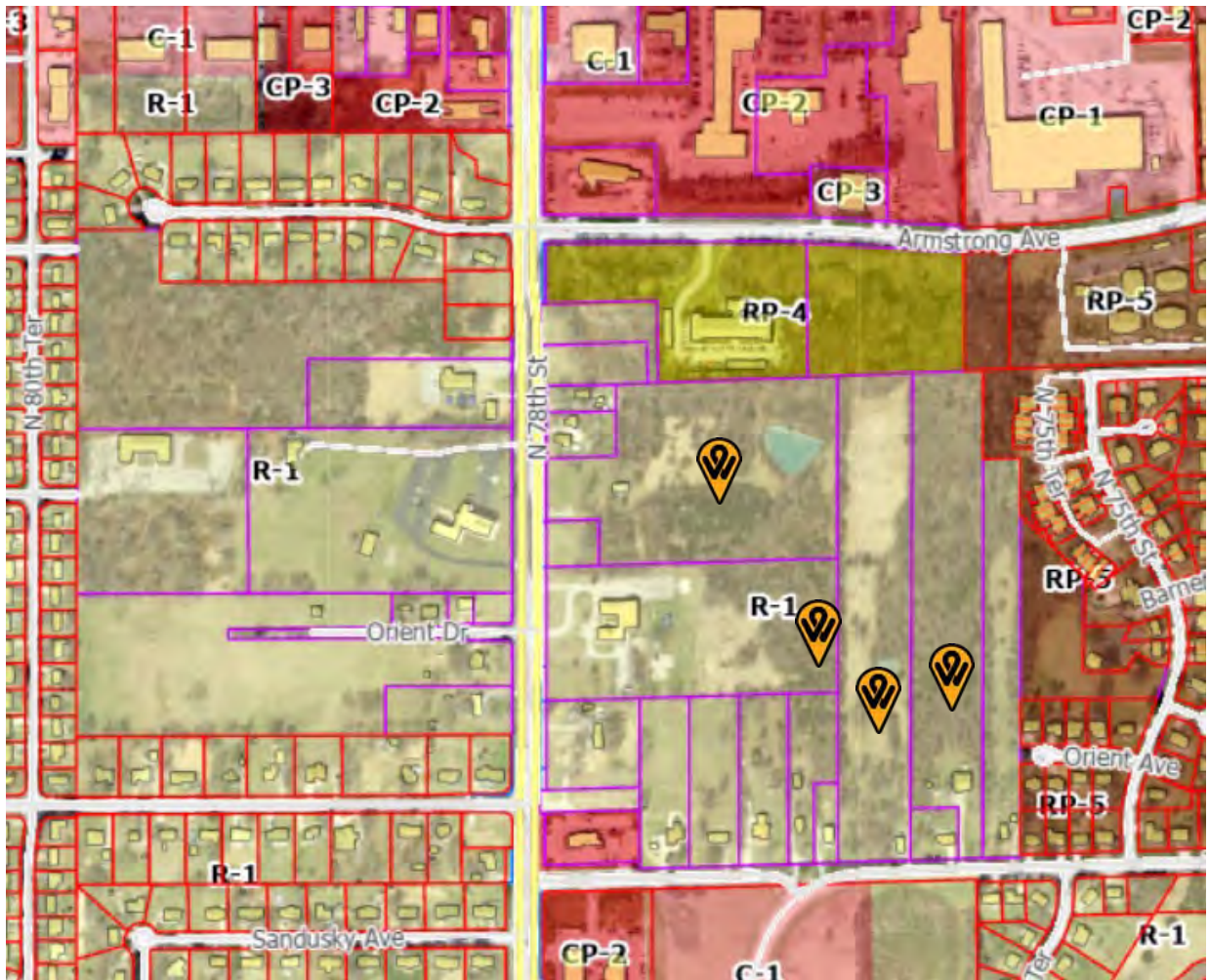


Figure 2. Zoning Map of 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue (provided by UG Maps).

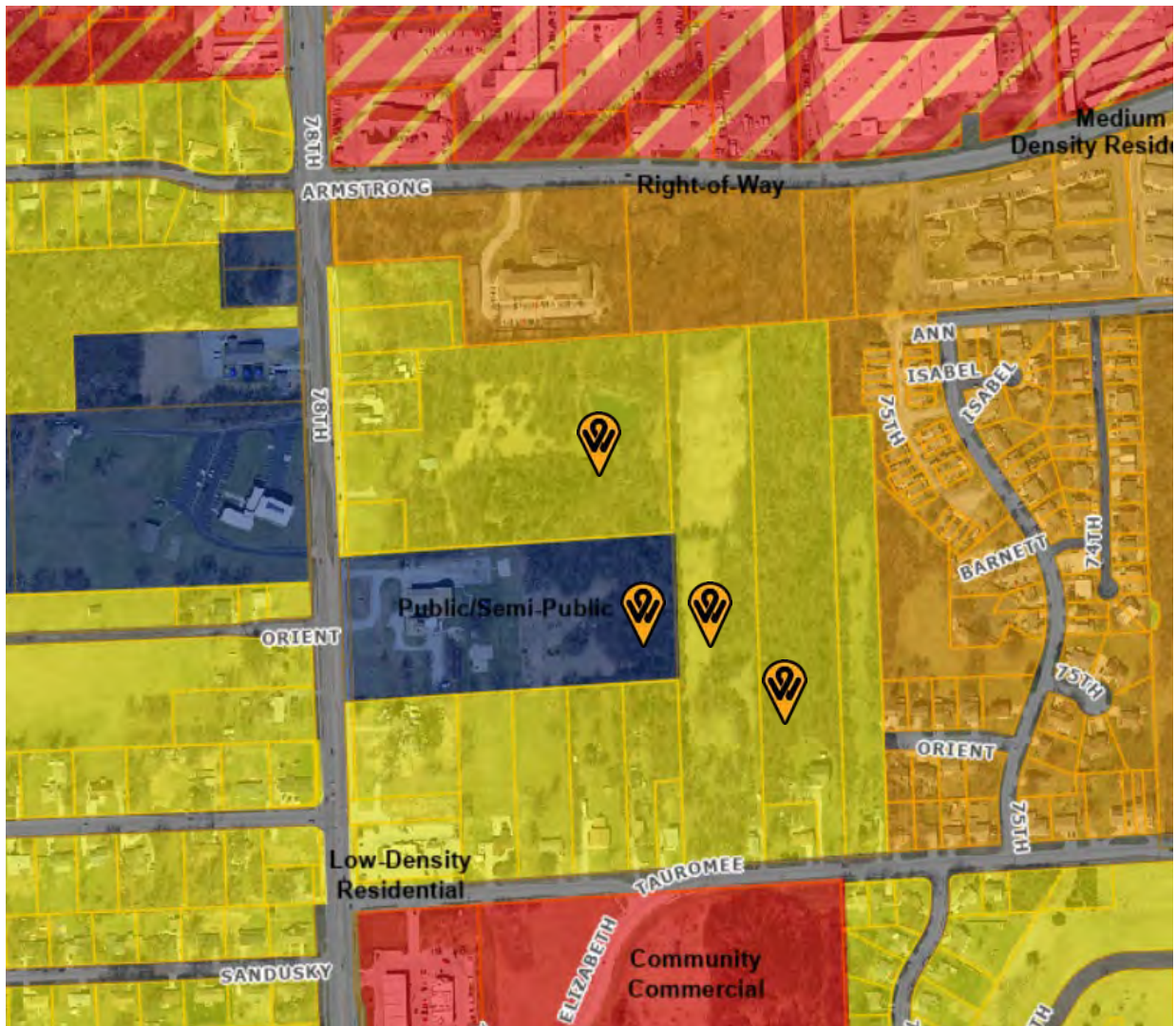


Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue (provided by ArcGIS Pro).



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

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

Multi-Family Residential Design Guidelines

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

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



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



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

Amenity Guidelines

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

Single-Family Residential Amenity Guidelines

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

Multi-Family Residential Amenity Guidelines

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

Residential Amenity Reference Table

Small:	
Basketball, volleyball, or other court sport.	
Open play area of at least 15,000 square feet with maximum of three (3) percent slope and low benches and one play structure.	
One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Option provided by owner, but must be considered equal to one of the other small options.	
Regular:	
Swimming pool	
Golf Course	
Residential Clubhouse	
Two (2) basketball, volleyball, or other court sports.	
Two (2) tot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per lot, one (1) bench per lot.	
Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.	
Option provided by owner, but must be considered equal to one of the other regular options.	

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.

Kansas City, Kansas 66101

(913) 573-5550

(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. COZ2023-020, MPL2023-010, PLAT2023-022 Address: 745 N. 78th St
Development Name: Jackson Taylor Description: apartment complex
STAFF ONLY: ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

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

- **Aerial Truck lane(s) must be 26' min clear width and be located between 15' and 30' to an entire side(long side) of the building per Sec. D105.1, 2018 IFC for structures over 30'
- **For one- or two- family developments with more than 75 units, two separate code compliant access roads must be provided separated by a distance equal to one-half the length of the maximum overall dimension of the property served per Sec. D107, 2018 IFC as amended
- **For multi-family residential developments more than 100 units(200 units sprinkled) two separate code compliant access roads must be provided separated by a distance equal to one-half the length of the maximum overall dimension of the property served per Sec. D106, 2018 IFC as amended
- **Provide a fire truck turning drawing based on the following data:
 - Length- 48' Inside turn radius- 28 ft
 - Wheel base- 272.5 in. Wall to wall radius- 52.5 ft
 - Front overhang- 96 in Curb to curb radius- 46 ft
 - Rear overhang-133.5 in. Minimum clearance(height between axles)-10"
 - Width- 84 in Inside Cramp Angle- 40deg
 - Minimum departure angle-7.4 deg Minimum approach angle-8.8 deg
 - Max weight-84,000lbs

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

Harvey Fields Digitally signed by Harvey Fields
Date: 2023.07.06 15:45:39 -05'00'

7/6/2023

Attending DRC Member:

Date

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

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code

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 – Fee will be paid at appropriate time

2. The traffic study is being reviewed by Planning Engineering and the Public Works Department. Additional comments may be forthcoming, which may result in this petition being continued for one (1) month.

Acknowledged

3. What is the reasoning that the second access drive cannot be off Armstrong Avenue, which is a street that functions as a Collector rather than a Local Street such as Elizabeth Avenue. The influx of traffic along Elizabeth Avenue and Tauromee Avenue its effect on the single-family residences must be mitigated.

There is a wide Intermittent Stream Channel, in a really deep ravine going across the parcel to the north, meaning connecting north to Armstrong Avenue would require a significant bridge to cross the waterway which would be a far higher cost to the developer than going south. While making the connection to the south, we will be providing landscape screening and a fence with masonry columns every 32 ft. along single-family residences.

4. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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 – Final Development Plan and Final Plat will be provided at appropriate time.

5. 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 – Stepped walls have been shown. Retaining wall design and calcs will be submitted with Final Development Plan.

6. Rotate the clubhouse 90 degrees clockwise so the building faces 78th Street.

What is the 'front' of the clubhouse – not sure I've see elevations for that one?

The clubhouse has not been rotated, but the building has been updated as requested to make the west facing elevation more robust in design to reflect a 'front feel' along 78th street.

7. Extend the sidewalk from the south side of the easternmost apartment building south along the secondary access drive to Tauromee Avenue.

Sidewalk added along drive to Tauromee Avenue

8. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.

Traffic calming devices such as crosswalks have been added to plans and called out.

9. Add a crosswalk across Tauromee Avenue and tie into the existing sidewalk on the south side.

Crosswalk striping has been added to cross Tauromee Avenue – will the UG require a flashing crosswalk light, or signage in addition to the striping?

10. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor apartment units to the sidewalk network within the development.

None of the ground floor apartments have access to grade. All access to individual units is through the interior of the building, with access to stairwells being on the front of the buildings. Adding additional building entrances on the rear of the building would result in a reduction in the total number of units, which has already been approved through the State QAP process. Providing sidewalks on all sides of the buildings will not increase connectivity

as there is nothing on the rear of the buildings to connect to, and large retaining walls in a couple instances.

11. Add sidewalks on the west side of 77th Terrace along Elizabeth Avenue.

77th is not in the vicinity of our project – but there appears to already be a sidewalk along Elizabeth Avenue, and adding any more sidewalk would be a significant offsite expense that seems excessive to put on the developer.

12. A sidewalk shall extend from the clubhouse west and connect to the sidewalk on North 78th Street.

Sidewalk added.

13. In the middle of the proposed parking lot, install a new north/south and east/west walking path with trees for shade and reduce parking within the development. This walking path, in the shape of a “T” will be between the two (2) southern buildings orientated north/south and the two (2) northern building orientated east/west.

Pedestrian walkways with trees have been added for better circulation.

14. Where are on-site deliveries going to be dropped off?

At the clubhouse

15. 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).

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

Per unit count and calculations, a 4,765 SF storm shelter is needed – The clubhouse has been expanded so that this can be provided in the clubhouse. Either as a basement, or ground floor will be designed meet FEMA 361 standards for a centralized Community Safe House.

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

Photometric plan has been updated.

17. Interior parking lots lights shall have 90-degree cutoff fixtures.

Photometric plan and fixture sheets have been updated.

18. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points at the apartments).

Bike racks have been added to plans.

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

Acknowledged – driveways and curb cuts will meet UG standards.

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

Acknowledged – We will reach out to Public Works and get permit accordingly.

21. 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.

Acknowledged – KDHE NOI process has been started, after that approval, we will be able to apply for the land disturbance permit from public works during building permit process.

Building Architecture:

1. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, 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.
Acknowledged – our parking lots are located 'within' the building groupings on site and are oriented internal to the site, away from street frontage.
2. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade. The rear elevations should have "front" entries, similar to the front elevation.
All sides of the buildings display the same level of quality and architectural interest. Similar detailing, window patterns, roof features, and material treatments are utilized equally on all faces of all buildings. Adding additional building entrances to the rear of the building would result in a reduction in the total number of bedrooms, which has already been approved through the State QAP process. Additionally this would result in the need to add sidewalks around the building removing landscaping, that is intended to create a buffer between many of the single family homes.
3. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick.
All faces of all buildings have been revised accordingly and charts have been provided to show that 40% of each façade is brick. The remaining wall area is fiber cement board and batten or lap siding as indicated. No vinyl or stucco is used.
4. 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 have been added and are located as required,

Landscaping and Screening:

1. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes.
Acknowledged – we are retaining existing grade at all property lines.
2. An open space easement shall be established for the remaining undeveloped site – around the preserved trees to the east, south and areas along the secondary access drive.
An open space easement has been added to Lot 1 of the Plat – although it is not encompassing all of the remaining undeveloped site. We will be retaining all trees on Lot 2 that are not within the grading limits for the road connection. In addition, we will be providing buffer/screening along all single family residential homes that share a property line with this project.
3. Plant trees around the detention basin .
Trees have been added around the detention basin.
4. Provide a site line section between the multi-family apartments and the single-family homes, similar to the example for the townhomes.
Refer to new sheet A050 which shows two site sections (N/S and E/W) to illustrate the relationship of the new buildings to the existing homes.

-
5. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running.
Acknowledged – fence has been added and masonry columns called out.
 6. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. 7. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 78th Street and Tauromee Avenue shall have street trees planted along the sidewalk. Revise and resubmit the landscape plan.
Landscape plan has been updated to reflect tree calculations and add street trees.
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 24.47 acres, which requires 237 trees, 19 additional evergreen or shade trees and 152 shrubs for buffering per the zoning district.
Acknowledged – landscape plan has been revised, and required counts met.
 7. 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.
Acknowledged – plant schedule reflects these sizes.
 8. All landscaping shall be irrigated.
Acknowledged – irrigation note has been added to landscape plan.
 9. 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.
Refer to new sheet A020 which includes plans and elevations of the trash enclosure. Screening is 6'-8" tall.
 10. 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 – screening has been added to landscape plan.
 11. All electrical meter banks, typically on the side of the building shall be screened from public view.
Acknowledged – screening has been added to landscape plan.
 13. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

Acknowledged – screening has been added to landscape plan.

14. 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 – screening has been added to landscape plan.

15. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.

The building will be provided with cable instead of satellite and dishes will not be allowed in this development.

General Engineering Comments:

- 1) On the cover sheet include the following notes:

- a) Sheet index including Architectural drawings.

- b) Zoning Classifications

- c) Total parcel/project area (square feet or acres), total area of land disturbed, net increase/decrease in impervious area, net cut/fill quantities (cubic yards) – shown on C2.0.

Notes have been added to cover sheet.

- 2) All plans and reports shall be signed and sealed by a Kansas Registered Professional.

Acknowledged – plans are stamped.

- 3) For projects with new plats or replats, provide the plat in the plan set and list it in the index of sheets on the cover sheet. County surveyor may have additional comments.

Plat has been added to index.

- 4) Provide 10ft utility easements around the out-boundary lot lines of the plat; 5ft easements both sides of interior lines.

Utility easement has been added to plat.

- 5) The final plat shall include UG signatures on mylar for Clerk, Mayor, County Surveyor, etc.

Acknowledged – at time of Final Plat, these signatures will be included.

- 6) Public sanitary and stormwater sewer will need to be in an easement meeting UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater).

Greatest depth of sanitary sewer is 15'. Sanitary easements have been shown on plat.

- 7) See Retaining Wall review for additional comments.

All retaining wall comments will be addressed with final development plan submittal. Patrick Doyle has agreed this is fine.

Sign in sheet

Name

Phone/email

Ernie & Gaele	913-907-6781	Preacher boy NKsg
ARLENE HARRIS	ah603377@comcast.com	Ad Com
Ernie & Gaele		
Julie Holter	816-507-3184	holter.julie@gmail.com
Harvey Williams		jharr524@yahoo.com
Teresa & Barry Smith	913-832-9382	thinderson@yahoo.com
Barbara & Chuck Smith	913-334-9845	
David & Connie Northrup	913-299-4869	
Kary & Kate Stewart	913-221-7331	kstewart91@gmail.com
Ray & Ann	913 670-8000	Crane C. A. 61
Jerry & Peggy Madrell	913-334-1706	pegm1624@gmail.com
Bertha Salter	913-938-9852	
Cherie Wyatt	(713) 301-2477	cheriewyatt1944@yahoo.com
Chris Wyatt	(713) 857-4850	rcwyatt@outlook.com
TRUDY MASEN	913-788-3205	trudygmas@gmail.com
Charles Pennewell	913 424 9037	Pennewell C. gmail.com

~~Charles Pennewell~~

Toy, Byron

From: Fred Merrill <Fred@CultivatingRealEstate.com>
Sent: Friday, July 28, 2023 3:20 PM
To: Parker, Janet
Cc: McLaughlin, Kallie; Toy, Byron
Subject: Residences at Victory Hills- neighborhood meeting
Attachments: 2023-07-28 15-04.pdf

Janet,

We conducted the neighborhood meeting last night at Mason Jar at 5 pm. Attached is the sign in sheet along with the affidavit. There was quite a bit of opposition, so we came to the conclusion that we hold another neighborhood meeting on August 9th at 6 pm at CenterPoint church. Commissioner Andrew Davis is planning on being there along with the developers from Indianapolis. My hope is that having the developers there will better answer questions and concerns pertaining to the project. Below are the notes/minutes:

Meeting called to order at 5:05. Introductions were made of Fred Merrill (Owner's Rep) and Katelyn Wolf (Civil Engineer).

- 1) We explained the LIHTC funding aspect of this development, and how it meant TWG would hold and manage the property for 15 years*
 - a. They want to know what the median income is, and what 60% of that would be? (their assumption is this will be homeless people ore section 8 housing living here)*
 - b. They want to know who will be managing the property? They pulled up reviews from TWG's website that said other TWG developments have allowed tenants to welcome in homeless people to their units, etc. They have trash everywhere, etc. etc.*
 - c. Lots of questions on property management and who will 'hold TWG accountable to keep it nice'*
 - d. They want examples of other places in Wyandotte County that are LIHTC housing.*
 - e. They have explained that there are A LOT of homeless people in the area and they have concerns about this making that worse (I think we need to get very familiar with other housing in the area and how those are run. Specific things mentioned were 'Eileens House for Women & Children' bringing sketchy people around.*
 - f. They want specifics on LIHTC funding, and if you receive these benefits yearly, or not until the end of the 15 years. They want to know what is stopping you from selling this property in 4 years and having it change management, or worse let 'section 8' people move in.*
 - g. What happens when you can't fill the units with people making 60% median income – are you then going to fill them with section 8 to get that government pay out?*
- 2) Feasibility Study*
 - a. Why did TWG pick this location?*
 - b. Is there a need for this type of housing here?*
 - c. How will 152 units affect school populations? Schools in the area are already overcrowded (according to them)*
 - d. Why 152 units with surface level parking? Why can't it be nice townhomes or duplexes with all this land?*
- 3) Traffic Study*
 - a. Has there been a traffic study done? Why don't you have that here for us to look at?*
 - b. Did you consider going north to Armstrong where there aren't any single family houses?*
 - i. We explained yes – but there is a stream channel and wetlands that we are trying to avoid.*
 - ii. Also explained water has to loop south to Tauromee anyways so making utilities and road go south makes sense.*
 - c. They have MAJOR concerns with there not being full access on 78th.*
 - i. They think it should have a median cut, and likely have a stop light. Or a roundabout*

- ii. *They think if we could make full access on 78th, then less people would use Tauromee which is their preference. They already think Tauromee is busy, and don't want added traffic.*
 - d. *They have concerns about Tauromee and Elizabeth, the weird intersection on the curve – they say its dangerous and going to get even more 'clogged' with this development. Do we need light there? Roundabout?*
 - e. *The homeowners on Orient Avenue (culdesac to the SE) are very worried that the city or developers will eventually want to tie in a street to their culdesac because it is listed and designed in a master plan as 'temporary culdesac' and they REALLY don't want apartment traffic coming through their neighborhood.*
- 4) *The lots/land itself*
- a. *I think we need to bring a parcel map with current land owners listed on it for next time.*
 - b. *They want clarification if there is still a 'strip' of vacant land between the neighborhood to the east and to our new property line.*
 - c. *They want to know why you didn't buy the UG parcel along 78th?*
 - d. *They said the trees along the east of our property are 'dead and full of trash' and want us to clean that up.*
 - e. *They asked why we have such a big lot – and we explained so that we can have a secondary access, we either had to purchase to the north or south, as well as the necessary 40% greenspace requirement. They then are VERY concerned that as soon as we get rezoning approval, we are going to 'add more buildings' and use up the extra greenspace with more apartments.*
 - f. *They are overall concerned with the density – why not townhomes or duplexes?*
 - g. *Concerned with surface parking- why not a parking garage or carports?*
- 5) *Random concerns*
- a. *They want more police presence and enforcement in the area in general.*
 - b. *They want to know what construction traffic will be like – don't want it on Tauromee, but didn't believe my answer that we would put it in the plans to have the construction entrance be on 78th. They said concrete trucks won't use 78th because its right in, right out.*
 - c. *What is the construction timeline?*
- 6) *Other things we should have prepared for next meeting*
- a. *the section cut/views from two residential houses along 78th.*
 - b. *A current property ownership/lot line map*



Fred C. Merrill

Owner at Cultivate Realty & Development

Mobile (913) 205-9749

Email fred@cultivatingrealestate.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Fred C. Merrill, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # CO22023-020
2. That I conducted a neighborhood meeting on 7/27/23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

F C Merrill
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of July, 2023.

My commission expires 25th of March, 2025.

Erin Porter
Notary Public



PRELIMINARY PLAT
RESIDENCES AT VICTORY HILLS
PART OF THE NW 1/4, SECTION 9-T11S-R24E
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

DATE	11/16/07	REVISION	1	REVISED PER COMMENTS	2	1/28/2011
APPROVED		BY				
		DATE				
		DATE		ADDED 1/07/12, OPEN SO/AC & CROSS ACCESS & ASSIGNMENT		
		DATE				

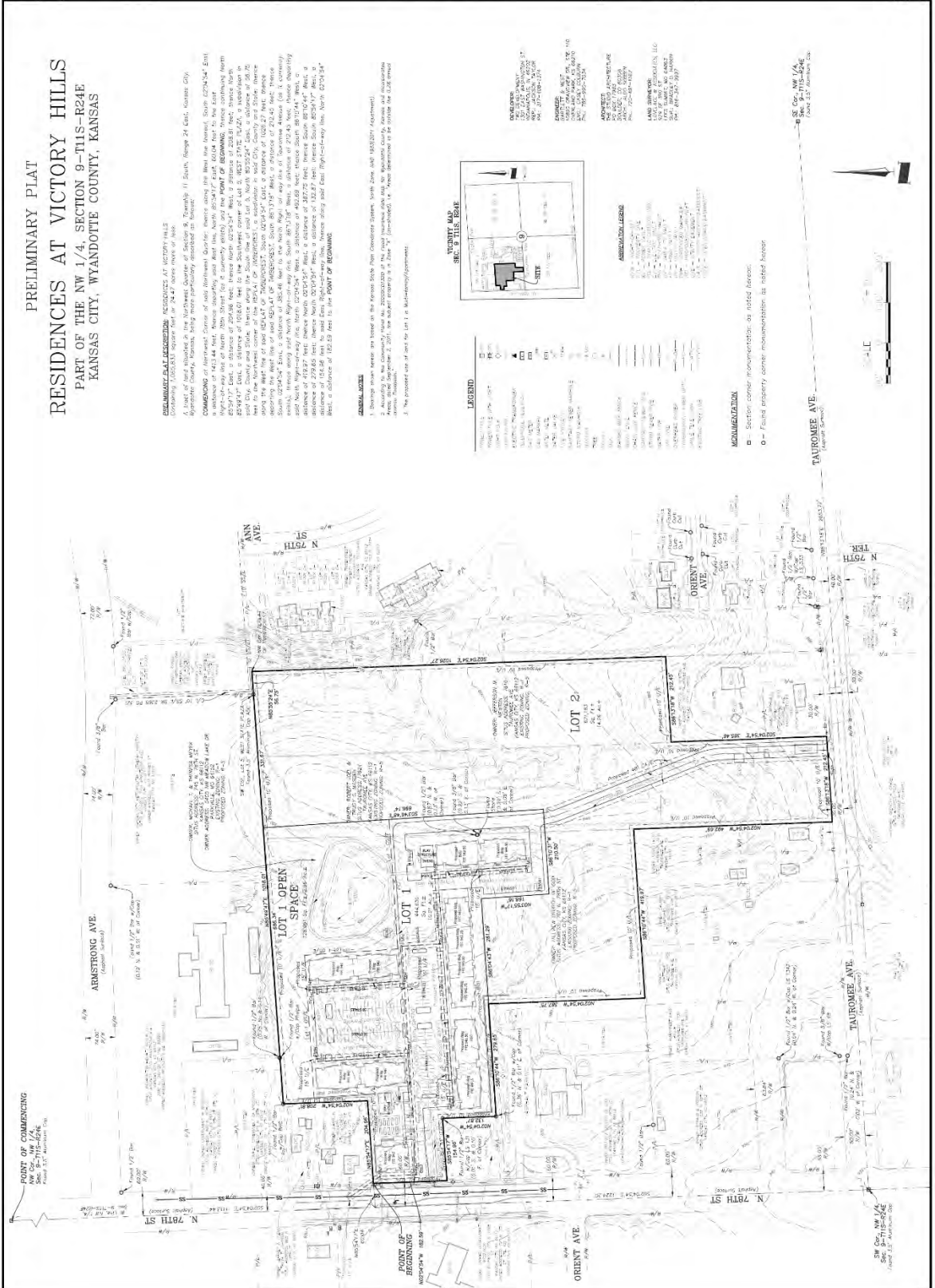
PRELIMINARY PLAN
RESIDENCES AT VICTORY HILLS
PART OF THE NW 1/4, SECTION 9-11S-R24E
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

Project No. 12081
Drawn By: RDH
(Checked By: JBL
Date: 6/28/2023
Scale: 1"=100'
File Name:
HERRING LAKESIDE HILLS TRACT/007.PLT
Certificate of Authority
Missouri - 2002030538
K. S. K&A

LOVELACE & ASSOCIATES
Land Surveying • Land Planning
929 SE 3rd Street Law's Summit, Missouri 64063
Phone: (816) 347-9997 Fax: (816) 347-9979

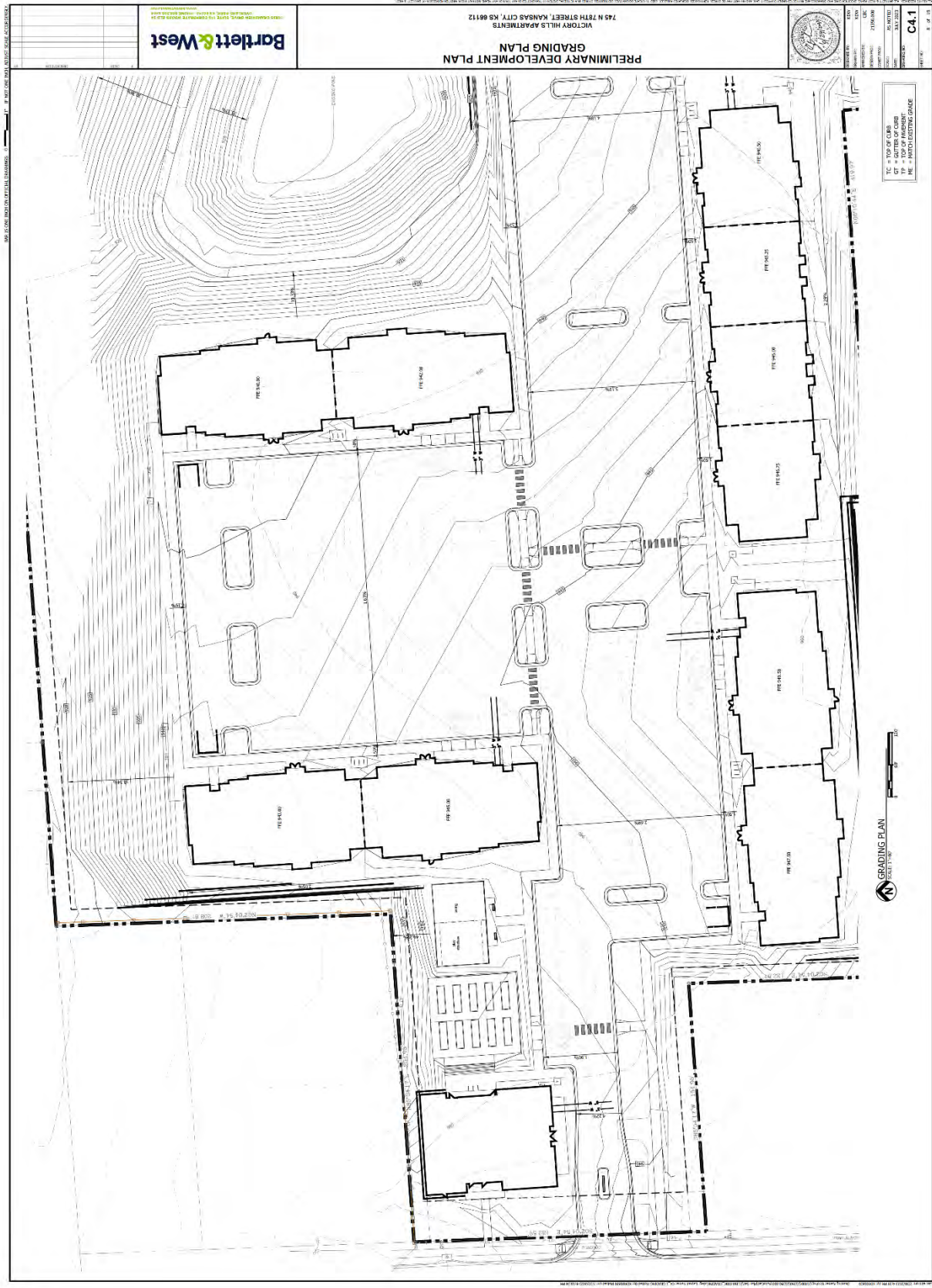
PRELIMINARY PLAT

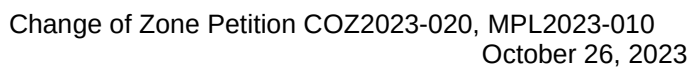
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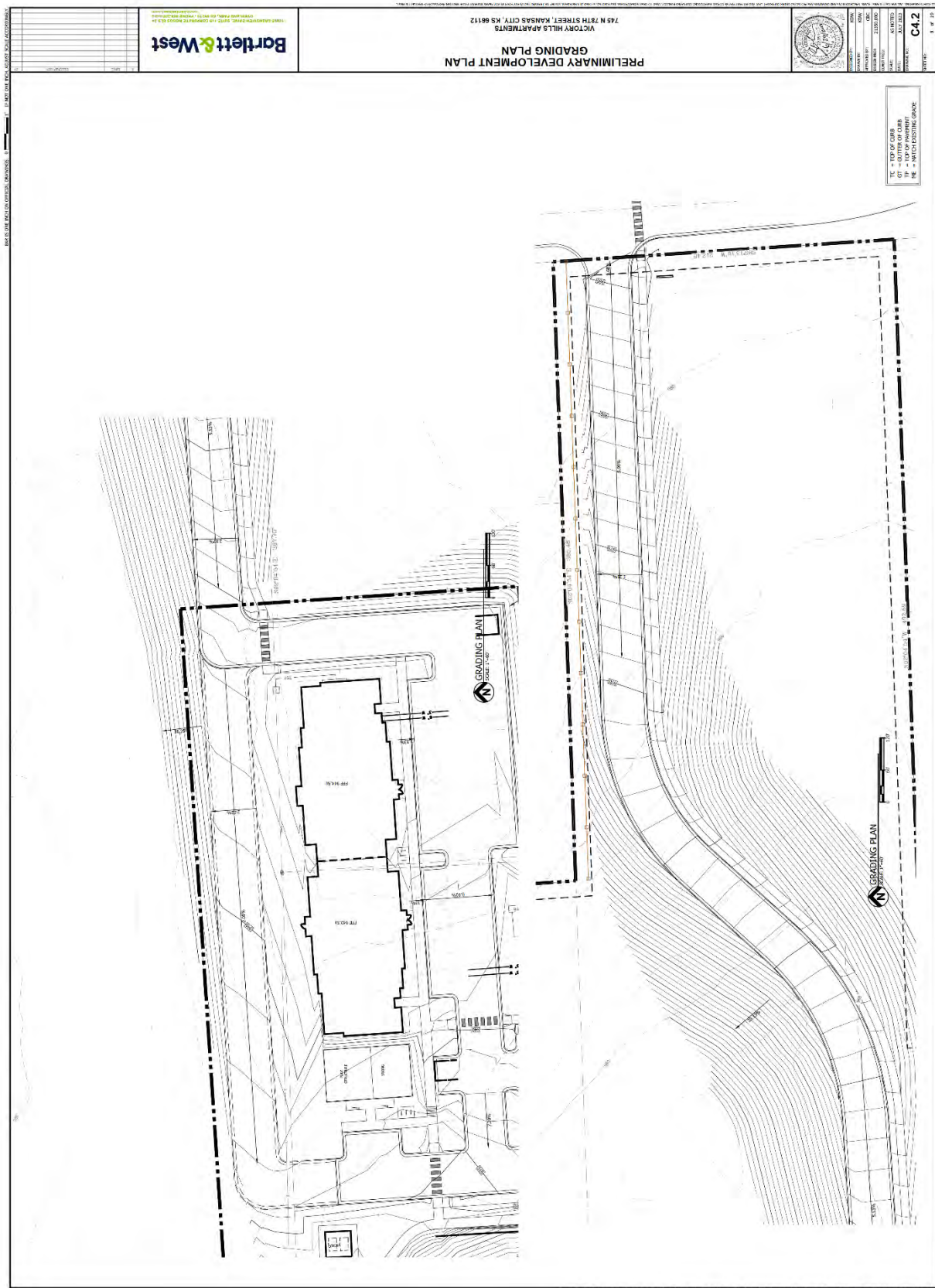


Change of Zone Petition COZ2023-020, MPL2023-010
October 26, 2023











TWG
Development
1301 E. Washington St.
Indianapolis, IN 46202
317.252.0223

CONSULTANT
Address:
Address:
Address:
Phone:



PROJECT TITLE

RESIDENCE AT VICTORY HILLS
745 N 78th St, Kansas City

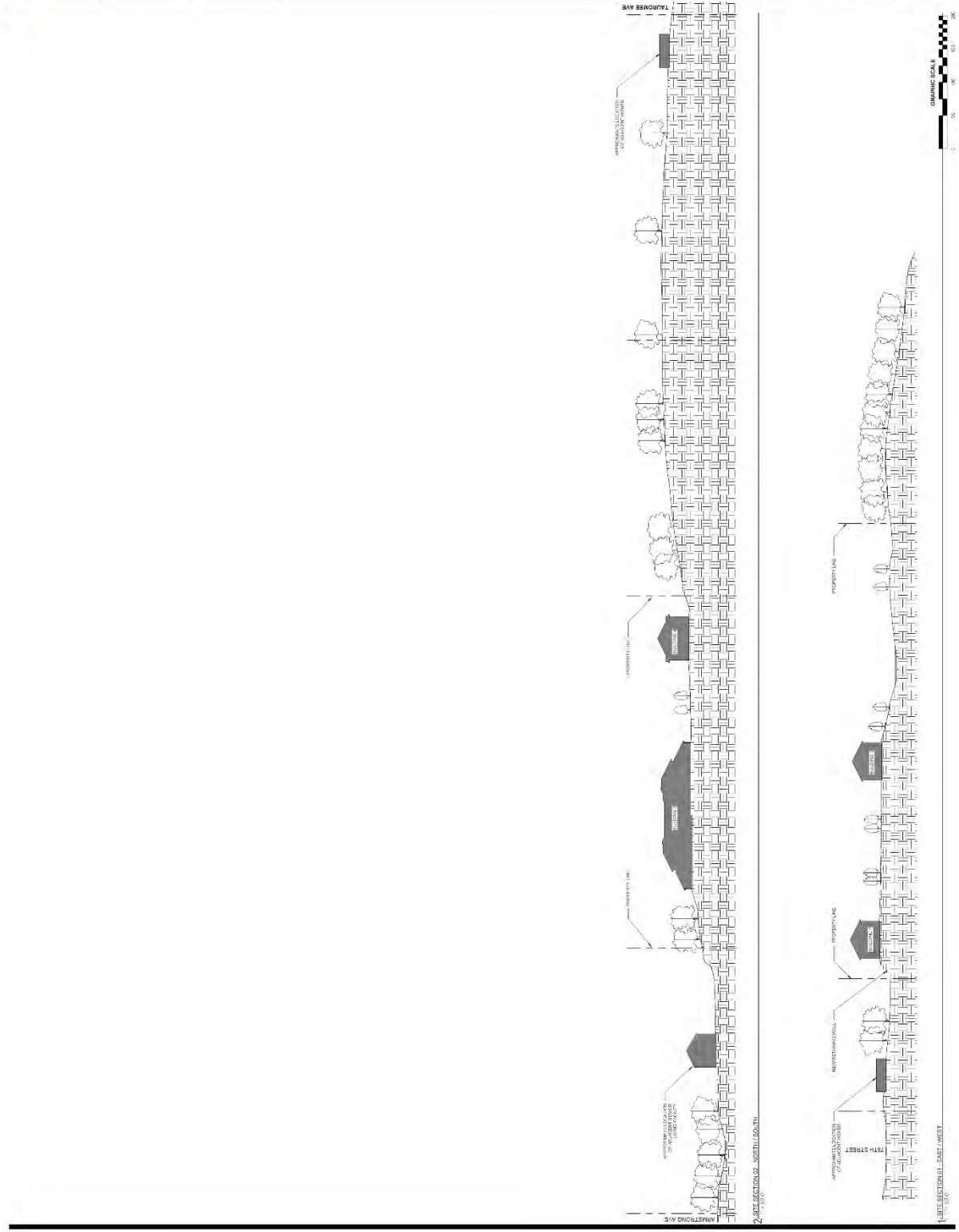
DATE	DESCRIPTION
08/05/2023	ARCHITECTURAL SITE SECTION

DO NOT SCALE DIMENSIONS
FOOTPRINT DIMENSIONS ONLY

Date: 08/05/2023
Drawn By: AJP
Checked By: C

PROJECT TITLE
**ARCHITECTURAL
SITE SECTION**
SHEET NUMBER

A050



THE OFF-PHOTOGRAPH

IV. CONCLUSION



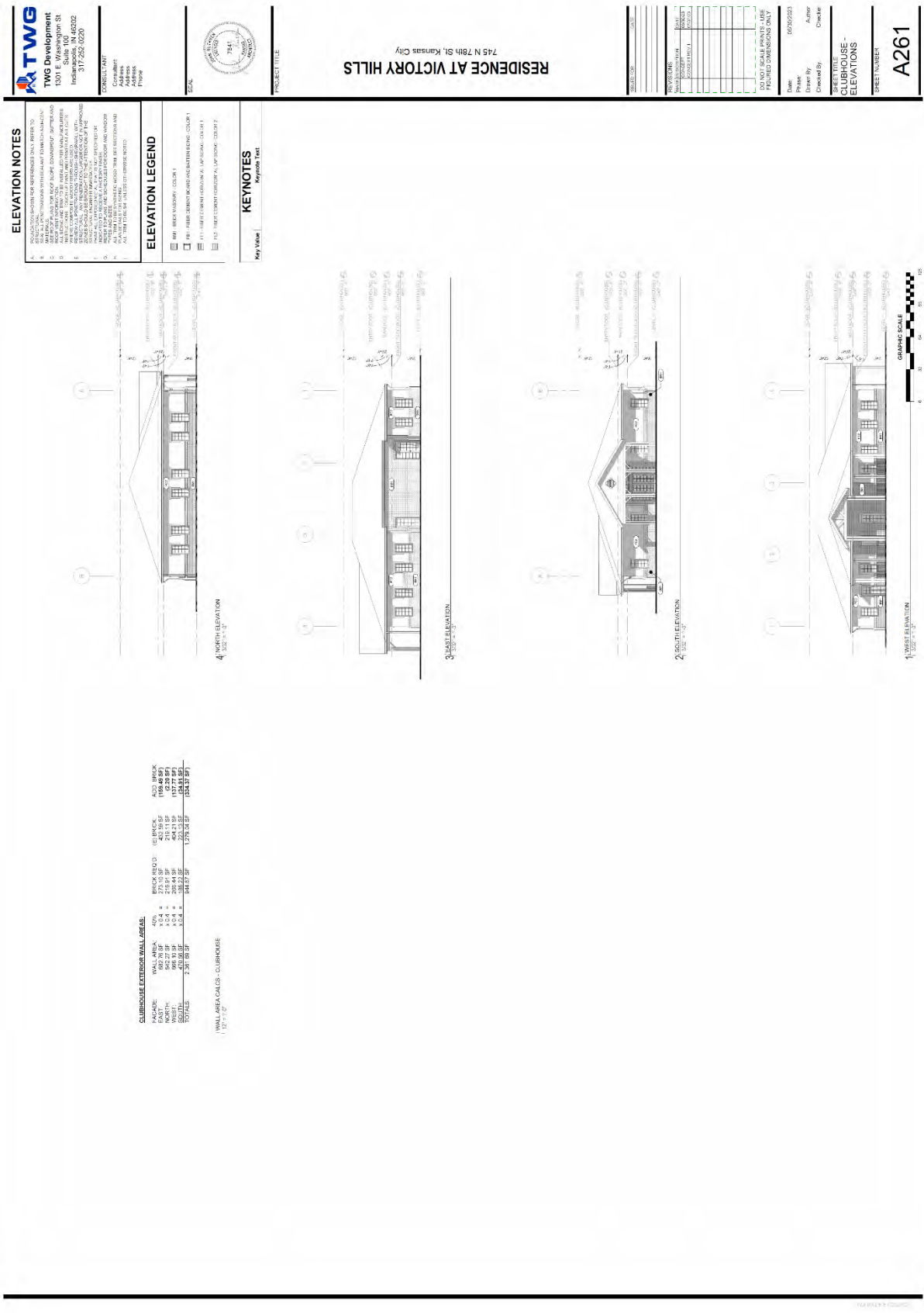




Figure 4. Site photograph of 745 North 78th Street looking north on North 78th Street (provided by Planning Staff).



Figure 5. Site photograph of 745 North 78th Street looking south on North 78th Street (provided by Planning Staff).



Figure 6. Site photograph of 745 North 78th Street looking north (provided by Planning Staff).



Figure 7. Site photograph of 745 North 78th Street looking east on North 78th Street (provided by Planning Staff).



Figure 8. Site photograph of 745 North 78th Street looking southeast (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: October 26, 2023

Re: **Change of Zone Petition COZ2023-025 and
Master Plan Amendment Petition MPL2023-013**

GENERAL INFORMATION

Applicant:

Landon Fliger

Status of Applicant:

Representative
Atlas Land Consultants
14500 Parallel Road, Unit R
Basehor, Kansas 66007

Requested Actions:

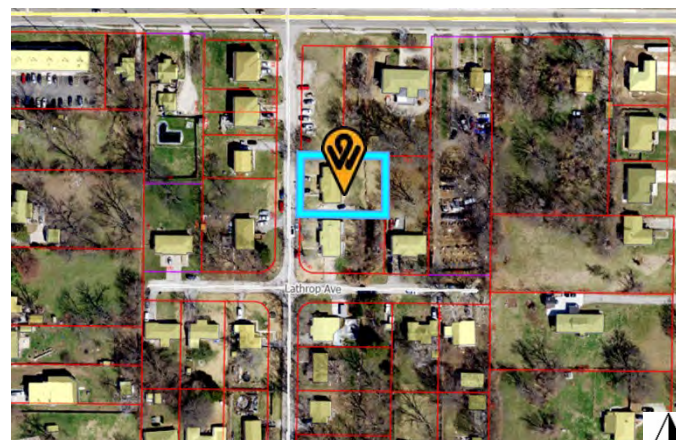
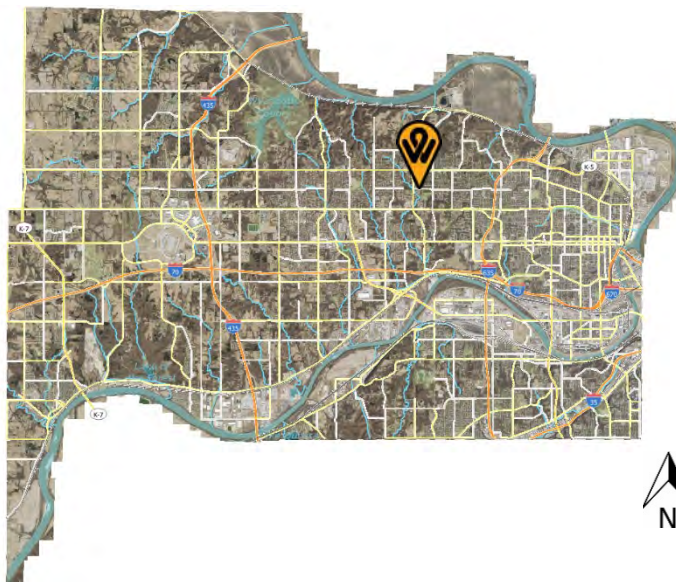
Approval of a Change of Zone and
Master Plan Amendment.

Date of Application:

August 25, 2023

Purpose:

To approve a Change of Zone from
R-1 Single-Family District to R-2 Two-
Family District and a Master Plan
Amendment from Low Density
Residential to Medium Density
Residential in the City-Wide
Comprehensive Plan to bring a legal
non-conforming duplex into
conformance.



Property Location:	3009 and 3011 North 57 th Street, Kansas City, Kansas 66104
Commission Districts:	Commissioner At-Large, #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
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: Duplex East: Single-family Residence West: Duplex
Total Tract Size:	0.33 Acre
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family residences. The applicant is seeking a Master Plan Amendment to Medium Density Residential, which allows for garden apartments, duplexes, triplexes and fourplexes.
Major Street Plan:	The goDotte Mobility Plan identifies North 57 th Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-456(d) states two (2) off-street parking spaces shall be provided on the premises for each dwelling unit, at least one of which shall be in a garage or carport. The property provides four (4) spaces, two (2) in a below-ground garage and two (2) in the driveway.
Advertisement:	<u>The Wyandotte Echo</u> – September 14, 2023 Letters to Property Owners – September 15, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Landon Fliger, is requesting a Change of Zone from R-1 Single-Family District to R-2 Two Family District and a Master Plan Amendment from Low Density Residential to Medium Density Residential in the City-Wide Comprehensive Plan to bring a legal, non-conforming duplex into conformance at 3009 and 3011 North 57th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been several calls for police service on the subject property.
 - a. 2023 – 2023-61723 – Theft
 - b. 2023 – 2023-48472 – Theft
 - c. 2020 – 2020-48390 – Burglary
 - d. 2019 – 2019-80596 – Criminal Damage
 - e. 2017 – 2017-134715 – Criminal Damage, Burglary and Battery

Building, Zoning, or Code Enforcement Complaints:

1. The property has been cited by Code Enforcement four (4) times.
 - a. 2019 – 19208-00948 – Vehicle on unimproved surface
 - b. 2009 – 09200-03987 – Trash and Debris
 - c. 2005 – 05208-01250 – Abandoned Vehicle
 - d. 2001 – 01206-00118 – Dead Tree

Outstanding or Related Permits and Cases:

1. There are no additional or related permits or cases.

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

The subject property is located in the Bethel-Welborn Statistical Neighborhood and the Leavenworth Road Association. The neighborhood consists of a mix of single-family residences, legally non-conforming duplexes, and garden-style apartments. The subject property is also one (1) block away from the

Leavenworth Road commercial corridor, which features a mix of residential and light commercial.

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

The zoning and uses are laid out above. The neighborhood consists of a mix of residential uses, including single-family residences, garden-style apartments and legally non-conforming duplexes like the subject property. The subject property is a legally non-conforming duplex, which will not change as a part of this change of zone, rather, will be brought into conformance completely. The proposed use is compatible with nearby 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 currently a legally non-conforming duplex and is suitable to continue to be used as a duplex. The removal of restrictions will not detrimentally affect nearby property as the use of the property is not changing and the use is consistent with nearby uses.

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

The property has been consistently used as a duplex since its construction in 1955.

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

The proposed use is reasonably necessary as the historic use as a duplex provides additional housing to the community. The proposed use will not substantially or permanently injure the use, quality, or marketability of nearby property, as it is consistent with the nearby uses.

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

The proposed use will not increase traffic to the point it exceeds the capacity of North 57th Street, a Local Street, as the use of the property is not changing, rather, the zoning district is changing to match the historic use of the property.

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

The City-Wide Comprehensive Plan currently designates the property as Low Density Residential, which allows for single-family residences. The proposed use is not in conformance.

The applicant, however, is requesting to amend the designation to Medium Density Residential, which allows for duplexes, triplexes, fourplexes and garden-style apartments, in which the current and proposed use conforms to.

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

The proposed use will not cause environmental harm or enhance the environment as the use of the property is not changing, rather, the zoning and designation will change to match the historical, current, and proposed use of the property.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control.

d. *Police*

Police service is provided by West Patrol, District #224.

e. *Fire*

Fire service is provided by Station #18, which is four (4) blocks away from the subject property.

f. *Transit*

The UG provides transit service along Route #113 – Leavenworth Road, with a stop one (1) block away at 56th Street & Leavenworth Road.

g. *Schools*

Public Education is provided by Welborn Elementary School, Gloria Willis Middle School and F.L. Schlagle High School under Kansas City, Kansas USD 500.

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

The economic impact of the proposed use on the community is minimal, as this change of zone is changing the zoning district to match the existing historic and future use of the property as a duplex, rather than a redevelopment of the property.

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

With changes on the site, the proposed use is capable of meeting applicable ordinance requirements; This change of zone will match the zoning district to the historic, current, and proposed use of the property.

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 public health, safety and welfare is minimal, as this change of zone is simply changing the zoning district to better match the historic, current and proposed use of the property. The hardship imposed on the property owner may be significant, as if the existing duplex on the property was destroyed, the owner could only build a single-family residence rather than another duplex.

Master Plan Amendment

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

There have been no events subsequent to the comprehensive plan adoption. The building has remained unchanged since 2008. The building, however, was constructed as a duplex in 1955 and has been used as such since initial construction.

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

The change from Low Density Residential to Medium Density Residential is consistent with the goals of the City-Wide Comprehensive Plan, which seeks to promote density along major corridors, including Leavenworth Road.

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

See Change of Zone Factor #9.

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

The proposed amendment would eliminate a regulatory conflict as the property has been a legal non-conforming duplex since it was annexed in 1966. The current zoning of the property is R-1 Single-Family District. The applicant seeks to change the zoning to the R-2 Two-Family District to match the zoning district to the historic, existing and proposed use as a duplex. An amendment to the Comprehensive Plan would bring the plan into conformance with the proposed zoning district.

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

The proposed plan amendment would not result in a change in development of the site, and instead, would match the historic and existing use of the site. The site has been used as a duplex since its construction in 1955.

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

The proposed use will not have a major impact as the use of the property will not change, however, if the existing structure on the property is destroyed, it would allow for a new structure of the same density to be reconstructed, rather than reducing the density.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2023-013** and Change of Zone Application **COZ2023-025** subject to:

- 1. The pull-in gravel parking in the front-yard of the residence shall be removed. Only parallel parking along North 57th Street is allowed. A right-of-way permit shall be obtained for this parking;**
- 2. The storage area shall not be converted into a third unit. If it is converted**

- into an additional unit, a change of zone will be required;
3. 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;
 4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 5. 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;
 6. 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;
 7. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
 8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning 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.

KEY ISSUES

Gravel Parking in Front-Yard
Number of Electric Meters
Rear-Yard Erosion Concerns

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Master Plan Amendment

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 **MPL2023-013** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

Change of Zone

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-025** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
City-Wide Comprehensive Land Use Map
Neighborhood Meeting Materials
Floor Plan
Site Photos, Taken by Staff, Dated September 8, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	October 9, 2023	October 26, 2023
Rezoning	Approval	
Master Plan	October 9, 2023	October 26, 2023
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-013** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-013**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-025** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-025**, 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.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 2:54:22:

MASTER PLAN AMENDMENT APPLICATION MPL2023-013 – LONDON FLIGER WITH ATLAS LAND CONSULTANTS – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 3009 North 57th Street.

CHANGE OF ZONE APPLICATION COZ2023-025 – LONDON FLIGER WITH ATLAS LAND CONSULTANTS – SYNOPSIS: Change of Zone from R-1 Single Family District

to R-2 Two Family District to bring an existing duplex into compliance at 3009 North 57th Street.

Detailed Outline of Requested Action: The applicant, Landon Fliger, is requesting a Change of Zone from R-1 Single-Family District to R-2 Two Family District and a Master Plan Amendment from Low Density Residential to Medium Density Residential in the City-Wide Comprehensive Plan to bring a legal, non-conforming duplex into conformance at 3009 and 3011 North 57th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Landon Fliger, applicant, Atlas Land Consultants, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:56:48: Planning Director Hand stated this is a legal non-conforming in a block with other duplexes. The property is in the City-Wide Comprehensive Plan area. Staff has received no letters in support nor opposition. There are some older Notices of Violation associated with this property that have all been rectified. There are also some police reports on this block as well. Staff recommends approval subject to the conditions in the staff report. He stated that there are two (2) unimproved parking spaces on the property, which is unnecessary as there is a driveway to the rear with two (2) garage spaces underneath this unit as well as other parking. Staff is conditioning that they restore the grass area (where the car is parked) and they can park on the gravel in the driveway, which is right-of-way. Director Hand showed the Commission the multiple utility meters and stated Staff was unable to confirm building permits or if there are more than two (2) units in the structure. A condition was added that if they add a third unit another Change of Zone would be required.

Motion starts at 3:00:30:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-010:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. The pull-in gravel parking in the front-yard of the residence shall be removed. Only parallel parking along North 57th Street is allowed. A right-of-way permit shall be obtained for this parking;
2. The storage area shall not be converted into a third unit. If it is converted into an additional unit, a change of zone will be required;
3. 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;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. 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;
6. 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;
7. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof,

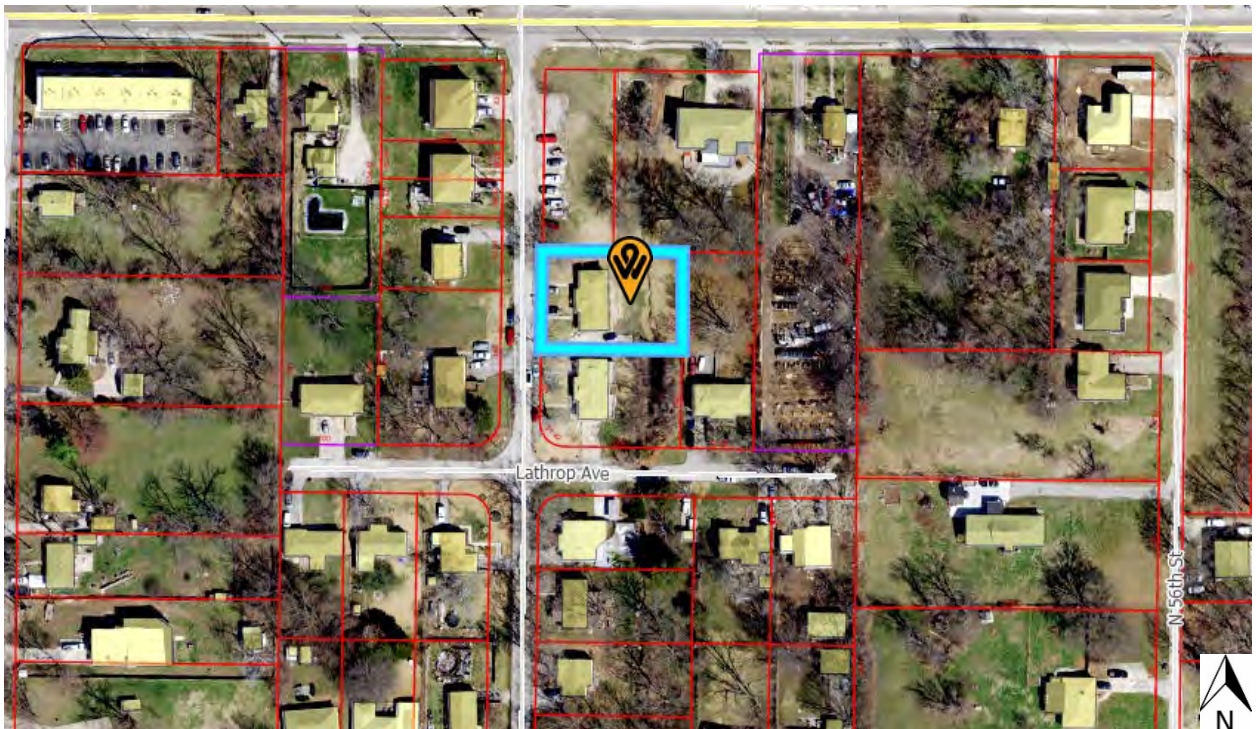
- does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-025:**

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

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

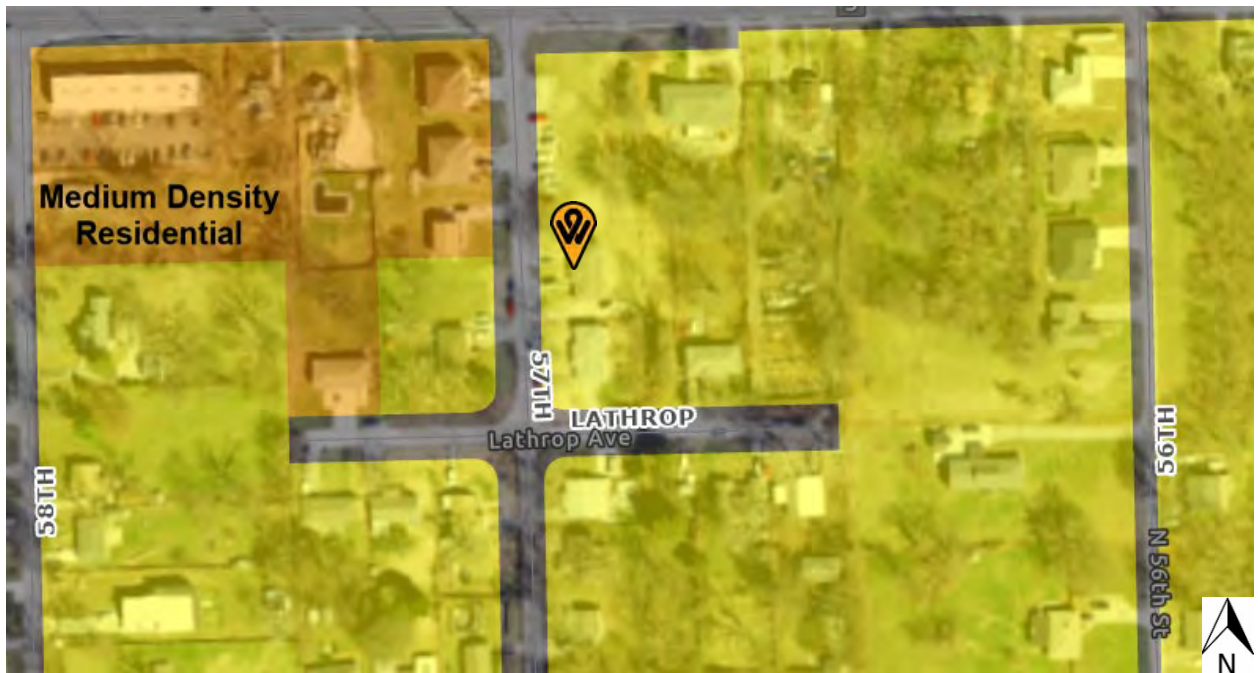
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MINUTES



NEIGHBORHOOD MEETING RESPONSES COZ2023-025 & MPL2023-013

September 25th, 2023:

Attendees:

1. Landon Fliger – Atlas Land Consulting
14500 Parallel Rd unit R Baschor, Ks 66007
2. Benito Hernandez – Property Owner
63 S 16th St Kansas City, Kansas 66102

Meeting:

Meeting began at 5:56pm on September 25th. No additional attendees joined the meeting between the times of 5:56pm and 6:45pm.

Meeting adjourned.

14500 Parallel Road, Unit R, Baschor Kansas 66007

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # COZ2023-025 and MPL2023-013
2. That I conducted a neighborhood meeting via zoom SEPTEMBER 25TH, 2023 @6:00pm.
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.

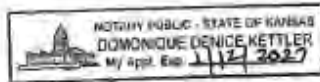


09/27/2023

Affiant

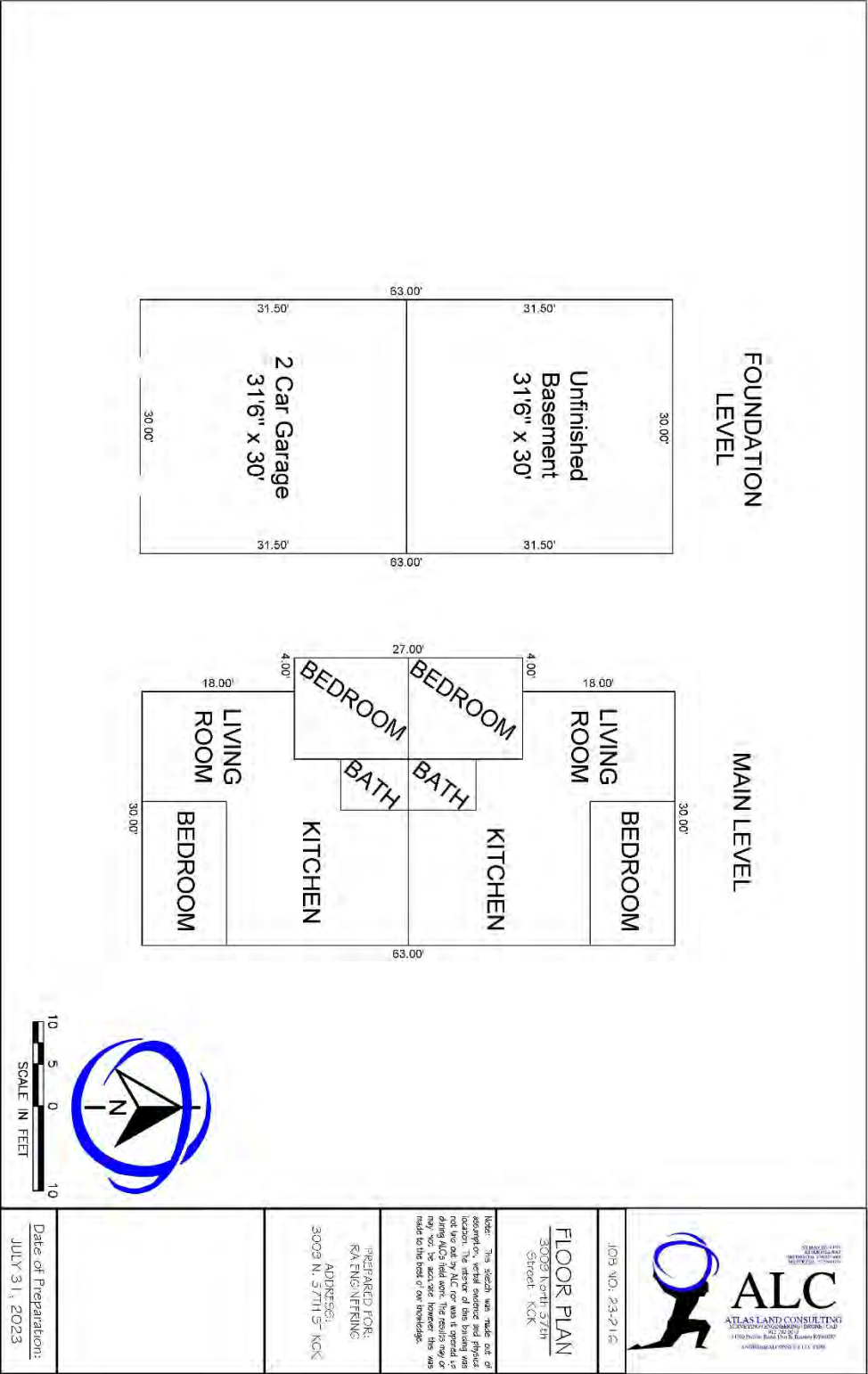
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of Sept, 2023

My commission expires 12th of January, 2023.


Notary Public

14500 Parallel Road, Unit R, Basehor Kansas 66007

FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 8, 2023







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: **Petition COZ2023-015 and SP2023-024**

GENERAL INFORMATION

Applicant:
Brian Terry

Status of Applicant:
Property Owner
3645 North 85th Street
Kansas City, KS 66109

Requested Actions:
Approval of a Change of Zone from R-1
Single Family District to A-G
Agriculture District.

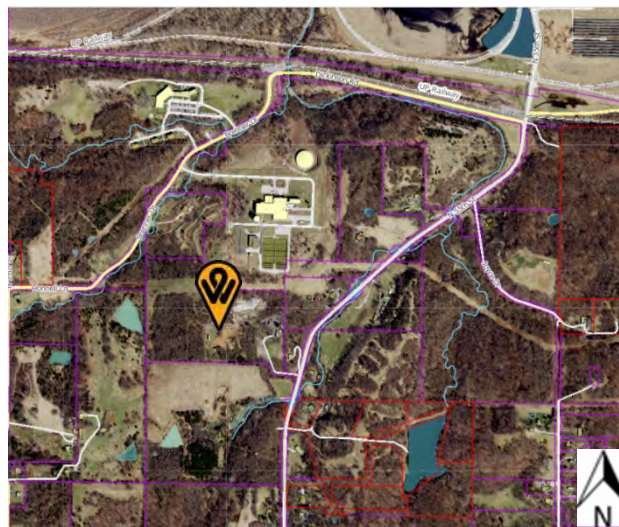
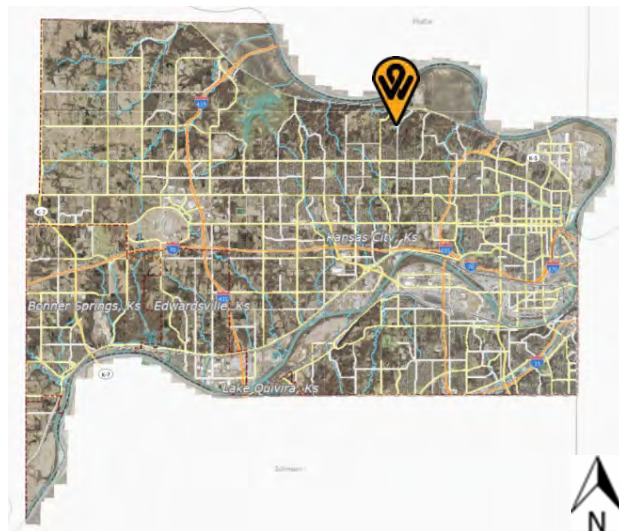
Approval Special Use Permit for on-site
grading associated with hay fields.

Date of Application:
May 26, 2023

Purpose:
To rezone for agricultural farming and on-
site grading for hay fields.

Property Location:
3850 North 55th Street

Commission Districts:
Commissioner At-Large, District #1:
Melisa Bynum
District #1 Commissioner: Gayle
Townsend



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: BPU facility South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	25.13 Acres
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches, large-lot single-family detached residences and passive and open space.
Major Street Plan:	The Major Street Plan classifies 55 th Street as a Collector Street.
Required Parking:	Sec. 27-452(e) states two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. Two (2) spaces are required. The Applicant is providing two (2) parking spaces in the driveway, but there is ample space to add additional parking.
Advertisement:	<u>Wyandotte Echo</u> – Change of Zone – June 15, 2023; Special Use Permit – June 15, 2023 Letters to Property Owners – Change of Zone – June 16, 2023, July 5, 2023, August 8, 2023 and September 5, 2023; Special Use Permit – June 16, 2023, July 5, 2023, August 8, 2023 and September 5, 2023
Public Hearing:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brian Terry, has filed a Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming and a Special Use Permit for on-site grading of hay field on 25.13 acres at 3850 North

Change of Zone Petition COZ2023-015 and SP2023-024

55th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. There are numerous code violations and administrative citations between August and November 2019 for parts and trailers scattered around the property, trash, structural repairs, numerous unregistered vehicles, people living in unsanitary conditions.
2. BSR22-0007 – Stop Work Order for excavating and hauling/dumping without permits on January 27, 2022.
3. BSR23-0025 – Stop Work Order for land disturbance on January 31, 2023.

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes on larger acreages. The area is relatively rural in nature along North 55th Street to the east. The majority of the parcels are zoned R-1 Single Family District, however, there are some zoned A-G Agriculture District. The site is within the vicinity of BPU Nearman Creek Power Station.

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

The zoning and uses of nearby property are set out above. The property is owned by Terry's Hauling, LLC, which lends credence to a home-based business operating on the property. A home business keeping heavy trucks, trailers and/or equipment is not preferred as commercial contractors are best suited to be in M-2/MP-2 General Industrial District or higher. A home-based office poses no issues, but an operation at this scale would not normally be compatible with established residential 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?*

Agricultural farming will not detrimentally affect nearby property, however, the continued presences of trucks along North 55th Street for continued grading may affect nearby property.

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

The property is not vacant, as the applicant is the homeowner.

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

The proposed use is not reasonably necessary for the convenience and welfare of the public considering these benefits are solely for applicant. If the grading occurs on-site without the need for trucks to provide or haul away earthen material, then the proposed use should not permanently injure the appropriate use, visual quality, or marketability of adjoining property, but may impair adjacent properties in the interim.

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.*

Without knowing the specifics of the grading operation, Staff cannot determine if there will be an increase in traffic to the point where it would adversely affect road capacity or safety.

If the on-site grading were associated with an ongoing building permit to build a structure, a Special Use Permit would not be necessary.

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

Special Use Permits are not addressed in the Master Plan. The City-Wide Master Plan Rural Residential designation for this property allows agricultural uses, ranches, and large-lot detached single-family residences. This proposed use is in conformance with the Master Plan.

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

The proposed use should not cause environmental harm, but if not property managed and regulations are not adhered to, erosion and stormwater drainage can be affected causing problems for adjacent property owners.

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

a. Water service

Water service is provided by BPU.

b. Sanitary sewer service

Sanitary sewer service is provided by the UG.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by Midtown Patrol, District #223.

e. Fire

Fire service is provided by Fire Station #18 located at 55th Street and Leavenworth Road.

f. Transit

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

g. Schools

Public education is provided by Kansas City Kansas USD 500.

h. Streets

To be designed to meet Public Works standards.

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

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

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

The proposed uses are capable of meeting applicable ordinance requirements with the submittal of required civil drawings and written explanation of scope of work.

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

The relative gain to the public health, safety, and welfare is minimal as it provides the convenience of for the applicant/property owner only. If denied, the landowner could continue to use the property for agricultural use, but is restricted to the R-1 Single Family District standards and regulations and on-site grading not associated with a building permit would not be permitted.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Because this application was filed in June 2023, prior to the August 2023 dissolution of e-mail/phone neighborhood meetings, the applicant held a neighborhood meeting by phone/e-mail through June 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Change of Zone Application **COZ2023-015** and Special Use Permit Application **SP2023-024, for two (2) years**, subject to:

1. **Hours of operation for balancing the site for grading shall be Monday through Friday, 8:00 AM to 5:00 PM;**
2. **The equipment used on the property will be a 955 loader, crusher, dump trucks, excavator and concrete truck. At the conclusion of the on-site grading, this equipment shall be removed as the keeping of industrial equipment is not permitted on the premises without a Special Use Permit for the Temporary Use of Land for industrial purposes. This Special Use Permit is for on-site grading only;**
3. **Obtain a hauling permit from the Public Works Department;**
4. **A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
5. **All existing and future driveways must feature curb cuts that are constructed to UG standards.**
 - a. **The existing driveway does not meet UG standards;**
6. **A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;**

- 7. 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;**
- 8. A grading permit is required from the Building Inspection Division prior to earthen material is brought in, removed or relocated on the property;**
- 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. 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;**
- 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 13. 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.**

KEY ISSUES

Size of grading proposal
Compliance with local regulations

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 **COZ2023-015** and **SP2023-024**, subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Conservation District Comment Letter
Applicant Response Letter
Neighborhood Meeting Documents
Plot Plan
Grading Plan
Erosion Control Plan
Site Photograph taken by Planning Staff on June 16, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	October 9, 2023	October 26, 2023
Rezoning	Approval	
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Approval	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE COZ2023-015** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-015** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Special Use Permit

I move the Unified Government Board of Commissioners **APPROVAL** of Petition **SP2023-024** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-024** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 1:59:25:

CHANGE OF ZONE APPLICATION COZ2023-015 – BRIAN TERRY - SYNOPSIS:

Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming at 3850 North 55th Street.

SPECIAL USE PERMIT APPLICATION SP2023-024 – BRIAN TERRY – SYNOPSIS:

Special Use Permit for grading of the property for hay fields at 3850 North 55th Street.

Detailed Outline of Requested Action: The applicant, Brian Terry, has filed a Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural farming and a Special Use Permit for on-site grading of hay field on 25.13 acres at 3850 North 55th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Brian Terry, applicant, 3850 North 55th Street, Kansas City, Kansas 66104

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:01:52: Planning Director Hand stated that the Change of Zone is for the hay fields and the Special Use Permit is for grading and grubbing to bring the site back to agricultural purposes. The property is in the City-Wide Comprehensive Plan, Staff has received no letters in support nor violation. There are Notices of Violation on the property for work done on the property without a Special Use Permit, which is being addressed through this process. Staff recommends approval of the Change of Zone and the Special Use Permit for two (2) years subject to the conditions in the staff report.

Mr. Terry asked for clarification of the concrete driveway. Director Hand showed the applicant the area that needs to be concrete from the street to the property line and then the remainder of the driveway can be gravel.

Motion starts at 2:04:40:

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-015:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. Hours of operation for balancing the site for grading shall be Monday through Friday, 8:00 AM to 5:00 PM;
2. The equipment used on the property will be a 955 loader, crusher, dump trucks, excavator and concrete truck. At the conclusion of the on-site grading, this equipment shall be removed as the keeping of industrial equipment is not permitted on the premises without a Special Use Permit for the Temporary Use of Land for industrial purposes. This Special Use Permit is for on-site grading only;
3. Obtain a hauling permit from the Public Works Department;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards.
 - a. The existing driveway does not meet UG standards;
6. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
7. 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;
8. A grading permit is required from the Building Inspection Division prior to earthen material is brought in, removed or relocated on the property;
 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. 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;
 12. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 13. 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.

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-024:**

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

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

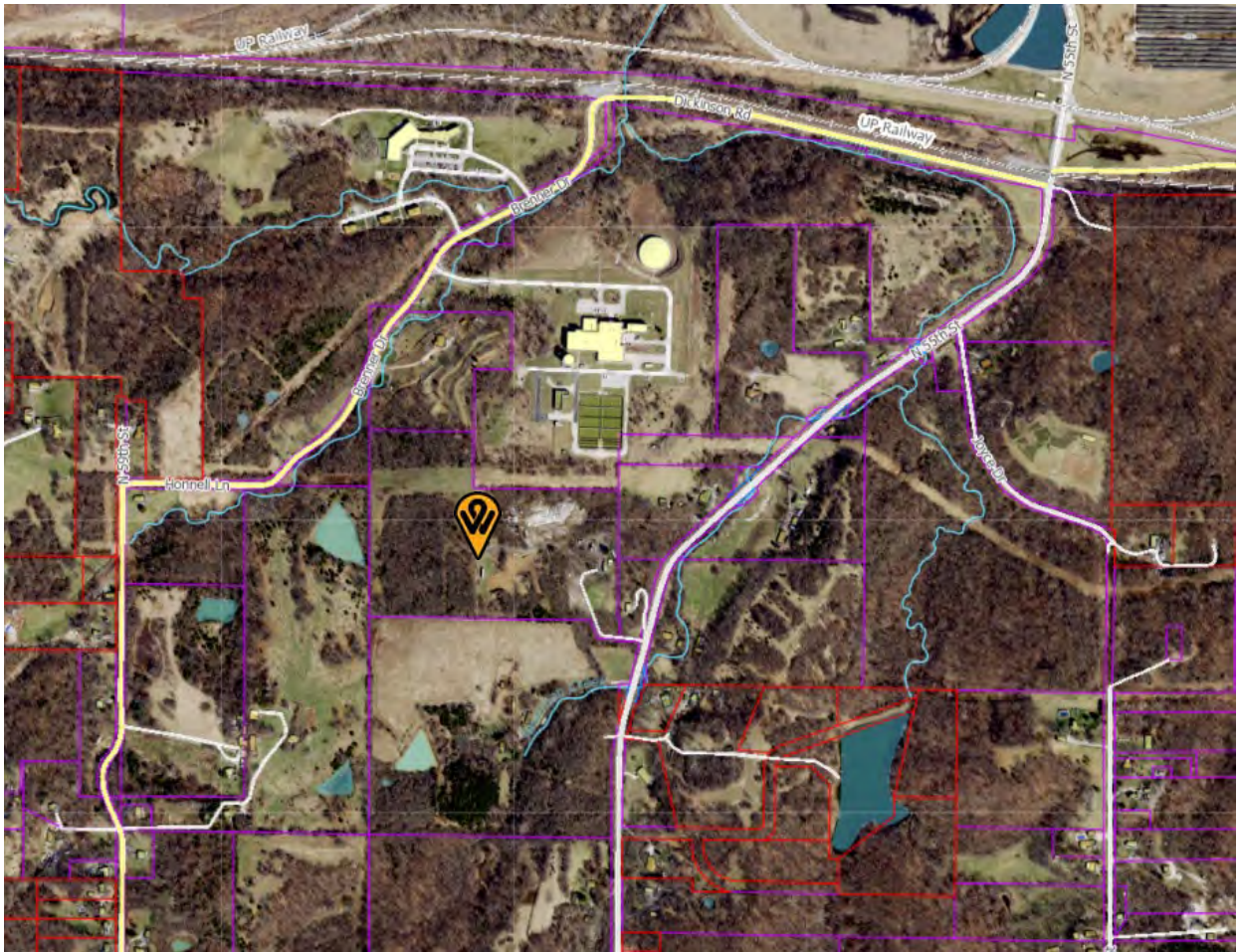


Figure 1. Aerial Map of 3850 North 55th Street (provided by UG Maps).

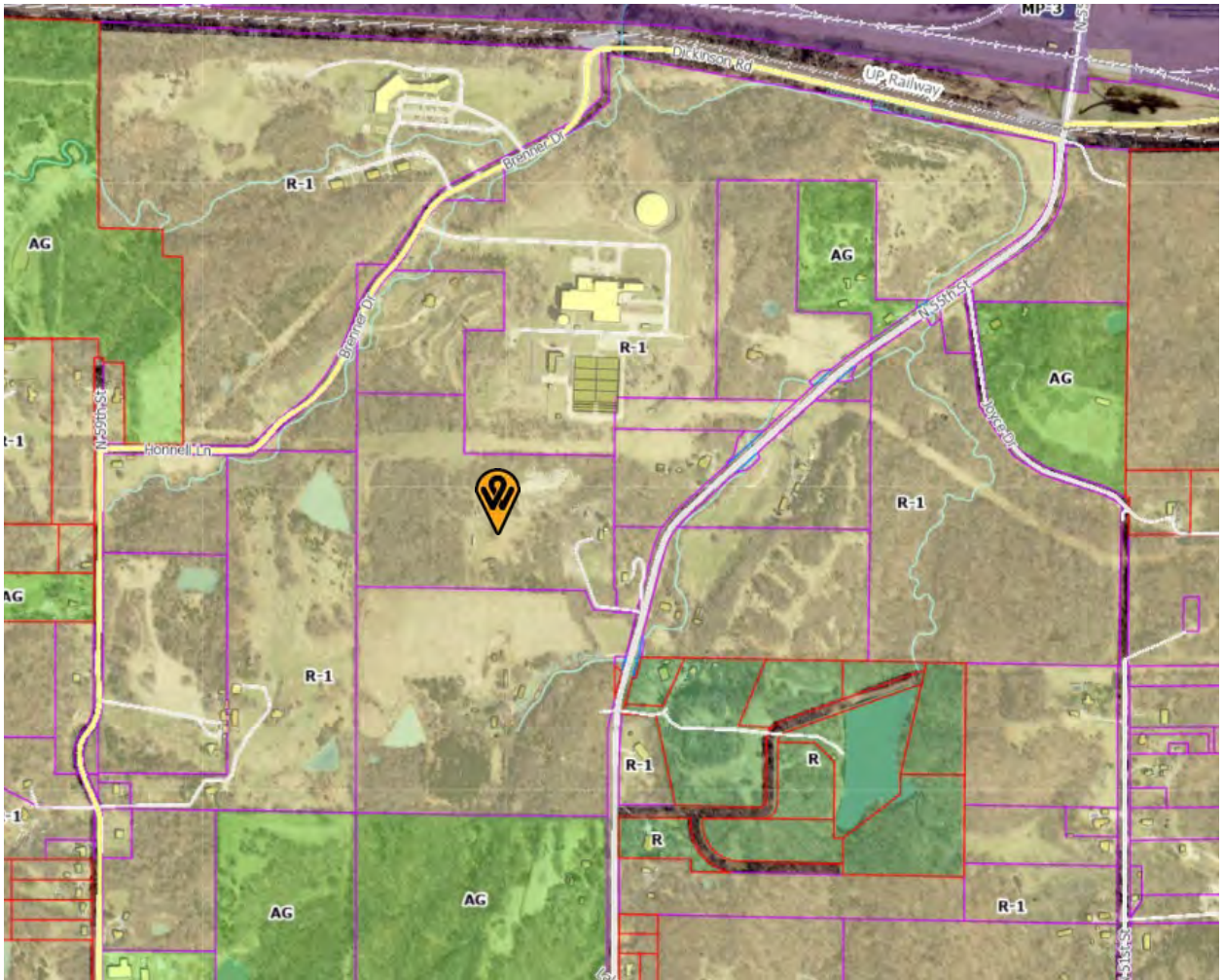


Figure 2. Zoning Map of 3850 North 55th Street (provided by UG Maps).

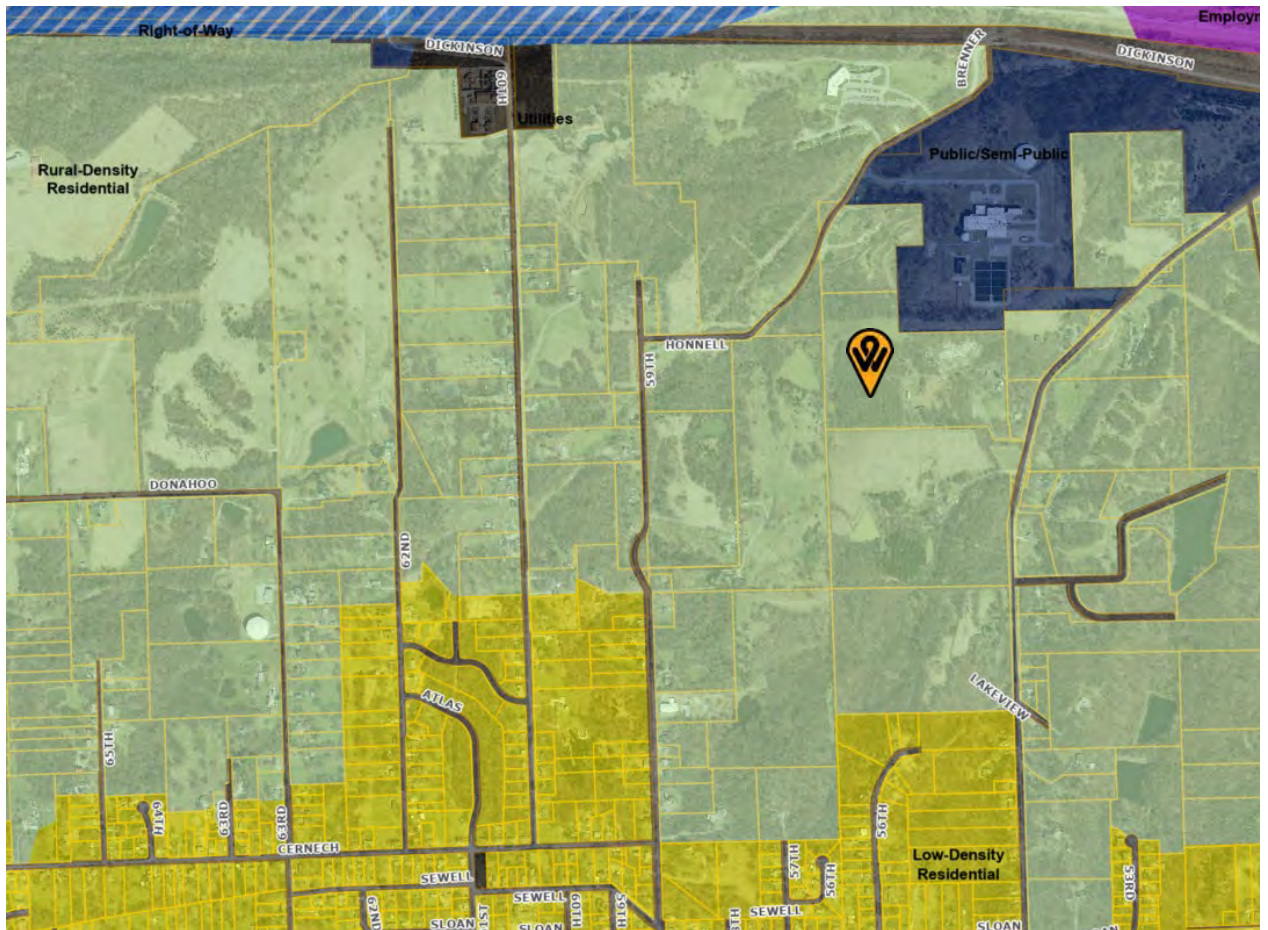


Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of 3850 North 55th Street (provided by ArcMap).



Wyandotte County Conservation District
1204 N. 7th Street - Kansas City, KS 66112 - Phone (913)-334-6329 -
wycco.conservations@gmail.com

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

June 15, 2023

RE: COZ-2023-015 and SP2023-024 Brain Terry R-1 to A-G for agricultural farming at
3850 North 55th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of
the: COZ-2023-015 and SP2023-024 Brain Terry R-1 to A-G for agricultural farming at
3850 North 55th Street.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Dwellings and Small Commercial Buildings
Soil Features

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

- There are three major soil types identified: Know silt loam, 7 to 12 percent slopes, Know silt loam, 12 to 18 percent slopes and Know silt loam, 18 to 30 percent slopes. These soil types are considered very erodible when the surface is denuded of a protective cover.
- Some of this area has been cleared and had fill it appears over the years. We didn't receive information on where practices were going to be used. Soil erosion can be a major concern if not managed. Hay production can be a good land use for this property if it is planted in healthy soils.
- Other areas are quite steep and covered with trees and brush. This area can be managed for woodland production.

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

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

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

Sincerely,

Cheri Miller
District Manager

enclosures

"Draft" Comments

Brian Terry

3850 N 55th St

KCKS 66104

1. A&B: Site Plan: Have a survey scheduled for Tuesday, June 27th with Justin Bracks 816-918-5962

C: Erosion Control Plan: 3' silt fencing installed and maintained on the lower east side of the property. Have already installed the construction entrance.

D: Standard Details and Notes: Regrading upper section of property to balance out all areas for adding a pole barn, leveling hay fields, and easier maintenance of fencing and mowing.
2. Who resides at property: Brian Terry
3. Hours Of Operations: 8-5 Monday-Friday
4. Type Of Equipment: 955 Loader, Crusher, Dump Trucks, Excavator, and Concrete Truck
A: Where Stored: Onsite
B: Truck Arrival/Departure: 10-15 a day
5. Length of Project: 12 months
6. Net Loss/Gain: Less than 10%
7. Haul Route: 55th St South to Leavenworth Road East to 635 North out of City.
8. Have requested Building Permit, was told that I have to get property changed to Agricultural first.

9. Driveway: Driveway is constructed of gravel and asphalt. All driveways in the neighborhood are constructed the same. There are no curbs on the street.
- 10 Have requested Land Disturbance Permit: Meeting is July 7th, 2023

6/12/2023

Terry's Hauling LLC
1032 S 26th Street
Kansas City, KS 66106

Subject: Neighborhood Consent

We have filed an application with the Department of Urban Planning and Land Use. The purpose of this is to change the zone at the following address: 3850 N 55th Street, Kansas City, KS 66104.

We are requesting all neighbors within 200 feet of the property permission to change the zoning from R-1 back to Agricultural. The reason for the change is to put cattle on the property and farming purposes.

Should you have questions or concerns, feel free to reach out to us.

Sincerely,

Terry's Hauling LLC
Brian Terry 913-915-8883

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF KS }
COUNTY OF Wy } ss: Terry's Hauling LLC

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

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

Further affiant saith not.

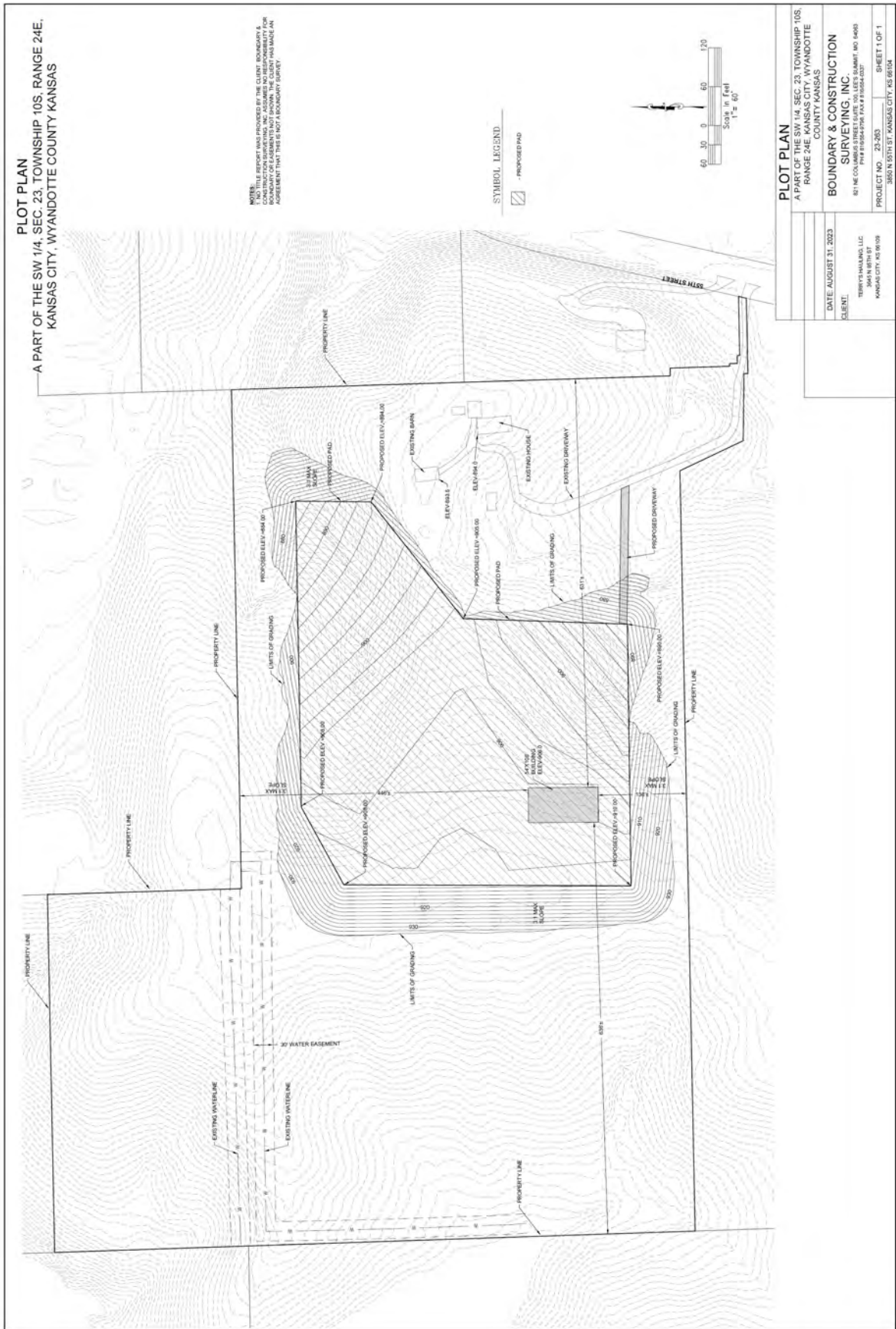
Alice Terry
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 13th day of

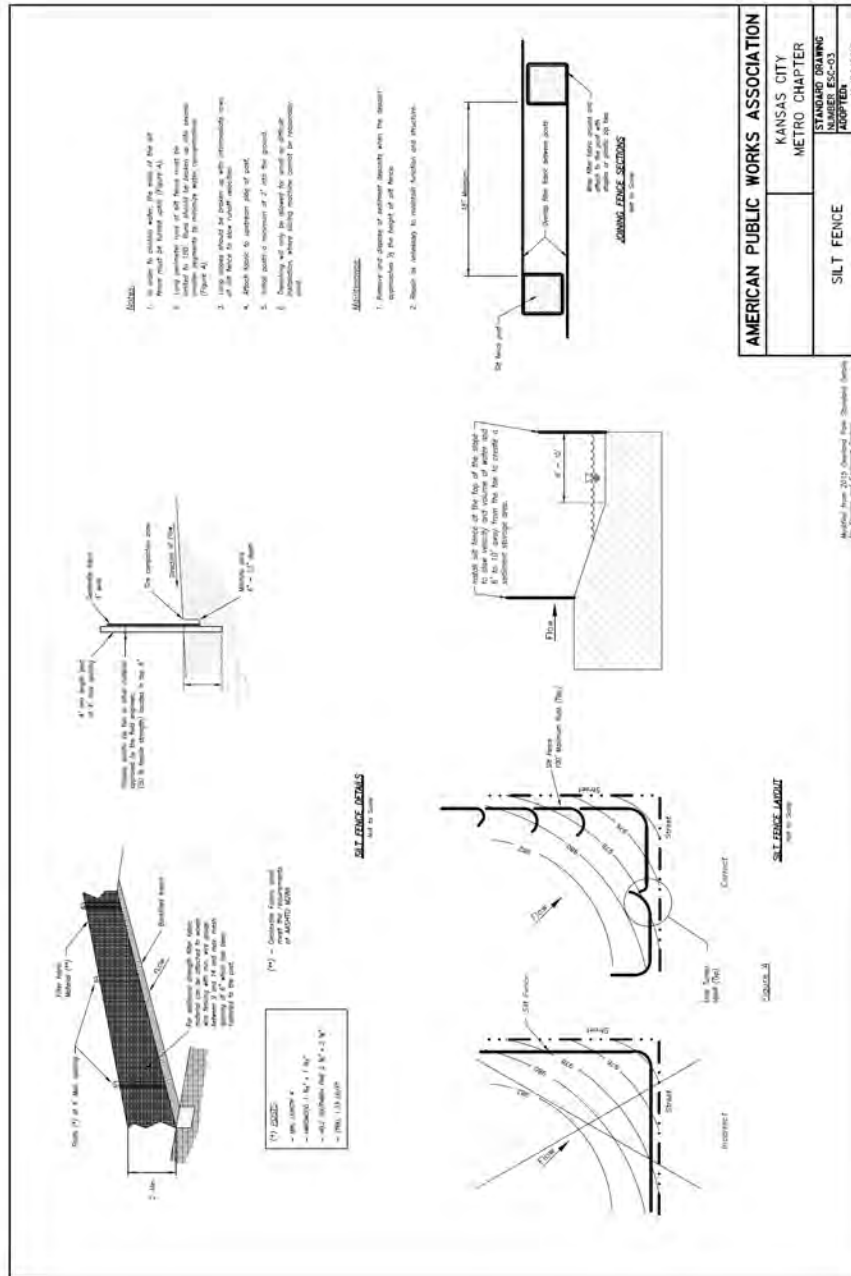
JUNE 2023
My commission expires 31st of Dec, 2024



Sue Bowdre
Notary Public



PLOT PLAN	
A PART OF THE SW 1/4, SEC. 23, TOWNSHIP 10S, RANGE 24E, KANSAS CITY, WYANDOTTE COUNTY KANSAS	
BOUNDARY & CONSTRUCTION SURVEYING, INC.	
811 NE COOPER STREET, SUITE 100, KANSAS CITY, MO 64108	
PROJECT NO. 23-203	
SHEET 1 OF 1	
DATE: AUGUST 31, 2023	
CLIENT: TERRY'S BUILDING, LLC	
3850 N 55TH ST, KANSAS CITY, MO 64119	



EROSION CONTROL DETAILS	
A PART OF THE SW 1/4 SEC. 23, TOWNSHIP 10S, RANGE 24S, COUNTY KANSAS	
KANSAS CITY, MISSOURI	
BOUNDARY & CONSTRUCTION SURVEYING, INC.	
10118 E. 15TH AVE., SUITE 100, KANSAS CITY, MO 64124	
PROJECT NO. 20-203	SHEET 3 OF 3
3500 N. 25TH ST. KANSAS CITY, KS 64105	





Figure 4. Site photograph looking west at 3850 North 55th Street (provided by Planning Staff).



Figure 5. Site photograph looking west at 3850 North 55th Street (provided by Planning Staff).



Figure 6. Site photograph looking north on North 55th Street (provided by Planning Staff).



Figure 7. Site photograph looking south on North 55th Street (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: October 26, 2023

Re: Special Use Petition SP2023-036

GENERAL INFORMATION

Applicant:

Unified Government of Wyandotte
County/Kansas City, Kansas

Status of Applicant:

Operator
Department of Building and Logistics
701 North 7th Street, 5th Floor
Kansas City, KS 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

March 24, 2023

Purpose:

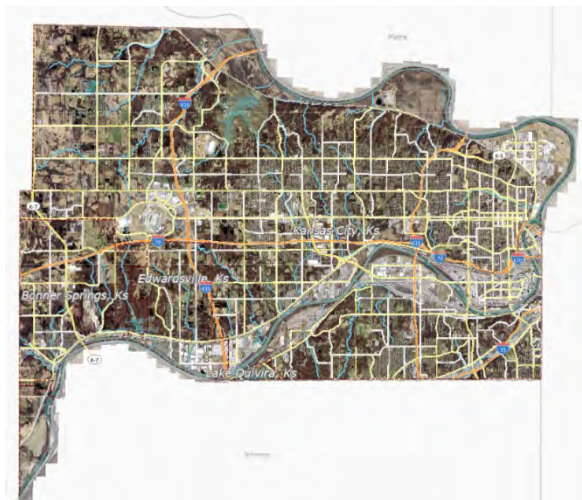
To operate an event space with live
entertainment and alcohol sales.

Property Location:

600 North 7th Street
Kansas City, KS 66101

Commission Districts:

Commissioner At-Large, District #2: Tom
Burroughs
District #2 Commissioner: Brian
McKiernan



Existing Zoning:	CP-0 Planned Nonretail Business and R-1 Single Family Districts
Adjacent Zoning:	North: C-0 Nonretail Business District South: CP-3 Planned Commercial and R-1(B) Single Family Districts East: C-0 Nonretail Business District West: R-1(B) Single Family District
Adjacent Uses:	North: Wyandotte County Courthouse and County Jail South: Automotive repair business and single-family homes East: St. Anthony's Catholic Church and City Hall West: Single family home and a vacant school building
Total Tract Size:	4.62 Acres
Master Plan Area:	Downtown Area Plan
Master Plan Designation:	The Downtown Area Plan designates the property as Public/Semi-Public. The Public/Semi-Public land use designation allows uses dedicated to public buildings and sties that have local, state or federal government functions or serve a public function, parks, recreation and open space that is for the use of the general public.
Major Street Plan:	The Major Street Plan classifies 7 th Street Trafficway as a Class A Thoroughfare, Barnett Avenue as a Collector Street and Tauromee Avenue as a Local Street.
Required Parking:	Section 27-667(a)(11) requires places of assembly to have one (1) parking space per four (4) seats. Based on the brochure, the seating capacity is 3,300, therefore 825 off-street parking spaces are required. With the assistance of Parking Control, there are 1,042 parking spaces available for use with Memorial Hall.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023, July 5, 2023, August 8, 2023 and September 5, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.

Public Opposition: None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant and property owner, Unified Government of Wyandotte County/Kansas City, Kansas, seeks approval of a Special Use Permit to operate an event space and host live entertainment and sell of alcohol at 600 North 7th Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is predominantly institutional in nature. Across the street to the east is St. Anthony's Catholic Church and City Hall and to the north is the Wyandotte County Courthouse.

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

The zoning of the surrounding properties is set out above. The subject property is zoned C-0 Nonretail Business District, and so are all adjacent properties except to the south, where is commercially zoned on the corner and single family residential to the south and west. With proper management and the appropriate parking, the proposed use is compatible.

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

The subject property is suitable for live entertainment, as there is an area for a stage, concession facilities, fixed arena seating and a third-floor ballroom that hosts a variety of events. The uses are appropriate as restricted.

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

The subject property is vacant.

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

Special Use Permits are not addressed in the Downtown Area Plan, nor are live entertainment and event spaces specifically addressed. An event space serves as a supportive commercial use in the downtown core and can be even considered a temporary entertainment facility when live entertainment is being hosted on site.

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.*

Events – sporting, religious and philanthropic have occurred in this building for decades. The roads in this area were designed to accommodate this type of traffic. There are multiple UG controlled parking lots that are within the vicinity that patrons will use, however there is concern that residents will be burdened by the loss of on-street parking during large events in the evening.

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 proposal would be considered a convenience to the public because it is providing a service that can accommodate large events, such as sporting events (boxing, wrestling, MMA), religious and philanthropic events.

Staff does not foresee the proposal permanently injuring adjoining properties, but the parking issue may make parking inconvenient.

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

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

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

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

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

Live entertainment could cause noise pollution. The applicant must make sure to keep noise levels to code requirements, and at a reasonable level, especially for live entertainment performed in the special event space.

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

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

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

The proposed use will not result in overcrowding as the proposed use operates within an existing building that was designed for these specific uses with off-street parking located in the rear of the building. There is a propensity for an event space to cause crowds, however, the Fire Marshal will determine the maximum number of occupants for the building limiting undue concentrations of populations.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

Because this application was filed in June 2023, prior to the August 2023 dissolution of e-mail/phone neighborhood meetings, the applicant held a neighborhood meeting by phone/e-mail through June 26, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-036**, indefinitely, subject to:

1. **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;**
2. **Alcohol can only be provided by licensed vendors;**
3. **Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;**
4. **All entertainment shall cease by 12:00 AM;**
5. **Public rights-of-way may not be blocked by trash enclosures or receptacles;**
6. **Sidewalks shall remain clean and clear of trash and debris;**
7. **No amplified speakers are allowed in outdoor spaces;**
8. **Doors and windows shall remain closed during any entertainment performance;**
9. **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;**
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 indefinitely from the publication date of the associated ordinance; 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.

KEY ISSUES

Parking
Buffering
Lights
Noise
Traffic

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 **SP2023-036** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Memorial Hall Brochure
Parking Site Plan
Site Photographs Provided by Staff on June 16, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-036** to the 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 **SP2023-036** 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.

October 9, 2023, City Planning Commission Minutes:

Hearing starts at 3:13:27:

SPECIAL USE PERMIT APPLICATION SP2023-036 – GUNNAR HAND/UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS: Special Use Permit for an event space with live entertainment and alcohol sales at 600 North 7th Street (Memorial Hall). Detailed Outline of Requested Action: The applicant and property owner, Unified Government of Wyandotte County/Kansas City, Kansas, seeks approval of a Special Use Permit to operate an event space and host live entertainment and sell of alcohol at 600 North 7th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Gunnar H. Hand, AICP, Director of Planning + Urban Design, 701 North 7th Street, Suite 423, Kansas City, Kansas 66101
- Megan Duma, 4520 West 765th Street, Prairie Village, KS 66208

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:14:31: Planning Director Hand stated that the proposed Special Use Permit is a retroactive entitlement for Memorial Hall. As the Unified Government has budgeted \$1 million to improve the facility, the Planning Department has been proactive to obtain all the required entitlements to host events, live entertainment and sell alcohol at the concession stands. This proposed project is in the Downtown Area Plan. Staff has received no letters in support nor opposition for the project and there are no Notice of Violations on the property. Staff recommends an

indefinite approval with conditions including, but not limited to ending all live entertainment and not necessarily the events by midnight.

The Planning Commission directed questions to Staff.

Motion starts at 3:18:46:

On motion by Ms. Eilts, seconded by Mr. Miller, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2023-036**:

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

- 1. 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;**
- 2. Alcohol can only be provided by licensed vendors;**
- 3. Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;**
- 4. All entertainment shall cease by 12:00 AM;**
- 5. Public rights-of-way may not be blocked by trash enclosures or receptacles;**
- 6. Sidewalks shall remain clean and clear of trash and debris;**
- 7. No amplified speakers are allowed in outdoor spaces;**
- 8. Doors and windows shall remain closed during any entertainment performance;**
- 9. 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;**

- 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 indefinitely from the publication date of the associated ordinance; 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.**

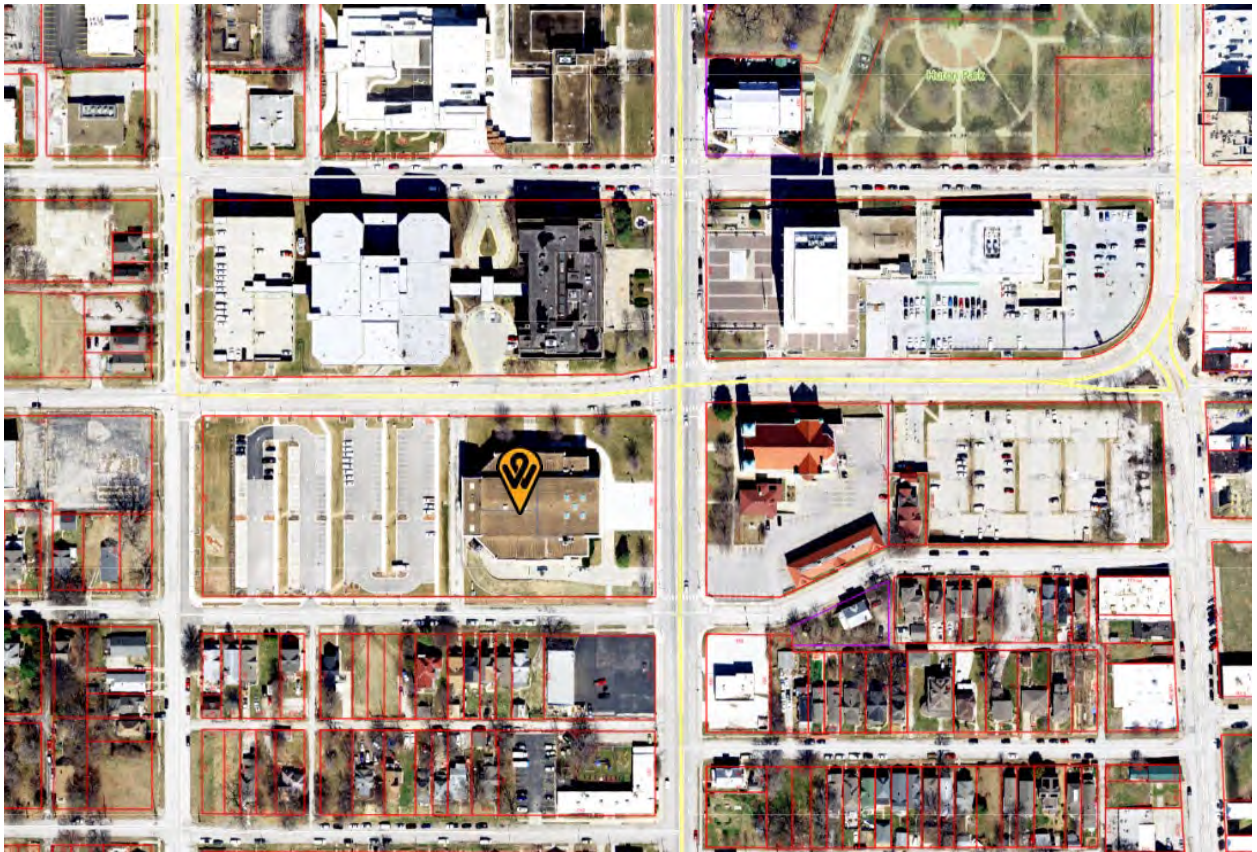


Figure 1. Aerial photograph of 600 North 7th Street (provided by UG Maps).

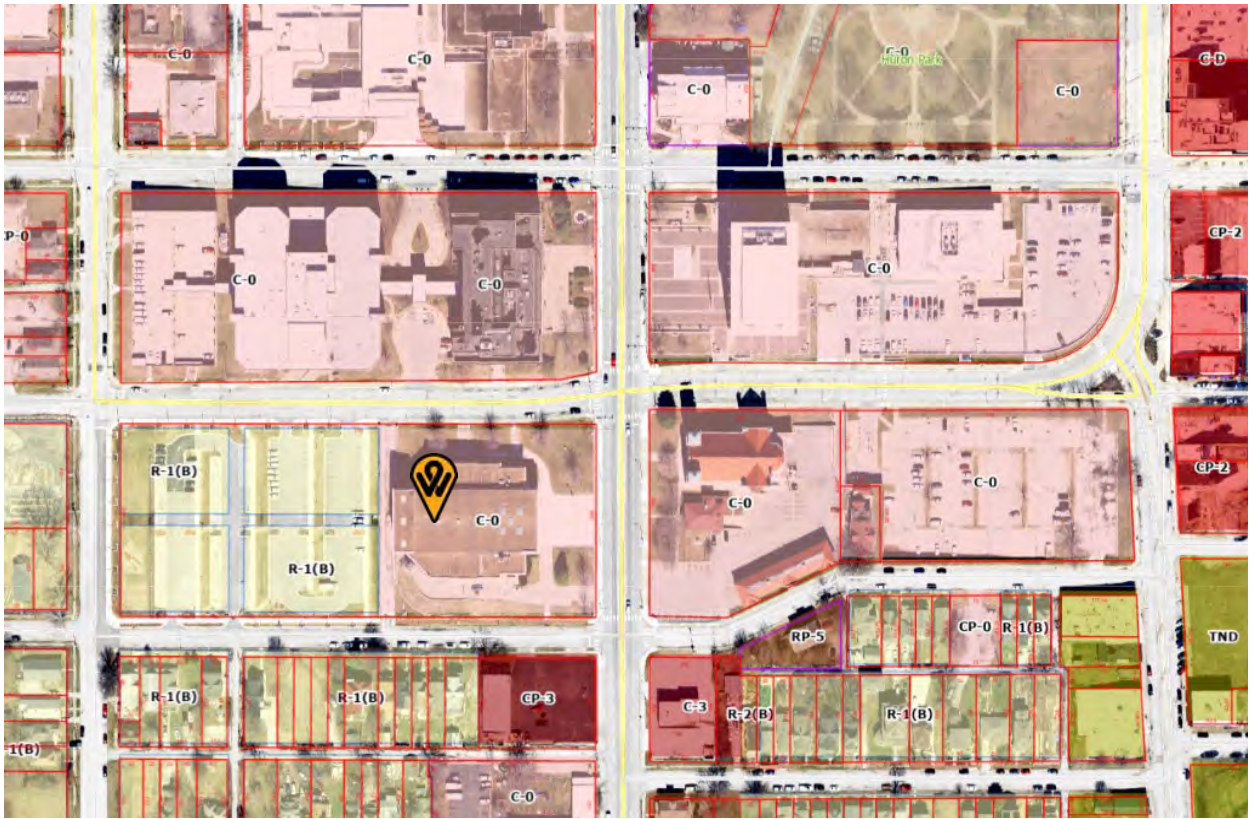


Figure 2. Zoning Map of 600 North 7th Street (provided by UG Maps).



Figure 3. Downtown Area Plan Land Use Designation Map of 600 North 7th Street (provided by ArcGIS Pro).



**PUBLIC WORKS
BUILDINGS & LOGISTICS**

Buildings & Logistics P: (913) 573-5330
701 North 7th Street, 532 F: (913) 573-5340
Kansas City, KS 66101 E: info@wycokck.org

September 29, 2023

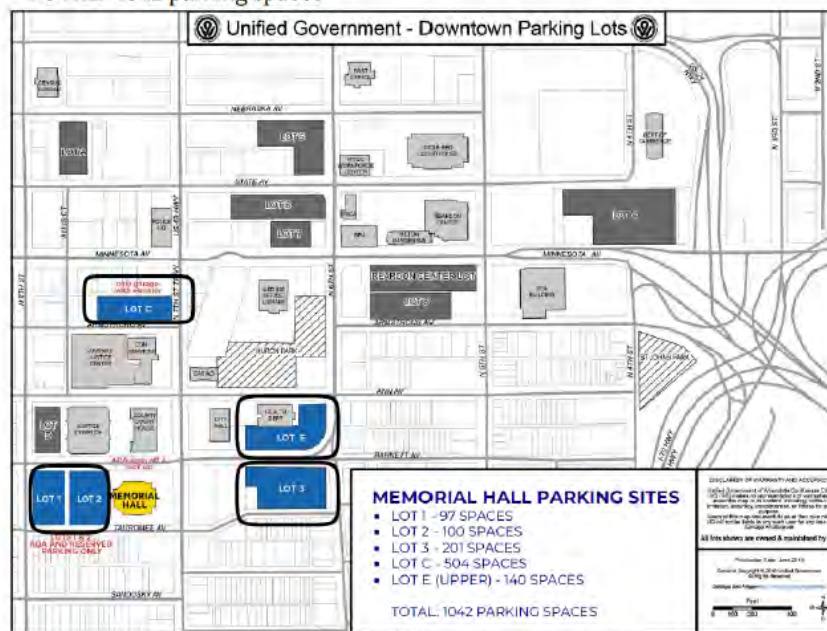
Department of Planning & Urban Design
Unified Government of WYCO/KCK
701 N 7th Street, Suite 423
Kansas City, KS 66101

Re: Special Use Permit - Memorial Hall

Dear Byron,

Below are the responses to the comments and suggestions for the Special Use Permit for Memorial Hall.

1. Below and attached is the parking site map for Memorial Hall. The details are below:
 - a. Lot 1 - 97 spaces
 - Lot 2 - 100 spaces
 - Lot 3 - 201 spaces
 - Lot C - 504 spaces
 - Lot E (Upper) - 140 spaces
 - TOTAL: 1042 parking spaces**



We Can and We Must - We Are Buildings & Logistics



**PUBLIC WORKS
BUILDINGS & LOGISTICS**

Buildings & Logistics
701 North 7th Street, 532
Kansas City, KS 66101

P: (913) 573-5330
F: (913) 573-5340
E: info@wycokck.org

4. We require that all entertainment cease by 12:00AM
5. Number of events held annually:
 - a. Approximately 20-25 events with over 500 people in attendance.
 - b. Approximately 20 events with less than 500 people in attendance.
 - c. Approximately 50 UG events with less than 500 people in attendance.
6. There have been no calls for service that we are aware of.
12. There is no rideshare or vehicle services provided to the customers.

I have provided the answers to the questions on pages 6-7. Please let me know if you need further information.

Thank you,

Rocki Mayes
Buildings and Logistics

Cc: John Kelly
Director, Buildings and Logistics

We Can and We Must – We Are Buildings & Logistics



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101
Email: planninginfo@wycokck.org

Phone: (913) 573-5750
Fax: (913) 573-5796
www.wycokck.org/planning

June 16, 2023

SUBJECT: Neighborhood Comments for Special Use Permit.

The Unified Government Department of Planning and Urban Design has filed for a Special Use Permit SP2023-035 for Memorial Hall at 600 North 7th Street Trafficway.

The purpose of this Special Use Permit is to continue to use Memorial Hall as an event center/concert venue.

In lieu of a traditional neighborhood meeting, Planning Staff would encourage you to reach out by e-mail, phone, or mailed response if you have any questions, comments, or concerns about this application.

This application will not change anything regarding the operation of Memorial Hall, rather, will bring the current operation into compliance with the Unified Government Code of Ordinances.

Planning Staff can be reached one (1) of three (3) ways:

- By Phone at (913) 573-5750;
- By Email at Planninginfo@wycokck.org; or
- By Mail: 701 North 7th Street, Suite 423, Kansas City, Kansas 66101

Sincerely,

Byron Toy
Lead Planner
Unified Government Department of Planning + Urban Design



Planning and Urban Design

701 North 7th Street, Room 423
Kansas City, Kansas 66101

<https://www.wycokck.org/departments/planning-urbandesign>

Phone: (913) 573-5750

Fax: (913) 573-5796

Email: planninginfo@wycokck.org

June 26, 2023

Planning Staff did not receive any comment from property owners or residents regarding the proposed Special Use Permit to continue to use Memorial Hall as an event space/concert venue.

Sincerely,

Byron Toy
Lead Planner
Unified Government Department of Planning + Urban Design
(913) 573-5757
btoy@wycokck.org

For Exhibition Space . . .

At Your Next

KANSAS CITY KANSAS CONVENTION OR MEETING

The Beautiful and Large

MEMORIAL HALL

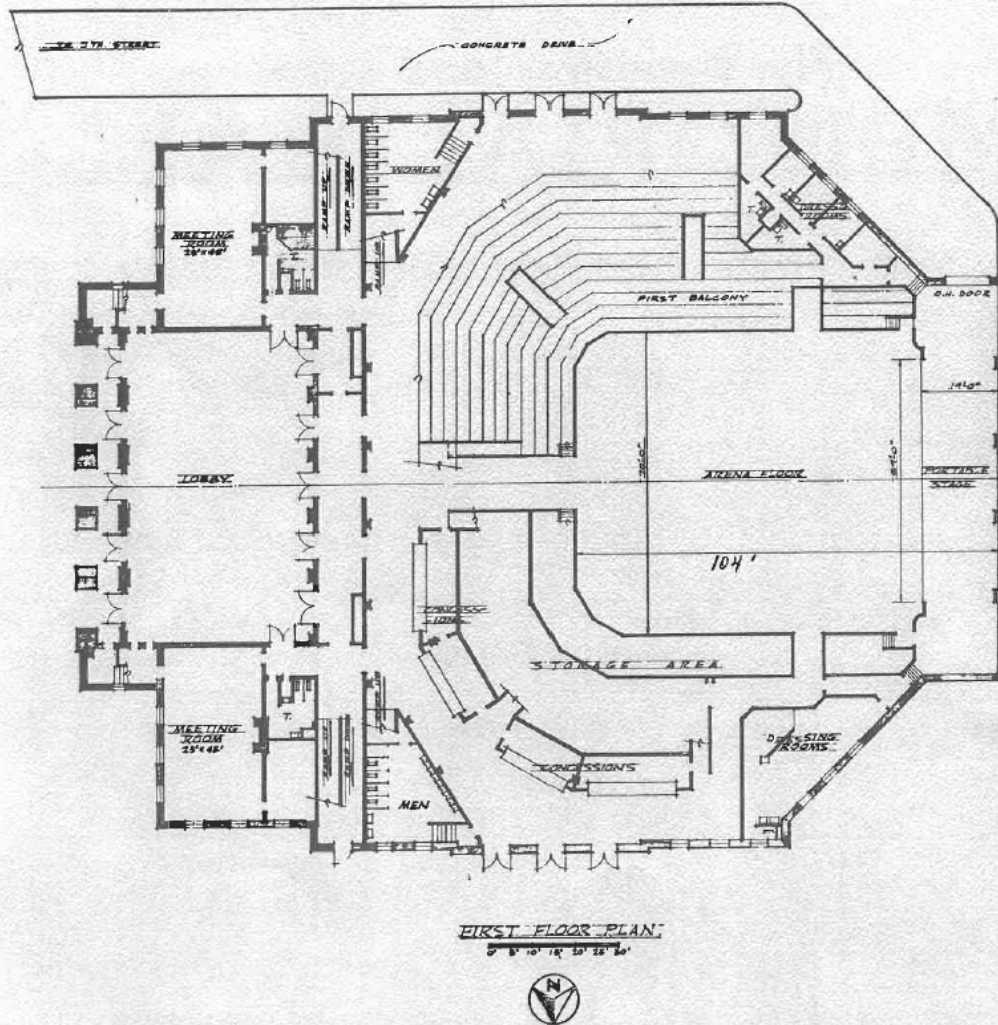
is available for your use

Within Minutes From Downtown & Major Hotels



See Inside and Back Pages for Detailed Plans of Memorial Hall

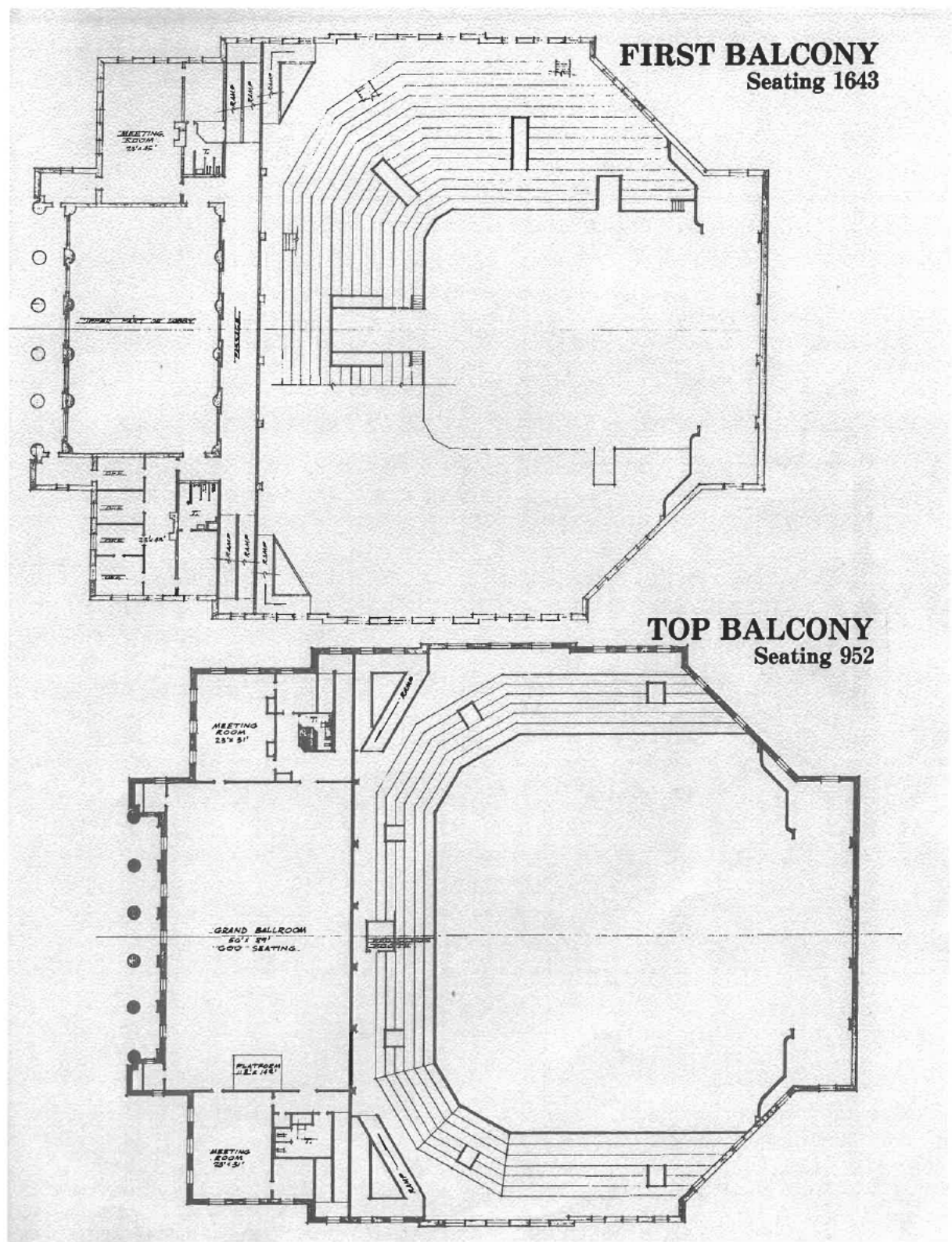
Total Seating Capacity 3,531



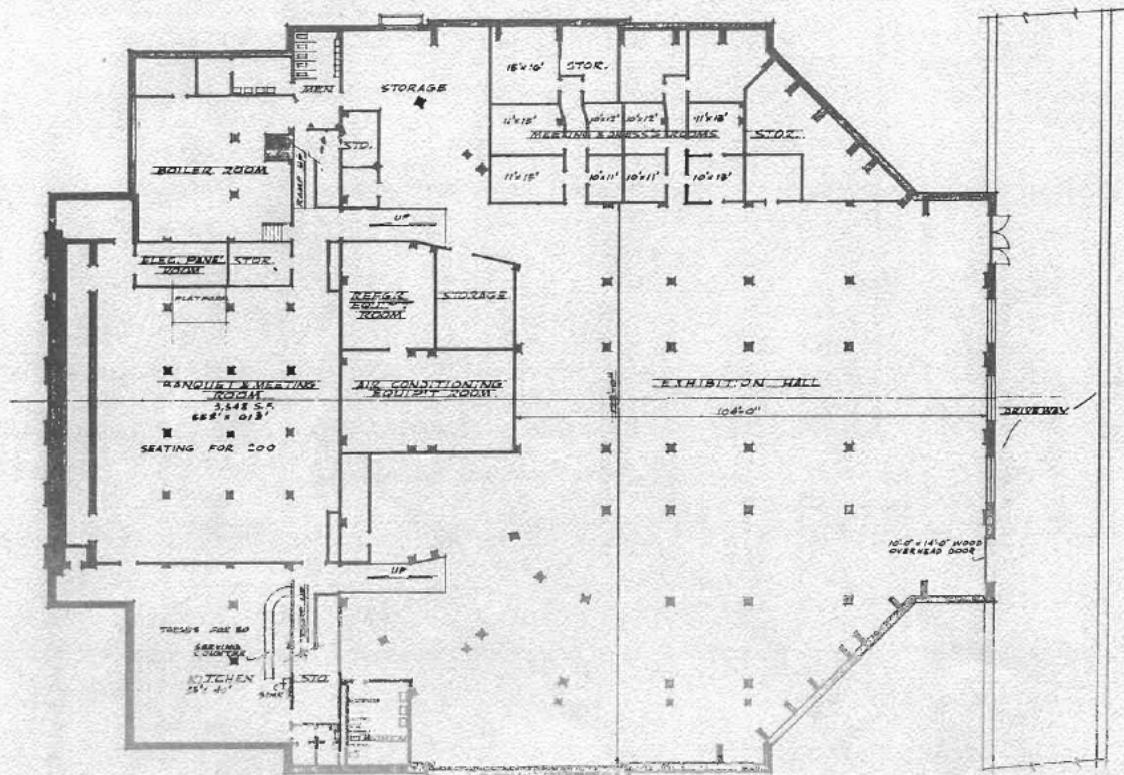
FIRST FLOOR PLAN

Seating 936

500 w/hg. stage



BASEMENT PLAN - EXHIBITION HALL



We Make Shows Memorable

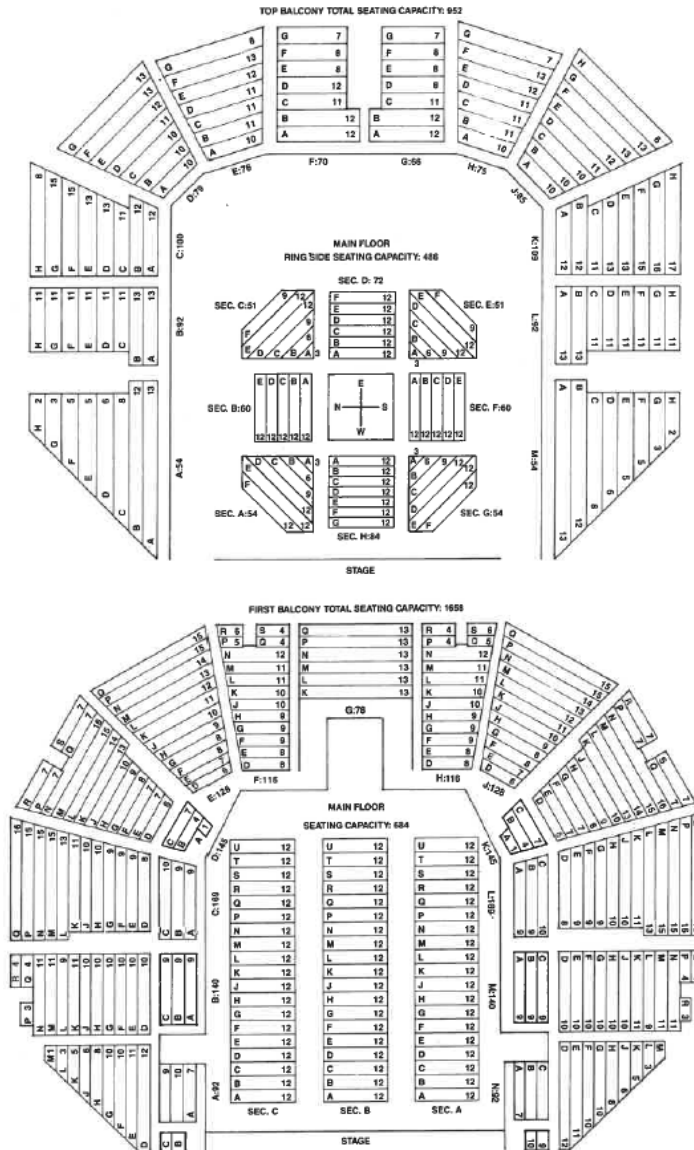
For more than fifty years Memorial Hall has been the cornerstone of the Kansas City entertainment market. It is recognized by promoters and concert-goers alike as the place where memorable events are held.

Promoters remember us for our low building expenses and capacity crowds. Recent successes include: Sting, Dwight Yoakam, Carman, Robert Cray, Neil Young, Kenny G, Edie Brickell & The New Bohemians, and Professional Kick-boxing.

Our patrons remember the intimacy with the artist. Our last row is barely more than 100 feet from the stage.

- Seating capacity 3300
- 36' x 59' stage
- Air Conditioned
- Skilled stagehands and event staff
- Six Xenon Super Troupers
- 400 A 120/240 single phase, 400 A 120/208 three phase services located stage right.
- Call for rigging info.

Performance Spotlight



Memorial Hall
600 N. 7th St.
Kansas City, Kan. 66101
(913) 371-7555
FAX: (913) 371-2107

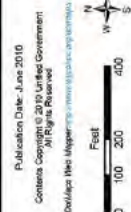




Figure 4. Site Photograph of 600 North 7th Street looking south (provided by Planning Staff).



Figure 5. Site Photograph of 600 North 7th Street looking west (provided by Planning Staff).



Figure 6. Site Photograph of 600 North 7th Street looking southwest (provided by Planning Staff).



Figure 7. Site Photograph of 600 North 7th Street looking north (provided by Planning Staff).



Figure 8. Site Photograph of 600 North 7th Street looking northwest (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: October 26, 2023

Re: Special Use Petition SP2023-041

GENERAL INFORMATION

Applicant:
Matt Thomas

Status of Applicant:
Representative
Firm Foundations Ministries
P.O Box 15448
Lenexa, Kansas 66285

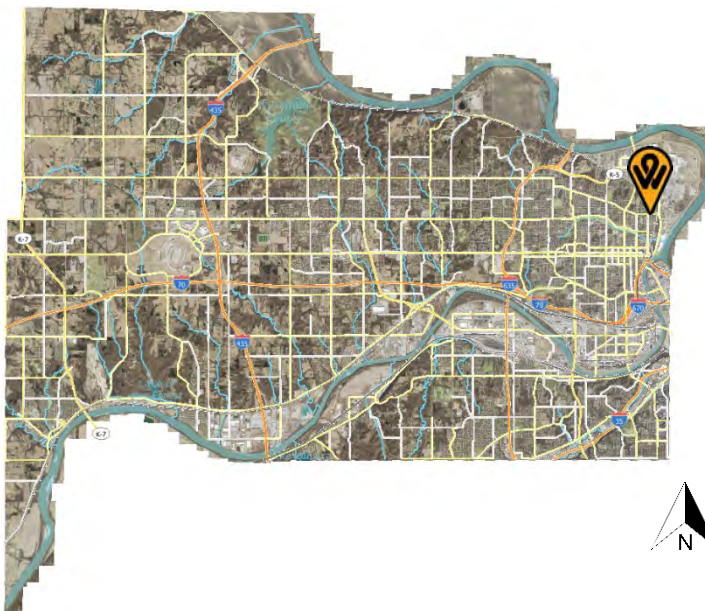
Requested Action:
Approval of a Special Use Permit.

Date of Application:
June 30, 2023

Purpose:
To approve a Special Use Permit to operate a transitional housing facility for individuals recently released from incarceration.

Property Location:
2204 North 5th Street
Kansas City, Kansas 66101

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #1 Commissioner:
Gayle Townsend



Existing Zoning:	RP-5 Planned Apartment District
Adjacent Zoning:	North: RP-5 Planned Apartment District South: RP-5 Planned Apartment District East: RP-5 Planned Apartment District West: RP-5 Planned Apartment District
Adjacent Uses:	North: Single family residence South: Vacant lot East: Vacant lot West: Vacant lot
Total Tract Size:	0.165 Acre
Comprehensive Plan Designation:	The Northeast Area Plan designates the subject property as Mixed-Use, which allows for corridors that include a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings.
Major Street Plan:	The Major Street Plan designates North 5 th Street as a Collector Street.
Parking Requirement:	Sec. 27-668(6) states that “one (1) parking space for each guest room and one (1) parking space for each employee during the peak shifts or make specific legally binding commitments that assure that normal daily parking needs are met on site and/or on the adjacent streets directly abutting the property”. The subject property appears to provide no off-street parking; however, the rear garage could provide two (2) spaces. There are five (5) guest rooms and two (2) employees, which requires seven (7) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – July 20, 2023 Letters to Property Owner – July 21, 2023 and September 16, 2023
Public Hearing:	October 9, 2023 and October 26, 2023
Public Support:	There were 14 persons present in support at the October 9, 202, City Planning Commission meeting.

Public Opposition:

There were 9 persons present in opposition at the October 9, 2022, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Matt Thomas with Firm Foundations Ministries, is requesting a Special Use Permit to operate a group dwelling to provide transitional housing facility for individuals recently released from incarceration at 2204 North 5th Street. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit for at least three (3) years.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been two (2) documented calls for police service.
 - a. 2022 – 2022-41818 – Theft
 - b. 2017 – 2017-94311 – Burglary

Building, Zoning, or Code Enforcement Complaints:

1. There have been multiple Notices of Violation on the property since 2022, including one (1) active violation.
 - a. 2023 – ENV23-2007 – Environment – Trash and Debris
 - b. 2023 – CAC23-1410 – Administrative Citation – Operating a Group Home without proper permitting
 - c. 2023 – CAC23-0522 – Administrative Citations - Structural Violations
 - d. 2023 – CAC23-0496 – Administrative Citations – Operating a Group Home without proper permitting
 - e. 2023 – STR23-0041 – Structural – Hole in the roof
 - f. 2023 – ENV23-0161 – Environment – Interior furniture on the porch
 - g. 2022 – ZONE2022-053 – Zoning Violations – Operating a Group Home without proper permitting

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits or cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Northeast Statistical Neighborhood, as well as the Oak Grove and Groundworks NRG neighborhood group. The neighborhood

consists of a mix of institutional uses such as churches and Banneker Elementary and John Garland Park, as well as a mix of residential uses, including single-family residences, multi-family residences, and garden style apartments. The property is one (1) block away from the Quindaro Boulevard mixed-use corridor.

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

The zoning and adjacent uses are set out above. The RP-5 zoning district allows for a single-family dwelling. A group dwelling is not allowed without a Special Use Permit. A group dwelling may create compatibility issues, as the subject property, as well as surrounding properties are, or were designed for single-family residences, rather than a group or multi-family dwelling, however, current zoning and land use designations, however, allow for multi-family uses, which would be compatible. There are concerns with the potential for noise, demand for parking, and potentially undue concentrations of population.

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 restrictions could detrimentally affect nearby property due to noise or demand for parking. As long as the operation is managed properly and all conditions are adhered to, the proposed use could be suitable.

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

The property is not vacant and is currently operating an unpermitted group home since at least 2019.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Mixed-Use, which allows for corridors that include a mix of single-family houses, apartment buildings, small commercial buildings, and mixed-use buildings. The subject property is single-family residence. A group home would conform to the area plan with a Special Use Permit.

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

The proposed use will inherently result in an increase in traffic, as a group home requires staffing in addition to outside services coming to and from the home, however, it is not expected to exceed the capacity of North 5th Street, a local street. There are, however, concerns about the parking demand. On multiple occasions it has been noted that cars were parking on the grass on the property

next door. The subject property provides two (2) parking spaces in a detached garage. While it is expected that individuals staying at the property may utilize public transportation via routes #103 and #106 or other transportation options besides a private vehicle, there is still expected to be a parking demand for visitors and staff. Either a variance must be obtained, or the property owner must work out a parking agreement with an adjacent property owner, as well as bring parking areas up to UG standard.

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 necessary for the welfare of the public as it provides transitional housing and access to services for individuals who are transitioning from incarceration, a population that is traditionally underserved. If managed properly, the proposed use is not expected to substantially impact the use of adjoining property. The proposed use, however, has the potential to impact the marketability and quality of adjoining property as this is an higher intensity use located mid-block of a residential roadway. Additionally, the property has had multiple notices of violations within the past year for property maintenance, structural violations, and operation of a group home without the proper permits which must be addressed accordingly.

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 illumination are typical issues of this type of use, however, if managed properly, noise should not be a major issue, and any outdoor lights can be affixed and dimmed with 90-degree cutoffs.

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

The proposed use will not pollute air, land or water, if managed properly as it is located within a built-out, urban residential neighborhood.

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 is located within a built-out, urban residential 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 public health, safety, and welfare compared to the hardship on nearby property owners is substantial. The proposed use provides transitional housing and access to services to those transitioning for incarceration, a population which has been historically underserved. The proposed use has the

potential to improve the outcomes for those formerly incarcerated, which has a community benefit and stands to improve the health, safety and welfare of the community. A denial of the application would result in the group dwelling having to relocate or cease operation completely.

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

The proposed use has the potential for both the overcrowding of land and undue concentrations of population. The property does not provide any on-site parking, which has resulted in parking in the grass of the neighboring property. The residence has five (5) rooms. If managed properly, and a parking arrangement figured out, these issues should cease to be a concern.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 31, 2023 and September 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2023-041**:

- 1. The project did not obtain a parking variance, has not met their parking requirement to date, and that the project is not in character with the residential neighborhood.**

KEY ISSUES

Detailed Floor Plan
Home Inspection
Noise
Notices of Violation
Occupancy
Operating without a Special Use Permit
Parking
Safety and Security
Staffing

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2023-041** subject to all comments and suggestions outlined in this staff report, and for reasons stated by the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Northeast Area Plan
Floor Plan
Home Inspection Report
Neighborhood Meeting Materials – July 31, 2023
Neighborhood Meeting Materials – September 25, 2023
Site Photos, Taken by Staff, Dated July 14, 2023
Letter in Support
Letters in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Denial	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-041**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-041** 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. _____.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 3:19:50:

SPECIAL USE PERMIT APPLICATION SP2023-041 – MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC. - SYNOPSIS: Special Use Permit to operate a group dwelling unit at 2204 North 5th Street. *Detailed Outline of Requested Action:* The applicant, Matt Thomas with Firm Foundations Ministries, is requesting a Special Use Permit to operate a group dwelling to provide transitional housing facility for individuals recently released from incarceration at 2204 North 5th Street. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit for at least three (3) years.

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 October 9, 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; and,
9. The letter in support and email in opposition that were read into the record at the Board of Zoning Appeals meeting.

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

Present in Support:

- Matt Thomas, applicant, 12714 West 76th Street, Shawnee, Kansas
- Kat Phillips, 1723 Quindaro Boulevard, Kansas City, Kansas 66104
- Max Alcanter, 804 North Main Apartment 2D, Lansing, Kansas
- Adria Medland, 6005 Horton Place, St. Louis, Missouri
- Beau Pennington, 8932 Noland Road, Lenexa, Kansas 66215
- Michael Fills, 2204 5th Street, Kansas City, Kansas
- Frank Penchick, 1723 Quindaro Boulevard, Kansas City, Kansas 66104
- Matthew Sobeck, 2204 North 4th Street, Kansas City, Kansas

- Jack Kimlin, 61 Doe Path Lane, Lynn Valley, Kansas
- Robert Lowell, 1442 North Baster Avenue, Wichita, Kansas
- Abraham Ohr, 2044 North 32nd Street, Kansas City, Kansas
- Ashley Thomas, 12714 West 76th Street, Shawnee, Kansas
- Charles Allen, 34 Southwest Granite Lane, Lee's Summit, Missouri
- Jamie Arnell, 1506 East Cresthill, Derby, Kansas
- Will Stevens, 411 North Broadway
- Marcy Concator, 4710 Hutton Road, Kansas City, Kansas, Kansas Department of Corrections

Present in Opposition:

- John Bailey, 2115 North 5th Street, Kansas City, Kansas 66101
- Anthony Adair, 2212 North 5th Street, Kansas City, Kansas 66101
- Elnora Jefferson, 419 Haskell Avenue, Kansas City, Kansas
- Roy Fowler, 8600 Northeastern Avenue, Kansas City, Missouri
- Leroy Williams, 6920 Georgia Avenue, Kansas City, Kansas
- Donna Bassie, 6844 Garfield Avenue, Kansas City, Kansas
- Leonard Mattison, 6221 Tauromee Avenue, Kansas City, Kansas
- Richard Wilson, 730 Nebraska Avenue, Kansas City, Kansas 66101
- Stephen A. Cousin Sr., 9900 Wayne Avenue, Kansas City, Missouri

Staff Recommendation starts at 4:47:38: Planning Director Hand stated that this case was heard in conjunction with BOZA 2023-039, a parking variance, which was denied earlier this evening by the Board of Zoning Appeals. This Special Use Permit (SUP) is for a proposed group home that has been operating with a SUP for at least two years. This proposed project is in the Northeast Area Plan. Staff has received letters in support and opposition in addition to the public testimony heard this evening. There are Notices of Violation on this property that have recently been rectified related to property maintenance and the structure of the building. Staff recommends denial due to the parking issue and that the group home is located on the interior of a residential single-family block on a local serving residential street. Staff has conditions of approval as needed for the City Planning Commission.

The Commission asked questions of Director Hand.

Motion starts at 4:58:32:

On motion by Mrs. Jones, seconded by Mr. Beth, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2023-041 due the denial of the parking variance and incompatibility with the neighborhood:**

Carson	Chairman
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Not Present
Armstrong	Not Present

Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye

Motion to recommend DENIAL Passed: 7 to 0

AERIAL IMAGERY



ZONING MAP



LAND USE MAP – NORTHEAST AREA PLAN



NEIGHBORHOOD MEETING MATERIALS – JULY 31, 2023

Affidavit – Neighborhood Meeting

STATE OF KANSAS

SS:

COUNTY OF SHAWNEE

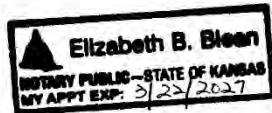
Comes now Kyler C. Wineinger of Morris Laing Law Firm, of lawful age, sound mind and upon his oath states as follows:

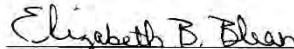
1. I am an attorney for Petitioner of Petition Nos. SP2023-041 and SP2023-042.
2. I conducted a Neighborhood Meeting on Monday, July 31, 2023, beginning at 6:00 p.m.
3. Attached are the Neighborhood Meeting Minutes and a copy of the notice mailed to the property owners on the list provide by the Department of Planning and Urban Design.

Further Affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 1st day of August, 2023.




Notary Public

Neighborhood Meeting Minutes

Application Numbers: SP2023-041 and SP2023-042

Date: Monday, July 31, 2023

Location: Zoom

I. Meeting Called to Order at: 6:10 p.m.

II. Names of People in Attendance:

- Matthew Thomas, Executive Director of Firm Foundation Ministries, Inc.
- Max Alcanter, Regional Director of Firm Foundation Ministries, Inc.
- Adria Medlen, Operations Director of Firm Foundation Ministries, Inc.
- Camille Caldwell, Vice President of Organization for Community Preservation
- Charles Allen, Board Member of Firm Foundation Ministries, Inc.
- Candie Leonard-Caldwell, President of Organization for Community Preservation
- Elnora Jefferson

III. Introductions:

- Meeting called by Kyler C. Wineinger and turned over to Matthew Thomas for further introduction.

IV. Presentation by Applicant.

- Organizational Motto: Imprisoned to Impowered.
- Described the purpose of Firm Foundations and what services are provided.
- See attached Agenda.

V. Questions and Answers.

- CLC: Why did FFM pick Quindaro Blvd?
 - o A friend told Matt that the building was for sale have a different, more broad approach than VI.
- CLC: Concerns about Village Initiative already in the vicinity.
 - o FFM works with VI, but the housing need is so bad, the need is still very much there—it is not a matter of duplication, but of collaboration.
- CLC: OCP has reservations with so many of similar organizations in a residential community where there is an elementary school and a middle school because OCP does not want to be surrounded by those kinds of organizations. Yes, there are homeless former prisoners, but there are also homeless children and homeless mothers. Why can't we have a program for them?

- o FFM is not modeled to assist women or children. While the housing is directed specifically toward men, the ministry/church meetings and events, and food pantry are directed toward everyone.
- Elnora Jefferson: Is a group home the correct categorization of the property?
 - o It's more of a sober-transitional home.
- Elnora Jefferson: What caused FFM to go through the SUP process?
 - o FFM received notice that they were required to.
- Elnora Jefferson: How many men live there at one time?
- Elnora Jefferson: How long does an individual stay there?
 - o 6 to 9 months.
- Elnora Jefferson: Does FFM find jobs for the individuals?
 - o Yes, FFM actively assists an individual find work, along with provided transportation and shelter while also providing them community.
- Camille: Reservations with a lot of children who are walking from Quindaro to an elementary school and the exposure to children and families.
 - o We've never had behavioral problems with any of the individuals in FFM's other properties.
- Elnora: I've seen people from the 5th Street property and I can't say I've ever seen anything negative.
- Elnora: It's a good mission, but how do we integrate with community to help with betterment of the community? What has FFM done to integrate themselves into their communities?
 - o In Wichita, there was a woman who had cancer and participants in FFM would go mow the woman's yard and other household chores for two years. Thomas offers his personal number to set up arrangements for these particular properties.
- Elnora: Is FFM a regional organization?
 - o Just in Kansas, but Adria is able to assist from St. Louis.
- Elnora: What would be FFM's move if the neighborhoods would happen to protest the SUP Applications?
 - o We would just try my best to explain what we do and make it clear what our purpose is, while also making ourselves available to better respond to questions.
- Elnora: How many people have been through the 5th Street property?
 - o Around 70.
- Elnora: How many have gone back to prison?
 - o Around 10.
- Elnora: Is that beating the odds?
 - o Yes, that's drastically beating the odds.
- Elnora: What is FFM's funding source?
 - o The individuals pay a programing fee, and the rest is covered by donating and grant funds.
- Elnora: When is the next meeting?
 - o August 14
- Camille: Are there any statistics on recidivism of former prisoners who are released without opportunities like this?
 - o Not that we currently have, but we will work on obtaining such.

- Camille: Do any of the FFM members have a facility like this in their actual residential neighborhoods?
 - o Yes, Matthew has several Oxford Houses around his residential area.
 - o Yes, Max has at least one of such programs.
- Camille: How are individuals thriving if they are put in a rough environment, such as at 17th and Quindaro?
 - o FFM does not accept just anyone. There is a significant application process that helps retain individuals that do take this seriously and want the help.
- Candie: Is it on the table for Village Initiative to do something similar?
 - o Matt believes there is currently some housing, but is not aware of any current plans. But when VI is full, VI contacts FFM to make arrangements to continue the help.
- Elnora: Who is management at both sites?
 - o At Quindaro, two individuals, Zach and
- Elnora: How often does Matt visit the KC properties?
 - o Very often. Usually there once or twice a week, which is in addition to being at the church services every other Sunday.

VI. Meeting Adjourned at: 7:11 p.m.

Minutes taken by: Kyler C. Wineinger of Morris Laing Law Firm, attorney for Firm Foundation Ministries, Inc.

VII. Miscellaneous Notes.

- On July 19, 2023, counsel for Firm Foundations had a phone call with Trina Crawford to discuss the notice of Neighborhood Meeting letter she and her husband, Benard E. Crawford, Jr., and to explain what Firm Foundation's Applications are in regard to and to discuss and answer questions regarding the same. Ms. Crawford indicated that both she and her husband fully support Firm Foundations and their mission.
- On July 20, 2023, counsel for Firm Foundations had a phone call with Tom Hutchingson of the Thomas Hutchingson Jr. Trust to discuss the notice of Neighborhood Meeting letter he received and to explain what Firm Foundation's Applications are in regard to and to discuss and answer questions regarding the same. Mr. Hutchingson indicated that he fully supports Firm Foundations and their mission.

Neighborhood Meeting Agenda 7-31-2023

Welcome and Introductions

- Matt welcome anyone present
- Introduce staff and board members and partners on call

Who we are

- Mission: To empower men and women to move from imprisoned to empowered.
- Been operating transitional houses for 10 years (2013). Started in Wichita with just one transitional house and have grown to also do in-prison programming, church planting, leadership development.
- 7 Houses in Wichita, Kansas City, Topeka, Leavenworth.
- Housing program:
 - Supporting men through a safe and sober place to live when they get out of prison.
 - They are required to be employed, to participate in weekly classes and house meetings as well as attend church.
 - Wrap around them as whole people through classes that provide soft skills and healthy relationship skills, community of support, sobriety accountability, connections for employment, recovery counseling, etc.
 - We have House Leaders living at each location to help maintain safe and positive living spaces.
 - Work closely with DOC and other social service agencies in the area.
 - Men are often referred to us through partnering programs like Brothers in Blue and must go through an application process.

Kansas City Properties

- 5th Street: Transitional housing
 - In operation since 2019.
 - Can house 10 men. Currently have 7.
 - Have had more than 70 men participate in the program:
 - Guys like Max and Tobias and Melvin and Timothy...etc.
- QFI: Leadership Housing, Church, Leadership development program
 - Purchased the building in 2021. Did renovation and opened the building in 2022.
 - Can have 7 guys living there, currently have 4.
 - Have had 8 men participate since opening. Special leadership housing for men that are part of our leadership training in partnership with Freedom Initiative Church.
 - Guys like Zach and Chad etc.
 - Participate with the church leadership, special training, mentorship.
 - Started holding a recovery processing group for all our men in partnership with Building Bridges, a non profit that helps address mental health needs.
 - Safe Haven Church meets in the building. They do community events like back pack drives and food and furniture distribution.
 - Want to see more partnering community events. Have a good relationship with Wilson from Wilson's Pizza, etc.



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LAW FIRM

Kyler C. Wineinger
800 SW Jackson, Suite 1310
Topeka, KS 66612 1216
P: 785.232.2662
F: 785.232.9983
kwineinger@morrislaing.com

July 17, 2023

Delivered by Certified Mail

Anthony J. Adair
2212 N. 5th Street
Kansas City, Kansas 66101

COPY

Re: Neighborhood Meeting of Firm Foundation Ministries, Inc.

Greetings:

I am writing to inform you that Firm Foundation Ministries, Inc. has filed an application—SP2023-041—with the Department of Urban Planning and Land Use requesting that Firm Foundation Ministries be granted a special use permit to operate a group dwelling unit at 2204 N. 5th Street, Kansas City, Kansas 66101. Specifically, Firm Foundation Ministries intends to use the property for serving recently incarcerated individuals during such individuals' reintegration back into society through job and life skills training.

We will be having a Neighborhood Meeting on Monday, July 31, 2023, at 6:00 p.m. through Zoom to explain the proposal and answer any questions, concerns, or other comments you may have. You can access the Zoom meeting with the following information:

Join Zoom Meeting:

<https://us02web.zoom.us/j/86592697523?pwd=Wk1rMlc5a25kMW5GZS9XVzVQckhlZz09>

Meeting ID: 865 9269 7523

Passcode: 196085

I look forward to meeting with you at the Neighborhood Meeting. If you do not have access to Zoom, you may call me directly at 785.430.2020 or email me at kwineinger@morrislaing.com and I would be happy to address any questions or comments you have.

Sincerely,


Kyler C. Wineinger

For the Firm

WICHITA • TOPEKA • WEST PALM BEACH
www.morrislaing.com



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F: 785.232.9983
kwineinger@morrislaing.com

July 17, 2023

COPY

Delivered by Certified Mail

Darren S. Allen
10005 W. 50th Terrace
Shawnee, Kansas 66203

Re: Neighborhood Meeting of Firm Foundation Ministries, Inc.

Greetings:

I am writing to inform you that Firm Foundation Ministries, Inc. has filed an application—SP2023-042—with the Department of Urban Planning and Land Use requesting that Firm Foundation Ministries be granted a special use permit to operate a group dwelling unit at 1723 Quindaro Boulevard, Kansas City, Kansas 66104. Specifically, Firm Foundation Ministries intends to use the property for serving recently incarcerated individuals during such individuals' reintegration back into society through job and life skills training.

We will be having a Neighborhood Meeting on Monday, July 31, 2023, at 6:00 p.m. through Zoom to explain the proposal and answer any questions, concerns, or other comments you may have. You can access the Zoom meeting with the following information:

Join Zoom Meeting:

<https://us02web.zoom.us/j/86592697523?pwd=Wk1rMlc5a25kMW5GZS9XVzVQckhIZz09>

Meeting ID: 865 9269 7523

Passcode: 196085

I look forward to meeting with you at the Neighborhood Meeting. If you do not have access to Zoom, you may call me directly at 785.430.2020 or email me at kwineinger@morrislaing.com and I would be happy to address any questions or comments you have.

Sincerely,

Kyler C. Wineinger
For the Firm

WICHITA • TOPEKA • WEST PALM BEACH
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Topeka, KS 66612-1216
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F: 785.232.9983
kwineinger@morrislaing.com

July 17, 2023

COPY

Delivered by Certified Mail

Commissioner Melissa Bynum
701 N. 7th Street, 9th Floor
Kansas City, Kansas 66101

Re: Neighborhood Meeting of Firm Foundation Ministries, Inc.

Greetings:

I am writing to inform you that Firm Foundation Ministries, Inc. has filed two applications—SP2023-041 and SP2023-042—with the Department of Urban Planning and Land Use requesting that Firm Foundation Ministries be granted a special use permit to operate a group dwelling unit at 2204 N. 5th Street, Kansas City, Kansas 66101 and 1723 Quindaro Boulevard, Kansas City, Kansas 66104. Specifically, Firm Foundation Ministries intends to use each of the properties for serving recently incarcerated individuals during such individuals' reintegration back into society through job and life skills training.

We will be having a Neighborhood Meeting on Monday, July 31, 2023, at 6:00 p.m. through Zoom to explain the proposal and answer any questions, concerns, or other comments you may have. You can access the Zoom meeting with the following information:

Join Zoom Meeting:

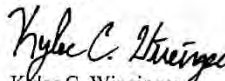
<https://us02web.zoom.us/j/86592697523?pwd=Wk1rMlc5a25kMW5GZS9XVzVQckhIZz09>

Meeting ID: 865 9269 7523

Passcode: 196085

I look forward to meeting with you at the Neighborhood Meeting. If you do not have access to Zoom, you may call me directly at 785.430.2020 or email me at kwineinger@morrislaing.com and I would be happy to address any questions or comments you have.

Sincerely,


Kyler C. Wineinger
For the Firm

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www.morrislaing.com

NEIGHBORHOOD MEETING MINUTES – SEPTEMBER 25, 2023

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS

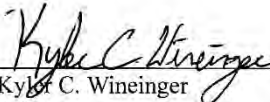
SS:

COUNTY OF SHAWNEE

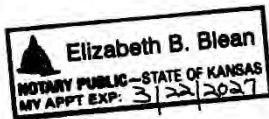
Comes now Kyler C. Wineinger of Morris Laing Law Firm, of lawful age, sound mind, and upon his oath states as follows:

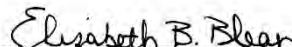
1. I am an attorney for Petitioner of Petition No. BOZA2023-039.
2. I conducted a Neighborhood Meeting by Zoom video conference on Monday, September 25, 2023, beginning at or about 6:00 p.m.
3. Attached are the Neighborhood Meeting Minutes and a copy of the notice mailed to the property owners stated on the list provided by the Department of Planning and Urban Design.

Further Affiant saith not.


Kyler C. Wineinger
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me on this 26th day of September, 2023.




Elizabeth B. Blean
Notary Public

Neighborhood Meeting Minutes

Application Numbers: BOZA2023-0339

Date: Monday, September 25, 2023

Location: Zoom Video Conference

I. Meeting Called to Order at: 6:10 p.m.

II. Names of People in Attendance:

- Matthew Thomas, Executive Director of Firm Foundation Ministries, Inc.
- Adria Medlen, Operations Director of Firm Foundation Ministries, Inc.
- Candie Leonard-Caldwell
- Elnora Jefferson with Oak Grove NGH
- Camille Caldwell of Organization for Community Preservation (OCP)
- Leroy (left before the meeting was called to order.)
- Ronda Adair
- Anthony Adair
- L. Williams
- Roy Fowler

III. Introductions:

- Meeting called by Kyler C. Wineinger and turned over to Matthew Thomas for further introduction.

IV. Presentation by Applicant.

- Mr. Thomas generally described what Firm Foundation Ministries, Inc. does and why we submitted an application for parking variance.

V. Questions and Answers.

- Mr. Williams is concerned that he and the rest of the neighborhood were not consulted prior to Firm Foundations acquiring the property in 2019.
- Ms. Jefferson: Why has the SUP Application been drawn out and now there is this variance application?
 - o The SUP Application—Application SP2023-041—required FFM to provide either a parking agreement with a neighboring property owner within 200 feet of the property, provide a plan to provide on-site parking, or submit for a variance, with FFM submitting a variance. The variance application is being considered in conjunction with the SUP Application and therefore necessitated the continuance of the SUP Application until the variance application was brought up to speed.

- Ms. Jefferson: What days of the week are staff at the property?
 - o One full time and another staff member that would come Mondays and Tuesdays during regular business hours.
- Mr. Fowler: Neighborhood safety issue regarding a shooting
 - o An assailant was running across the FFM's front yard and was shot at, the shooting did not involve FFM or an FFM resident whatsoever.
- Mr. Fowler: Any incidents that required police intervention?
 - o One instance where an individual was getting unruly and police were called to settle the situation down.
 - o Had a string of break ins involving property owned by FFM residents and FFM called the police to report.
- Mr. Adair: Has concerns regarding residents who are sexual predators or rapist.
 - o None of the residents at FFM are sexual predators. Some have criminal history involving sexual offenses, but not considered sexual predators
- Mr. Adair: Concern with kids going back and forth from surrounding properties.
 - o The residents are persons who are paroling and releasing to these neighborhoods where they are originally from. FFM provides a safe space to work with the residents to ensure their success following release from incarceration.
 - o There is a full application process involving multiple entities and FFM is not taking just any person.
- Ms. Jefferson: What types of crimes have past residents committed?
 - o It varies from some sex crimes, to drugs, to robbery.
- Mr. Adair: If FFM had been on the up and up from the beginning regarding FFM's operations, it likely would not have been an issue.
 - o FFM never lied nor was FFM ever deceitful to Mr. Adair or anyone else in the neighborhood.
- Ms. Leonard-Caldwell: Has a concern regarding the application of the definition of "sexual crimes."
 - o Mr. Thomas clarifies that sexual predators, who are not allowed in the program, are habitual offenders or prove not to be serious about their growth and development to succeed upon their release from incarceration.
- Ms. Leonard-Caldwell: Is the property within the 100-foot threshold to schools or where children congregate?
 - o No, the property is outside of such a threshold.
- Mr. Adair: Who monitors the residents?
 - o There is a House Leader, a City Lead who backs up the House Leader, a Regional Director who backs up the City Lead, an Operations Director who backs up the Regional Director, and then Mr. Thomas backs up all.
- Ms. Jefferson: What is the success rate since 2019?
 - o About 60% of the residents who come to the property successfully complete and graduate the program.
 - o Unfortunately, roughly 40% of the residents do fail in one form or another (e.g., failed UAs, failure to abide by curfews, etc.)
- Ms. Caldwell: How are the residents giving back to the communities they're placed in?
 - o A lot of what they do is church outreach (e.g., food shelters, clothing drives, etc.).
- Ms. Caldwell: Are residents with their pasts allowed to be helping in the community?

- Yes, the residents are allowed and are motivated to constructively improve their own lives while assisting those in their communities.
- Ms. Leonard-Caldwell: How long do the residents live at the property?
 - 6-9 months is the program term, but some residents have stayed longer until they are adequately prepared to go out more on their own.
- Mr. Adair: Opposes the house being next door to his.
- Mr. Fowler: With Mr. Adair being so adamantly opposed to FFM being at that property, how does that come into play with FFM's decision to be there?
 - FFM takes into consideration all factors and circumstances, from every source, when making any decision, especially one of this magnitude.
- Mr. Adair: Why not place the residents in Mr. Thomas's neighborhood?
 - Mr. Thomas absolutely would if he could. However, it is currently not viable for FFM to acquire properties in such area and there are Oxford Houses and other similar facilities in Mr. Thomas's neighborhood which currently provide assistance.
- Ms. Leonard-Caldwell: There is concern not only for children, but for all persons in the neighborhood. Ms. Leonard-Caldwell believes there is not adequate parking space for residents who have lived in the neighborhood for several years—Ms. Leonard-Caldwell opposes FFM being at the property.
- Ms. Adair: With the parking, is FFM asking for parking directly in front of FFM's property?
 - Yes, just in front of FFM's property and around the empty lot.

VI. Meeting Adjourned at: 7:00 p.m.

Minutes taken by: Kyler C. Wineinger of Morris Laing Law Firm, attorney for Firm Foundation Ministries, Inc.



MORRIS LAING
LAW FIRM

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kwineinger@morrislaing.com

September 12, 2023

COPY

Delivered by Certified Mail

Anthony J. Adair
2212 N. 5th Street
Kansas City, KS 66101

Re: Neighborhood Meeting of Firm Foundation Ministries, Inc.

Greetings:

I am writing to inform you that Firm Foundation Ministries, Inc. has filed an application—BOZA2023-039—with the Board of Zoning Appeals, in conjunction with SP2023-041, requesting that Firm Foundation Ministries be granted a variance for additional parking spaces at 2204 N. 5th Street, Kansas City, Kansas 66101, so to comply with Unified Government Code Section 27-668(a)(6).

We will be having a Neighborhood Meeting on Monday, September 25, 2023, at 6:00 p.m. through Zoom to explain the proposal and answer any questions, concerns, or other comments you may have. You can access the Zoom meeting with the following information:

Join Zoom Meeting:

<https://us02web.zoom.us/j/89063934963?pwd=L1E3czNKRmdnaHhaamUvbHIBYU0Irdz09>

Meeting ID: 890 6393 4963

Passcode: 938206

I look forward to meeting with you at the Neighborhood Meeting. However, if you do not have access to Zoom, you may call me directly at 785.430.2020 or email me at kwineinger@morrislaing.com and I would be happy to address any questions or comments you have.

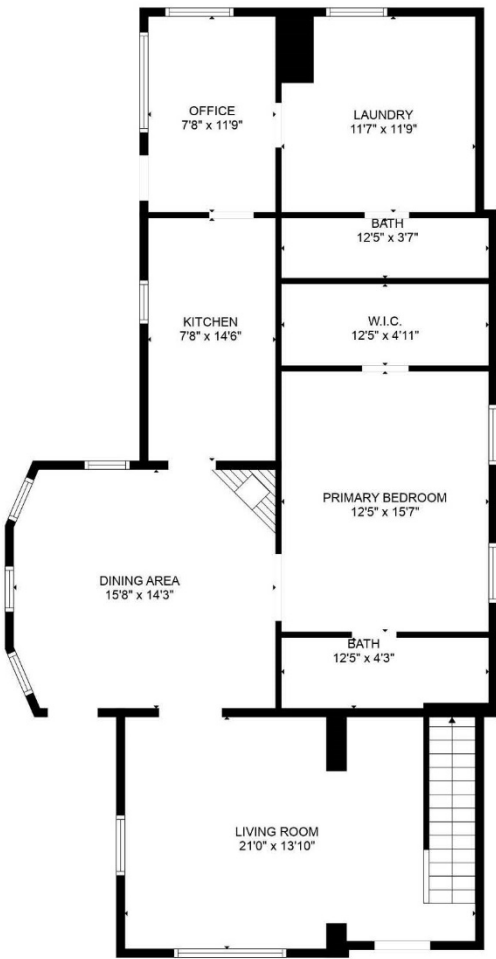
Sincerely,

Kyler C. Wineinger
For the Firm

WICHITA • TOPEKA • WEST PALM BEACH
www.morrislaing.com

FLOOR PLAN

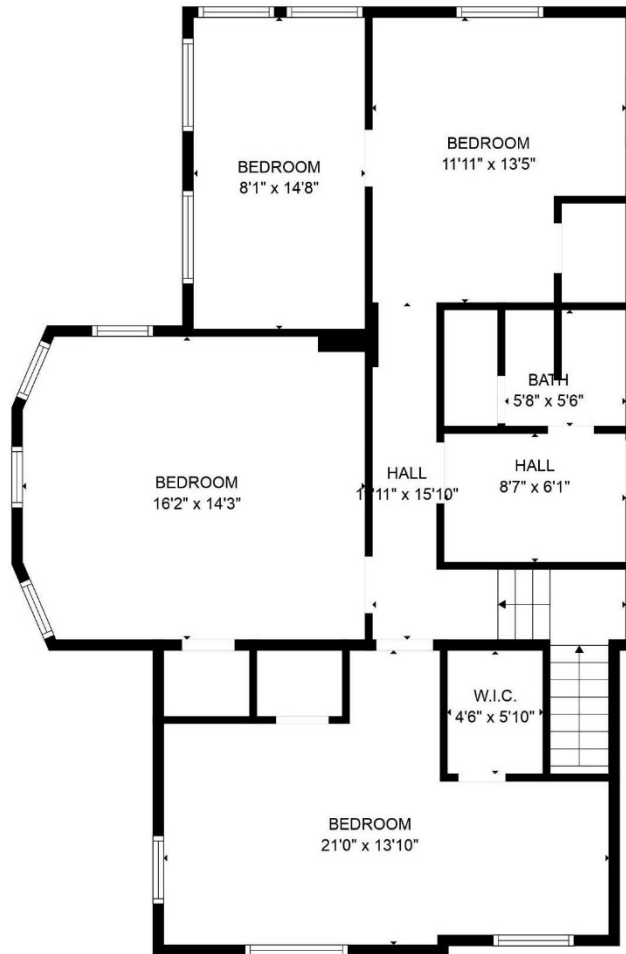
2204 N. 5th Street
Floor Plan



GROSS INTERNAL AREA
FLOOR 1: 1239 sq. ft, FLOOR 2: 1004 sq. ft
TOTAL: 2243 sq. ft

MEASUREMENTS ARE CALCULATED BY CUBICASA TECHNOLOGY. DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.

2204 N. 5th Street
Floor Plan



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**2204 N. 5th Street
Floor Plan**



GROSS INTERNAL AREA
FLOOR 1: 1239 sq. ft, FLOOR 2: 1004 sq. ft
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MEASUREMENTS ARE CALCULATED BY CUBICASA TECHNOLOGY. DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.

ACM

2204 North 5th St. , Kansas City, KS

Report Summary: The summary below consists of potentially significant findings. These findings can be a safety hazard, a deficiency requiring a major expense to correct or items I would like to draw extra attention to. The summary is not a complete listing of all the findings in the report, and reflects the opinion of the inspector. Please review all pages of the report as the summary alone does not explain all of the issues. All repairs should be done by a licensed & bonded tradesman or qualified professional. I recommend obtaining a copy of all receipts, warranties and permits for the work done.

If this inspection is for a real estate transaction, further evaluation of recommended items should occur prior to the end of the inspection period.

Structure

Page 5	Foundation	• Moderate Concern: Note sloped floors and apparent settlement in the back right corner of the building. There appeared to be grout repairs to the foundation that was re-cracking. Recommend evaluation for further repairs by a foundation specialist.
Page 5	Crawlspace	• Repair: Recommend adding vapor barrier to floor of crawlspace, to prevent moisture and potential radon from entering home.
Page 6	Slab	• Repair: Noted standing water and moist soil in the basement at the time of inspection. Excessive moisture can cause increase wood decay, corrosion of metallic components and microbial growth including mold and mildew. It appeared that there was some microbial growth on subfloor and floor joists visible from the basement. It is recommended that the source of moisture/water leak into the basement be mitigated and a sump pump be installed.
Page 6	Columns/Beams/Joint	• Repair: Noted steel column in basement did not appear to be properly attached with anchors. Added bracing was not properly attached. There was wood rot on floor joists and rim joists. Recommend further evaluation for repair by a qualified structural specialist.
Page 6	Wood Boring Insects	• ***This is not an official termite report. There appeared to be damage consistent with wood destroying insects, such as termites, to the subfloor/floor joists. See termite report for recommendations as required.

Roofing

Page 8	Sloped Roofing	• Repair: Noted roofing over the rear addition appeared aged and in need of replacement. The roofing over the main building appeared to be newer but there were several pieces of flashing missing around the soffits. Further evaluation for repair by a roofing professional is recommended.
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Exterior

Page 10	Hand Rails	• Safety/Repair: Noted lack of a handrail at the side of the front porch, the front rail was not tall enough to stop a fall and it was loose/not attached. It is recommended that a handrail be repaired/replaced.
Page 10	Lot Drainage	• Repair: Noted flat or negative slope around the exterior, which could cause water to collect near the foundation. Recommend backfill to achieve a slope of 6" in the first 10' to route water away from house or installation of a french drain/drain tile.
Page 11	Deck	• Repair: Noted multiple areas of wood rot on the deck. Recommend repair/replacement of rotten wood as necessary. • Repair: Noted a loose handrail. Recommend repair. • Safety/repair: Improperly supported, noted deck/stairs that were either improperly attached or damaged primarily on the stair/deck from the upper level. Recommend evaluation by a qualified contractor for repair or replacement
Page 12	Siding/Trim	• Repair: Noted unsealed penetrations or exposed wood on exterior siding. Recommend sealing all open siding penetrations to prevent moisture/insect intrusion, coating exposed wood, and coatings as required. • Repair: Noted areas of minor wood rot and flaking paint in various parts of the siding/trim. Recommend repair/replacement of affected areas and paint. • Repair: Noted apparent impact damaged on siding/trim. Several locations around the exterior. Recommend repair/repaint as required.. • Repair: Noted loose/improperly attached siding or trim. Recommend repair/replacement as needed.
Page 13	Walkways	• Repair: Noted settlement/cracking of walkway which create an unlevel condition or possible trip hazard. Recommend polyjacking or repair as required.

Electrical

Page 15	Outlets	• Safety Issue: Noted receptacles that were either not GFCI protected or did not trip when test for ground fault. The installation of ground fault circuit interrupter (GFCI) devices is advisable on exterior, kitchen, garage and bathroom outlets. Recommend repair and further evaluation by a licensed electrician. • Repair: Noted ungrounded receptacles in the majority of the home at the time of inspection. Recommend repair/replace with grounded receptacles.
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Heating

Page 17	Supply Air Ductwork	• Repair: Noted staining and debris around air supply ducts or lack of filter. Recommend vacuuming/cleaning ducts prior to closing
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Plumbing

Page 20	Waste Piping	• Repair: Noted previous repairs to waste piping in the basement connected to metallic fittings and piping still installed. It did appear that water was entering the basement and there may be a further plumbing leak towards the back of the building/addition. Recommend further evaluation as is required for repair/replacement by a licensed plumbing professional.
Page 21	Sinks	• Repair: Observed drain configuration known as an S trap with a slow drain. This is considered a defect and should be repaired by a licensed plumber.
Page 21	Toilets	• Repair: There were loose toilets identified during the inspection. Recommend that a plumber evaluate toilets for proper installation and repair/tighten as required.

Interior

Page 24	Ceiling Finishes	• Repair: Noted evidence of moisture damage or staining on the ceiling as depicted in the pictures. Recommend repairs to the ceiling and roofing materials where applicable.
Page 25	Windows	• Repair: Most windows appeared aged and difficult to operate or would not open. There were windows with missing and cracked glass and most had chipped or peeling paint/glazing, missing components or other damage that require further evaluation. Repair/replacement by a qualified professional is recommended.

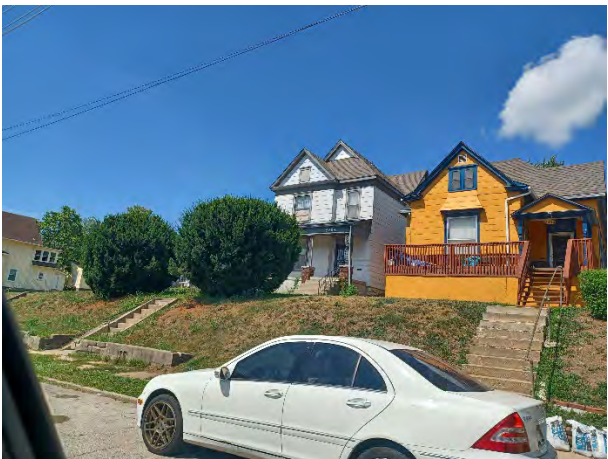
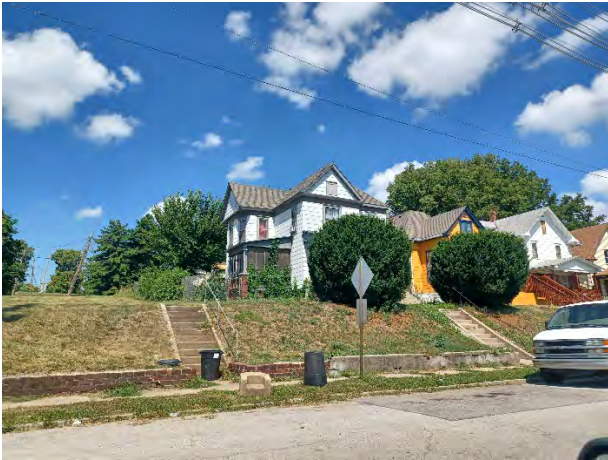
Appliances

Page 27	Oven	• Repair: Oven was not properly attached to the wall with anti tip brackets which is recommended to prevent inadvertent tipping and following manufactures instructions.
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Fireplaces/Wood Stoves

Page 28	Fireplace(s)	• Repair: Components were aged and difficult to operate. Recommend further evaluation by a qualified specialist prior to operating.
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SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023





October 7, 2023

To Whom It May Concern,

Please be a part of stopping our homelessness for our Returning Citizens in Wyandotte county through productive guarded services/programs like Firm Foundations.

Firm Foundations has been a leading organization collaborating with the Kansas Department of Corrections Mentoring4Success program since 2018. We are pleased to have such a vital partner in Firm Foundations, who aligns with the values of Mentoring4Success.

As the Assistant Director of Mentoring4Success, I am pleased to report that we have been requesting for years to have programs like those offered by Firm Foundations available to our returning citizens. These programs provide housing, job, mentoring, community support, and religious studies, which are crucial for successful reintegration into society.

Working together with the Kansas Department of Corrections Mentoring4Success program will give offenders/returning citizens access to supportive cognitive intervention, housing, community support, employment assistance, and religious support. The mentors with Firm Foundations are dedicated to working with men within the KDOC facilities and in the community, and they offer a wealth of connections and resources to support the needs of their mentees and reduce the risk of recidivism.

We are privileged to have Firm Foundations as a part of our team and look forward to supporting their efforts to unite with various agencies, mentors, KDOC Prison and Parole, and other entities. In turn, we are confident that Firm Foundations will do the same for the Kansas Department of Corrections. Together, we can create a united pathway to success for returning citizens as they strive to thrive in the community and successfully complete their parole.

Sincerely,

Marcy Konkader

Marcy Konkader
Assistant Director/NPR Community Mentoring Coordinator
Kansas Department of Corrections
155 S 18th St., | Kansas City, KS 66102
Mobile: 913-226-6072 | Marcy.Konkader@ks.gov



Parker, Janet

From: Elnora Tellis Jefferson <eldonkohrae@gmail.com>
Sent: Monday, October 9, 2023 3:11 PM
To: Parker, Janet
Subject: Fwd: Fwd: 2204 N.th Street--BOZA2023-039 on the APPEAL for a variance from the minimum parking requirement and SP2023-041 a special permit to operate a group dwelling unit at 2204 n.5th Street of request for special permits 2023-041

Re: SP2023-041 and BOZA2023-039

Hi Janet, I will print and bring this note with me to tonight's meeting. The note is from a mother and daughter who live in the neighborhood.

Thank you--Elnora

----- Forwarded message -----

From: AT&T Yahoo Mail® <acepall@sbcglobal.net>
Date: Mon, Oct 9, 2023 at 2:15 PM
Subject: Re: Fwd: 2204 N.th Street--BOZA2023-039 on the APPEAL for a variance from the minimum parking requirement and SP2023-041 a special permit to operate a group dwelling unit at 2204 n.5th Street of request for special permits 2023-041
To: <eldonkohrae@gmail.com>

Sent from AT&T Yahoo Mail on Android

On Mon, Oct 9, 2023 at 1:48 PM, AT&T Yahoo Mail® <acepall@sbcglobal.net> wrote:

We are against granting the appeal and the special permit. We have always had a good neighborhood, and we would like to keep it that way.

Ms. Waters
Ms. Dunn

Sent from AT&T Yahoo Mail on Android

On Mon, Oct 9, 2023 at 11:40 AM, Elnora Tellis Jefferson <eldonkohrae@gmail.com> wrote:

Here is the email:

----- Forwarded message -----

From: Elnora Tellis Jefferson <eldonkohrae@gmail.com>
Date: Mon, Oct 9, 2023 at 10:47 AM

Subject: 2204 N.th Street--BOZA2023-039 on the APPEAL for a variance from the minimum parking requirement and SP2023-041 a special permit to operate a group dwelling unit at 2204 n.5th Street of request for special permits 2023-041
To:

Why you are receiving this email:

Tonight two petitions will be heard. At 6pm, BOZAA2023-039 will be heard. Firm Foundation Ministries is asking for a variance to the minimum parking requirements so that it can have additional parking spaces to accommodate the group home that it wants to continue to operate at 2204 N.5th Street, KCK., 66101.

At 6:30 pm, the City's Planning Commission will hear Firm Foundation Ministries petition to operate a group dwelling at 2204 N. 5th Street. NOTE: Firm Foundation Ministries has been operating for 3 years WITHOUT a special permit. This is a violation. Now, the business is being made to comply with the regulation. .

The session begins at 6:30pm.

What you are being asked to do:

The majority are against granting both the appeal and the special permit.

A handful plan to attend.

My experience proves that without a doubt, the neighborhood's voice carries weight and influence.

If you oppose these actions, please submit a brief comment (simply written, state one or two reasons) via email to:

Janet Parker (jparker@wycokck.org) by 2:00pm. Please also copy Commissioner Townsend (gtownsend@wycokk.org) and me (eldonkohrae@gmail.com).

Try to do this before 1pm. I plan to leave for the meeting at 5pm and can print your response before I go.

Note: The Firm Foundation Ministries residents can be sexual offenders. The great majority of people who live within 200 feet of this property are seniors and property owners. The "walking school" bus passes by 2204 N. 5th Street..

Thank you--Elnora

BTW, you can also watch the proceedings via ZOOM. Log on to www.wycokck.org. Search for planning commission meeting for 10-9-23. Follow the instructions for how to attend a virtual meeting.

Parker, Janet

From: Wilma Scroggins <md6852md@sbcglobal.net>
Sent: Monday, October 9, 2023 5:59 PM
To: Parker, Janet
Cc: Townsend, Gayle E.; Elnora Tellis Jefferson
Subject: Re: Public Hearing SPECIAL PERMIT PETITION SP2023-O41 and AppealBOZA2023-039:earing



You don't often get email from md6852md@sbcglobal.net. [Learn why this is important](#)

Re: Public Hearing SPECIAL PERMIT PETITION SP2023-O41 and AppealBOZA2023-039:

FYI

I'm sorry I didn't get the message in time today- nor was I able to join in the past neighborhood hearing with Kyle Wineinger concerning a special permit for a group home and parking variance at **2204 N. 5th**. Probably too late, but I just wanted to insert my observation and concerns for the record and perhaps your consideration.

As OG History chair and nearby resident, I started monitoring our older resident members since 2002 because of the vulnerability of their properties and our community's situations. Ms. McDaniel died April of 2019. There was a sign on her house- was it unfit or eventually in the Landbank when purchased? I had started checking the history of the current occupancy and developed certain interrogatives of thought:

Who sold them the property?

The purchasers have already shown themselves to be a nuisance by inserting themselves without committing themselves to be a good neighbor and family compatible.

Neither their ownership and occupancy/ or proposed plan and purport are an identifiable locally established activity or asset in a community like ours that is struggling to encourage livability and stability.

Awkward location for their neighbors and neighborhood- their program almost predictable to cause security concerns and anxiety for neighbors , church members and visitors. With no excess space at their location, the conditions of their access also predicts infringements on current residents spaces.

In 2022 there were conditions of disrepair and no recorded permits.

There is no guarantee what stage of release or preparation and reasons for choosing the occupants or identifying their program needs are in a supportive environment. What is their network history of support? What are the pro's of their having been in area thus far that demonstrates their being an asset potential?

Wilma Scroggins, History chair

2201 Sherman

Kansas City, Kansas 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: October 26, 2023

Re: Special Use Petition SP2023-063

GENERAL INFORMATION

Applicant:
Sumey Rabie

Status of Applicant:
927 Kansas Avenue
Kansas City, KS 66105

Requested Action:
Approval of a Special Use Permit.

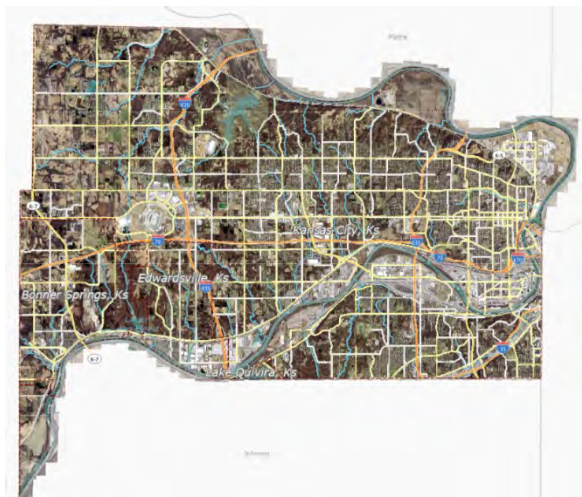
Date of Application:
August 24, 2023

Purpose:
To operate an automotive repair, auto body,
and used automotive sales business.

Property Location:
927 Kansas Avenue
Kansas City, KS 66105

Commission Districts:
Commissioner At-Large, District #1: Tom
Burroughs
District #2 Commissioner: Brian McKiernan

Existing Zoning:
M-2 General Industrial District



Adjacent Zoning:	North: R-2(B) Two Family District South: R-2(B) Two Family District East: R-2(B) Two Family District West: M-2 General Industrial District
Adjacent Uses:	North: Single-family residences and commercial building South: Single-family residence East: Vacant residential lot West: Used automotive dealership and repair shop
Total Tract Size:	0.32 Acre
Master Plan Area:	Armourdale Area Plan
Master Plan Designation:	The Armourdale Area Plan designates this property as Community Commercial, which allows grocery stores, medium sized (25,000 to 75,000 square feet) box stores, sit-down and drive-through restaurants, banks, drug stores, gas stations and convenience stores.
Major Street Plan:	The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare.
Required Parking:	Sec. 27-469(e) states that standard in M-2 uses require off-street parking of no less than one (1) space per 500 square feet of floor area. Commercial uses shall provide parking as would be required in the C-3 district. Sec. 27-467(e) state that commercial uses require off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area. 8 parking spaces are required based on BOZA 2401.
Advertisement:	<u>The Wyandotte Echo</u> – September 21, 2023 Letters to Property Owner – September 22, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Sumey Rabie, seeks a renewal for a Special Use Permit to operate an automotive repair, auto body and used vehicle sales business at 927 Kansas Avenue.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. Numerous citations from 2007 – 2023 for multiple inoperable and/or untagged vehicles, unfit building, vehicles parked on the grass in between the buildings, trash, graffiti, building needs to be painted.
2. BSR23-0154 – Stop Work Order – Exterior modifications are being made to the property without building permits.
3. Notice of Violation for inoperable vehicles – September 2023.

Outstanding or Related Permits and Cases:

1. SP-2020-97 – Special Use Permit to allow automotive sales, repair and body work (expired on August 5, 2023).
2. BOZA 2401 – variance for reduced parking, setbacks, and trash enclosure in the required yard.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is comprised of single-family homes, duplexes and commercial businesses. Kansas Avenue is one of the major east-west commercial and industrial thoroughfares in Armourdale. It is a mixed-use, urban neighborhood with industrial, commercial, and residential uses.

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 considered to be compatible with the nearby uses if the development includes all the required property upgrades and is managed properly.

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

The property is not ideally suitable for automotive uses given the existing surrounding uses of single-family residences on the north, east, and south. This is a new establishment of a new automotive related business that has the potential to detrimentally affect nearby property. By ordinance, a Special Use Permit is required.

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

The property has been vacant since 2012. The previous business use was retail sales of truck toppers and accessories. The property is an existing lot and unfit building in a built-out industrial and residential area.

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

Special Use Permits are not addressed in the Master Plan. New establishment, expansion, or relocation of Automotive uses require a Special Use Permit prior to operation pursuant to Ordinance O-42-15 as specified in 27-593(b)(19-20).

The Armourdale Master Plan designates the land at 927 Kansas Avenue for Commercial uses, and further specifies that those commercial uses are to be a buffer to prevent the encroachment of Light Industrial uses into the Residential neighborhoods on the south side of Kansas Avenue. The Armourdale Master Plan further elaborates that a large portion of the existing commercial development along Kansas Avenue between Mill Street and 14th Street tends to be “neighborhood oriented”.

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 uses inherently result in the increase of vehicular traffic. There is a preponderance of frequent on-street parking in this area due to the reduced availability of off-street parking. This reduces Kansas Avenue frequently from a width of 4 lanes down to 2 usable lanes. The additional vehicular traffic created by the proposed use is expected to result in the increase of traffic to the point where it may impact the capacity of the Class B thoroughfare. There is also the included question about the possibility of larger vehicles, tow trucks, and trash trucks needing to access the property for vehicle delivery or trash servicing. There is already a preponderance of issues with non-compliant vehicle parking and storage in the Armourdale area. There is a history of overflow vehicle storage in adjacent yards near this property.

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 nor welfare of the public. The proposed use will likely substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if 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, dust, and illumination are normally associated with the proposed uses, especially with auto body work, and it may be an issue given the number of surrounding residential uses. The proposed use will likely create problems for nearby properties.

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

The proposed use should not pollute the air, land or water if managed properly. The proposed use is often associated with the potential for chemical leaks, hazardous waste, and runoff, which currently exists because vehicles are parked on the grass, gravel and sidewalk. If managed properly and cleaned in a timely manner, groundwater contamination will not be a problem.

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

The proposed use should not result in the damage or destruction of an irreplaceable natural resource as it is locating in an existing, built-out industrial area with mixed uses.

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

If this Special Use Permit is denied, the applicant will have to find another location for the proposed auto sales, auto maintenance, and auto body businesses. The relative gain to the public health, safety, and welfare as compared to hardship imposed on the landowners is minimal.

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

The proposed use should not result in the overcrowding of land if it is properly managed and operates within the required conditions. The parking of cars on site may become an issue if not managed properly. This is currently an issue as vehicles are parked on the grass, gravel, and sidewalk without complying with 2020 conditions of approval.

The proposed use will not cause undue concentrations of population as it is a commercial use.

PREVIOUS ACTIONS

- SP-2020-97 – Special Use Permit to allow automotive sales, repair and body work (expired on August 5, 2023).
- BOZA 2401 – variance for reduced parking, setbacks, and trash enclosure in the required yard.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 935 Kansas Avenue on September 15, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2023-063**:

1. **The applicant failed to complete SP-2020-97 conditions of approval requiring site improvements, and other mitigation measures to buffer the use from the adjacent residential properties.**

KEY ISSUES

Compliance with previous conditions of approval
Screening/Landscaping/Buffering
Illumination
Parking
Noise

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2023-063** subject to all comments and suggestions outlined in this staff report, and for reasons stated by the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs Provided by Staff on September 12 – 13, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Denial	

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-063** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-063** 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. _____.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 5:49:57:

SPECIAL USE PERMIT APPLICATION SP2023-063 – SUMEY RABIE - SYNOPSIS: Special Use Permit to operate an auto repair shop at 927 Kansas Avenue (SP-2020-97 expired 8/5/2023). *Detailed Outline of Requested Action:* The applicant, Sumey Rabie, seeks a renewal for a Special Use Permit to operate an automotive repair, auto body and used vehicle sales business at 927 Kansas Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Sumey Rabie, applicant, 927 Kansas Avenue, Kansas City, Kansas 66105

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:00:08: Planning Director Hand stated that the proposed project is the first renewal of a Special Use Permit for an auto repair and sales. The applicant has yet to start the project since its original approval. The proposed project is in the Armourdale Area Plan. Staff received no letters in support or opposition. There was a Stop Work Order placed on the property for starting work without a permit. There is also an open Notice of Violation for inoperable vehicle storage. Staff recommend denial of the renewal but has conditions of approval for the City Planning Commission if need be.

The Commission directed questions to Director Hand.

Motion starts at 6:05:56:

On motion by Mr. Eilts, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2023-063:**

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

Motion to recommend DENIAL Passed: 7 to 0

1. The applicant failed to complete SP-2020-97 conditions of approval requiring site improvements, and other mitigation measures to buffer the use from the adjacent residential properties.



Figure 1. Aerial photograph of 927 Kansas Avenue (provided by UG Maps).



Figure 2. Zoning Map of 927 Kansas Avenue (provided by UG Maps).



Figure 3. Armourdale Area Plan Land Use Designation Map of 927 Kansas Avenue (provided by ArcGIS Pro).

RELATED ENFORCEMENT AND ACTION ITEMS

Building, Zoning, or Code Enforcement Complaints:

1. Numerous citations from 2007 – 2023 for multiple inoperable and/or untagged vehicles, unfit building, vehicles parked on the grass in between the buildings, trash, graffiti, building needs to be painted.

Following citations from the year mentioned have not been associated with the current property owner of 927 Kansas Ave, Kansas City KS 66105.

2. BSR23-0154 – Stop Work Order – Exterior modifications are being made to the property without building permits.

Meeting has taken place and Sumey Rabie will provide the site plan and scope of upkeep. Sumey Rabie was under the impression that a removal and replacement of current design did not require a permit, however it has been understood by city officials.

3. Notice of Violation for inoperable vehicles – September 2023.

Incorrect no inoperable vehicles have been stored on privately owned M-2 property.

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. It is clear from site and aerial photographs that no work has commenced by evidence of a building permit towards the completion of a permanent building to operate an auto sales, repair and body shop. While no work towards construction has begun, it is clear that automotive vehicles in various states of disrepair are being stored on the property, specifically on the grass, gravel, and sidewalk thus in clear violation of SP-2020-97.

If the vehicles are not removed from the property by Thursday, September 28, 2023, Staff will place this petition on the October 9, 2023 City Planning Commission agenda with a recommendation for denial for failure to comply with conditions of approval.

During the application of SP-2020-97 for 927 Kansas Ave, Kansas City, Kansas 66105. Privately owned vehicles were stored on the property specifically on solid gravel. There was no violation arising during the approval of application SP-2020-97. As it zoned commercial.

2. When do you intend on obtaining a building permit to begin construction of the building and site improvements?

Site improvements have taken place to upkeep and maintain the exterior of the building. As a stop work order was placed on 09/06/2023, the week prior, Sumey Rabie, was in the process of the requirements to obtain a permit with Todd and Willie.

3. What are the proposed hours of operation?

The dealership hours of operation, Monday through Saturday, 8 AM to 5 PM.

4. Doors must stay closed when vehicles are being repaired.

For security and safety, vehicle repairs will be limited and the doors will be closed.

5. 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.

If approved, Sumey Rabie will file and maintain a current business occupation tax application with the Business Licensing Division.

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

No expansion or addition to existing structure will take place as we are looking to utilize the historic layout for our proposed use.

7. 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.

Automotive related businesses will have no public service or any waste tires.

8. 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 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.

Agreed.

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

During the application of SP-2020-97 and SP-2023-063, all vehicles have been privately owned and stored on private property on the same land parcel.

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.

No business was being conducted during the approval of special use permit SP-2020-97. Our purpose is to upkeep and restore the building for future use of the approval of special use permit SP-2020-97.

11. 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.

Since we are in the process of providing, planning, and urban design for the existing structure, we would request a change from the new construction to keeping and utilizing the existing structure.

12. 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.

Understood as Sumey Rabie is unable to fulfill the requirements while he will be abroad for a month and a half.

Sumey Rabie 913-202-9895

SAMPLE MINUTES:

Application Number SP-2020-97

Date and Location: 09/15/2023- 927 Kansas Ave Kansas City, KS 66105

Meeting called to order at: 6:00 PM

Names of people in attendance:

ZERO

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- **NONE**
- ☐ What was the question or comment- **NONE**
- ☐ Who answered the question/comment- **NONE**
- ☐ What was the answer given- **NONE**

Meeting adjourned at: 935 KANSAS AVE KANSAS CITY, KS 66105

Minutes taken by: Sumey Rabie

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF _____)
) SS:
COUNTY OF _____)

Comes now Suney MOKHAMMAD STABIE, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-063
2. That I conducted a neighborhood meeting on 9-15-2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____, 200_.

My commission expires _____ of _____, 200_.

see Attached as Jurat form
Notary Public

Jurat Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Los Angeles } S.S.

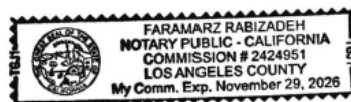
Subscribed and sworn to (or affirmed) before me on this 26 day of September,
Month

2023, by Sumey Mohammadrabie _____ and
Name of Signer (1)

_____, proved to me on the basis of
Name of Signer (2)

satisfactory evidence to be the person(s) who appeared before me.

Signature of Notary Public



For other required information (Notary Name, Commission No., etc.)

Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The certificate is attached to a document titled/for the purpose of

Affidavit Neighborhood Meeting

containing _____ pages, and dated _____

Additional Information

Method of Affiant Identification

Proved to me on the basis of satisfactory evidence:
☒ form(s) of identification ☐ credible witness(es)

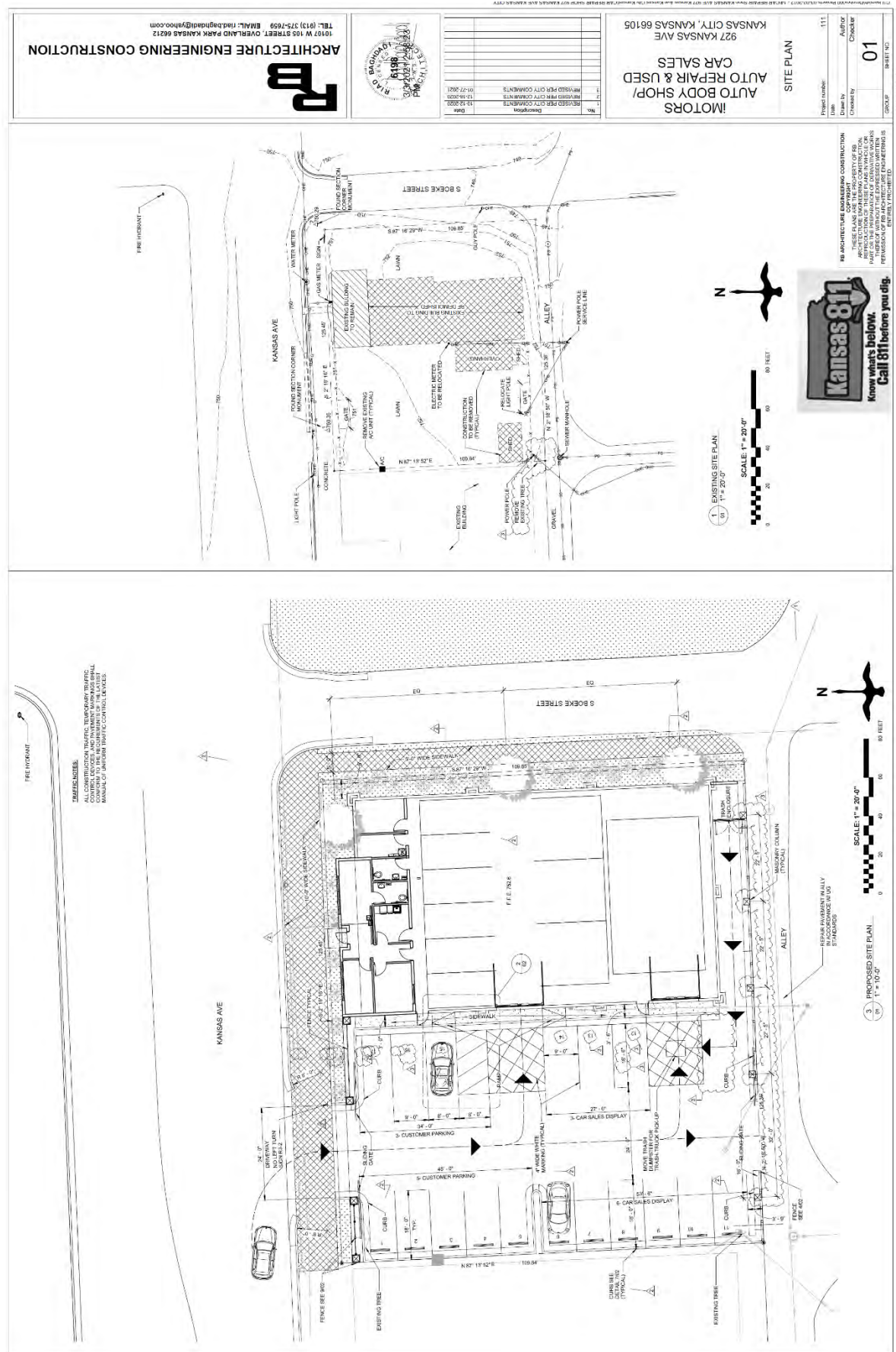
Notarial event is detailed in notary journal on:

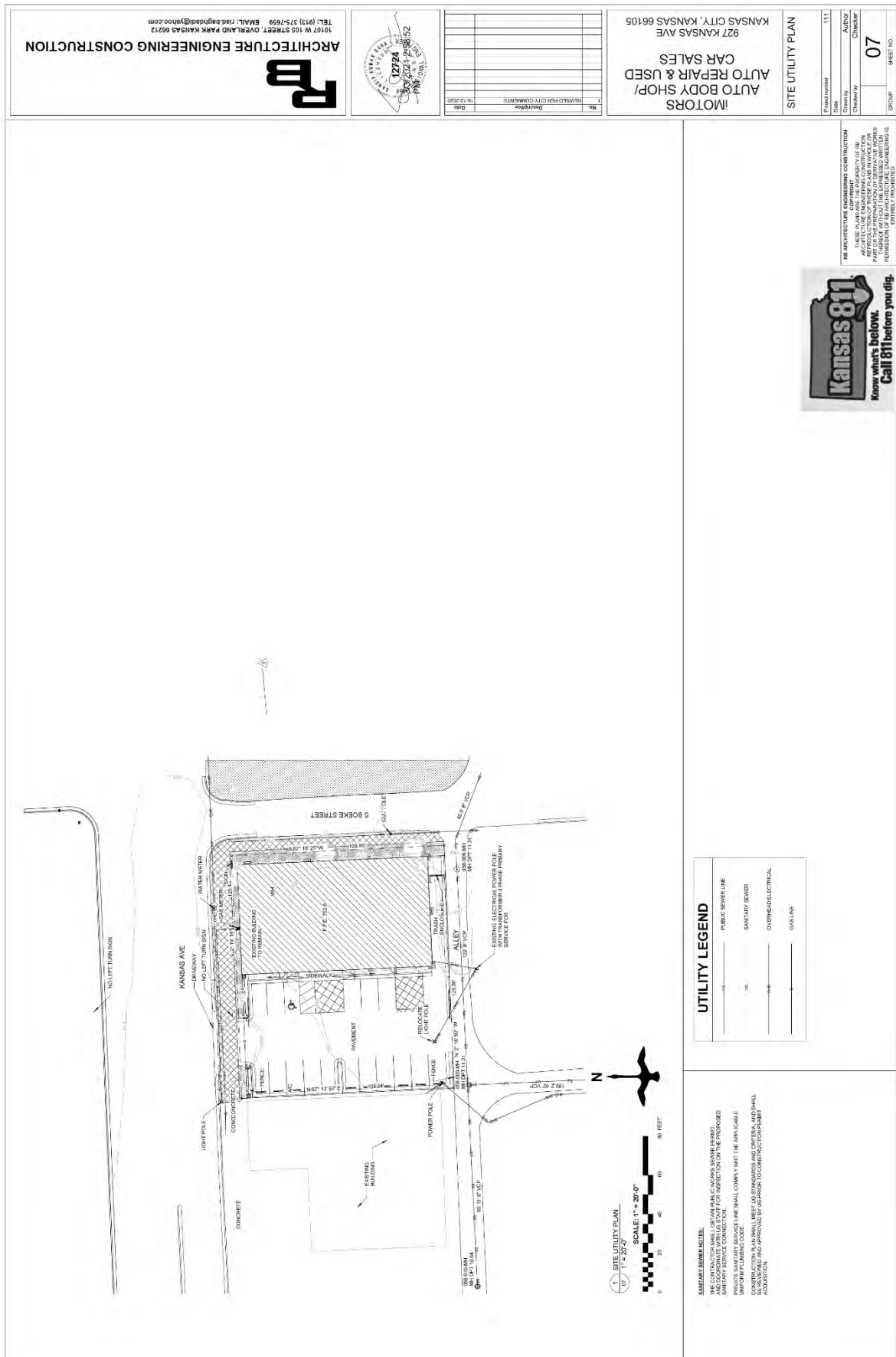
Page # _____ Entry # _____

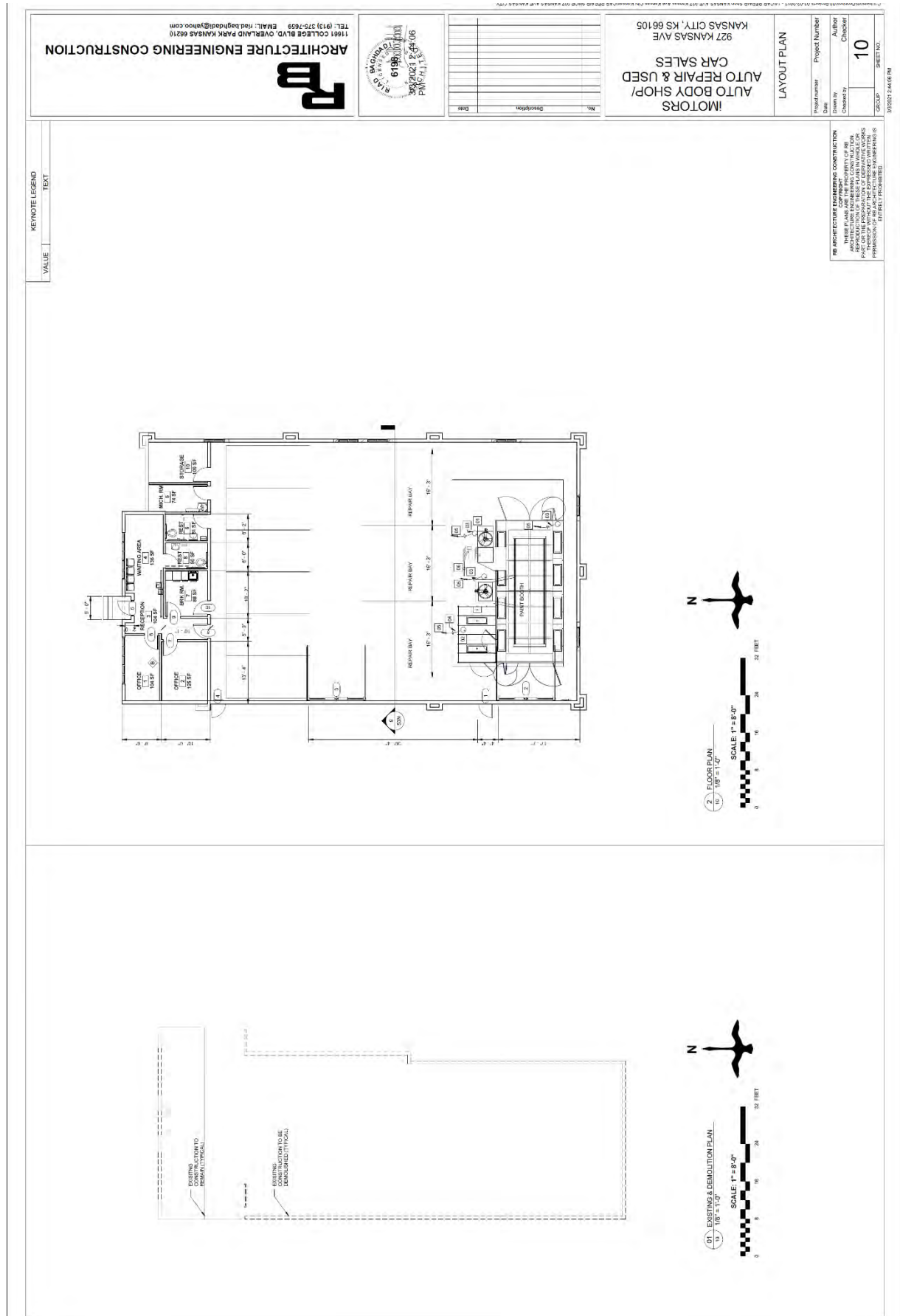
Notary contact: _____

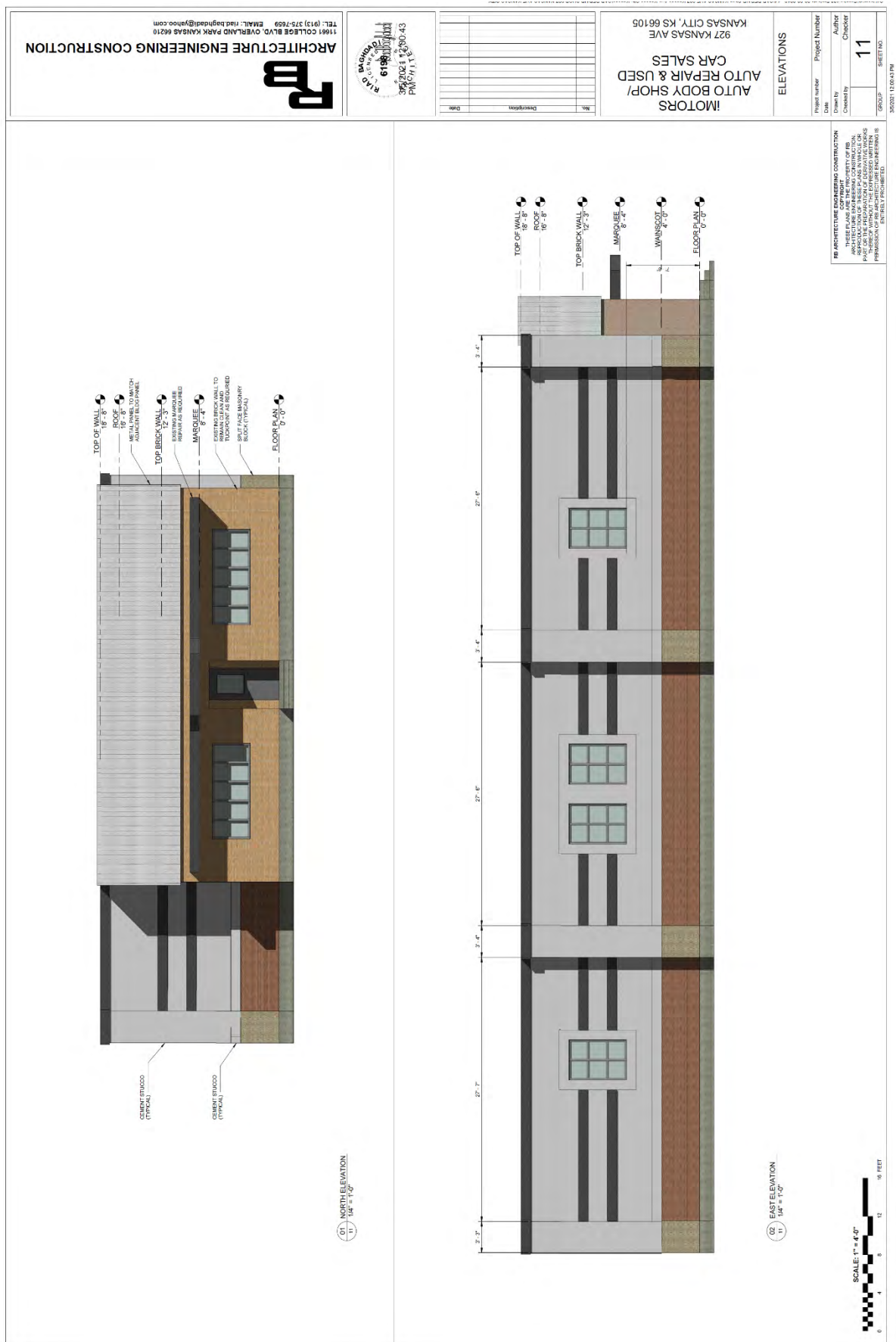
Other

☐ Affiant(s) Thumbprint(s) ☐ Describe: _____









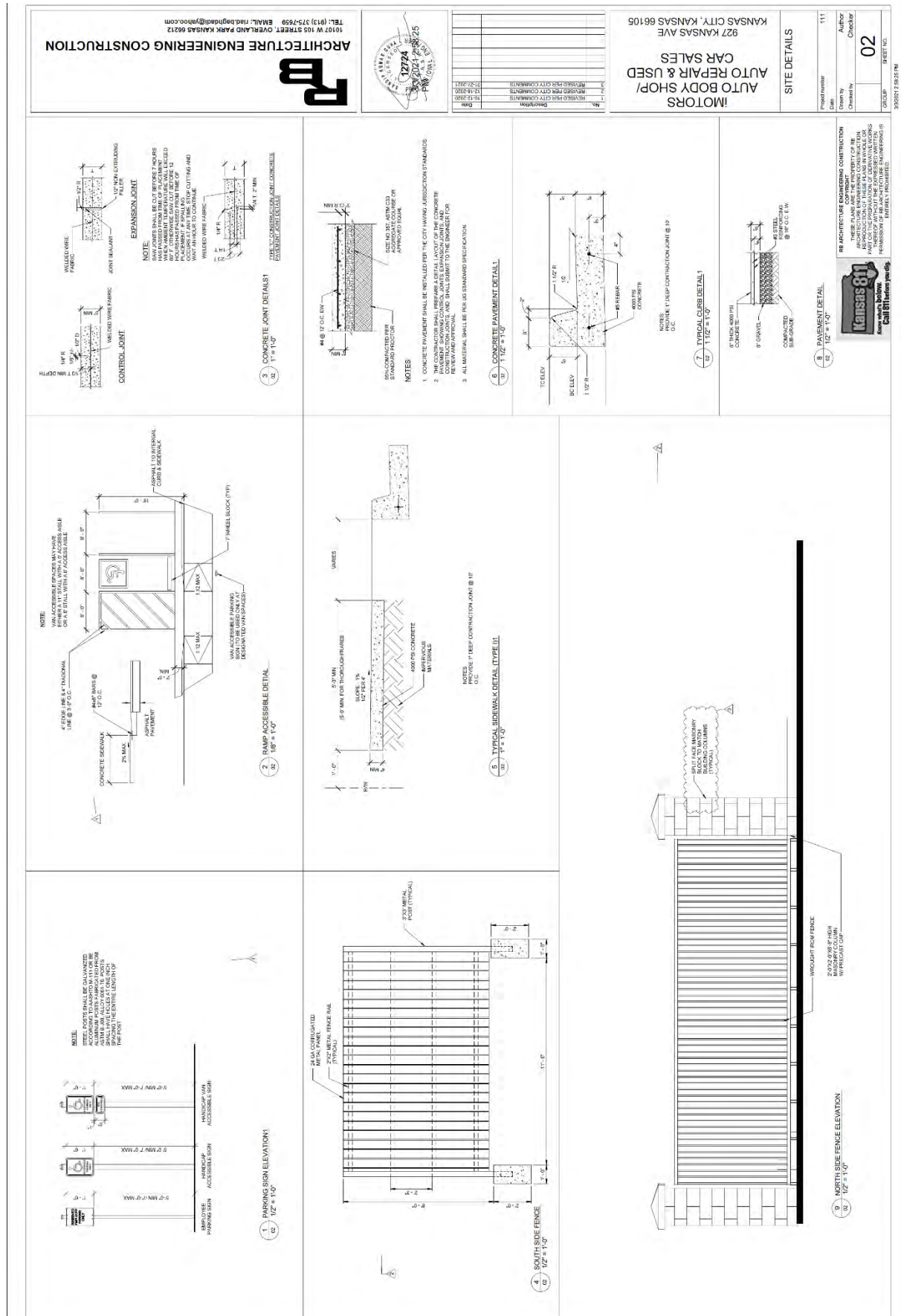




Figure 4. Site Photograph of 927 Kansas Avenue (provided by Planning Staff).



Figure 5. Site Photograph of 927 Kansas Avenue (provided by Planning Staff).



Figure 6. Site Photograph of 927 Kansas Avenue (provided by Planning Staff).



Figure 7. Site Photograph of 927 Kansas Avenue (provided by Planning Staff).



Figure 8. Site Photograph of 927 Kansas Avenue looking southwest from Kansas Avenue (provided by Planning Staff).



Figure 5. Site Photograph of 927 Kansas Avenue looking south from Kansas Avenue (provided by Planning Staff).



Figure 9. Site Photograph of 927 Kansas Avenue looking southwest from Kansas Avenue (provided by Planning Staff).



Figure 10. Site Photograph of 927 Kansas Avenue looking south from Kansas Avenue (provided by Planning Staff).



Figure 11. Site Photograph of 927 Kansas Avenue looking north from the alley (provided by Planning Staff).



Figure 12. Site Photograph of 927 Kansas Avenue looking north from the alley (provided by Planning Staff).



Figure 13. Site Photograph of 927 Kansas Avenue taken on September 28, 2023 (provided by Planning Staff).



Figure 14. Site Photograph of 927 Kansas Avenue taken on September 28, 2023 (provided by Planning Staff).



Figure 15. Site Photograph of 927 Kansas Avenue taken on September 28, 2023 (provided by Planning Staff).



Figure 16. Site Photograph of 616 South Boeke Street – across the alley from 927 Kansas Avenue taken on September 28, 2023 (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: October 26, 2023

Re: Special Use Petition SP2023-065

GENERAL INFORMATION

Applicant:

Umed Saidov

Status of Applicant:

Frank Motors, Inc.
402, 404 and 426 Osage Avenue
Kansas City, KS 66105

Requested Action:

Approval of a Special Use Permit.

Date of Application:

August 24, 2023

Purpose:

To operate an automotive repair/painting and used automotive dealership.

Property Location:

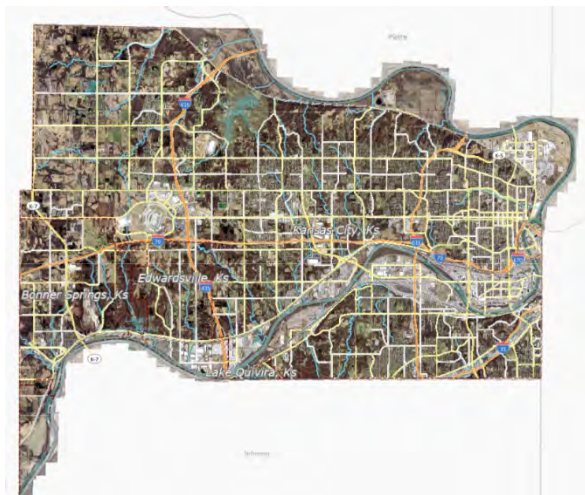
402, 404 and 426 Osage Avenue
Kansas City, KS 66105

Commission Districts:

Commissioner At-Large, District #1: Tom Burroughs
District #2 Commissioner: Brian McKiernan

Existing Zoning:

M-2 General Industrial and M-3 Heavy Industrial Districts



Adjacent Zoning:	North: M-2 General Industrial District South: M-3 Heavy Industrial District East: M-2 General Industrial District West: M-2 General Industrial District
Adjacent Uses:	North: Tire distribution South: Industrial manufacturing East: Auto parts store/Warehousing West: Tire warehouse/distribution
Total Tract Size:	1.02 Acres
Master Plan Area:	Armourdale Area Plan
Master Plan Designation:	The Armourdale Area Plan designates this property as Employment/Industrial, which allows manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, limited related commercial and service uses such as truck stops, service stations, convenience stores, mining/mineral extraction.
Major Street Plan:	The Major Street Plan classifies Osage Avenue as a Class C Thoroughfare.
Required Parking:	Sec. 27-446(e) state that commercial uses require off-street parking spaces at a ratio of not less than four (4) spaces per 1,000 square feet of floor area. Sec. 27-469(e) states that standard in M-2 uses require off-street parking of no less than one (1) space per 500 square feet of floor area. 42 parking spaces are required based on Appeal BOZA 2362. The applicant has not provided a site plan to determine if there are the requisite parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – September 21, 2023 Letters to Property Owner – September 22, 2023
Public Hearing:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Umed Saidov with Frank Motors, Inc., seeks a Special Use Permit to operate a used automotive dealership in one (1) tenant space of a multi-tenant building at 402 Osage Avenue

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. ZONE2022-021 – citation for operating an automotive business on an expired Special Use Permit.
2. Numerous citations from 2000 – 2021 for auto body work performed on the street, multiple inoperable and/or untagged vehicles, trash, and graffiti.

Outstanding or Related Permits and Cases:

1. SP-2019-98 – Special Use Permit to allow an automotive painting, sales and auto repair (expired on January 30, 2021).
2. BOZA 2362 – variance for reduced parking requirements.
3. SP-2018-53 – Special Use Permit to allow auto detailing and sales.
4. SP-2016-47 – Special Use Permit for auto sales.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is along Osage Avenue, which is an industrial corridor in Armourdale with industrial warehousing and distribution businesses.

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

The zoning and uses of nearby property are set out above. The surrounding properties are industrial in zoning and use. It is expected that this use will continue to fit in the surrounding area.

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 would not detrimentally affect nearby property. Other tenants in the building will continue to operate.

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

The property is not vacant. There is an existing business operating without a valid Special Use Permit, which expired in January 2021 for used automotive sales, repair and painting.

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 Employment/Industrial, which allows manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, limited related commercial and service uses such as truck stops, service stations, convenience stores, mining/mineral extraction.

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 be limited in the number of customers they can service due to the small size of the site. It is not expected that the proposed use will increase the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.

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, but it will not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

The automotive repair and used automotive dealership would not cause an undue increase in noise, vibration, dust, or illumination that would be considered inappropriate for this industrial district, provided that the repair operation and inoperable vehicles are conducted and stored in the building.

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

The proposed primary concern is with the continued presence of vehicles in various states disrepair for the potential leakage of vehicle fluids.

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 industrial 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. If the application is denied, the applicant would need to find another location that currently operates with all of the uses in place prior to 2015 or file for a new Special Use Permit.

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

A variance was obtained for the entire property for 42 parking spaces, however, if the vehicles are not properly stored, which is not occurring as evidence in the site photographs taken September 12, 2023, then the uses could result in overcrowding of land, which will make access to the rear of the property a KCKFD response issue.

PREVIOUS ACTIONS

- SP-2019-98 – Special Use Permit to allow automotive salvage and auto repair (expired on January 30, 2021).
- BOZA 2362 – Variance for reduced parking requirements.
- SP-2018-53 – Special Use Permit to allow auto detailing and sales.
- SP-2016-47 – Special Use Permit for auto sales.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 402 Osage Avenue on September 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **DENIAL** of Special Use Permit Application **SP2023-065**.

1. The applicant failed to complete SP-2019-98 conditions of approval requiring site improvements, specifically:
 - a. Planting 11 trees to comply with the Commercial Design Guidelines;

- b. Parking spaces – both for customers and vehicles that are for sale or being repaired are not in striped, designated parking spaces; and,
 - c. Vehicles are double stacked throughout the property, which does not comply with the Parking Code; and,
2. Vehicles are parked on the property, in an unorganized manner on an unimproved surface has resulted in an overcrowding of land thereby violating Factor to Be Considered #12.

KEY ISSUES

Compliance with previous conditions of approval
Parking

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **DENIAL** of Petition **SP2023-065** subject to all comments and suggestions outlined in this staff report, and reasons stated by the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan (Existing Condition based on Site Photographs taken by Staff on September 12, 2023)
Revised Site Plan
Site Photographs Provided by Staff on September 12, 2023.
Site Photographs Provided by the Applicant prior to August 24, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Denial	

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

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-065** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

OR

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-065** 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. _____.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 6:07:30 (NOTE: As the applicant was not present, this case was pushed to the end of the agenda, and the video and audio recording cut out so there are no times denoted for the time of staff recommendation and the motion):

SPECIAL USE PERMIT APPLICATION SP2023-065 – UMED SAIDOV FOR FRANKS MOTORS INC. - SYNOPSIS: Special Use Permit to operate an auto repair shop at 402 Osage Avenue. *Detailed Outline of Requested Action:* The applicant, Umed Saidov with Frank Motors, Inc., seeks a Special Use Permit to operate a used automotive dealership in one (1) tenant space of a multi-tenant building at 402 Osage Avenue.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- No one appeared

Present in Opposition:

- No one appeared

Staff Recommendation starts at (No recording for this agenda item): Planning Director Hand stated that this Special Use Permit renewal is for auto repair, painting and sales. There are multiple previous Special Use Permits associated with this property. The proposed project is within the Armourdale Area Plan. Staff received no letters in support or opposition. There are Notices of Violation on the property related to property maintenance and working on vehicles in the public right of way. Staff recommends denial of this Special Use Permit as they did not meet all the previous conditions of approval. Staff has conditions of approval for the Planning Commission if need be.

Motion starts at (No recording for this agenda item):

On motion by Mr. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL** of Special Use Permit **SP2023-065**:

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

Motion to recommend DENIAL Passed: 7 to 0

For the following reasons:

- 1. The applicant failed to complete SP-2019-98 conditions of approval requiring site improvements, specifically:**
 - a. Planting 11 trees to comply with the Commercial Design Guidelines;**
 - b. Parking spaces – both for customers and vehicles that are for sale or being repaired are not in striped, designated parking spaces; and,**
 - c. Vehicles are double stacked throughout the property, which does not comply with the Parking Code; and,**
- 2. Vehicles are parked on the property, in an unorganized manner on an unimproved surface has resulted in an overcrowding of land thereby violating Factor to Be Considered #12.**



Figure 1. Aerial photograph of 402 Osage Avenue (provided by UG Maps).



Figure 2. Zoning Map of 402 Osage Avenue (provided by UG Maps).

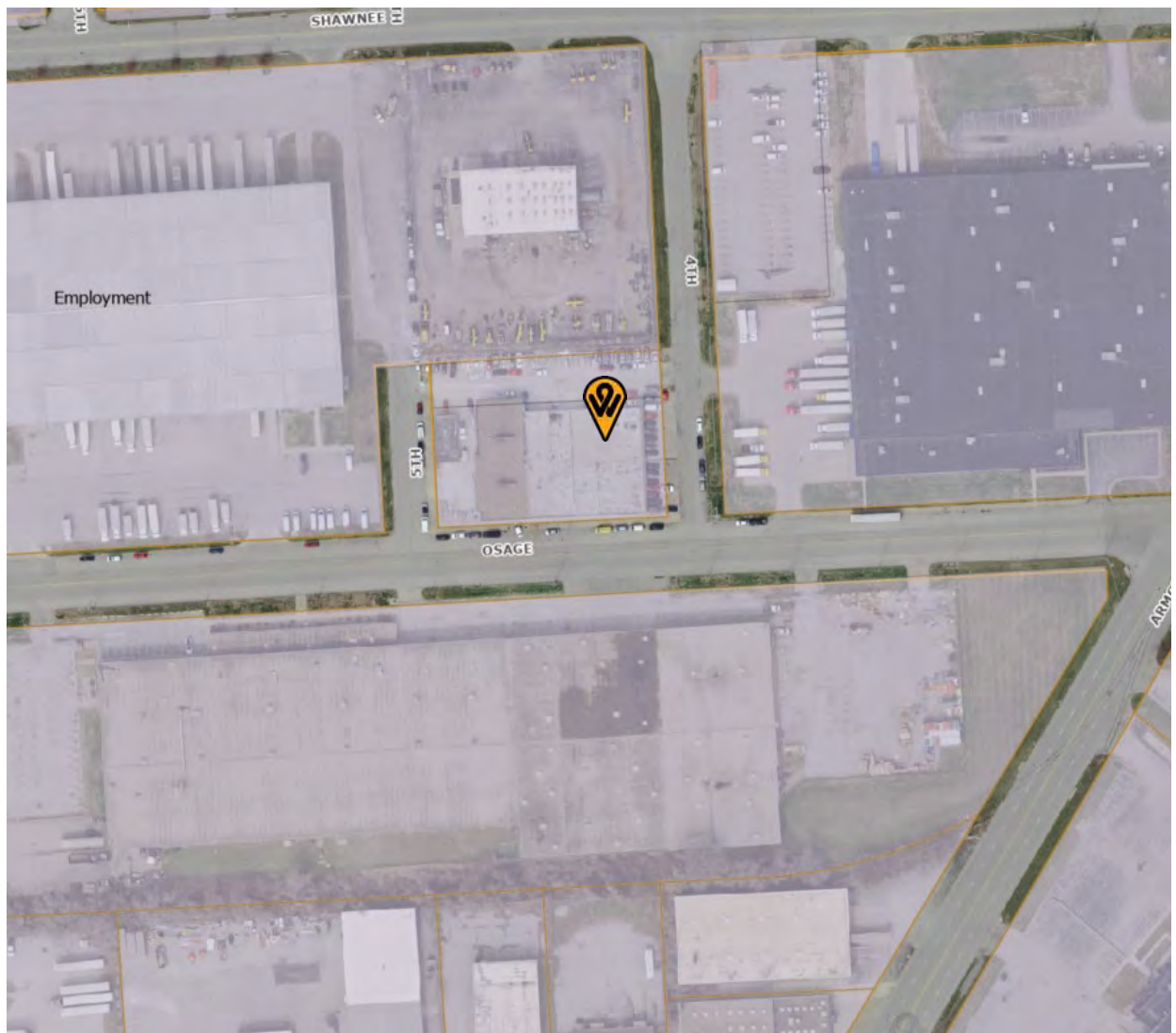


Figure 3. Armourdale Area Plan Land Use Designation Map of 402 Osage Avenue (provided by ArcGIS Pro).

FRANK MOTORS, INC.

402 Osage Ave.
Kansas City, Kansas 66105

September 27, 2023

VIA ELECTRONIC MAIL ONLY

Hon. Byron Toy, AICP

Lead Planner, Department of Planning + Urban Design
Unified Government of Wyandotte County
701 North 7th Street, Suite 423
Kansas City, Kansas 68101

Re: *Response(s) to Staff Comments Contained in Draft Staff Report*
Petition Number: SP2023-065

Dear Mr. Toy:

Please allow this communication to serve as a response to the questions contained on pages 6-9 of the Draft Staff Report prepared by your office. Each question is answered in turn below.

As I am certain you are aware, the aforementioned Draft Staff Report was prepared following my request for a special use permit, which is identified by petition number SP2023-065. To the extent that additional information becomes known to me, which may serve to aid the zoning board, after this communication is submitted, I respectfully reserve the right to supplement any responses/answers contained herein.

Questions that required a response on Page 6:

1. Provide updated photos of the present condition of both 402 and 426 Osage Avenue, as well as parking areas, landscaping/screening, fencing and other areas where business activity occurs.
Answer/Response: Photos of the property were submitted when the petition was filed. However, those photos did not contain landscaping and the parking lines were not visible; updated photos will be made available. The previously submitted photos are provided herewith.
2. Based on site photos, it is clear that the vehicles are not being parked in designated spaces. Furthermore, this is a violation of the approved site plan and conditions of approval, which will result in denial of this Special Use Permit application.

Answer/Response: Any violation was inadvertent and will be rectified going forward. To help ensure that this will not be a problem going forward, parking spaces will be striped.

3. Provide a scaled and dimensioned floor plan of the building.
Answer/Response: Please see attached.
4. What are the proposed hours of operation?
Answer/Response: 9:00am – 5:00pm Monday – Friday
9:00am – 3:00pm Saturday
5. Why has there been a substantial delay in re-applying for a Special Use Permit. The previous Special Use Permit expired on January 30, 2021.
Answer/Response: After the business reopened following the COVID-19 pandemic shutdown, the undersigned took over the day-to-day operations and was unaware that the permit expired. As soon as I realized that the permit had expired, I began the process to obtain a new one.
6. Doors must stay closed when vehicles are being repaired.
Answer/Response: This is understood and acknowledged.
7. How many vehicles were sold between 2020 – 2023?
Answer/Response: Approximately 500.
8. 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.
Answer/Response: This is understood and acknowledged.
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.
Answer/Response: This is understood and acknowledged.
10. 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.

Answer/Response: This is understood and acknowledged.

Questions that required a response on Page 7:

11. 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 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.

Answer/Response: This is understood and acknowledged.

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

Answer/Response: This is understood and acknowledged.

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.

Answer/Response: This is understood and acknowledged.

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.

Answer/Response: This is understood and acknowledged.

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. 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.

Answer/Response: This is understood and acknowledged.

Questions that required a response on Page 8 / 9:

As it relates to the previous conditions of approval for both the Variance and Special Use Permit, the undersigned has no specific knowledge as to those requirements – since he was not involved in the day-to-day operations of the business at the time those approvals were obtained.

The above being said, the undersigned has been made aware that the landscaping which was previously installed did die due to the industrial/urban setting of the area. The undersigned will attempt to have new landscaping installed. Also, there are faint lines remaining where the parking stalls were previously striped; those stalls will be repainted.

Finally, the undersigned acknowledges that all vehicles located on the property must be legally registered and that the premises cannot, under the terms of the Special Use Permit, be used for a salvage operation.

Should you have any other questions or concerns, please do not hesitate to contact me. Thank you in advance for your prompt and professional attention to this most serious matter.

Respectfully,



Umed Saidov
Frank Motors

Cc:
McCracken Stoll & Associates
3131 South 2nd Street, Unit 239
Louisville, Kentucky 40208

FRANK MOTORS, INC.

402 Osage Ave.
Kansas City, Kansas 66105

NEIGHBORHOOD MEETING SIGN-IN SHEET

Date: September 25, 2023

Re: Petition Number: #sp-2023-065

Location: 402 Osage Ave Kansas City, Kansas 66103

	NAME	TIME	PHONE NUMBER	EMAIL	SIGNATURE
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

FRANK MOTORS, INC.

402 Osage Ave.
Kansas City, Kansas 66105

NEIGHBORHOOD MEETING MINUTES

Application Number: SP-2023-065 **Date:** September 25, 2023
Meeting Called to Order at: 10:15A.M. **Location:** 402 Osage Ave.
Kansas City, Kansas

AT THE NEIGHBORHOOD MEETING held at the location identified above on **September 25, 2023** and called to order by **UMED SAIDOV** at 12:15P.M. with the following persons in attendance:

A. No one In Attendance

The purpose of the neighborhood meeting was to discuss the zoning change application filed with the Department of Urban Planning and Land Use by Umed Saidov on behalf of Franks Motors identified by application number: SP-2023-065.

After the meeting was called to order, Mr. Saidov, who appeared on behalf of Franks Motors, Inc. explained that the application was filed for the purposes of: Special Use Permit to Operate A Car Lot on Premises.

After Mr. Saidov completed his explanation and presentation, he opened the floor to questions. After opening the floor, no questions were asked.

Having no further business to discuss, the meeting was adjourned by Mr. Saidov at 10:45AM.

Minutes taken and transcribed by: Umed Saidov



Umed Saidov

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

COMES NOW, Umed Saidov, of lawful age, sound mind and upon his oath states as follows:

1. That I am the petitioner for Petition #SP-2023-065;
2. That I conducted a neighborhood meeting on September 25, at 10:00AM;
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.

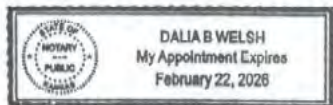
Further affiant sayeth not.

U. Saidov
Umed Saidov, Affiant

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

My commission expires 22nd of February, 2026

Seal:



[Signature]
Notary Public

This Instrument Prepared by:

[Signature]
McCracken Stoll & Associates
3131 South 2nd Street, Unit 239
Louisville, Kentucky 40208
502-230-2664



Figure 4. Site Photograph of 402 - 426 Osage Avenue looking northwest from Osage Avenue (provided by Planning Staff).



Figure 5. Site Photograph of 402 - 426 Osage Avenue looking west from South 4th Street (provided by Planning Staff).



Figure 6. Site Photograph of 402 - 426 Osage Avenue looking west from South 4th Street (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: October 26, 2023

Re: Special Use Petition SP2023-069

GENERAL INFORMATION

Applicant:
Neal Palmer

Status of Applicant:
Property Owner
2600 North 131st Street
Kansas City, Kansas 66109

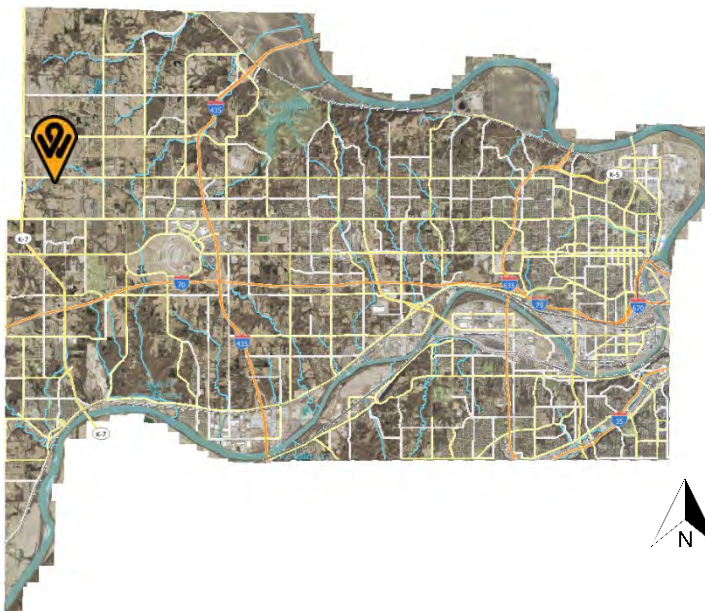
Requested Action:
Approval of a Short-Term Rental
Special Use Permit.

Date of Application:
August 25, 2023

Purpose:
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:
2520 North 131st Street
Kansas City, Kansas 66109

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



Existing Zoning:	R-1(A) Suburban Residential District
Adjacent Zoning:	North: R-1(A) Suburban Residential District (WyCo) South: R-1(A) Suburban Residential District (WyCo) East: A-G Agriculture District (WyCo) West: A-G Agriculture District (WyCo)
Adjacent Uses:	North: Agricultural Land South: Single-Family Residence East: Agricultural Land West: Agricultural Land
Total Tract Size:	0.50 Acre
Comprehensive Plan Designation:	The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Mixed-Residential District, which allows patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.
Major Street Plan:	The goDotte Mobility Plan designates North 131 st Street as a Major Collector.
Parking Requirement:	Article 5 Section 4 of the Piper Area Annex states “Two (2) off-street parking spaces shall be provided on the premises for each residence”. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – September 14, 2023 Letters to Property Owners – September 15, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Neal Palmer, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2520 North 131st Street. This is not the owner’s primary residence. This would be the first and only

permitted short-term rental on the 2520 block of North 131st Street. This short-term rental has been operating without permits since 2022.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623.

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 have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located in the Prairie-Piper Statistical Neighborhood. The neighborhood consists primarily of large-lot single-family residences and agricultural 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 the A-G Agricultural District (WyCo) and R-1(A) Suburban Residential District (WyCo). Continuing use as a rental, either short or long-term, is consistent with other nearby properties in this rural residential neighborhood. The proposed use is compatible if properly managed.

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

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

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

The property has been used as an unpermitted short-term rental since 2022.

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 Area Plan designates the subject property as Planned Mixed-Residential District, which allows for patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. The use as a short-term rental conforms to the Area Plan.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of North 131st Street, a Local Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust 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 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). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 22, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-069**, for one **(1)** year, subject to:

- 1. All repairs identified in the home inspection report shall be completed prior to renewal of this Special Use Permit;**
- 2. The driveway apron shall be paved to UG standards by no later than September 1, 2024 and after major construction of the nearby school is nearing completion and major construction traffic is reduced on N 131st Street.**
- 3. Maximum number of guests shall be 7;**
- 4. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
- 5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit,**

- a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
 8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 10. 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);
 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, occupying businesses must file and maintain a current business occupation tax application with this office;
 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 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. 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;
 17. 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;
18. 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;
 19. 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;
 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.

KEY ISSUES

Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking
Vibration

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 **SP2023-069** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Materials
Floor Plan
Site Photos, Taken by Staff, Dated September 13, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-069** 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 **SP2023-069**, 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.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 6:36:33 (NOTE: As the applicant was not present, this case was pushed to the end of the agenda, and the video and audio recording cut out so there are no times denoted for the time of staff recommendation and the motion):

SPECIAL USE PERMIT APPLICATION SP2023-069 – NEAL PALMER - SYNOPSIS: Special Use Permit for a Short-Term Rental at 2520 North 131st Street. Detailed Outline of Requested Action: The applicant, Neal Palmer, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2520 North 131st Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2520 block of North 131st Street. This short-term rental has been operating without permits since 2022.

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 October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Neal Palmer, applicant

Present in Opposition:

- No one appeared

Staff Recommendation starts at (No recording for this agenda item): Planning Director Hand stated that the Special Use Permit is being requested for a short-term rental. This is a non-owner-occupied property. The proposed project is in the Prairie Delaware Piper Area Plan. Staff received no letter in support or opposition. There are not Notices of Violation on the property. Staff recommends approval for one year with

conditions, including but not limited to a maximum of seven people on the property at one time and no more than three automobiles parked off-street.

Motion starts at (No recording for this agenda item):

On motion by Mrs. Jones, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-069 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 7 to 0

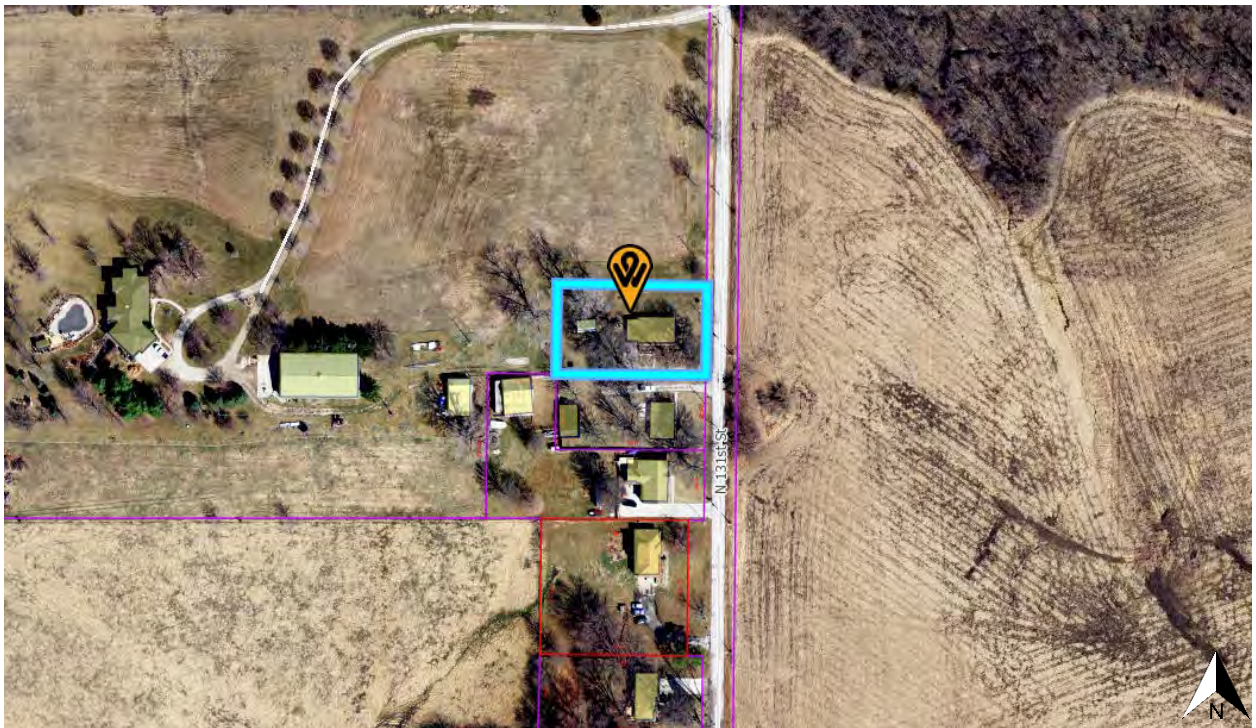
Subject to:

1. All repairs identified in the home inspection report shall be completed prior to renewal of this Special Use Permit;
2. The driveway apron shall be paved to UG standards by no later than September 1, 2023 and after major construction of the nearby school is nearing completion and major construction traffic is reduced on N 131st Street.
3. Maximum number of guests shall be 7;
4. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. 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);

- 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, occupying businesses must file and maintain a current business occupation tax application with this office;**
- 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 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. 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;**
- 17. 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;**
- 18. 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;**

- 19. 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;**
- 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.**

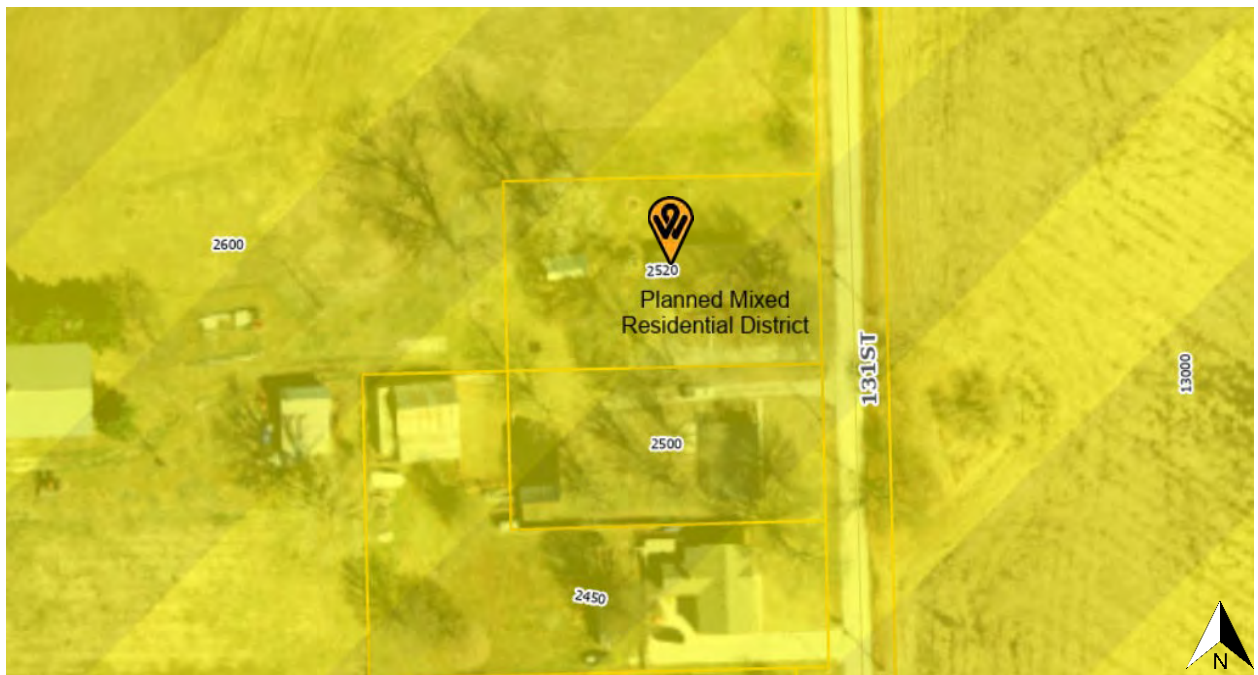
AERIAL IMAGERY



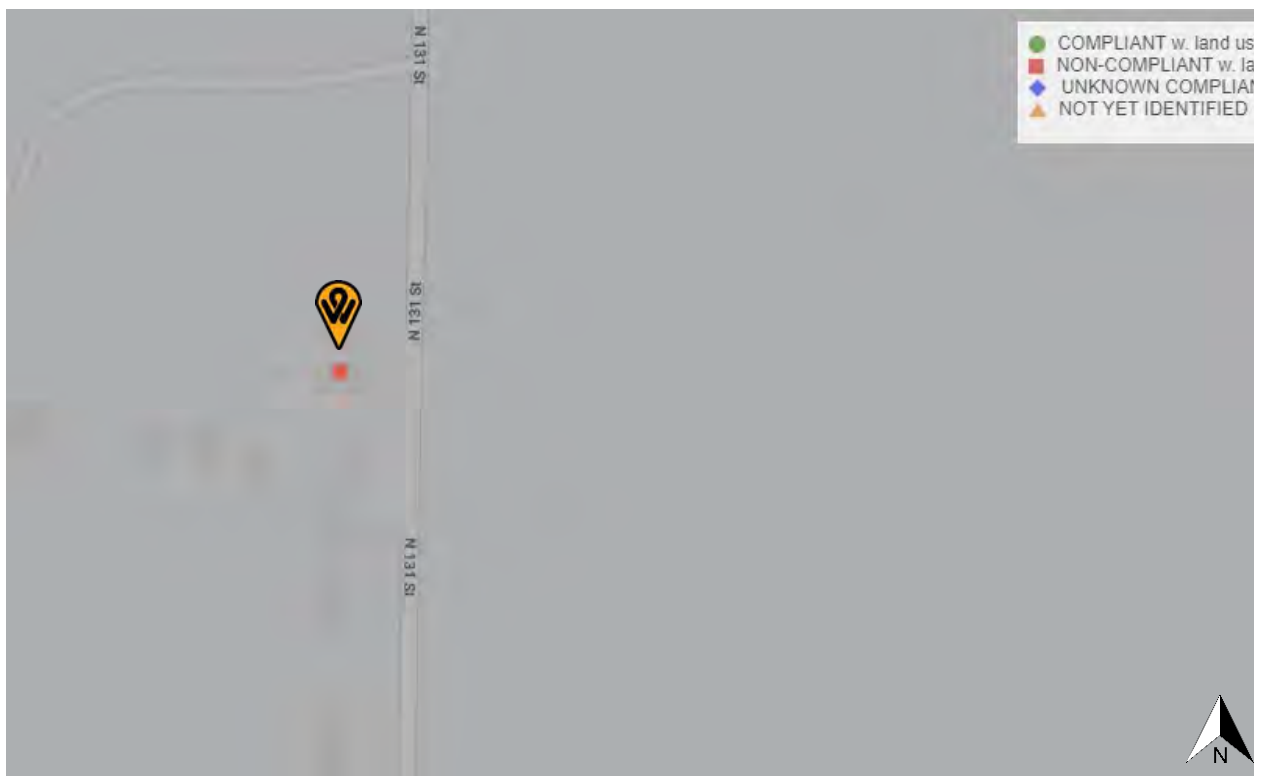
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – SEPTEMBER 12, 2023



NEIGHBORHOOD MEETING MATERIALS

Special Use Permit Application SP2023-069
Neighborhood Meeting 2520 N. 131st St.

Invitations Issued: 8-Sep-23
Meeting Held: 5:00 PM 22-Sep-23 at 2520 N. 131st St.

<u>INVITEES:</u>			<u>ATTENDEES:</u>	Arrived	Departed
Commissioner Melissa Bynum		City Hall	no		
Commissioner Mike Kane		City Hall	no		
Neal Palmer	Petitioner	2600 N. 131st St.	Yes	4:55 PM	5:30 PM
Luann Palmer	Petitioner	2600 N. 131st St.	Yes	4:55 PM	5:30 PM
Apple Properties	< 200 ft.	9430 Hurrelbrink	Yes Cory Appl	5:15 PM	5:20 PM
Emily Harris	< 200 ft.	2440 N. 131st St.	no		
Parker Hasenkamp	< 200 ft.	2500 N. 131st St.	Yes	5:25 PM	5:30 PM
Haskell Farms LLC	< 200 ft.	2600 N. 131st St.	Yes (Petitioner)		
Victor Haskin	< 200 ft.	2440 N. 131st St.	no		
Kay Meisner Trust	< 200 ft.	2400 N. 131st St.	no		
David Wilson	< 200 ft.	2450 N. 131st St.	Yes	5:00 PM	5:20 PM

Meeting Minutes:

The meeting was called to order at 5:05 pm by the Petitioners.
The Petitioners explained the purpose of the meeting was to comply with UG Code
to obtain a Special Use Permit for the purpose of conducting short term rentals at the subject property.

The Petitioners asked if there were any concerns, issues or questions. There were none.
Mr. Wilson noted "the renters have been quiet and friendly".
The attendees were asked if there were any objections to the proposed use. There were none.
Mr. Wilson and Mr. Appl left at 5:20 PM.
Mr. Hasenkamp arrived at 5:25 PM. He stated he had no questions or concerns and no
objections to the proposal.
The meeting adjourned at 5:30 PM.

There were no inquires or contacts prior to or after the meeting.

Submitted 9/25/23

Neal H. Palmer

Neal H. Palmer
agent for Haskell Farms LLC



AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri }
COUNTY OF Jackson } SS:

Comes now NEAL H. PALMER, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-069
2. That I conducted a neighborhood meeting on 22 SEPT 2023 5:00pm
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.

Neal H Palmer
Affiant for HASKELL FARMS LLC

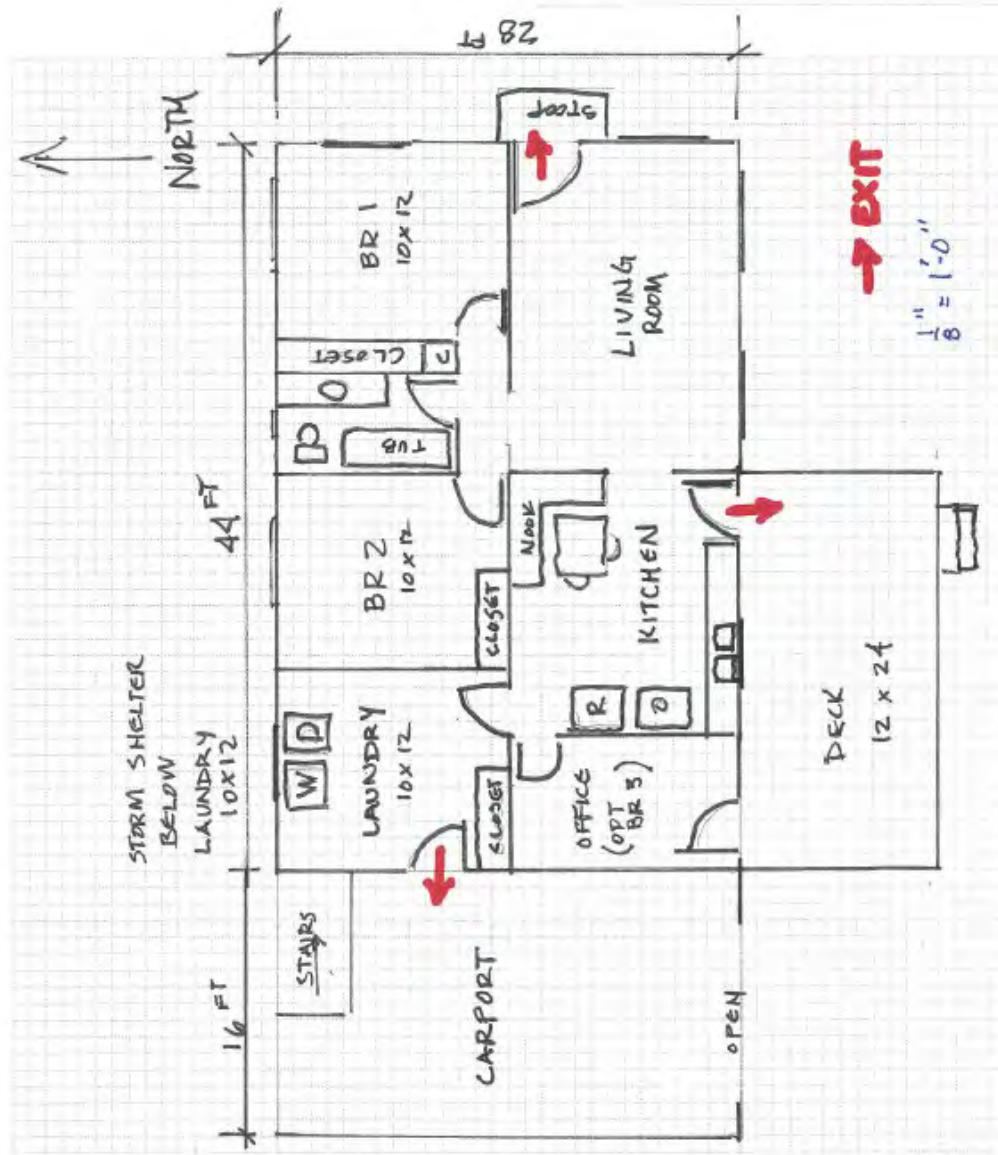
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of SEPT, ~~200~~, 2023.

My commission expires 29th of December, ~~200~~, 2025

Sally J Fenner
Notary Public

SALLY J. FENNER
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: 12/29/2021
Commission # 1380942

FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 13, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Special Use Petition SP2023-070

GENERAL INFORMATION

Applicant:

Sarah Belarde and Javier Sanez

Status of Applicant:

Property Owner
4917 West 137th Place
Hawthorne, California 90250

Requested Action:

Renewal of a Short-Term Rental
Special Use Permit.

Date of Application:

August 25, 2023

Purpose:

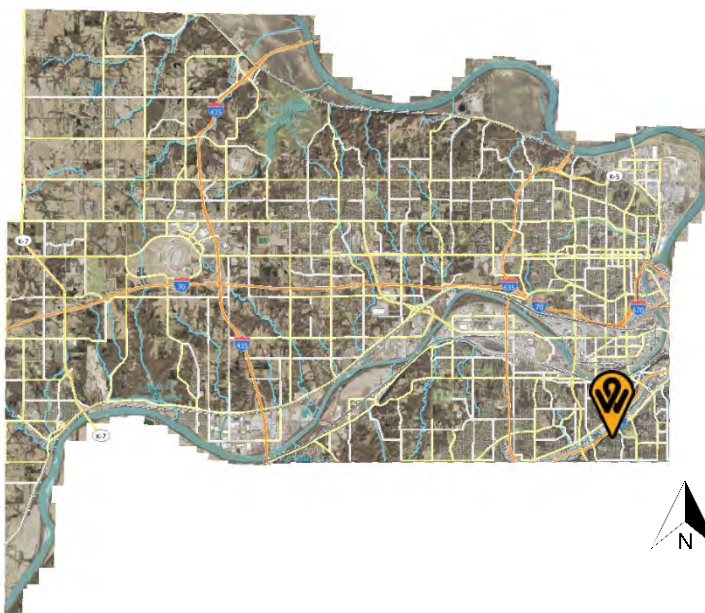
To renew a Special Use Permit, for
a Short-Term Rental. This is not the
applicant's primary residence.

Property Location:

3008 South 9th Street
Kansas City, Kansas 66103

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single family residence South: Single family residence East: Single family residence West: Single family residence
Total Tract Size:	0.24 Acre
Comprehensive 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 goDotte Mobility Plan designates South 9 th Street as a Local 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, one (1) of which in a carport or garage”. The property provides three (3) parking spaces with one (1) in a garage.
Advertisement:	<u>The Wyandotte Echo</u> – September 14, 2023 Letters to Property Owners – September 15, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Sarah Belarde and Javier Saenz, are requesting a renewal of a Short-Term Rental Special Use Permit (SP2022-068, which expires 10/6/2023) to continue to operate a short-term rental at 3008 South 9th Street. This is not the owner's primary residence. This will continue to be the only permitted short-term rental on the 3000 block of South 9th Street.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no noise or disturbance complaints on the subject property since the previous approval in 2022.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notices of Violation on the subject property since the previous approval in 2022.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located in the Rosedale Statistical Neighborhood and the Rosedale Development Association (RDA) group. The neighborhood consists primarily of single-family residences on medium-sized lots as well as several garden-style apartments. There are no sidewalks within the immediate area.

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 the R-1(B) Single Family District. 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 has been used as a short-term rental since 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 use as a short-term rental conforms to the Comprehensive Plan.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of South 9th Street, a Local Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust 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 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). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

Approval of a Special Use Permit (SP2022-068) for a short-term rental for one (1) year in 2022.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-070**, for two (2) years, subject to:

1. **Maximum number of guests shall be 7;**
2. **All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
3. **The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
4. **Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
5. **Applicant is to maintain liability insurance;**
6. **The property must remain in proper maintenance and free of hazards, pests, or infestations;**
7. **The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
8. **Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
9. **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, occupying businesses must file and maintain a current business occupation tax application with this office;
 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 12. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 18, 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
Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking

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 **SP2023-070** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Materials
Floor Plan
Site Photos, Taken by Staff, Dated September 8, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-070** 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 **SP2023-070**, 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.

October 9, 2023, City Planning Commission Minutes

I will now read the items on the **Consent Agenda (1:39:45)**:

SP2023-070 – SARAH CATHERINE BELARDE – SYNOPSIS: Renewal of a Special Use Permit (SP2022-068, expires 10/6/2023) to operate a Short-Term Rental at 3008 South 9th Street. Detailed Outline of Requested Action: The applicants, Sarah Belarde and Javier Saenz, are requesting a renewal of a Short-Term Rental Special Use Permit (SP2022-068, which expires 10/6/2023) to continue to operate a short-term rental at 3008 South 9th Street. This is not the owner's primary residence. This will continue to be the only permitted short-term rental on the 3000 block of South 9th Street.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 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 publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. (No one responded in the affirmative).

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

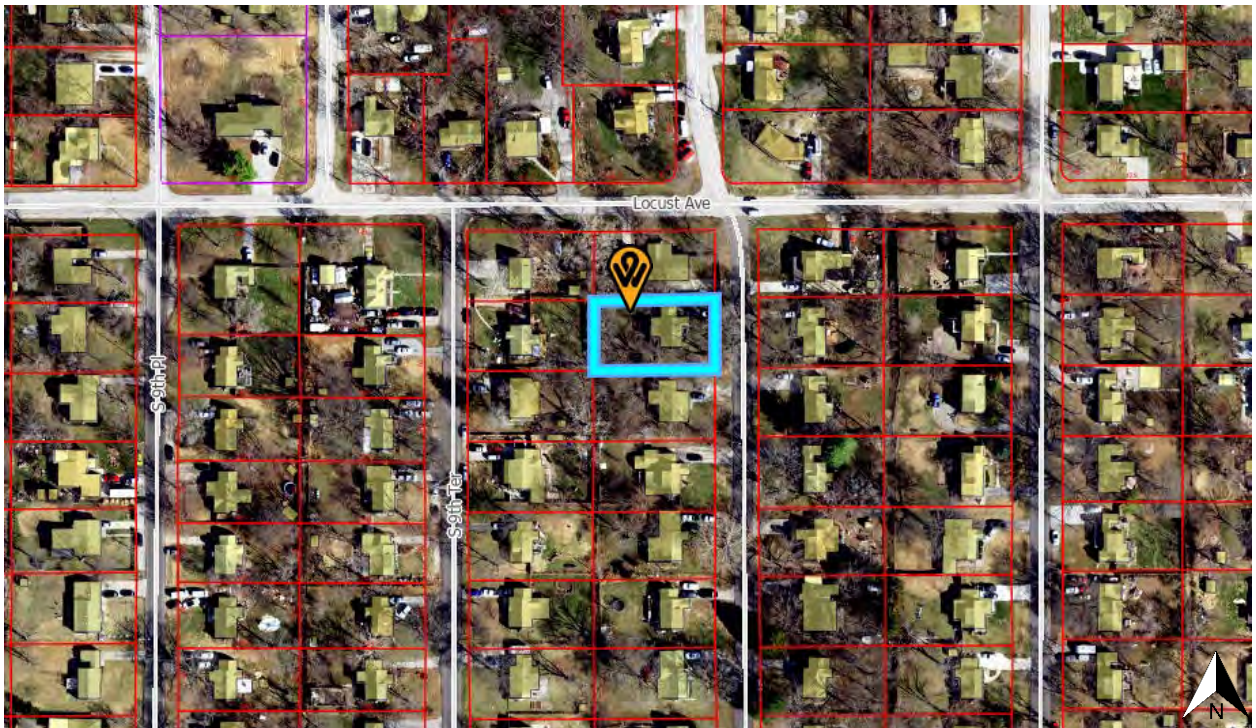
Carson	Chairman
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Not Present
Armstrong	Not Present
Beth	Aye
Connelly	Not Present
Eilts	Aye
Ernst	Aye
Motion to APPROVE Passed: 7 to 0	

Subject to:

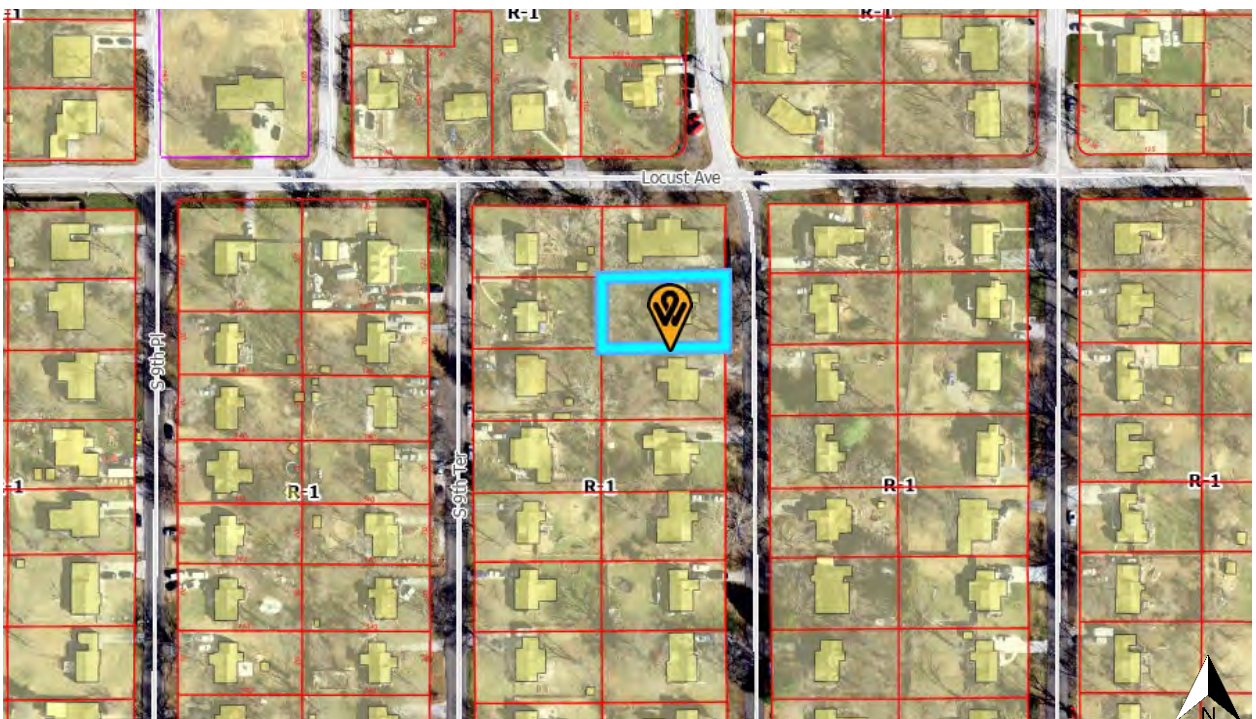
- 1. Maximum number of guests shall be 7;**
- 2. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;**
- 3. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 4. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;**
- 5. Applicant is to maintain liability insurance;**
- 6. The property must remain in proper maintenance and free of hazards, pests, or infestations;**
- 7. The granting of this Special Use Permit does not transfer with a change of ownership of the property;**
- 8. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy and must include the contact information for Host Compliance: 913-246-5133 (phone number), and www.hostcompliance.com/tips (website);**
- 9. 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, occupying businesses must file and maintain a current business occupation tax application with this office;**
- 11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;**
- 12. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 13. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**

15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. 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.

AERIAL IMAGERY



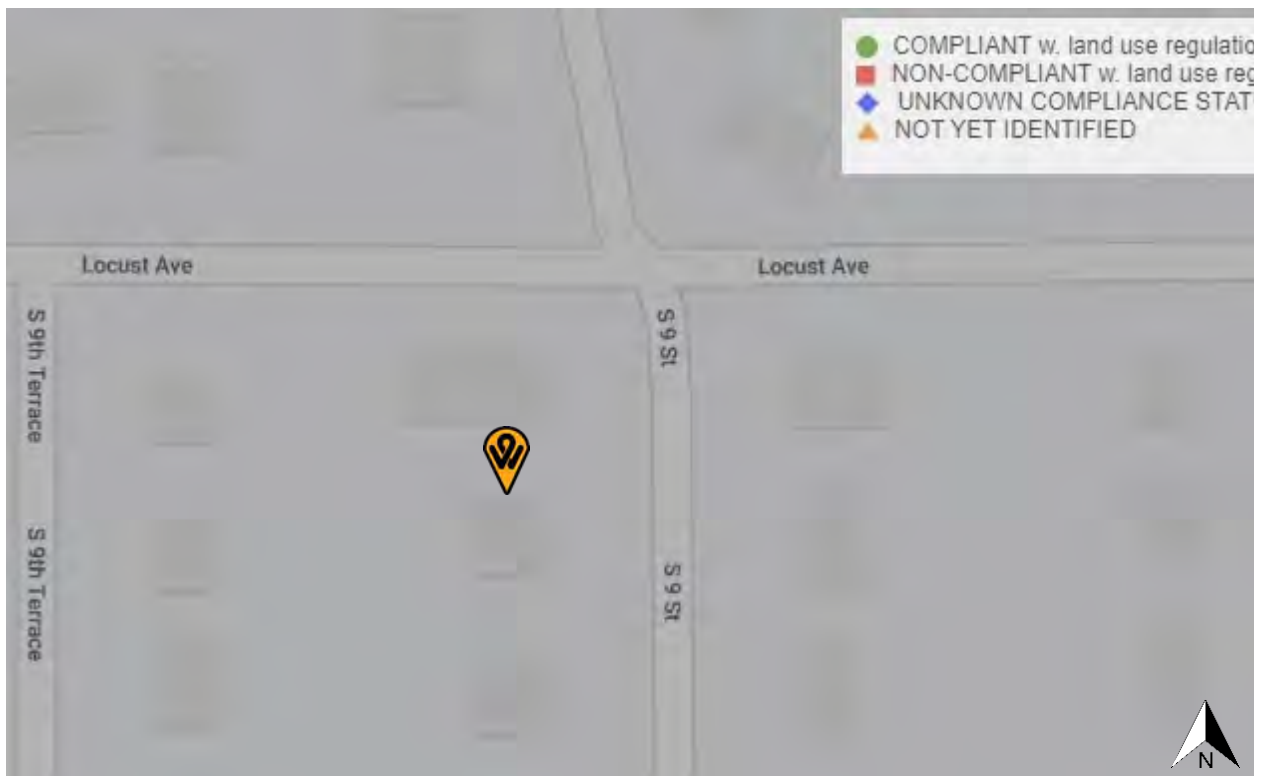
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – SEPTEMBER 12, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS

COUNTY OF WYANDOTTE

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

1. That I am the petitioner for Petition #SP2023-070
2. That I conducted a neighborhood meeting on 9/15/2023.
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.

Sarah Belarde
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 18 day of Sep, 2023

My commission expires 11 of 20, 2024

Notary Public

See Attached
California
Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

County of Los Angeles

3.5

Subscribed and sworn to (or affirmed) before me on this 18 day of Sept (Month)
2023, by Sarah Belarde _____ and _____

Name of Nurse: 1

_____ proved to me on the basis of

Name of Sparer (2)

Signature of Nabiy Tuzic

Signature of Notary Public



tro

For other required information: <http://www.fishbase.org>

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this part to an unauthorized document and may prove useful to persons relying on the attached document(s).

The certificate is attached to a document titled for the purpose of

[illegible]

containing _____ pages, and dated _____

Method of Affiant Identification

Proved to me on the basis of satisfactory evidence:
☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on

Page # _____ Entry # _____

Notary contact _____

Editorial

☐ Affiant(s) Thumbprint(s) ☐ Describe: _____

Neighborhood Meeting Minutes
3008 S 9th St. Kansas City, KS
Contact: Sarah Belarde 562-309-3963

Application Number: SP 2023-070

Date and Location: 9/15/23 held virtually via zoom.

Meeting called to order at: 6pm

Names of people in attendance:

Sarah Belarde (owner)

Javier Saenz (owner)

Introductions:

Powerpoint presentation was available reviewing special use permit request, owners background, team, house pictures, safety, house rules, before and afters and contact information.

Questions and answers (include the following): No participants for neighborhood meeting.

Who asked question or gave comment: One neighbor, Milagros Santana, reached out via phone on 9/11/23 to Sarah. Call was in Spanish (Sarah speaks Spanish fluently).

Milagros asked Sarah what the letter she received was about and asked if there was anything she needed to do. Sarah stated that the letter was to invite her to a neighborhood meeting on 9/15 to discuss the special use permit request to renew a short term rental permit for 3008 S 9th St. Milagros stated she was not interested in attending and Sarah stated she could reach out to her via phone or email at any time if she had any questions.

Meeting adjourned at: 6:30pm

Minutes taken by: Sarah Belarde

September 5, 2023

Hello,

This notice is to inform you that we have filed an application with the Department of Urban Planning and Land Use # SP2023-070 to renew our special use permit for a short-term rental at 3008 S. 9th St, Kansas City, Kansas. My husband and I bought this property in May 2022 and spent last summer renovating it. We primarily use this property as a vacation home for us and our parents to visit family in the area and it has brought us great joy. When we are not personally using it, we hope to continue to use it as a short-term rental. We deeply care about this community and neighborhood. We will be hosting a virtual neighborhood meeting on Friday, September 15, 2023 at 6pm. If you have any questions or comments about our application, we encourage you to attend. If you are unable to attend please feel free to reach out to us via phone at 362-309-3963 or email at sarah.belarde@gmail.com.

Meeting will be held via zoom:

<https://zoom.us/j/92127807508?pwd=dGtYcldnY3hpM0tvR2RUNXJiMGRxZz09>

Please email us for a digital copy of this link for easier access.

Warmly,

Sarah Belarde and Javier Suenz

FLOOR PLAN



Upstairs- 2nd Level



Downstairs- 1st Level



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 8, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Special Use Petition SP2023-073

GENERAL INFORMATION

Applicant:
Oscar Flores

Status of Applicant:
Property Owner
4001 North 74th Street
Kansas City, Kansas 66109

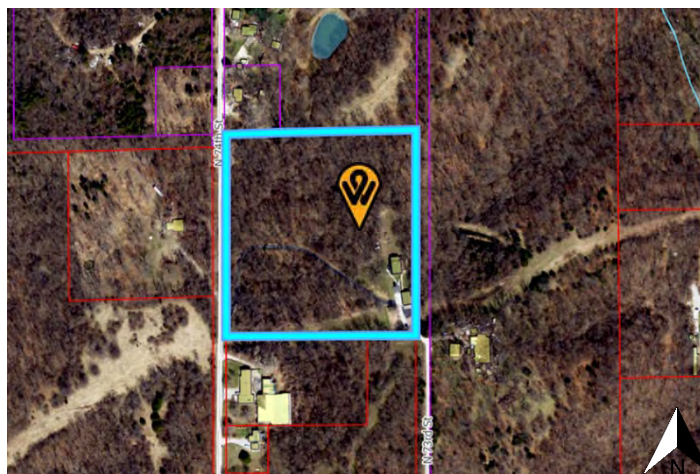
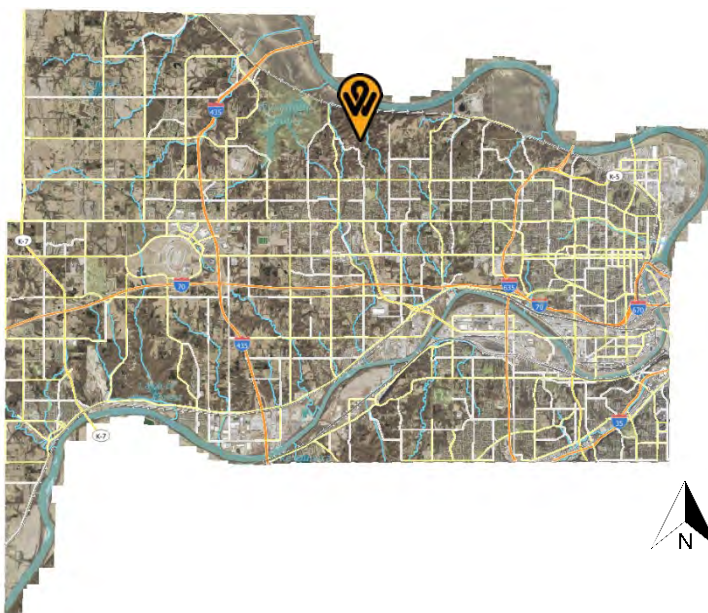
Requested Action:
Approval of a Home Occupation
Special Use Permit.

Date of Application:
August 25, 2023

Purpose:
To renew a Home Occupation
Special Use Permit to operate a dog
daycare and boarding facility.

Property Location:
4001 North 74th Street
Kansas City, Kansas 66109

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



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:	9.21 Acres
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches and large lot residential development.
Major Street Plan:	The goDotte Mobility Plan classifies North 74 th Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-452(e) requires two (2) off-street parking spaces for each single-family dwelling. The property can accommodate more than two (2) spaces.
Advertisement:	<u>The Wyandotte Echo</u> – September 14, 2023 Letters to Property Owners – September 15, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Oscar Flores, is requesting a renewal of a Home Occupation Special Use Permit to continue the operation of a dog daycare and boarding facility at the address of 4001 North 74th Street. The applicant utilizes their three-car garage as the daycare and boarding facility with an outdoor, fenced-in, run/play area.

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 other outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Nearman Hills Statistical Neighborhood and within the Leavenworth Road Association. This neighborhood is comprised of large, wooded residential lots. The neighborhood along 74th Street is rural and the homes in this area tend to be secluded with ample space between one another.

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 properties surrounding the proposed use are designated as R-1 Single Family Residences but are relatively secluded on expansive, wooded lots with ample space between one another. The proposed use has been determined to be compatible with the surrounding uses if managed properly.

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

The property is suitable for the keeping of animals because it is a large parcel fenced off from its neighbors. The removal of restrictions, however, may detrimentally affect nearby properties as multiple dogs escaping from the property could cause a nuisance.

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

The property is developed with a single-family home that is currently occupied by the applicant.

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

Special Use Permits or boarding facilities are not addressed in the Comprehensive Plan. The City-Wide Master plan does not discuss dog boarding facilities. The City-Wide Comprehensive Plan designates this property as Rural Density Residential, which allows agriculture, ranches and large lot residential development. The use of the property conforms to the Comprehensive Plan with a Special Use Permit.

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

The proposed use will not result in an increase in traffic to the point where it would exceed the capacity of North 74th Street. The applicant is picking up the animals at their client's residences and will drop them off at the end of the daycare time. The home's entrance and approach are off 74th Street, however the business entrance is towards the rear of the property, which means business traffic is diverted from the busier 74th Street access point.

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 but should not substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining properties as they are heavily secluded.

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.*

There is a potential for noise to be a problem in this scenario, but because the lots are large and heavily wooded, thereby creating a natural buffer, the impact of potential barking is minimal. The previous approval with the previous owner received no complaints from neighbors.

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

There is a potential for the pollution of the air, land and water. As long as dog waste is disposed of properly and in a timely manner the potential for such a problem can and should be mitigated. Conservation District suggests cleaning animal waste daily to prevent contamination of rainwater.

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

The proposed use would not damage or destroy and irreplaceability natural resources as the proposed use is occurring in an existing, permitted structure.

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 as compared to hardship imposed on the landowners is minimal because the proposed use is not necessary for public health, safety, or welfare. However, Denying the Special Use Permit may cause hardship for the property owner as the desired use is a source of income.

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

The proposed use will not result in overcrowding of land or undue concentrations of population as the total acreage of the property is determined to be ample for the intended use.

PREVIOUS ACTIONS

- Approval of a Home Occupation Special Use Permit (SP2021-066) for two (2) years in 2021.
- Approval of a Home Occupation Special Use Permit (SP-2018-30) for two (2) years in 2018.
- Approval of a Home Occupation Special Use Permit (SP-2016-3) for two (2) years in 2016.

NEIGHBORHOOD MEETING

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application **SP2023-073, for five (5) years**, subject to:

- 1. The following comments from the Wyandotte County Conservation District remain in effect:**
 - a. Some of the area has been covered with gravel. If animals are to be allowed to run here, clean up after them will be harder.**
 - b. The sod area looks good. Animal waste needs to be cleaned up on a daily basis and disposed of in a proper manner;**

2. The following conditions from the previous approval of SP2021-066 remain in effect:
 - a. Applicant maintains proof of Kansas Boarding License and continuously maintains the license through the life of the permit (if approved).
 - b. Ensure the entire area that dogs will access is fenced in to prevent escape or public nuisance;
3. 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;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
5. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the Ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. 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.
8. Lighting shall be installed to have a 90-degree cutoff;
9. A building permit is required for the construction of a permanent

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

10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
12. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with

another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for 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;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. 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.

KEY ISSUES

Pet Waste
Noise
Operation
Fencing and Screening

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 **SP2023-073** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan
UG Pictometry, Dated January 2023
Site Photos, Taken by Staff, Dated September 8, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Approved	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-073** 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 **SP2023-073**, 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.

October 9, 2023, City Planning Commission Minutes

I will now read the items on the **Consent Agenda (1:39:45)**:

SP2023-073 – OSCAR FLORES-URRITIA – SYNOPSIS: Renewal of a Special Use Permit (SP2021-066, expires 12/9/2023) to operate a dog kennel at 4001 North 74th Street. Detailed Outline of Requested Action: The applicant, Oscar Flores, is requesting a renewal of a Home Occupation Special Use Permit to continue the operation of a dog daycare and boarding facility at the address of 4001 North 74th Street. The applicant utilizes their three-car garage as the daycare and boarding facility with an outdoor, fenced-in, run/play area.

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

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 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 publications in The Echo for the Special Use Permits; and,
7. The notices to property owners.

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

Chairman Carson asked if anyone wanted to remove an item from the Consent Agenda. (No one responded in the affirmative).

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE** the items on the Consent Agenda:

Carson	Chairman
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Not Present

Armstrong Not Present
Beth Aye
Connelly Not Present
Eilts Aye
Ernst Aye
Motion to APPROVE Passed: 7 to 0
Subject to:

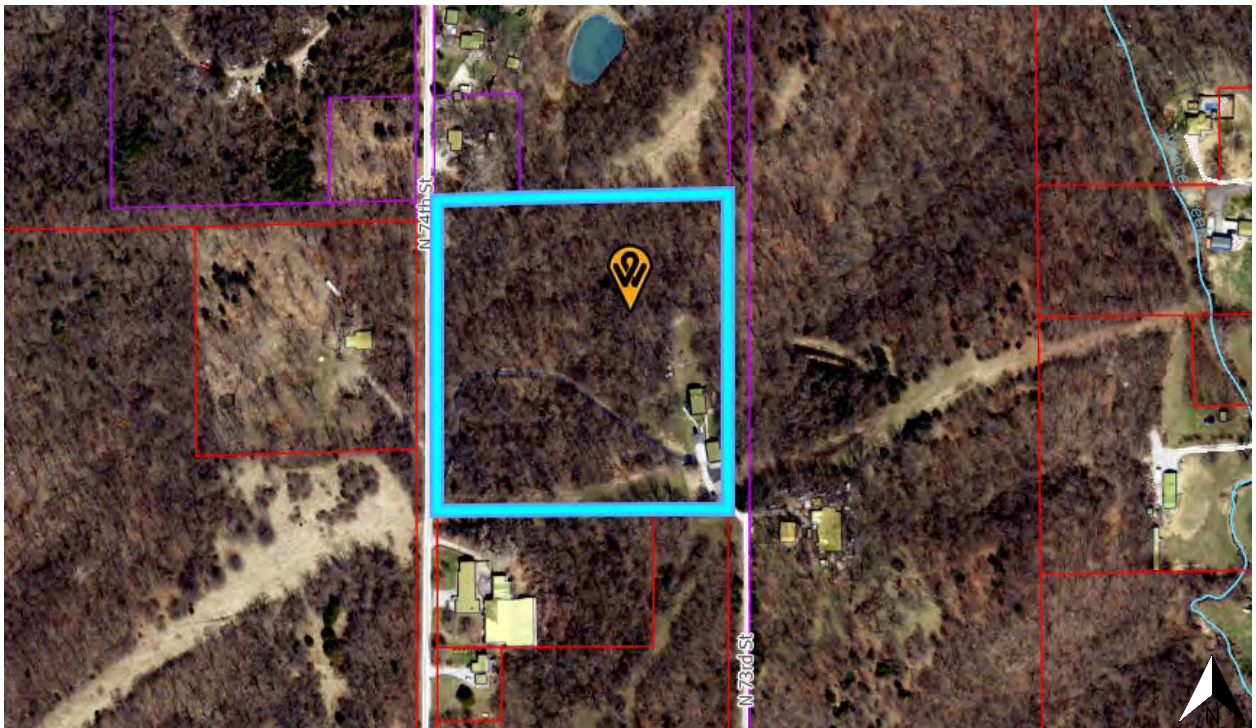
1. The following comments from the Wyandotte County Conservation District remain in effect:
 - a. Some of the area has been covered with gravel. If animals are to be allowed to run here, clean up after them will be harder.
 - b. The sod area looks good. Animal waste needs to be cleaned up on a daily basis and disposed of in a proper manner;
2. The following conditions from the previous approval of SP2021-066 remain in effect:
 - a. Applicant maintains proof of Kansas Boarding License and continuously maintain the license through the life of the permit (if approved).
 - b. Ensure the entire area that dogs will access is fenced in to prevent escape or public nuisance;
3. 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;
4. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
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- participate in annual property and animal inspections with Kansas City, Kansas Animal Services;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 7. 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.
 8. Lighting shall be installed to have a 90-degree cutoff;
 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 10. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 12. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 14. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges

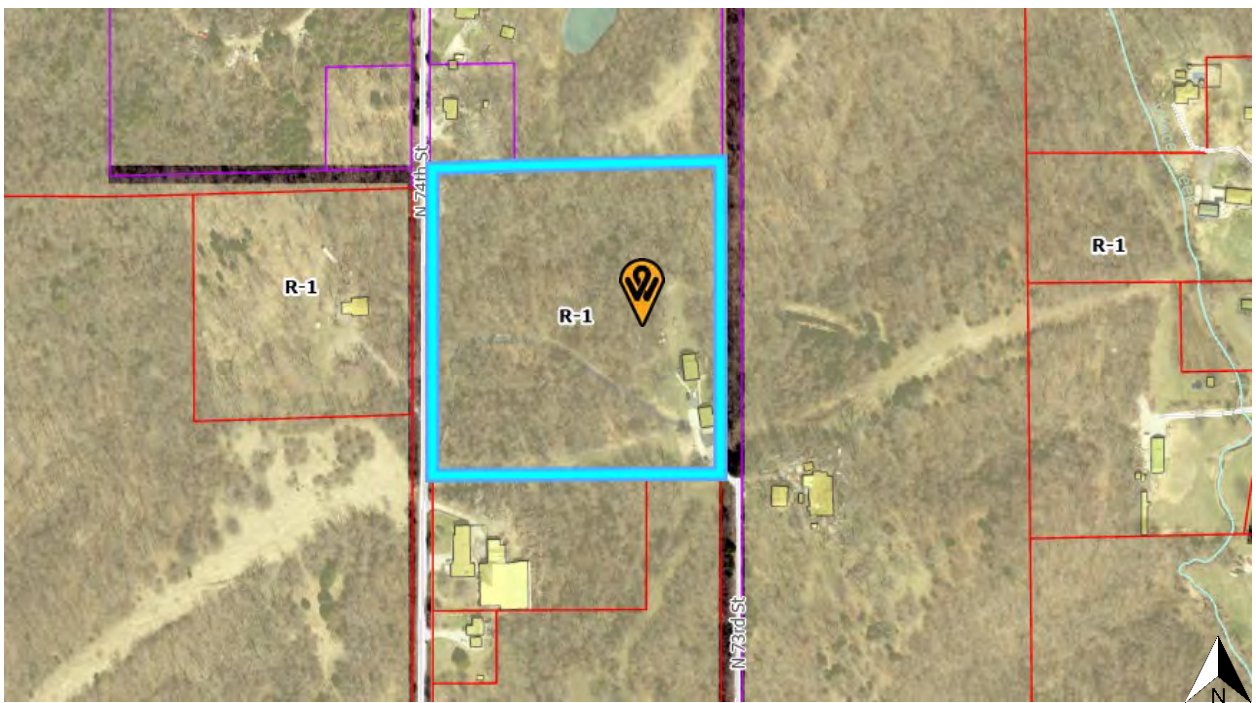
that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may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

15. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
16. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
17. The Special Use Permit shall be valid for 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;
18. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
19. 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.

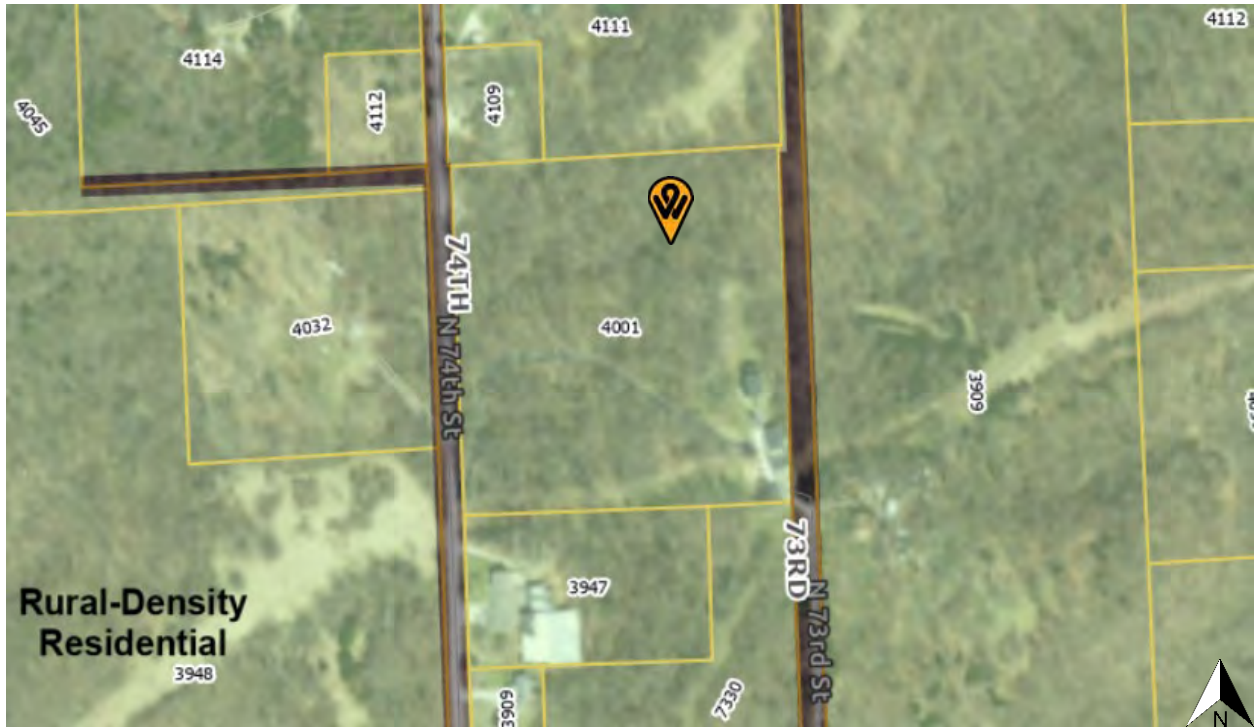
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MINUTES

MINUTES:

Application Number ___ SP2023-073 _____

Date and Location: ___ 9/25/23 – via Zoom _____

Meeting called to order at: ___ 6:00pm _____

Names of people in attendance: Oscar Flores and Elizabeth Fulton

No other attendees

Introductions:

Presentation by applicant and/or team – No information was given as no one outside of the business attended.

Questions and answers (include the following): N/A

- 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: 6:30pm

Minutes taken by: _____ Elizabeth Fulton _____

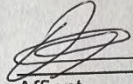
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

Comes now Oscar Flores/K9 Camp, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-073.
2. That I conducted a neighborhood meeting on 9/25/23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

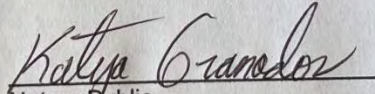
Further affiant saith not.



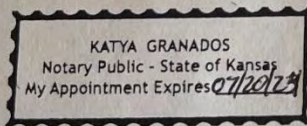
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of September, 2023

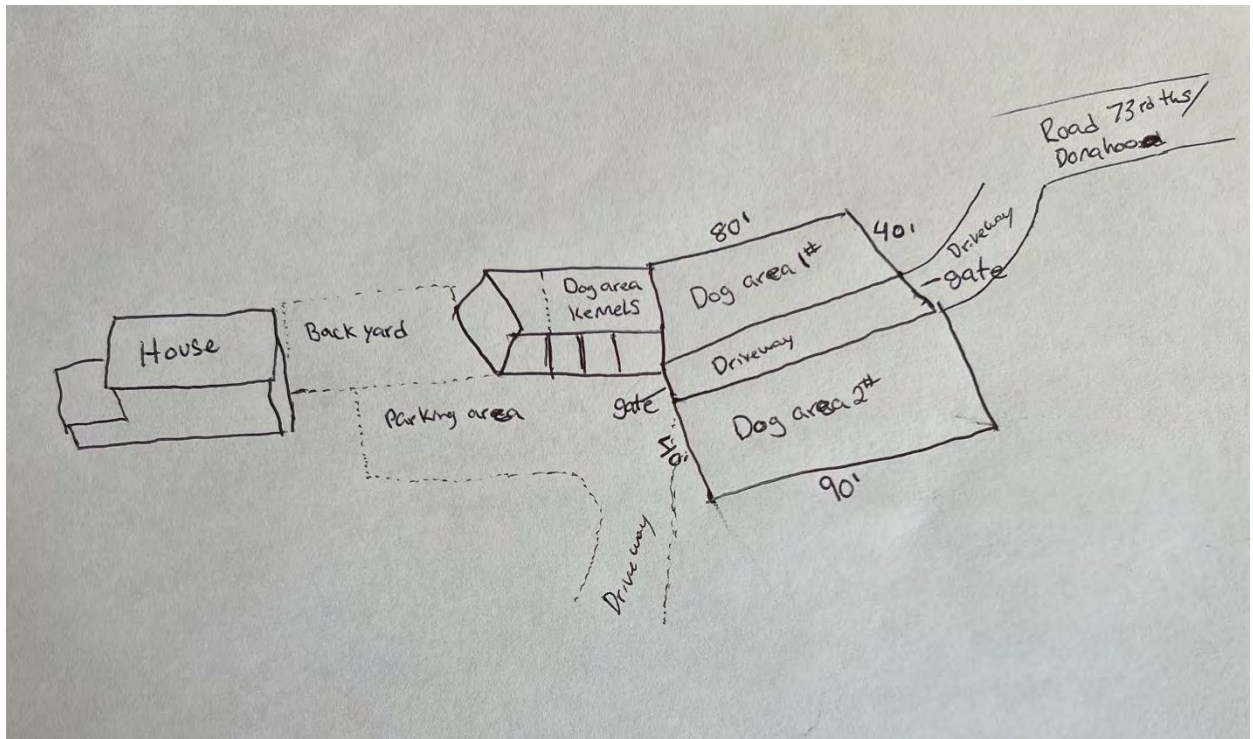
My commission expires 20 of July, 2024



Notary Public



SITE PLAN



WYANDOTTE COUNTY CONSERVATION DISTRICT COMMENTS



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

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

August 17, 2021

RE: SP2021-066 Oscar Flores-Urriitia for dog kennel at 4001 North 74th Street

Dear Mr. Hand:

The Wyandotte County Conservation District has completed an environmental review of the: SP2021-066 Oscar Flores-Urriitia for dog kennel at 4001 North 74th Street.

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

MAPS AND REPORTS

Soils Map
Soils Inventory Report
Map Unit Description (Brief)
Soil Features

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

- There are two major soil types identified: Knox silt loam, 7 to 12 percent slopes and Knox silt loam, 12 to 18 percent slopes. These soil types are considered erodible when the surface is denuded of a protective cover.
- This site appears to be well maintained.
- Some of the area has been covered with gravel. If animals are to be allowed to run here, clean up after them will be harder.
- The sod area looks good. Animal waste needs to be cleaned up on a daily basis and disposed of in a proper manner.
- Contamination can be incorporated into rainfall and wash off the area to pollute downstream.

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

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

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

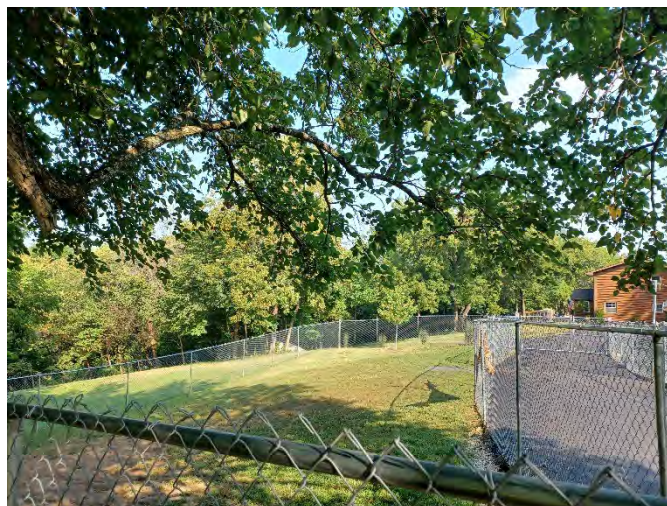
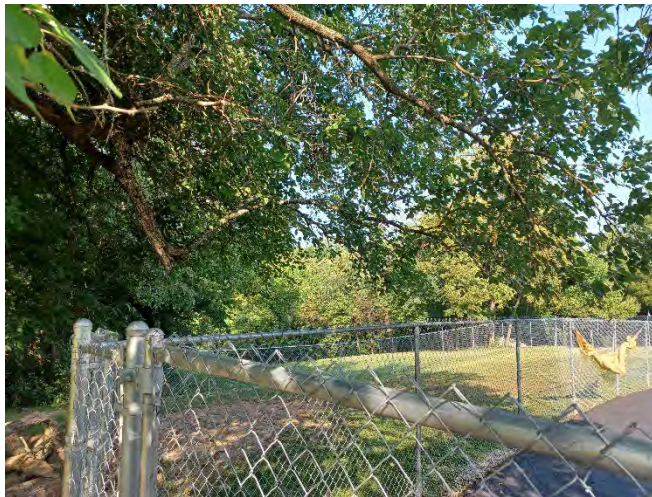
Sincerely,

Cheri Miller
District Manager

enclosures



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 8, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Change of Zone Petition COZ2023-012 and MPL2023-007

GENERAL INFORMATION

Applicant:

Tomas de la Paz

Status of Applicant:

Representative
Christine Brewood with HJM Architects
7520 Washington Street
Kansas City, MO 64114

Requested Actions:

To approve a Master Plan Amendment from Public/Semi-Public to High Density Residential (Central Area Plan).

Change of Zone from CP-0 Planned Nonretail Business District to RP-5 Planned Apartment District.

Date of Application:

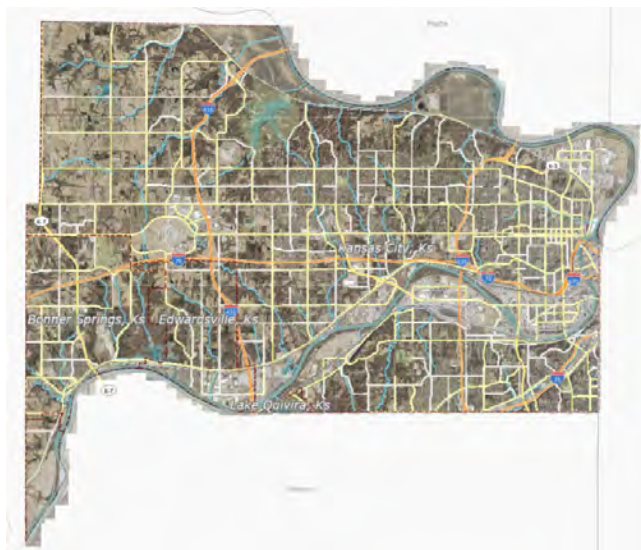
April 28, 2023

Purpose:

To rezone and convert a vacant school building into a 20-unit multi-family apartment building.

Property Location:

290 South 10th Street
Kansas City, KS 66112



Commission District:	Commissioner At Large, District #2: Tom Burroughs District #2 Commissioner: Brian McKiernan
Existing Zoning:	CP-0 Planned Nonretail Business District
Adjacent Zoning:	North: R-1(B) Single Family and MP-1 Planned Light Industrial and Industrial Park Districts South: C-0 Nonretail Business and R-1(B) Single Family Districts East: R-1 Single Family District West: R-1(B) Single Family and R-2(B) Two Family Districts
Adjacent Uses:	North: Offices and warehousing South: Single family homes East: Single family homes and Whittier Elementary School West: Undeveloped land and single-family homes
Total Tract Size:	0.93 Acre
Master Plan Area:	Central Area Plan
Master Plan Designation:	The Central Area Plan designates this property as Public/Semi-Public, which allows schools, public land and buildings, churches, and non-profit land and buildings. A Master Plan Amendment has been submitted to High-Density Residential (Central Area Plan), which allows mid-rise and high-rise apartment buildings, condominiums, institutional uses such as schools, churches, and libraries.
Major Street Plan:	The Major Street Plan classifies 10 th Street as a Class C Thoroughfare and Gilmore Avenue as a Local Street.
Required Parking:	Sec. 27-460(d) states one and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one (1) bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two (2) bedrooms or more. 37 parking spaces are required. 37 parking spaces are provided.
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, June 5, 2023, July 5, 2023 and August 8, 2023; Plat – May 18, 2023, June 5, 2023, July 5, 2023 and August 8, 2023; Master Plan Amendment – May 18, 2023, June 5, 2023, July 5, 2023 and August 8, 2023

Public Hearings:	September 11, 2023, October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The representative, Christine Brewood with HJM Architects, wants to rezone 290 South 10th Street from CP-0 Planned Nonretail Business District to RP-5 Planned Apartment District to convert a vacant school into a three (3) story, 20-unit multi-family apartment building, preliminary plat to subdivide the parcel into two (2) lots and amend the Central Area Plan from Public/Semi-Public to High-Density Residential on 0.93 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 2003 – 2021 for graffiti, weeds, tall grass and unsecured deteriorating building.
2. Between 2020 – 2023, violations for structural concerns on the building, specifically boarding an unfit structure.

Outstanding or Related Permits and Cases:

1. BOZA2023-019 for building height, open space minimum requirement and ADA parking spaces.

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes to the west, south and east. There is an industrially zoned parcel to the north that has multiple tenants and uses within the building and is Whittier Elementary School across the street to the east.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with the surrounding properties as this former school is a neighborhood anchor on a corner parcel and sits in between two (2) single-family neighborhoods. The preliminary plat proposes to subdivide this lot into two (2) parcels, which will allow for future development or programming.

Screening and buffering between single-family homes and multi-family development is required and imperative.

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 landscaping and buffering that is required to be planted along the single-family residentially zoned properties, which can be enhanced by planting more landscaping 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 2008.

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 and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or townhome or condo. The proximity to the elementary school could be a benefit to young families.

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 20 units will increase traffic along South 10th Street, as that is the only access to the property. 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 Public/Semi-Public land use designation within the Central Area Plan; therefore, a Master Plan Amendment is sought from Public/Semi-Public to High-Density Residential mid-rise and high-

rise apartment buildings, condominiums, institutional uses such as schools, churches and libraries.

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

The proposed use should not cause environmental harm through runoff because the proposed development will capture storm water runoff by removing large areas of impervious surface and restoring these areas with grass and vegetation.

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 west and north property lines. Landscaping and screening are imperative.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. *Storm water control*

To be designed to meet City Code.

d. *Police*

Police service is provided by East Patrol, District #116

e. *Fire*

Fire service is provided by Fire Station #9 located off 11th Street and Central Avenue.

f. *Transit*

Kansas City ATA provides transit service near this property. The transit stop is in front of this building at the intersection of 10th Street and Gilmore Avenue, Route #104.

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 with the applicant converting a vacant and decaying building to an active use, increasing available housing stock and increasing the tax base. The multiple housing unit types (between one (1) and two (2) bedrooms) within the complex will promote a diverse population to make use of the nearby employment, transit and retail centers.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with the applicable ordinance requirements.

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

The relative gain to the public health, safety, and welfare as compared to the hardship imposed on the landowner is minimal. If this application is denied, the owner 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 will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land uses. The Traffic Impact Study (TIS) will be reviewed by the Public Works Department to determine if any public improvements are required along South 10th Street and/or Gilmore 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 proposed grading plan intends to keep the property as is, with the exception of the retaining wall and additional parking lot off South 10th Street. It is important to maintain the existing condition onsite as this is a State of Kansas historic landmark.

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.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on May 28, 2023 at the Kansas City, Kansas Public Library at 625 Minnesota Avenue, Kansas City, KS 66101. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2023-007** and Change of Zone Application **COZ2023-012**, subject to:

1. These City Planning Commission petitions are being heard in conjunction with **BOZA2023-019**;
2. Because this is a planned district, 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;
3. Because this parcel is designated as a State Historic Landmark, the State Historic Preservation Officer (SHPO) must review and approve the site and building improvement plans prior to receiving a building permit by the

- Building Inspection Division;**
- 4. 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;**
 - 5. Sec. 27-573(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. This standard shall be applied to new retaining walls. The existing, historic retaining wall of the school is to be maintained in perpetuity;" and amend Conditions #15 to read "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. This standard shall apply to only new construction.**
 - 6. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior**
 - 7. The existing stone retaining wall located in the southwest corner of site, adjacent to Gilmore Avenue shall be preserved with the understanding and agreement that as the wall extends north towards the rear property line, the wall which is between at-grade to one (1) foot shall remain in-place until a development plan is created for Whittier Heights, Lot 1;**
 - 8. As discussed with the applicant and design team, the stairs on the south side of the site off Gilmore Avenue will be preserved and a sidewalk will connect the stairs to the front door on the east side of the building;**
 - 9. The sidewalk along Gilmore Avenue shall extend from the intersection west to the end of the parcel. There will be a small gap between this development and South 11th Street.**
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary.**
 - b. A brick sidewalk would be considered an historic feature of the site;**

10. 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);
11. 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;
12. 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;
13. Interior parking lots lights shall have 90-degree cutoff fixtures;
14. Install bike racks near the front door or a high trafficked entrance/exit;
15. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;
16. 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. This standard shall apply only to new construction. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior;
17. Maintain existing trees throughout the site;
18. 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 0.93 acres, which requires 9 trees, three (3) additional evergreen or shade trees and 20 shrubs for buffering per the zoning district;

19. Add street trees along South 10th Street and Gilmore Avenue spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy to observe the BPU overhead electrical lines;
20. Remove the falling over volunteer tree along Gilmore Avenue;
21. 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;
22. All new landscaping shall be irrigated with an in-ground, buried irrigation system;
23. 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;
24. 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;
 25. All electrical meter banks, typically on the side of the building shall be screened from public view;
 26. All exterior lighting, whether mounted on a building or within a parking lot 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;
 27. 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;
 28. 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;
 29. 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;
 30. 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;
 31. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape;

32. 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;
33. 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;
34. 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;
35. 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;
36. 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,
37. 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.

KEY ISSUES

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

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 **COZ2023-012 and MPL2023-007**, subject to all comments and the conditions of the City Planning Commission:

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Central Area Land Use Designation
Multi-Family Residential Design Guidelines
Multi-Family Residential Amenity Guidelines
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Landscape Plan
Building Elevations
Site Photographs taken by Staff on May 17, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing Rezoning	September 11, 2023 (Held Over) October 9, 2023 Approved	October 26, 2023
Public Hearing Master Plan	September 11, 2023 (Held Over) October 9, 2023 Approved	October 26, 2023
Public Hearing Preliminary Plat	September 11, 2023 (Held Over) October 9, 2023 Approved	Not required

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-007** 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 **MPL2023-007** 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 **COZ2023-012** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-012** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

October 9, 2023 City Planning Commission Minutes

Hearing starts at 1:44:05:

MASTER PLAN AMENDMENT MPL2023-007 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP - SYNOPSIS: Master Plan Amendment from Low-Density Residential to High-Density Residential (City-Wide Comprehensive Plan) to convert a school into apartments at 290 South 10th Street.

CHANGE OF ZONE APPLICATION COZ2023-012 – TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP - SYNOPSIS: Change of Zone from CP-O Planned Non-Retail Business District to RP-5 Planned Apartment District to convert a school into apartments at 290 South 10th Street.

PLAT APPLICATION PLAT2023-017 - TOMAS DE LA PAZ WITH WHITTIER SCHOOL LOFTS LP - SYNOPSIS: Preliminary Plat of Whittier Heights to split the parcel into two (2) lots at 290 South 10th Street.

Detailed Outline of Requested Action: The representative, Christine Brewood with HJM Architects, wants to rezone 290 South 10th Street from CP-0 Planned Nonretail Business District to RP-5 Planned Apartment District to convert a vacant school into a three (3) story, 20-unit multi-family apartment building, preliminary plat to subdivide the parcel into two (2) lots and amend the Central Area Plan from Public/Semi-Public to High-Density Residential on 0.93 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 October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;

6. The Notice in the Wyandotte Echo for the Change of Zone and Master Plan applications;
7. The Notices to property owners; and,
8. The testimony at the Board of Zoning Appeals hearing and City Planning Commission hearing last month.

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

Recording Secretary Parker stated that these applications were held over from last month's meeting to allow the Staff and applicant to address the conditions of approval discussed at the meeting.

Present in Support:

- Christine Brewood, representing the applicant, HJM Architects, 7520 Washington Street, Kansas City, Missouri 64111

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:49:29: Planning Director Hand stated that at last month's meeting variance application BOZA2023-019 was heard by the Board of Zoning Appeals. The Board approved the variance for the parking design standards and denied the side yard setback. As the Applicant's representative noted, they changed the direction of it and therefore the setback requirement was negated. He further stated that this property is in the Central Area Plan off 10th Street and Gilmore. Staff received no letters in support nor opposition. There are some older Notices of Violation related to the property which would be addressed through the redevelopment of this property. Staff recommends approval subject to the condition in the staff report. A final development plan will be required for this project. The property will be split through the historic site of the school and the agreement was that the retaining wall will remain. Staff reviewed the plan with the State Historic Preservation Office and they noticed that the site plan they reviewed for their State Law review was a different site plan and since the second parking lot off 10th Street was added that would trigger a second State Law review. However, since the Unified Government now has an agreement with the State Historic Preservation Office, that review will be done by the Planning + Urban Design Department. It will not be reviewed by the Kansas City, Kansas Landmarks Commission as it is not a local Landmark. Director Hand addressed the proposed revisions to the conditions:

1. Condition #5 – Amend to state: Section 27-57(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. This standard shall be applied to new retaining walls. The existing, historic retaining wall of the

- school is to be maintained in perpetuity.
2. Condition #15 – Amend to state: 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. This standard shall apply only to new construction. All downspouts that are to be replaced on the historic school will be done so in compliance with the rehabilitation standards of the Director of the Interior.
 3. No changes to Conditions #8 or #13.
- The applicant addressed the condition for the street trees.

Commissioner Eilts stated that when she drove by the site, it appeared there was a fire. Director Hand stated that the extent of the fire could trigger additional reviews.

Motion starts at 1:55:58:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-007:**

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

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



Figure 1. Aerial Photograph of 290 South 10th Street (provided by UG Maps).



Figure 2. Zoning Map of 290 South 10th Street (provided by UG Maps).



Figure 3. Central Area Plan Land Use Designation Map of 290 South 10th Street (provided by ArcGIS Pro).

Designation	Description	Allowed Building Types
Community Commercial	These uses are intended to provide goods and services to adjacent districts and neighborhoods. Uses may include medium-sized box stores with small scale accessory commercial uses and small-scale commercial centers	• Grocery stores • Medium sized (25,000 to 75,000 sq ft) box stores • Sit-down and drive-through restaurants • Banks • Drug stores • Gas stations and convenience stores
Neighborhood Commercial	Allows a wide range of small-scale commercial and office development. Uses may include commercial retail, professional offices and services.	• Gas stations and convenience stores • Restaurants • Offices
Mixed-Use	Located at major arterial intersections and within traditional neighborhood design (TND) developments, these areas are ideal for integrating complimentary land uses such as retail, offices, small businesses and mixed-use residential.	• Restaurants • Small and medium commercial • Professional and office services • Institutional; such as schools, churches and libraries • Mixed-density residential • Parks, plazas, and open space
High-Density Residential	These uses are intended to provide for future housing needs through the construction of attached owner and renter occupied mid-rise and high-rise residential developments.	• Mid-rise and high-rise apartment buildings • Condominiums • Institutional; such as schools, churches and libraries
Medium-Density Residential	These uses are intended to provide for future housing needs through the construction of a wide variety of attached residential development.	• Garden apartments • Attached residences including town homes, duplexes, triplexes, fourplexes, etc. • Institutional; such as schools, churches and libraries
Urban Density	Allows a mix of detached and attached residential	• Single family homes • Attached residences including town homes, duplexes, triplexes, fourplexes, etc. • Institutional; such as schools, churches and libraries
Parks/Open Space	These uses are intended to provide both passive and active recreational opportunities throughout the City.	• Park buildings • Open space • Trails
Public/Semi-Public	These uses include publicly owned or non-profit property. When these uses are sold, the City should carefully consider alternative uses for redevelopment.	• Schools • Public land and buildings • Churches • Non-profit land and buildings
Utility	This category includes provisions for public and private infrastructure and facilities related to water, sanitary sewer, electric power, natural gas, cable, telephone and mobile phone facilities.	• Cell phone towers • Utility substations • Electric power lines • Other utilities.
Right-of-Way	N/a	N/a

Multi-Family Residential Design Guidelines

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

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



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



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

Amenity Guidelines

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

Single-Family Residential Amenity Guidelines

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

Multi-Family Residential Amenity Guidelines

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

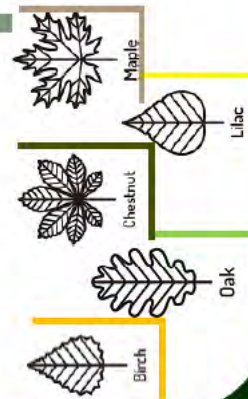
Residential Amenity Reference Table

Small:	
Basketball, volleyball, or other court sport.	
Open play area of at least 15,000 square feet with maximum of three (3) percent slope and low benches and one play structure.	
One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Option provided by owner, but must be considered equal to one of the other small options.	
Regular:	
Swimming pool	
Golf Course	
Residential Clubhouse	
Two (2) basketball, volleyball, or other court sports.	
Two (2) lot lots with a minimum size of four-thousand (4,000) square feet per area, one (1) play structure per lot, one (1) bench per lot.	
Two (2) picnic areas with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) barbecue grill/pit per area.	
Trail(s) for pedestrians and/or bicycles that connect(s) to the overall trail network within the area. This trail may be within preserved natural corridor.	
Option provided by owner, but must be considered equal to one of the other regular options.	

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 1/2' 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.

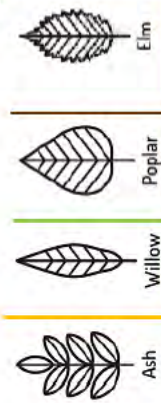
For More Information:

<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
Oklaoma 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

COZ – Staff Comments and Suggestions Response

PROJECT: 290 S 10th Street

Change of Zone Petition COZ2023-012, PLAT2023-017 (Whittier Heights Preliminary Plat) and MPL2023-007

DATE: 5/26/23

ARCHITECT'S PROJECT NUMBER: 2210

FROM:

Christine Brewood
HJM Architects, Inc.
7520 Washington Street
Kansas City, MO 64114

Urban Planning and Land Use Comments and 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.
 - o *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.
 - o *Acknowledged.*
3. Because this is a planned district, 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.
 - o *Acknowledged.*
4. Because this parcel is designated as a State Historic Landmark, the State Historic Preservation Officer (SHPO) must review and approve the site and building improvement plans prior to receiving a recommendation by the City Planning Commission and decision by the Unified Government Board of Commissioners. Secondly, any comments generated by SHPO must be incorporated into these entitlement documents.
 - o *Acknowledged.*
5. Per the Multi-Family Residential Design Guidelines:
 - a. Pedestrian walkways and sidewalks shall be a minimum of six-feet (6') wide.
 - o *Acknowledged.*
 - 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.
 - o *Acknowledged.*
 - c. Exterior building material 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.
 - o *Acknowledged*
- d. Landscaping is required to screen all parking areas and service entries.
 - o *Acknowledged.*
- 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.
 - o *To maintain historic walls, propose existing retaining walls over six (6) feet in height remain existing heights.*
- 7. Where are on-site deliveries going to be dropped off?
 - o *USPS and parcel companies will be given a key or code to drop off deliveries in the parcel room and interior mailboxes.*
- 8. What on-site amenities will be provided as part of this development? One (1) small amenity is required.
 - o *An open play area or a picnic area will be provided.*
- 9. The sidewalk along Gilmore Avenue shall extend from the intersection west to the end of the parcel. There will be a small gap between this development and South 11th Street.
 - a. Uncover and clean existing sidewalks. Make repairs or install new extensions where necessary.
 - b. A brick sidewalk would be considered an historic feature of the site.
 - o *Propose public use sidewalk on south side of Gilmore Avenue. Access to the apartments is on 10th Street. Area between curb and wall on the north side of Gilmore to remain.*
- 10. Where are on-site deliveries going to be dropped off?
 - o *See comment 7.*
- 11. What on-site amenities will be provided as part of this development? One (1) small amenity is required.
 - o *See comment 8.*
- 12. 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 a community shelter that can accommodate all residents within the multi-family units.
 - o *Acknowledged.*
- 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.
 - o *Acknowledged.*
- 14. Interior parking lots lights shall have 90-degree cutoff fixtures.
 - o *Acknowledged.*
- 15. Install bike racks near the front door or a high trafficked entrance/exit.
 - o *Propose to not install bike racks if not required.*
- 16. All existing and future driveways must feature curb cuts that are constructed to UG standards. Existing paved areas are in rough shape.
 - o *Acknowledged.*
- 17. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
 - o *Acknowledged.*

18. 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.
 - o *Acknowledged.*
19. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly.
 - o *Acknowledged.*
20. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.
 - o *Acknowledged.*

Building Architecture:

1. Because this structure and parcel is designated as a State Historic Landmark, comments pertaining to exterior doors, windows and façade improvements will be generated by the State Historic Preservation Officer (SHPO). Their comments and review must occur before Planning + Urban Design can complete their review.
 - a. The retaining wall will most likely be part of the historic landscaping and so SHPO may not allow its partial demolition for ADA access.
 - b. There is a pathway from the stairs to the entrance along Gilmore Avenue. Walling in and covering the stairs with soil and grass is damaging the character of the site. This needs to be assessed and addressed in order to not destroy any historic landscaping or features.
 - o *(CO2R_5_26_23) To increase security and fall safety, proposal is to fill in the stairs and wall off the opening along Gilmore with masonry similar to, but different from, the historic stone along the wall. The new wall will be held back from the historic wall, and 3 historic stone steps at the bottom of the street will be retained, along with the tops of the wing wall along each side of the stair. The proposal has been discussed with SHPO and is under review.*
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.
 - o *Existing historic downspout locations will be used. If the existing historic copper scupper is salvageable, it will be repaired and retained and downspouts will be copper. If it is not salvageable, scuppers and downspouts will be prefinished metal in a color that blends with the building.*

Landscaping and Screening:

1. Maintain existing trees throughout the site.
 - o *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 0.93 acres, which requires 9 trees, three (3) additional evergreen or shade trees and 20 shrubs for buffering per the zoning district.
 - o *Acknowledged. Plan for paved area that shifts from Lot 2 to Lot 1 with new division is under discussion and could remain paved until Lot 1 is developed.*
3. Add street trees along South 10th Street and Gilmore Avenue spaced 40 – 55 feet apart. Maintain a median between the sidewalk and the street. Plant trees in this space.
 - a. Tree species need to be selected that do not have a tall canopy.
 - o *(L01R_5_26_23) Trees added along Gilmore Avenue. South 10th Street remaining as is due to low cable lines blocking any trees.*
4. Remove the falling over volunteer tree.
 - o *(C02R_5_26_23) revised to show tree removed.*
5. 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.
 - o *Acknowledged.*
6. All landscaping shall be irrigated.
 - o *Acknowledged.*
7. 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.
 - o *Acknowledged.*
8. 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.
 - o *Acknowledged. Rooftop mechanical equipment is small, set back from roof edge, and out of public view.*
9. All electrical meter banks, typically on the side of the building shall be screened from public view.
 - o *Acknowledged.*
10. All exterior lighting, whether mounted on a building or within a parking lot 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.
 - o *Acknowledged.*
11. 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.
 - o *Acknowledged.*
- 12. 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.
 - o *Acknowledged.*
- 13. 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.
 - o *Acknowledged.*
- 14. 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.
 - o *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 Change of Zone Petition COZ2023-012, PLAT2023-017 (Whittier Heights), MPL2023-007 June 12, 2023 13 at (913) 573-5750 or signpermits@wycokck.org to begin this process.
 - o *Acknowledged.*

Planning Engineering Comments:

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



Thank you,
Christine Brewood
HJM Architects, Project Manager
7520 Washington St. Kansas City, MO 64114
cbrewood@hjmarch.com



Neighborhood Meeting Preliminary Plan Review Minutes

Application Number: COZ2023-012.MPL2023-007.PLAT2023-017.BOZA2023-019

Date and Location: 5/28/2023 at KCK Main Library at 625 Minnesota Avenue

In Attendance:

- Ivan Pedreros
- Tomas de la Paz
- Connie McCabe
- Gonzalo Rodriguez
- Elizabeth Castillo-Santos
- Sulma Conde

Introductions:

Ivan Pedreros began his presentation at 3:05 with a thank you to those in attendance.

He introduced himself and Tomas de la Paz, highlighting their backgrounds in property renovation and construction in Missouri and Kansas.

He talked about the importance of attractive, affordable housing for safe, thriving communities and how a long-abandoned building is a tragic blight on the neighborhood.

Ivan touched on the old Whittier school and its significance to the community and his plans to transform it into Whittier Lofts, a 20-unit apartment building with the potential to energize this neglected stretch of 10th Street.

With property blueprints, Ivan pointed out apartment layouts, green spaces, common areas, parking lots and the main security gate.

He explained how because the project has been approved as a historical building, they are applying for state and federal Historic Tax Credit to renovate and maintain the integrity of the building.

He also explained how Whittier Lofts plans to apply for the Low-Income Tax Credit as well so that these apartments will be affordable for the families, seniors and young adults in the community.

Questions:

Gonzalo Rodriguez asked how the project was to be funded. Ivan said private investors.

Gonzalo Rodriguez was concerned about drugs and how we are going to bring good tenants. Ivan explained that the idea is to make the rent affordable for people who have work. It will not be free housing.

Elizabeth Castillo-Santos asked who will administer the apartments once they are built. Ivan said the plan was to have a property management company handle administration duties.

Elizabeth Castillo-Santos asked when the project would start. Ivan said that if all the permissions are approved, the project might initiate not earlier than late August.

Elizabeth Castillo-Santos expressed concern over increased problems with homeless people and drug dealing in and around old Whittier school. Ivan said he hoped that crews working on site—people visibly, regularly coming and going on the property—would be a deterrent to both the homeless population and teenagers that often broke into the building.

Sulma Conde reiterated the homeless issue. She said she lives on 10th Street, and her kids can't go outside because the alley behind the school is often used as a toilet.

Sulma Conde also said that she is worried that if renters are short term, like month to month, they would not be invested in the neighborhood. Ivan said the plan is to have fixed term leasing so tenants would have to commit to a year. He also said the idea is for Whittier Lofts to be used by those in the community: teachers, for instance, at the new Whittier school across the street or families whose children can just walk to school. Ivan said the idea is to improve the neighborhood not do something to make problems worse.

Sulma Conde said she is concerned that the apartment building would bring more traffic than the community center that operated the building in the old days. Ivan said that the plan is to have gates and only tenants with remote controls would be able to access. Because there is a cap on the number of parking spaces, and the lot will not be open to the public, there should not be more traffic than when there was a community center which would have many activities with multiple people coming and going all day.

Elizabeth Castillo-Santos asked if Ivan has any experience doing this and why is the plan to go with apartments as opposed to something else. Ivan said that he has refurbished and built houses from the ground-up and Tomas has extensive experience remodeling and recasting restaurants and hotel buildings. This is their first project on what was originally a school, but they concede that starting with a property will be faster than starting from zero. As for the concept, they want the property to improve the community, so apartments for the very families that live and work in the area makes the most sense. Much more so than using the building for offices which would mean different people coming and going.

Sulma Conde also talked about the problem of drugs in the street. Ivan said that he recognizes how an empty building can be a magnet for those kinds of things, but that neighbors who care about the neighborhood need to continue to report such problems to the police. He also said that the sooner the project can get going, the sooner they can give life to the corner, the sooner some of these problems can dissipate.

Sulma Conde asked if there would be a gym on the property. Ivan said no, not in this property. He did explain that there is a possibility to build a second complimentary apartment building adjacent to the school. If the original Whittier Lofts is well received by the community, and there is demand for apartments in the area, then a second building for 40- or 60-units is a possibility, and a gym is something worth considering.

At the end of this meeting, everyone admitted that this project will bring life and security to this long-abandoned lot, and the future tenants, 20 families with, it is hoped, links to the community, will contribute to making a safer, better neighborhood. All in all, they look forward to seeing construction start soon to help deter vandalism, drug dealing and homeless settlements in/near the area.

Meeting adjourned at: 4:10.

Minutes taken by: Connie McCabe

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Jackson)

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

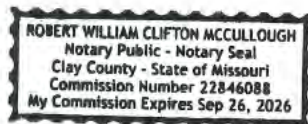
1. That I am the petitioner for Petition # COZ 2023-012, MPL 2023-007, PLAT 2023-017, BOZA 2023-019
2. That I conducted a neighborhood meeting on MAY 28, 2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

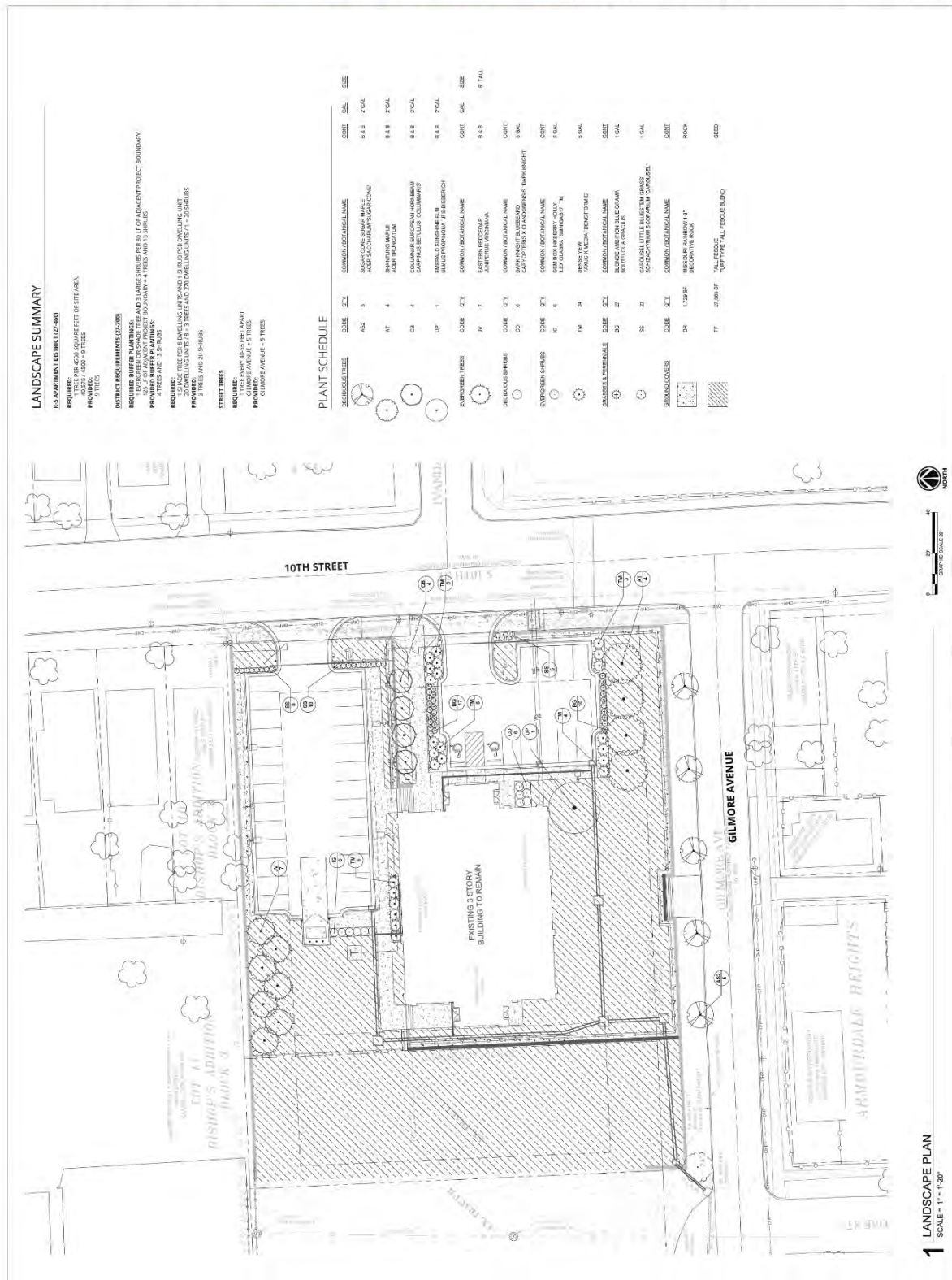
Connie McCabe
Affiant

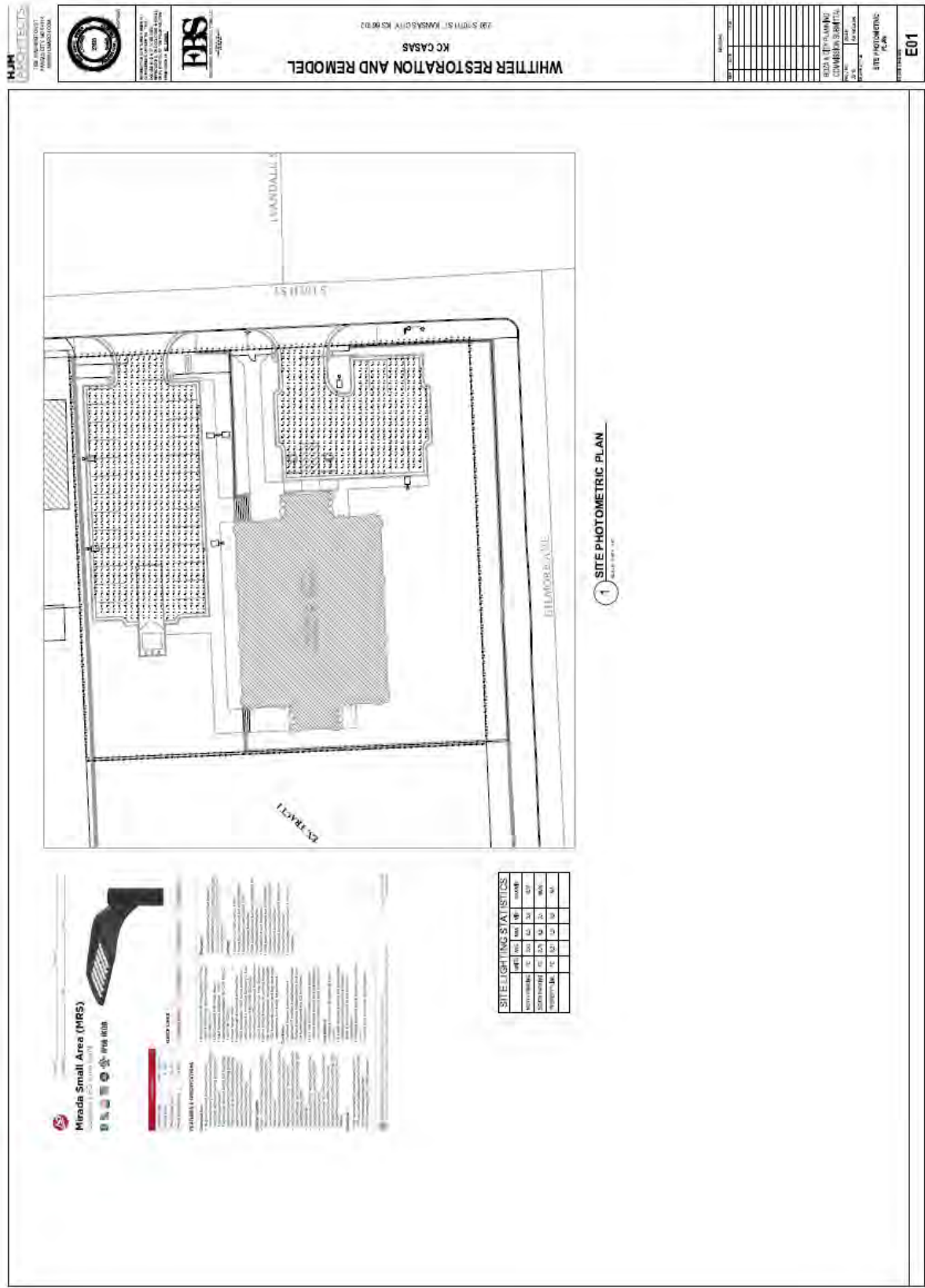
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31 day of May, 2003, 2023

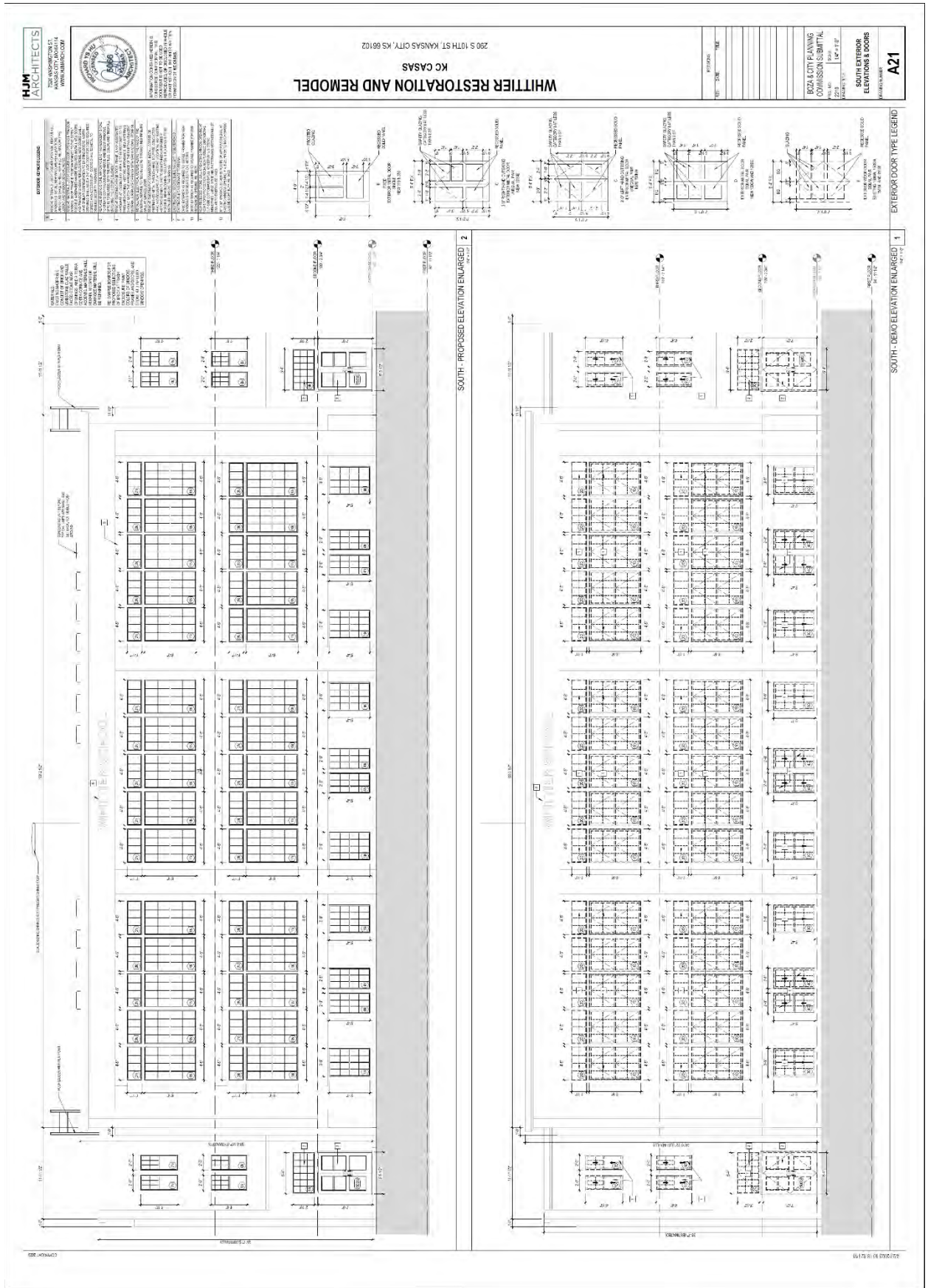
My commission expires Sept of 26, 2003, 2026



Robert William Clifton McCullough
Notary Public



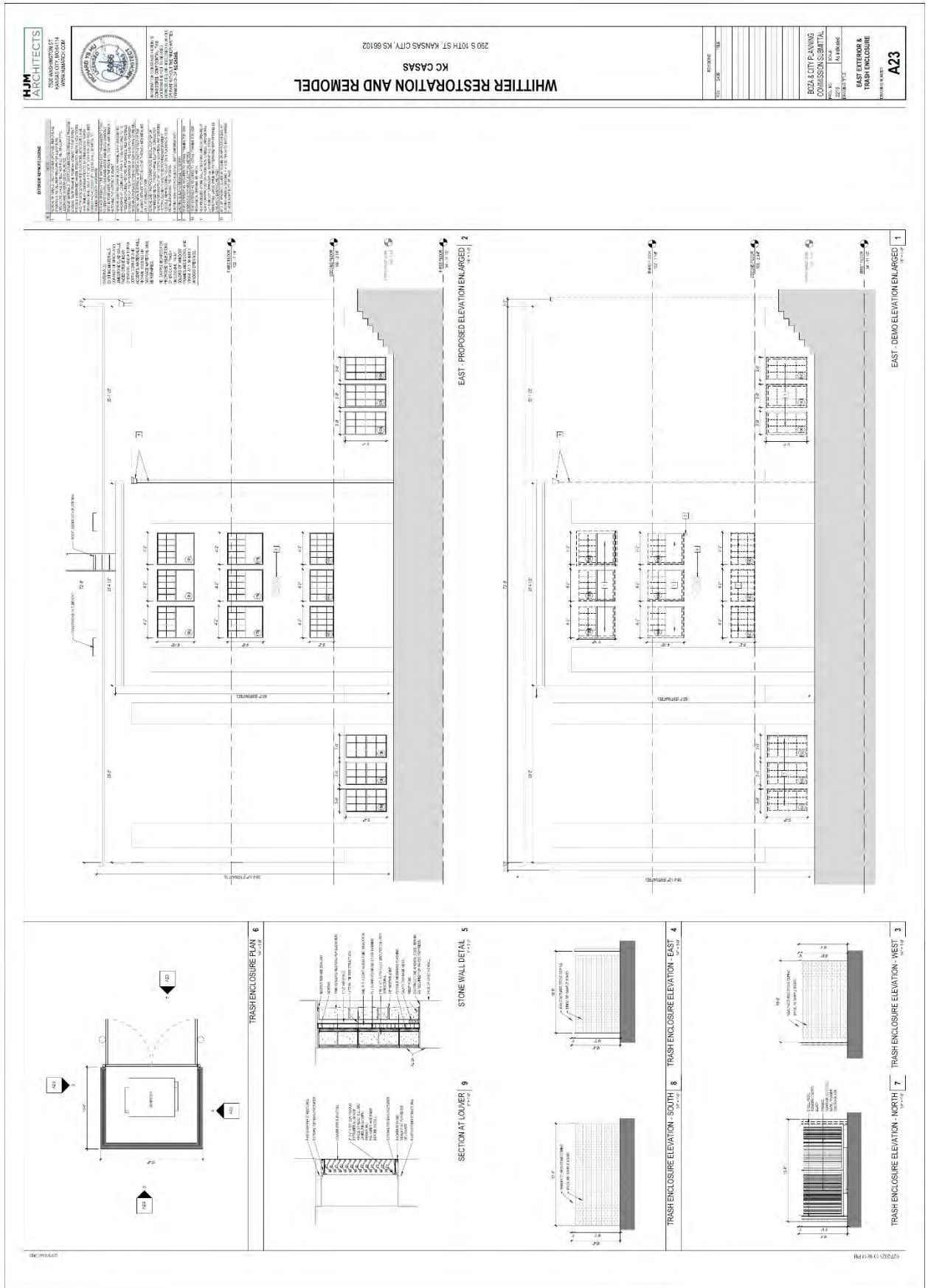




EXTERIOR DOOR TYPE LEGEND

NORTH - PROPOSED ELEVATION ENLARGED
1/8" = 1' 2"

NORTH - DEMO ELEVATION ENLARGED



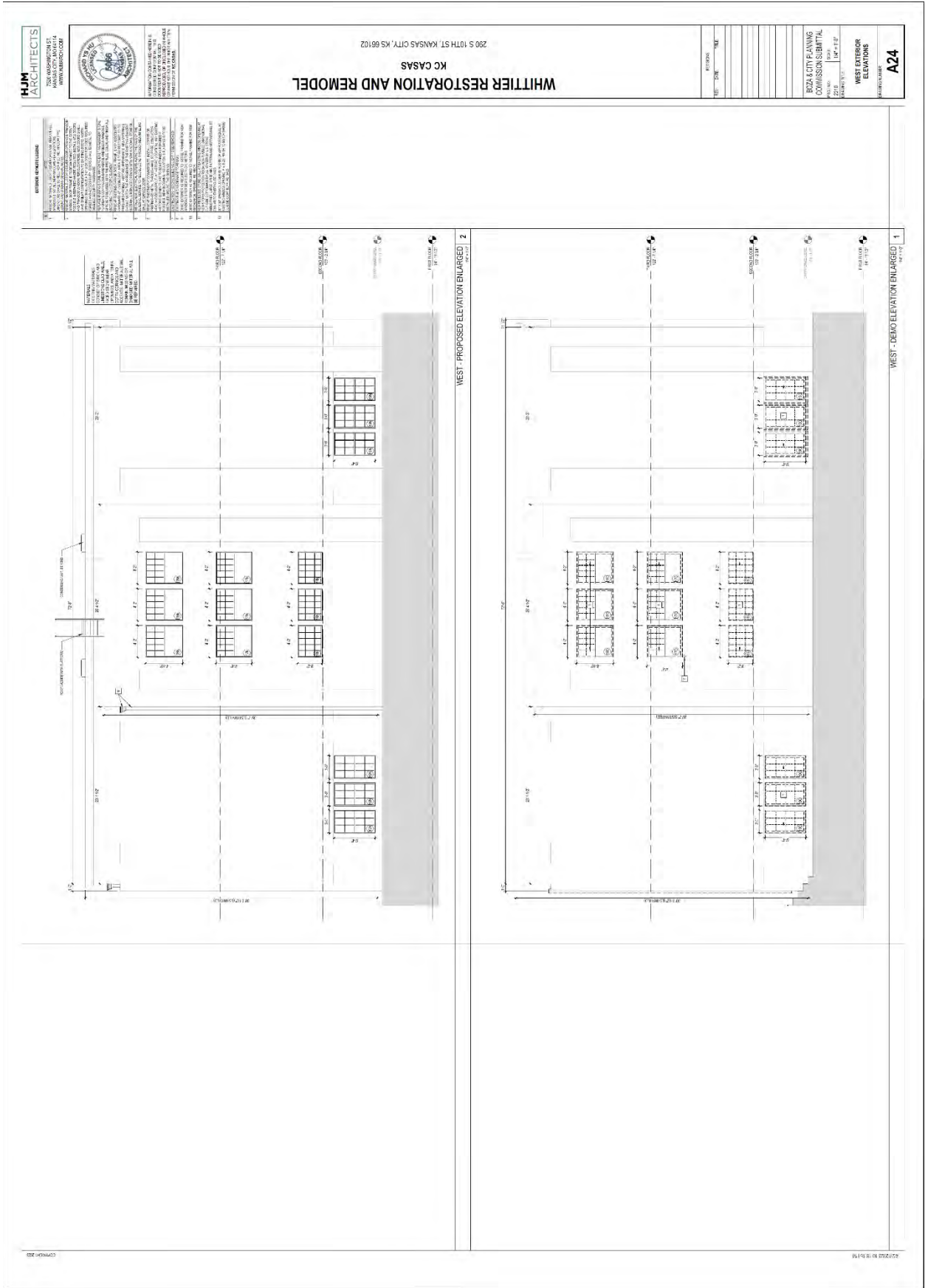




Figure 4. Site photograph looking north at 290 South 10th Street (provided by Planning Staff).



Figure 5. Site photograph looking northeast at 290 South 10th Street (provided by Planning Staff).



Figure 6. Site photograph looking east at 290 South 10th Street (provided by Planning Staff).



Figure 7. Site Photograph of 290 South 10th Street looking southeast (provided by Planning Staff).



Figure 8. Site Photograph of 290 South 10th Street looking northwest (provided by Planning Staff).



Figure 9. Site Photograph of 290 South 10th Street looking southwest (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Change of Zone Petition COZ2023-020 and MPL2023-010

GENERAL INFORMATION

Applicant:
Jackson Taylor

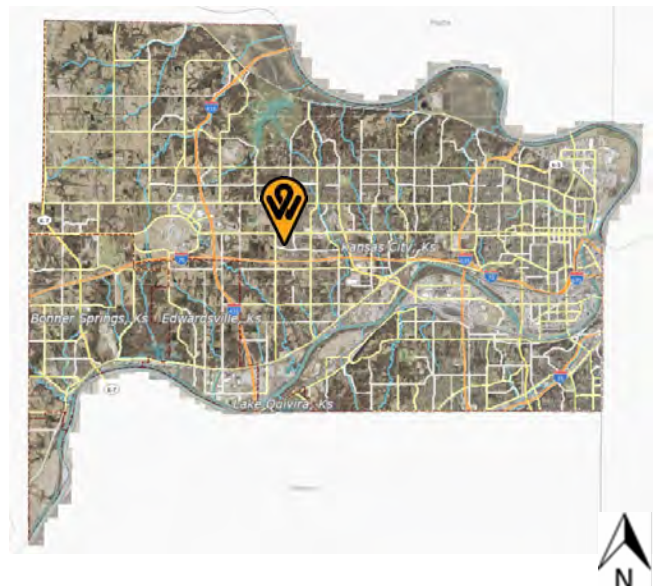
Status of Applicant:
Representative
Fred C. Merrill with Cultivate Realty and
Development
5440 West 110th Street, Suite 300
Overland Park, KS 66211

Requested Actions:
To approve a Master Plan Amendment
from Low Density and Public/Semi-Public
(City-Wide Comprehensive Plan) to
Medium Density Residential (City-Wide
Comprehensive Plan).

Change of Zone from R-1 Single Family
District to RP-5 Planned Apartment
District.

Date of Application:
June 29, 2023

Purpose:
To build five (5) multi-family apartments
buildings and one (1) clubhouse totaling
152 units.



Property Location:	745 North 78 th Street, 701 North 78 th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue, Kansas City, KS 66112
Commission District:	Commissioner At Large, District #1: Melissa Bynum District #8 Commissioner: Andrew Davis
Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: RP-4 Planned Garden Apartment District South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Apartments South: Single-family home East: Single-family homes West: Single-family homes and a church
Total Tract Size:	24.47 Acres
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Low Density Residential and Public/Semi-Public. Low Density Residential allows single-family detached residences, institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, parks and open space. Public/Semi-Public allows schools, publicly-owned lands and buildings, churches, and other non-for-profit owned land and buildings. A Master Plan Amendment has been submitted to Medium-Density Residential (City-Wide Comprehensive Plan), which allows garden apartments, attached residences including townhomes, duplexes, triplexes, fourplexes, institutional uses such as elementary, middle, and high schools, churches, libraries, parks, and open space.
Major Street Plan:	The Major Street Plan classifies North 78 th Street as a Class A Throughfare, Tauromee Avenue as a Collector Street and 77 th Terrace and Elizabeth 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. 291 parking spaces are required. 310 parking spaces are provided.

Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – July 20, 2023; Master Plan Amendment – July 20, 2023, Letters to Property Owners – Change of Zone – July 19, 2023, August 8, 2023 and September 5, 2023; Plat – July 19, 2023, August 8, 2023 and September 5, 2023; Master Plan Amendment – July 19, 2023, August 8, 2023 and September 5, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	Opposition to the project was expressed at the neighborhood meeting. There were two (2) persons present in opposition at the October 9, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Jackson Taylor with TWG Development, LLC, wants to rezone 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue from R-1 Single Family and to RP-5 Planned Apartment Districts to build five (5) three (3) story apartment buildings totaling 152 units and a clubhouse on 24.47 acres.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. None

Outstanding or Related Permits and Cases:

1. None

FACTORS TO BE CONSIDERED

1. Neighborhood character

The character of the neighborhood is comprised of single-family homes and churches along North 78th Street, a two (2) story garden apartment complex adjacent to the north and commercial nodes at 78th and Tauromee Avenue and 78th and State Avenue intersections.

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

The zoning and uses of properties nearby are set out above. The proposed use is not necessarily compatible with the surrounding properties to the south, east and west as these areas are established single-family residences. This property in particular can be a transition between those single-family homes and commercial business along North 78th Street, however, the second access driveway is through existing single-family parcels exiting onto a local street. High density development should occur at major intersections along transit corridors.

Traditionally, multi-family development is buffered with duplexes or townhomes from single-family development. Significant 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 required to be planted along the single-family residentially zoned properties, which can be enhanced by maintaining the existing topography and vegetation around the perimeter of the property in addition to screening the access drive exiting on Tauromee Avenue from the single-family residences.

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, however, there are multiple parcels included in this development proposal that have numerous buildings that need to be demolished.

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 and young business professionals who want to live in the area, but do not want to purchase a single-family detached home, townhome or condo. The proposed use could be

a land use buffer between the commercial uses along 78th Street to the north, north of Armstrong Avenue and prevent commercial intrusion.

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 152 apartment units will increase traffic along North 78th Street and Tauromee Avenue. The Traffic Impact Study is being reviewed the Public Works Department 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 Low Density Residential and Public/Semi-Public land use designations within the City-Wide Comprehensive Plan; therefore, a Master Plan Amendment is sought Medium Density Residential (City-Wide Comprehensive Plan), which allows duplexes, townhomes, mid-rise apartments, and institutional uses such as schools, churches and libraries.

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

The proposed use should not cause environmental harm through runoff because the proposed development will capture the storm water runoff instead of sheet flowing off the property onto 78th Street and other parcels.

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, east and south property lines. The property is changing from undeveloped, rolling and treed land to a relatively flat, graded site. Landscaping and screening are imperative, and an open space easement shall be established for the remaining undeveloped site.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

UG provides sanitary sewer service.

c. Storm water control

To be designed to meet City Code.

d. Police

Police service is provided by West Patrol, District #221

e. Fire

Fire service is provided by Fire Station #19 located off 80th Street and Minnesota Avenue.

f. Transit

Kansas City ATA does not provide transit service near this property. The closest transit stop is approximately one-half (½) mile north at the 78th Street and State Avenue intersection, Route #101.

g. Schools

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. The multiple housing unit types (between one (1), two (2) and three (3) bedrooms) within the complex will promote a diverse population to make use of the nearby employment, transit and retail centers.

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

The proposed use will need revisions to the site plan/design and building elevations to comply with the applicable ordinance requirements.

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

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

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

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

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

Streets will be designed so as to provide a safe, convenient and functional system for vehicular traffic, and having such width, gradient, location and structural quality as to accommodate prospective traffic as determined by existing and probable future land uses. The Traffic Impact Study (TIS) will be reviewed by the Public Works Department to determine if any public improvements are required along 78th Street, Tauromee Avenue and/or Elizabeth 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 estate's 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 proposed grading plan intends to grade the site, falling from south to north, as there is natural drainage off the property. Greater emphasis must be placed on maintaining the existing tree and ridge line around the perimeter of the property, as there is natural screening from the west, abutting the existing single-family homes, the north from the garden apartments and east from the existing single-family home.

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 is providing a clubhouse, gardens, small playground, four (4) foot concrete sidewalk trail and a picnic table and shelter.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at Mason Jar located at 941 North 74th Drive on July 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2023-010**, and Change of Zone Application **COZ2023-020**, subject to:

1. **Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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. **The City Planning Commission granted a deviation to the retaining wall design standard so that a single slope retaining wall (i.e., NOT “stepped”) can be built. These non-standard retaining walls are to be designed to blend into the landscape as much as possible, provide above standard landscape screening, and either be made of masonry stone or give the appearance, either by stamping concrete or using stacked concrete blocks to mimic natural stone, including staining the concrete to appear more natural”.**
3. **Extend the sidewalk from the south side of the easternmost apartment building south along the secondary access drive to Tauromee Avenue;**
4. **In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;**
5. **Add a crosswalk across Tauromee Avenue and tie into the existing sidewalk on the south side. This will require coordination with the Public Works Department regarding the specific type of signaling needed for the crosswalk;**
6. **A sidewalk shall extend from the clubhouse west and connect to the sidewalk on North 78th Street;**
7. **In the middle of the proposed parking lot, install a new north/south and east/west walking path with trees for shade and reduce parking within the development. This walking path, in the shape of a “T” will be between the two (2) southern buildings orientated north/south and the two (2) northern building orientated east/west;**
8. **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).**

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

- required to have a storm shelter either in a basement or community shelter that can accommodate all residents within the multi-family units;
9. Lighting cannot exceed one (1) footcandle at the property line;
 10. Interior parking lots lights shall have 90-degree cutoff fixtures;
 11. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points at the apartments);
 12. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, 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;
 13. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade;
 14. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. Board and batten are not permitted and shall be removed from the elevations;
 15. 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;
 16. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes;
 17. The final plat must reflect the following: (i) the land between Buildings 1, 2, the existing detention pond and the northern property line as an open space easement with an independent note stating that buildings, parking lots and/or vehicular drive are not permitted within the open space easement; (ii) a 25' building setback along the project's southern boundary abutting the rear yards of 7706, 7718 and 7640 Tauromee Avenue; (iii) and a 25' building setback along the western property boundary adjacent to 7640 & 7634 Tauromee Avenue.
 18. Plant trees around the detention basin;
 19. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
 20. 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 24.47 acres, which requires 237 trees, 19 additional evergreen or shade trees and 152 shrubs for buffering per the zoning district;

21. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 78th Street and Tauromee Avenue shall have street trees planted along the sidewalk;
22. 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;
23. All landscaping shall be irrigated;
24. 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;
25. 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;
26. All electrical meter banks, typically on the side of the building shall be screened from public view;
27. 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.
 - a. 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.
 - b. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - c. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - d. 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).
 - e. 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;
28. 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;
29. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
 30. 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;
 31. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 32. 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;
 33. 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;
 34. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
 35. 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.

KEY ISSUES

Traffic
Massing and Building Orientation
Neighborhood Character
City-Wide Comprehensive Plan Multi-Family Design Guidelines
Lighting
Pedestrian Connectivity/Bike Lanes

Platting
Fire Access
Landscaping, Screening and Buffering
Parking

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 **COZ2023-020 and MPL2023-010**, subject to all comments and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Designation Map
City-Wide Comprehensive Plan Medium Density Residential Designation
City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines
Multi-Family Residential Amenity Guidelines
KCKFD Comments
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan
Grading Plan
Utility Plan
Landscape Plan
Site Line Cross Section
Building Elevations
Site Photographs taken by Staff on July 19, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	October 9, 2023	October 26, 2023
Rezoning	Approval	
Public Hearing		
Preliminary		
Plat	October 9, 2023 Approved	Not required
Public Hearing		
Master Plan	October 9, 2023 Approval	October 26, 2023

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-010** as meeting all the requirements of the City Code and being in the interest of the public health, safety, and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-010** as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-020** 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 **COZ2023-020** 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.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 2:12:30:

MASTER PLAN AMENDMENT APPLICATION MPL2023-010 – JACKSON

TAYLOR/TWG DEVELOPMENT – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to High-Density Residential (City-Wide Comprehensive Plan) to construct an apartment complex at 745 North 78th Street.

CHANGE OF ZONE APPLICATION COZ2023-020 – JACKSON TAYLOR/TWG

DEVELOPMENT – SYNOPSIS: Change of Zone from R-1 Single Family District to RP-5 Planned Apartment District to construct an apartment complex at 745 North 78th Street.

PLAT APPLICATION PLAT2023-022 – JACKSON TAYLOR/TWG DEVELOPMENT –

SYNOPSIS: Preliminary Plat to combine three (3) lots into one (1) lot to construct an apartment complex at 745 North 78th Street.

Detailed Outline of Requested Action: The applicant, Jackson Taylor with TWG Development, LLC, wants to rezone 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue from R-1 Single Family and to RP-5 Planned Apartment Districts to build five (5) three (3) story apartment buildings totaling 152 units and a clubhouse on 24.47 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 October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Curt Petersen, attorney representing the applicant, 900 West 48th Place, Kansas City, Missouri

Present in Opposition:

- Arlene Harris, 728 North 75th Terrace, Kansas City, Kansas 66112
- Gary and Kate Stewart, 7522 Orient Avenue, Kansas City, Kansas 66112

Mr. Petersen addressed the comments from those in opposition.

The Planning Commission directed questions to Staff.

Staff Recommendation starts at 2:41:46: Planning Director Hand stated the request is for a 152-apartment complex. The property is in the City-Wide Comprehensive Plan in the Mid-Town neighborhood off 78th Street. Staff received no letters in support nor opposition prior to this evening and did note the opposition at the neighborhood meeting. Staff recommends approval subject to the conditions in the staff report including the Final Development Plan and Final Plat and an emphasis on pedestrian connectivity and the Multi-Family Design Guidelines. He further stated that there was a traffic study completed for this project and was reviewed by the County Traffic Engineer and public improvements are required. Director Hand stated that the Planning Commission has granted a deviation in the past regarding the retaining wall (Condition #2). Regarding Condition #17, Staff typically tries to take all the undeveloped part of a parcel and preserve it for open space to serve as a buffer. If the Planning Commission wishes to exclude this condition, Staff would request some level of buffering be retained to the existing residential parcels based on the testimony this evening. Staff would recommend working with the developer on this condition for a different type of open space easement that is less and would not prevent potential future development. Director Hand stated that this requirement is different as there is a large piece of undeveloped land. Typically, it's a patch of tree stand here or there. He stated that the reason the Staff tried to get those agreements in place now is because there is no way to predict who will be the decision-makers in the future if and when future development occurs. If it is in the conditions, Staff can look at the staff report and know what was approved.

The Planning Commission directed questions to Staff.

Motion starts at 2:51:00:

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-010:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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. The City Planning Commission granted a deviation to the retaining wall design standard so that a single slope retaining wall (i.e. NOT “stepped”) can be built. These non-standard retaining walls are to be designed to blend into the landscape as much as possible, provide above standard landscape screening, and either be made of masonry stone or give the appearance, either by stamping concrete or using stacked concrete blocks to mimic natural stone, including staining the concrete to appear more natural;
3. Extend the sidewalk from the south side of the easternmost apartment building south along the secondary access drive to Tauromee Avenue;
4. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians;
5. Add a crosswalk across Tauromee Avenue and tie into the existing sidewalk on the south side. This will require coordination with the Public Works Department regarding the specific type of signaling needed for the crosswalk;
6. A sidewalk shall extend from the clubhouse west and connect to the sidewalk on North 78th Street;
7. In the middle of the proposed parking lot, install a new north/south and east/west walking path with trees for shade and reduce parking within the development. This walking path, in the shape of a “T” will be between the two (2) southern buildings orientated north/south and the two (2) northern building orientated east/west;
8. 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).

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

9. Lighting cannot exceed one (1) footcandle at the property line;
10. Interior parking lots lights shall have 90-degree cutoff fixtures;
11. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points at the apartments);
12. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, 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;
13. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level

- of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade;
14. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick. Board and batten are not permitted and shall be removed from the elevations;
 15. 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;
 16. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes;
 17. An easement shall be recorded to preserve all of the open space directly north of Buildings 1, 2 and the existing detention pond along the project's entire northern boundary in perpetuity. Additionally, a second open space easement shall be recorded along the project's southern boundary of no less than 100 feet abutting the rear yards of 7706, 7718 and 7640 Tauromee Avenue, and wrapping around the entire western property line of 7640 & 7634 Tauromee Avenue, and including the entire land area along the southern driveway access from the S-curve south to Tauromee Avenue to ensure appropriate buffering to adjacent single-family homes;
 18. Plant trees around the detention basin;
 19. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
 20. 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 24.47 acres, which requires 237 trees, 19 additional evergreen or shade trees and 152 shrubs for buffering per the zoning district;

21. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 78th Street and Tauromee Avenue shall have street trees planted along the sidewalk;
22. 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;
23. All landscaping shall be irrigated;
24. 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;
25. 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;
26. All electrical meter banks, typically on the side of the building shall be screened from public view;
27. 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.
 - f. 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.
 - g. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - h. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - i. 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).
 - j. 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;
28. 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;
29. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
30. 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;

31. All existing and future driveways must feature curb cuts that are constructed to UG standards;
32. 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;
33. 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;
34. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,
35. 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 Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-020:**

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

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

On motion by Mrs. Jones, seconded by Mr. Ernst, the Planning Commission voted as follows to **APPROVE PLAT2023-022**:

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

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

Subject to the above conditions

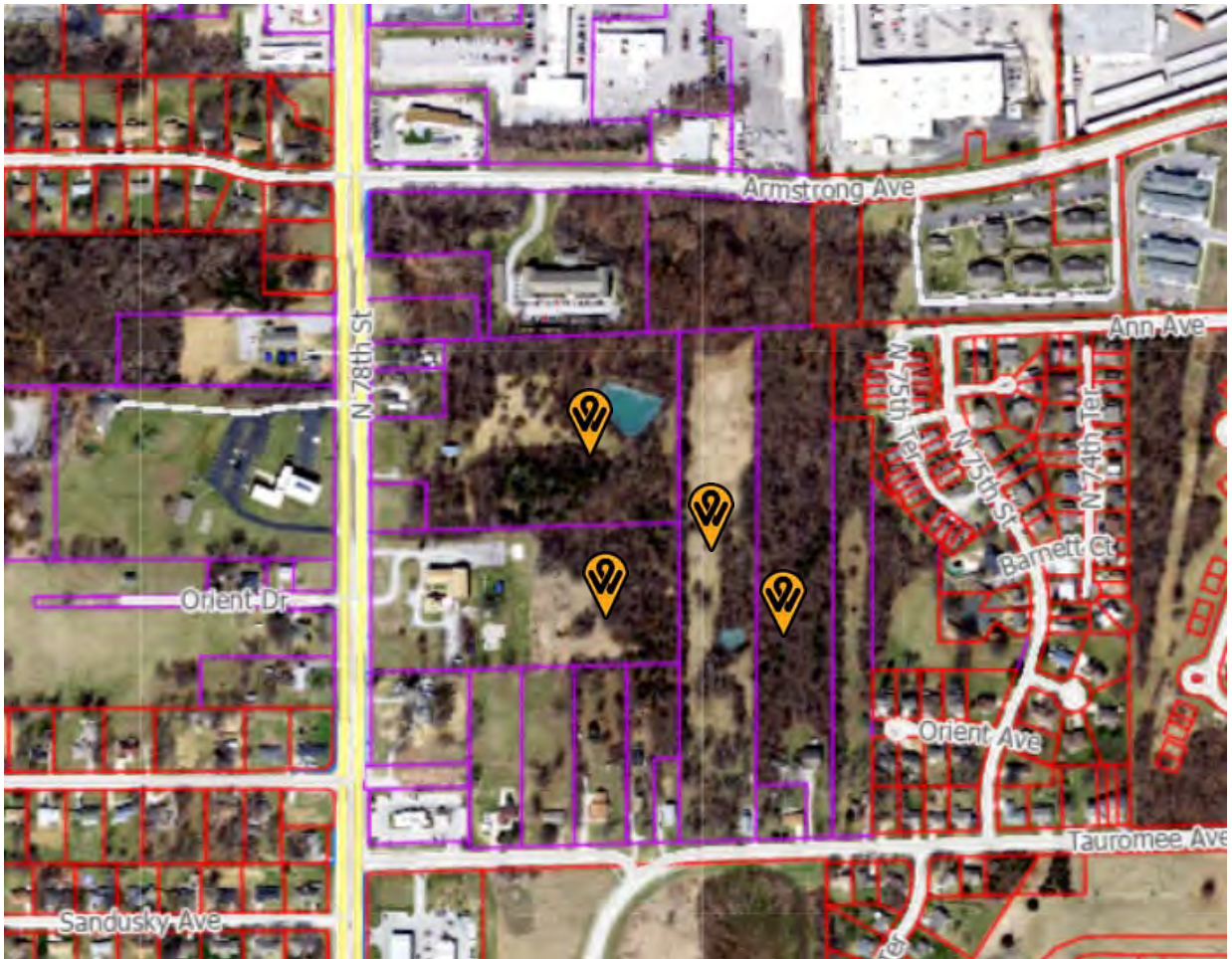


Figure 1. Aerial Photograph of 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue (provided by UG Maps).

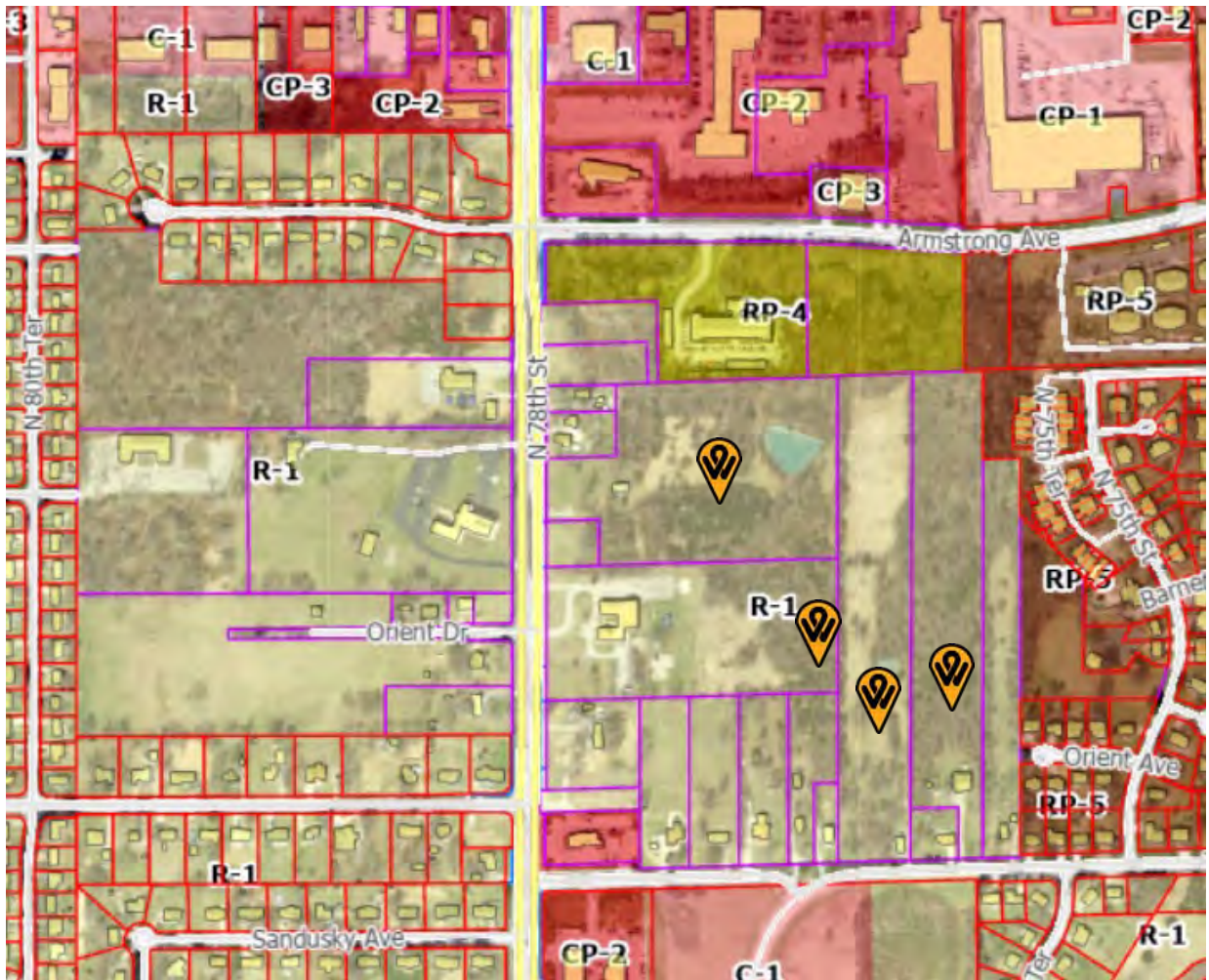


Figure 2. Zoning Map of 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue (provided by UG Maps).

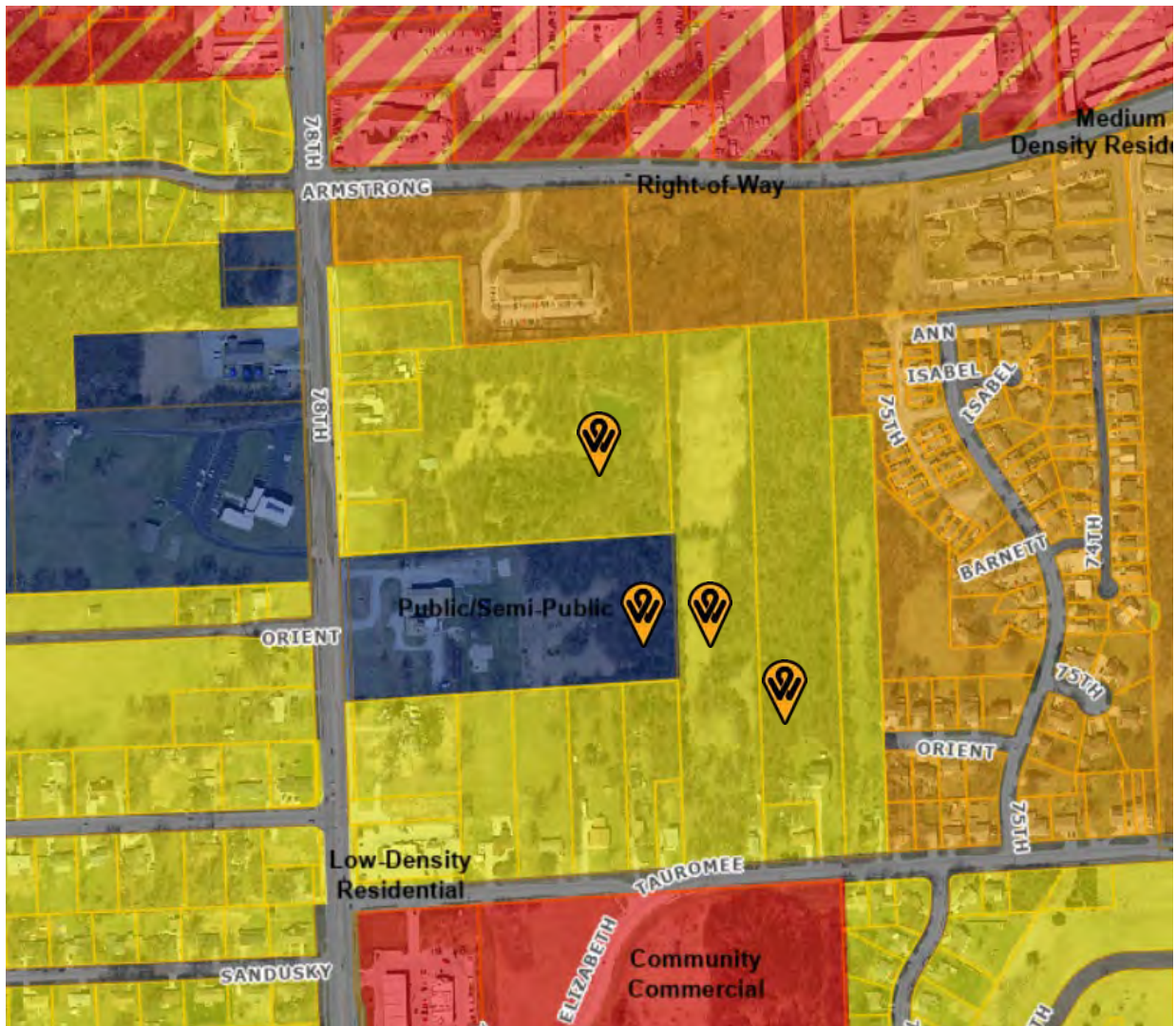


Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue (provided by ArcGIS Pro).



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

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

Multi-Family Residential Design Guidelines

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

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



City-Wide Master Plan

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY / KANSAS CITY, KANSAS



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

Amenity Guidelines

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

Single-Family Residential Amenity Guidelines

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

Multi-Family Residential Amenity Guidelines

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

Residential Amenity Reference Table

Small:	
Basketball, volleyball, or other court sport.	
Open play area of at least 15,000 square feet with maximum of three (3) percent slope and low benches and one play structure.	
One picnic area with a minimum size of five-thousand (5,000) square feet and including a minimum of two (2) picnic tables, one (1) shelter, and one (1) 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.	

DEVELOPMENT REVIEW COMMITTEE

Unified Government of Wyandotte County/ Kansas City, Kansas



FIRE DEPARTMENT-FIRE PREVENTION DIVISION

815 North 6th St.

Kansas City, Kansas 66101

(913) 573-5550

(913) 551-0490 fax

DEPARTMENTAL REQUIREMENTS AND RECOMMENDATIONS

DRC No. COZ2023-020, MPL2023-010, PLAT2023-022 Address: 745 N. 78th St

Development Name: Jackson Taylor Description: apartment complex

STAFF ONLY : ☐ A ☐ A/C ☐ F & F ☐ H/C ☐ R/A

Ordinance Requirements:

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

****Aerial Truck lane(s) must be 26' min clear width and be located between 15' and 30' to an entire side(long side) of the building per Sec. D105.1, 2018 IFC for structures over 30'**

****For one- or two- family developments with more than 75 units, two separate code compliant access roads must be provided separated by a distance equal to one-half the length of the maximum overall dimension of the property served per Sec. D107, 2018 IFC as amended**

****For multi-family residential developments more than 100 units(200 units sprinkled) two separate code compliant access roads must be provided separated by a distance equal to one-half the length of the maximum overall dimension of the property served per Sec. D106, 2018 IFC as amended**

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

Length- 48'

Inside turn radius- 28 ft

Wheel base- 272.5 in.

Wall to wall radius- 52.5 ft

Front overhang- 96 in

Curb to curb radius- 46 ft

Rear overhang-133.5 in.

Minimum clearance(height between axles)-10"

Width- 84 in

Inside Cramp Angle- 40deg

Minimum departure angle-7.4 deg

Minimum approach angle-8.8 deg

Max weight-84,000lbs

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

Harvey Fields

Digitally signed by Harvey Fields
Date: 2023.07.06 15:45:39 -05'00'

7/6/2023

Attending DRC Member:

Date

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

Signature and Date

Contact Phone Number and Email Address

Mailing Address, City, State, and Zip Code

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 – Fee will be paid at appropriate time

2. The traffic study is being reviewed by Planning Engineering and the Public Works Department. Additional comments may be forthcoming, which may result in this petition being continued for one (1) month.

Acknowledged

3. What is the reasoning that the second access drive cannot be off Armstrong Avenue, which is a street that functions as a Collector rather than a Local Street such as Elizabeth Avenue. The influx of traffic along Elizabeth Avenue and Tauromee Avenue its effect on the single-family residences must be mitigated.

There is a wide Intermittent Stream Channel, in a really deep ravine going across the parcel to the north, meaning connecting north to Armstrong Avenue would require a significant bridge to cross the waterway which would be a far higher cost to the developer than going south. While making the connection to the south, we will be providing landscape screening and a fence with masonry columns every 32 ft. along single-family residences.

4. Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan and Final Plat 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 – Final Development Plan and Final Plat will be provided at appropriate time.

5. 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 – Stepped walls have been shown. Retaining wall design and calcs will be submitted with Final Development Plan.

6. Rotate the clubhouse 90 degrees clockwise so the building faces 78th Street.

What is the 'front' of the clubhouse – not sure I've see elevations for that one?

The clubhouse has not been rotated, but the building has been updated as requested to make the west facing elevation more robust in design to reflect a 'front feel' along 78th street.

7. Extend the sidewalk from the south side of the easternmost apartment building south along the secondary access drive to Tauromee Avenue.

Sidewalk added along drive to Tauromee Avenue

8. In addition to establishing greater pedestrian connectivity throughout the development, where there are major parking lot crossings, crosswalks and/or other traffic calming devices shall be painted in the drive aisles, so residents and guests are alert to look for pedestrians.

Traffic calming devices such as crosswalks have been added to plans and called out.

9. Add a crosswalk across Tauromee Avenue and tie into the existing sidewalk on the south side.

Crosswalk striping has been added to cross Tauromee Avenue – will the UG require a flashing crosswalk light, or signage in addition to the striping?

10. Add sidewalks for enhanced pedestrian connectivity to the rear, ground floor apartment units to the sidewalk network within the development.

None of the ground floor apartments have access to grade. All access to individual units is through the interior of the building, with access to stairwells being on the front of the buildings. Adding additional building entrances on the rear of the building would result in a reduction in the total number of units, which has already been approved through the State QAP process. Providing sidewalks on all sides of the buildings will not increase connectivity

as there is nothing on the rear of the buildings to connect to, and large retaining walls in a couple instances.

11. Add sidewalks on the west side of 77th Terrace along Elizabeth Avenue.

77th is not in the vicinity of our project – but there appears to already be a sidewalk along Elizabeth Avenue, and adding any more sidewalk would be a significant offsite expense that seems excessive to put on the developer.

12. A sidewalk shall extend from the clubhouse west and connect to the sidewalk on North 78th Street.

Sidewalk added.

13. In the middle of the proposed parking lot, install a new north/south and east/west walking path with trees for shade and reduce parking within the development. This walking path, in the shape of a “T” will be between the two (2) southern buildings orientated north/south and the two (2) northern building orientated east/west.

Pedestrian walkways with trees have been added for better circulation.

14. Where are on-site deliveries going to be dropped off?

At the clubhouse

15. 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).

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

Per unit count and calculations, a 4,765 SF storm shelter is needed – The clubhouse has been expanded so that this can be provided in the clubhouse. Either as a basement, or ground floor will be designed meet FEMA 361 standards for a centralized Community Safe House.

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

Photometric plan has been updated.

17. Interior parking lots lights shall have 90-degree cutoff fixtures.

Photometric plan and fixture sheets have been updated.

18. Install bike racks at high trafficked nodes (clubhouse, site amenities, entry points at the apartments).

Bike racks have been added to plans.

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

Acknowledged – driveways and curb cuts will meet UG standards.

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

Acknowledged – We will reach out to Public Works and get permit accordingly.

21. 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.

Acknowledged – KDHE NOI process has been started, after that approval, we will be able to apply for the land disturbance permit from public works during building permit process.

Building Architecture:

1. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, 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.
Acknowledged – our parking lots are located 'within' the building groupings on site and are oriented internal to the site, away from street frontage.
2. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all sides of a multi-family building shall display a similar level of quality and architectural interest. A building's architectural features and treatments shall not be restricted to a single façade. The rear elevations should have "front" entries, similar to the front elevation.
All sides of the buildings display the same level of quality and architectural interest. Similar detailing, window patterns, roof features, and material treatments are utilized equally on all faces of all buildings. Adding additional building entrances to the rear of the building would result in a reduction in the total number of bedrooms, which has already been approved through the State QAP process. Additionally this would result in the need to add sidewalks around the building removing landscaping, that is intended to create a buffer between many of the single family homes.
3. Per the City-Wide Comprehensive Plan Multi-Family Residential Design Guidelines, all multi-family buildings including duplexes, triplexes, fourplexes and townhomes, an amount equal to forty percent (40%) of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick or stone. The balance of next exterior wall may be lap siding (excluding vinyl lap siding) and/or stucco. Provide a table citing the percentage breakdown for each façade for each building type and revise accordingly to ensure that forty percent (40%) of each façade is indeed stone or brick.
All faces of all buildings have been revised accordingly and charts have been provided to show that 40% of each façade is brick. The remaining wall area is fiber cement board and batten or lap siding as indicated. No vinyl or stucco is used.
4. 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 have been added and are located as required,

Landscaping and Screening:

1. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the apartments from the single-family home abutting to the west, behind the apartment building, to the east and south from the existing single-family homes.
Acknowledged – we are retaining existing grade at all property lines.
2. An open space easement shall be established for the remaining undeveloped site – around the preserved trees to the east, south and areas along the secondary access drive.
An open space easement has been added to Lot 1 of the Plat – although it is not encompassing all of the remaining undeveloped site. We will be retaining all trees on Lot 2 that are not within the grading limits for the road connection. In addition, we will be providing buffer/screening along all single family residential homes that share a property line with this project.
3. Plant trees around the detention basin .
Trees have been added around the detention basin.
4. Provide a site line section between the multi-family apartments and the single-family homes, similar to the example for the townhomes.
Refer to new sheet A050 which shows two site sections (N/S and E/W) to illustrate the relationship of the new buildings to the existing homes.

-
5. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running.
Acknowledged – fence has been added and masonry columns called out.
 6. Sec. 27-460(f) A reasonable amount of landscaping is required on all projects with emphasis on softening the visual impact of parking areas and enhancing the overall appearance. Trees are required at not less than one (1) per 4,500 square feet of site area. 7. One (1) street tree shall be provided per 30 feet of frontage along a major street. North 78th Street and Tauromee Avenue shall have street trees planted along the sidewalk. Revise and resubmit the landscape plan.
Landscape plan has been updated to reflect tree calculations and add street trees.
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 24.47 acres, which requires 237 trees, 19 additional evergreen or shade trees and 152 shrubs for buffering per the zoning district.
Acknowledged – landscape plan has been revised, and required counts met.
 7. 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.
Acknowledged – plant schedule reflects these sizes.
 8. All landscaping shall be irrigated.
Acknowledged – irrigation note has been added to landscape plan.
 9. 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.
Refer to new sheet A020 which includes plans and elevations of the trash enclosure. Screening is 6'-8" tall.
 10. 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 – screening has been added to landscape plan.
 11. All electrical meter banks, typically on the side of the building shall be screened from public view.
Acknowledged – screening has been added to landscape plan.
 13. Regarding BPU transformer screening, the following applies:
 - a. Gate doors are required for all types of screening that are placed in front of the transformers.
 - b. Fences shall be installed two (2) feet off the ground and have adequate clearance to open gate doors at 180° and have 10 feet clearance from pad when gate doors open.
 - c. Posts for gate doors must be installed a minimum distance of 10 feet apart in the front.
 - d. For slat fences, customer shall install a minimum four (4) inch slats and have four (4) inches of space between each slat.
 - e. Customer must take account of the maturity size of the evergreen tree when planting saplings so that the trees can grow outside of the required clearance for evergreen trees, customer shall plant each tree so that there is two (2) feet or more of space from edge to edge between each tree at maturity. (e.g., blue arrow juniper grows up to two (2) feet wide, so there shall be four (4) feet of spacing between each tree taking account the growth of saplings).
 - f. Pad must have a minimum clearance of six (6) feet on each side, six (6) feet on the back and five (5) feet on the front allowing for 10 feet on the front when gate doors open.

Acknowledged – screening has been added to landscape plan.

14. 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 – screening has been added to landscape plan.

15. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public.

The building will be provided with cable instead of satellite and dishes will not be allowed in this development.

General Engineering Comments:

- 1) On the cover sheet include the following notes:

- a) Sheet index including Architectural drawings.

- b) Zoning Classifications

- c) Total parcel/project area (square feet or acres), total area of land disturbed, net increase/decrease in impervious area, net cut/fill quantities (cubic yards) – shown on C2.0.

Notes have been added to cover sheet.

- 2) All plans and reports shall be signed and sealed by a Kansas Registered Professional.

Acknowledged – plans are stamped.

- 3) For projects with new plats or replats, provide the plat in the plan set and list it in the index of sheets on the cover sheet. County surveyor may have additional comments.

Plat has been added to index.

- 4) Provide 10ft utility easements around the out-boundary lot lines of the plat; 5ft easements both sides of interior lines.

Utility easement has been added to plat.

- 5) The final plat shall include UG signatures on mylar for Clerk, Mayor, County Surveyor, etc.

Acknowledged – at time of Final Plat, these signatures will be included.

- 6) Public sanitary and stormwater sewer will need to be in an easement meeting UG standards and criteria (minimum of 15' wide or the depth of the sewer, whichever is greater).

Greatest depth of sanitary sewer is 15'. Sanitary easements have been shown on plat.

- 7) See Retaining Wall review for additional comments.

All retaining wall comments will be addressed with final development plan submittal. Patrick Doyle has agreed this is fine.

Sign in sheet

Name

Phone/email

Ernie & Gaele	913-907-6781	Preacher boy NKsg
ARLENE HARRIS	ah603377@comcast.com	Ad Com
Egal John		
Julie Holter	816-507-3184	holter.julie@gmail.com
Harvey Williams		jharr524@yahoo.com
Teresa & Barry Smith	913-832-9382	thinderson@yahoo.com
Bob & Cheryl Smith	913-334-9845	
David & Connie Northrup	913-299-4869	
Kary & Kate Stewart	913-221-7331	kstewart91@gmail.com
Ray & Ann	913 670-8000	Crane C. A. 61
Jerry & Peggy Madrell	913-334-1706	pegm1624@gmail.com
Bertha Salter	913-938-9852	
Cherie Wyatt	(713) 301-2477	cheriewyatt1944@yahoo.com
Chris Wyatt	(713) 857-4850	rcwyatt@outlook.com
TRUDY MASEN	913-788-3205	trudygmas@gmail.com
Charles Pennewell	913 424 9037	Pennewell C. gmail.com

~~2 Pennewell C. gmail.com~~

Toy, Byron

From: Fred Merrill <Fred@CultivatingRealEstate.com>
Sent: Friday, July 28, 2023 3:20 PM
To: Parker, Janet
Cc: McLaughlin, Kallie; Toy, Byron
Subject: Residences at Victory Hills- neighborhood meeting
Attachments: 2023-07-28 15-04.pdf

Janet,

We conducted the neighborhood meeting last night at Mason Jar at 5 pm. Attached is the sign in sheet along with the affidavit. There was quite a bit of opposition, so we came to the conclusion that we hold another neighborhood meeting on August 9th at 6 pm at CenterPoint church. Commissioner Andrew Davis is planning on being there along with the developers from Indianapolis. My hope is that having the developers there will better answer questions and concerns pertaining to the project. Below are the notes/minutes:

Meeting called to order at 5:05. Introductions were made of Fred Merrill (Owner's Rep) and Katelyn Wolf (Civil Engineer).

1) We explained the LIHTC funding aspect of this development, and how it meant TWG would hold and manage the property for 15 years

- a. They want to know what the median income is, and what 60% of that would be? (their assumption is this will be homeless people ore section 8 housing living here)*
- b. They want to know who will be managing the property? They pulled up reviews from TWG's website that said other TWG developments have allowed tenants to welcome in homeless people to their units, etc. They have trash everywhere, etc. etc.*
- c. Lots of questions on property management and who will 'hold TWG accountable to keep it nice'*
- d. They want examples of other places in Wyandotte County that are LIHTC housing.*
- e. They have explained that there are A LOT of homeless people in the area and they have concerns about this making that worse (I think we need to get very familiar with other housing in the area and how those are run. Specific things mentioned were 'Eileens House for Women & Children' bringing sketchy people around.*
- f. They want specifics on LIHTC funding, and if you receive these benefits yearly, or not until the end of the 15 years. They want to know what is stopping you from selling this property in 4 years and having it change management, or worse let 'section 8' people move in.*
- g. What happens when you can't fill the units with people making 60% median income – are you then going to fill them with section 8 to get that government pay out?*

2) Feasibility Study

- a. Why did TWG pick this location?*
- b. Is there a need for this type of housing here?*
- c. How will 152 units affect school populations? Schools in the area are already overcrowded (according to them)*
- d. Why 152 units with surface level parking? Why can't it be nice townhomes or duplexes with all this land?*

3) Traffic Study

- a. Has there been a traffic study done? Why don't you have that here for us to look at?*
- b. Did you consider going north to Armstrong where there aren't any single family houses?*
 - i. We explained yes – but there is a stream channel and wetlands that we are trying to avoid.*
 - ii. Also explained water has to loop south to Tauromee anyways so making utilities and road go south makes sense.*
- c. They have MAJOR concerns with there not being full access on 78th.*
 - i. They think it should have a median cut, and likely have a stop light. Or a roundabout*

- ii. *They think if we could make full access on 78th, then less people would use Tauromee which is their preference. They already think Tauromee is busy, and don't want added traffic.*
 - d. *They have concerns about Tauromee and Elizabeth, the weird intersection on the curve – they say its dangerous and going to get even more 'clogged' with this development. Do we need light there? Roundabout?*
 - e. *The homeowners on Orient Avenue (culdesac to the SE) are very worried that the city or developers will eventually want to tie in a street to their culdesac because it is listed and designed in a master plan as 'temporary culdesac' and they REALLY don't want apartment traffic coming through their neighborhood.*
- 4) *The lots/land itself*
- a. *I think we need to bring a parcel map with current land owners listed on it for next time.*
 - b. *They want clarification if there is still a 'strip' of vacant land between the neighborhood to the east and to our new property line.*
 - c. *They want to know why you didn't buy the UG parcel along 78th?*
 - d. *They said the trees along the east of our property are 'dead and full of trash' and want us to clean that up.*
 - e. *They asked why we have such a big lot – and we explained so that we can have a secondary access, we either had to purchase to the north or south, as well as the necessary 40% greenspace requirement. They then are VERY concerned that as soon as we get rezoning approval, we are going to 'add more buildings' and use up the extra greenspace with more apartments.*
 - f. *They are overall concerned with the density – why not townhomes or duplexes?*
 - g. *Concerned with surface parking- why not a parking garage or carports?*
- 5) *Random concerns*
- a. *They want more police presence and enforcement in the area in general.*
 - b. *They want to know what construction traffic will be like – don't want it on Tauromee, but didn't believe my answer that we would put it in the plans to have the construction entrance be on 78th. They said concrete trucks won't use 78th because its right in, right out.*
 - c. *What is the construction timeline?*
- 6) *Other things we should have prepared for next meeting*
- a. *the section cut/views from two residential houses along 78th.*
 - b. *A current property ownership/lot line map*



Fred C. Merrill

Owner at Cultivate Realty & Development

Mobile (913) 205-9749

Email fred@cultivatingrealestate.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

Comes now Fred C. Merrill, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # CO22023-020
2. That I conducted a neighborhood meeting on 7/27/23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Fred C. Merrill
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28th day of July, 2023.

My commission expires 25th of March, 2025.

Erin Porter
Notary Public

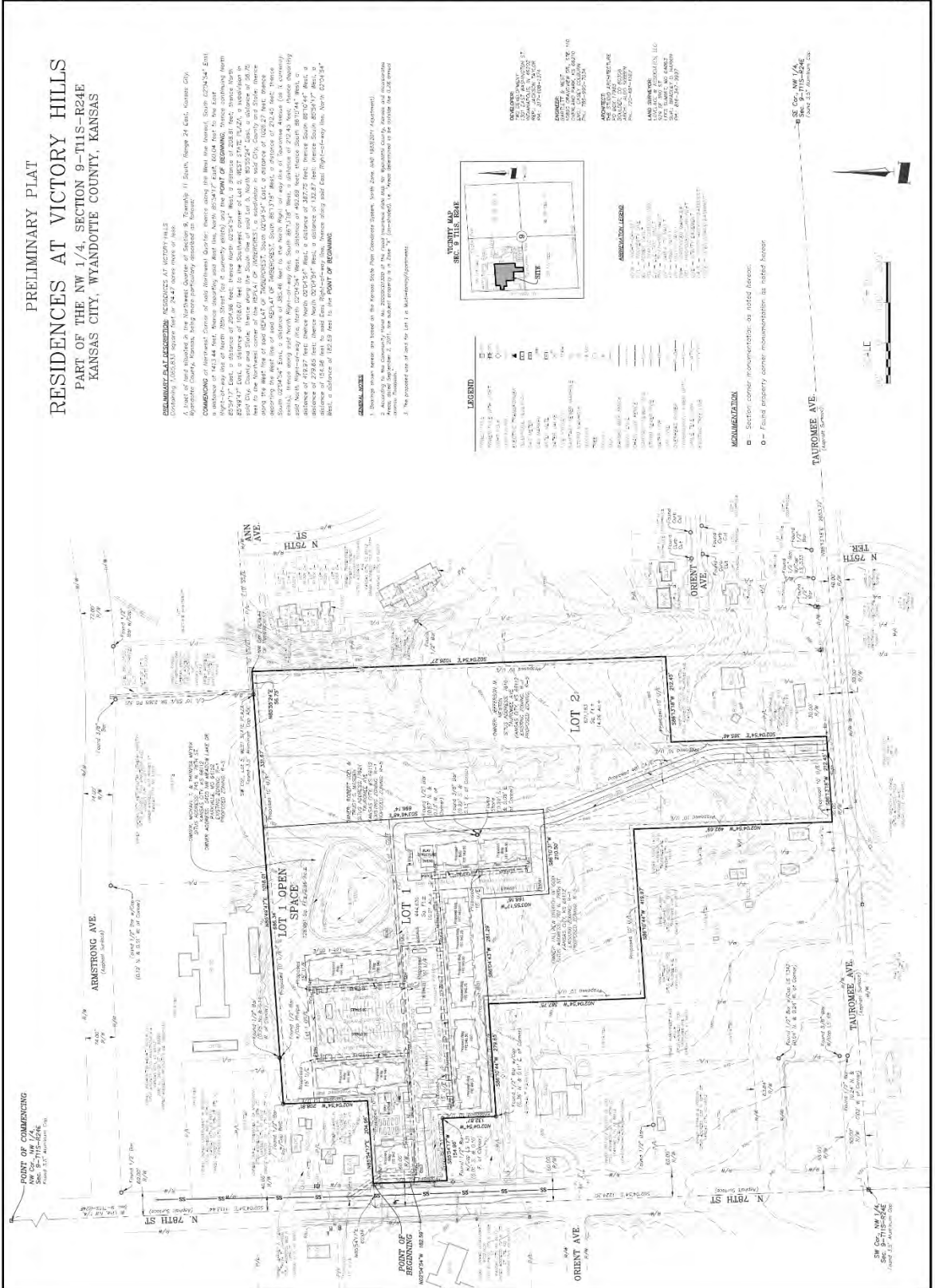


PRELIMINARY PLAT
RESIDENCES AT VICTORY HILLS
PART OF THE NW 1/4, SECTION 9-T11S-R24E
KANSAS CITY, WYANDOTTE COUNTY, KANSAS

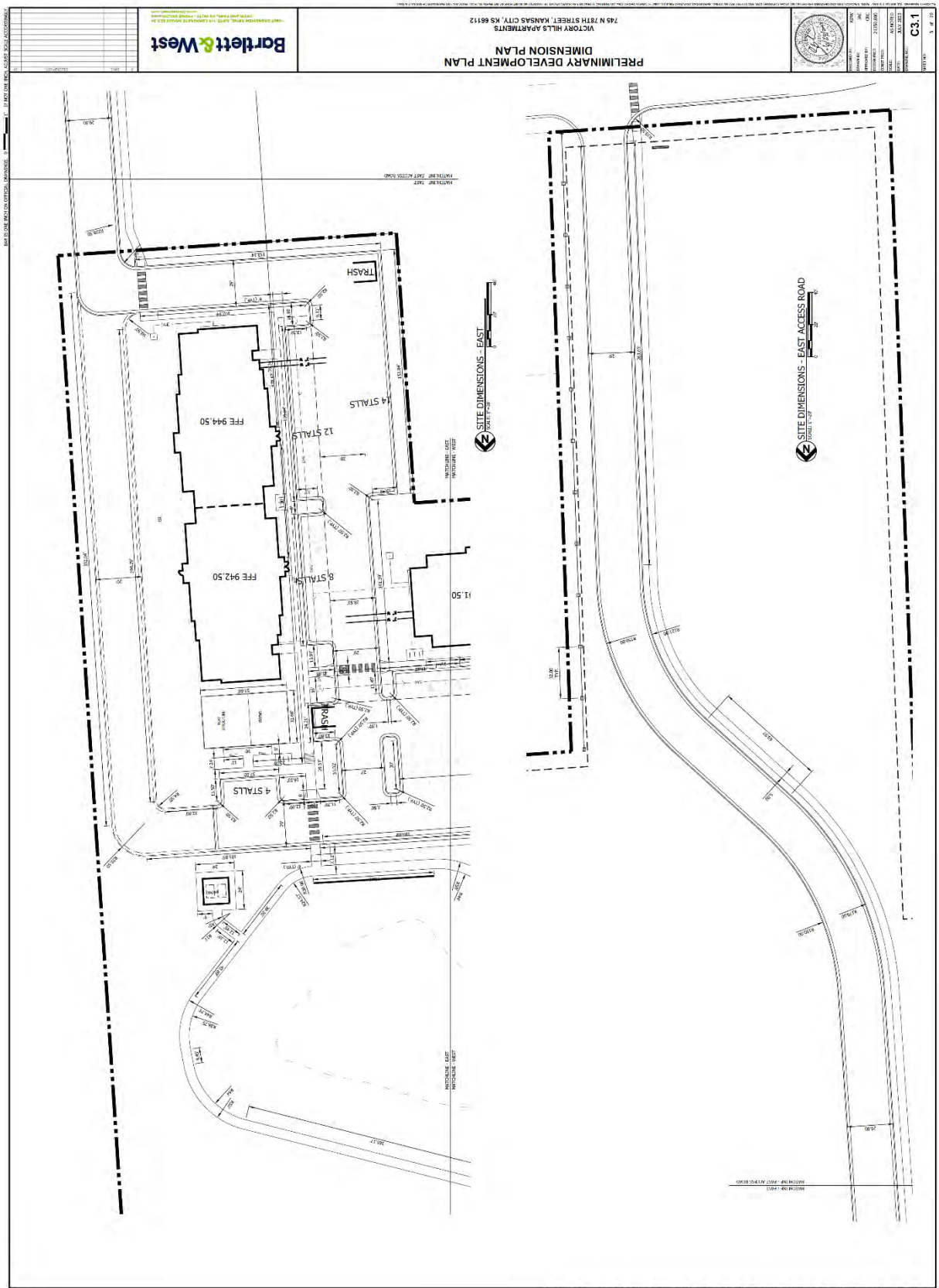
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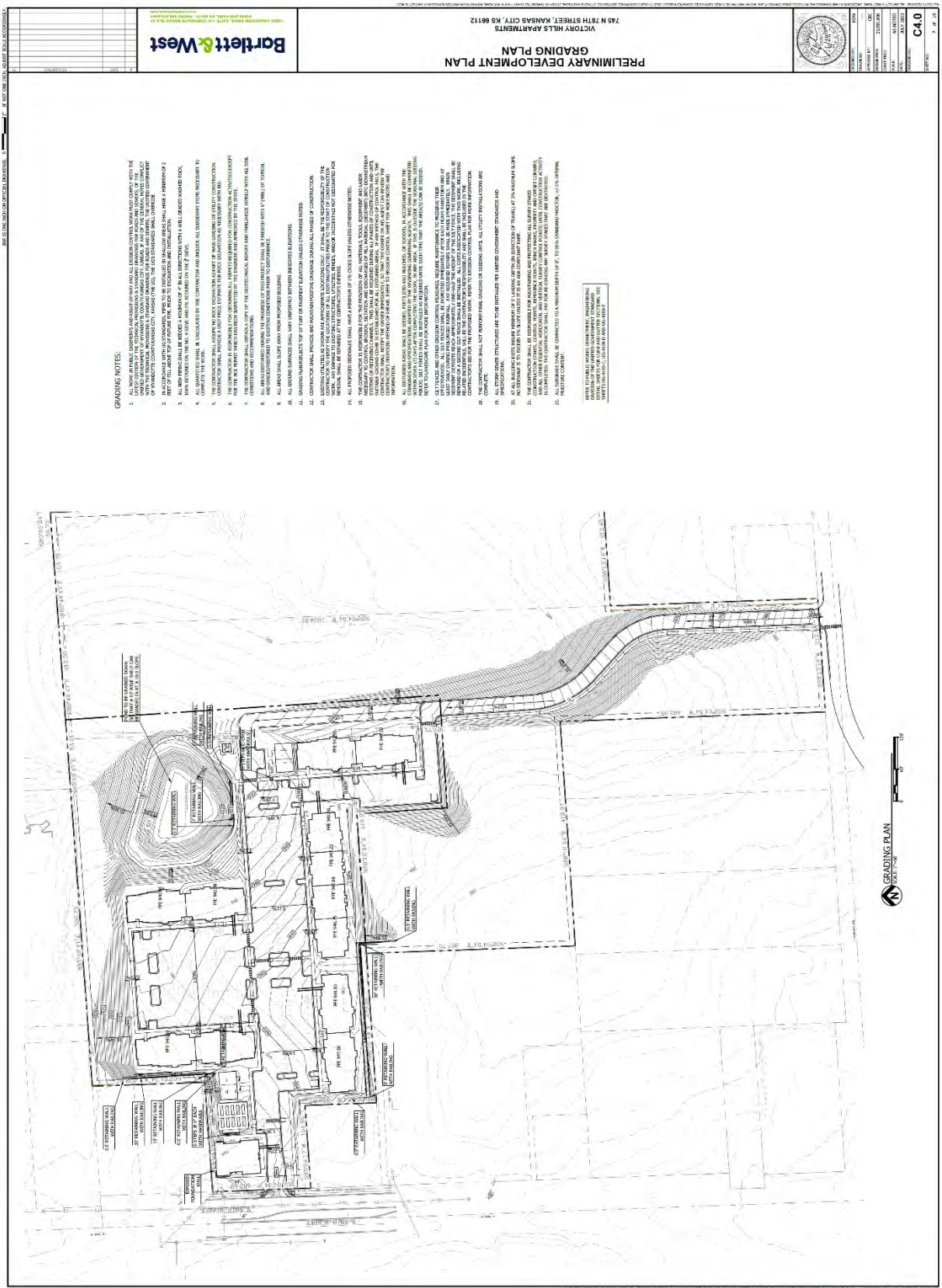
PRELIMINARY PLAN
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KANSAS CITY, WYANDOTTE COUNTY, KANSAS

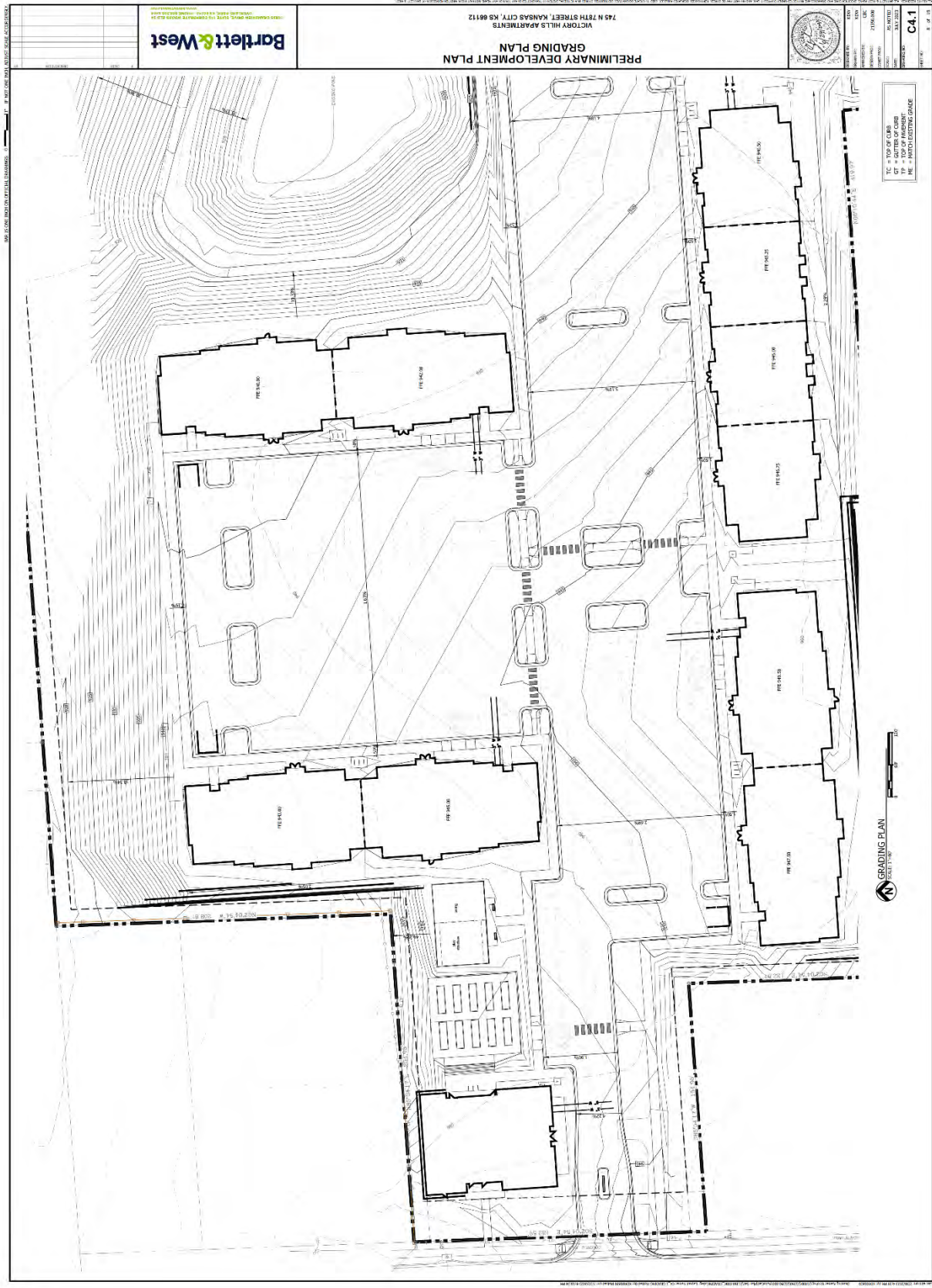
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Drawn By: RDH
(Checked By: JRE)
Date: 6/28/2023
Scale: 1"=100'
File Name:
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Certificate of Authority
Missouri - 2002030538
K. S. K&A

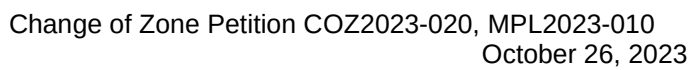


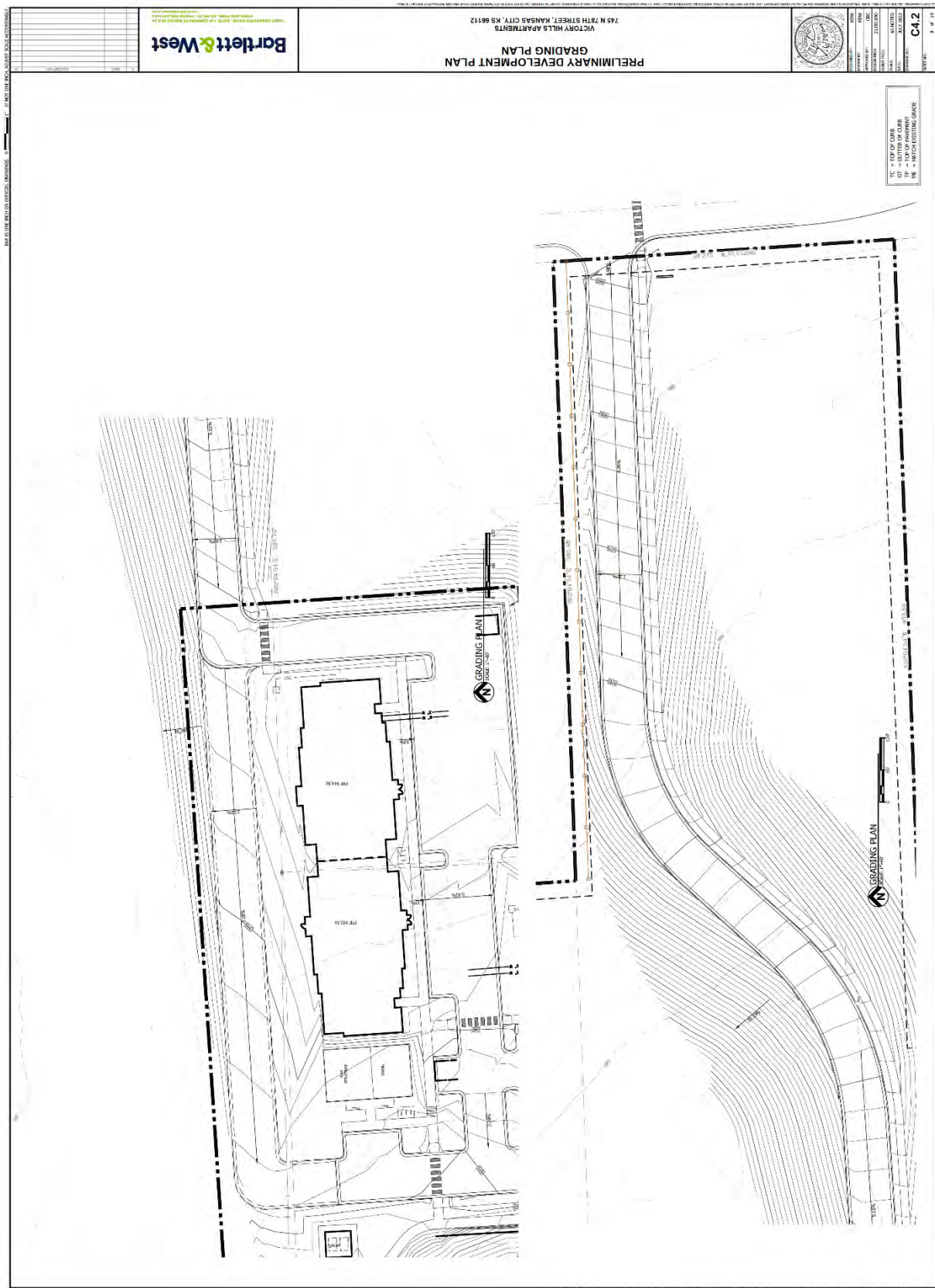


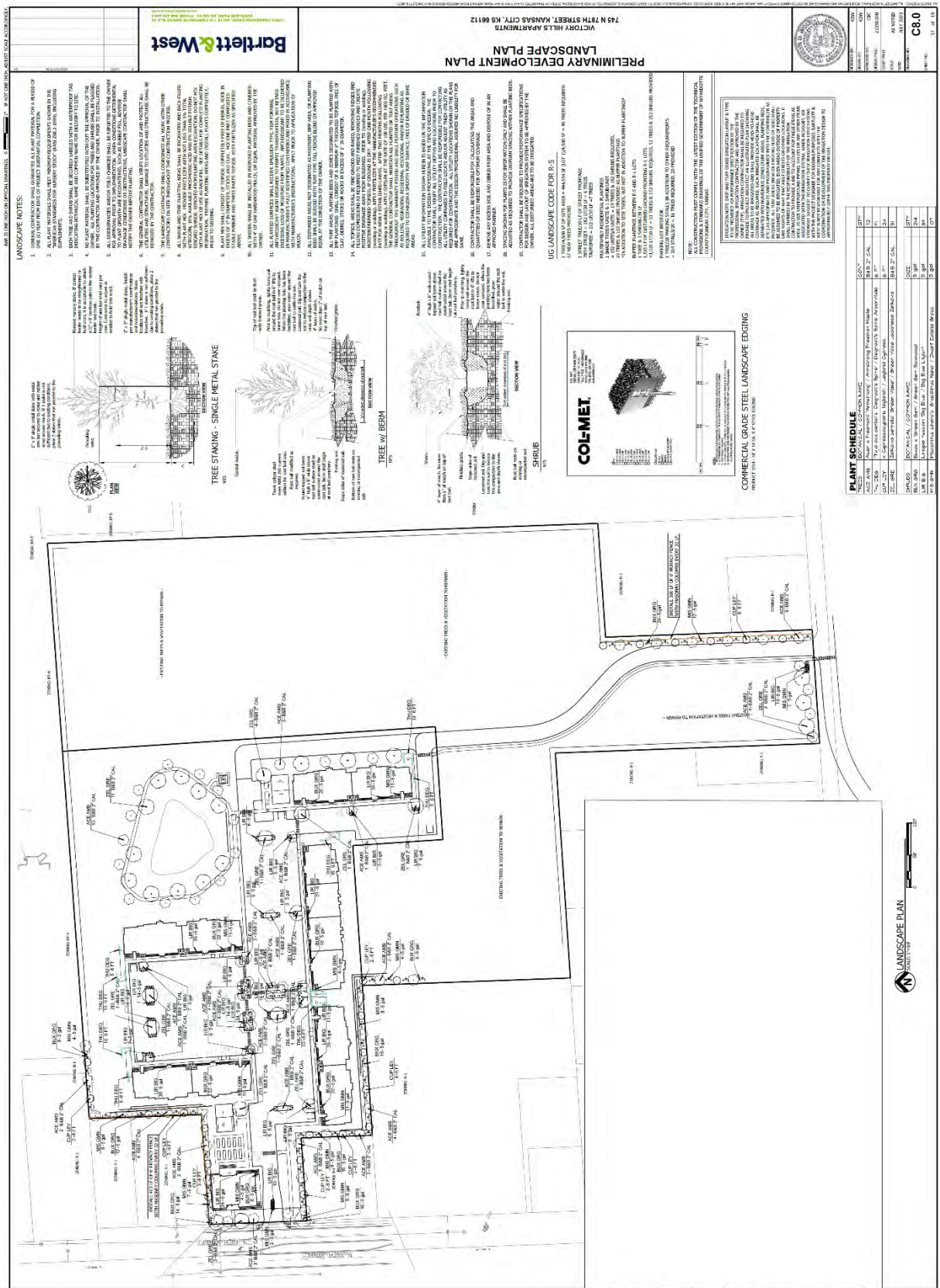












THE OFF-PHOTOGRAPH

IV. CONCLUSION AND REMARKS



754 86118 = 62100450

THE PARENTS' FORMS



Figure 4. Site photograph of 745 North 78th Street looking north on North 78th Street (provided by Planning Staff).



Figure 5. Site photograph of 745 North 78th Street looking south on North 78th Street (provided by Planning Staff).



Figure 6. Site photograph of 745 North 78th Street looking north (provided by Planning Staff).



Figure 7. Site photograph of 745 North 78th Street looking east on North 78th Street (provided by Planning Staff).



Figure 8. Site photograph of 745 North 78th Street looking southeast (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: October 26, 2023

Re: **Change of Zone Petition COZ2023-025 and
Master Plan Amendment Petition MPL2023-013**

GENERAL INFORMATION

Applicant:

Landon Fliger

Status of Applicant:

Representative
Atlas Land Consultants
14500 Parallel Road, Unit R
Basehor, Kansas 66007

Requested Actions:

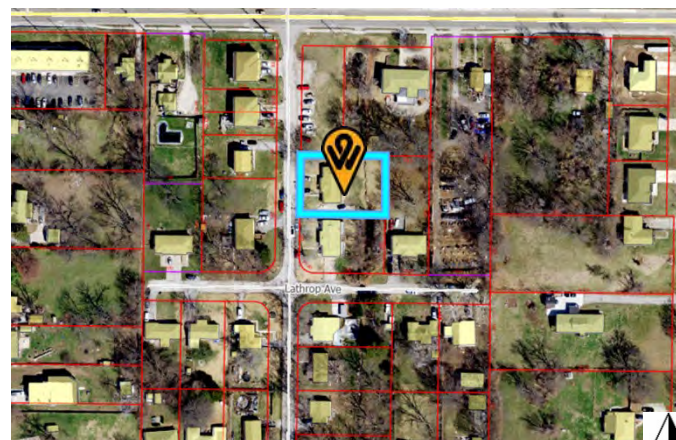
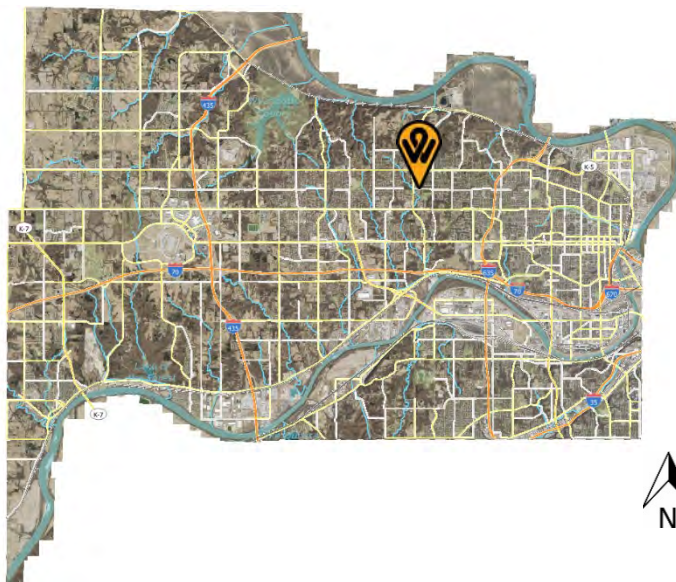
Approval of a Change of Zone and
Master Plan Amendment.

Date of Application:

August 25, 2023

Purpose:

To approve a Change of Zone from
R-1 Single-Family District to R-2 Two-
Family District and a Master Plan
Amendment from Low Density
Residential to Medium Density
Residential in the City-Wide
Comprehensive Plan to bring a legal
non-conforming duplex into
conformance.



Property Location:	3009 and 3011 North 57 th Street, Kansas City, Kansas 66104
Commission Districts:	Commissioner At-Large, #1: Melissa Bynum District #1 Commissioner: Gayle Townsend
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: Duplex East: Single-family Residence West: Duplex
Total Tract Size:	0.33 Acre
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Low Density Residential, which allows for single-family residences. The applicant is seeking a Master Plan Amendment to Medium Density Residential, which allows for garden apartments, duplexes, triplexes and fourplexes.
Major Street Plan:	The goDotte Mobility Plan identifies North 57 th Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-456(d) states two (2) off-street parking spaces shall be provided on the premises for each dwelling unit, at least one of which shall be in a garage or carport. The property provides four (4) spaces, two (2) in a below-ground garage and two (2) in the driveway.
Advertisement:	<u>The Wyandotte Echo</u> – September 14, 2023 Letters to Property Owners – September 15, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Landon Fliger, is requesting a Change of Zone from R-1 Single-Family District to R-2 Two Family District and a Master Plan Amendment from Low Density Residential to Medium Density Residential in the City-Wide Comprehensive Plan to bring a legal, non-conforming duplex into conformance at 3009 and 3011 North 57th Street.

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

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been several calls for police service on the subject property.
 - a. 2023 – 2023-61723 – Theft
 - b. 2023 – 2023-48472 – Theft
 - c. 2020 – 2020-48390 – Burglary
 - d. 2019 – 2019-80596 – Criminal Damage
 - e. 2017 – 2017-134715 – Criminal Damage, Burglary and Battery

Building, Zoning, or Code Enforcement Complaints:

1. The property has been cited by Code Enforcement four (4) times.
 - a. 2019 – 19208-00948 – Vehicle on unimproved surface
 - b. 2009 – 09200-03987 – Trash and Debris
 - c. 2005 – 05208-01250 – Abandoned Vehicle
 - d. 2001 – 01206-00118 – Dead Tree

Outstanding or Related Permits and Cases:

1. There are no additional or related permits or cases.

FACTORS TO BE CONSIDERED

Change of Zone

1. Neighborhood character.

The subject property is located in the Bethel-Welborn Statistical Neighborhood and the Leavenworth Road Association. The neighborhood consists of a mix of single-family residences, legally non-conforming duplexes, and garden-style apartments. The subject property is also one (1) block away from the

Leavenworth Road commercial corridor, which features a mix of residential and light commercial.

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

The zoning and uses are laid out above. The neighborhood consists of a mix of residential uses, including single-family residences, garden-style apartments and legally non-conforming duplexes like the subject property. The subject property is a legally non-conforming duplex, which will not change as a part of this change of zone, rather, will be brought into conformance completely. The proposed use is compatible with nearby 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 currently a legally non-conforming duplex and is suitable to continue to be used as a duplex. The removal of restrictions will not detrimentally affect nearby property as the use of the property is not changing and the use is consistent with nearby uses.

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

The property has been consistently used as a duplex since its construction in 1955.

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

The proposed use is reasonably necessary as the historic use as a duplex provides additional housing to the community. The proposed use will not substantially or permanently injure the use, quality, or marketability of nearby property, as it is consistent with the nearby uses.

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

The proposed use will not increase traffic to the point it exceeds the capacity of North 57th Street, a Local Street, as the use of the property is not changing, rather, the zoning district is changing to match the historic use of the property.

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

The City-Wide Comprehensive Plan currently designates the property as Low Density Residential, which allows for single-family residences. The proposed use is not in conformance.

The applicant, however, is requesting to amend the designation to Medium Density Residential, which allows for duplexes, triplexes, fourplexes and garden-style apartments, in which the current and proposed use conforms to.

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

The proposed use will not cause environmental harm or enhance the environment as the use of the property is not changing, rather, the zoning and designation will change to match the historical, current, and proposed use of the property.

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

a. *Water service*

BPU provides water service.

b. *Sanitary sewer service*

The UG provides sanitary sewer service.

c. *Storm water control*

The UG provides storm water control.

d. *Police*

Police service is provided by West Patrol, District #224.

e. *Fire*

Fire service is provided by Station #18, which is four (4) blocks away from the subject property.

f. *Transit*

The UG provides transit service along Route #113 – Leavenworth Road, with a stop one (1) block away at 56th Street & Leavenworth Road.

g. *Schools*

Public Education is provided by Welborn Elementary School, Gloria Willis Middle School and F.L. Schlagle High School under Kansas City, Kansas USD 500.

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

The economic impact of the proposed use on the community is minimal, as this change of zone is changing the zoning district to match the existing historic and future use of the property as a duplex, rather than a redevelopment of the property.

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

With changes on the site, the proposed use is capable of meeting applicable ordinance requirements; This change of zone will match the zoning district to the historic, current, and proposed use of the property.

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 public health, safety and welfare is minimal, as this change of zone is simply changing the zoning district to better match the historic, current and proposed use of the property. The hardship imposed on the property owner may be significant, as if the existing duplex on the property was destroyed, the owner could only build a single-family residence rather than another duplex.

Master Plan Amendment

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

There have been no events subsequent to the comprehensive plan adoption. The building has remained unchanged since 2008. The building, however, was constructed as a duplex in 1955 and has been used as such since initial construction.

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

The change from Low Density Residential to Medium Density Residential is consistent with the goals of the City-Wide Comprehensive Plan, which seeks to promote density along major corridors, including Leavenworth Road.

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

See Change of Zone Factor #9.

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

The proposed amendment would eliminate a regulatory conflict as the property has been a legal non-conforming duplex since it was annexed in 1966. The current zoning of the property is R-1 Single-Family District. The applicant seeks to change the zoning to the R-2 Two-Family District to match the zoning district to the historic, existing and proposed use as a duplex. An amendment to the Comprehensive Plan would bring the plan into conformance with the proposed zoning district.

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

The proposed plan amendment would not result in a change in development of the site, and instead, would match the historic and existing use of the site. The site has been used as a duplex since its construction in 1955.

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

The proposed use will not have a major impact as the use of the property will not change, however, if the existing structure on the property is destroyed, it would allow for a new structure of the same density to be reconstructed, rather than reducing the density.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment Application **MPL2023-013** and Change of Zone Application **COZ2023-025** subject to:

- 1. The pull-in gravel parking in the front-yard of the residence shall be removed. Only parallel parking along North 57th Street is allowed. A right-of-way permit shall be obtained for this parking;**
- 2. The storage area shall not be converted into a third unit. If it is converted**

- into an additional unit, a change of zone will be required;
3. 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;
 4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 5. 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;
 6. 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;
 7. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
 8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning 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.

KEY ISSUES

Gravel Parking in Front-Yard
Number of Electric Meters
Rear-Yard Erosion Concerns

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Master Plan Amendment

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 **MPL2023-013** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

Change of Zone

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-025** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
City-Wide Comprehensive Land Use Map
Neighborhood Meeting Materials
Floor Plan
Site Photos, Taken by Staff, Dated September 8, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	October 9, 2023	October 26, 2023
Rezoning	Approval	
Master Plan	October 9, 2023	October 26, 2023
	Approval	

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

MOTIONS

Master Plan Amendment

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-013** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to

resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **MPL2023-013**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

Change of Zone

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-025** as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-025**, 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.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 2:54:22:

MASTER PLAN AMENDMENT APPLICATION MPL2023-013 – LANDON FLIGER WITH ATLAS LAND CONSULTANTS – SYNOPSIS: Master Plan Amendment from Low-Density Residential (City-Wide Comprehensive Plan) to Medium-Density Residential (City-Wide Comprehensive Plan) at 3009 North 57th Street.

CHANGE OF ZONE APPLICATION COZ2023-025 – LANDON FLIGER WITH ATLAS LAND CONSULTANTS – SYNOPSIS: Change of Zone from R-1 Single Family District

to R-2 Two Family District to bring an existing duplex into compliance at 3009 North 57th Street.

Detailed Outline of Requested Action: The applicant, Landon Fliger, is requesting a Change of Zone from R-1 Single-Family District to R-2 Two Family District and a Master Plan Amendment from Low Density Residential to Medium Density Residential in the City-Wide Comprehensive Plan to bring a legal, non-conforming duplex into conformance at 3009 and 3011 North 57th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Landon Fliger, applicant, Atlas Land Consultants, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:56:48: Planning Director Hand stated this is a legal non-conforming in a block with other duplexes. The property is in the City-Wide Comprehensive Plan area. Staff has received no letters in support nor opposition. There are some older Notices of Violation associated with this property that have all been rectified. There are also some police reports on this block as well. Staff recommends approval subject to the conditions in the staff report. He stated that there are two (2) unimproved parking spaces on the property, which is unnecessary as there is a driveway to the rear with two (2) garage spaces underneath this unit as well as other parking. Staff is conditioning that they restore the grass area (where the car is parked) and they can park on the gravel in the driveway, which is right-of-way. Director Hand showed the Commission the multiple utility meters and stated Staff was unable to confirm building permits or if there are more than two (2) units in the structure. A condition was added that if they add a third unit another Change of Zone would be required.

Motion starts at 3:00:30:

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Master Plan Amendment MPL2023-010:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. The pull-in gravel parking in the front-yard of the residence shall be removed. Only parallel parking along North 57th Street is allowed. A right-of-way permit shall be obtained for this parking;
2. The storage area shall not be converted into a third unit. If it is converted into an additional unit, a change of zone will be required;
3. 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;
4. All existing and future driveways must feature curb cuts that are constructed to UG standards;
5. 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;
6. 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;
7. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed by right or by Special Use Permit under the new zoning district, or any portion thereof,

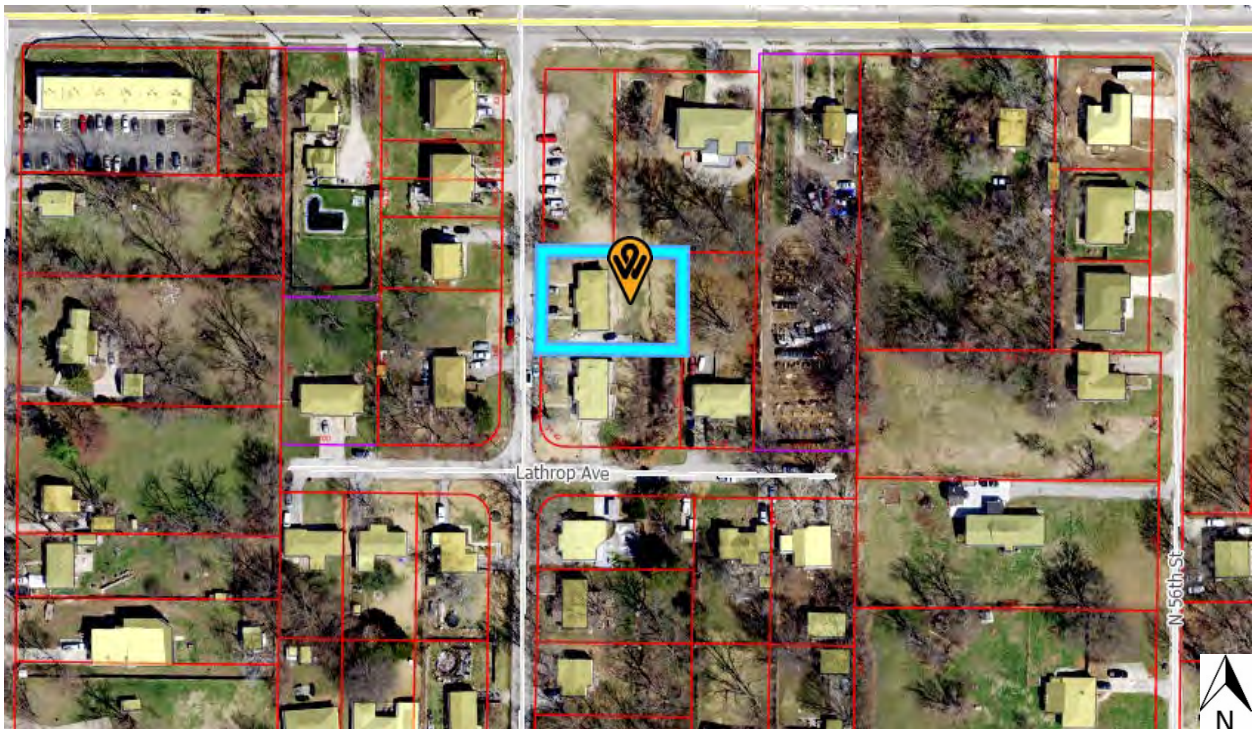
- does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located; and,
8. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

On motion by Mr. Straws, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-025:**

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

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

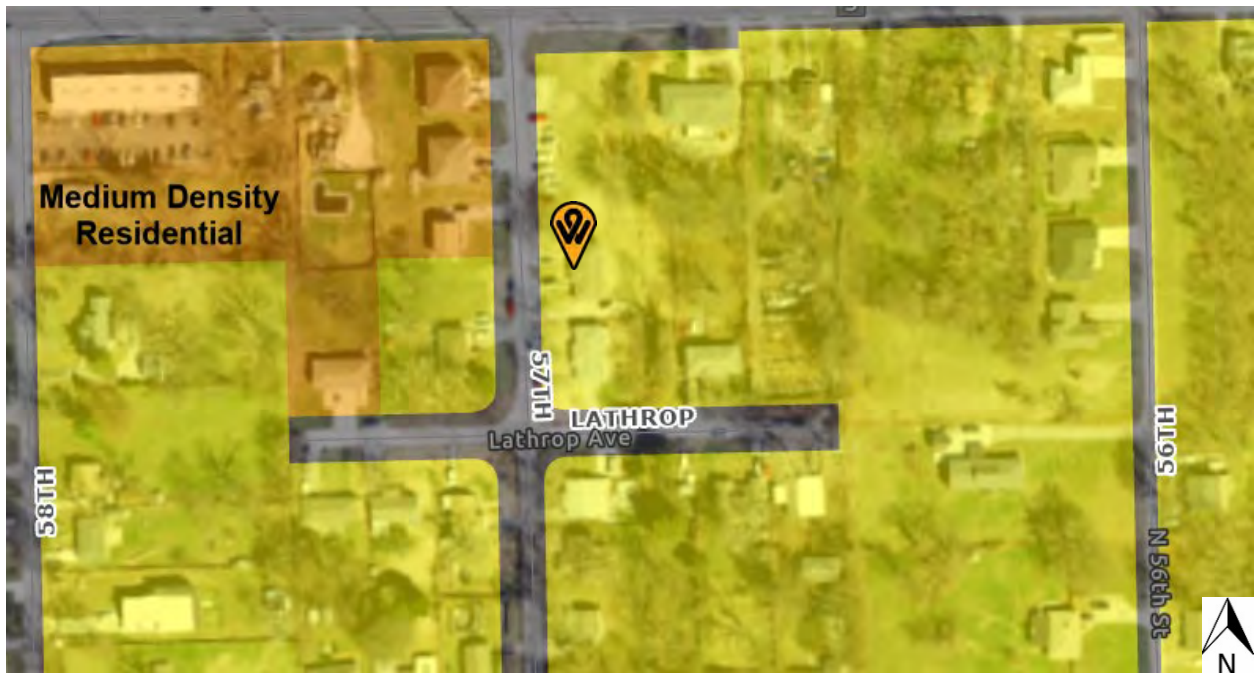
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MINUTES



NEIGHBORHOOD MEETING RESPONSES COZ2023-025 & MPL2023-013

September 25th, 2023:

Attendees:

1. Landon Fliger – Atlas Land Consulting
14500 Parallel Rd unit R Baschor, Ks 66007
2. Benito Hernandez – Property Owner
63 S 16th St Kansas City, Kansas 66102

Meeting:

Meeting began at 5:56pm on September 25th. No additional attendees joined the meeting between the times of 5:56pm and 6:45pm.

Meeting adjourned.

14500 Parallel Road, Unit R, Baschor Kansas 66007

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # COZ2023-025 and MPL2023-013
2. That I conducted a neighborhood meeting via zoom SEPTEMBER 25TH, 2023 @6:00pm.
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.

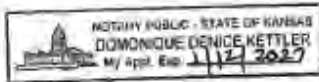


09/27/2023

Affiant

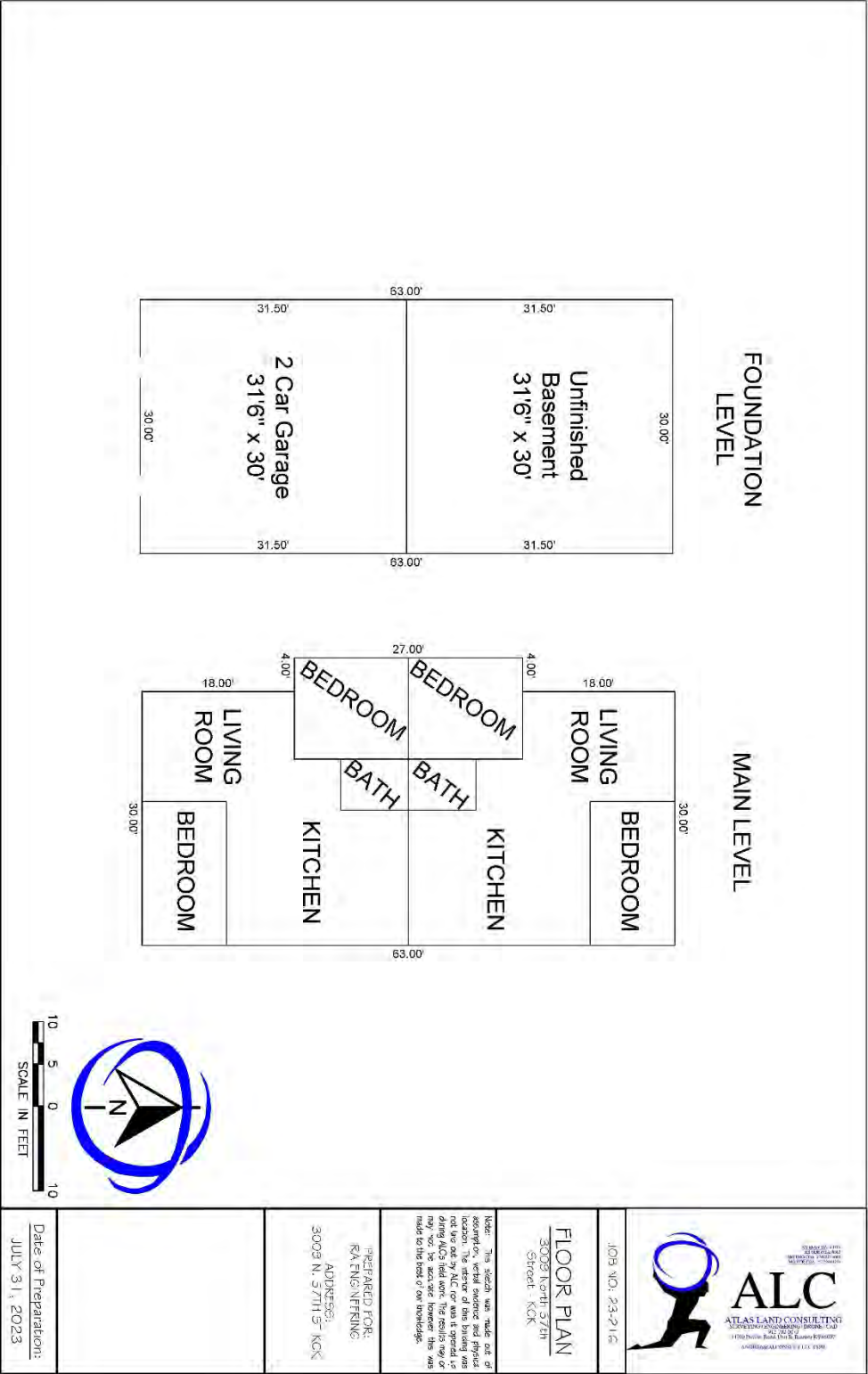
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of Sept, 2023

My commission expires 12th of January, 2023.


Notary Public

14500 Parallel Road, Unit R, Basehor Kansas 66007

FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 8, 2023







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Special Use Petition SP2023-019

GENERAL INFORMATION

Applicant:
Timothy Okeowo

Status of Applicant:
Representative
Redeemed Christian Church of God
8155 Parallel Parkway
Kansas City, Kansas 66112

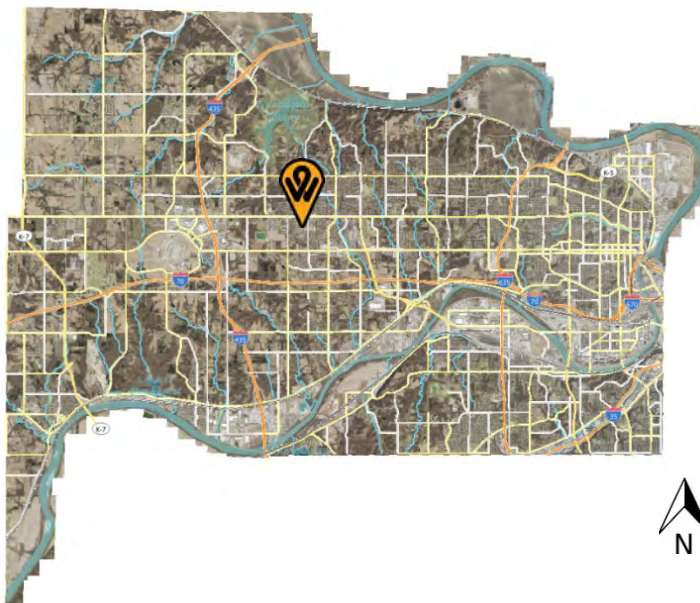
Requested Action:
Approval of a Temporary Use of
Land Special Use Permit.

Date of Application:
April 28, 2023

Purpose:
To approve a Temporary Use of
Land Special Use Permit to keep a
storage container on the property to
store furniture for church operations.

Property Location:
8155 Parallel Parkway
Kansas City, Kansas 66112

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



Existing Zoning:	CP-1 Planned Limited Business District	
Adjacent Zoning:	North:	R-1 Single Family District
	South:	RP-5 Planned Apartment District
	East:	CP-1 Planned Limited Business District
	West:	R-1 Single Family District
Adjacent Uses:	North:	Church
	South:	Apartment complex
	East:	Commercial businesses
	West:	Single-family residence
Total Tract Size:	2.16 Acres	
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Community Commercial, which uses are intended to provide goods and services to adjacent districts and neighborhoods.	
Major Street Plan:	The Major Street Plan designates Parallel Parkway as a Class A Thoroughfare and North 82 nd Street as a local/neighborhood street.	
Parking Requirement:	Section 27-688(a)(4) states that churches shall provide “one (1) space for each six (6) seats or 9 linear feet of seating area”. It is unclear how many spaces are required, as we do not have a floor plan, however, the property currently provides 14 spaces.	
Advertisement:	<u>The Wyandotte Echo</u> – May 18, 2023 Letters to Property Owner – May 19, 2023, June 3, 2023, and August 8, 2023	
Public Hearings:	July 10, 2023, September 11, 2023, October 9, 2023 and October 26, 2023	
Public Support:	None to date.	
Public Opposition:	None to date.	

PROPOSAL

Detailed Outline of Requested Action: The applicant, Timothy Okeowo, is requesting a Temporary Use of Land Special Use Permit to keep a shipping container in the parking lot of the Redeemed Christian Church of God at 8155 Parallel Parkway. The applicant intends to store furniture in the container for this church as well as potentially for other church locations. This Special Use Permit is the result of an active Notice of Violation.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

1. The subject property has several active Zoning and Code Enforcement complaints.
 - a. 2023 – CMP23-0301 – Trash throughout the property
 - b. 2023 – STR23-0248 – Structural – Sign Structure in disrepair
 - c. 2023 – PMZ23-0025 – Zoning – Container without Special Use Permit
 - d. 2023 – ENV23-0702 – Environmental – Trash throughout property
 - e. 2023 – CAC23-0929 – Admin Citation – Trash and Structural

Outstanding or Related Permits and Cases:

1. There are no additional related permits and/or case on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Victory Hills Statistical Neighborhood and within the Normandy West and Leavenworth Road Association neighborhood group. The neighborhood is a mixed-use neighborhood, including small-scale retail centers, small lot single-family and multi-family residences, as well as institutions, such as churches, schools, and libraries. The subject property is located in one of several commercial nodes along Parallel Parkway, most of which are located at or near major intersections.

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

The adjacent zoning and uses are set out above. The proposed use may create compatibility issues with nearby residential uses to the west due to noise and may be unsightly to surrounding commercial and institutional uses. The property owner shall work to mitigate the impacts of the storage container.

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 itself is suitable to have a storage container as it is a commercially zoned and designed property. The current placement of the storage container,

however, may negatively impact nearby property, as there are concerns with noise and sightliness of the temporary storage container.

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

The property has been occupied by the Redeemed Christian Church of God since 2022.

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

Special Use Permits are not addressed in the Comprehensive Plan. The City-Wide Comprehensive Plan designates this property as Community Commercial, which uses are intended to provide goods and services to adjacent districts and neighborhoods. The proposed use may not conform to the master plan, as the storage container is solely for the use of the property owner.

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

The proposed use is not expected to result in an increase in vehicular traffic, as it is not expected to attract additional members to the church. If there is any additional traffic, it is not expected to exceed the capacity of Parallel Parkway, a Class A Thoroughfare, or North 82nd Street, a local 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 of the storage container is to hold furniture for this church as well as potentially other churches. The use may injure the visual quality and marketability of adjoining property as it does not match the character of the neighborhood. Additionally, there have been code enforcement complaints for furniture being left outside, which may further impact the quality and marketability of adjacent property. The proposed use is not reasonably necessary as the applicant can either use their existing space for storage or they can seek out alternatives such as renting a storage unit.

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.*

The storage container is already on the property, so no additional impacts from noise, dust, or vibration would occur, however, the container itself may create impacts with noise, as the loading and unloading of container may be loud.

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

The proposed use of the storage container is to store furniture. This use should not pollute the air, land, or water, so long as it is stored on an improved surface.

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 located on an existing, developed commercial property.

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

The relative gain to public health, safety, and welfare is minimal, as the proposed use serves the property owner for their private use. If denied, the applicant would have to remove the container from the subject property, utilize an existing public storage facility, or use their building for storage.

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

The subject property is currently used for the storage of the container, as well as parking for members of the congregation. The container may create an overcrowding of the land, as it will inherently reduce the number of parking spaces available. The applicant could also move the trailer to a different location to reduce the possibility of it overcrowding the parking lot.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on August 21, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP2023-019**, for **two (2) years** subject to:

- 1. The container must be moved to the southwest corner of the property/parking lot;**
- 2. All unpermitted signs on the property must obtain a sign permit;**
- 3. All code enforcement citations must be closed;**

4. The applicant shall install additional landscaping along the north and west sides of the property;
5. The abandoned pole sign on the property must be removed;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. 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. If approved, the applicant must file and maintain a current business occupation application with this office;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be renewed. The trailer must be removed from the premises;
 16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 17. 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 unless otherwise determined by the Director of Planning or their designee. The failure to satisfy all conditions of approval after one (1) year or the term identified by the Director of Planning will result in automatic termination of this Special Use Permit. Termination is not subject to the revocation process identified in Section 27-214(i).

KEY ISSUES

Alternative Storage Solutions
Code Enforcement Complaints
Dilapidated Signage
Landscaping
Location of the Container
Other Signage
Temporary Use of Land

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 **SP2023-019** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Minutes
Site Photos, Taken by Staff, Dated May 12, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	July 10, 2023	
Special Use	Held Over September 11, 2023 Held Over October 9, 2023 Approval	October 26, 2023

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-019** 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 **SP2023-019**, 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.

October 9, 2023, City Planning Commission Minutes:

Hearing starts at 3:02:16:

SPECIAL USE PERMIT APPLICATION SP2023-019 – TIMOTHY OKEOWO WITH REDEEMED CHRISTIAN CHURCH OF GOD - SYNOPSIS: Special Use Permit for the Temporary Use of Land to keep a shipping container in the parking lot of a church at 8155 Parallel Parkway. Detailed Outline of Requested Action: The applicant, Timothy Okeowo, is requesting a Temporary Use of Land Special Use Permit to keep a shipping container in the parking lot of the Redeemed Christian Church of God at 8155 Parallel Parkway. The applicant intends to store furniture in the container for this church as well as potentially for other church locations. This Special Use Permit is the result of an active Notice of Violation.

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 October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

Recording Secretary Parker asked if the Commission had any contact to disclose on this application. No one responded in the affirmative. Recording Secretary Parker stated that this application was held over from last month's meeting for the Staff and applicant to discuss the conditions of approval.

Present in Support:

- Timothy Okeowo, applicant, Pastor of the Redeemed Christian Church of God, 8155 Parallel Parkway, Kansas City, Kansas 66112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:05:01: Planning Director Hand stated that this case was held over from September's hearing in order to discuss the conditions of approval with the applicant. The Special Use Permit is for a temporary use of land that has a maximum term of two years with no opportunity for renewal; a permanent storage solution must be determined by the applicant within this two-year time period. This proposed project is in the Citywide Comprehensive Plan area in the Midtown neighborhood. There have been no letters in support, but there was some opposition

expressed at last month's City Planning Commission. Staff recommends approval with conditions, including but not limited to rectifying all Notices of Violation, removing the illegal pole sign, obtaining a sign permit for all current unpermitted signage, and planting enhanced landscaping around the storage container that is to be moved to the property's southwest corner to best buffer the use on the site.

Motion starts at 3:06:49:

On motion by Mr. Ernst, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-019 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

1. The container must be moved to the southwest corner of the property/parking lot;
2. All unpermitted signs on the property must obtain a sign permit;
3. All code enforcement citations must be closed;
4. The applicant shall install additional landscaping along the north and west sides of the property;
5. The abandoned pole sign on the property must be removed;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
7. 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. If approved, the applicant must file and maintain a current business occupation application with this office;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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;

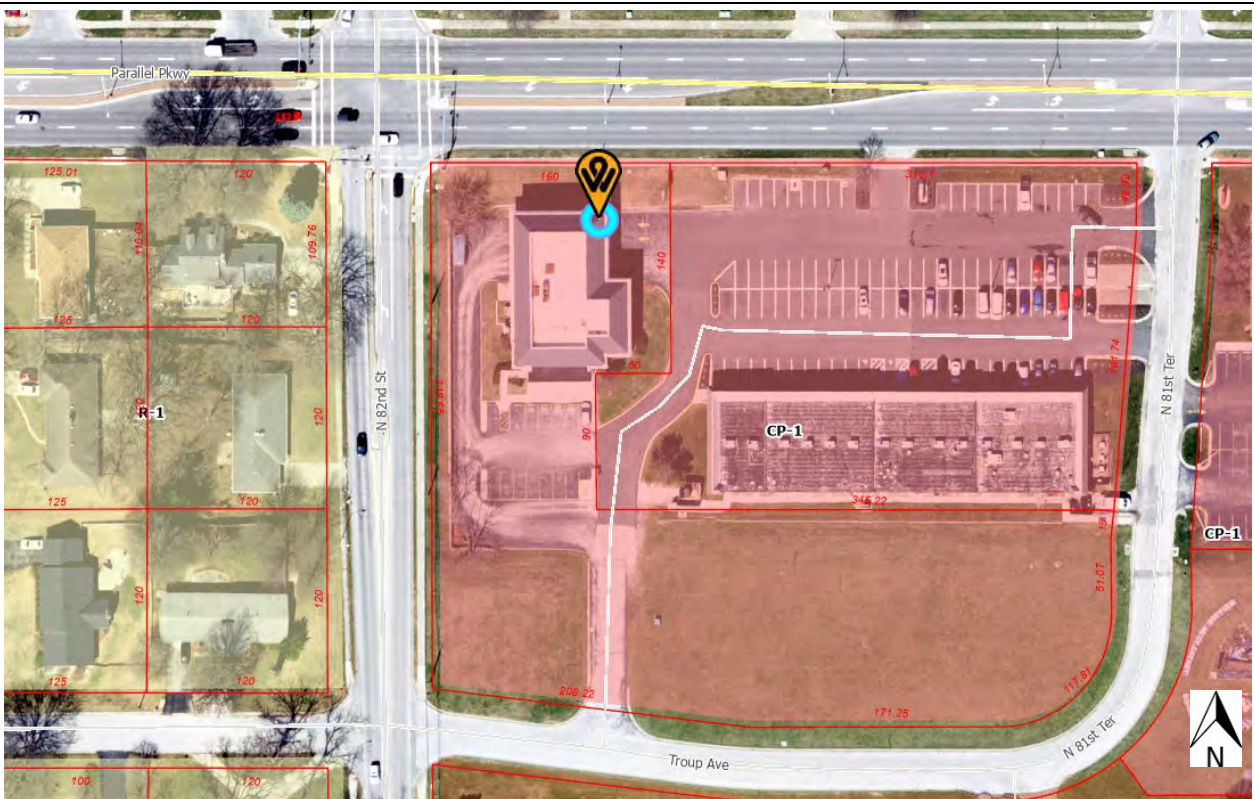
11. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. Because this is a Temporary Use of Land, this Special Use Permit may not be renewed. The trailer must be removed from the premises;
16. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,

17. **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 unless otherwise determined by the Director of Planning or their designee. The failure to satisfy all conditions of approval after one (1) year or the term identified by the Director of Planning will result in automatic termination of this Special Use Permit. Termination is not subject to the revocation process identified in Section 27-214(i).**

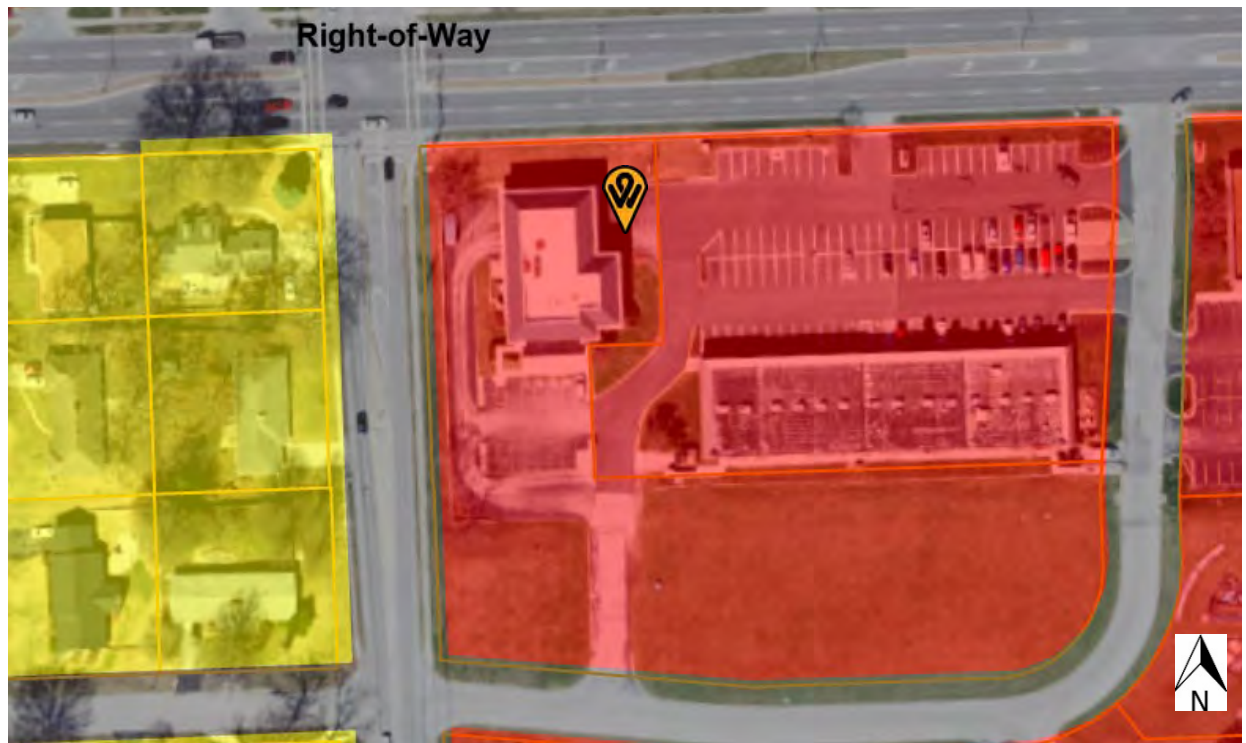
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition # SP2023-019 8155 PARALLEL PKW
2. That I conducted a neighborhood meeting on 8-21-2023
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.

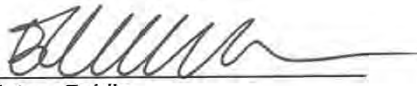
Further affiant saith not.



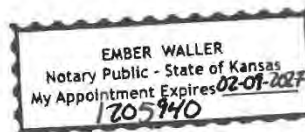
Affiant

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

My commission expires 9th of February, 2027.



Notary Public



August 21, 2023

APPLICATION NUMBER: SP2023-019- 8155 PARALLEL PARKWAY

LOCATION: 8155 PARALLEL PARKWAY

DATE: AUGUST 21, 2023

MINUTES/SUMMARY OF NEIGHBORHOOD MEETING HELD ON AUGUST 21, 2023

The meeting which was scheduled for 5PM did not hold because no neighbor showed up as 6 PM on the scheduled meeting day. The host (OLUSEYI OKEOWO) was the only one present at the meeting.

SIGNED:

A handwritten signature in black ink, appearing to read 'Oluseyi Okeowo', with a large circular flourish at the beginning.

OLUSEYI OKEOWO

Redeemed Christian Church of God Agape House

8155 Parallel Parkway

Kansas City, KS 66112



The Redeemed Christian
Church of God
Agape House

August 10, 2023

Lou Braswell/LRA
6100 Leavenworth Road
Kansas City, KS 66104

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # **SP 2023-019-8155** **Parallel Parkway**. The purpose of this is for a special use permit at the following address:

8155 Parallel Parkway, Kansas City, KS 66112.

We are having a neighborhood meeting on Monday, August 21 at 5P.M. at the following address:

8155 Parallel Parkway, Kansas City, KS 66112. Please use the fellowship entrance door at the back of the building to access the venue of the meeting.

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

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

Sincerely,

Oluseyi Okeowo
Pastor
913-379-0742

Jesus Christ the same yesterday, and today and forever

8155 Parallel Parkway, Kansas City, KS 66112

Tel: (913) 489-9739 Website: www.rccgagapehouseks.org

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







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Special Use Petition SP2023-047

GENERAL INFORMATION

Applicant:

Lance Pierce

Status of Applicant:

Owner

3917 Bell Street

Kansas City, Missouri 6411

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

June 13, 2023

Purpose:

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

Property Location:

3917 Fisher Street

Kansas City, KS 66103

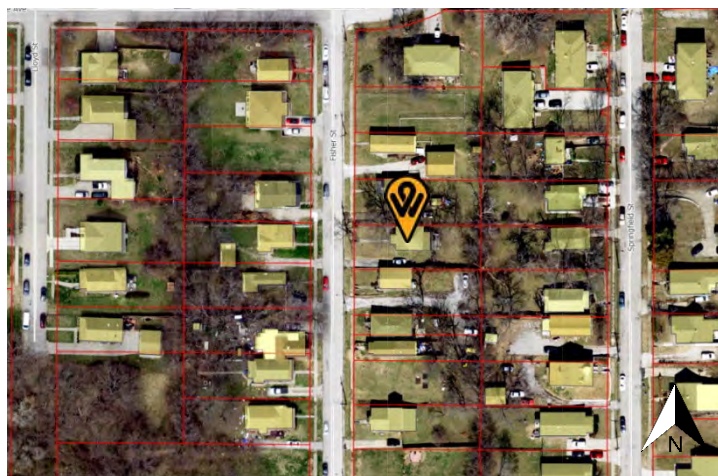
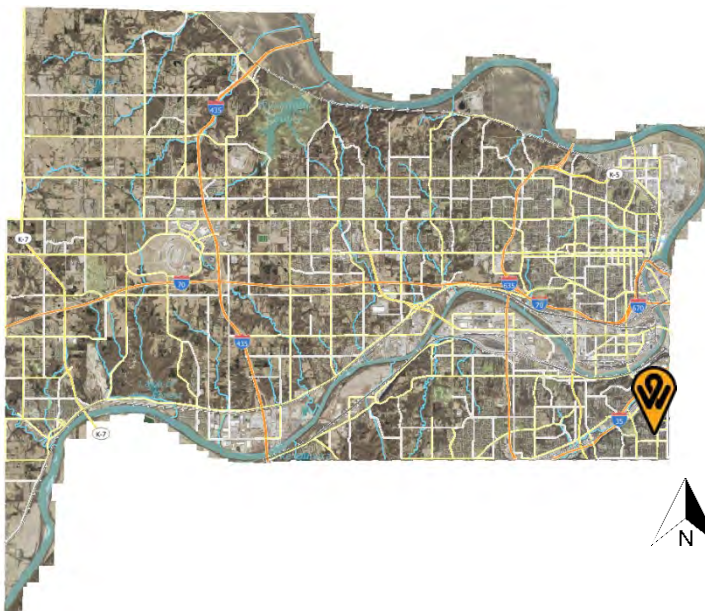
Commission Districts:

Commissioner At-Large, District #2:

Tom Burroughs

District #3 Commissioner:

Christian Ramirez



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.16 Acres
Master Plan Designation:	The Rosedale Area Plan designates this property as a Single-Family Neighborhood, which allows for rowhouses, townhomes, and single-family houses.
Major Street Plan:	The Major Street Plan designates Fisher Street as a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – July 20, 2023 Letters to Property Owner – July 21, 2023 and August 8, 2023
Public Hearings:	September 11, 2023, September 28, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	Four (4) people appeared in opposition at the September 11, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3917 Fisher Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 3900 block of Fisher.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623.

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 have been no building, zoning or code enforcement complaints on the subject property.

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 within the Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group, and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences. The neighborhood also includes the Rainbow Boulevard mixed-use corridor as well as The University of Kansas Medical Center.

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 the R-1(B) Single Family District. 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 currently operating as a long-term rental.

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

Special Use Permits are not addressed in the Rosedale Area Plan. The Rosedale Area Plan designates this property as Single Family, which allows for rowhouses, townhomes, garden-style apartments, and single-family houses. 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 Fisher Street, a local street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are issues related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration and dust 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 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 six (6) as there are only two (2) bedrooms. The maximum number of vehicles off-street is two (2) as the driveway can only hold two (2) vehicles. There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on July 31, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Noise
Overcrowding
Parking
Retaining Wall Safety
Required Repair Items

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Special Use Permit Application **SP2023-047**, for one **(1) year**, subject to:

- 1. The sidewalk in front of the property shall be repaired and/or replaced;**

2. The utility line hanging above the front yard must be raised or relocated;
3. All steps must have a secured handrail installed;
4. Trees must be trimmed in a manner to not impact the utility line above;
5. Maximum number of guests shall be six (6);
6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
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; and,
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.

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 **SP2023-047** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 11, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Rosedale Area Plan
Host Compliance Map - July 18, 2023
Floor Plan
Home Inspection Report
Site Photos, Provided by Staff, Dated July 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	September 11, 2023	September 28, 2023
Special Use	Approval	Hearing Suspended October 26, 2023

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-047** 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 **SP2023-047**, 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.

September 11, 2023, City Planning Commission Minutes:

Hearing starts at 3:02:10:

SPECIAL USE PERMIT APPLICATION SP2023-047 – LANCE PIERCE WITH KARAT VACATION RENTAL MANAGEMENT - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 3917 Fisher Street. *Detailed Outline of Requested Action:* The Applicant, Lance Pierce, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 3917 Fisher Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 3900 block of Fisher.

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 September 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Lance Pierce, applicant, 3917 Bell Street, Kansas City, Missouri 64111

The Planning Commission directed questions to the applicant.

Present in Opposition:

- Kelly White, 4410 Francis Street, Kansas City, Kansas 66103
- Gil Pintar, 4178 Cambridge, Kansas City, Kansas 66103, President of Hanover Heights Neighborhood Group
- Erin Stryka, Executive Director, Rosedale Development Association, 1403 Southwest Boulevard, Kansas City, Kansas 66103
- Marissa Butler, 4462 Cambridge, Kansas City, Kansas 66103

Staff Recommendation starts at 3:16:37: Planning Director Hand stated that this application is for a non-owner occupied Short-Term Rental Special Use Permit. The property is located in the Rosedale Area Plan. Before tonight's meeting Staff had received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval for one (1) year, subject to the conditions in the staff report.

The Planning Commission directed questions to the applicant.

Motion starts at 3:18:44:

On motion by Mr. Ward, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-047 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed 6 to 2

Subject to:

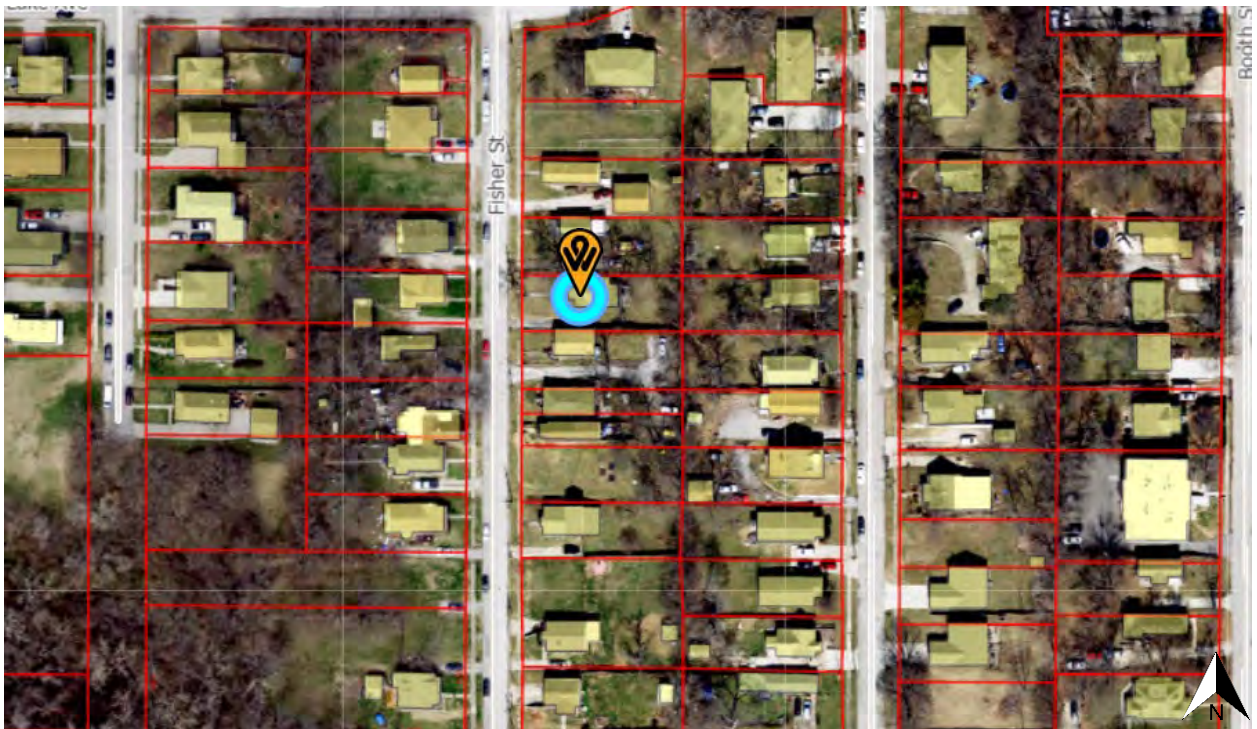
1. The sidewalk in front of the property shall be repaired and/or replaced;
2. The utility line hanging above the front yard must be raised or relocated;
3. All steps must have a secured handrail installed;
4. Trees must be trimmed in a manner to not impact the utility line above;
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6. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
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);
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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;
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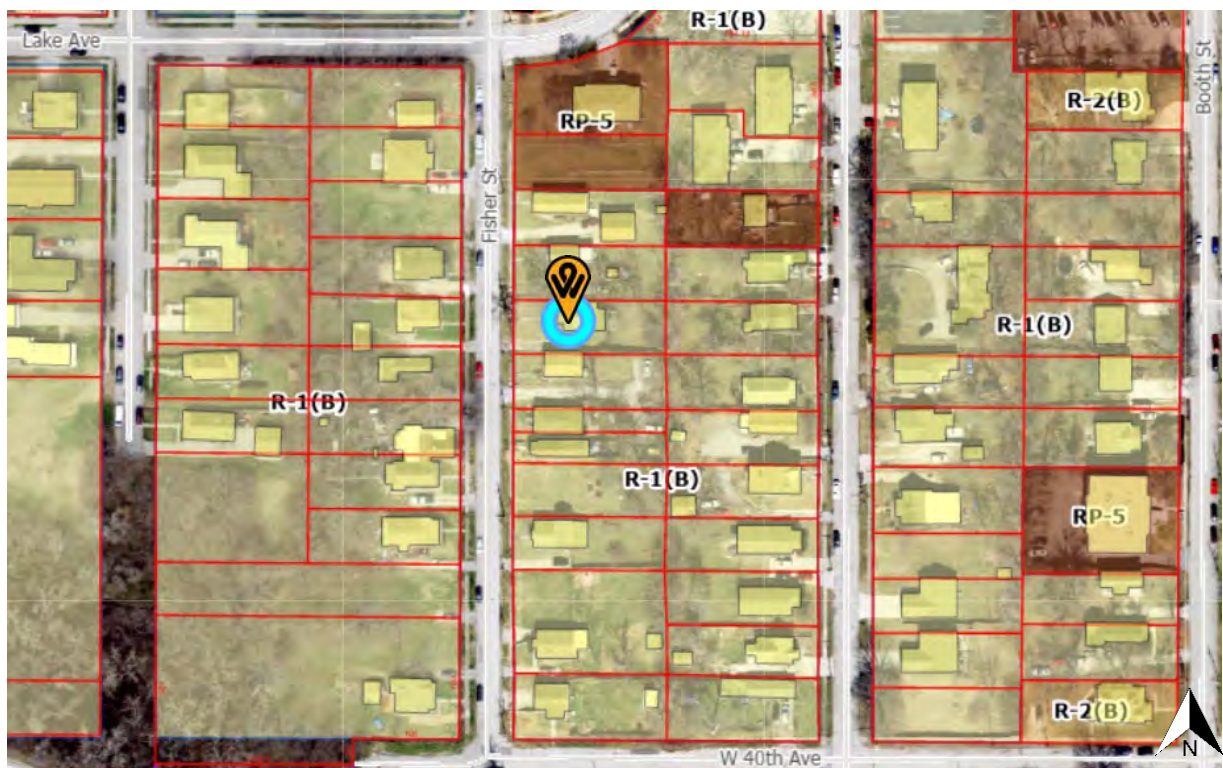
- 20. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and 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; and,**
- 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.**

ATTACHMENTS

AERIAL IMAGERY



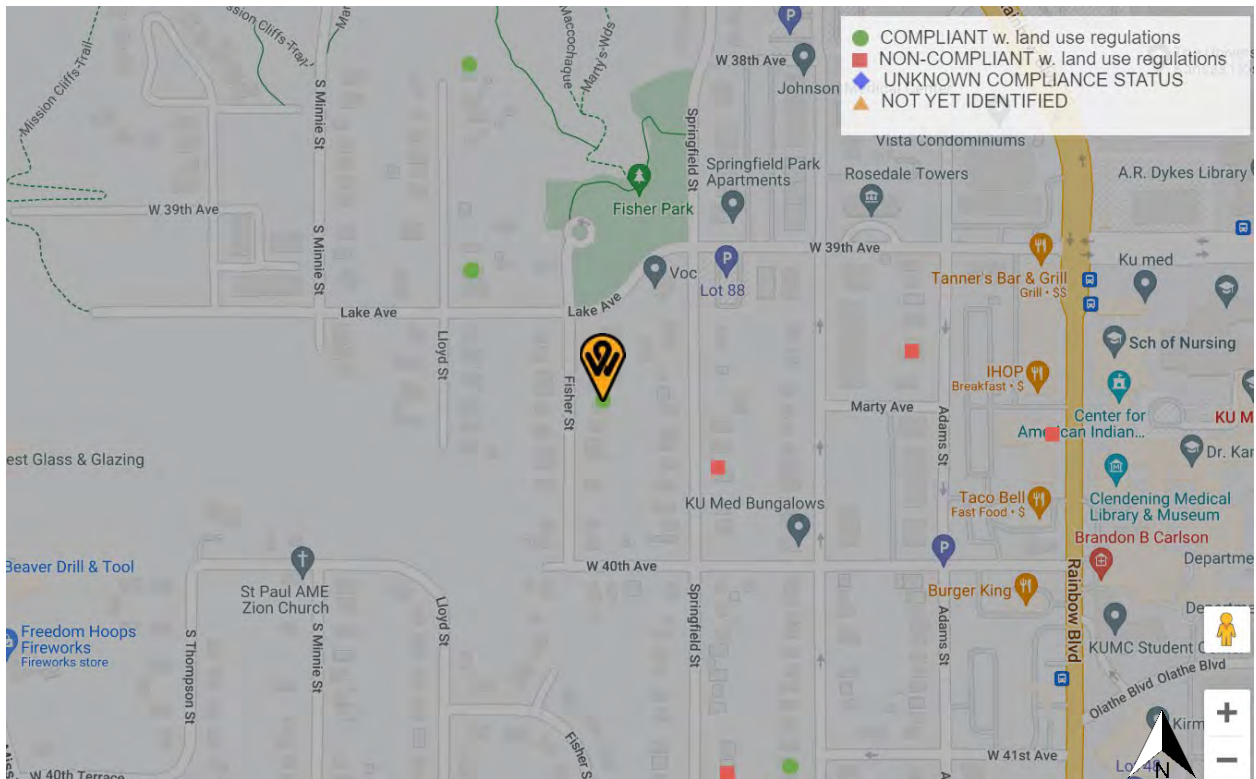
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – JULY 18, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2023-047, SP2023-048, SP2023-049, SP2023-052
2. That I conducted a neighborhood meeting on July 31, 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 1st day of August, 2023
My commission expires 14th of Feb, 2027


Notary Public



July 18, 2023

Dear neighbor,

We have filed an application with the Department of Urban Planning and Land Use SP2023-047, SP2023-048, SP2023-049 and SP2023-050. The purpose of this:

- Special Use Permit

is for a short term rental/AirBNB at the following addresses:

4028 Booth Street, Kansas City, Kansas 66103
3917 Fisher Street, Kansas City, Kansas 66103
4456 Springfield Street, Kansas City, Kansas 66103
3925 Springfield Street, Kansas City, Kansas 66103

I/We are having a virtual Zoom meeting on Monday, July 31st at 12:00 p.m. at the following link. The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

Please reach out to the email below to receive an invite with the hyperlink to the zoom meeting. shaebutter88@gmail.com

<https://us05web.zoom.us/j/84803146413?pwd=oKkk6u0pchrBhVPDGLiVGnU5VQr9xc.1>

Password: m7WBGF

If you are unable to join the Zoom meeting, please feel free to contact us at either of the email addresses or phone numbers listed below.

I look forward to seeing you at the neighborhood meeting.

Sincerely,

Mr. Lance Pierce

Lance Pierce
816-294-3641
Lancepierce@gmail.com

Shae Wells
816-500-4169
Shaebutter88@gmail.com

Application Number(s):

SP2023-047 – 3917 Fisher Street
SP2023-048 – 3925 Springfield Street
SP2023-049 – 4028 Booth Street
SP2023-050 – 4456 Springfield Street

Date and Location: July 31, 2023 held by Zoom meeting

Meeting called to order at: 12:00 pm

Names of people in attendance:

Lance Pierce
Neshae Wells
Billy Brame
Carol Fagan
Nancy Schaubt

Introductions: We introduced ourselves and the company name. Lance explained that we were applying for the short term rental licenses in Wyandotte county for the above properties. Each address was read out loud to those in attendance by Shae. Lance explained the type of guests we have staying at the property and why. Stating that people usually book to be closer to KU medical center after major procedures, to visit close family and friends, 4-6 week long work orders and to have somewhere that provided a full kitchen to be able to cook instead of eating out every day.

Nancy Schaubt commented that even though people are here to visit grandmothers and family members, her and other residents of the block of 44th and Springfield St, are pulling together a petition to deny the use of short term rentals in the neighborhood. Stating that they would prefer the neighborhood to stay as a residential neighborhood and not have party houses next door. She stated that friends of hers in the west Plaza area of Kansas City, MO have let her know how bad the parties have been.

Lance explained that we live nearby and do not have these issues. We have house rules in place that state to guests that no parties/gatherings are allowed. If the guests break these rules, Airbnb allows for us to end the reservation immediately and require them to vacate the property. We are also applying for the license so that we are responsible and can be held liable for any issues that may stem from any of our guests. Many of the people running Airbnb's do not live nearby and many don't even live in the state. These owners or investors may have never even seen the property. They don't care about the neighborhood nor have taken responsibility for the issues that are caused by the parties. We are local and urge our guests to call or reach out for any issues that stem from our properties.

Carol Fagan commented that they have been living next to Lance for years and have never had any issues with guests throwing parties at any of the properties listed above. She preferred to have Lance as a licensed short term rental holder than the other property owners that live out of state. They stated that the unit across from them is owned by someone who lives in Chicago.

Lance thanked her for her comment. He stated that that is the benefit of us being local residents. We are at the property at least once a week. We vet our guests with questions asking if they have read and understand our house rules. We have bought homes and done full remodels which included the exterior of the home and the yards. Our goal for that was to improve the appearance of the neighborhood.

Billy Brame commented and agreed with Nancy on getting the neighbors together to go against the rezoning of each property. Stating that he would prefer the homes be rented out for 12 month leases for families or college students. He wants the neighborhood to feel like a residential neighborhood.

Lance responded saying that we have mainly been renting the homes for 30 day or longer stays. When there are a few days apart, we would open the calendar up to be rented for 2 nights or more before our next longer term stay guest checked in.
What was the question or comment

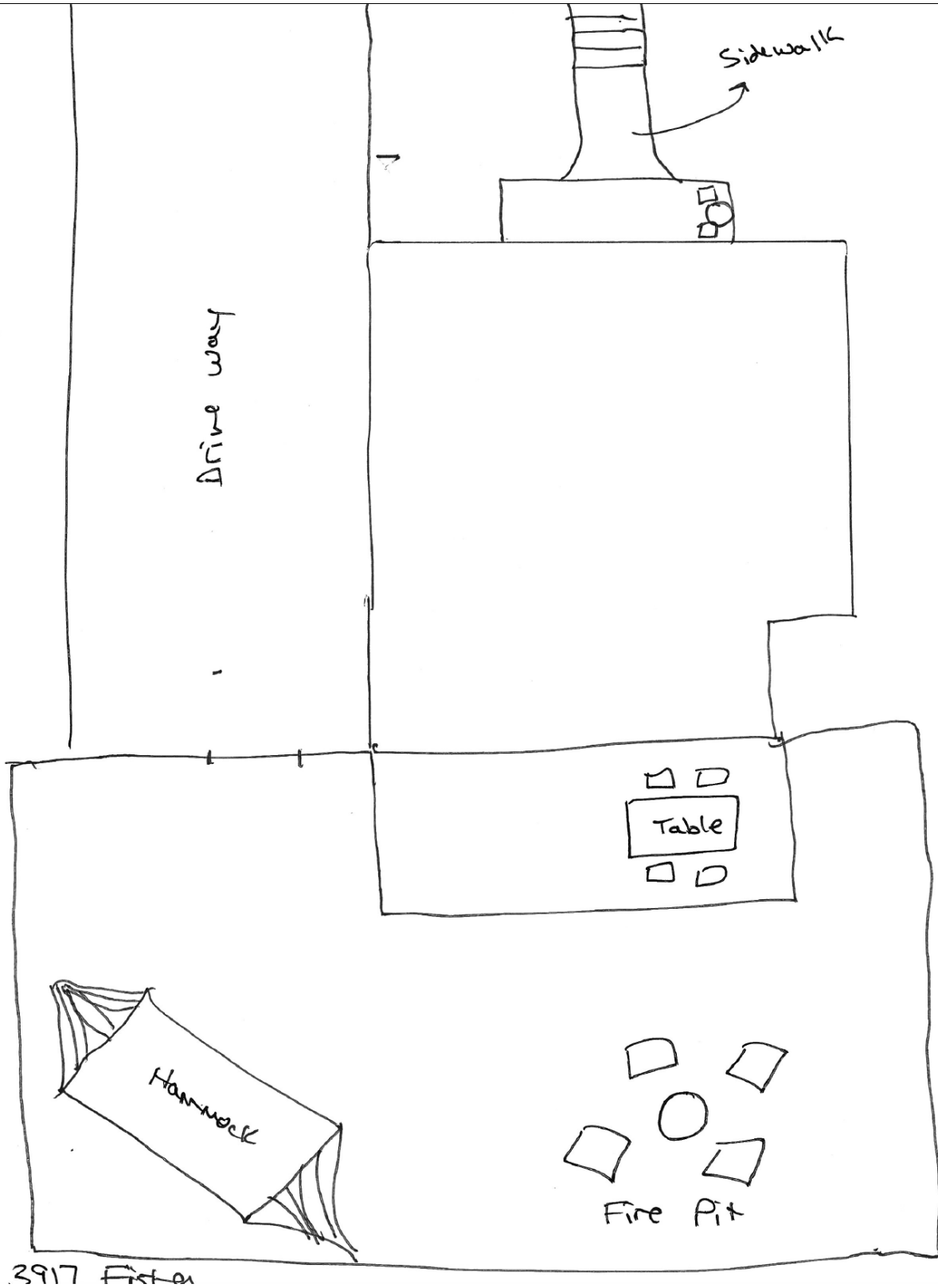
Carol stepped in to say that they understand the concerns but based on the experience they have had with Lance's airbnb's, they would prefer Lance to have the license rather than someone who doesn't care. Carol suggested they consider the fact that they may not have a say in the zoning process and to think about the type of person they would prefer hosting an airbnb on their block.

The Zoom meeting time limit was coming to an end, Lance let everyone know to send us their names and phone numbers so that we can follow up with any other questions and concerns they may have.

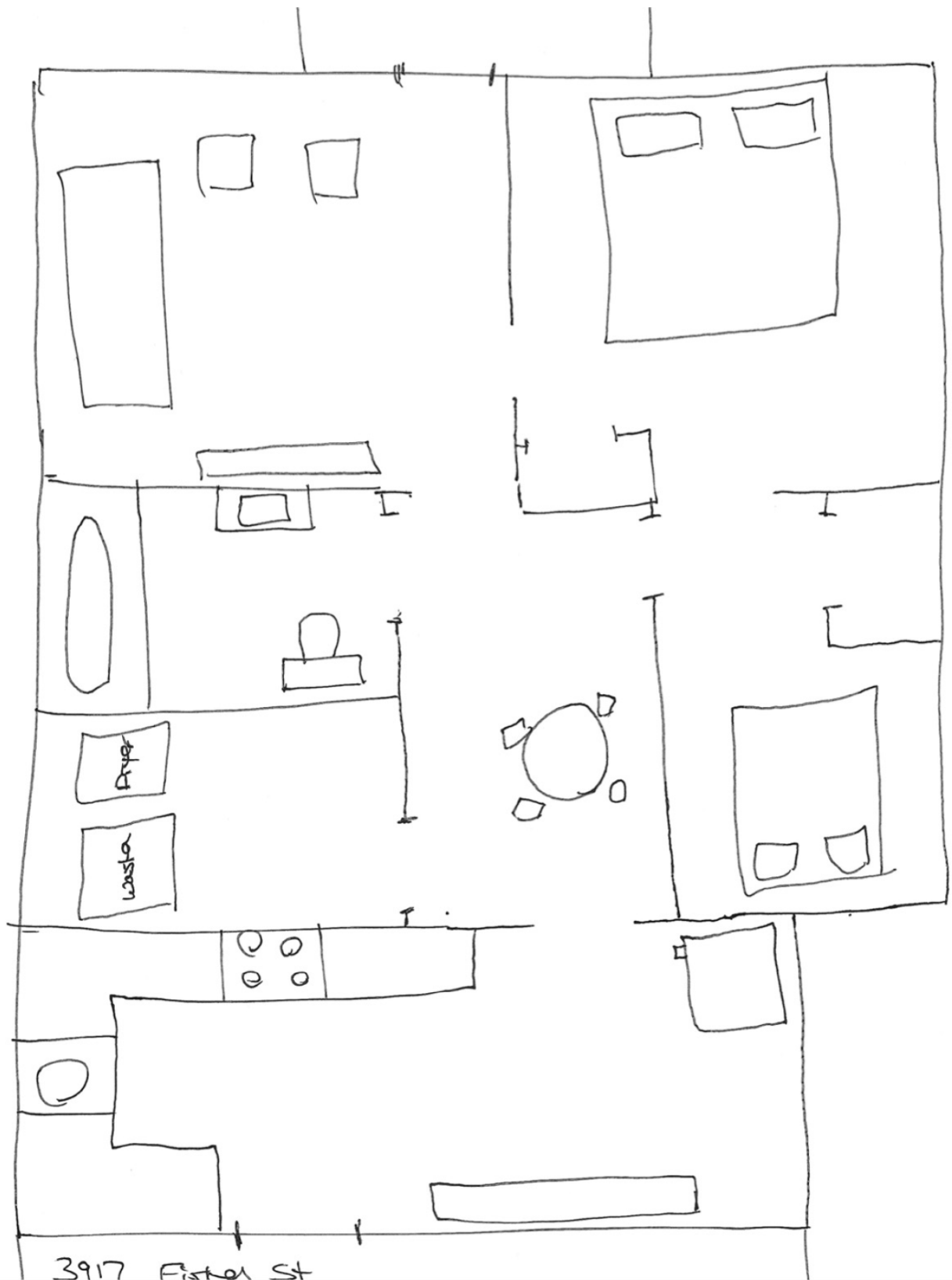
Meeting adjourned at: July 31, 2023 12:34pm

Minutes taken by: ___Shae Wells___

FLOOR PLAN



FLOOR PLAN



HOME INSPECITON REPORT

3917 Fisher St

Lance Pierce

Main & Subpanels, Service & Grounding, Main Overcurrent Device

PANEL COVER(S) NOT REMOVED

[Click Here For More Information](#)

Recommendations

5.2.1 Service Entrance

SERVICE ENTRANCE DEFECT(S)

Vegetation Contact

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.

 Minor/Moderate



6: HVAC

Information

General: OWNERS RESPONSIBILITY

[Click Here For More Information](#)

General: HVAC Disclaimer

[Click Here For More Information](#)

[Click Here For More Information](#)

Cooling Equipment: General Pictures

Yes



9.2.1 Siding / Eaves / Windows

SIDING/EAVES DEFECT(S)

VARIOUS LOCATIONS

Damaged

[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.



Minor/Moderate



Back

9.6.1 Electric & Lighting

GFCI (MISSING OR DEFECTIVE)[Click Here For More Information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.



Moderate/Significant



Back

9.6.2 Electric & Lighting

DOORBELL DEFECT(S)

Missing

[Click Here For More Information](#)

Minor/Moderate



10: INTERIOR

Information**General: Interior Disclaimer**[Click Here For More Information](#)**Smoke/CO Alarms: CO Alarm Present?**

Not Visible

[Click Here For More Information](#)**Smoke/CO Alarms: Smoke Detector Present?**

Yes

[Click Here For More Information](#)

Recommendations

12.5.1 Range/Cooktop/Oven

RANGE NOT SECURE (ANTI-TIP NEEDED)

 Moderate/Significant

[Click Here For More Information](#)

[Click here for more information](#)

To ensure the safety and integrity of the property, we highly recommend that a qualified professional be consulted to evaluate and/or repair any defects or potential hazards that are identified during the inspection. Representative defects were identified and documented. There may be additional defects present that were not observed or documented during the inspection.

Parts supplied for installation:



13: LAUNDRY

Information

General: General Pictures?

Yes



Clothes Washer and Dryer Hookups: Washer Hookups Present?

Yes

General: Laundry Disclaimer

[Click Here For More Information](#)

General: Laundry Appliances Not Operated If Present

[Click Here For More Information](#)

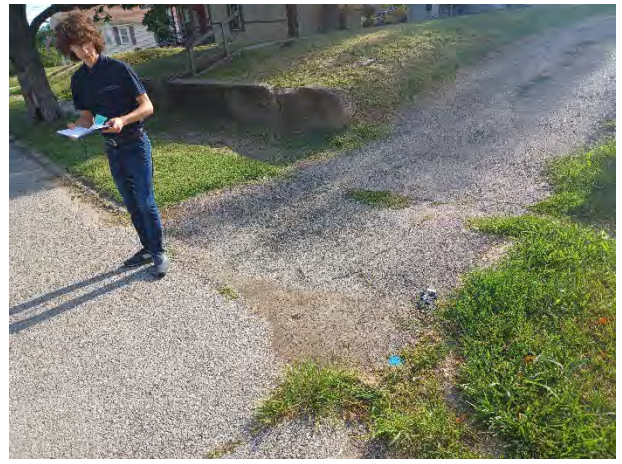
Clothes Washer and Dryer Hookups: Dryer Hookups Present?

Yes

Clothes Washer and Dryer Hookups: Gas Shut Off Valve(s) Present At Unit?

Not Applicable

SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023







Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Special Use Petition SP2023-061

GENERAL INFORMATION

Applicant:
Tatum Philip

Status of Applicant:
Property Owner
809 Central Avenue
Kansas City, Kansas 66101

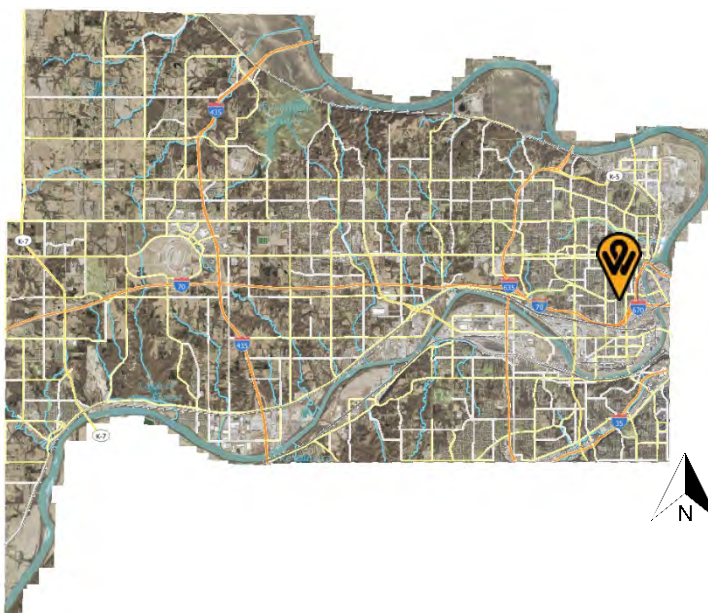
Requested Action:
Approval of a Special Use Permit.

Date of Application:
July 26, 2023

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

Property Location:
809 Central 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-2(B) Two Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Duplex South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.09 Acre
Comprehensive Plan Designation:	The Central Area Plan designates this property as Urban Density, which allows for single-family homes, attached residences like townhomes and duplexes, and institutions like churches, schools, and libraries.
Major Street Plan:	The goDotte Mobility Plan designates Central Avenue as a Major Collector.
Parking Requirement:	Section 27-455(d) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling”. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – August 17, 2023 Letters to Property Owner – August 18, 2023
Public Hearings:	September 11, 2023, September 28, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Tatum Philip, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 809 Central Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 800 block of Central Avenue, though the owner had already been operating a Short-Term Rental without a permit at this address for over two (2) years.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Riverview Statistical Neighborhood and the Central Avenue Betterment Association (CABA). The neighborhood consists of a mix of townhouses, garden-style apartments, and single-family residences, along the predominately commercial Central Avenue corridor.

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 borders single-family homes to the south, east and west, and duplexes to the North. There is also commercial zoning and uses mixed throughout Central Avenue. Continuing use as a rental, either short or long-term, is consistent with nearby properties. The proposed use is compatible if properly managed.

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

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

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

The property has been used as an unpermitted short-term rental since 2021.

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

Special Use Permits are not addressed in the Central Area Plan. The Central Area Plan designates this property as Urban Density, which allows for single-

family homes, attached residences like townhomes and duplexes, and institutions like churches, schools, and libraries. The proposed use conforms to the Area Plan with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of Central 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, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust 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 mixed-use neighborhood.

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

The relative gain or loss to the public health, safety and welfare is 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 six (6). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person on August 24, 2023 at 809 Central Avenue. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Floor Plan
Home Inspection Report Items
Noise
Overcrowding of Land
Parking
Proof of Insurance
Undue Concentrations of Population

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP2023-061, for one (1) year**, subject to:

1. **The entire rear yard of the residence is paved over. The applicant shall modify the driveway to provide the required 60% open space in the rear yard. Demonstrate how the applicant intends to meet this requirement. If the applicant cannot meet this requirement, a variance application shall be filed for;**
2. **The applicant shall install landscape screening around the air conditioning unit in the rear yard;**
3. **Maximum number of guests shall be six (6);**

4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
10. 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);
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, occupying businesses must file and maintain a current business occupation tax application with this office;
13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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. 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;

17. 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;
18. 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;
19. 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;
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;
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.
22. If the basement is to be converted into a fourth bedroom, a building permit must be obtained and subsequently closed out by the applicant to provide an egress window as per building code requirements

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 **SP2023-061** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

September 11, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map – August 16, 2023
Neighborhood Meeting Documents
Floor Plan
Site Photos, Taken by Staff, Dated August 11, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	September 11, 2023	September 28, 2023
Special Use	Approval	Hearing Suspended October 26, 2023

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-061** 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 **SP2023-061**, 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.

September 11, 2023, City Planning Commission Minutes:

Hearing starts at 3:48:08:

SPECIAL USE PERMIT APPLICATION SP2023-061 – TATUM PHILLIP - SYNOPSIS:

Special Use Permit to operate a Short-Term Rental at 809 Central Avenue. Detailed Outline of Requested Action: The applicant, Tatum Philip, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 809 Central Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 800 block of Central Avenue, though the owner had already been operating a Short-Term Rental without a permit at this address for over two (2) years.

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 September 11, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

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

Present in Support:

- Tatum Phillip, applicant, 809 Central Avenue, Kansas City, Kansas 66101

The Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:42:44: Planning Director Hand stated that this request is for a non-owner occupied Short-Term Rental Special Use Permit. The business has been in operation the last two (2) years and the applicant was notified that they needed to shut down until they received approval. That is the standard language as Staff has been doing the zoning blitz on Short-Term Rentals this past summer.

Some of the STRs that have been discovered by Staff have been operating sometimes up to two (2) years without a Special Use Permit. This property is in the Central Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. The rear yard is completely paved. One of the conditions of approval is to address that violation before the renewal date of this Special Use Permit if this application is approved by the Board of Commissioners. Staff recommends approval for one (1) year subject to the conditions in the staff report. Staff would like to add a condition that if the room in the basement is going to be used as a bedroom a building permit will be required and an egress window will need to be added. It is Staff's understanding that at this time, the room will not be used as a bedroom.

The Planning Commission directed questions to Director Hand.

Motion starts at 3:55:10:

On motion by Mr. Ward, seconded by Mrs. Jones, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-061 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed 6 to 1

Subject to:

1. The entire rear yard of the residence is paved over. The applicant shall modify the driveway to provide the required 60% open space in the rear yard. Demonstrate how the applicant intends to meet this requirement. If the applicant cannot meet this requirement, a variance application shall be filed for;
2. The applicant shall install landscape screening around the air conditioning unit in the rear yard;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
5. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
6. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of

- the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
7. Applicant is to maintain liability insurance;
 8. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 9. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 10. 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);
 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, occupying businesses must file and maintain a current business occupation tax application with this office;
 13. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 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. 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;
 17. 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;
18. 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;
 19. 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;
 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;
 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.
 22. If the basement is to be converted into a fourth bedroom, a building permit must be obtained and subsequently closed out by the applicant to provide an egress window as per building code requirements

ATTACHMENTS

AERIAL IMAGERY



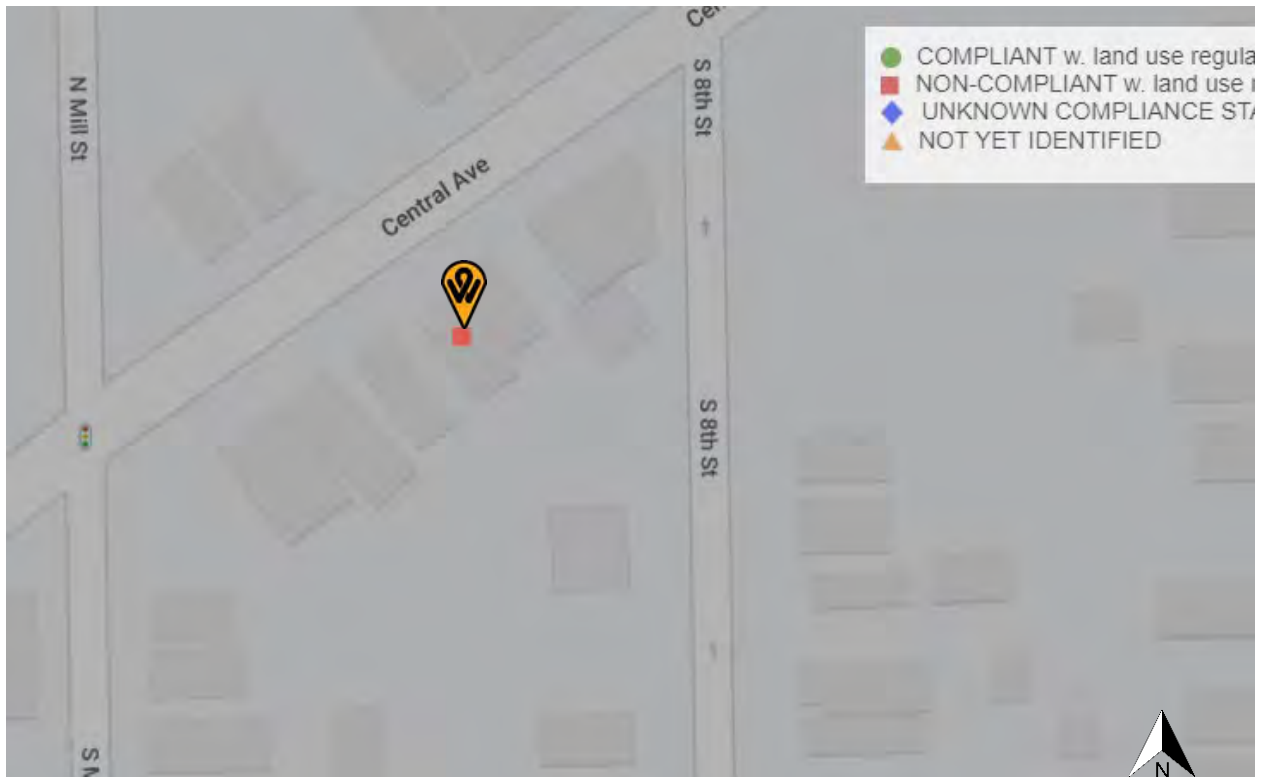
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – AUGUST 16, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF ~~KANSAS~~ ^{Missouri})
COUNTY OF ~~Wyandotte~~ ^{Jackson}) SS:

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

1. That I am the petitioner for Petition # SP2023-061
2. That I conducted a neighborhood meeting on August 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.

Tatum Philip
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 24 day of August, 20023

My commission expires July of 28, 20025



Trevor Stephens
Notary Public

Application Number SP 2023-061

Date and Location: 8/24 809 Central Ave, KCK

Meeting called to order at: 3:00 pm

Names of people in attendance:

none

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):

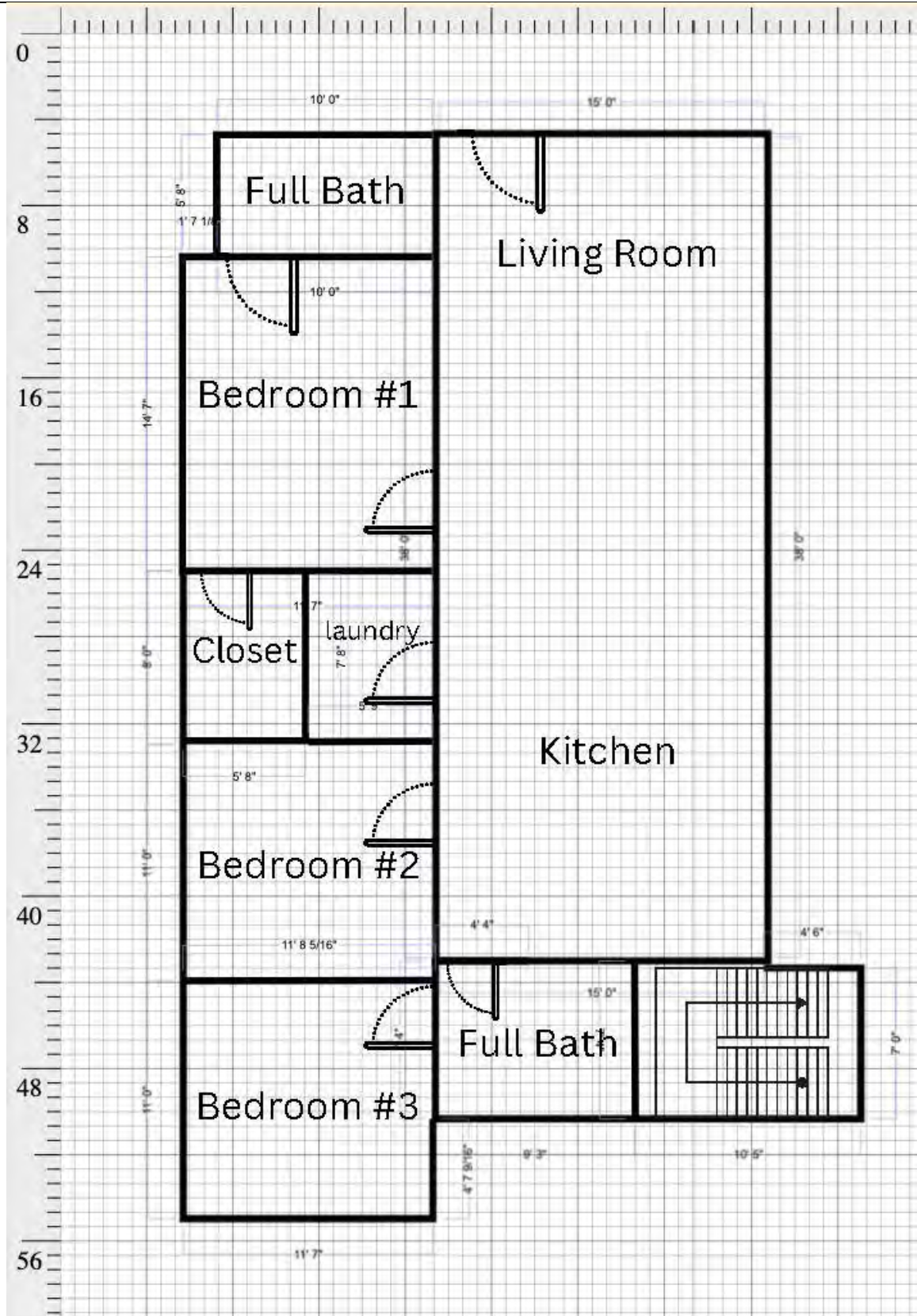
- > Who asked question or gave comment
- > What was the question or comment
- > Who answered the question/comment
- > What was the answer given

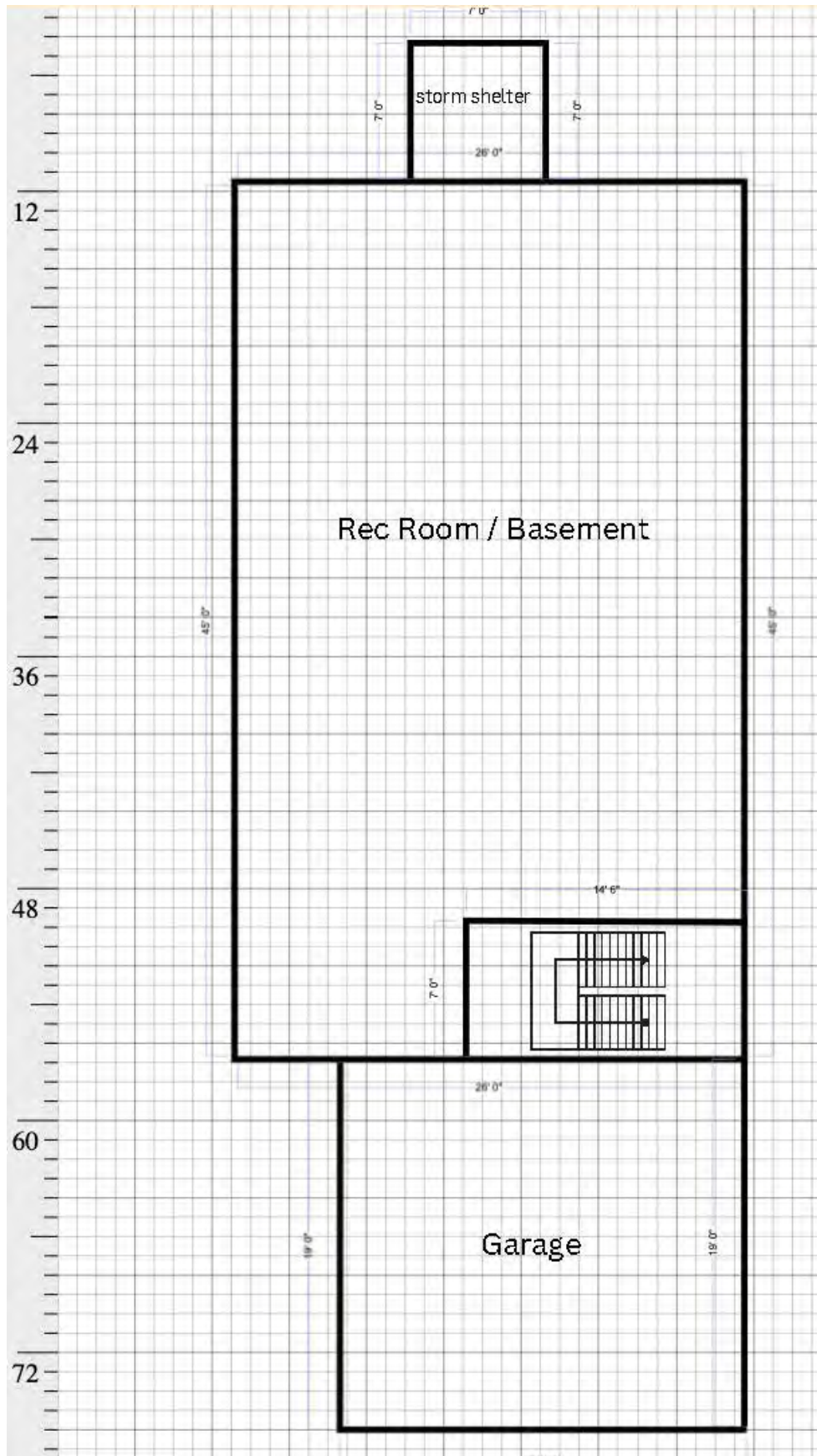
Meeting adjourned at:

4:00 pm

Minutes taken by: Tatum Phillip

FLOOR PLAN





SITE PHOTOS, TAKEN BY STAFF, DATED AUGUST 11, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Special Use Petition SP2023-062

GENERAL INFORMATION

Applicant:
Rachel Mills

Status of Applicant:
Dewey's LLC
612 North 5th Street
Kansas City, KS 66101

Requested Action:
Approval of a Special Use Permit.

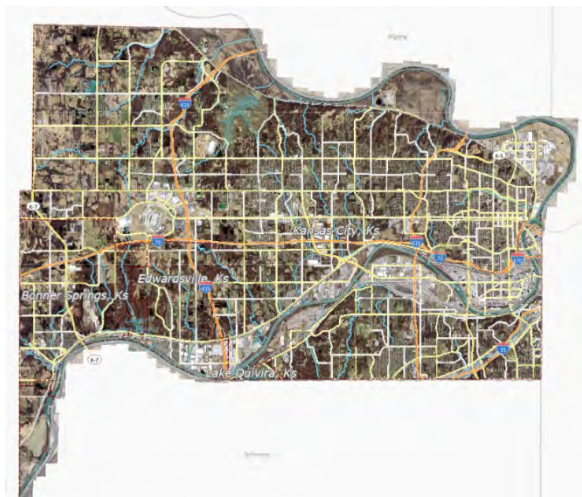
Date of Application:
August 24, 2023

Purpose:
To operate a drinking establishment with
sales and consumption.

Property Location:
612 North 5th Street
Kansas City, KS 66101

Commission Districts:
Commissioner At-Large, District #2: Tom
Burroughs
District #2 Commissioner: Brian McKiernan

Existing Zoning:
C-1 Limited Business and R-1(B) Single
Family Districts



Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: M-2 General Industrial District West: RP-5 Planned Apartment District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Commercial/industry uses and single-family residences West: Single-family residences
Total Tract Size:	0.14 Acres
Master Plan Area:	Central Area Plan
Master Plan Designation:	The Central Area Plan designates this property as Urban Density, which allows a mix of detached and attached residential – specifically single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches and libraries.
Major Street Plan:	The Major Street Plan classifies 5 th Street as a Collector Street.
Required Parking:	Sec. 27-668(a)(12) states taverns or private clubs serving alcoholic or cereal malt beverages shall provide one (1) space for each 50 square feet of seating area or assembly area plus one (1) space for each remaining 200 square feet of total floor area. Staff cannot determine how many parking spaces are required. The applicant is providing zero (0) parking spaces. BOZA 2231 was approved by the Board of Zoning Appeals for zero (0) off-street parking spaces on January 9, 2017.
Advertisement:	<u>The Wyandotte Echo</u> – September 21, 2023 Letters to Property Owner – September 22, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	One (1) person appeared in opposition at the October 9, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Rachel Mills with Dewey's LLC, seeks to operate a drinking establishment in a former restaurant (Sarah's on the Hill and Free State Pizza) at 612 North 5th Street.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. Citations for junk and trash on site in 2016 (previous owner).

Outstanding or Related Permits and Cases:

1. BOZA 2231 – parking variance for zero (0) off-street parking spaces approved on January 9, 2017.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Strawberry Hill neighborhood. Lots are generally narrow and urban in character. Commercial buildings along 5th Street are typically on the corner and do not have the requisite parking for their businesses, therefore, they are legal, non-conforming. The surrounding residential neighborhood has alley access, however, and off-street parking is used for those residents that do not have a detached garage or parking pad in their rear yard.

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

The zoning and uses of nearby property are set out above. The surrounding properties vary in use from mixed-use buildings, retail businesses, duplexes, and single-family residences. This mixed-use building is between two (2) single-family residences, so allowing of a drinking establishment inside a vacant commercial storefront, formerly a restaurant that served alcohol is compatible.

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 a small drinking establishment because it is an urban, mixed-use area. There is a possibility for increased parking demand with the use, although philosophically, the parking code should evaluate alternate modes of transportation to reduce drinking and driving. Noise is also a factor, but can be mitigated if managed properly.

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

The property has been vacant for at least one (1) year. Previously, this commercial storefront has been a restaurant over the years.

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

Special Use Permits are not addressed in the Master Plan. The Central Area Plan designates this property as Urban Density, which allows a mix of detached and attached residential – specifically single-family homes, attached residences including townhomes, duplexes, triplexes, fourplexes, etc., institutional uses such as schools, churches and libraries, so the corner mixed-use building built in 1916 does not comply with the Central Area Plan.

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

The current design of the neighborhood does not provide sufficient parking for multiple mixed-use buildings. There are two (2) off-street parking spaces that are allocated for apartments and some on-street parking spaces along Barnett Avenue and North 5th Street although it is considered insufficient and cannot be counted towards the parking total for the business. A variance (BOZA 2231) was approved by the Board of Zoning Appeals for zero (0) off-street parking spaces. The use should not substantially increase the amount of vehicular traffic that would not already occur if the vacant storefront was a general C-1 use that did not require specific parking per Sec. 27-668(a). The proximity to residences and its walkability, as it is on the corner with ample sidewalk and pedestrian connectivity is an asset rather than a hindrance.

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. It is not concluded that the presence of a drinking establishment at this space will substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if properly managed.

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.*

There is a potential for noise to be a problem at this location, as a drinking establishment adjacent to a residential neighborhood tends to heighten neighbor's awareness of potential issues associated with a business.

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

The proposed use will not pollute air, land or water as it is located in an existing, permitted structure. If the applicant properly manages the property, 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 proposed use will not have an adverse impact on the points listed above. If the application is denied, the applicant will need to find a new business/use that is allowed by right due to the 2017 variance.

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 drinking establishment the Fire Marshal will provide a limit of the number of allowed occupants, which will mitigate undue concentrations of populations.

PREVIOUS ACTIONS

- BOZA 2231 – parking variance for zero (0) off-street parking spaces approved on January 9, 2017.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at St. Margaret's Park at 230 South 7th Street on September 21, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5 to 2 to recommend **APPROVAL** of Special Use Permit Application **SP2023-062**, for two (2) years, subject to:

1. Hours of operation shall be:
 - a. Thursday, Friday and Monday: 5:00 PM – 12:00 AM.
 - b. Saturday and Sunday: 10:00 AM – 12:00 AM.
 - c. Tuesday and Wednesday: Closed;
2. If a commercial dumpster is placed on west side of the building, it shall be fully enclosed with an opaque screen (wood privacy fence) and door to screen the dumpster from public view;
3. Sidewalks shall remain clean and clear of trash and debris;
4. Alcohol can only be provided by licensed vendors;
5. No amplified speakers are allowed in outdoor spaces;
6. Live entertainment – any music that is performed in-person by an individual group, or played through speakers via jukebox, karaoke, etc. is required to have a Special Use Permit;
7. Rideshare will be available for customer transportation;
8. Stripe the parking lot in the rear of the property for the apartment units;
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 the Business Licensing Division. The office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. 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;
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.
15. No outdoor seating area or drinking outdoors is allowed. All patrons must stay inside of the building in order to minimize noise and other impacts to the surrounding residential neighborhood.

KEY ISSUES

Noise
Illumination
Parking
Security

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 **SP2023-062** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents

Business Plan
Security Plan
Floor Plan
Menu
Site Photographs Provided by Staff on September 12, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-062** 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 **SP2023-062** 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.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 5:37:47:

SPECIAL USE PERMIT APPLICATION SP2023-062 – RACHEL MILLS - SYNOPSIS: Special Use Permit to operate a drinking establishment at 612 North 5th Street. Detailed Outline of Requested Action: The applicant, Rachel Mills with Dewey's LLC, seeks to operate a drinking establishment in a former restaurant (Sarah's on the Hill and Free State Pizza) at 612 North 5th Street.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Rachel Mills, applicant

Present in Opposition:

- Nancy Chartrand, 417 North 5th Street, Kansas City, Kansas

Staff Recommendation starts at 5:41:58: Planning Director Hand stated that this Special Use Permit is for a drinking establishment. The proposed project is in the Central Are Plan in the Strawberry Hill neighborhood. Staff received no letters in support or opposition before public input was provided at the hearing this evening. There are old Notices of Violation on this property that have all been rectified. Staff recommends approval for two years, and does not include live entertainment or events.

The Commission directed questions to Director Hand.

Motion starts at 5:44:33:

On motion by Ms. Eilts, seconded by Mr. Beth, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-062 for two (2) years:**

Carson **Chairman**

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

Motion to recommend APPROVAL Passed: 5 to 2

Subject to:

1. Hours of operation shall be:
 - a. Thursday, Friday and Monday: 5:00 PM – 12:00 AM.
 - b. Saturday and Sunday: 10:00 AM – 12:00 AM.
 - c. Tuesday and Wednesday: Closed;
2. If a commercial dumpster is placed on west side of the building, it shall be fully enclosed with an opaque screen (wood privacy fence) and door to screen the dumpster from public view;
3. Sidewalks shall remain clean and clear of trash and debris;
4. Alcohol can only be provided by licensed vendors;
5. No amplified speakers are allowed in outdoor spaces;
6. Live entertainment – any music that is performed in-person by an individual group, or played through speakers via jukebox, karaoke, etc. is required to have a Special Use Permit;
7. Rideshare will be available for customer transportation;
8. Stripe the parking lot in the rear of the property for the apartment units;
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 the Business Licensing Division. The office is located at the Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102. Their contact information is (913) 573-8780 or businesslicense@wycokck.org;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

- 12. 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;**
- 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.**
- 15. No outdoor seating area or drinking outdoors is allowed. All patrons must stay inside of the building in order to minimize noise and other impacts to the surrounding residential neighborhood.**

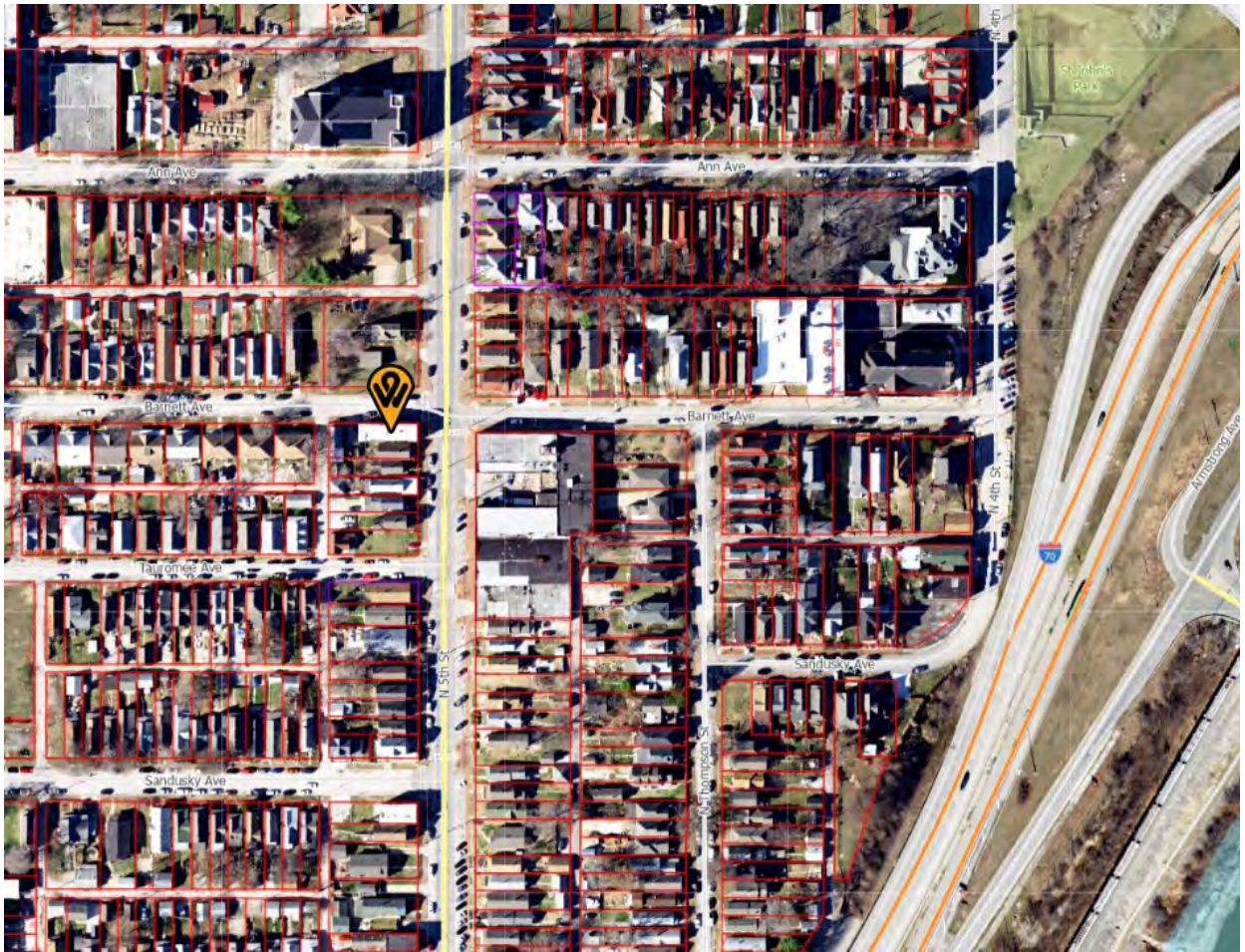


Figure 1. Aerial photograph of 612 North 5th Street (provided by UG Maps).



Figure 2. Zoning Map of 612 North 5th Street (provided by UG Maps).



Figure 3. Central Area Plan Land Use Designation Map of 612 North 5th Street (provided by ArcGIS Pro).

Staff Comments & Suggestions:

Planning and Urban Design Comments: General Planning:

1. Based on your floor plan, what is the square footage of the seating area and the remaining floor area?

-From what I have calculated, the square footage of the seating/standing area is a total of approximately 660 Sq Feet. I have attached an updated floor plan to this email.

2. How many apartment units are in the building (rear basement, second and third floor)?

-Per the landlord of the property, there are 3 total apartments in the building. 2 are above the commercial space. There is one apartment on the first floor to the rear of the building. I have spoken with the tenant directly above the establishment and received no push back for new business in the space.

3. Are you intending to serve food? If so, provide a menu.

-Yes, I will have a small menu with some items. I have attached said menu to this email. Outside of this menu, I will also have small snacks available such as bags of chips, peanuts, etc.

4. What are the proposed hours of operation?

- Thursday, Friday, Monday: 5pm-1am.
- Saturday & Sunday: 10am-1am.
- Tuesday & Wednesday: Closed

5. The dumpster on the west side of the building shall be fully enclosed with an opaque screen (wood privacy fence) and door to screen the dumpster from public view.

- There is no longer a dumpster that I see at this location. I have spoken with someone from the engineering department named Travis Trumble. I advised that I will be taking trash and disposing of it myself daily.

6. Sidewalks shall remain clean and clear of trash and debris.

- I will make sure to maintain the outside and surrounding area of the building on all sidewalks of any trash and/or debris.

7. Alcohol can only be provided by licensed vendors.

- The only alcohol that will be sold at Deweys will be from myself, the licensed vendor.

8. No amplified speakers are allowed in outdoor spaces.

- There will be no outside entertainment or speakers to disturb the peace of the residents surrounding.

9. Live entertainment – any music that is performed in-person by an individual group, or played through speakers via jukebox, karaoke, etc. is required to have a Special Use Permit.

- I understand and will make sure to obtain all policies that are required for the Special Use Permit.

10. Will there be rideshare (Uber, Lyft, etc.) or other vehicle services provided for customers?

-I will encourage our patrons to use rideshare when coming/leaving my establishment. I will also help provide those services to customers when necessary.

11. Resurface and stripe the parking lot in the rear of the property for the apartment units.

- I will speak with the property owner to see what the steps would be to make this happen.

12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; SP2023-062 October 9, 2023 7 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.

-Parking will be subject to private property only and I will encourage our patrons to use rideshare when coming/leaving my establishment. This will limit the flow of traffic and the need for additional parking to take place.

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.

-I acknowledge and ensure to stay compliant and meet all the necessary requirements of this approval.

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.

-I ensure this fee will be paid within the proper time frame.

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. 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.

-I understand the terms of the Special Use Permit. I will stay compliant and satisfy all conditions of this approval.

Dewey's LLC Neighborhood Meeting

SP2023-062

Please Sign In - 9/21/23 5:30pm

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www.timvandevall.com

© Tim's Printables

Rachel Mills
Deweys LLC
612 N 5TH ST
KANSAS CITY, KS 66101
deweyskc@gmail.com

Application Number: SP2023-062

Date and Location: 9/21/2023 at St Margarets Park, 230 S 7th St, Kansas City, KS 66101

Meeting called to order at: 5:30PM

Names of people in attendance:

Applicant: Rachel Mills

Person in charge of meeting minutes: Teresa Johnson

Myself, and Teresa arrived at the meeting location at 5:20pm. There were no attendees at the meeting. We waited the allotted 30 minutes until 6:00pm and adjourned the meeting.

I did receive one email after letters were sent on 9/12/23.

It was sent from Kathy Spehar. This is not a person that was on the mailing list, however she advised that she resides at 711 N 5th St, KCKS.

Questions from Kathy and Answers from myself were as follows:

1. Why have a bar here when we already have 2 down the street?
2. Where are customers going to park?
3. Why up here where a lot of residents live?

Answer:

I choose to have an establishment at the location as it is in a really good area and has previously been a restaurant/drinking establishment. The landlord of the property advised me that customers are able to park on the street in the public parking spaces. For question number 3, the answer would be the same as question one. I do understand your concerns, however, my place will be a social and non rowdy environment. I will not be open everyday and will be operating mainly after 5pm. I understand that there are many similar businesses in the vicinity as it is in an up and coming area. I have personally spoken to some of the residents in the area and they are truly happy that I will be bringing something new to the neighborhood.

I will encourage my patrons to use rideshare such as Uber, Lyft, Taxi's etc to limit the need for parking.

Thank you,
Rachel Mills

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

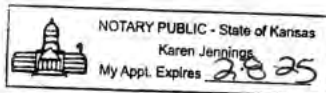
1. That I am the petitioner for Petition # SP2023-062
2. That I conducted a neighborhood meeting on 9-21-23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Rachel Mills
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25th day of September 200 2023

My commission expires 8th of February, 200 2025



Karen Jennings
Notary Public

1. Executive Summary

Dewey's is a cozy and inviting drinking establishment dedicated to offering a unique and memorable experience for patrons seeking a relaxed and friendly environment. Located in a bustling urban neighborhood, Dewey's will provide a carefully curated selection of craft beers, cocktails, and wines, complemented with a light menu of artisanal snacks and bar food menu items. Our mission is to become a go-to destination for those who appreciate quality beverages and genuine camaraderie.

2. Business Description

Dewey's will be a small-scale drinking establishment with a capacity for approximately 30 to 40 guests. The interior design will embrace a blend of sports, music, movie, and art decor with warm lighting to create an inviting atmosphere. With an emphasis on fostering connections and conversations, Dewey's will cater to a diverse audience seeking a comfortable space to unwind and socialize.

3. Market Analysis

The market for drinking establishments continues to thrive as people seek opportunities for relaxation and socialization. Dewey's will target adults aged 25 to 45, as well as local residents and professionals looking for a casual and welcoming spot to enjoy drinks with friends and colleagues.

4. Marketing Strategy

- **Branding:** Develop a distinctive brand identity that captures the essence of Dewey's – approachable, laid-back, and community-focused.
- **Online Presence:** Establish an informative and visually appealing website and maintain active social media profiles to engage with potential customers and provide updates on specials and events.
- **Local Engagement:** Partner with nearby businesses, such as food trucks or local artists, to offer unique experiences and cross-promotion.

5. Product Offerings

- **Beverages:** Curate a rotating selection of craft beers, wines, and signature cocktails that showcase both local and international flavors.
- **Snacks:** Provide a simple but delicious menu of bar bites and shareable plates that complement the drink offerings.

6. Operations and Management

- **Staffing:** Recruit a team of friendly and knowledgeable bartenders and servers who can enhance the customer experience through exceptional service and personalized recommendations.
- **Inventory Management:** Implement an efficient inventory tracking system to monitor stock levels, control costs, and ensure consistent availability of beverages and snacks.
- **Safety Measures:** Prioritize the safety and well-being of patrons and staff by adhering to health and safety guidelines related to alcohol service and COVID-19

7. Conclusion

Dewey's Small Drinking Establishment aspires to become a beloved local hub where friends can gather and strangers can become friends. A friendly space for sports fans, charitable events, and where people of all walks of life can savor quality drinks in a welcoming atmosphere. By offering a distinctive selection of beverages, fostering a sense of community, and delivering exceptional customer service, Dewey's is poised to make its mark on the local social scene and provide a lasting, positive impact on patrons' lives.

Security Plan for Dewey's

Access Control:

- Implement a strict ID check and age verification process to prevent underage drinking.
- Maintain controlled entry points to monitor who enters the establishment.

Surveillance:

- Install security cameras at entrances, exits, bar area, and other critical spots.
- Ensure cameras have good coverage and high-quality recording capabilities.

Staff Training:

- Train staff in conflict resolution to handle disputes calmly and professionally.
- Educate employees on recognizing signs of intoxication and enforcing responsible drinking.

Emergency Procedures:

- Develop clear guidelines for staff to follow in case of emergencies, including medical situations.
- Conduct regular emergency drills to ensure staff is prepared for various scenarios.

Fire Safety:

- Maintain clear fire exits to ensure they are unobstructed at all times.
- Install fire alarms and conduct fire drills periodically.

Alcohol Service:

- Train bartenders to serve drinks responsibly and monitor patron intoxication levels.
- Have a clear policy for cutting off alcohol service to visibly intoxicated customers.

Cash Handling:

- Limit cash on hand through regular deposits and encourage electronic payments.
- Use secure cash handling procedures and train staff on them.

Incident Reporting:

- Establish a procedure for staff to report incidents promptly and accurately.
- Document all incidents and actions taken for further reference.

Lighting and Environment:

- Maintain adequate lighting inside and around the bar to deter criminal activities.
- Keep the environment clean and organized to minimize hazards.

Security Personnel:

- Consider employing security personnel during busy hours to ensure order and safety.
- Security staff should be trained in conflict resolution and emergency response.

Regular Maintenance:

- Schedule routine checks for security equipment, such as cameras and alarms, to ensure they are functional.
- Conduct regular safety inspections to address potential hazards.

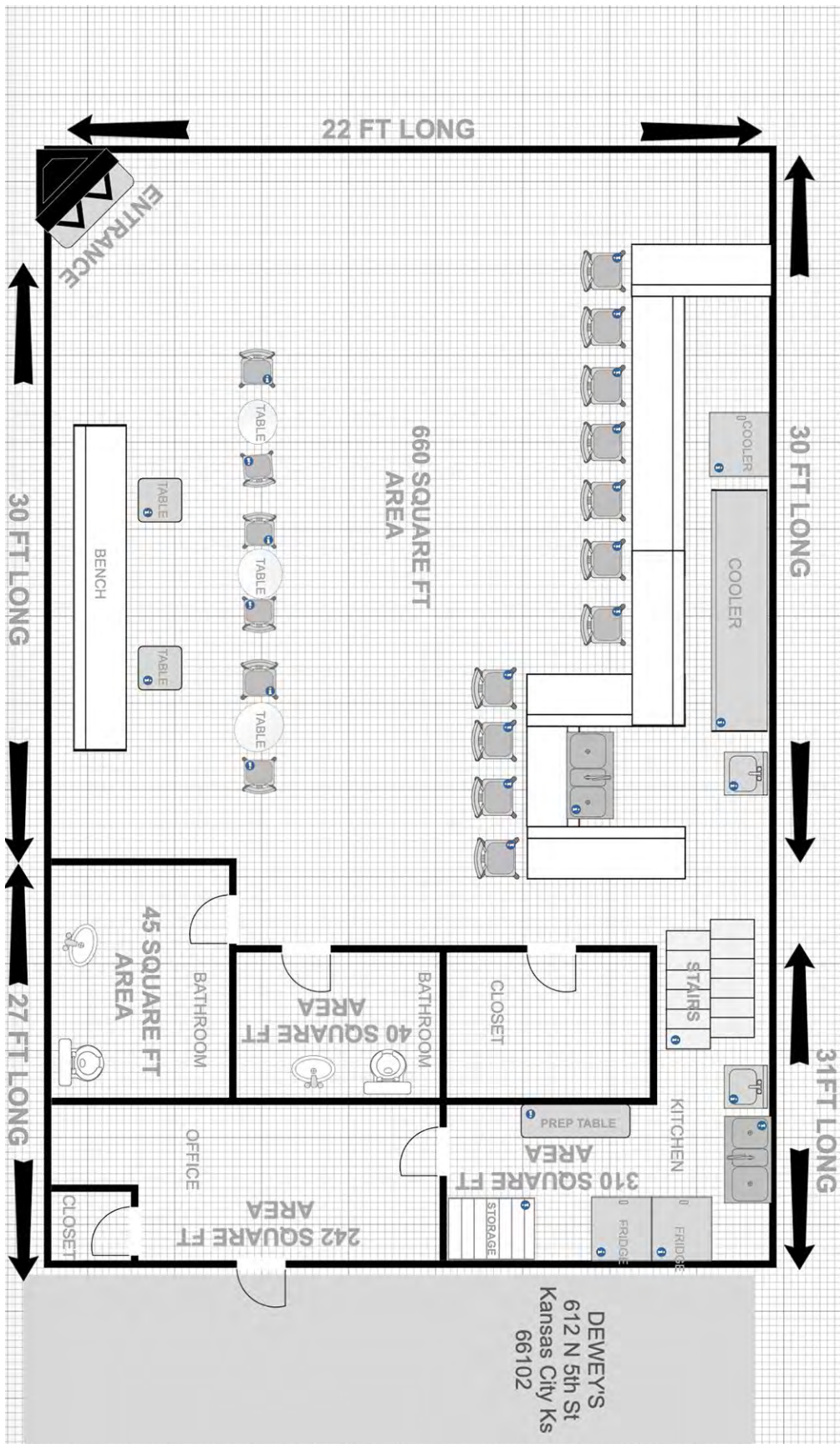
Customer Awareness:

- Display signs promoting responsible drinking and behavior throughout the bar.
- Encourage patrons to report any suspicious activities to staff.

Review and Improvement:

- Regularly review the security plan and make necessary updates based on changing circumstances or lessons learned from incidents.

By implementing these security measures and fostering a culture of safety among both staff and patrons, Dewey's can create a secure and safe environment that promotes enjoyable experiences for everyone.





Coming Soon

DEWEY'S
MENU

TURKEY CLUB	\$7.99
HAM CLUB	\$7.99
BLT	\$7.99
HOT DOGS	\$2.99
CHIPS & SALSA	\$2.99





Figure 4. Site Photograph of 612 North 5th Street looking west from North 5th Street (provided by Planning Staff).



Figure 5. Site Photograph of 612 North 5th Street looking south from Barnett Avenue (provided by Planning Staff).



Figure 6. Site Photograph of 612 North 5th Street looking southwest from Barnett Avenue (provided by Planning Staff).



Figure 5. Site Photograph of 612 North 5th Street looking south from Barnett Avenue (provided by Planning Staff).



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Special Use Petition SP2022-067

GENERAL INFORMATION

Applicant:
Megan Duma

Status of Applicant:
Property Owner
4520 West 65th Street
Prairie Village, Kansas 66208

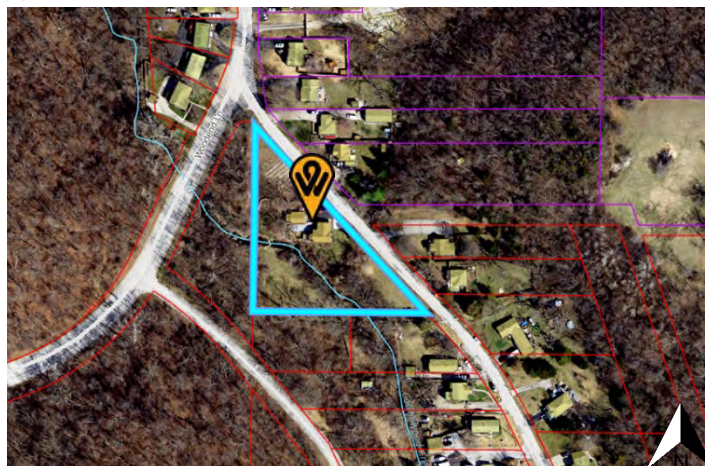
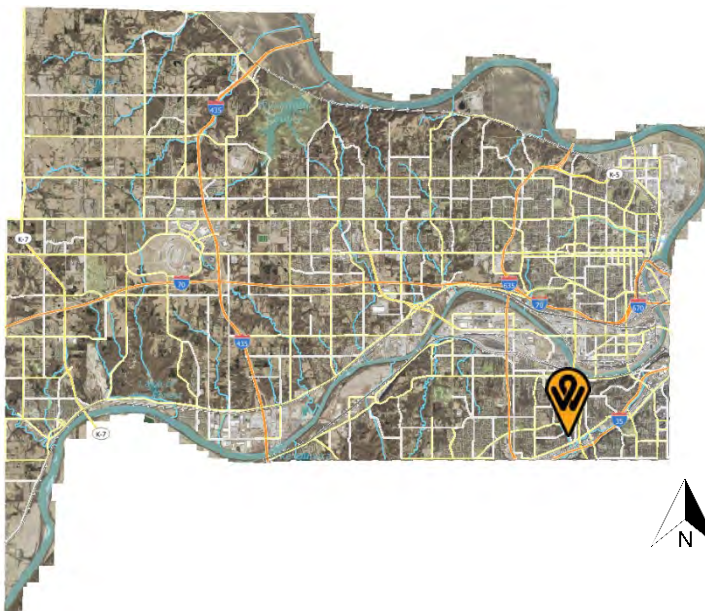
Requested Action:
Approval of a Short-Term Rental
Special Use Permit.

Date of Application:
August 14, 2023

Purpose:
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:
2706 Espenlaub Lane
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: RP-5 Planned Apartment and A-G Agriculture Districts
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Single-family residence West: Endless Outdoors campground (across Woodend Avenue)
Total Tract Size:	1.36 Acre
Comprehensive 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 goDotte Mobility Plan designates Espenlaub Lane as a Local/Neighborhood Street.
Parking Requirement:	Section 27-454(e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling, one (1) of which in a carport or garage”. The property provides two (2) parking spaces with a garage, which may allow up to three (3).
Advertisement:	<u>The Wyandotte Echo</u> – September 14, 2023 Letters to Property Owners – September 15, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	Two (2) individuals spoke in opposition at the October 9, 2023 City Planning Commission hearing. One (1) individual circulated several photos of the property, however, did not surrender the materials to staff to be entered into the record.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2706 Espenlaub Lane. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2700 block of Espenlaub Lane. There was previously a Special Use Permit on the property (SP2021-028), however, it lapsed in August 2022. The applicant has continued to operate despite this lapse. There is one (1) other unpermitted short-term rental on the block. Staff has informed that operator that they must cease operation.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623.

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 had been calls regarding a landscape business operating on the property, however, there was no evidence found of a business operating on the property and the case was closed.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the Argentine Statistical Neighborhood. The neighborhood consists of primarily single-family residences on large-lots as well as a campground directly west. The neighborhood is located one (1) block north of the Merriam Lane mixed-use corridor.

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 the R-1 Single Family District. 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 has operated as a short-term rental since 2019.

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 use as a short-term rental conforms to the Comprehensive Plan with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of Espenlaub Lane, a Local Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust 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 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). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

- Approval of a Special Use Permit (SP2021-028) for a short-term rental in 2021 for one (1) year.
- Approval of a Special Use Permit (SP-2019-105) for a short-term rental in 2019 for two (2) years.

NEIGHBORHOOD MEETING

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 4 to 4 and provided **NO RECOMMENDATION** for Special Use Permit Application **SP2023-067**.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking

STAFF COMMENTS AND SUGGESTIONS

Staff does not concur with the vote of **NO RECOMMENDATION** from the City Planning Commission. Staff recommends that the Unified Government Board of Commissioners **APPROVE**, Petition **SP2023-067**.

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 recommend **APPROVAL** of Petition **SP2023-067** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. All repair items identified in the home inspection report shall be addressed prior to renewal of this Special Use Permit;
2. Maximum number of guests shall be 7;
3. All parking must be off-street, maximum number of vehicles is three (3). No STR renters or guests may park on-street;
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.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Materials
Floor Plan
Site Photos, Taken by Staff, Dated September 8, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 9, 2023	October 26, 2023
Special Use	No Recommendation	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-067** 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 **SP2023-067**, 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.

October 9, 2023 City Planning Commission Minutes

Hearing starts at 6:08:46:

SPECIAL USE PERMIT APPLICATION SP2023-067 – MEGAN DUMA WITH MD RENTAL HOMES, LLC - SYNOPSIS: Special Use Permit for a Short-Term Rental at 2706 Espenlaub Lane (SP2021-028 expired 8/5/2023). Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2706 Espenlaub Lane. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2700 block of Espenlaub Lane. There was previously a Special Use Permit on the property (SP2021-028), however, it lapsed in August 2023. The applicant has continued to operate despite this lapse. There is one (1) other unpermitted short-term rental on the block. Staff has informed that operator that they must cease operation.

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 October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners.

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

Present in Support:

- Megan Duma, applicant, 4520 West Prairie Village, Kansas

Present in Opposition:

- Betty McGill, 2762 Espenlaub Lane, Kansas City, Kansas
- Cheryl Mendez, 2556 Espenlaub Lane, Kansas City, Kansas

Staff Recommendation starts at 6:28:56: Planning Director Hand stated that this Special Use Permit is a new application as the previous approval lapsed prior to its renewal be requested by the applicant. This is a non-owner-occupied single-family home. There is one other non-permitted short-term rental on this block that if this project is ultimately approved would need to be addressed by Zoning Enforcement. This proposed project is in the Citywide Comprehensive Plan in the Rosedale/Shawnee Heights neighborhood. Staff received no letters in support or opposition prior to the public input received this evening. Staff recommends approval for one year with conditions, including a maximum of 7 people on the property at any given time and up to three automobiles maximum parked off-street.

The Commission directed questions to Director Hand.

Motion starts at 6:32:45:

On motion by Mr. Beth, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2023-067:**

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

Motion to recommend DENIAL failed: 4 to 4

On motion by Mr. Miller, seconded by Mr. Mohler, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP 2023-067 for one year:**

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

Motion to recommend APPROVAL failed: 4 to 4. The agenda item moves forward with NO RECCOMENDATION.

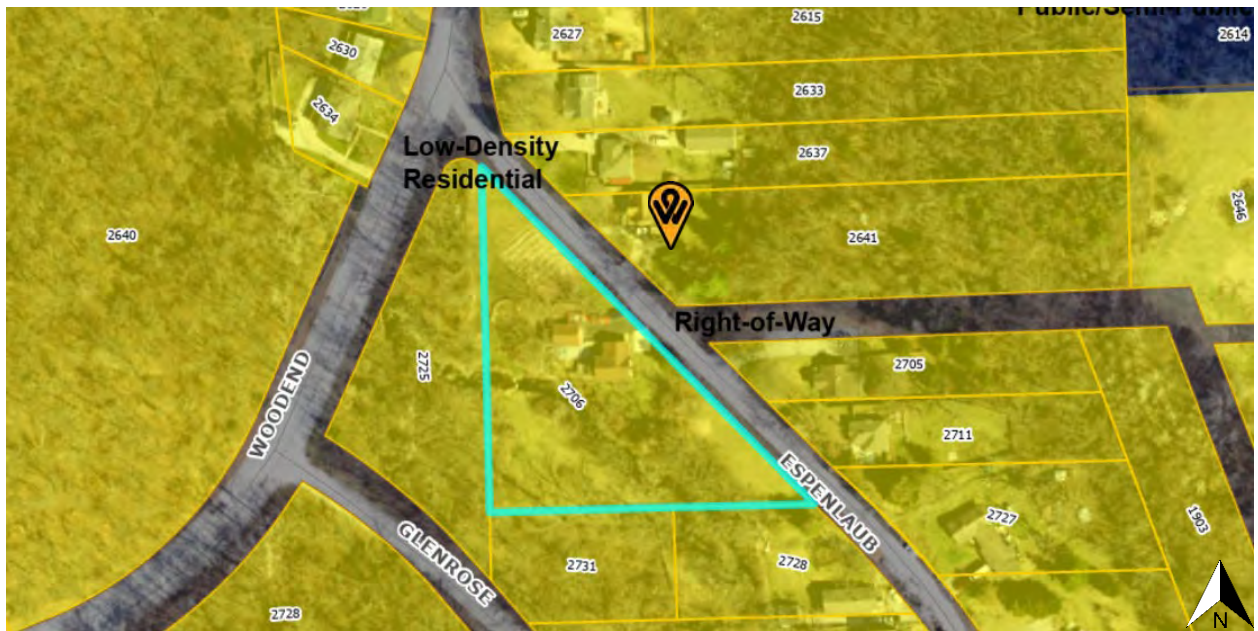
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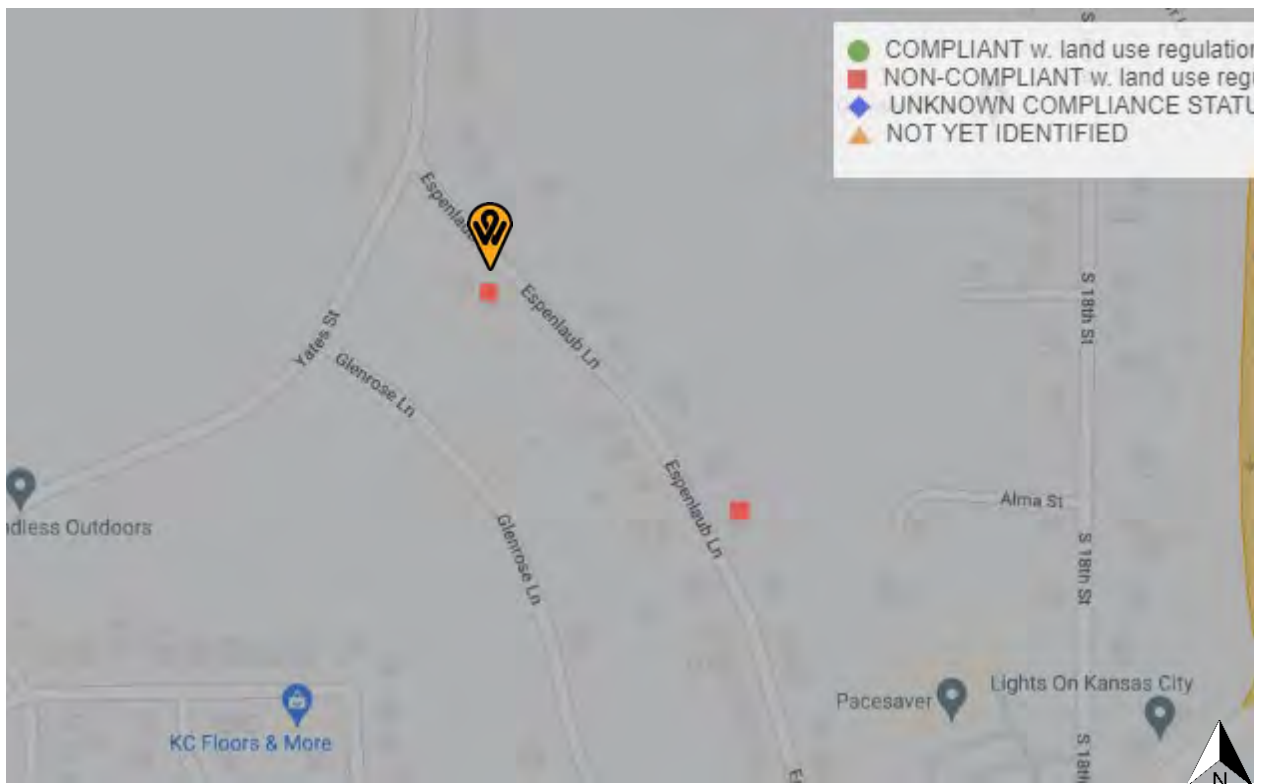
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – SEPTEMBER 12, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

[illegible]

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

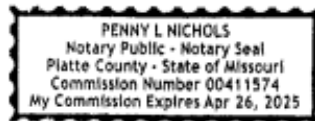
That I am the petitioner for Petition #_SP2023-067_
That I conducted a neighborhood meeting on SEPTEMBER 26, 2023.
Attached are the minutes/summary of the meeting and a copy of the notice
mailed to the property owners on the list provided by the Urban Planning and
Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26TH day
of SEPTMEBER, 2023.

My commission expires 25th of April, 2005



Teray A. Nichols
Notary Public

Megan M. Duma, Esq.
Meganduma@gmail.com

MEGAN DUMA

(619) 871-3201
2526 Holmes Street
Kansas City, MO 64108

Date: September 26, 2023

Re: Neighborhood Meeting Minutes For SP2023-067

Neighborhood Meeting was held on 9/25/23 at Briets Stien and Deli in Kansas City, KS 66101 at 4:00 p.m.

In attendance for this meeting were:

Megan Duma and Kylee Shrum.

Ms. Shrum and Ms. Duma discussed the purpose of the SUP, as it is just a continuation of the SUP that had expired. Ms. Duma explained there is no new activity. Ms. Shrum had questions about the Tree Business that Ms. Betty McGill had objected to previously, and Ms. Duma reported that the Tree Business is now out of business. Ms. Shrum and Ms. Duma exchanged numbers so they could be in contact if they needed to communicate.

Meeting with Ms. Shrum adjourned around 4:20.

Megan M. Duma, Esq.
Meganduma@gmail.com

MEGAN DUMA

(619) 871-3201
2526 Holmes Street
Kansas City, MO 64108

Date: September 12, 2023

Re: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP2023-067 for a Special Use Permit to operate a short term rental at 2706 Espenlaub Lane, Kansas City, KS 66101.

I am having a neighborhood meeting on Monday, September 25, 2023 at 4:00 p.m. at Briet's Stein and Deli located at 412 N 5th St, Kansas City, KS 66101.

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

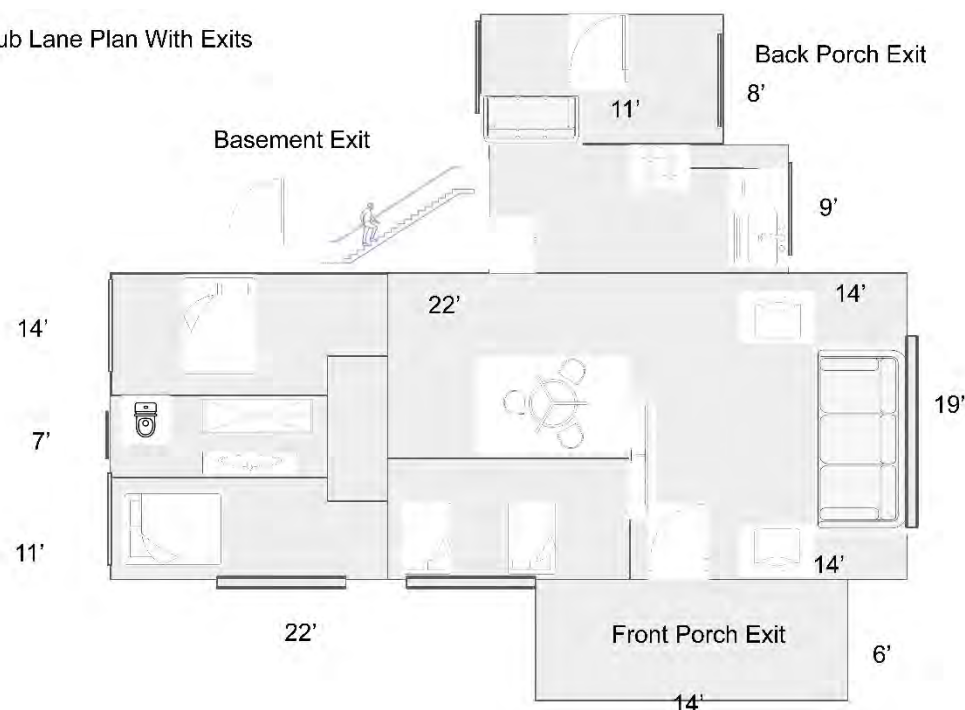
I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me at the address/phone number listed above.

Sincerely,

Megan Duma

FLOOR PLAN

2706 Espenlaub Lane Plan With Exits



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 8, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Special Use Petition SP2023-071

GENERAL INFORMATION

Applicant:
Josh Zerlan

Status of Applicant:
Property Owner
119 North Parker Street, Suite 172
Olathe, Kansas 66061

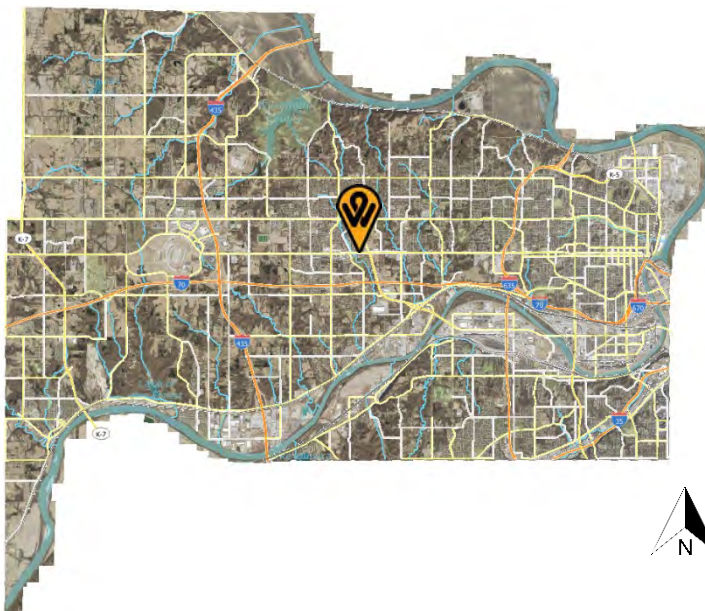
Requested Action:
Approval of a Short-Term Rental
Special Use Permit.

Date of Application:
August 25, 2023

Purpose:
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:
731 North 75th Terrace
Kansas City, Kansas 66112

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



Existing Zoning:	RP-5 Planned Apartment District
Adjacent Zoning:	North: RP-5 Planned Apartment District South: RP-5 Planned Apartment District East: RP-5 Planned Apartment District West: RP-5 Planned Apartment and R-1 Single Family Districts
Adjacent Uses:	North: Townhomes South: Duplex East: Duplex West: Townhomes
Total Tract Size:	0.06 Acre
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Medium Density Residential, which allows for garden apartments, duplexes, triplexes and fourplexes.
Major Street Plan:	The goDotte Mobility Plan identifies North 75 th Terrace as a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states “One and one-half 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.”. The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – September 14, 2023 Letters to Property Owners – September 15, 2023
Public Hearings:	October 9, 2023 and October 26, 2023
Public Support:	None to date.
Public Opposition:	Two (2) people appeared in opposition at the October 9, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Josh Zerlan, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 731 North 75th Terrace. This is not the owner’s primary residence. This would be the first and only

permitted short-term rental on the 700 block of North 75th Terrace. This short-term rental has operated without proper permitting since 2018.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623.

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 have been no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located in the Victory Hills Statistical Neighborhood. The neighborhood consists primarily of duplexes, townhomes, and garden-style apartments. The neighborhood is adjacent to the State Avenue mixed-use corridor, which runs East to Downtown KCK and West to Leavenworth County.

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 the RP-5 Planned Apartment District. 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 duplex. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property has been either rented or owner-occupied since its construction in 1974.

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 Medium-Density Residential, which allows for duplexes, townhomes, triplexes, and garden style apartments. The use as a short-term rental conforms to the Comprehensive Plan with a Special Use Permit.

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

The proposed use has the potential to increase vehicular traffic but should not exceed the capacity of North 75th Terrace, a Local Street, to accommodate it if managed properly while it functions as a short-term rental. Guests of short-term rentals tend to travel more throughout the area, as they are typically visitors or tourists.

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

The proposed use provides a convenience to the public in the form of temporary lodging, however, issues such as noise, vibration, overcrowding of land, and undue concentrations of population could impact nearby properties negatively. If managed properly, however, the use of the property is not expected to substantially nor permanently injure the appropriate use, visual quality, or marketability of adjoining property.

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

Noise and illumination are common issues that are related to short-term rentals. There have not been any noise complaints to date with the current applicant. Vibration or dust 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 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 six (6). The maximum number of vehicles off-street is two (2). There shall be no on-street parking for STR renters or guests. If the applicant abides by the outlined conditions, specifically those that prohibit parties or larger groups, undue concentrations of population should not be an issue.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 1 to recommend **APPROVAL** of Special Use Permit Application **SP2023-071**, for one (1) year, subject to:

- 1. Any repairs not addressed prior to approval of SP2023-071 shall be completed prior to renewal of this Special Use Permit;**
- 2. Maximum number of guests shall be six (6);**
- 3. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;**
- 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.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Overcrowding
Parking
Vibration

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 **SP2023-071** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

October 9, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Neighborhood Meeting Documents
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated September 13, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	October 9, 2023	October 26, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-071** 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 **SP2023-071**, 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.

October 9, 2023, City Planning Commission Minutes

Hearing starts at 6:37:53:

SPECIAL USE PERMIT APPLICATION SP2023-071 – JOSH ZERLAN WITH COBALT PROPERTY MANAGEMENT - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 731 North 75th Terrace. Detailed Outline of Requested Action: The applicant, Josh Zerlan, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 731 North 75th Terrace. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 700 block of North 75th Terrace. This short-term rental has operated without proper permitting since 2018.

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 October 9, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file;
6. The Notice in the Wyandotte Echo; and,
7. The Notices to property owners;

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

Present in Support:

- Josh Zerlan, 725 North 75th Terrace, Kansas City, Kansas 66112

Present in Opposition:

- Arlene Harris, 728 N 75th Terrace, Kansas City, Kansas
- Teresa Pruitt, 730 N 75th Terrace, Kansas City, Kansas

Staff Recommendation starts at (Recording cut out ahead of staff comments for this agenda item): Planning Director Hand stated that this Special Use Permit (SUP) is for a short-term rental that has been operating without a SUP since at least 2018. This is a non-owner-occupied property. The proposed project is in the Citywide Comprehensive Plan area in the Midtown neighborhood. Staff has received no letter in support or opposition prior to the public testimony this evening. Staff recommends approval for one year with conditions, including but not limited to a maximum of six people on the property at a time and no more than 2 off-street parking spaces.

The Commission directed questions at Director Hand.

Motion starts at (Recording cut out ahead of a motion for this agenda item):

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2023-071** for one (1) year:

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

Motion to recommend APPROVAL Passed: 6 to 1

Subject to:

1. Any repairs not addressed prior to approval of SP2023-071 shall be completed prior to renewal of this Special Use Permit;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is one (1). No STR renters or guests may park on-street;
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);
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11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
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13. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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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.

AERIAL IMAGERY



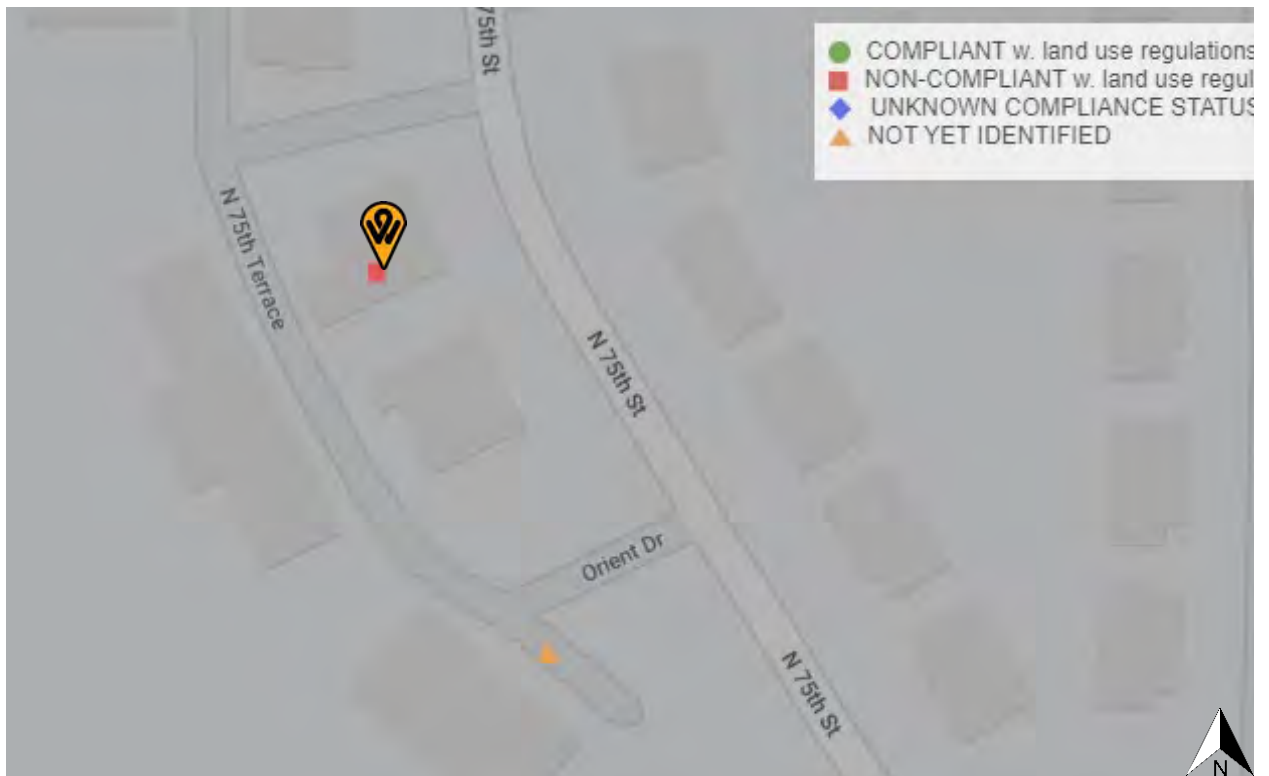
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – SEPTEMBER 13, 2023



NEIGHBORHOOD MEETING MATERIALS

STATE OF KANSAS
COUNTY OF WYANDOTTE

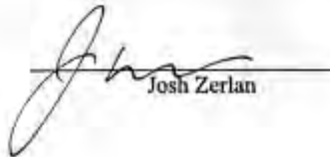
AFFIDAVIT OF NEIGHBORHOOD MEETING

Before me this day personally appeared Josh Zerlan, Representing Cobalt Property Management, LLC, who being duly sworn, deposes and says:

1. My name is Josh Zerlan; I am over 18 years of age and am competent to give this Affidavit. I give this Affidavit based upon my own personal knowledge.
2. A neighborhood meeting was held on the 23rd September, 2023 at 11 AM CST
3. The meeting was held via Zoom, with Meeting ID 858 074 0611 in regards to SP2023-071 for the purposes for obtaining a SUP for an STR at 731 N. 75th Terrace, Kansas City, KS 66112.
4. The meeting was open for 30 minutes, from 11 AM CST to 11:30 AM CST. No participants attended the meeting, save for myself. No questions or comments were submitted during, prior, or after the meeting.

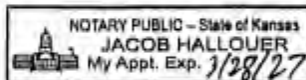
This affidavit has been made voluntarily and of my own free will.

FURTHER AFFIANT SAITH NAUGHT:
This 25 day of September, 2023.


Josh Zerlan

Sworn to and subscribed before me
this 25 day of September, 2023.


NOTARY PUBLIC

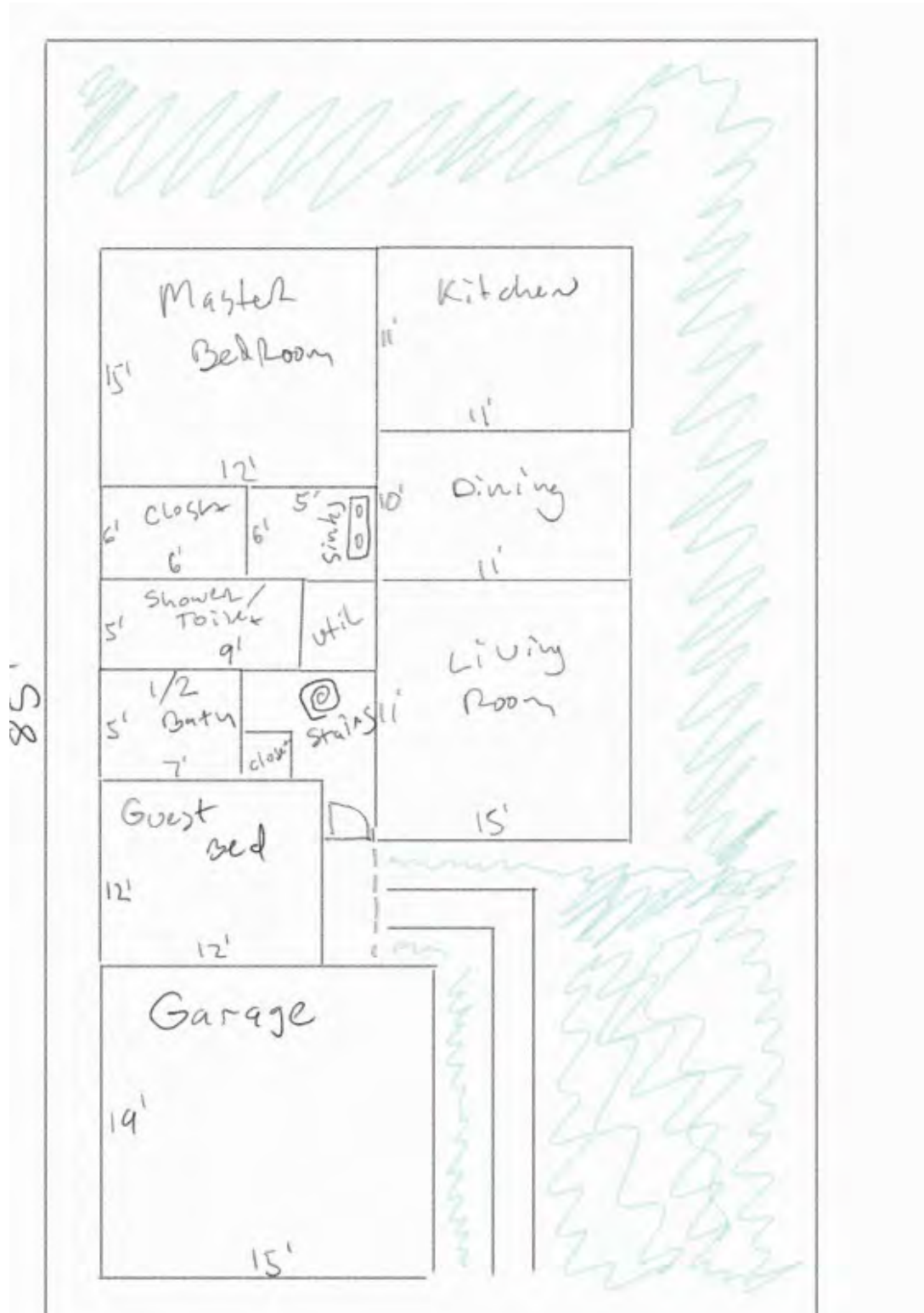


My commission expires:

03-28-2027

Page 1 of 1

FLOOR PLAN



Roof

We are not professional roofers. Feel free to hire one prior to closing. We do our best to inspect the roof system according to our standards of practice. We inspect the roof covering, drainage systems, the flashings, the skylights, chimneys, and roof penetrations. We are not required to inspect antennae, installed accessories, or interiors of flues or chimneys which are not readily accessible. This is not an exhaustive inspection of every installation detail of the roof system according to the manufacturer's specifications or construction codes. We recommend that you ask the sellers to disclose information about the roof, and that you include comprehensive roof coverage in your home insurance policy.

1. Roof Exterior



ROOF TYPE:

- Architectural laminate asphalt shingle
- Rolled roofing

METHOD OF OBSERVATION:

- Roof was inspected by walking on all roof exterior surfaces.

COMMENTS:

-The architectural laminate portions of the roof appeared to be in good condition. The rolled roofing portion of the roof showed signs of wear and had standing water on it from the morning rain. This standing water is evidence that water may not be shedding properly from the roof.



Garage



Garage



Rolled roofing, standing water main



Foundation

All structures are dependent on the soil beneath them for support, but soils are not uniform. Some soils that might appear to be firm and solid can liquefy and become unstable during seismic activity. There are soils that can expand to twice their volume with the influx of water and move structures with relative ease. This activity can raise and lower grades and fracture slabs and other hard surfaces. Expansive soils have accounted for more structural damage than most natural disasters. Foundations are not uniform, and conform to the structural standard of the year in which they were built. In accordance with our Standards of Practice, we identify foundation types and look for any evidence of structural deficiencies. Cracks or deteriorated surfaces in foundations are quite common. It would be rare to find a raised foundation wall that was not cracked or deteriorated in some way, or a slab foundation that did not include some cracks concealed beneath the carpeting and padding. Fortunately, most of these cracks are related to the curing process or to common settling, including some wide ones called cold-joint separations that typically contour the footings. Other cracks can be more structurally significant and reveal the presence of expansive soils that can predicate more or less continual movement. We will certainly alert you to any suspicious cracks if they are clearly visible. Be aware that we are not specialists. In the absence of any major defects we may not recommend that you consult with a foundation contractor, a structural engineer, or a geologist, but this should not deter you from seeking the opinion of any such expert.

1. Foundation

**TYPE:**

- Slab on grade

COMMENTS:

-Slab was not visible. Typically we recommend at least 4-6 inches of exposed foundation as much as is feasible, to facilitate constant monitoring of exterior foundation and to help deter wood-destroying insects.



Example of no exposed foundation

2. Grade

**COMMENTS:**

-Recommend maintain the grade around the perimeter of the foundation. We recommend assure that water will flow at least 4-6 ft. away from the foundation without pooling. Ideal slope would be for the ground to fall at least 1 inch for every 12 inches of distance from the foundation for the first 6 ft.



Water damage, rear north facing



Rear NE corner

3. Windows/Screens and Doors

COMMENTS:



-Observed various areas around exterior windows such as indicated in the pictures/captions of caulk that has either dried, cracked, shrunk. Recommend maintain caulk around exterior windows as needed and monitor annually.



4. Faucets

FAUCET LOCATION:



• Exterior faucet(s) were located at the EXTERIOR Front side.

COMMENTS:

-Faucet was found to be in open position but water did not flow from it. Water might be turned off to this faucet.



Found in on position, no water



Exposed wood and floor for intake

BROTHERS
Certified Home Inspections, LLC

General Electrical

In compliance with our Standards of Practice and when readily accessible, this report describes the amperage and voltage rating of the service, the location of the main disconnect and any sub panel(s), the presence of solid conductor aluminum branch circuit wiring, and other wiring methods. We are required to inspect the viewable portions of the service drop from the utility to the house, the service entrance conductors, cables and raceways, the service grounding, limited components of the service panels and sub panels, the conductors, the over-current protection devices (fuses or breakers), ground fault circuit interrupters, and a representative number of installed lighting fixtures, switches and receptacles. **We are not licensed electricians.** We do not perform load-calculations to determine if the supply meets the demand. All issues or concerns listed in this report should be construed as current and a potential personal safety or fire hazard. There are a wide variety of electrical systems with an even greater variety of components, and any one particular system may not conform to current standards or provide the same degree of service and safety. The National Electrical Code [NEC] is not retroactive, and therefore many residential systems do not comply with the latest safety standards. It is essential that any recommendations that we may make for service, upgrades or further evaluation be completed before the close of escrow. A licensed electrician could reveal additional deficiencies or recommend some upgrades for which we would disclaim any further responsibility.

1. Service Panel



PANEL LOCATION:

- Location is at laundry area.

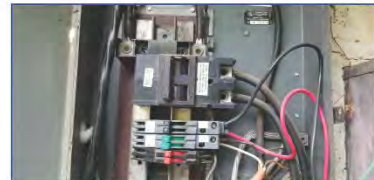
COMMENTS:

-Did not have the required workspace to safely remove the service panel cover. The removal of the service panel cover is dangerous and is not required by the standards of the general whole house inspection. If you so choose, we recommend further inspection and analysis of the service panel by a licensed electrical contractor when the panel becomes readily accessible.

-Circuit interruption type is circuit breakers.

-Breakers are not labeled completely.

-Service panel brand is Zinsco. Recommend further evaluation of service panel by licensed electrical contractor to assure safety of system. These panels have had a history of creating loose connections over time. The service entrance panel and breakers located at rear exterior near meter should also be evaluated. A qualified electrician will be able to remove breakers and inspect connections as well as give a more exhaustive and expert assessment of the service panel beyond the general visual inspection. This is a standard protocol for homes found with these systems at the time of real estate transactions.



Laundry

In accordance with industry standards, we do not test clothes dryers nor washing machines and their water connections and drainpipes. The water supply to washing machines is usually left on, and their hoses can leak or burst under pressure and continue to flow. Therefore, we recommend replacing the rubber hose type with newer braided stainless steel ones that are much more dependable. You should also be aware that the newer washing machines discharge a greater volume of water than many of the older drainpipes can handle, which causes the water to back up and overflow. The only remedy would be to replace the standpipe and trap with one that is a size larger.

1. Laundry

OBSERVED:



- Washer hook-ups
- Drain

- Dryer Vent. We recommend having a professional inspect and clean the dryer exhaust pipe twice every year. Faulty dryer vents have been responsible for thousands of fires, hundreds of injuries, and even deaths. The best vents are a smooth-walled metal type that travels a short distance; all other types should be regarded as suspect and should be inspected bi-annually to ensure that they do not contain trapped lint or moisture.
- 3-prong dryer plug (not tested for live). Most modern day receptacles and units are supplied by 4-prong components.

COMMENTS:

-Area behind washer and dryer was not accessible.



SITE PHOTOS, TAKEN BY STAFF, DATED SEPTEMBER 13, 2023





Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: October 26, 2023

Re: Preliminary Plan Petition PR2023-014

GENERAL INFORMATION

Applicant:
Cody Busick

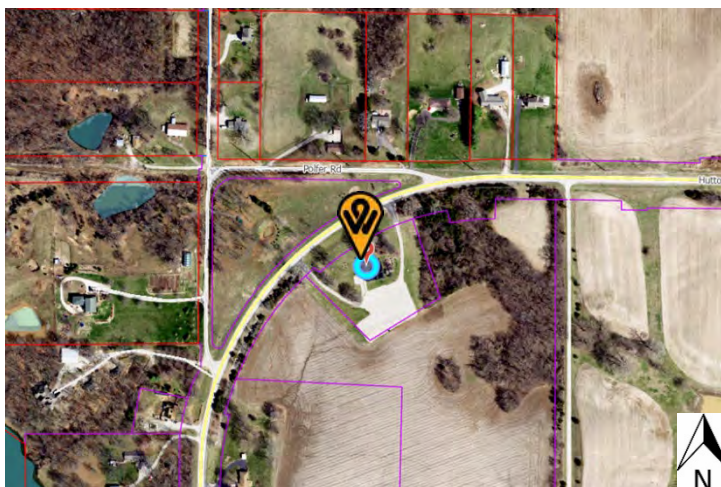
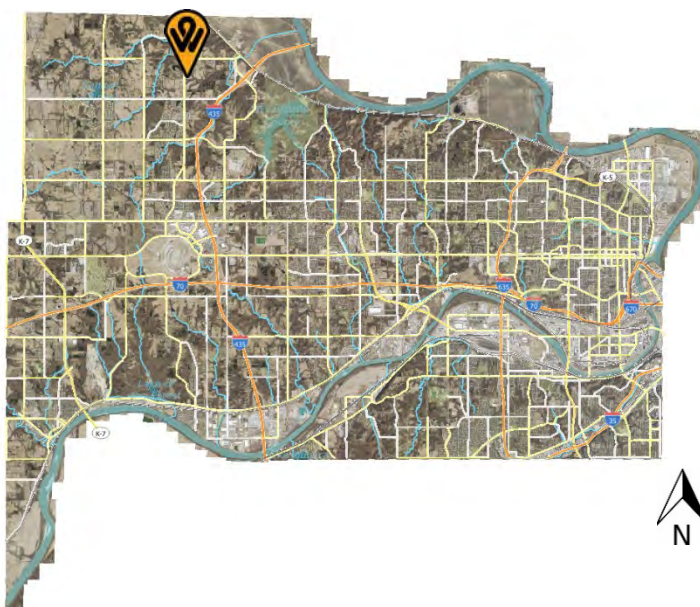
Status of Applicant:
Representative
Vineyard Church of Piper
10601 Hutton Road
Kansas City, Kansas 66109

Requested Action:
Approval of a Preliminary
Development Plan.

Date of Application:
April 28, 2023

Purpose:
To approve a Preliminary
Development Plan for a 7,508
square foot expansion of the
Vinyard Church of Piper as well as
expansion of the parking lot.

Property Location:
10601 Hutton Road
Kansas City, Kansas 66109



Commission Districts:	Commissioner At Large, District #1: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture District East: A-G Agriculture District West: A-G Agriculture District
Existing Uses:	North: Agricultural land South: Agricultural land East: Agricultural land West: Agricultural land
Total Tract Size:	2.93 Acres
Master Plan:	Prairie Delaware Piper Area Plan
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates the subject property as Planned Low-Density Residential, which allows for single-family residences on large, wide lots.
Major Street Plan:	The Major Street Plan designates Hutton Road as a Class B Thoroughfare.
Parking Requirement:	Section 27-688(a)(4) states that churches shall provide “one (1) space for each six (6) seats or 9 linear feet of seating area”. With the proposed expansion, the church will have approximately 400 seats, which requires 70 parking spaces. The proposed plan provides 72 parking spaces.
Advertisement:	Property Owner Letters – May 18, 2023 <u>Wyandotte Echo</u> – May 19, 2023
Public Hearings:	August 14, 2023, August 31, 2023, September 28, 2023, and October 26, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Cody Busick with Vineyard Church of Piper, is requesting approval of a Preliminary Development Plan to expand

the Vineyard Church of Piper at 10601 Hutton Road with a 7,508 square foot addition, as well as expansion of the parking lot.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building, Zoning, or Code Enforcement Complaints:

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

Outstanding or Related Permits and Cases:

1. There are no additional outstanding or related permits and cases.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is located within the Piper Statistical Neighborhood and is not within a neighborhood group. The subject property is located within a nearly exclusively rural single-family neighborhood and surrounded by a variety of single-family residences, most of which are on contemporary wide and shallow lots, or lots with large acreage.

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

The proposed use is an expansion of the church and the parking lot. According to the traffic impact study provided by the applicant, there is expected to be an increase in trips by 44%. This is not expected to exceed the capacity of Hutton Road, a Class B Thoroughfare.

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

The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Low-Density Residential, which allows for single-family residences on large, wide lots. The proposed use is an institutional use that while allowed in the zoning district, does not conform to the Area Plan. This land use would fall under the Public/Semi-Public designation in the Prairie-Delaware-Piper Master Plan.

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

a. Water service

BPU provides water service.

b. Sanitary sewer service

There is no sanitary sewer service on the subject property. The property is served by septic service.

c. Storm water control

There is no storm water control on the subject property.

d. Police

Police service is provided by West Patrol, District #226.

e. Fire

Fire service is provided by Station #12, which is approximately two (2) miles away from the subject property.

f. Transit

There is no transit service provided to the subject property.

g. Schools

Public Education is provided by Piper Creek Elementary School, Piper Prairie Elementary School, Piper Middle School, and Piper High School.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

The proposed plan is capable of meeting applicable ordinance and other requirements with revisions to the site plan.

PREVIOUS ACTIONS

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

NOTE: This application was held over from the August 31, 2023, Board of Commissioners meeting as the applicant is requesting changes to the previously approved conditions of approval. There were not enough Commissioners present at the meeting to override the Planning Commission's recommendation.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on May 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Conformance to the Master Plan
Parking on an Unimproved Surface
Sidewalk
Signage
Site Design

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 10 to 0 to recommend **APPROVAL** of Plan Review Application PR2023-014, subject to:

1. **Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;**
2. **Per the goDotte County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property;**
3. **Wheel stops are required for parking spaces where there is no curbing;**
4. **The sign structures shall be removed as instructed originally;**
5. **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;**
6. **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;**
7. **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;**
8. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
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; and,

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.

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 **PR2023-014** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

August 14, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Existing Site Plan
Proposed Site Plan
Landscape Plan
Elevations
Site Renderings
Floor Plan
Traffic Impact Study
Sanitary and Wastewater Study
Site Photos taken by Staff, Dated May 12, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Planning Commission</u>	<u>Board of Commissioners</u>
Public Hearing	August 14, 2023	August 31, 2023
Preliminary Plan	Approval	Held Over
		September 28, 2023
		Hearing Suspended
		October 26, 2023

STAFF CONTACT: James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-014** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

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

OR

I move the Unified Government Board of Commissioners **DENY** Petition **PR2023-014**, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

August 14, 2023 City Planning Commission Minutes:

Hearing starts at 3:06:45:

PLAN REVIEW APPLICATION PR2023-014 – CODY BUSICK WITH VINEYARD CHURCH OF PIPER - SYNOPSIS: Preliminary Plan Review to expand an existing church at 10601 Hutton Road. *Detailed Outline of Requested Action:* The applicant, Cody Busick with Vineyard Church of Piper, is requesting approval of a Preliminary Development Plan to expand the Vineyard Church of Piper at 10601 Hutton Road with a 7,508 square foot addition, as well as expansion of the parking lot.

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 August 14, 2023;
5. The application and other documents, plans, pictures and maps submitted by the applicant in furtherance of the case and contained in the official file; and,
6. The Notices to property owners.

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

Present in Support:

- Jacob Hobson, Olsson Associates, consultant for the applicant, 4448 Francis Street, Kansas City, Kansas 66103
- Cody Busick, applicant and Lead Pastor, 4514 North 121st Street, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:11:15: Planning Director Hand stated that the request is for a preliminary development plan for the church expansion and parking lot. The property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report including the removal of one (1) of the two (2) monument signs. They will have to come back for a final development plan before moving forward with the project. If the applicant wants to defer the request for driveway gravel, Director Hand would need to address it with the County Engineer. In terms of the sidewalks, it is a requirement in the goDotte County Wide Mobility Strategy that sidewalks be created along all of Hutton Road. Staff understands that it is unimproved, but this is the policy of the Unified Government. If the Planning Commission wanted to remove this condition, he believes that it would be better addressed before the Board of Commissioners, and he would also discuss that with the County Engineer. There is no deviation before the Planning Commission. The Commission has on previous occasions deferred to the Board of Commissioners on this issue.

Motion starts at 3:15:19:

On motion by Mr. Ward, seconded by Mr. Beth, the Planning Commission voted as follows to recommend **APPROVAL of Petition PR2023-014:**

Carson	Chairman
Eilts	Aye
Ernst	Aye
Jones	Aye
Miller	Aye
Mohler	Aye
Straws	Aye
Ward	Aye
Armstrong	Aye
Beth	Aye
Connelly	Aye

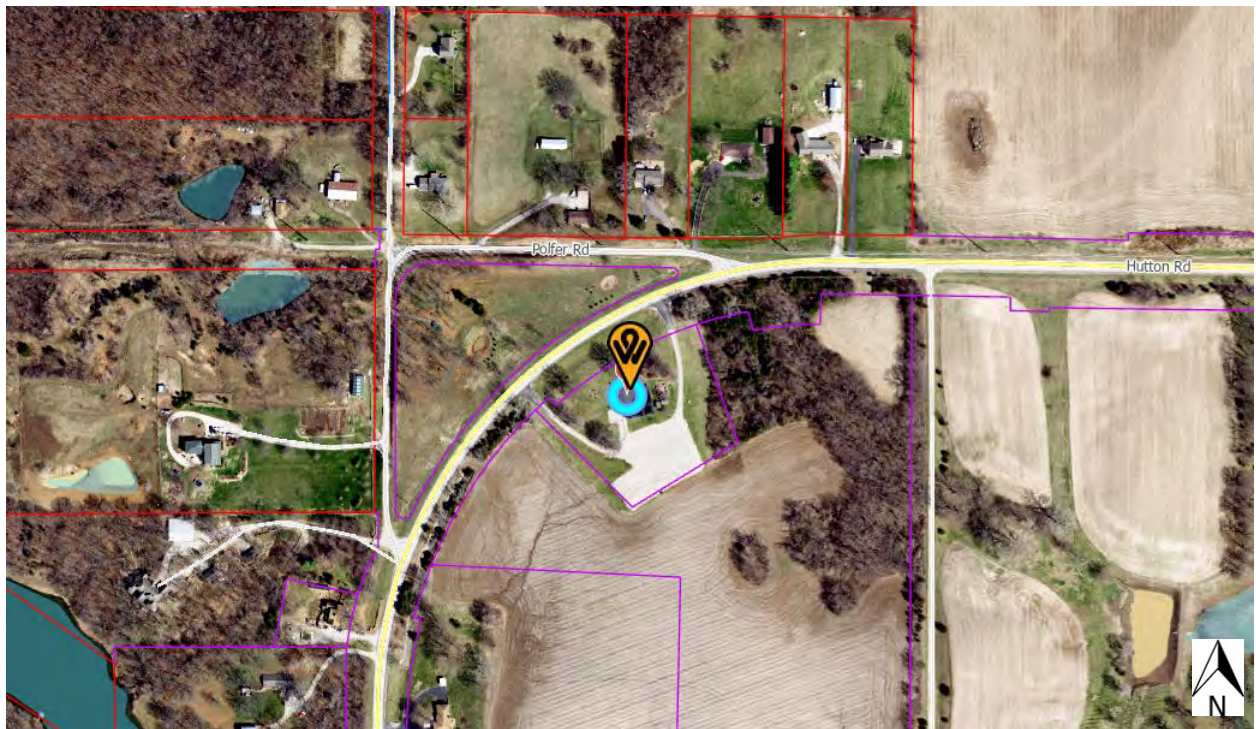
Motion to recommend **APPROVAL** Passed 10 to 0

Subject to:

1. Because this petition is a Preliminary Development Plan, the applicant shall submit a Final Development Plan for approval, which includes final architectural and civil plans;
2. Per the goDotte County-Wide Mobility Plan, the applicant shall construct a sidewalk in the front of the property;
3. Wheel stops are required for parking spaces where there is no curbing;
4. The sign structures shall be removed as instructed originally;
5. 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;
6. 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;
7. 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;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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; and,
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.

ATTACHMENTS

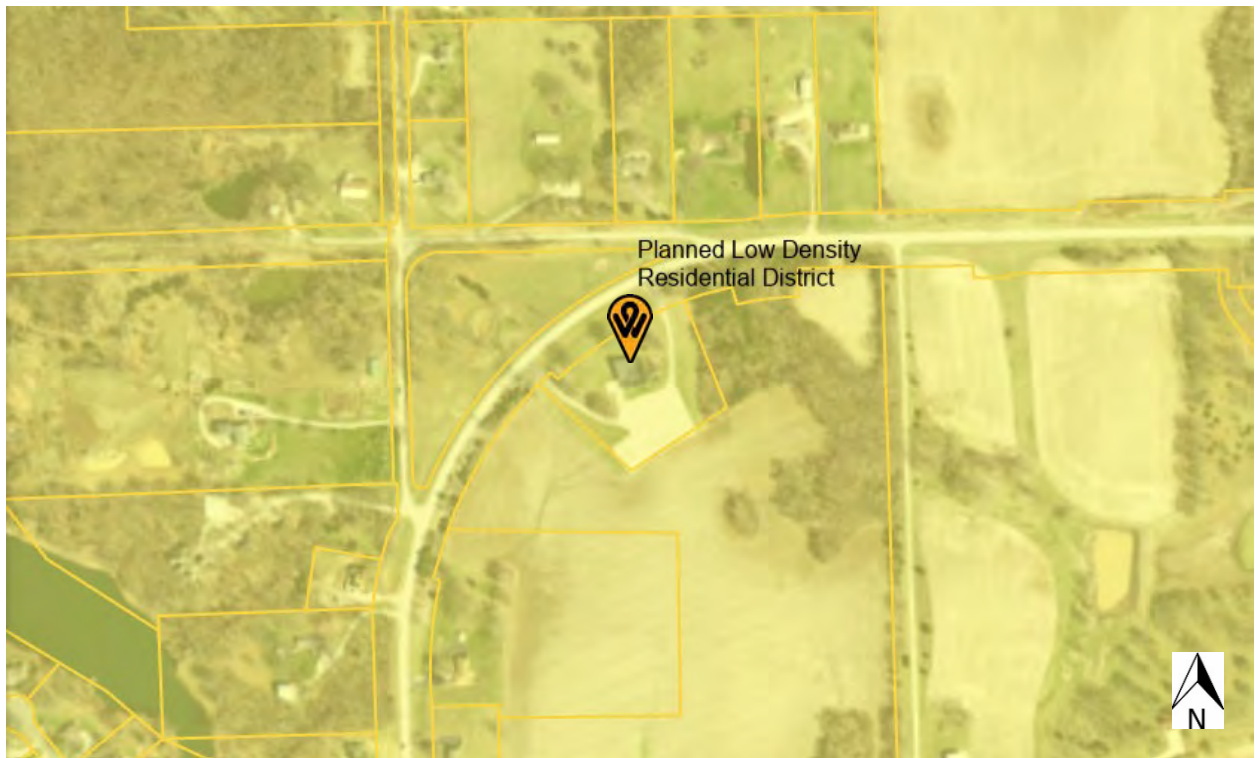
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



EXISTING SITE PLAN

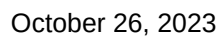


PR2023-014

October 26, 2023

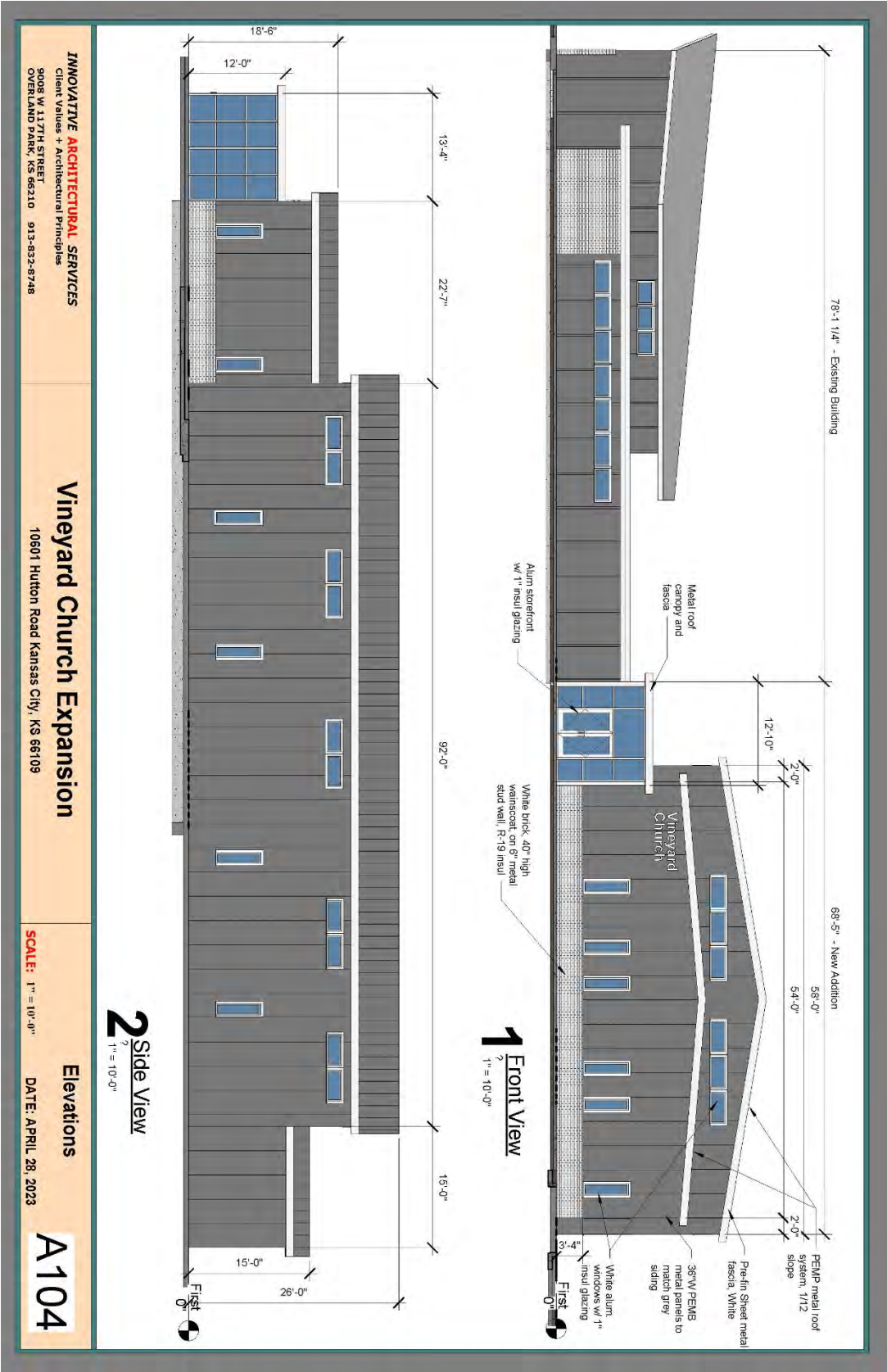
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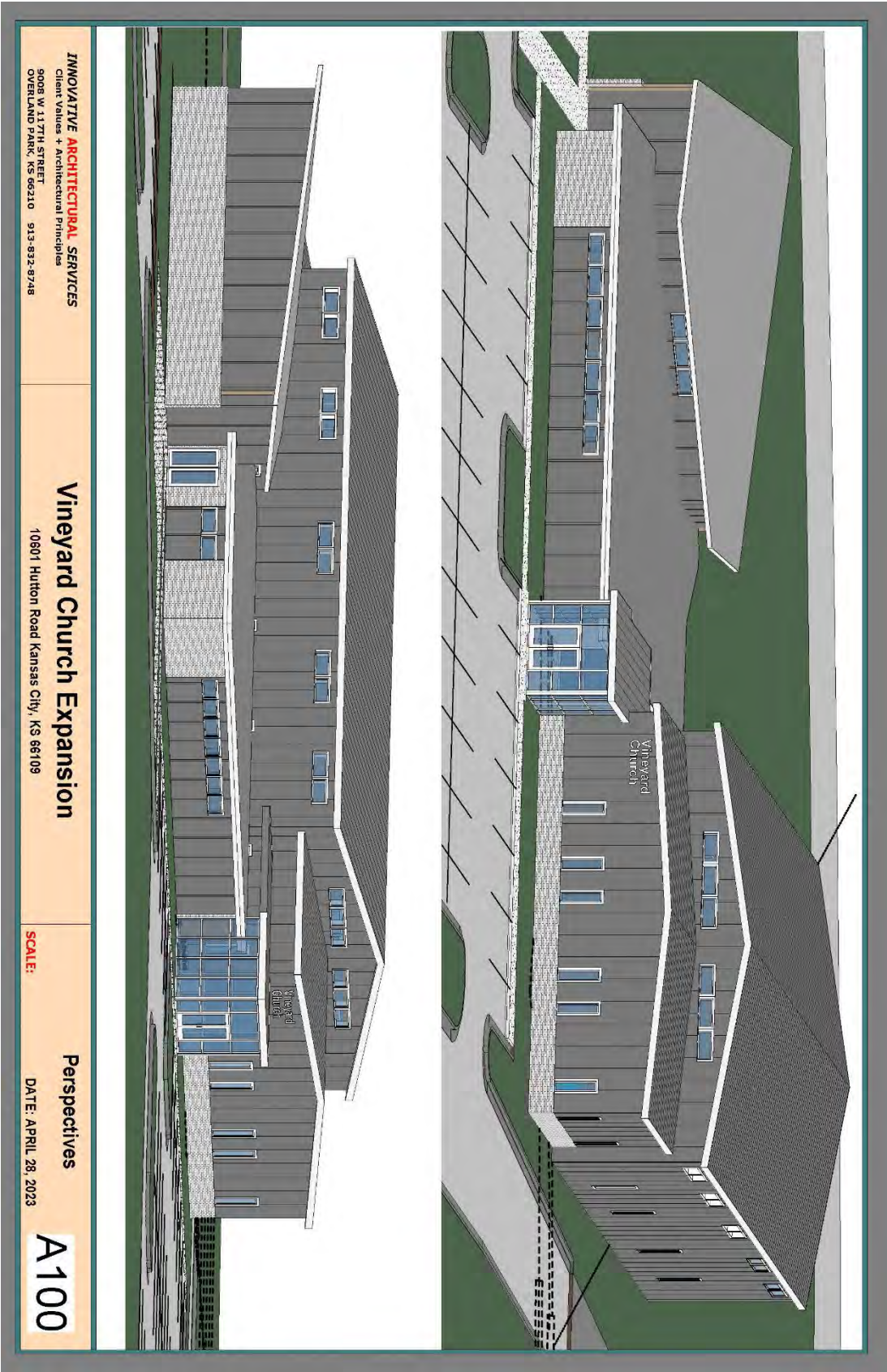
PR2023-014



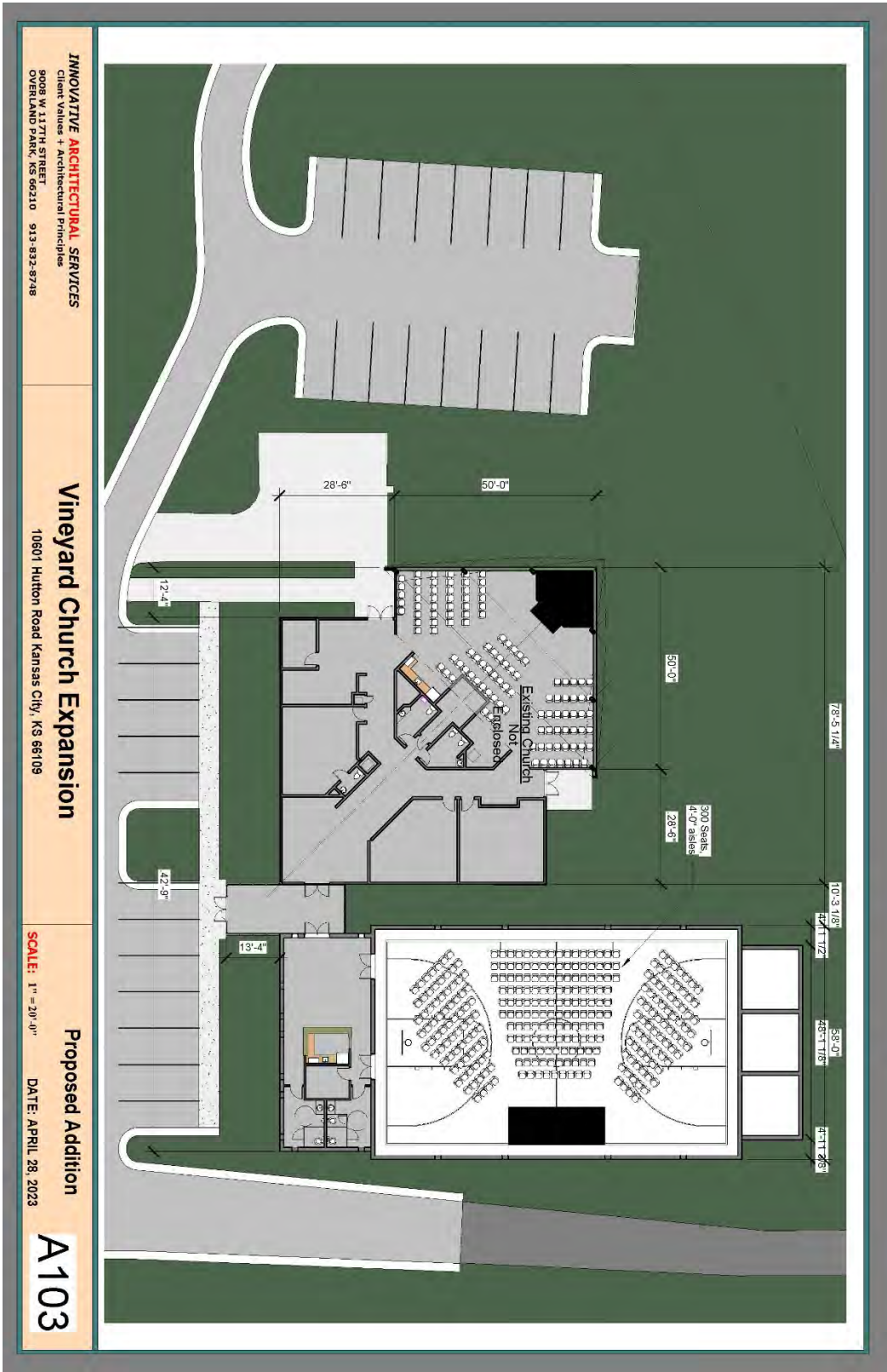
LANDSCAPE PLAN







FLOOR PLAN

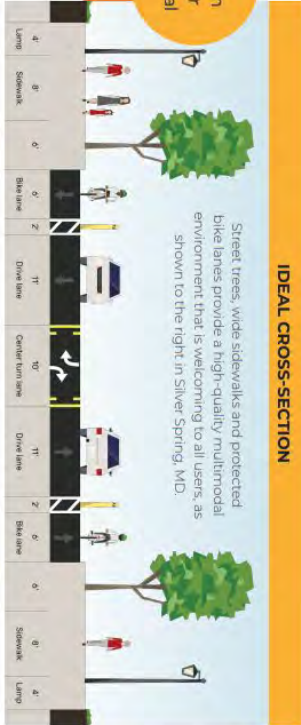


Street Design in Focus

The Major Streets plan provides a general framework for street design decision-making by discussing the tradeoffs inherent in designing a roadway. Space and right-of-way are typically limited, meaning the County must make smart decisions about how to utilize that space to best provide for the needs of the community. The cross-sections at right provide examples of how roadways may be designed in different parts of the County to meet the needs of the immediate surrounding area. While the cross-sections shown are only examples, and street design is likely to vary based on a number of factors, they effectively highlight how design can and should change across different contexts, even for the same functional class.

Each of the roadways highlighted represent minor arterials that carry high traffic volumes, and yet the design of each shifts to allow for safer multimodal travel, larger vehicles, or more separation for pedestrians. Also shown are real-world examples of successful roadways that have re-designed to mirror the street design guidance provided.

Urban Minor Arterial



Suburban Minor Arterial



Rural Edge Minor Arterial



1) LOCATION & LAND USE

The project site is located at 10601 Hutton Road in Kansas City, Kansas.

Hutton Road is currently a two lane roadway with an open drainage system and a posted speed limit of 40 mph. Hutton Road is classified as a Class B Thoroughfare on the Unified Government's Major Street Plan. According to the City Master Plan, a Class B Thoroughfare should have 100' of right-of-way, and may include up to four lanes.

The property is currently being used as a church. A 7,650 square feet expansion will be constructed to expand the church building to a total of 13,080 square feet. The existing parking lot will also be upgraded from aggregate to light duty pavement with striped parking stalls. A future 16 stall parking area is also designated off of the Southwest Entrance.

The church has two entrances, discussed in this report as the Southwest and Northeast Entrances. Each entrance currently has a paved approach which transitions to gravel near the right-of-way line.

2) TRIP GENERATION

The vehicle trips generated by the proposed church expansion were estimated using the Institute of Transportation Engineers' (ITE) Trip Generation, 11th Edition. The estimated AM and PM Peak Hour of the adjacent street, and the Sunday Peak Hour of the church traffic volumes associated with this site are shown in Table 1. Land Use 560, Church, was chosen as the appropriate land use.

The peak hour traffic was estimated first for the existing 5,430 square foot church, and then for the total 13,080 square foot church after the addition has been constructed. The AM and PM Peak Hours of the adjacent street will be minimally impacted, with only one additional AM Peak Hour trip estimated, and two PM Peak Hour trips generated. For the Sunday Peak, the traffic volumes are expected to increase by about 44% or 60 vehicles.

Table 1: Trip Generation											
Land Use	Intensity	Daily	AM Peak			PM Peak			Sunday Peak of the Generator		
			Total	In	Out	Total	In	Out	Total	In	Out
Existing Church	5,430 SF	80	2	1	1	7	3	4	136	65	71
Expanded Church	13,080 SF	121	3	2	1	9	4	5	196	94	102
Total Increase		41	1	1	0	2	1	1	60	29	31

3) EXISTING TRAFFIC COUNTS

The KDOT City traffic volume map published in 2018 provides a 24-hour count on Hutton Road near the church property. The counts on this map were collected in February and March of 2017. According to this map, there are 1020 daily trips on this segment of Hutton Road.

4) SIGHT DISTANCE

Stopping sight distance and intersection sight distance were measured for the existing entrances into the Vineyard Church. Intersection sight distance represents the distance and time required for the driver to make the decision to turn and to complete the turn without slowing oncoming traffic. Stopping sight distance represents the distance and time required to observe a two-foot-tall object in the roadway and to then safely come to a stop. Hutton Road has a posted speed limit of 40 mph and a 45 mph design speed was assumed. The measurements and calculations are illustrated in Table 2 below are based upon values found AASHTO's *A Policy on Geometric Design of Highways and Streets*.

Table 2: Sight Distance Values

	Measured Stopping Sight Distance	AASHTO Required Distance (45 mph design speed)	Measured Intersection Sight Distance	AASHTO Required Distance (45 mph design speed)
Northeast Entrance				
To the east	260'	360'	260'	500' (B1)
To the southwest	590'	360'	590'	430' (B2 or B3)
Southwest Entrance				
To the northeast	590'	360'	>600'	500' (B1)
To the southwest	240'	360'	>600'	430' (B2 or B3)

The drives are currently signed by the church to limit the Southwest Entrance to entering traffic only, and the Northeast Entrance to exiting traffic only. Stopping and Intersection Sight Distance was measured at both entrances. Both entrances have limited sight distance due to off-site vegetation. The Southwest Entrance is limited to the southwest in a way that would hinder exiting vehicles making either left or right turns (AASHTO Case B1 or B2). The Northeast Entrance has limited sight distance for vehicles making a left turn leaving the site (Case B1).

If the driveway configuration were to remain as it is currently signed, with the Southwest Entrance to entering traffic only, and the Northeast Entrance to exiting traffic only, vegetation should be cleared off-site to the east of the Northeast Entrance. The approximate area that needs to be cleared is shown in Figure 1. For movement B3, a left turning vehicle entering the church, at the Southwest Entrance, adequate sight distance is available.

If the driveway configuration were to be reversed, the area required to be cleared may also be less than that of the existing configuration. It also appears that the area requiring clearing may be easier to maintain and prevent the recurrence of sight distance concerns in the future. The required sight triangle for movement B2, a right turn exiting the Southwest Entrance, is shown in Figure 2. This figure also illustrates acceptable stopping sight distance to the back of a two vehicle queue at the Northeast Entrance.

5) ACCESS SPACING, PARKING & SITE CIRCULATION

The existing Northeast Entrance is located approximately 190' from Polfer Road to the northeast and approximately 420' from the Southwest Entrance. The Southwest Entrance is located approximately 530' from the intersection of Hutton Road and 107th Street to the south.

The existing site has a gravel parking lot with concrete curb blocks to designate parking spaces with 56 spaces provided. The existing parking lot will be paved with 55 spaces. An additional parking lot will be constructed in the future with an additional 16 spaces.

The Vineyard Church site has good site circulation. The long driveways to the parking areas provide good throat length. The drives are designated as one-way, which will help traffic flow between church services when both entering and exiting traffic volumes are present. The proposed parking lot provides 24' drive isles, with room for two-way circulation within the parking areas.

6) ADDITIONAL CONSIDERATIONS

While conducting sight distance measurements, a hole was observed in the Northeast driveway over the existing culvert pipe. Pictures of the condition are shown below. Although difficult to see in the pictures, there is a significant void under the pavement. The condition appears to be located within the Unified Government right-of-way.



July 18, 2023

7) RECOMMENDATIONS & CONCLUSIONS

This study documents the impact of the proposed Vineyard Church expansion on the surrounding roadway network. The impacts of the proposed expansion are minimal, with very minor traffic being generated on average weekdays, and 60 additional trips expected on Sundays during the peak period of the church.

Existing sight distance concerns have been identified at the Northeast Entrance into the site. Off-site clearing should be done to obtain a clear sight triangle for this driveway as shown in Figure 1. Alternatively, the driveway ingress/egress could be reversed and off-site clearing could be done to the southwest of the Southwest Entrance as shown in Figure 2. This alternative would require less initial clearing and may be easier to maintain in the future. The necessary off-site clearing in either case appears to be within the Unified Government right-of-way. If the driveway flows are to be reversed, this change would require coordination between the Vineyard Church and the Unified Government. Because this sight distance concern is present in the existing conditions, it is recommended that the clearing be completed as soon as possible.

Additionally, it is recommended that the culvert and pavement at the Northeast Entrance be investigated by the Unified Government to determine the appropriate repair needed to maintain safe access to the property.

SANIATARY AND WASTEWATER STUDY

10601 Hutton Road
Kansas City, Kansas 66109
Unplatted (2.93 acres)
105036140200100300
Vineland Church of Piper
July 18, 2023



Existing church building with seating for 150, average Sunday attendance 150 between two services.

Existing building has 3 toilets, 1 urinal, 3 lavatories, 1 sink

2022 water usage: average 220 gal/week, maximum 330 gal/week

2023 (January – May) water usage: average 290 gal/week, maximum 380 gal/week

Proposed multi-purpose building with event seating for 330 (no significant changes to church attendance anticipated)

Proposed building will have 3 toilets, 1 urinal, 2 lavatories, 1 sink

Site soils [1]: 7285 Ladoga silty loam, 3 to 8% slopes (majority of church property)

7955 Knox silt loam, 7 to 12% slopes (area east of east access drive and existing septic system)

NRCS Rating for septic tank absorption field: Very limited

Reasons for rating: Slow water movement, slope

Existing septic system, WyCo Permit EH2963-73: 1,000 gal septic tank

5 rock/pipe laterals, 3' wide, total length 406' – absorption area 1,218 sf

Perc rate: 10"/hr

Soil profile by Jim Manderscheid, 6/24/2023, approximately 40' southeast of existing septic tank

0 – 10" dark yellowish brown color, no redoximorphic features, silty clay loam texture, moderate blocky structure, moist friable consistency, many fine roots, "top soil", conventional loading rate 0.4 gpd/sf

10 – 60" dark yellowish brown color, no redoximorphic features, fine sandy loam texture, moderate granular structure, moist friable consistency, few roots, "easy to dig," conventional loading rate 0.4 gpd/sf

Absorption capacity of the existing septic system:

Lateral area x loading rate = 1,218 sf x 0.4 gpd/sf = 487 gpd (3,400 gal/wk)

Required absorption capacity based on maximum water usage: 380 gal/wk (11% absorption capacity)

Considering there are no proposed significant changes to membership and program usage, the existing septic system has sufficient capacity for the proposed multi-purpose building and no additional system improvements are necessary.



Christopher M. Storm, P.E.
Storm Engineering, P.A.

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







Staff Request for Commission Action

Tracking No. 212753

Full Commission Meeting Date: 10/26/2023

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/11/2023	<u>Contact Name:</u> Gunnar Hand	<u>Contact Phone:</u> 5751	<u>Contact Email:</u> ghand@wycokck.org	<u>Department/Division:</u> Planning and Urban Design
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Item Description:

Update regarding Plan KCK strategies provided by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



PROCLAMATION

- WHEREAS,** the athleticism, skill, dedication, endurance, and heart with which the Kansas City Monarchs played this season and won their third American Association Championship with a dramatic walk-off hit in Game 4 of the Championship series to claim the Miles Wolff Cup bringing honor to the City and County on the local, state, national and international level; and
- WHEREAS,** the Unified Government Commissioners, Mayor, and administrative staff enthusiastically applaud the record of 59 wins and 40 losses - the 2023 Kansas City Monarchs led the American Association in wins for the third straight season; and
- WHEREAS,** the Monarchs have won back-to-back-to-back-to-back American Association Division Championships; and
- WHEREAS,** Monarchs catcher Chris Herrmann was named American Association Player of the Year; and
- WHEREAS,** Wyandotte County and Kansas City, Kansas is proud to be the home of the Kansas City Monarchs who make their home at Legends Field in Village West of Kansas City, Kansas; and
- WHEREAS,** Monarchs outfielder Jan Hernandez was named Most Valuable Player of the 2023 American Association Championship; and
- WHEREAS,** Monarchs Gavin Collins, Chris Herrmann, Trey Jeans, Jalen Miller, and Justin Wylie were named 2023 American Association All-Stars; and
- WHEREAS,** Monarchs Grant Gavin, Ashton Goudeau, Chris Herrmann, and Justin Wylie were selected to play in the Baseball Champions League in Merida, Yucatan, Mexico.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim November 1, 2023, as:

“Kansas City Monarchs Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to congratulate, and give special recognition to the Kansas City Monarchs for its extraordinary achievement of winning the 2023 American Association of Professional Baseball Championship adding to the legacy of success on and off the playing field. 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,** there are no words that can describe the impact Adrienne Nastav has made on the Strawberry Hill Museum and the community as a whole. If one is asked to describe her, words like "dedicated", "passionate", "tireless", "organized", and "friend" are just a few which fail to adequately capture the impact she makes, both before and after her role; and
- WHEREAS,** helped found the Strawberry Hill Ethnic and Cultural Society in 1988. Adrienne has worked tirelessly to restore and preserve the Museum and to keep the history of the ethnic groups who settled in the area alive. Every facet of the Museum, from the annual decorating for Christmas to managing the day-to-day operations, to maintaining the architectural integrity of the Cruise-Scroggs Mansion has been under her direction. With Adrienne's dedicated oversight, leadership, and vision, the Museum continues as a historical gem, community center, and educational opportunity today; and
- WHEREAS,** in honor of Adrienne's impact on the Museum and the Strawberry Hill community, the Board has decided to honor Adrienne by designating the exhibit room on the Museum's second floor the "Adrienne Nastav Exhibit Hall." We honor Adrienne's leadership as President of the Board and longest-serving volunteer; her contributions to honoring the history of Strawberry Hill are unmatched.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim October 2nd, 2023, as:

“Adrienne Nastav Exhibit Hall Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Adrienne Nastav Exhibit Hall Day. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** in 1898 known as the Mercantile Club, a local group of businessmen formed a membership-based group that set about to grow this community and 1918 re-named and established the Kansas City Kansas Chamber of Commerce in 1918; and
- WHEREAS,** The Kansas City Kansas Chamber of Commerce laid the groundwork for partnerships and alliances that would help establish vital infrastructure, attract new industries, encourage business investment, help companies navigate challenges, share ideas, and find new growth opportunities through advocacy, education, and networking programs.; and
- WHEREAS,** the Kansas City Kansas Chamber developed business relationships that have lasted for generations and cultivated a sense of local pride; and
- WHEREAS,** the Kansas City Kansas Chamber continues its mission of supporting businesses of every scale, working closely with local government and civic organizations; and
- WHEREAS,** the Kansas City Kansas Chamber of Commerce proudly celebrates its 125th anniversary of serving the greater Kansas City, Kansas business community.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim October 13, 2023, as:

“Kansas City Kansas Chamber of Commerce Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize the 125 years of their support of business and building excellence. 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, Mr. Marlon Chinn and the children of Wyandotte County/Kansas City, Kansas on this day have set it aside as the 1st Annual Mia D. Williams 5K Cancer Walk/Run; and

WHEREAS, this is will the start of an ongoing presence in Wyandotte County, Kansas City, Kansas for years to come; and

WHEREAS, all who are involved, are productive members of Wyandotte County, Kansas City, Kansas. This event will continue to grow throughout time with love, family work, and involvement to be successful; and

WHEREAS, The Chinn and William Families continue to work to make Breast Cancer Awareness alive in Wyandotte County, Kansas City, Kansas; and

WHEREAS, Mr. Marlon Chinn and his Family exemplify our goal of developing a comprehensive plan, that will attract those from all over seeking to bring awareness to all within our community.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim October 14, 2023, as:

“March4Mia Day”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Mia D. Williams 5K Cancer Walk/Run Day. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



PROCLAMATION

- WHEREAS,** the National Society Daughters of the American Revolution was founded in 1890 in Washington, D.C. as a non-profit, non-political volunteer women's service organization dedicated to promoting patriotism, preserving American history, and securing America's future through better education for children; and
- WHEREAS,** on October 29, 1953, forty-five daughters started the Wyandot Chapter of the Daughters of the American Revolution; and
- WHEREAS,** during the 70 years, the Wyandot Chapter Daughters of the American Revolution have donated thousands of hours of service to this community; and
- WHEREAS,** they support active duty military personnel, assist veteran patients, provide scholarships, provide school supplies for both Unified Government school and Haskell Indian University, and provide food and clothing to those in need; and
- WHEREAS,** the Daughters of the American Revolution honor the diversity of Wyandotte County by seeking to diversify membership and honor the Wyandot Tribe; and
- WHEREAS,** the Wyandot Chapter of the Daughters of the American Revolution is the only Chapter to serve Wyandotte County; and
- WHEREAS,** the Wyandot Chapter of the Daughters of the American Revolution celebrates its 70th year serving Wyandotte County.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim October 29th, 2023, as:

“Wyandot Chapter of the Daughters of the American Revolution”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize the Wyandot Chapter of the Daughters of the American Revolution. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

WHEREAS, breast cancer touches every corner of the United States and hundreds of thousands of Americans will be diagnosed with breast cancer and tens of thousands will die from it; and

WHEREAS, about 1 in 8 women born today in the United States will get breast cancer at some point in their lifetime and approximately 2,000 men are diagnosed with breast cancer each year; and

WHEREAS, we show our support for every individual and every family struggling with breast cancer and we pause to remember those we have lost; and

WHEREAS, Breast Cancer Awareness Month in October is a chance to raise awareness about the importance of early detection of breast cancer by getting a mammogram and encouraging our community, organizations, churches, families, and individuals to get involved; and

WHEREAS, we salute the women and men who dedicate themselves to prevention, detection, and treatment as we observe Breast Cancer Awareness Month.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the month of October 2023 as:

“Breast Cancer Awareness Month”

in Wyandotte County/Kansas City, Kansas, and call upon all residents to recognize the importance of Breast Cancer Awareness. 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,** family and relationships are often counted among life's greatest gifts, and tragically, many Kansans' relationships are tarnished by violence fear; and
- WHEREAS,** the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to the systematic use of physical, emotional, sexual, psychological, economic, and coercive control and abuse; and
- WHEREAS,** in 2022 the Centers for Disease Control and Prevention reported that 1 in 3 women and 1 in 4 men have experienced severe physical violence by an intimate partner during their lifetime; and
- WHEREAS,** more than 23,000 calls are placed to domestic violence hotlines nationwide every day, and during a 24-hour period in 2022, hotline staff in Kansas received 271 contacts, averaging over 11 contacts per hour; and
- WHEREAS,** in 2021, the Kansas Bureau of Investigation reports that domestic violence homicides comprised over 18% of all homicides in Kansas; and
- WHEREAS,** in 2021, one domestic violence arrest was made by law enforcement every 47 minutes, and 22 seconds in Kansas; and
- WHEREAS,** the DELLA GILL/JOYCE H. WILLIAMS CENTER for Domestic Violence Survivors & their Children, "A Program of Friends of Yates," provides 24/7/365 free and confidential services to victims of domestic violence in Kansas City, Kansas; and served over 1,790 individuals and provided over 14,800 services that included shelter, court advocacy, individual/group counseling, job readiness, meals, child care, substance abuse counseling, community education, domestic violence training, cultural awareness training, during 2022; and
- WHEREAS,** the DELLA GILL/JOYCE H. WILLIAMS CENTER is available at 913-321-0951 or toll-free 855-232-0252; and
- WHEREAS,** this violence is inconsistent with the values of our community and is unacceptable.
- NOW, THEREFORE,** I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim the month of October 2023, as:

“Domestic Violence Awareness Month”

in Wyandotte County/Kansas City, Kansas, and urge all citizens to recognize Domestic Violence Awareness Month. In witness whereof, I have hereunto set my hand and the seal of the Unified Government of Wyandotte County/Kansas City, Kansas.

TYRONE GARNER, MAYOR/CEO



Staff Request for Commission Action

Tracking No. 212769

Full Commission Meeting Date:

Committee: Economic Development & Finance

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/11/2023	<u>Contact Name:</u> Debbie Jonscher	<u>Contact Phone:</u> x5847	<u>Contact Email:</u> djonscher@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

A resolution and Ordinance authorizing 2024 debt projects, submitted by Debbie Jonscher, Interim Chief Financial Officer.

*On October 9, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

edf debt project

[PROJECT DOCUMENTS]

- A. Excerpt of Minutes of Meeting approving Ordinance/Resolution
- B. Ordinance/Resolution
- C. Summary of Ordinance
- D. Notice

**EXCERPT OF MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
HELD ON OCTOBER 26, 2023**

The governing body met in regular session at the usual meeting place in the Unified Government, at 7:00 p.m., the following members being present and participating, to-wit:

Present: _____
_____.

Absent: _____.

The Mayor/CEO declared that a quorum was present and called the meeting to order.

(Other Proceedings)

There was presented a Resolution and an Ordinance entitled:

A RESOLUTION AND AN ORDINANCE AUTHORIZING VARIOUS PUBLIC IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR TEMPORARY NOTES TO FINANCE A PORTION OF THE COSTS OF SUCH IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF UTILITY SYSTEM REVENUE BONDS TO FINANCE A PORTION OF THE COSTS OF SUCH IMPROVEMENTS; REQUESTING THE PUBLIC BUILDING COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ISSUE ITS LEASEHOLD REVENUE BONDS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF CERTAIN IMPROVEMENTS; AND AUTHORIZING ONE OR MORE LEASE PURCHASE AGREEMENTS TO FINANCE THE ACQUISITION AND INSTALLATION OF CERTAIN EQUIPMENT.

Commissioner _____ moved that said Resolution and Ordinance be adopted. The motion was seconded by Commissioner _____. The Resolution and Ordinance was duly read and considered, and upon being put, the motion for the adoption of the Resolution and Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: _____
_____.

Nay: _____.

The Mayor/CEO declared the Resolution and Ordinance duly adopted and the Resolution was then duly numbered Resolution No. R-____-23 and the Ordinance was then duly numbered Ordinance No. O-____-23 was signed and approved by the Mayor/CEO and attested by the Clerk.

* * * * *

(Other Proceedings)

On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk

RESOLUTION NO. R-__-23

ORDINANCE NO. O-__-23

A RESOLUTION AND AN ORDINANCE AUTHORIZING VARIOUS PUBLIC IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR TEMPORARY NOTES TO FINANCE A PORTION OF THE COSTS OF SUCH IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF UTILITY SYSTEM REVENUE BONDS TO FINANCE A PORTION OF THE COSTS OF SUCH IMPROVEMENTS; REQUESTING THE PUBLIC BUILDING COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ISSUE ITS LEASEHOLD REVENUE BONDS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF CERTAIN IMPROVEMENTS; AND AUTHORIZING ONE OR MORE LEASE PURCHASE AGREEMENTS TO FINANCE THE ACQUISITION AND INSTALLATION OF CERTAIN EQUIPMENT.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), successor to the City of Kansas City, Kansas, is a duly organized and existing municipal corporation under the laws of the State of Kansas, is a consolidated city-county having all the powers, functions and duties of a county and of a city of the first class; and

WHEREAS, Charter Ordinance No. CO-03-09 was previously approved by the Unified Government, acting as a city of the first class and pursuant to Article 12, Section 5 of the Constitution of the State of Kansas (the “Home Rule Amendment”), and such Charter Ordinance authorizes the governing body of the Unified Government to make the following improvements and to issue its general obligation bonds and/or temporary notes to finance the costs of such improvements:

Bridge, viaduct, street, sidewalk or pedestrian way improvements, airport, public building or structure, parking improvement, or other public utility or works, including any appurtenances related thereto and the land necessary therefor, for lands for public parks and recreation facilities, including golf courses, stadiums and community centers, and developing and making improvements to the same, within or without the city, for the establishment, development and construction of crematories, desiccating or reduction works, including any appurtenances related thereto and the land necessary therefor, within or without the city, or for the improvement, repair or extension of any waterworks, sanitary sewer facilities, sewage treatment or disposal plant, sewerage system storm water improvement, electric light plant, crematory, desiccating or reduction works or other public utility plant or works owned by the city, and for the purpose of rebuilding, adding to or extending the same or acquiring land necessary therefor from time to time, as the necessities of the city may require, or for the acquisition of equipment, vehicles and other personal property to be used in relation to any of the improvements authorized herein; and

WHEREAS, the Unified Government is authorized under K.S.A. 10-1201 *et seq.* to issue utility revenue bonds to repair, alter, extend, reconstruction, enlarge or improve the sanitary sewer system (the “Sanitary Sewer System”) and the storm water system (the “Storm Water System” and collectively with the Sanitary Sewer System, the “System”) owned and operated by the Unified Government; and

WHEREAS, the Unified Government under the authority of K.S.A. 12-1757 *et seq.*, as amended by Charter Ordinance No. CO-1-98 and Charter Resolution No. CR-1-98 of the County (jointly the “PBC Act”), has previously created the Public Building Commission of the Unified Government of Wyandotte County/Kansas City, Kansas, a municipal corporation of the State of Kansas (the “PBC”); and

WHEREAS, the PBC has the power and authority under the PBC Act to pay all or a portion of the costs of:

acquiring real estate for purposes of constructing, reconstructing, equipping and furnishing, or purchase or otherwise acquire, a building or buildings or other facilities of a revenue producing character, including a building or buildings or facilities maintained and operated for (i) Unified Government offices or such other purposes as are commonly carried on in connection with such facilities and general Unified Government buildings, (ii) for public, municipal, community or recreational purposes of the Unified Government, (iii) for educational, recreational or administrative purposes for school districts, (iv) housing and accommodation of city offices or city businesses or such other purposes as are commonly carried on in connection with such facilities and general city buildings and (v) for housing, accommodations and parking facilities for offices of state and federal agencies

(collectively, "PBC Facilities"), to lease such facilities to the Unified Government, and to issue leasehold revenue bonds to provide funds for the purpose of paying all or a portion of the costs of such PBC Facilities; and

WHEREAS, the Unified Government may request that the PBC provide financing for certain PBC Facilities to be used by the Unified Government; and

WHEREAS, the Unified Government is authorized under K.S.A. 10-1101 *et seq.* to enter into lease agreements and lease-purchase agreements for the purpose of financing the acquisition of certain equipment; and

WHEREAS, the Home Rule Amendment and K.S.A. 12-101 empower cities to determine their local affairs and government and provide that such power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government; and

WHEREAS, the Unified Government is a city within the meaning of the Home Rule Amendment; and

WHEREAS, there is no enactment of the Kansas legislature which authorizes the Unified Government to issue general obligation bonds to provide funds to finance the acquisition and development of software necessary for efficient city operations or other technology related capital expenditures, or which prohibits the City from issuing general obligation bonds to provide funds to finance such costs; and

WHEREAS, the Unified Government hereby exercises its authority pursuant to the Home Rule Amendment and authorizes the acquisition and development of certain software technology and equipment for public safety and other public purposes, and the issuance of general obligation bonds or notes to finance the costs thereof; and

WHEREAS, the Unified Government now seeks to: (1) authorize certain improvements and the issuance of general obligation bonds or notes to finance the costs of such improvements, all as set forth in **Exhibit A** attached hereto; (2) request that the PBC provide financing for certain PBC Facilities to be used by the Unified Government as set forth in **Exhibit A** attached hereto; (3) authorize certain improvements and the issuance of utility system revenue bonds to finance the costs of such improvements, all as set forth in **Exhibit A** attached hereto, and (4) authorize the acquisition and installation of certain equipment and entering into a lease purchase agreement on a year-to-year basis with an option to purchase the lessor's interest in the equipment for the purpose of financing such equipment, all as set forth in **Exhibit A** attached hereto.

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

Section 1. Approval of the Projects. The governing body of the Unified Government hereby authorizes and orders the construction of the improvements described in **Exhibit A** attached hereto.

Section 2. Issuance of General Obligation Bonds. Pursuant to Charter Ordinance CO-03-09 and the Home Rule Amendment, the governing body of the Unified Government hereby authorizes the issuance of general obligation bonds and/or general obligation temporary notes to fund the improvements authorized in Section 1 of this Resolution. Such general obligation bonds and/or general obligation temporary notes may be issued in the maximum principal amounts set forth in **Exhibit A** attached hereto. The Unified Government expects to make expenditures prior to the issuance of such general obligation bonds and/or general obligation temporary notes, and any such tax-exempt general obligation bonds and/or general obligation temporary notes issued under the authority of this Resolution may be used to reimburse expenditures made on or after the date that is 60 days before the date of passage of this Resolution pursuant to U.S. Treasury Regulation §1.150-2.

Section 3. Issuance of Utility Revenue Bonds. Pursuant to K.S.A. 10-1201 *et seq.*, the governing body of the Unified Government hereby authorizes the issuance of utility revenue bonds to fund the improvements to the System. Such utility revenue bonds may be issued in the maximum principal amount not to exceed \$107,504,000 plus the cost of any required reserves, costs of issuance and related expenses. The Unified Government expects to make expenditures prior to the issuance of such utility revenue bonds, and any such tax-exempt utility revenue bonds issued under the authority of this Resolution may be used to reimburse expenditures made on or after the date that is 60 days before the date of passage of this Resolution pursuant to U.S. Treasury Regulation §1.150-2.

Before issuing utility revenue bonds, there shall be published one (1) time in the official newspaper of the Unified Government, this notice of the intention of the governing body to undertake the following projects as more fully described in **Exhibit A** attached hereto:

Argentine Basin Stormwater Improvements
Census Tract 422 Clifton Park Green Infrastructure
Jersey Creek Basin Stormwater Improvements
Jersey Creek Naturalization
Kaw Point Biosolids Digestion
Muncie Creek Basin Stormwater Improvements
Stormwater Renewal & Replacement
Waterway Corridor Stormwater Improvements

(the "Utility Projects") and to issue the utility revenue bonds to pay the costs thereof. If within fifteen (15) days after the publication of the notice there shall be filed with the Clerk a written protest against the Utility Projects or the issuance of the utility revenue bonds, signed by not less than twenty percent (20%) of the qualified electors of the Unified Government, the governing body shall submit such proposed Utility Projects and the utility revenue bonds to the electors of the Unified Government at a special election to be called for that purpose as provided by K.S.A. 10-1201 *et seq.* If no sufficient protest is filed with the Clerk within the period of time hereinbefore stated, then the governing body of the Unified Government shall proceed to undertake the Utility Projects and to issue the utility revenue bonds therefor.

Section 4. Request for PBC Financing. Pursuant to the PBC Act, the Unified Government hereby requests that the PBC provide financing for certain PBC Facilities described in **Exhibit A** attached hereto.

Section 5. Lease Purchase Financing. Pursuant to K.S.A. 10-1101 *et seq.*, the governing body of the Unified Government hereby authorizes the use of one or more lease purchase agreements to finance the acquisition and installation of certain equipment, in the maximum amounts, all as set forth in **Exhibit A** attached hereto. The Unified Government expects to make expenditures prior to the execution of such lease purchase agreement(s), and the proceeds of any such tax-exempt lease purchase agreement issued under the authority of this Resolution may be used to reimburse expenditures made on or after the date that is 60 days before the date of passage of this Resolution pursuant to U.S. Treasury Regulation §1.150-2.

Section 6. Further Authority. The Mayor/CEO, Unified Government Clerk, County Administrator, acting Unified Government Chief Financial Officer, and acting Unified Government Chief Counsel and other appropriate officers and agents of the Unified Government are hereby authorized and directed to take such action, expend such funds and execute such documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 7. Effective Date. This Ordinance shall be in full force and effect following its adoption by the governing body of the Unified Government and publication (or a summary thereof) in the official newspaper of the Unified Government.

ADOPTED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas, and **APPROVED AND SIGNED** by the Mayor/CEO this 26th day of October, 2023.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

By: _____
Mayor/Chief Executive Officer

(SEAL)

ATTEST:

Unified Government Clerk

Approved as to Form:

Unified Government Legal Department

EXHIBIT A

2024 FINANCING: PROJECT AUTHORIZATIONS

(Published in the *Wyandotte Echo* on November __, 2023)

SUMMARY OF ORDINANCE NO. O-____-23

On October 26, 2023, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

A RESOLUTION AND AN ORDINANCE AUTHORIZING VARIOUS PUBLIC IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND/OR TEMPORARY NOTES TO FINANCE A PORTION OF THE COSTS OF SUCH IMPROVEMENTS; AUTHORIZING THE ISSUANCE OF UTILITY SYSTEM REVENUE BONDS TO FINANCE A PORTION OF THE COSTS OF SUCH IMPROVEMENTS; REQUESTING THE PUBLIC BUILDING COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS TO ISSUE ITS LEASEHOLD REVENUE BONDS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF CERTAIN IMPROVEMENTS; AND AUTHORIZING ONE OR MORE LEASE PURCHASE AGREEMENTS TO FINANCE THE ACQUISITION AND INSTALLATION OF CERTAIN EQUIPMENT.

This ordinance authorized various improvements to be made in the Unified Government and also authorized the financing of certain costs related thereto.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 N. 7th Street, Kansas City, Kansas 66101. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: October 26, 2023.

Chief Counsel

(Published in the *Wyandotte Echo* on November __, 2023)

NOTICE

TO: THE RESIDENTS OF UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

You are hereby notified that the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”) intends to repair, alter, extend, reconstruct, enlarge or improve the sanitary sewer system and/or the stormwater system by making the following improvements:

1. Argentine Basin Stormwater Improvements - Stormwater Improvements to be located in a site adjacent to the Kansas River and bordered by S. 7th Street Trafficway to the east and S. 12th Street to the west. Project includes engineering studies and design as well as construction of improvements to address the Metropolitan Avenue drainage issues, a pipe outfall near 10th Street, mitigating icy conditions caused by a natural spring near 12th Street and Ruby Avenue, and add additional pipe and inlet capacity. Exact nature of construction improvements is unknown at this time.
2. Census Tract 422 Clifton Park Green Infrastructure - This project will address areas sensitive to regulatory oversight within a combined sewer area to capture and treat stormwater runoff through the implementation of green infrastructure. The project locations will be specified in the final design but will expand the existing storm system on Park Drive, a neighborhood connection between Central Ave and I-70. The expansion is to include curb extensions, rain gardens, dry creek beds, and vegetated extensions to build a green infrastructure network to address and mitigate stormwater runoff.
3. Jersey Creek Basin Stormwater Improvements - Project known as JERS-1 identified as high priority within the stormwater deficiency study. The area location is within the area of Jersey Creek Watershed, bound by 3rd Street, Richmond Street, and Fairfax Trafficway. Stormwater Improvements to be located within the Jersey Creek watershed, upstream of a piped (concrete box) section that empties into the Missouri River. Improvements include reduction of peak flow flooding by removing the concrete lined channel and restoring the area to a stabilized natural channel, constructing flood benches, adjacent green infrastructure components, and modification of existing stormwater infrastructure to accommodate the project work. Grey infrastructure is anticipated to be approximately 1900 LF of pipe and associated manholes.
4. Jersey Creek Naturalization - Jersey Creek Naturalization is a project partnership under the US Army Corp of Engineers (USACE) Section 206 program with a scope that was initiated by the North East Area Masterplan and substantiated through the watershed deficiency study (identified as JERS-2) of the Jersey Creek Watershed. The site includes a reach of Jersey Creek located in Jersey Creek Park, extending approximately 4,000 linear feet south of Parallel Parkway, bounded by North 18th Street on the west and North 10th Street on the east. A proposed solution that will be reviewed as part of this project includes restoring the concrete lined channel to stabilized natural channel and enhancing the stormwater capacity and quality through the use of green infrastructure.
5. Kaw Point Biosolids Digestion - Design and construct improvements to restore biosolids digestion process at Kaw Point Waste Water Treatment Plant. The non-utilized existing digester tanks will be structurally rehabilitated and new equipment installed so that the Unified Government may stabilize the biosolids produced at Kaw Point to increase disposal options and decrease disposal costs.
6. Muncie Creek Basin Stormwater Improvements - Stormwater Improvements to be located south of Kaw Valley Scenic Highway and west of the Kansas River. Improvements include addressing drainage issues along Speaker Road, Royal Drive, and South 59th Lane by replacing outfalls and upsizing the maximum pipe diameter to 60-inch RCP in the area. The Speaker Road improvements include extending the stormwater network north for approx. 985 feet with 48” RCP, removing sediment deposits and grading.

7. Stormwater Renewal & Replacement - The maintenance and replacement of stormwater assets that have failed or are preparing to fail in the stormwater infrastructure system. 2400 locations have been identified at this time. Work will be prioritized to locations requiring emergency repairs and failures, followed by an improvement plan developed to prioritize locations based on need and greatest impact. Renewal and replacement program includes improvements such as cured-in-place pipe lining, point repairs to pipes, full replacement of pipes, manhole or inlet repair/replacement, soil replacement and stabilization at pipe outlets and along streams, soil and other similar activities. This funding will augment the WIFIA projects: Argentine Basin Stormwater Improvements, Jersey Creek Basin Stormwater Improvements, Muncie Creek Basin Stormwater Improvements, and Wyandotte High Lombardy Drive.
8. Waterway Corridor Stormwater Improvements - The waterway corridor project is additional green infrastructure to increase the stormwater capacity and minimize local flooding in support of grey infrastructure installed in CSO19 sewer separation project. The stormwater capacity increase for green infrastructure installation in the area of Sandusky Ave. to Jersey Creek, 12th Street to 8th Street.

(collectively, the "Project") at an estimated cost of \$107,504,000.

In order to finance costs of the Project and related bond reserves and financing costs, the governing body of the Issuer further intends to issue utility system revenue bonds, consisting of sanitary sewer utility revenue bonds and stormwater utility revenue bonds, or combined sewer system revenue bonds, in an amount not to exceed \$107,504,000 plus capitalized interest on any temporary financing, costs of issuance and any required debt service reserves (the "Bonds") in one or more series, under the authority of K.S.A. 10-1201 *et seq.* (the "Act"). The Bonds will not be general obligations of the Issuer payable from taxation, but shall be payable only from net revenues of the sanitary sewer system and/or the stormwater system. The proceeds of the Bonds will be used to pay the costs of the Project and related bond reserves and financing costs.

This Notice shall be published one time in the official newspaper of the Issuer, and if within fifteen (15) days after the date of said publication, there shall be filed with the Clerk, a written protest against the Project or the issuance of the Bonds, signed by not less than twenty per cent (20%) of the qualified electors of the City of Kansas City, Kansas, then the governing body shall submit such proposed Project and the Bonds to the electors of the City of Kansas City, Kansas at a special election to be called for that purpose as provided by the Act. If no sufficient protest is filed within said period of time, the governing body shall proceed with the Project and the issuance of the Bonds.

DATED: October 26, 2023.

ATTEST:

/s/Tyrone Garner, Mayor/CEO

/s/Brett Deichler, Clerk

6th St. Improvements, Ann Ave. to Central Ave.**CMIP #:**

PRJ1072

Statutory Authority: Charter Ordinance CO-03-09**Prior Authorization Approved:** O-53-19/R-50-19; R-76-19**Prior Authorization Amount Approved*:** \$650,000**New Authorization Amount*:** N/A**plus capitalized interest on any temporary financing and costs of issuance***Project Description:**

Project that will involve the milling, concrete pouring, asphalt overlay, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, railroad crossing enhancements, Americans With Disabilities Act compliant street to sidewalk access, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs associated with the project location along 6th Street, between Ann Avenue and Central Avenue.

7th St./US-69 and Central Ave. Reconstruction**CMIP #:**

PRJ1073

Statutory Authority: Charter Ordinance CO-03-09**Prior Authorization Approved:** O-53-19/R-50-19; R-76-19**Prior Authorization Amount Approved*:** \$2,000,000**New Authorization Amount*:** N/A**plus capitalized interest on any temporary financing and costs of issuance***Project Description:**

This project will include improvements at US-69/7th St. Trafficway and Central Avenue. Elements of this project will include, but are not limited to, the widening of radii, reconstruction of curb and gutter, pedestrian ramps, new traffic signals, resurfacing, pavement marking and signing at this intersection. Also included in this project are any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs at this location.

Annual ADA Modif-UG Facilities, 2020**CMIP #:**

PRG00013

Annual CMIP#:

948-0320

Statutory Authority: Charter Ordinance CO-03-09**Prior Authorization Approved:** O-53-19/R-50-19 (RR); R-76-19 (RR); O-37-20/R-47-20; O-124-21**Prior Authorization Amount Approved*:** \$100,000**New Authorization Amount*:** N/A**plus capitalized interest on any temporary financing and costs of issuance***Project Description:**

This project will make ADA (Americans With Disabilities Act) modifications, corrections and new construction to UG facilities. Included in this project will be plumbing, electrical, restroom fixtures, door, building signage and all other components of facilities to comply with local, state and federal regulation as it applies to ADA. The project will also

address exterior, parking, drives, sidewalks, curbs, handrails and other items that will require modifications and or additions. Scope of work will include engineering/architectural design needed to execute the improvements and modifications. This project is mandated by the DOJ as part of the signed settlement agreement.

City Hall 701 N 7th Street
 Memorial Hall 600 N 7th Street
 Parking Lot A Located on North side of State Avenue. Between 7th & 8th Street
 Parking Lot C Located on North side of Armstrong. Between 7th & 8th Street
 Parking Lot D Located between Ann and Barnett Avenue. Between 7th & 8th Street
 Parking Lot E Located on North side of Barnett Avenue Between 6th & 7th Street
 Parking Lot 1 Located on north side of Ann Avenue between 7th and 8th Streets
 Parking Lot 2 Located on north side of Ann Avenue between 7th and 8th Streets
 Parking Lot 3 Located on South side of Barnett Avenue Between 6th & 7th Street

Annual ADA Modif-UG Facilities, 2021

CMIP #: PRG00013

Annual CMIP#: 948-0321

Statutory Authority: Charter Ordinance CO-03-09
Prior Authorization Approved: O-37-20/R-47-20 (RR); O-124-21
Prior Authorization Amount Approved*: \$100,000
New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project will make ADA (Americans With Disabilities Act) modifications, corrections and new construction to UG facilities. Included in this project will be plumbing, electrical, restroom fixtures, door, building signage and all other components of facilities to comply with local, state and federal regulation as it applies to ADA. The project will also address exterior, parking, drives, sidewalks, curbs, handrails and other items that will require modifications and or additions. Scope of work will include engineering/architectural design needed to execute the improvements and modifications. This project is mandated by the DOJ as part of the signed settlement agreement.

City Hall 701 N 7th Street
 Memorial Hall 600 N 7th Street
 Parking Lot A Located on North side of State Avenue. Between 7th & 8th Street
 Parking Lot C Located on North side of Armstrong. Between 7th & 8th Street
 Parking Lot D Located between Ann and Barnett Avenue. Between 7th & 8th Street
 Parking Lot E Located on North side of Barnett Avenue Between 6th & 7th Street
 Parking Lot 1 Located on north side of Ann Avenue between 7th and 8th Streets
 Parking Lot 2 Located on north side of Ann Avenue between 7th and 8th Streets
 Parking Lot 3 Located on South side of Barnett Avenue Between 6th & 7th Street
 Police Headquarters 700 Minnesota
 Police Station, Division 3 2151 S 24th
 Fire Headquarters 801 N 6th
 Fire Station No. 8 3131 N 123rd
 Fire Station No. 20 7741 Kansas Avenue
 Fire Station No. 4 3046 N 81st
 Fire Station No. 18 5427 Leavenworth Rd

Fire Station No. 19	1011 N 80 th
Fire Station No. 2	6241 State Avenue
Fire Station No. 3	418 Kansas Avenue

Annual ADA Modif-UG Facilities, 2022

CMIP #: PRG00013

Description Amended

Annual CMIP#: 948-0322

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21 (RR); O-132-22/R-54-22

Prior Authorization Amount Approved*: \$100,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project will make ADA (Americans With Disabilities Act) modifications, corrections and new construction to UG facilities. Included in this project will be plumbing, electrical, bathroom modifications and restroom fixtures, door and door openers, building signage, ramps, audio assist, water fountains, handrails, and all other components of facilities to comply with local, state and federal regulation as it applies to ADA. The project will also address exterior, parking, drives, sidewalks, curbs, handrails and other items that will require modifications and or additions. Scope of work will include engineering/architectural design needed to execute the improvements and modifications. This project is mandated by the DOJ as part of the signed settlement agreement.

City Hall 701 N 7th Street

Fleet Center 5033 State Avenue

Memorial Hall 600 N 7th Street

Police Headquarters 700 Minnesota

Annual ADA Modif-UG Facilities, 2023

CMIP #: PRG00013

Annual CMIP#: 948-0323

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$200,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project will make ADA (Americans With Disabilities Act) modifications, corrections and new construction to UG facilities. Included in this project will be plumbing, electrical, bathroom modifications and restroom fixtures, door and door openers, building signage, ramps, audio assist, water fountains, handrails, handicap parking spaces, painting and striping, and all other components of facilities to comply with local, state and federal regulation as it applies to ADA. The project will also address exterior, parking, drives, sidewalks, curbs, handrails and other items that will require modifications and or additions. Scope of work will include engineering/architectural design needed to execute the improvements and modifications. This project is mandated by the DOJ as part of the signed settlement agreement.

City Hall 701 N 7th Street

Memorial Hall 600 N 7th Street

Parking Lot A Located on North side of State Avenue. Between 7th & 8th Street
Parking Lot C Located on North side of Armstrong. Between 7th & 8th Street
Parking Lot D Located between Ann and Barnett Avenue. Between 7th & 8th Street
Parking Lot E Located on North side of Barnett Avenue Between 6th & 7th Street
Parking Lot 1 Located on north side of Ann Avenue between 7th and 8th Streets
Parking Lot 2 Located on north side of Ann Avenue between 7th and 8th Streets
Parking Lot 3 Located on South side of Barnett Avenue Between 6th & 7th Street
Reardon Center 510 Minnesota Avenue
Police Headquarters 700 Minnesota
West Patrol 1011 N 80th Terr
South Patrol 2200 Metropolitan Avenue

Annual ADA Modif-UG Facilities, 2024

CMIP #: PRG00013

New Project

Annual CMIP#: 948-0324

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$200,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project will make ADA (Americans With Disabilities Act) modifications, corrections and new construction to UG facilities. Included in this project will be plumbing, electrical, bathroom modifications and restroom fixtures, door and door openers, building signage, ramps, audio assist, water fountains, handrails, handicap parking spaces, painting and striping, and all other components of facilities to comply with local, state and federal regulation as it applies to ADA. The project will also address exterior, parking, drives, sidewalks, curbs, handrails and other items that will require modifications and or additions. Scope of work will include engineering/architectural design needed to execute the improvements and modifications. This project is mandated by the DOJ as part of the signed settlement agreement.

City Hall 701 N 7th Street

Memorial Hall 600 N 7th Street

Parking Lot A Located on North side of State Avenue. Between 7th & 8th Street

Parking Lot C Located on North side of Armstrong. Between 7th & 8th Street

Parking Lot D Located between Ann and Barnett Avenue. Between 7th & 8th Street

Parking Lot E Located on North side of Barnett Avenue Between 6th & 7th Street

Parking Lot 1 Located on north side of Ann Avenue between 7th and 8th Streets

Parking Lot 2 Located on north side of Ann Avenue between 7th and 8th Streets

Parking Lot 3 Located on South side of Barnett Avenue Between 6th & 7th Street

Police Headquarters 700 Minnesota

Annual Alley Improvement Program, 2022

CMIP #: PRG00014

Description Amended

Annual CMIP#: 941-1222

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$300,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Annual project that will involve the milling, concrete pouring, asphalt overlay, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, Americans With Disabilities Act compliant street to sidewalk access, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs associated with the replacement or repair of alleyways adjacent to some but not all locations below:

REYNOLDS AVENUE, from BROADVIEW AVENUE to 7TH STREET TRAFFICWAY

REYNOLDS AVENUE, from 8TH STREET to BROADVIEW AVENUE

RIDGE AVENUE, from 8TH STREET to CENTRAL AVENUE

RIDGE AVENUE, from MILL STREET to 8TH STREET

RIDGE AVENUE, from FERREE STREET to BOEKE STREET

RIDGE AVENUE, from 10TH STREET to FERREE STREET

11TH STREET, from OAKLAND AVENUE to FREEMAN AVENUE

CALVIN STREET, from WESTEND to BROADVIEW AVENUE

EVERETT AVENUE, from 8TH STREET to 7TH STREET TRAFFICWAY

EVERETT AVENUE, from 9TH STREET to 8TH STREET

EVERETT AVENUE, from 10TH STREET to 9TH STREET

EVERETT AVENUE, from 11TH STREET to 10TH STREET

EVERETT AVENUE, from 12TH STREET to 11TH STREET

8TH STREET, from CENTRAL AVENUE to RIDGE AVENUE

SIMPSON AVENUE, from BROADVIEW AVENUE to CENTRAL AVENUE

BROADVIEW AVENUE, from LYON AVENUE to REYNOLDS AVENUE

BROADVIEW AVENUE, from CALVIN STREET to LYON AVENUE

BROADVIEW AVENUE, from SIMPSON AVENUE to CALVIN STREET

BROADVIEW AVENUE, from RIDGE AVENUE to SIMPSON AVENUE

Annual Alley Improvement Program, 2023

CMIP #: PRG00014

Description Amended

Annual CMIP#: 941-1223

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$300,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Annual project that will involve the milling, concrete pouring, asphalt overlay, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, Americans With Disabilities Act compliant street to sidewalk access, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs associated with the replacement or repair of alleyways adjacent to some but not all locations below:

10TH ST from WAVERLY AVE to HASKELL AVE
 10TH ST from CLEVELAND AVE to QUINDARO BLVD
 10TH ST from QUINDARO BLVD to DS@265N QUINDARO BLVD
 10TH ST from LAFAYETTE AVE to GREELEY AVE
 10TH ST from GREELEY AVE to WAVERLY AVE
 10TH ST from ELLA AVE to ORVILLE AVE
 10TH ST from HASKELL AVE to CLEVELAND AVE
 10TH ST from LAUREL AVE to KIMBALL AVE
 10TH ST from FREEMAN AVE to NEW JERSEY AVE
 10TH ST from LYON AVE to REYNOLDS AVE
 10TH ST from STATE AVE to NEBRASKA AVE
 10TH ST from ELLA AVE to ELLA AVE
 10TH ST from MINNESOTA AVE to STATE AVE
 10TH ST from NEBRASKA AVE to WASHINGTON BLVD
 10TH ST from GARFIELD AVE to MILDRED DR
 10TH ST from DS@239N SANDUSKY AVE to GRANDVIEW BLVD
 10TH ST from ANN AVE to ARMSTRONG AVE
 CENTRAL AVE from VALLEY ST to 12TH ST
 CENTRAL AVE from 8TH ST to COY ST
 CENTRAL AVE from BOEKE ST to 9TH ST
 CENTRAL AVE from BETHANY ST to 11TH ST
 CENTRAL AVE from LOWELL AVE to BOEKE ST
 CENTRAL AVE from VALLEY ST to VALLEY ST
 CENTRAL AVE from 6TH ST to CENTRAL AVE VIA
 CENTRAL AVE from 13TH ST to THORPE ST

Annual Alley Improvement Program, 2024

CMIP #: PRG00014

New Project

Annual CMIP#: 941-1224

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$300,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Annual project that will involve the milling, concrete pouring, asphalt overlay, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, Americans With Disabilities Act compliant street to sidewalk access, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs associated with the replacement or repair of alleyways adjacent to some but not all locations below:

Armourdale/Argentine

MERRIAM LANE, from COUNTY LINE ROAD to 34TH STREET
 12TH STREET, from SHAWNEE AVENUE to CUSTER AVENUE

12TH STREET, from HASBROOK AVENUE to SHAWNEE AVENUE
12TH STREET, from PENNSYLVANIA AVENUE to OSAGE AVENUE
43RD AVENUE, from BOOTH STREET to ADAMS STREET
43RD AVENUE, from FISHER STREET to BOOTH STREET
MISSION ROAD, from 42ND AVENUE to 42ND AVENUE
43RD AVENUE, from PEARL STREET to LLOYD STREET
43RD AVENUE, from EATON STREET to CAMBRIDGE STREET
43RD AVENUE, from FRANCIS STREET to EATON STREET
43RD AVENUE, from RAINBOW BOULEVARD to FRANCIS STREET
5TH STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
MINNIE STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
MINNIE STREET, from SEMINARY STREET to SE END
SEMINARY STREET, from MINNIE STREET to HILL STREET
SOUTHWEST BOULEVARD, from LINCOLN STREET to HILL STREET
SOUTHWEST BOULEVARD, from MINNIE STREET to LINCOLN STREET
BOOTH STREET, from 38TH AVENUE to NORTH END
RAINBOW EXT, from SOUTHWEST BOULEVARD to SEMINARY STREET
SEMINARY STREET, from HILL STREET to RAINBOW EXT
IOWA STREET, from SEMINARY STREET to SUMMIT STREET
RUBY AVENUE, from WOODLAND BOULEVARD to 30TH STREET
SOUTHWEST BOULEVARD, from 9TH STREET to 9TH STREET
SOUTHWEST BOULEVARD, from BOEKE STREET to 9TH STREET
STATE LINE ROAD, from 43RD AVENUE to 42ND AVENUE
STATE LINE ROAD, from 43RD PL to 43RD AVENUE
STATE LINE ROAD, from SENECA AVENUE to 43RD PL
STATE LINE ROAD, from 46TH AVENUE to 45TH AVENUE
STATE LINE ROAD, from SOUTH END to 46TH AVENUE
WOODLAND BOULEVARD, from SILVER AVENUE to METROPOLITAN AVENUE
10TH STREET, from KANSAS AVENUE to SCOTT AVENUE
10TH STREET, from CUSTER AVENUE to KANSAS AVENUE
42ND STREET, from STRONG AVENUE to POWELL AVENUE
42ND STREET, from STRONG AVENUE to STRONG AVENUE
42ND STREET, from METROPOLITAN AVENUE to STRONG AVENUE
43RD AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
BARBER AVENUE, from CAMBRIDGE STREET to EAST END
BARBER AVENUE, from EATON STREET to CAMBRIDGE STREET
EATON STREET, from SOUTHWEST BOULEVARD to ELMWOOD AVENUE
EATON STREET, from BARBER AVENUE to ELMWOOD AVENUE
SEMINARY STREET, from 5TH STREET to IOWA STREET
IOWA STREET, from SEMINARY STREET to SEMINARY STREET
KANSAS AVENUE, from DS@261E NB I-635 TO WB KANSAS AVENUE/K-32 to NB I-635 HWY TO SB S 39TH STREET
36TH AVENUE, from NW END to 36TH AVENUE
36TH AVENUE, from NW END to 36TH AVENUE
ELMWOOD AVENUE, from EATON STREET to EAST END
LAWRENCE AVENUE, from CAMBRIDGE STREET to EAST END
STATE LINE ROAD, from FEDERAL AVENUE to ESTERLY AVENUE
STATE LINE ROAD, from 37TH AVENUE to 36TH AVENUE

36TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
36TH AVENUE, from EATON STREET to CAMBRIDGE STREET
37TH AVENUE, from EATON STREET to CAMBRIDGE STREET
BRISTOW AVENUE, from FRANCIS PL to FRANCIS STREET
CAMBRIDGE STREET, from 37TH AVENUE to 36TH AVENUE
CAMBRIDGE STREET, from 38TH AVENUE to 37TH AVENUE
CHESTER AVENUE, from FRANCIS STREET to EATON STREET
CHESTER AVENUE, from FRANCIS PL to FRANCIS STREET
ESTERLY AVENUE, from FRANCIS STREET to STATE LINE ROAD
FEDERAL AVENUE, from EATON STREET to STATE LINE ROAD
FRANCIS PL, from CHESTER AVENUE to BRISTOW AVENUE
FRANCIS STREET, from CHESTER AVENUE to BRISTOW AVENUE
39TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
STATE LINE ROAD, from UNNAMED – 4379 to 38TH AVENUE
STATE LINE ROAD, from 39TH AVENUE to UNNAMED – 4379
CAMBRIDGE STREET, from UNNAMED – 4379 to 38TH AVENUE
CAMBRIDGE STREET, from 39TH AVENUE to UNNAMED – 4379
MISSION ROAD, from 45TH AVENUE to 44TH PL
MISSION ROAD, from 46TH AVENUE to 46TH AVENUE
MISSION ROAD, from COUNTY LINE ROAD to 46TH AVENUE
43RD AVENUE, from ADAMS STREET to RAINBOW BOULEVARD
43RD AVENUE, from THOMPSON STREET to MINNIE STREET
43RD AVENUE, from MISSION ROAD to THOMPSON STREET
43RD AVENUE, from PEARL STREET to PEARL STREET
43RD AVENUE, from FISHER STREET to FISHER STREET
43RD AVENUE, from LLOYD STREET to FISHER STREET
SOUTHWEST BOULEVARD, from CHEROKEE STREET to MINNIE STREET
CHEROKEE STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
CHEROKEE STREET, from SEMINARY STREET to SE END
SEMINARY STREET, from IOWA STREET to CHEROKEE STREET
IOWA STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
SOUTHWEST BOULEVARD, from 5TH STREET to 5TH STREET
SOUTHWEST BOULEVARD, from MILL STREET to EARLY STREET
43RD AVENUE, from MINNIE STREET to PEARL STREET
39TH AVENUE, from SPRINGFIELD STREET to BOOTH STREET
BOOTH STREET, from 39TH AVENUE to 38TH AVENUE
38TH AVENUE, from SPRINGFIELD STREET to BOOTH STREET
39TH AVENUE, from BOOTH STREET to ADAMS STREET
SOUTHWEST BOULEVARD, from 31ST STREET to NE END
31ST STREET, from SOUTHWEST BOULEVARD to SE END
SOUTHWEST BOULEVARD, from TREMONT STREET to MISSION ROAD TO SOUTHWEST BOULEVARD
MISSION ROAD, from 43RD AVENUE to 42ND AVENUE
MISSION ROAD, from 45TH AVENUE to 45TH AVENUE
MISSION ROAD, from 44TH TERRACE to 44TH AVENUE
MISSION ROAD, from ROSEDALE PARK ROAD to 40TH TERRACE
SOUTHWEST BOULEVARD, from 9TH STREET to MILL STREET
7TH STREET ACCESS ROAD, from PAWNEE AVENUE to CHEYENNE AVENUE

SOUTHWEST BOULEVARD, from SOUTHWEST BOULEVARD TO MISSION ROAD to NB MISSION ROAD TO SOUTHWEST BOULEVARD
42ND STREET, from POWELL AVENUE to SWARTZ ROAD
SOUTHWEST BOULEVARD, from RAINBOW EXT to MARSHALL STREET
HILL STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
RAINBOW EXT, from SEMINARY STREET to BOOTH STREET
KANSAS AVENUE, from NB S 39TH STREET TO NB I-635 HWY to DS@163E NB S 39TH STREET TO NB I-635 HWY
KANSAS AVENUE, from DS@163E NB S 39TH STREET TO NB I-635 HWY to DS@460E NB S 39TH STREET TO NB I-635 HWY
SILVER AVENUE, from WOODLAND BOULEVARD to RUBY TRFY
SILVER AVENUE, from WOODLAND BOULEVARD to WOODLAND BOULEVARD
KANSAS AVENUE, from 12TH STREET to 11TH STREET
KANSAS AVENUE, from VALLEY STREET to 12TH STREET
KANSAS AVENUE, from 14TH STREET to VALLEY STREET
KANSAS AVENUE, from BOEKE STREET to ARGENTINE BOULEVARD
KANSAS AVENUE, from ARGENTINE BOULEVARD to MILL STREET
KANSAS AVENUE, from MILL STREET to MILL STREET
KANSAS AVENUE, from FERREE STREET to BOEKE STREET
KANSAS AVENUE, from SB 18TH/US-69 TO WB KANSAS AVENUE to SB 18TH/US-69 TO EB KANSAS AVENUE
KANSAS AVENUE, from KANSAS AVENUE/K-32 TO NB 18TH/US-69 to BAYARD AVENUE
KANSAS AVENUE, from UNNAMED – 6079 to 14TH STREET
KANSAS AVENUE, from NB 18TH/US-69 TO EB KANSAS AVENUE to UNNAMED – 6079
STEELE ROAD, from WB STEELE ROAD TO NB 18TH STREET/US-69 to 15TH STREET
STEELE ROAD, from NB 18TH STREET/US-69 TO WB STEELE ROAD to STEELE ROAD
WOODLAND BOULEVARD, from SILVER AVENUE to SILVER AVENUE
SOUTHWEST BOULEVARD, from FERREE STREET to BOEKE STREET
SOUTHWEST BOULEVARD, from DS@283E 10TH STREET to FERREE STREET
KANSAS AVENUE, from 6TH STREET to 5TH STREET
SUMMIT STREET, from SW END to MINNIE STREET
37TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
38TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
SOUTHWEST BOULEVARD TO MISSION ROAD, from DS@456W SOUTHWEST BOULEVARD to DS@568N SOUTHWEST BOULEVARD
39TH AVENUE, from WEST END to THOMPSON STREET
MISSION ROAD, from 42ND AVENUE to ROSEDALE PARK ROAD
METROPOLITAN AVENUE, from 30TH STREET to 29TH STREET
METROPOLITAN AVENUE, from 32ND STREET to 30TH STREET
METROPOLITAN AVENUE, from 34TH STREET to 33RD STREET
METROPOLITAN AVENUE, from 35TH STREET to 34TH STREET
METROPOLITAN AVENUE, from 36TH STREET to 35TH STREET
METROPOLITAN AVENUE, from 37TH STREET to 36TH STREET
METROPOLITAN AVENUE, from 37TH STREET to 37TH STREET
METROPOLITAN AVENUE, from 38TH STREET to 37TH STREET
METROPOLITAN AVENUE, from 39TH STREET to 38TH STREET
METROPOLITAN AVENUE, from 40TH STREET to 39TH STREET
METROPOLITAN AVENUE, from 41ST STREET to 40TH STREET
METROPOLITAN AVENUE, from 42ND STREET to 41ST STREET
METROPOLITAN AVENUE, from 43RD STREET to 42ND STREET

METROPOLITAN AVENUE, from EB METROPOLITAN AVENUE TO NB I-635 to WB METROPOLITAN AVENUE TO NB I-635
 KANSAS AVENUE, from SB 18TH/US-69 TO EB KANSAS AVENUE to 18TH STREET EXPY
 METROPOLITAN AVENUE, from 44TH STREET to 44TH STREET
 METROPOLITAN AVENUE, from 44TH STREET to 43RD STREET
 METROPOLITAN AVENUE, from 29TH STREET to ALLEY E OF 29TH – 6499
 38TH AVENUE, from EATON STREET to CAMBRIDGE STREET
 EATON STREET, from 38TH AVENUE to 37TH AVENUE
 39TH AVENUE, from EATON STREET to CAMBRIDGE STREET
 39TH AVENUE, from RAINBOW BOULEVARD to EATON STREET
 SOUTHWEST BOULEVARD, from 8TH STREET to I-35 HWY
 SOUTHWEST BOULEVARD, from SOUTHWEST BOULEVARD TO NB I-35 HWY to SB MISSION ROAD VIA
 SB MISSION ROAD VIA, from DS@361S MISSION ROAD TO SOUTHWEST BOULEVARD to DS@451S MISSION ROAD TO
 SOUTHWEST BOULEVARD
 LAKE AVENUE, from MINNIE STREET to LLOYD STREET
 THOMPSON STREET, from LAKE AVENUE to 39TH AVENUE
 THOMPSON STREET, from 39TH AVENUE to THOMPSON CIR
 THOMPSON CIR, from THOMPSON STREET to THOMPSON STREET
 LAKE AVENUE, from THOMPSON STREET to MINNIE STREET
 MINNIE STREET, from LAKE AVENUE to DS@672N LAKE AVENUE
 LAKE AVENUE, from LLOYD STREET to FISHER STREET
 FISHER STREET, from LAKE AVENUE to NORTH END
 LLOYD STREET, from LAKE AVENUE to NORTH END
 LAKE AVENUE, from FISHER STREET to 39TH AVENUE
 39TH AVENUE, from LAKE AVENUE to SPRINGFIELD STREET
 SB MISSION ROAD VIA, from DS@121S SOUTHWEST BOULEVARD TO NB I-35 HWY to NB I-35 HWY TO SB MISSION
 ROAD
 NB MISSION TO WB SOUTHWEST BOULEVARD, from MISSION ROAD TO SOUTHWEST BOULEVARD to SOUTHWEST
 BOULEVARD TO MISSION ROAD
 SOUTHWEST BOULEVARD TO MISSION ROAD, from NB MISSION TO WB SOUTHWEST BOULEVARD to NB MISSION
 ROAD VIA
 SOUTHWEST BOULEVARD, from NB MISSION TO WB SOUTHWEST BOULEVARD to SOUTHWEST BOULEVARD TO
 MISSION ROAD
 SOUTHWEST BOULEVARD, from I-35 HWY to HENNING STREET
 STEELE ROAD, from 18TH STREET EXPY to NB 18TH STREET/US-69 TO WB STEELE ROAD
 ROE LANE, from I-35 HWY to ALMA STREET
 METROPOLITAN AVENUE, from I-635 HWY to EB METROPOLITAN AVENUE TO NB I-635
 METROPOLITAN AVENUE, from ALLEY E OF 29TH – 6499 to 25TH STREET
 18TH STREET, from BAYARD AVENUE to 18TH STREET EXPY
 KANSAS AVENUE, from 18TH STREET EXPY to KANSAS AVENUE/K-32 TO NB 18TH/US-69
 METROPOLITAN AVENUE, from 33RD STREET to 32ND STREET
 SOUTHWEST BOULEVARD, from MARSHALL STREET to RAINBOW BOULEVARD
 SOUTHWEST BOULEVARD, from RAINBOW BOULEVARD to EATON STREET
 LAKE AVENUE, from WEST END to THOMPSON STREET
 EATON STREET, from 39TH AVENUE to 38TH AVENUE
 NB MISSION ROAD VIA, from SB MISSION ROAD VIA to MISSION ROAD TO SOUTHWEST BOULEVARD
 MISSION ROAD TO SOUTHWEST BOULEVARD, from NB MISSION ROAD VIA to NB MISSION TO WB SOUTHWEST
 BOULEVARD

24TH STREET, from NB I-35 HWY TO SB S 24TH STREET to NB I-35 HWY TO NB S 24TH STREET
 SOUTHWEST BOULEVARD, from EARLY STREET to 8TH STREET
 KANSAS AVENUE, from 3RD STREET to 2ND STREET
 KANSAS AVENUE, from 8TH STREET to COY STREET
 KANSAS AVENUE, from 2ND STREET to ADAMS STREET
 KANSAS AVENUE, from 5TH STREET to 5TH STREET
 KANSAS AVENUE, from 5TH STREET to 4TH STREET
 KANSAS AVENUE, from STREET PAUL STREET to 6TH STREET
 18TH STREET EXPY, from SE END to NB 18TH STREET/US-69 HWY TO NB I-35
 SOUTHWEST BOULEVARD, from MERRIAM LANE to SOUTHWEST BOULEVARD
 RUBY TRFY, from SILVER AVENUE to RUBY AVENUE
 STEELE ROAD, from STEELE ROAD to WB STEELE ROAD TO NB 18TH STREET/US-69
 KANSAS AVENUE, from BAYARD AVENUE to NB 18TH/US-69 TO EB KANSAS AVENUE
 10TH STREET, from SCOTT AVENUE to MCALPINE AVENUE
 KANSAS AVENUE, from 10TH STREET to FERREE STREET
 KANSAS AVENUE, from 11TH STREET to 10TH STREET
 WOODLAND BOULEVARD, from SILVER AVENUE to SILVER AVENUE
 KANSAS AVENUE, from 34TH STREET to 26TH STREET
 RAINBOW EXT, from BOOTH STREET to RAINBOW BOULEVARD
 SPRINGFIELD STREET, from 38TH AVENUE to BOOTH STREET
 BOOTH STREET, from SPRINGFIELD STREET to RAINBOW EXT
 SOUTHWEST BOULEVARD, from IOWA STREET to CHEROKEE STREET
 SOUTHWEST BOULEVARD, from 5TH STREET to IOWA STREET
 PARK ACC DR – 4481, from WEST END to BOOTH STREET
 MINNIE STREET, from DS@672N LAKE AVENUE to SUMMIT STREET
 ADAMS STREET, from 39TH AVENUE to RAINBOW BOULEVARD
 STATE LINE ROAD, from 42ND AVENUE to 41ST AVENUE
 STATE LINE ROAD, from 41ST AVENUE to OLATHE BOULEVARD
 STATE LINE ROAD, from OLATHE BOULEVARD to 39TH AVENUE
 STATE LINE ROAD, from 38TH AVENUE to 37TH AVENUE
 FRANCIS STREET, from EATON STREET to CHESTER AVENUE
 EATON STREET, from 37TH AVENUE to 36TH AVENUE
 EATON STREET, from 36TH AVENUE to FEDERAL AVENUE
 EATON STREET, from FEDERAL AVENUE to FRANCIS STREET
 STATE LINE ROAD, from 36TH AVENUE to FEDERAL AVENUE
 STATE LINE ROAD, from ESTERLY AVENUE to EATON STREET
 EATON STREET, from STATE LINE ROAD to CAMBRIDGE STREET
 CAMBRIDGE STREET, from LAWRENCE AVENUE to BARBER AVENUE
 FRANCIS STREET, from BRISTOW AVENUE to EATON STREET
 EATON STREET, from FRANCIS STREET to CAMBRIDGE STREET
 CAMBRIDGE STREET, from EATON STREET to LAWRENCE AVENUE
 SOUTHWEST BOULEVARD, from MISSION ROAD TO SOUTHWEST BOULEVARD to SOUTHWEST BOULEVARD TO SB
 MISSION ROAD
 SOUTHWEST BOULEVARD, from NB MISSION ROAD TO SOUTHWEST BOULEVARD to 5TH STREET
 39TH AVENUE, from ADAMS STREET to RAINBOW BOULEVARD
 EATON STREET, from LAWRENCE CT to BARBER AVENUE
 LAWRENCE CT, from EATON STREET to LAWRENCE CT

EATON STREET, from FRANCIS STREET to LAWRENCE CT
SPRINGFIELD STREET, from 39TH AVENUE to 38TH AVENUE
BRISTOW AVENUE, from WEST END to FRANCIS PL
BRISTOW AVENUE, from FRANCIS STREET to EAST END
36TH AVENUE, from DS@785E RAINBOW BOULEVARD to DS@1022E RAINBOW BOULEVARD
36TH AVENUE, from DS@1022E RAINBOW BOULEVARD to EATON STREET
36TH AVENUE, from RAINBOW BOULEVARD to DS@785E RAINBOW BOULEVARD
SOUTHWEST BOULEVARD, from HILL STREET to RAINBOW EXT
SUMMIT STREET, from MINNIE STREET to IOWA STREET
LAWRENCE CT, from LAWRENCE CT to LAWRENCE CT
STATE LINE ROAD, from 45TH AVENUE to SENECA AVENUE

Annual Bridge Repair, 2019 f/k/a Annual Emergency Bridge Repair, 2019

CMIP #: PRG00019

Annual CMIP#: 942-0119

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: R-52-18 (RR); O-53-19/R-50-19 (RR); R-76-19 (RR); O-124-21

Prior Authorization Amount Approved*: \$300,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Repair, removal and replacement of certain bridges and associated streets within the City of Kansas City, Kansas, and any appurtenances related thereto. All work includes necessary traffic control, detour signing, and utility adjustments necessary to accommodate the improvements as well as all necessary engineering, design, inspection, appurtenances, and related construction. Project sites will be Structure #199 on Fairfax Trafficway, south of Quindaro Boulevard and Bridge #311, on Thorn Drive, South of Kansas Avenue.

Annual Bridge Repair, 2021 f/k/a Annual Emergency Bridge Repair, 2021

CMIP #: PRG00019

Annual CMIP#: 942-0121

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-37-20/R-47-20 (RR); O-124-21

Prior Authorization Amount Approved*: \$300,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project funds will include all work related to the removal, repair, and replacement of expansion joints along the S. 42nd Street Bridge (Structure #244) over the Burlington Northern Santa Fe railyard, and joint repair of a failed joint on the Kansas Avenue Bridge (Structure # 59) over the Kansas River. All work includes necessary traffic control and detour signing, and utility adjustments, necessary to accommodate the improvements as well as all necessary engineering, design, inspection, and all necessary appurtenances and related construction.

Annual Bridge Repair, 2022

CMIP #: PRG00019
Annual CMIP#: 942-0122

Statutory Authority: Charter Ordinance CO-03-09
Prior Authorization Approved: O-124-21 (RR); O-132-22/R-54-22
Prior Authorization Amount Approved*: \$300,000
New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project funds will include all work related to the removal, repair, and replacement of bridge elements on the structures listed below:

Structure #88: 91st St and Webster Ave

- Removal and replacement of the upstream side wing walls, that had separated from the bridge structure and fallen into the creek. Grading of the steam channel and strengthening of the creek banks were also included with this project.

Structure #199: Fairfax Trafficway

- Installation of permanent traffic control and mitigation to reduce the lanes due to the failure of the roadway over the bridge structure at this location.

All work includes necessary traffic control and detour signing, and utility adjustments, necessary to accommodate the improvements as well as all necessary engineering, design, inspection, and all necessary appurtenances and related construction.

Annual Bridge Repair, 2023

CMIP #: PRG00019
Annual CMIP#: 942-0123

Description Amended

Statutory Authority: Charter Ordinance CO-03-09
Prior Authorization Approved: O-132-22/R-54-22 (RR)
Prior Authorization Amount Approved*: \$300,000
New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Repair, removal and replacement of certain bridges and associated streets within the City of Kansas City, Kansas at locations to be determined, and any appurtenances related thereto. All work includes necessary traffic control, detour signing, and utility adjustments necessary to accommodate work as well as all necessary engineering, design, inspection, and all necessary appurtenances and related construction.

Locations:

Structure #199 – Fairfax Trafficway, south of Quindaro Boulevard

Structure #57 – East Kansas Avenue Bridge over the Kansas River

Structure #281 – Holiday Drive, near 73rd Street

Structure #283 – Holiday Drive, near 78th Street

Annual Bridge Repair, 2024

CMIP #: PRG00019

New Project, Reimbursement Resolution

Annual CMIP#: 942-0124

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$600,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Repair, removal and replacement of certain bridges and associated streets within the City of Kansas City, Kansas at locations to be determined, and any appurtenances related thereto. All work includes necessary traffic control, detour signing, and utility adjustments necessary to accommodate work as well as all necessary engineering, design, inspection, and all necessary appurtenances and related construction.

Annual Concrete Repair Program, 2022

CMIP #: PRG00017

Description Amended

Annual CMIP#: 941-0322

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$1,500,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Annual project that will involve, but is not limited to, the removal and replacement of concrete roadway elements such as curb and gutter, sidewalk, curb access ramps, or concrete roadway panels, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs within the following locations:

LOCUST AVENUE, from 51st STREET to 50th STREET

MELODY LANE, from 48th TERRACE to 48th STREET

MILL STREET, from CENTRAL AVENUE to RIDGE AVENUE

32nd STREET, from WOOD AVENUE to GARFIELD AVENUE

32nd STREET, from GARFIELD AVENUE to PARALLEL PARKWAY

NEW JERSEY AVENUE, from 8th STREET to 7th STREET TRAFFICWAY

NEW JERSEY AVENUE, from 10th STREET to 9th STREET

NEW JERSEY AVENUE, from 11th STREET to 10th STREET

OAK GROVE ROAD, from 48th TERRACE to 48th STREET

OAK GROVE ROAD, from 49th STREET to 48th TERRACE

OAK GROVE ROAD, from 49th TERRACE to 49th STREET

OAK GROVE ROAD, from 50th STREET to 49th TERRACE

RIDGE AVENUE, from 8th STREET to CENTRAL AVENUE

RIDGE AVENUE, from MILL STREET to 8th STREET

RIDGE AVENUE, from FERREE STREET to BOEKE STREET
RIDGE AVENUE, from 10TH STREET to FERREE STREET
TAUROMEE AVENUE, from 80TH PLACE to 80TH TERRACE
TAUROMEE AVENUE, from 81ST TERRACE to 80TH PLACE
TAUROMEE AVENUE, from 82ND TERRACE to 82ND STREET
48TH STREET, from OAK GROVE ROAD to MELODY LANE
49TH STREET, from UNNAMED – 7809 to NEBRASKA AVENUE
49TH STREET, from NEBRASKA AVENUE to WASHINGTON AVENUE
49TH STREET, from 48TH TERRACE to GIBBS ROAD
49TH TERRACE, from MELODY CT to GIBBS ROAD
50TH STREET, from FOREST AVENUE to VISTA STREET
50TH STREET, from LOCUST AVENUE to FOREST AVENUE
51ST STREET, from NEBRASKA AVENUE to WASHINGTON AVENUE
80TH TERRACE, from ELLA AVENUE to ELIZABETH AVENUE
82ND STREET, from ELLA AVENUE to ORVILLE AVENUE
82ND STREET, from ORVILLE AVENUE to ELIZABETH AVENUE
83RD STREET, from ELLA AVENUE to ORVILLE AVENUE
83RD TERRACE, from BARNETT AVENUE to ISABEL STREET
84TH STREET, from BARNETT AVENUE to ISABEL STREET
84TH STREET, from ISABEL STREET to ANN AVENUE
BOEKE STREET, from CENTRAL AVENUE to RIDGE AVENUE
CRESTREET DR, from 51ST STREET to 49TH STREET
ELLA AVENUE, from WESTEND to 83RD PLACE
HIGHLAND DR, from 49TH STREET to WOODEND AVENUE
HASKELL CT, from 59TH STREET to 58TH DR
50TH STREET, from 49TH TERRACE to 49TH TERRACE
WOODEND AVENUE, from 48TH STREET to 47TH STREET
49TH STREET, from 49TH STREET to 48TH TERRACE
MELODY CT, from 49TH TERRACE to MELODY CT
48TH STREET, from OTTAWA STREET to OAK GROVE ROAD
CREST DR, from HAGEMANN STREET to 47TH STREET
80TH TERRACE, from 80TH TERRACE to ELLA AVENUE
ORVILLE AVENUE, from 82ND STREET to ORVILLE AVENUE
TAUROMEE AVENUE, from 84TH STREET to 83RD TERRACE
83RD TERRACE, from 83RD PLACE to ELIZABETH AVENUE
81ST TERRACE, from 81ST TERRACE to 81ST TERRACE
83RD STREET, from 83RD STREET to 83RD STREET
83RD TERRACE, from ELIZABETH AVENUE to TAUROMEE AVENUE
83RD PLACE, from ELLA AVENUE to 83RD TERRACE
83RD STREET, from 83RD STREET to 83RD STREET
83RD STREET, from ORVILLE AVENUE to 83RD STREET
ELIZABETH AVENUE, from UNNAMED – 9866 to 82ND STREET
84TH STREET, from ARMSTRONG AVENUE to NORTH END
84TH STREET, from 84TH DR to ARMSTRONG AVENUE
84TH STREET, from ANN AVENUE to 84TH DR
83RD TERRACE, from TAUROMEE AVENUE to ORIENT DR
84TH STREET, from TAUROMEE AVENUE to BARNETT AVENUE

84TH STREET, from SANDUSKY AVENUE to TAUROMEE AVENUE
 84TH STREET, from SOUTH END to SANDUSKY AVENUE
 TAUROMEE AVENUE, from 83rd TERRACE to 82ND TERRACE
 83rd TERRACE, from ORIENT DR to BARNETT AVENUE
 80TH PLACE CDS, from 80TH PLACE to TAUROMEE AVENUE
 ELLA AVENUE, from 83rd STREET to 82ND TERRACE
 ELLA AVENUE, from 82ND TERRACE to 82ND STREET
 81st TERRACE, from 81st TERRACE to ELLA AVENUE
 49TH STREET, from HIGHLAND DR to OAK GROVE ROAD
 48TH TERRACE, from HAGEMANN STREET to OAK GROVE ROAD
 OTTAWA STREET, from 48TH STREET to OTTAWA AVENUE
 HAGEMANN STREET, from 48TH TERRACE to 48TH STREET
 HAGEMANN STREET, from 48TH STREET to 47TH STREET
 48TH STREET, from HAGEMANN STREET to OTTAWA STREET
 48TH TERRACE, from 49TH STREET to MELODY LANE
 47TH DR, from 47TH STREET to MELODY DR
 47TH DR, from MELODY DR to GIBBS ROAD
 MELODY LANE, from 48TH STREET to MELODY DR
 MELODY LANE, from MELODY DR to 47TH STREET
 WOODEND AVENUE, from 51st STREET to VISTA STREET
 VISTA STREET, from WOODEND AVENUE to NATOMA STREET
 NATOMA STREET, from VISTA STREET to HIGHLAND DR
 VISTA STREET, from 48TH STREET to 47TH STREET
 HIGHLAND DR, from VISTA STREET to SHAWNEE DR
 HIGHLAND DR, from NATO MA STREET to VISTA STREET
 HIGHLAND DR, from WOODEND AVENUE to NATOMA STREET
 82ND STREET, from ELIZABETH AVENUE to TAUROMEE AVENUE
 81st TERRACE, from ELIZABETH AVENUE to TAUROMEE AVENUE
 81st TERRACE, from ELLA AVENUE to ELIZABETH AVENUE
 80TH TERRACE, from ELIZABETH AVENUE to TAUROMEE AVENUE
 TAUROMEE AVENUE, from 82ND STREET to 82ND STREET
 TAUROMEE AVENUE, from 82ND STREET to 81st TERRACE

Annual Concrete Repair Program, 2023

CMIP #: PRG00017

Description Amended

Annual CMIP#: 941-0323

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$2,000,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Annual project that will involve, but is not limited to, the removal and replacement of concrete roadway elements such as curb and gutter, sidewalk, curb access ramps, or concrete roadway panels, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs within the following locations:

100TH ST from EDITH AVE to SLOAN AVE
100TH ST from SOUTH END to PARKVIEW AVE
100TH ST from SLOAN AVE to NORTH END
100TH ST from SOUTH END to EDITH AVE
103RD TER from WEBSTER AVE to LEAVENWORTH RD
107TH TER from 108TH ST to WAGON TRAIL CT
107TH TER from WAGON TRAIL CT to 108TH ST
108TH CT from SW END to 108TH ST
108TH ST from 108TH ST to 108TH ST
108TH ST from 107TH TER to 107TH TER
108TH ST from 107TH TER to 108TH ST
108TH ST from 108TH TER to 107TH TER
108TH ST from 108TH ST to 108TH ST
108TH ST from 108TH CT to 108TH TER
108TH ST from 107TH TER to 108TH CT
108TH ST from 108TH ST to INDEPENDENCE BLVD
108TH ST CDS from 108TH ST to NE END
108TH TER from 108TH TER to 108TH TER
108TH TER from 108TH TER to 108TH TER
108TH TER from 108TH TER to 108TH ST
109TH ST from WAGON TRAIL DR to INDEPENDENCE BLVD
109TH ST from SOUTH END to WAGON TRAIL DR
109TH TER from INDEPENDENCE BLVD to 109TH TER
109TH TER from 109TH TER to INDEPENDENCE BLVD
109TH TER from 109TH TER to 109TH TER
110TH ST from INDEPENDENCE BLVD to NORTH END
110TH ST from WAGON TRAIL DR to INDEPENDENCE BLVD
110TH ST from WINCHESTER DR to 110TH TER
110TH ST from 110TH TER to WEST END
110TH TER from LAKESIDE DR to INDEPENDENCE BLVD
110TH TER from 110TH ST to LAKESIDE DR
111TH ST from LAKESIDE DR to INDEPENDENCE BLVD
111TH ST from WINCHESTER DR to NW END
111TH ST from SW END to WINCHESTER DR
111TH ST from SW END to LAKESIDE DR
111TH ST from INDEPENDENCE BLVD to NORTH END
112TH ST from INDEPENDENCE BLVD to 112TH ST
112TH ST from WINCHESTER DR to 113TH CT
113TH CT from NW END to INDEPENDENCE BLVD
INDEPENDENCE BLVD from 109TH ST to 108TH ST
INDEPENDENCE BLVD from 110TH TER to 110TH ST
INDEPENDENCE BLVD from 111TH ST to 110TH TER
INDEPENDENCE BLVD from 110TH ST to 109TH TER
INDEPENDENCE BLVD from 108TH ST to HUTTON RD
INDEPENDENCE BLVD from 109TH TER to 109TH ST
INDEPENDENCE BLVD from 112TH ST to 111TH ST

INDEPENDENCE BLVD from DONAHOO RD to WINCHESTER DR
 INDEPENDENCE BLVD from WINCHESTER DR to WINGFOOT DR
 INDEPENDENCE BLVD from 113TH CT to 112TH ST
 INDEPENDENCE BLVD from WINGFOOT DR to 113TH CT
 PARKVIEW AVE from 99TH TER to 99TH ST
 PARKVIEW AVE from 100TH ST to 99TH TER
 WAGON TRAIL CT from 107TH TER to EAST END
 WAGON TRAIL DR from SW END to 110TH ST
 WAGON TRAIL DR from 110TH ST to 109TH ST
 WINCHESTER DR from 112TH ST to 111TH ST
 WINCHESTER DR from 111TH ST to 110TH ST
 WINCHESTER DR from 110TH ST to DONAHOO RD
 WINCHESTER DR from INDEPENDENCE BLVD to 112TH ST
 WINGFOOT DR from NW END to INDEPENDENCE BLVD

Annual Concrete Repair Program, 2024

CMIP #: PRG00017

New Project

Annual CMIP#: 941-0324

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$2,000,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Annual project that will involve, but is not limited to, the removal and replacement of concrete roadway elements such as curb and gutter, sidewalk, curb access ramps, or concrete roadway panels, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs within the following locations:

MERRIAM LANE, from COUNTY LINE ROAD to 34TH STREET
 12TH STREET, from SHAWNEE AVENUE to CUSTER AVENUE
 12TH STREET, from HASBROOK AVENUE to SHAWNEE AVENUE
 12TH STREET, from PENNSYLVANIA AVENUE to OSAGE AVENUE
 43RD AVENUE, from BOOTH STREET to ADAMS STREET
 43RD AVENUE, from FISHER STREET to BOOTH STREET
 MISSION ROAD, from 42ND AVENUE to 42ND AVENUE
 43RD AVENUE, from PEARL STREET to LLOYD STREET
 43RD AVENUE, from EATON STREET to CAMBRIDGE STREET
 43RD AVENUE, from FRANCIS STREET to EATON STREET
 43RD AVENUE, from RAINBOW BOULEVARD to FRANCIS STREET
 5TH STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
 MINNIE STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
 MINNIE STREET, from SEMINARY STREET to SE END
 SEMINARY STREET, from MINNIE STREET to HILL STREET
 SOUTHWEST BOULEVARD, from LINCOLN STREET to HILL STREET
 SOUTHWEST BOULEVARD, from MINNIE STREET to LINCOLN STREET

BOOTH STREET, from 38TH AVENUE to NORTH END
RAINBOW EXT, from SOUTHWEST BOULEVARD to SEMINARY STREET
SEMINARY STREET, from HILL STREET to RAINBOW EXT
IOWA STREET, from SEMINARY STREET to SUMMIT STREET
RUBY AVENUE, from WOODLAND BOULEVARD to 30TH STREET
SOUTHWEST BOULEVARD, from 9TH STREET to 9TH STREET
SOUTHWEST BOULEVARD, from BOEKE STREET to 9TH STREET
STATE LINE ROAD, from 43RD AVENUE to 42ND AVENUE
STATE LINE ROAD, from 43RD PL to 43RD AVENUE
STATE LINE ROAD, from SENECA AVENUE to 43RD PL
STATE LINE ROAD, from 46TH AVENUE to 45TH AVENUE
STATE LINE ROAD, from SOUTH END to 46TH AVENUE
WOODLAND BOULEVARD, from SILVER AVENUE to METROPOLITAN AVENUE
10TH STREET, from KANSAS AVENUE to SCOTT AVENUE
10TH STREET, from CUSTER AVENUE to KANSAS AVENUE
42ND STREET, from STRONG AVENUE to POWELL AVENUE
42ND STREET, from STRONG AVENUE to STRONG AVENUE
42ND STREET, from METROPOLITAN AVENUE to STRONG AVENUE
43RD AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
BARBER AVENUE, from CAMBRIDGE STREET to EAST END
BARBER AVENUE, from EATON STREET to CAMBRIDGE STREET
EATON STREET, from SOUTHWEST BOULEVARD to ELMWOOD AVENUE
EATON STREET, from BARBER AVENUE to ELMWOOD AVENUE
SEMINARY STREET, from 5TH STREET to IOWA STREET
IOWA STREET, from SEMINARY STREET to SEMINARY STREET
KANSAS AVENUE, from DS@261E NB I-635 TO WB KANSAS AVENUE/K-32 to NB I-635 HWY TO SB S 39TH STREET
36TH AVENUE, from NW END to 36TH AVENUE
36TH AVENUE, from NW END to 36TH AVENUE
ELMWOOD AVENUE, from EATON STREET to EAST END
LAWRENCE AVENUE, from CAMBRIDGE STREET to EAST END
STATE LINE ROAD, from FEDERAL AVENUE to ESTERLY AVENUE
STATE LINE ROAD, from 37TH AVENUE to 36TH AVENUE
36TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
36TH AVENUE, from EATON STREET to CAMBRIDGE STREET
37TH AVENUE, from EATON STREET to CAMBRIDGE STREET
BRISTOW AVENUE, from FRANCIS PL to FRANCIS STREET
CAMBRIDGE STREET, from 37TH AVENUE to 36TH AVENUE
CAMBRIDGE STREET, from 38TH AVENUE to 37TH AVENUE
CHESTER AVENUE, from FRANCIS STREET to EATON STREET
CHESTER AVENUE, from FRANCIS PL to FRANCIS STREET
ESTERLY AVENUE, from FRANCIS STREET to STATE LINE ROAD
FEDERAL AVENUE, from EATON STREET to STATE LINE ROAD
FRANCIS PL, from CHESTER AVENUE to BRISTOW AVENUE
FRANCIS STREET, from CHESTER AVENUE to BRISTOW AVENUE
39TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
STATE LINE ROAD, from UNNAMED – 4379 to 38TH AVENUE
STATE LINE ROAD, from 39TH AVENUE to UNNAMED – 4379

CAMBRIDGE STREET, from UNNAMED – 4379 to 38TH AVENUE
CAMBRIDGE STREET, from 39TH AVENUE to UNNAMED – 4379
MISSION ROAD, from 45TH AVENUE to 44TH PL
MISSION ROAD, from 46TH AVENUE to 46TH AVENUE
MISSION ROAD, from COUNTY LINE ROAD to 46TH AVENUE
43RD AVENUE, from ADAMS STREET to RAINBOW BOULEVARD
43RD AVENUE, from THOMPSON STREET to MINNIE STREET
43RD AVENUE, from MISSION ROAD to THOMPSON STREET
43RD AVENUE, from PEARL STREET to PEARL STREET
43RD AVENUE, from FISHER STREET to FISHER STREET
43RD AVENUE, from LLOYD STREET to FISHER STREET
SOUTHWEST BOULEVARD, from CHEROKEE STREET to MINNIE STREET
CHEROKEE STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
CHEROKEE STREET, from SEMINARY STREET to SE END
SEMINARY STREET, from IOWA STREET to CHEROKEE STREET
IOWA STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
SOUTHWEST BOULEVARD, from 5TH STREET to 5TH STREET
SOUTHWEST BOULEVARD, from MILL STREET to EARLY STREET
43RD AVENUE, from MINNIE STREET to PEARL STREET
39TH AVENUE, from SPRINGFIELD STREET to BOOTH STREET
BOOTH STREET, from 39TH AVENUE to 38TH AVENUE
38TH AVENUE, from SPRINGFIELD STREET to BOOTH STREET
39TH AVENUE, from BOOTH STREET to ADAMS STREET
SOUTHWEST BOULEVARD, from 31ST STREET to NE END
31ST STREET, from SOUTHWEST BOULEVARD to SE END
SOUTHWEST BOULEVARD, from TREMONT STREET to MISSION ROAD TO SOUTHWEST BOULEVARD
MISSION ROAD, from 43RD AVENUE to 42ND AVENUE
MISSION ROAD, from 45TH AVENUE to 45TH AVENUE
MISSION ROAD, from 44TH TERRACE to 44TH AVENUE
MISSION ROAD, from ROSEDALE PARK ROAD to 40TH TERRACE
SOUTHWEST BOULEVARD, from 9TH STREET to MILL STREET
7TH STREET ACCESS ROAD, from PAWNEE AVENUE to CHEYENNE AVENUE
SOUTHWEST BOULEVARD, from SOUTHWEST BOULEVARD TO MISSION ROAD to NB MISSION ROAD TO SOUTHWEST BOULEVARD
42ND STREET, from POWELL AVENUE to SWARTZ ROAD
SOUTHWEST BOULEVARD, from RAINBOW EXT to MARSHALL STREET
HILL STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
RAINBOW EXT, from SEMINARY STREET to BOOTH STREET
KANSAS AVENUE, from NB S 39TH STREET TO NB I-635 HWY to DS@163E NB S 39TH STREET TO NB I-635 HWY
KANSAS AVENUE, from DS@163E NB S 39TH STREET TO NB I-635 HWY to DS@460E NB S 39TH STREET TO NB I-635 HWY
SILVER AVENUE, from WOODLAND BOULEVARD to RUBY TRFY
SILVER AVENUE, from WOODLAND BOULEVARD to WOODLAND BOULEVARD
KANSAS AVENUE, from 12TH STREET to 11TH STREET
KANSAS AVENUE, from VALLEY STREET to 12TH STREET
KANSAS AVENUE, from 14TH STREET to VALLEY STREET
KANSAS AVENUE, from BOEKE STREET to ARGENTINE BOULEVARD
KANSAS AVENUE, from ARGENTINE BOULEVARD to MILL STREET

KANSAS AVENUE, from MILL STREET to MILL STREET
KANSAS AVENUE, from FERREE STREET to BOEKE STREET
KANSAS AVENUE, from SB 18TH/US-69 TO WB KANSAS AVENUE to SB 18TH/US-69 TO EB KANSAS AVENUE
KANSAS AVENUE, from KANSAS AVENUE/K-32 TO NB 18TH/US-69 to BAYARD AVENUE
KANSAS AVENUE, from UNNAMED – 6079 to 14TH STREET
KANSAS AVENUE, from NB 18TH/US-69 TO EB KANSAS AVENUE to UNNAMED – 6079
STEELE ROAD, from WB STEELE ROAD TO NB 18TH STREET/US-69 to 15TH STREET
STEELE ROAD, from NB 18TH STREET/US-69 TO WB STEELE ROAD to STEELE ROAD
WOODLAND BOULEVARD, from SILVER AVENUE to SILVER AVENUE
SOUTHWEST BOULEVARD, from FERREE STREET to BOEKE STREET
SOUTHWEST BOULEVARD, from DS@283E 10TH STREET to FERREE STREET
KANSAS AVENUE, from 6TH STREET to 5TH STREET
SUMMIT STREET, from SW END to MINNIE STREET
37TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
38TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
SOUTHWEST BOULEVARD TO MISSION ROAD, from DS@456W SOUTHWEST BOULEVARD to DS@568N SOUTHWEST BOULEVARD
39TH AVENUE, from WEST END to THOMPSON STREET
MISSION ROAD, from 42ND AVENUE to ROSEDALE PARK ROAD
METROPOLITAN AVENUE, from 30TH STREET to 29TH STREET
METROPOLITAN AVENUE, from 32ND STREET to 30TH STREET
METROPOLITAN AVENUE, from 34TH STREET to 33RD STREET
METROPOLITAN AVENUE, from 35TH STREET to 34TH STREET
METROPOLITAN AVENUE, from 36TH STREET to 35TH STREET
METROPOLITAN AVENUE, from 37TH STREET to 36TH STREET
METROPOLITAN AVENUE, from 37TH STREET to 37TH STREET
METROPOLITAN AVENUE, from 38TH STREET to 37TH STREET
METROPOLITAN AVENUE, from 39TH STREET to 38TH STREET
METROPOLITAN AVENUE, from 40TH STREET to 39TH STREET
METROPOLITAN AVENUE, from 41ST STREET to 40TH STREET
METROPOLITAN AVENUE, from 42ND STREET to 41ST STREET
METROPOLITAN AVENUE, from 43RD STREET to 42ND STREET
METROPOLITAN AVENUE, from EB METROPOLITAN AVENUE TO NB I-635 to WB METROPOLITAN AVENUE TO NB I-635
KANSAS AVENUE, from SB 18TH/US-69 TO EB KANSAS AVENUE to 18TH STREET EXPY
METROPOLITAN AVENUE, from 44TH STREET to 44TH STREET
METROPOLITAN AVENUE, from 44TH STREET to 43RD STREET
METROPOLITAN AVENUE, from 29TH STREET to ALLEY E OF 29TH – 6499
38TH AVENUE, from EATON STREET to CAMBRIDGE STREET
EATON STREET, from 38TH AVENUE to 37TH AVENUE
39TH AVENUE, from EATON STREET to CAMBRIDGE STREET
39TH AVENUE, from RAINBOW BOULEVARD to EATON STREET
SOUTHWEST BOULEVARD, from 8TH STREET to I-35 HWY
SOUTHWEST BOULEVARD, from SOUTHWEST BOULEVARD TO NB I-35 HWY to SB MISSION ROAD VIA
SB MISSION ROAD VIA, from DS@361S MISSION ROAD TO SOUTHWEST BOULEVARD to DS@451S MISSION ROAD TO
SOUTHWEST BOULEVARD
LAKE AVENUE, from MINNIE STREET to LLOYD STREET
THOMPSON STREET, from LAKE AVENUE to 39TH AVENUE

THOMPSON STREET, from 39TH AVENUE to THOMPSON CIR
 THOMPSON CIR, from THOMPSON STREET to THOMPSON STREET
 LAKE AVENUE, from THOMPSON STREET to MINNIE STREET
 MINNIE STREET, from LAKE AVENUE to DS@672N LAKE AVENUE
 LAKE AVENUE, from LLOYD STREET to FISHER STREET
 FISHER STREET, from LAKE AVENUE to NORTH END
 LLOYD STREET, from LAKE AVENUE to NORTH END
 LAKE AVENUE, from FISHER STREET to 39TH AVENUE
 39TH AVENUE, from LAKE AVENUE to SPRINGFIELD STREET
 SB MISSION ROAD VIA, from DS@121S SOUTHWEST BOULEVARD TO NB I-35 HWY to NB I-35 HWY TO SB MISSION ROAD
 NB MISSION TO WB SOUTHWEST BOULEVARD, from MISSION ROAD TO SOUTHWEST BOULEVARD to SOUTHWEST BOULEVARD TO MISSION ROAD
 SOUTHWEST BOULEVARD TO MISSION ROAD, from NB MISSION TO WB SOUTHWEST BOULEVARD to NB MISSION ROAD VIA
 SOUTHWEST BOULEVARD, from NB MISSION TO WB SOUTHWEST BOULEVARD to SOUTHWEST BOULEVARD TO MISSION ROAD
 SOUTHWEST BOULEVARD, from I-35 HWY to HENNING STREET
 STEELE ROAD, from 18TH STREET EXPY to NB 18TH STREET/US-69 TO WB STEELE ROAD
 ROE LANE, from I-35 HWY to ALMA STREET
 METROPOLITAN AVENUE, from I-635 HWY to EB METROPOLITAN AVENUE TO NB I-635
 METROPOLITAN AVENUE, from ALLEY E OF 29TH – 6499 to 25TH STREET
 18TH STREET, from BAYARD AVENUE to 18TH STREET EXPY
 KANSAS AVENUE, from 18TH STREET EXPY to KANSAS AVENUE/K-32 TO NB 18TH/US-69
 METROPOLITAN AVENUE, from 33RD STREET to 32ND STREET
 SOUTHWEST BOULEVARD, from MARSHALL STREET to RAINBOW BOULEVARD
 SOUTHWEST BOULEVARD, from RAINBOW BOULEVARD to EATON STREET
 LAKE AVENUE, from WEST END to THOMPSON STREET
 EATON STREET, from 39TH AVENUE to 38TH AVENUE
 NB MISSION ROAD VIA, from SB MISSION ROAD VIA to MISSION ROAD TO SOUTHWEST BOULEVARD
 MISSION ROAD TO SOUTHWEST BOULEVARD, from NB MISSION ROAD VIA to NB MISSION TO WB SOUTHWEST BOULEVARD
 24TH STREET, from NB I-35 HWY TO SB S 24TH STREET to NB I-35 HWY TO NB S 24TH STREET
 SOUTHWEST BOULEVARD, from EARLY STREET to 8TH STREET
 KANSAS AVENUE, from 3RD STREET to 2ND STREET
 KANSAS AVENUE, from 8TH STREET to COY STREET
 KANSAS AVENUE, from 2ND STREET to ADAMS STREET
 KANSAS AVENUE, from 5TH STREET to 5TH STREET
 KANSAS AVENUE, from 5TH STREET to 4TH STREET
 KANSAS AVENUE, from STREET PAUL STREET to 6TH STREET
 18TH STREET EXPY, from SE END to NB 18TH STREET/US-69 HWY TO NB I-35
 SOUTHWEST BOULEVARD, from MERRIAM LANE to SOUTHWEST BOULEVARD
 RUBY TRFY, from SILVER AVENUE to RUBY AVENUE
 STEELE ROAD, from STEELE ROAD to WB STEELE ROAD TO NB 18TH STREET/US-69
 KANSAS AVENUE, from BAYARD AVENUE to NB 18TH/US-69 TO EB KANSAS AVENUE
 10TH STREET, from SCOTT AVENUE to MCALPINE AVENUE
 KANSAS AVENUE, from 10TH STREET to FERREE STREET

KANSAS AVENUE, from 11TH STREET to 10TH STREET
 WOODLAND BOULEVARD, from SILVER AVENUE to SILVER AVENUE
 KANSAS AVENUE, from 34TH STREET to 26TH STREET
 RAINBOW EXT, from BOOTH STREET to RAINBOW BOULEVARD
 SPRINGFIELD STREET, from 38TH AVENUE to BOOTH STREET
 BOOTH STREET, from SPRINGFIELD STREET to RAINBOW EXT
 SOUTHWEST BOULEVARD, from IOWA STREET to CHEROKEE STREET
 SOUTHWEST BOULEVARD, from 5TH STREET to IOWA STREET
 PARK ACC DR – 4481, from WEST END to BOOTH STREET
 MINNIE STREET, from DS@672N LAKE AVENUE to SUMMIT STREET
 ADAMS STREET, from 39TH AVENUE to RAINBOW BOULEVARD
 STATE LINE ROAD, from 42ND AVENUE to 41ST AVENUE
 STATE LINE ROAD, from 41ST AVENUE to OLATHE BOULEVARD
 STATE LINE ROAD, from OLATHE BOULEVARD to 39TH AVENUE
 STATE LINE ROAD, from 38TH AVENUE to 37TH AVENUE
 FRANCIS STREET, from EATON STREET to CHESTER AVENUE
 EATON STREET, from 37TH AVENUE to 36TH AVENUE
 EATON STREET, from 36TH AVENUE to FEDERAL AVENUE
 EATON STREET, from FEDERAL AVENUE to FRANCIS STREET
 STATE LINE ROAD, from 36TH AVENUE to FEDERAL AVENUE
 STATE LINE ROAD, from ESTERLY AVENUE to EATON STREET
 EATON STREET, from STATE LINE ROAD to CAMBRIDGE STREET
 CAMBRIDGE STREET, from LAWRENCE AVENUE to BARBER AVENUE
 FRANCIS STREET, from BRISTOW AVENUE to EATON STREET
 EATON STREET, from FRANCIS STREET to CAMBRIDGE STREET
 CAMBRIDGE STREET, from EATON STREET to LAWRENCE AVENUE
 SOUTHWEST BOULEVARD, from MISSION ROAD TO SOUTHWEST BOULEVARD to SOUTHWEST BOULEVARD TO SB
 MISSION ROAD
 SOUTHWEST BOULEVARD, from NB MISSION ROAD TO SOUTHWEST BOULEVARD to 5TH STREET
 39TH AVENUE, from ADAMS STREET to RAINBOW BOULEVARD
 EATON STREET, from LAWRENCE CT to BARBER AVENUE
 LAWRENCE CT, from EATON STREET to LAWRENCE CT
 EATON STREET, from FRANCIS STREET to LAWRENCE CT
 SPRINGFIELD STREET, from 39TH AVENUE to 38TH AVENUE
 BRISTOW AVENUE, from WEST END to FRANCIS PL
 BRISTOW AVENUE, from FRANCIS STREET to EAST END
 36TH AVENUE, from DS@785E RAINBOW BOULEVARD to DS@1022E RAINBOW BOULEVARD
 36TH AVENUE, from DS@1022E RAINBOW BOULEVARD to EATON STREET
 36TH AVENUE, from RAINBOW BOULEVARD to DS@785E RAINBOW BOULEVARD
 SOUTHWEST BOULEVARD, from HILL STREET to RAINBOW EXT
 SUMMIT STREET, from MINNIE STREET to IOWA STREET
 LAWRENCE CT, from LAWRENCE CT to LAWRENCE CT
 STATE LINE ROAD, from 45TH AVENUE to SENECA AVENUE

Annual Elevator Upgrades, 2022

Description Amended

Statutory Authority:

Charter Ordinance CO-03-09

CMIP #: PRG00219

Annual CMIP#: 948-0122

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$500,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project will include engineering and design necessary to upgrade and improve elevators at PDHQ freight (700 Minnesota Avenue) to insure compliance with City, State, and Federal codes and regulations including Americans With Disabilities Act mandates. The scope of work will include but is not limited to the repair and replacement of drives, brakes, hoist cables, sheave brakes, governor, motor controls, and other associated mechanical equipment. The project will upgrade and replace interior lighting, panels, flooring and railings of the cab itself. Elevator will have new operational systems install with new push-button automated operations and controls.

Annual Elevator Upgrades, 2024

CMIP #: PRG00219

New Project, Reimbursement Resolution

Annual CMIP#: 948-0124

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$200,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project will include engineering and design necessary to upgrade and improve elevators at locations to be determined to insure compliance with City, State, and Federal codes and regulations including Americans With Disabilities Act mandates. The scope of work will include but is not limited to the repair and replacements of drives, brakes, hoist cables, sheave brakes, governor, motor controls, and other associated mechanical equipment. The project will upgrade and replace interior lighting, panels, flooring and railings of the cab itself. Elevator will have new operational systems install with new push-button automated operations and controls.

Annual Facilities/Parking Maintenance & Repair, 2022

CMIP #: PRG00020

Annual CMIP#: 948-0222

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$700,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project will provide for all engineering, design, inspection and construction for one or more of the following Unified Government parking garages and surface lots. Work will include concrete surface and deck repair and

replacement. Construction work shall include new gates, entry control equipment, lighting, signage and security equipment upgrades. Also will be new deck ware surface treatment and new canopy.

Surface Lots: Downtown

Parking lots 1 and 2 at Memorial Hall.

Lot # 3 – Located on South side of Barnett Avenue Between 6th & 7th Street

Memorial Hall Lot- Located between Barnett and Tauromee Avenue Between 7th & 8th Street

Reardon Lot - Located on South side of Minnesota Avenue. Between 5th & 6th Street

Parking Garages: Downtown

Parking garage A – Located on North side of State Avenue. Between 7th & 8th Street

Parking garage C- Located on North side of Armstrong. Between 7th & 8th Street

Parking garage D- Located between Ann and Barnett Avenue. Between 7th & 8th Street

Parking garage E- Located on North side of Barnett Avenue Between 6th & 7th Street

E Reserve- Located between Ann and Barnett Avenue Between 6th & 7th Street

VIP Lot F- Located between Ann and Barnett Avenue Between 6th & 7th Street

Annual Facilities/Parking Maintenance & Repair, 2023

CMIP #: PRG00020

Annual CMIP#: 948-0223

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$700,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project will provide for all engineering, design, inspection and construction for one or more of the following Unified Government parking garages and surface lots. Work will include concrete surface and deck repair and replacement. Construction work shall include new gates, entry control equipment, lighting, signage and security equipment upgrades. Also will be new deck ware surface treatment and new canopy.

Surface Lots: Downtown

Lot # 3 – Located on South side of Barnett Avenue Between 6th & 7th Street

Reardon Lot - Located on South side of Minnesota Avenue. Between 5th & 6th Street

Parking Garages: Downtown

Parking garage A – Located on North side of State Avenue. Between 7th & 8th Street

Parking garage C- Located on North side of Armstrong. Between 7th & 8th Street

Parking garage E- Located on North side of Barnett Avenue Between 6th & 7th Street

E Reserve- Located between Ann and Barnett Avenue Between 6th & 7th Street

VIP Lot F- Located between Ann and Barnett Avenue Between 6th & 7th Street

Annual Facilities/Parking Maintenance & Repair, 2024

CMIP #: PRG00020

Annual CMIP#: 948-0224

New Project

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: NONE

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$200,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project will provide for all engineering, design, inspection and construction for one or more of the following Unified Government parking garages and surface lots. Work will include concrete surface and deck repair and replacement. Construction work shall include new gates, entry control equipment, lighting, signage and security equipment upgrades. Also will be new deck ware surface treatment and new canopy.

Surface Lots: Downtown

Lot #1 – Located between Barnett and Tauromee Avenue Between 7th & 8th Street

Lot #2 – Located between Barnett and Tauromee Avenue Between 7th & 8th Street

Lot #3 – Located on South side of Barnett Avenue Between 6th & 7th Street

Lot #4 – Located at 424 State Avenue

Lot #5 – Located at 530 Armstrong Avenue

Lot #6 – Located on the North side of Armstrong Ave. Between 5th & 6th Street.

Reardon Lot – Located on South side of Minnesota Avenue. Between 5th & 6th Street

Parking Garages: Downtown

Parking garage A – Located on North side of State Avenue. Between 7th & 8th Street

Parking garage C- Located on North side of Armstrong. Between 7th & 8th Street

Parking garage D- Located between Ann and Barnett Avenue. Between 7th & 8th Street

Parking garage E- Located on North side of Barnett Avenue Between 6th & 7th Street

E Reserve- Located between Ann and Barnett Avenue Between 6th & 7th Street

VIP Lot F- Located between Ann and Barnett Avenue Between 6th & 7th Street

Annual Monitoring and Control Improvements 2018-2020 f/k/a

Pump Stations SCDA, 2018-2020

CMIP #: PRG00268

Annual CMIP#: 946-0620

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: R-80-16; O-53-19/R-50-19; R-76-19; O-37-20/R-47-20; O-124-21

Prior Authorization Amount Approved*: \$9,500,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project will include design and construction to upgrade hardware, software, instrumentation, controls and electrical equipment system wide.

Annual Monitoring and Control Improvements, 2022

CMIP #: PRG00268

Annual CMIP#: 946-0622

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$1,000,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project will include design and construction to upgrade hardware, software, instrumentation, controls and electrical equipment for the entire wastewater system, including pump stations, treatment plants, and satellite sites.

Annual Monitoring and Control Improvements, 2024

CMIP #: PRG00268

New Project

Annual CMIP#: 946-0624

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: NONE

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$1,000,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project will include design and construction to upgrade hardware, software, instrumentation, controls and electrical equipment for the entire wastewater system, including pump stations, treatment plants, and satellite sites. Locations may include the following sites:

Wastewater Treatment Plant No 1

Wastewater Treatment Plant No 3

Wastewater Treatment Plant No 5

Wastewater Treatment Plant No 14

Wastewater Treatment Plant No 20

Pump Station No 1

Pump Station No 2

Pump Station No 3

Pump Station No 4

Pump Station No 5

Pump Station No 6

Pump Station No 7

Pump Station No 8

Pump Station No 9

Pump Station No 10

Pump Station No 11

Pump Station No 13

Pump Station No 14

Pump Station No 15

Pump Station No 16

Pump Station No 18

Pump Station No 19

Pump Station No 20

Pump Station No 21

Pump Station No 22
Pump Station No 23
Pump Station No 24
Pump Station No 25
Pump Station No 26
Pump Station No 27
Pump Station No 28
Pump Station No 29
Pump Station No 30
Pump Station No 31
Pump Station No 32
Pump Station No 32A
Pump Station No 33
Pump Station No 34
Pump Station No 35
Pump Station No 36
Pump Station No 37
Pump Station No 38
Pump Station No 39
Pump Station No 40
Pump Station No 41
Pump Station No 42
Pump Station No 43
Pump Station No 44
Pump Station No 45
Pump Station No 46
Pump Station No 47
Pump Station No 48
Pump Station No 49
Pump Station No 50 (EFHB)
Pump Station No 51
Pump Station No 52
Pump Station No 53
Pump Station No 54
Pump Station No 55
Pump Station No 56
Pump Station No 57
Pump Station No 60
Pump Station No 61
Pump Station No 62
Pump Station No 63
Pump Station No 64
Pump Station No 65
Pump Station No 66
Pump Station No 69
Pump Station No 70
Pump Station No 71

Pump Station No 72
 Pump Station No 73
 Pump Station No 74
 Pump Station No 78
 Pump Station No 79
 Pump Station No 80
 Pump Station No 81
 Pump Station No 86
 Flood Pump Station No 01
 Flood Pump Station No 02
 Flood Pump Station No 10
 Flood Pump Station No 11
 Flood Pump Station No 12
 Flood Pump Station No 13
 Flood Pump Station No 14
 Flood Pump Station No 16
 Flood Pump Station No 17
 Data Collection and transmission related improvements associated with Rain Gage /Weather Monitoring Network
 Roswell Tower
 Fire Station 3 Radio Tower
 City Hall (701 N 7th Street)
 Mill Street Bridge at Turkey Creek

Annual Neighborhood ADA Pedestrian Handicapped Ramps, 2022

CMIP #: PRG00258
Annual CMIP#: 941-0822

Statutory Authority: Charter Ordinance CO-03-09
Prior Authorization Approved: O-124-21 (RR); O-132-22/R-54-22
Prior Authorization Amount Approved*: \$800,000
New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Removal and replacement of curbs and sidewalks with curbs, sidewalks and ramps to provide street to sidewalk access with complies with the Americans With Disabilities Act in coordination with our 10-year ADA Curb Ramp and Sidewalk Improvement Plan, including concrete pouring, resurfacing, utility cover adjustments, and associated construction costs, including any appurtenances related thereto, and necessary land acquisitions, engineering, design' at the following locations within the City of Kansas City, Kansas:

Intersections as follows:

Area #1: 18th and State Ave
 Area bounded by,
 Washington Boulevard, on the North,
 11th Street, on the East,

Orville Avenue, on the South,
And 30th Street on the West.

Area #2: Downtown
Area bounded by,
Parallel Parkway on the North,
6th Street, on the East,
Central Avenue, on the South
And 10th Street on the West

Area #3: Northeast
Area bounded by
Quindaro Boulevard on the North,
3rd Street on the East,
Parallel Parkway on the South,
And 7th Street on the West

Annual Neighborhood ADA Pedestrian Handicapped Ramps, 2023

CMIP #: PRG00258

Annual CMIP#: 941-0823

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$800,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Removal and replacement of curbs and sidewalks with curbs, sidewalks and ramps to provide street to sidewalk access with complies with the Americans With Disabilities Act in coordination with our 10-year ADA Curb Ramp and Sidewalk Improvement Plan, including concrete pouring, resurfacing, utility cover adjustments, and associated construction costs, including any appurtenances related thereto, and necessary land acquisitions, engineering, design' at the following locations within the City of Kansas City, Kansas:

Intersections as follows:

Area #1: City Park Area
Area bounded by,
Orville Avenue on the North,
18th Street on the East,
Ridge Drive on the South,
And 38th Street on the West.

Area #2: Armourdale
Area bounded by,
Berger Street on the North,

12th Street on the East,
Miami Avenue on the South,
And 18th Street on the West.

Area #3: Argentine
Area bounded by
Powell Avenue on the North,
18th Street on the East,
Steele Road on the South,
And 42nd Street on the West

Annual Neighborhood ADA Pedestrian Handicapped Ramps, 2024

CMIP #: PRG00258

New Project

Annual CMIP#: 941-0824

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$800,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Removal and replacement of curbs and sidewalks with curbs, sidewalks and ramps to provide street to sidewalk access with complies with the Americans With Disabilities Act in coordination with our 10-year ADA Curb Ramp and Sidewalk Improvement Plan, including concrete pouring, resurfacing, utility cover adjustments, and associated construction costs, including any appurtenances related thereto, and necessary land acquisitions, engineering, design' at the following locations within the City of Kansas City, Kansas:

Intersections as follows:

Area #1 bounded by:
Leavenworth Road on the North,
91st Street on the West,
Parallel Parkway on the South,
And 70th Street on the East

Area #2 bounded by:
Donahoo Road on the North,
47th Street on the West,
Parallel Parkway on the South,
And 34th Street on the East.

Area #3 bounded by:
I-635 on the North,
I-635 on the West,

Brown Avenue on the South,
And 26th Street on the East.

Annual Overflow CSO Reduction Program, 2021-2022

CMIP #: PRG00232

Description Amended

Annual CMIP#: 946-0822

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$8,000,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Work includes design and construction improvements made resulting from the 2020 analysis of Jersey Creek which identified locations: CSO 14, 16, 17, 19, and 55, primarily focusing on CSO 14 & 16.

CSO 14 – The project area is in the north central portion of the Jersey Creek Basin. The area is generally bounded by 18th Street on the west, 12th Street on the east, Quindaro Boulevard on the north, and Parallel Parkway on the south. Improvements will include sewer separation and potentially stormwater BMPs or green infrastructure where feasible to supplement or reduce the following separation quantities of approximately 10,200 LF of 12-inch through 60-inch diameter storm sewer and 700 LF of 18-inch through 21-inch diameter sanitary sewer.

CSO 16 – The project area is in the north central portion of the Jersey Creek Basin. The area is generally bounded on the west by North 12th Street, on the east by North 10th Street, on the north by Kimball Avenue, and on the south by Parallel Parkway. Improvements will include sewer separation and potentially stormwater BMPs or green infrastructure where feasible to supplement or reduce the following separation quantities of approximately 5,000 LF of 12-inch through 36-inch diameter storm sewer and 1,800 LF of 15-inch diameter sanitary sewer.

Annual Overflow CSO Reduction Program, 2023

CMIP #: PRG00232

Description Amended

Annual CMIP#: 946-0823

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$7,000,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Work includes design and construction improvements made resulting from the 2020 analysis of Jersey Creek which identified locations: CSO 14, 16, 17, 19, and 55, primarily focusing on CSO 19.

CSO 19 – The project area is in the south-central portion of the Jersey Creek Basin. The area is generally bounded by North 14th Street on the west, North 7th Street Trafficway on the east, Walker Avenue on the north, and Sandusky Avenue on the south and includes the Big 11 Lake and Waterway Park areas. Improvements will include sewer separation and potentially stormwater BMPs or green infrastructure where feasible to supplement or reduce the

following separation quantities of approximately 2,700 LF of 12-inch through 42-inch diameter storm sewer and 13,500 LF of 8-inch through 21-inch diameter sanitary sewer.

Annual Overflow CSO Reduction Program, 2024

CMIP #: PRG00232

New Project

Annual CMIP#: 946-0824

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: NONE

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$5,000,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Work includes design and construction improvements made resulting from the 2020 analysis of Jersey Creek which identified locations: CSO 14, 16, 17, 19, and 55, primarily focusing on CSO 17 and 55.

CSO 17 – The project area is in the north central portion of the Jersey Creek Basin. The area is generally bounded on the east by North 8th Street, on the west by North 10th Street, on the north by Sanford Avenue, and on the south by Parallel Parkway. Improvements will include sewer separation and potentially stormwater BMPs or green infrastructure where feasible to supplement or reduce the following separation quantities of approximately 1,500 LF of 12-inch through 21-inch diameter storm sewer and 2,200 LF of 10-inch through 15-inch diameter sanitary sewer.

CSO 55 – The project area is in the south-central portion of the Jersey Creek Basin with a tributary area of approximately 600 acres. The area is generally bounded on the west by Westview Drive, North 10th Street on the east, Garfield Avenue on the south, and Riverview Avenue on the north and includes the Lombardy Drive area. Improvements will include sewer separation and potentially stormwater BMPs or green infrastructure where feasible to supplement or reduce the following separation quantities of approximately 9,300 LF of 12-inch through 21-inch diameter storm sewer and 29,000 LF of 8-inch through 24-inch diameter sanitary sewer

Annual Pavement Preservation Program, 2022

CMIP #: PRG00011

Annual CMIP#: 941-1122

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$2,400,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Annual project that will involve the milling, concrete pouring, asphalt overlay, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, railroad crossing enhancements, Americans With Disabilities Act compliant Street to sidewalk access, and surface treatment applications including any appurtenances related thereto any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs at the following locations.

LOCUST AVENUE, from 9TH STREET to 8TH TERRACE
LOCUST AVENUE, from 9TH TERRACE to 9TH STREET
LOCUST AVENUE, from 9TH TERRACE to 9TH TERRACE
LOCUST AVENUE, from 9TH PLACE to 9TH TERRACE
LOCUST AVENUE, from 10TH STREET to 9TH PLACE
LOCUST AVENUE, from UNNAMED – 6669 to 10TH STREET
LOCUST AVENUE, from 51ST STREET to 50TH STREET
MELODY LANE, from 48TH TERRACE to 48TH STREET
MILL STREET, from CENTRAL AVENUE to RIDGE AVENUE
32ND STREET, from WOOD AVENUE to GARFIELD AVENUE
32ND STREET, from GARFIELD AVENUE to PARALLEL PARKWAY
NEW JERSEY AVENUE, from 8TH STREET to 7TH STREET TRAFFICWAY
NEW JERSEY AVENUE, from 10TH STREET to 9TH STREET
NEW JERSEY AVENUE, from 11TH STREET to 10TH STREET
OAK GROVE ROAD, from 48TH TERRACE to 48TH STREET
OAK GROVE ROAD, from 49TH STREET to 48TH TERRACE
OAK GROVE ROAD, from 49TH TERRACE to 49TH STREET
OAK GROVE ROAD, from 50TH STREET to 49TH TERRACE
OAKLAND AVENUE, from 11TH STREET to 10TH STREET
OAKLAND AVENUE, from 12TH STREET to 11TH STREET
PARALLEL AVENUE, from 29TH STREET to 28TH STREET
PARALLEL AVENUE, from 30TH STREET to 29TH STREET
REYNOLDS AVENUE, from BROADVIEW AVENUE to 7TH STREET TRAFFICWAY
REYNOLDS AVENUE, from 8TH STREET to BROADVIEW AVENUE
RIDGE AVENUE, from 8TH STREET to CENTRAL AVENUE
RIDGE AVENUE, from MILL STREET to 8TH STREET
RIDGE AVENUE, from FERREE STREET to BOEKE STREET
RIDGE AVENUE, from 10TH STREET to FERREE STREET
ROWLAND AVENUE, from 59TH STREET to 58TH STREET
WOOD AVENUE, from 30TH STREET to 29TH STREET
WOOD AVENUE, from 37TH STREET to 36TH STREET
TAUROMEE AVENUE, from 80TH PLACE to 80TH TERRACE
TAUROMEE AVENUE, from 81ST TERRACE to 80TH PLACE
TAUROMEE AVENUE, from 82ND TERRACE to 82ND STREET
TENNYSON STREET, from WOOD AVENUE to GARFIELD AVENUE
TENNYSON STREET, from GARFIELD AVENUE to PARALLEL PARKWAY
WEBSTER AVENUE, from WESTEND to 55TH STREET
WEBSTER AVENUE, from 58TH STREET to 57TH STREET
WEBSTER AVENUE, from 59TH STREET to 58TH STREET
YECKER AVENUE, from 56TH STREET to 55TH STREET
YECKER AVENUE, from 58TH STREET to 57TH STREET
YECKER AVENUE, from 59TH STREET to 58TH STREET
11TH STREET, from OAKLAND AVENUE to FREEMAN AVENUE
28TH STREET, from WOOD AVENUE to GARFIELD AVENUE
28TH STREET, from GARFIELD AVENUE to PARALLEL AVENUE
29TH STREET, from WOOD AVENUE to GARFIELD AVENUE
29TH STREET, from GARFIELD AVENUE to PARALLEL AVENUE

30TH STREET, from WOOD AVENUE to GARFIELD AVENUE
30TH STREET, from GARFIELD AVENUE to PARALLEL AVENUE
31ST STREET, from WOOD AVENUE to GARFIELD AVENUE
48TH STREET, from OAK GROVE ROAD to MELODY LANE
49TH STREET, from UNNAMED – 7809 to NEBRASKA AVENUE
49TH STREET, from NEBRASKA AVENUE to WASHINGTON AVENUE
49TH STREET, from 48TH TERRACE to GIBBS ROAD
49TH TERRACE, from MELODY CT to GIBBS ROAD
50TH STREET, from FOREST AVENUE to VISTA STREET
50TH STREET, from LOCUST AVENUE to FOREST AVENUE
51ST STREET, from NEBRASKA AVENUE to WASHINGTON AVENUE
CALVIN STREET, from WESTEND to BROADVIEW AVENUE
EVERETT AVENUE, from 8TH STREET to 7TH STREET TRAFFICWAY
EVERETT AVENUE, from 9TH STREET to 8TH STREET
EVERETT AVENUE, from 10TH STREET to 9TH STREET
EVERETT AVENUE, from 11TH STREET to 10TH STREET
EVERETT AVENUE, from 12TH STREET to 11TH STREET
57TH STREET, from NOGARD AVENUE to GEORGIA AVENUE
57TH STREET, from YECKER AVENUE to WEBSTER AVENUE
57TH STREET, from Webster AVENUE to ROSWELL AVENUE
57TH STREET, from ROSWELL AVENUE to SPRING AVENUE
57TH STREET, from SPRING AVENUE to LATHROP AVENUE
57TH STREET, from LATHROP AVENUE to LEAVENWORTH ROAD
58TH STREET, from YECKER AVENUE to Webster AVENUE
58TH STREET, from Webster AVENUE to LEAVENWORTH ROAD
80TH TERRACE, from ELLA AVENUE to ELIZABETH AVENUE
82ND STREET, from ELLA AVENUE to ORVILLE AVENUE
82ND STREET, from ORVILLE AVENUE to ELIZABETH AVENUE
83RD STREET, from ELLA AVENUE to ORVILLE AVENUE
83RD TERRACE, from BARNETT AVENUE to ISABEL STREET
84TH STREET, from BARNETT AVENUE to ISABEL STREET
84TH STREET, from ISABEL STREET to ANN AVENUE
BOEKE STREET, from CENTRAL AVENUE to RIDGE AVENUE
CRESTREET DR, from 51ST STREET to 49TH STREET
ELLA AVENUE, from WESTEND to 83RD PLACE
HIGHLAND DR, from 49TH STREET to WOODEND AVENUE
FOREST AVENUE, from 9TH STREET to 8TH TERRACE
FREEMAN AVENUE, from 10TH STREET to 9TH STREET
FREEMAN AVENUE, from 11TH STREET to 10TH STREET
GARFIELD AVENUE, from 29TH STREET to 28TH STREET
GARFIELD AVENUE, from 30TH STREET to 29TH STREET
GARFIELD AVENUE, from 31ST STREET to 30TH STREET
GARFIELD AVENUE, from TENNYSON STREET to 31ST STREET
GARFIELD AVENUE, from 32ND STREET to TENNYSON STREET
GARFIELD AVENUE, from 33RD STREET to 32ND STREET
GARFIELD AVENUE, from 37TH STREET to 36TH STREET
GREELEY AVENUE, from 56TH TERRACE to EASTR END

ISABEL STREET, from 84TH STREET to 83rd TERRACE
HOLMES STREET, from PUCKETT ROAD to NORTH END
9TH STREET, from FOREST AVENUE to WOODEND AVENUE
WOODEND AVENUE, from 9TH TERRACE to 9TH STREET
LOCUST AVENUE, from 8TH STREET to PUCKETT ROAD
8TH STREET, from LOCUST AVENUE to FOREST AVENUE
FERREE STREET, from CENTRAL AVENUE to RIDGE AVENUE
LYON AVENUE, from BROADVIEW AVENUE to SIMPSON AVENUE
LYON AVENUE, from BOEKE STREET to 9TH STREET
LYON AVENUE, from FERREE STREET to BOEKE STREET
LYON AVENUE, from 10TH STREET to FERREE STREET
9TH STREET, from CENTRAL AVENUE to RIDGE AVENUE
WOOD AVENUE, from 31st STREET to 30TH STREET
WOOD AVENUE, from TENNYSON STREET to 31st STREET
WOOD AVENUE, from 33rd STREET to 32ND STREET
WOOD AVENUE, from 29TH STREET to 28TH STREET
33rd STREET, from WOOD AVENUE to RICHMOND AVENUE
33rd STREET, from RICHMOND AVENUE to GARFIELD AVENUE
LYON AVENUE, from MILL STREET to BROADVIEW AVENUE
LYON AVENUE, from 9TH STREET to MILL STREET
REYNOLDS AVENUE, from MILL STREET to EARLY STREET
29TH STREET, from PARALLEL AVENUE to PARALLEL PARKWAY
35TH STREET, from SOUTH END to UNNAMED – 5628
GARFIELD AVENUE, from UNNAMED – 5628 to 33rd STREET
GARFIELD AVENUE, from 36TH STREET to UNNAMED – 5628
RICHMOND AVENUE, from WESTEND to 33rd STREET
8TH TERRACE, from WOODEND AVENUE to NORTH END
8TH TERRACE, from LOCUST AVENUE to FOREST AVENUE
8TH TERRACE, from FOREST AVENUE to WOODEND AVENUE
WOODEND AVENUE, from 8TH TERRACE to 8TH STREET
WOODEND AVENUE, from 8TH TERRACE to 8TH TERRACE
WOODEND AVENUE, from 8TH PLACE to 8TH TERRACE
WOODEND AVENUE, from 9TH STREET to 8TH PLACE
LOCUST AVENUE, from 8TH TERRACE to 8TH STREET
FOREST AVENUE , from 8TH TERRACE to 8TH STREET
8TH STREET, from CENTRAL AVENUE to RIDGE AVENUE
SIMPSON AVENUE, from BROADVIEW AVENUE to CENTRAL AVENUE
BROADVIEW AVENUE, from LYON AVENUE to REYNOLDS AVENUE
BROADVIEW AVENUE, from CALVIN STREET to LYON AVENUE
BROADVIEW AVENUE, from SIMPSON AVENUE to CALVIN STREET
BROADVIEW AVENUE, from RIDGE AVENUE to SIMPSON AVENUE
ROSWELL AVENUE, from 57TH STREET to EAST END
SPRING AVENUE, from 57TH STREET to EAST END
WEBSTER AVENUE, from 57TH STREET to EAST END
LATHROP AVENUE, from WESTEND to 57TH STREET
ROSWELL AVENUE, from WESTEND to 57TH STREET
SPRING AVENUE, from WESTEND to 57TH STREET

HOLMES STREET, from SOUTH END to PUCKETT ROAD
8TH STREET, from HOLMES STREET to NORTH END
ALLEY E OF 8TH – 6874, from OAKLAND AVENUE to FREEMAN AVENUE
8TH STREET, from REYNOLDS AVENUE to NORTH END
8TH STREET, from RIDGE AVENUE to RIDGE AVENUE
LATHROP AVENUE, from 57TH STREET to EAST END
WOODEND AVENUE, from VISTA STREET to HIGHLAND DR
56TH STREET, from SOUTH END to LEAVENWORTH ROAD
WASHINGTON AVENUE, from 48TH STREET to 48TH STREET
50TH STREET, from STATE AVENUE to 49TH TERRACE
52ND CT, from WASHINGTON AVENUE to 52ND CT
51ST STREET, from WASHINGTON AVENUE to 50TH TERRACE
GREELEY AVENUE, from DS@356E 57TH STREET to 56TH TERRACE
HASKELL CT, from 59TH STREET to 58TH DR
50TH STREET, from 49TH TERRACE to 49TH TERRACE
WOODEND AVENUE, from 48TH STREET to 47TH STREET
49TH STREET, from 49TH STREET to 48TH TERRACE
MELODY CT, from 49TH TERRACE to MELODY CT
48TH STREET, from OTTAWA STREET to OAK GROVE ROAD
CREST DR, from HAGEMANN STREET to 47TH STREET
80TH TERRACE, from 80TH TERRACE to ELLA AVENUE
ORVILLE AVENUE, from 82ND STREET to ORVILLE AVENUE
TAUROMEE AVENUE, from 84TH STREET to 83RD TERRACE
83RD TERRACE, from 83RD PLACE to ELIZABETH AVENUE
STATE AVENUE, from 37TH STREET to 37TH STREET
STATE AVENUE, from 37TH STREET to CEMETEREY DR – 5795
REYNOLDS AVENUE, from EARLY STREET to 8TH STREET
JODEE LANE, from WESTEND to 55TH STREET
STATE AVENUE, from CEMETEREY DR – 5795 to 34TH STREET
STATE AVENUE, from 33RD STREET to 32ND STREET
STATE AVENUE, from 32ND STREET to 31ST STREET
STATE AVENUE, from 31ST STREET to 29TH STREET
STATE AVENUE, from 34TH STREET to 33RD STREET
STATE AVENUE, from 38TH STREET to 38TH STREET
RIDGE AVENUE, from 9TH STREET to NE END
STATE AVENUE, from 34TH STREET to 34TH STREET
STATE AVENUE, from CEMETEREY DR – 5795 to CEMETEREY DR – 5795
9TH STREET, from RIDGE AVENUE to LYON AVENUE
MILL STREET, from 8TH PLACE to I-35 HWY
81ST TERRACE, from 81ST TERRACE to 81ST TERRACE
8TH STREET, from OAKLAND AVENUE to NORTH END
STATE AVENUE, from 32ND STREET to 32ND STREET
STATE AVENUE, from 38TH STREET to 37TH STREET
9TH TERRACE, from SOUTH END to WOODEND AVENUE
83RD STREET, from 83RD STREET to 83RD STREET
83RD TERRACE, from ELIZABETH AVENUE to TAUROMEE AVENUE
83RD PLACE, from ELLA AVENUE to 83RD TERRACE

83rd STREET, from 83rd STREET to 83rd STREET
83rd STREET, from ORVILLE AVENUE to 83rd STREET
ELIZABETH AVENUE, from UNNAMED – 9866 to 82ND STREET
84TH STREET, from ARMSTRONG AVENUE to NORTH END
84TH STREET, from 84TH DR to ARMSTRONG AVENUE
84TH STREET, from ANN AVENUE to 84TH DR
83rd TERRACE, from TAUROMEE AVENUE to ORIENT DR
84TH STREET, from TAUROMEE AVENUE to BARNETT AVENUE
84TH STREET, from SANDUSKY AVENUE to TAUROMEE AVENUE
84TH STREET, from SOUTH END to SANDUSKY AVENUE
TAUROMEE AVENUE, from 83rd TERRACE to 82ND TERRACE
83rd TERRACE, from ORIENT DR to BARNETT AVENUE
80TH PLACE CDS, from 80TH PLACE to TAUROMEE AVENUE
ELLA AVENUE, from 83rd STREET to 82ND TERRACE
ELLA AVENUE, from 82ND TERRACE to 82ND STREET
81st TERRACE, from 81st TERRACE to ELLA AVENUE
49TH STREET, from HIGHLAND DR to OAK GROVE ROAD
48TH TERRACE, from HAGEMANN STREET to OAK GROVE ROAD
OTTAWA STREET, from 48TH STREET to OTTAWA AVENUE
HAGEMANN STREET, from 48TH TERRACE to 48TH STREET
HAGEMANN STREET, from 48TH STREET to 47TH STREET
48TH STREET, from HAGEMANN STREET to OTTAWA STREET
48TH TERRACE, from 49TH STREET to MELODY LANE
47TH DR, from 47TH STREET to MELODY DR
47TH DR, from MELODY DR to GIBBS ROAD
MELODY LANE, from 48TH STREET to MELODY DR
MELODY LANE, from MELODY DR to 47TH STREET
WOODEND AVENUE, from 51st STREET to VISTA STREET
VISTA STREET, from WOODEND AVENUE to NATO MA STREET
NATO MA STREET, from VISTA STREET to HIGHLAND DR
VISTA STREET, from 48TH STREET to 47TH STREET
50TH PLACE, from NEBRASKA AVENUE to 50TH TERRACE
50TH TERRACE, from STATE AVENUE to 50TH PLACE
49TH TERRACE, from 50TH STREET to 49TH TERRACE
49TH TERRACE, from 50TH STREET to NEBRASKA AVENUE
50TH STREET, from 49TH TERRACE to WASHINGTON AVENUE
WASHINGTON AVENUE, from 48TH STREET to 47TH STREET
WASHINGTON AVENUE, from 49TH STREET to 48TH STREET
49TH TERRACE, from 50TH STREET to 50TH STREET
48TH STREET, from WASHINGTON AVENUE to OAKLAND AVENUE
50TH TERRACE, from 50TH PLACE to 51st STREET
52ND STREET, from NEBRASKA AVENUE to WASHINGTON AVENUE
NEBRASKA AVENUE, from 52ND STREET to 50TH PLACE
SEMINARY STREET, from 8TH PLACE to 8TH STREET
8TH PLACE, from WOODEND AVENUE to SEMINARY STREET
VICTORY DR, from 38TH STREET to WOOD AVENUE
WOOD AVENUE, from VICTORY DR to 37TH STREET

SEMINARY STREET, from 8TH STREET to NE END
WAVERLY AVENUE, from 57TH TERRACE to 57TH STREET
WASHINGTON AVENUE, from 52ND CT to 51ST STREET
WASHINGTON AVENUE, from 50TH STREET to 49TH STREET
58TH STREET, from 57TH DR to 58TH STREET
ROWLAND AVENUE, from 58TH STREET to 57TH DR
NOGARD AVENUE, from 57TH DR to 57TH TERRACE
NOGARD AVENUE, from 57TH TERRACE to 57TH STREET
58TH DR, from 59TH STREET to HASKELL CT
57TH TERRACE, from 57TH STREET to GREELEY AVENUE
57TH TERRACE, from GREELEY AVENUE to WAVERLY AVENUE
LATHROP AVENUE, from WESTEND to 55TH STREET
56TH STREET, from YECKER AVENUE to NORTH END
YECKER AVENUE, from 57TH STREET to 56TH STREET
GEORGIA AVENUE, from 59TH STREET to 57TH STREET
GEORGIA AVENUE, from 57TH STREET to 55TH STREET
58TH STREET, from 58TH STREET to ROWLAND AVENUE
WAVERLY AVENUE, from WESTEND to 57TH TERRACE
GREELEY AVENUE, from 57TH TERRACE to SE END
49TH TERRACE, from HAGEMANN STREET to OAK GROVE ROAD
9TH TERRACE, from LOCUST AVENUE to NORTH END
10TH STREET, from LOCUST AVENUE to FOREST CT
33RD STREET, from GARFIELD AVENUE to PARALLEL PARKWAY
REYNOLDS AVENUE, from 10TH STREET to MILL STREET
MILL STREET, from LYON AVENUE to REYNOLDS AVENUE
38TH STREET, from WOOD AVENUE to GARFIELD AVENUE
STATE AVENUE, from STATE AVENUE to CEMETEREY DR – 5818
FERREE STREET, from RIDGE AVENUE to LYON AVENUE
FREEMAN AVENUE, from WESTEND to 11TH STREET
PUCKETT ROAD, from LOCUST AVENUE to ROSEDALE PARK ROAD
PUCKETT ROAD, from ROSEDALE PARK ROAD to HOLMES STREET
ROSEDALE PARK ROAD, from PUCKETT ROAD to ROSEDALE PARK ROAD
8TH STREET, from FOREST AVENUE to WOODEND AVENUE
9TH TERRACE, from WOODEND AVENUE to HAGEMANN STREET
PUCKETT ROAD, from HOLMES STREET to 8TH STREET
8TH STREET, from WOODEND AVENUE to HOLMES STREET
HOLMES STREET, from SE END to 8TH STREET
8TH STREET, from PUCKETT ROAD to SEMINARY STREET
BOEKE STREET, from RIDGE AVENUE to LYON AVENUE
9TH STREET, from LOCUST AVENUE to FOREST AVENUE
9TH PLACE, from LOCUST AVENUE to NORTH END
HAGEMANN STREET, from 9TH TERRACE to NE END
GREELEY AVENUE, from NW END to 57TH TERRACE
GARFIELD AVENUE, from 38TH STREET to 37TH STREET
FOREST AVENUE, from 51ST STREET to 50TH STREET
HIGHLAND DR, from VISTA STREET to SHAWNEE DR
HIGHLAND DR, from NATO MA STREET to VISTA STREET

HIGHLAND DR, from WOODEND AVENUE to NATO MA STREET
HASKELL AVENUE, from 57TH STREET to 56TH TERRACE
ELLA AVENUE, from 83RD PLACE to 83RD TERRACE
ELLA AVENUE, from 83RD TERRACE to 83RD STREET
ELLA AVENUE, from 82ND STREET to 81ST TERRACE
ELLA AVENUE, from 81ST TERRACE to 80TH TERRACE
ELIZABETH AVENUE, from WESTEND to 83RD TERRACE
ELIZABETH AVENUE, from 82ND STREET to 81ST TERRACE
ELIZABETH AVENUE, from 81ST TERRACE to 80TH TERRACE
83RD TERRACE, from ELLA AVENUE to 83RD PLACE
82ND TERRACE, from ELLA AVENUE to ORVILLE AVENUE
82ND STREET, from ELIZABETH AVENUE to TAUROMEE AVENUE
81ST TERRACE, from ELIZABETH AVENUE to TAUROMEE AVENUE
81ST TERRACE, from ELLA AVENUE to ELIZABETH AVENUE
80TH TERRACE, from ELIZABETH AVENUE to TAUROMEE AVENUE
58TH STREET, from 58TH STREET to ROWLAND AVENUE
58TH STREET, from ROWLAND AVENUE to 58TH STREET
58TH STREET, from ROWLAND AVENUE to 58TH STREET
57TH TERRACE, from WAVERLY AVENUE to NOGARD AVENUE
57TH STREET, from HASKELL AVENUE to NOGARD AVENUE
57TH STREET, from WAVERLY AVENUE to HASKELL AVENUE
57TH DR, from ROWLAND AVENUE to NOGARD AVENUE
56TH TERRACE, from GREELEY AVENUE to HASKELL AVENUE
56TH TERRACE, from PARALLEL PARKWAY to GREELEY AVENUE
53RD TERRACE, from NEBRASKA AVENUE to NORTH END
49TH TERRACE, from OAK GROVE ROAD to MELODY CT
48TH TERRACE, from OAK GROVE ROAD to MELODY LANE
48TH TERRACE, from STATE AVENUE to NEBRASKA AVENUE
48TH STREET, from VISTA STREET to SHAWNEE DR
48TH STREET, from WOODEND AVENUE to VISTA STREET
48TH STREET, from NEBRASKA AVENUE to WASHINGTON AVENUE
81ST TERRACE, from 81ST TERRACE to 81ST TERRACE
80TH PLACE CDS, from 80TH PLACE to 80TH PLACE
80TH PLACE CDS, from 80TH PLACE to 80TH PLACE
ORVILLE AVENUE, from ORVILLE AVENUE to ORVILLE AVENUE
ORVILLE AVENUE, from ORVILLE AVENUE to ORVILLE AVENUE
80TH TERRACE, from 80TH TERRACE to 80TH TERRACE
80TH TERRACE, from 80TH TERRACE to 80TH TERRACE
MELODY CT, from MELODY CT to MELODY CT
MELODY CT, from MELODY CT to MELODY CT
49TH STREET, from 49TH STREET to 49TH STREET
49TH STREET, from 49TH STREET to 49TH STREET
57TH STREET, from 57TH TERRACE to GREELEY AVENUE
GREELEY AVENUE, from 57TH STREET to 57TH STREET
8TH STREET, from SOUTH END to PUCKETT ROAD
37TH STREET, from GARFIELD AVENUE to GARFIELD AVENUE
37TH STREET, from WOOD AVENUE to GARFIELD AVENUE

36TH STREET, from WOOD AVENUE to GARFIELD AVENUE
 31ST STREET, from GARFIELD AVENUE to PARALLEL AVENUE
 WOODEND AVENUE, from HIGHLAND DR to 48TH STREET
 VISTA STREET, from NATO MA STREET to HIGHLAND DR
 TAUROMEE AVENUE, from 82ND STREET to 82ND STREET
 TAUROMEE AVENUE, from 82ND STREET to 81ST TERRACE
 WOOD AVENUE, from 36TH STREET to 33RD STREET
 PARALLEL AVENUE, from 31ST STREET to 30TH STREET
 ORVILLE AVENUE, from 83RD STREET to 82ND TERRACE
 OAK GROVE ROAD, from 48TH STREET to 47TH STREET
 NEBRASKA AVENUE, from 53RD TERRACE to 52ND STREET
 NEBRASKA AVENUE, from 49TH TERRACE to 49TH STREET
 NEBRASKA AVENUE, from 49TH STREET to 48TH TERRACE
 NEBRASKA AVENUE, from 48TH STREET to 47TH STREET
 MELODY DR, from MELODY LANE to 47TH DR
 LOCUST AVENUE, from 50TH STREET to SHAWNEE DR
 LAFAYETTE AVENUE, from WESTEND to 55TH TERRACE

Annual Pavement Preservation Program, 2023

CMIP #: PRG00011

Annual CMIP#: 941-1123

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$4,400,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Annual project that will involve the milling, concrete pouring, asphalt overlay, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, railroad crossing enhancements, Americans With Disabilities Act compliant Street to sidewalk access, and surface treatment applications including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs at the following locations.

100TH ST from EDITH AVE to SLOAN AVE
 100TH ST from SOUTH END to PARKVIEW AVE
 100TH ST from SLOAN AVE to NORTH END
 100TH ST from SOUTH END to EDITH AVE
 103RD TER from WEBSTER AVE to LEAVENWORTH RD
 107TH TER from 108TH ST to WAGON TRAIL CT
 107TH TER from WAGON TRAIL CT to 108TH ST
 108TH CT from SW END to 108TH ST
 108TH ST from 108TH ST to 108TH ST
 108TH ST from 107TH TER to 107TH TER
 108TH ST from 107TH TER to 108TH ST
 108TH ST from 108TH TER to 107TH TER
 108TH ST from 108TH ST to 108TH ST

108TH ST from 108TH CT to 108TH TER
108TH ST from 107TH TER to 108TH CT
108TH ST from 108TH ST to INDEPENDENCE BLVD
108TH ST CDS from 108TH ST to NE END
108TH TER from 108TH TER to 108TH TER
108TH TER from 108TH TER to 108TH TER
108TH TER from 108TH TER to 108TH ST
109TH ST from WAGON TRAIL DR to INDEPENDENCE BLVD
109TH ST from SOUTH END to WAGON TRAIL DR
109TH TER from INDEPENDENCE BLVD to 109TH TER
109TH TER from 109TH TER to INDEPENDENCE BLVD
109TH TER from 109TH TER to 109TH TER
10TH ST from WAVERLY AVE to HASKELL AVE
10TH ST from CLEVELAND AVE to QUINDARO BLVD
10TH ST from QUINDARO BLVD to QUINDARO BLVD
10TH ST from LAFAYETTE AVE to GREELEY AVE
10TH ST from GREELEY AVE to WAVERLY AVE
10TH ST from ELLA AVE to ORVILLE AVE
10TH ST from HASKELL AVE to CLEVELAND AVE
10TH ST from LAUREL AVE to KIMBALL AVE
10TH ST from FREEMAN AVE to NEW JERSEY AVE
10TH ST from LYON AVE to REYNOLDS AVE
10TH ST from STATE AVE to NEBRASKA AVE
10TH ST from ELLA AVE to ELLA AVE
10TH ST from MINNESOTA AVE to STATE AVE
10TH ST from NEBRASKA AVE to WASHINGTON BLVD
10TH ST from GARFIELD AVE to MILDRED DR
10TH ST from SANDUSKY AVE to GRANDVIEW BLVD
10TH ST from ANN AVE to ARMSTRONG AVE
10TH ST from CALVIN ST to LYON AVE
10TH ST from BARNETT AVE to ANN AVE
10TH ST from ORVILLE AVE to SANDUSKY AVE
10TH ST from REYNOLDS AVE to REYNOLDS AVE
10TH ST from WASHINGTON BLVD to EVERETT AVE
10TH ST from SPLITLOG AVE to ELLA AVE
10TH ST from NORTHRUP AVE to OHIO AVE
10TH ST from RIVERVIEW AVE to RIVERVIEW AVE
10TH ST from RIDGE AVE to CALVIN ST
10TH ST from CENTRAL AVE to RIDGE AVE
10TH ST from EVERETT AVE to OAKLAND AVE
10TH ST from OAKLAND AVE to FREEMAN AVE
10TH ST from NEW JERSEY AVE to WALKER AVE
10TH ST from FORD AVE to RIVERVIEW AVE
10TH ST from OHIO AVE to SPLITLOG AVE
10TH ST from RIVERVIEW AVE to TENNY AVE
10TH ST from TENNY AVE to TENNY AVE
10TH ST from TENNY AVE to NORTHRUP AVE

10TH ST from SPLITLOG AVE to SPLITLOG AVE
10TH ST from REYNOLDS AVE to FORD AVE
10TH ST from GRANDVIEW BLVD to BARNETT AVE
10TH ST from SANDUSKY AVE to SANDUSKY AVE
10TH ST from OHIO AVE to OHIO AVE
10TH ST from ARMSTRONG AVE to MINNESOTA AVE
10TH ST from MONTANA AVE to RAY AVE
10TH ST from GILMORE AVE to GILMORE AVE
10TH ST from RAY AVE to GILMORE AVE
110TH ST from INDEPENDENCE BLVD to NORTH END
110TH ST from WAGON TRAIL DR to INDEPENDENCE BLVD
110TH ST from WINCHESTER DR to 110TH TER
110TH ST from 110TH TER to WEST END
110TH TER from LAKESIDE DR to INDEPENDENCE BLVD
110TH TER from 110TH ST to LAKESIDE DR
111TH ST from LAKESIDE DR to INDEPENDENCE BLVD
111TH ST from WINCHESTER DR to NW END
111TH ST from SW END to WINCHESTER DR
111TH ST from SW END to LAKESIDE DR
111TH ST from INDEPENDENCE BLVD to NORTH END
112TH ST from INDEPENDENCE BLVD to 112TH ST
112TH ST from WINCHESTER DR to 113TH CT
113TH CT from NW END to INDEPENDENCE BLVD
11TH ST from MINNESOTA AVE to STATE AVE
123RD ST from PEBBLE BEACH DR to CLUBHOUSE DR
123RD ST from DONAHOO RD to PEBBLE BEACH DR
13TH ST from MINNESOTA AVE to STATE AVE
13TH ST from ANN AVE to ARMSTRONG AVE
13TH ST from STATE AVE to NEBRASKA AVE
13TH ST from NEBRASKA AVE to WASHINGTON AVE
18TH ST from QUINDARO BLVD to QUINDARO BLVD
18TH ST from WAVERLY AVE to WAVERLY AVE
18TH ST from GREELEY AVE to WAVERLY AVE
18TH ST from RICHMOND AVE to GARFIELD AVE
18TH ST from LOWELL AVE to RIDGE AVE
18TH ST from EVERETT AVE to WASHINGTON BLVD
18TH ST from GARFIELD AVE to GARFIELD AVE
18TH ST from SHORT AVE to TROUP AVE
18TH ST from TAUROMEE AVE to BARNETT AVE
18TH ST from ROWLAND AVE to LONGWOOD AVE
18TH ST from RIDGE AVE to WILSON BLVD
18TH ST from WOOD AVE to RICHMOND AVE
18TH ST from WASHINGTON AVE to EVERETT AVE
18TH ST from GARFIELD AVE to SHORT AVE
18TH ST from GRANDVIEW BLVD to ORVILLE AVE
18TH ST from ORVILLE AVE to TAUROMEE AVE
18TH ST from BARNETT AVE to ANN AVE

18TH ST from PARK DR to GRANDVIEW BLVD
18TH ST from OAKLAND AVE to FREEMAN AVE
18TH ST from ANN AVE to ARMSTRONG AVE
18TH ST from WB I-70/US-24/40/69 TO NB 18TH to WB I-70/US-24/40/69 TO NB 18TH
27TH ST from ROSWELL AVE to QUINDARO BLVD
27TH ST from HICKAM DR to KIMBALL AVE
27TH ST from QUINDARO BLVD to SPRING AVE
27TH ST from PARALLEL PKWY to STEWART AVE
27TH ST from LATHROP AVE to RUSSELL AVE
27TH ST from SPRING AVE to LATHROP AVE
29TH ST from NEW JERSEY AVE to WALKER AVE
29TH ST from WALKER AVE to WOOD AVE
29TH ST from EVERETT AVE to OAKLAND AVE
29TH ST from WASHINGTON AVE to EVERETT AVE
29TH ST from STATE AVE to NEBRASKA AVE
29TH ST from OAKLAND AVE to OAKLAND AVE
29TH ST from CALUMET AVE to STATE AVE
34TH ST from KIMBALL AVE to WEBSTER AVE
34TH ST from ROWLAND AVE to GEORGIA AVE
38TH ST from EVERETT AVE to OAKLAND AVE
38TH ST from FREEMAN AVE to WALKER AVE
38TH ST from OAKLAND AVE to FREEMAN AVE
38TH ST from BRYANT CIR to BRYANT CIR
38TH ST from WASHINGTON AVE to EVERETT AVE
38TH ST from ROSWELL AVE to NB I-635 HWY TO SB N 38TH ST
38TH ST from NB I-635 HWY TO NB N 38TH ST to FRONTAGE RD
38TH ST from STATE AVE to WASHINGTON AVE
38TH ST from STATE AVE to STATE AVE
38TH ST from WALKER AVE to WALKER AVE
5TH ST from ANN AVE to ARMSTRONG AVE
5TH ST from SB N 5TH TO WB I-70/US-24/40/69 to ORVILLE AVE
5TH ST from SANDUSKY AVE to TAUROMEE AVE
5TH ST from TAUROMEE AVE to BARNETT AVE
5TH ST from ORVILLE AVE to ELIZABETH AVE
5TH ST from ARMSTRONG AVE to MINNESOTA AVE
5TH ST from MINNESOTA AVE to STATE AVE
5TH ST from BARNETT AVE to ANN AVE
5TH ST from ELIZABETH AVE to SANDUSKY AVE
5TH ST from NEBRASKA AVE to WASHINGTON BLVD
5TH ST from STATE AVE to NEBRASKA AVE
5TH ST from OAKLAND AVE to FREEMAN AVE
5TH ST from WALKER AVE to PARALLEL PKWY
5TH ST from WASHINGTON BLVD to EVERETT AVE
5TH ST from FREEMAN AVE to NEW JERSEY AVE
5TH ST from EVERETT AVE to OAKLAND AVE
6TH ST from ANN AVE to ARMSTRONG AVE
6TH ST from OHIO AVE to SPLITLOG AVE

6TH ST from ARMSTRONG AVE to MINNESOTA AVE
97TH ST from UNNAMED – 12304 to HUTTON RD
99TH ST from PARALLEL PKWY to LAFAYETTE AVE
99TH ST from WEBSTER LN to WEBSTER AVE
99TH ST from LONGWOOD AVE to WEBSTER LN
99TH ST from WEBSTER AVE to LEAVENWORTH RD
99TH ST from LAFAYETTE AVE to CLEVELAND AVE
99TH ST from CLEVELAND AVE to GEORGIA AVE
99TH ST from GEORGIA AVE to LONGWOOD AVE
99TH TER from SOUTH END to PARKVIEW AVE
9TH ST from STATE AVE to NEBRASKA AVE
BROWN AVE from 34TH ST to 33RD ST
BROWN AVE from 33RD ST to 32ND ST
BROWN AVE from 30TH ST to 30TH ST
BROWN AVE from 30TH ST to 29TH ST
BROWN AVE from 33RD ST to 33RD ST
BROWN AVE from 32ND ST to 31ST ST
BROWN AVE from 29TH ST to 27TH ST
BROWN AVE from 31ST ST to 30TH ST
BROWN AVE from 32ND ST to 32ND ST
CENTRAL AVE from 2ND ST to 1ST ST
CENTRAL AVE from 20TH ST to 19TH ST
CENTRAL AVE from PYLE ST to SIMPSON AVE
CENTRAL AVE from 21ST ST to 20TH ST
CENTRAL AVE from 22ND ST to 21ST ST
CENTRAL AVE from GRANDVIEW BLVD to 22ND ST
CENTRAL AVE from 7TH ST TRFY to TREMONT ST
CENTRAL AVE from CENTRAL AVE to 7TH ST TRFY
CENTRAL AVE from 24TH ST to GRANDVIEW BLVD
CENTRAL AVE from 19TH ST to PARK DR
CENTRAL AVE from VALLEY ST to 12TH ST
CENTRAL AVE from 8TH ST to COY ST
CENTRAL AVE from BOEKE ST to 9TH ST
CENTRAL AVE from BETHANY ST to 11TH ST
CENTRAL AVE from LOWELL AVE to BOEKE ST
CENTRAL AVE from VALLEY ST to VALLEY ST
CENTRAL AVE from 6TH ST to CENTRAL AVE VIA
CENTRAL AVE from 13TH ST to THORPE ST
CENTRAL AVE from EWING ST to STATE LINE RD
CENTRAL AVE from BALTIMORE ST to 10TH ST
CENTRAL AVE from 11TH ST to BALTIMORE ST
CENTRAL AVE from 15TH ST to WILSON BLVD
DONAHOO RD from 115TH ST to INDEPENDENCE BLVD
DONAHOO RD from 112TH ST to WINCHESTER DR
DONAHOO RD from WINCHESTER DR to 108TH TER
DONAHOO RD from 108TH TER to HUTTON RD
DONAHOO RD from I-435 HWY to DONAHOO RD TO NB I-435 HWY

EDITH AVE from 100TH ST to 99TH ST
FAIRFAX TRFY from SUNSHINE RD to KINDELBERGER RD
FAIRFAX TRFY from STANLEY RD to MARLEY RD
FAIRFAX TRFY from MARLEY RD to FUNSTON RD
FAIRFAX TRFY from FUNSTON RD to SUNSHINE RD
GEORGIA AVE from I-435 HWY to 103RD TER
GEORGIA AVE from 105TH ST to I-435 HWY
GEORGIA AVE from 106TH ST to 105TH ST
GEORGIA AVE from 107TH ST to 106TH ST
GRANDVIEW BLVD from 18TH ST to 17TH ST
GRANDVIEW BLVD from 17TH ST to 16TH ST
GRANDVIEW BLVD from 16TH ST to 15TH ST
HOLLINGSWORTH RD from 126TH ST to 125TH ST
HOLLINGSWORTH RD from 124TH ST to CANAAN LAKE CIR
HOLLINGSWORTH RD from 125TH ST to 124TH ST
HUTTON RD from UNNAMED – 12002 to ROWLAND CT
HUTTON RD from CLEVELAND AVE to UNNAMED – 12002
HUTTON RD from GEORGIA AVE to 109TH ST
HUTTON RD from 109TH ST to KIMBALL AVE
HUTTON RD from ROWLAND CT to GEORGIA AVE
HUTTON RD from NORTHRIDGE DR to HOLLINGSWORTH RD
HUTTON RD from AUGUSTA DR to NORTHRIDGE DR
HUTTON RD from HASKELL AVE to CLEVELAND AVE
HUTTON RD from DONAHOO RD to INDEPENDENCE BLVD
HUTTON RD from 107TH ST to DONAHOO RD
HUTTON RD from NELSON LN to CLUBHOUSE DR
HUTTON RD from CLUBHOUSE DR to AUGUSTA DR
HUTTON RD from PARALLEL PKWY to HASKELL AVE
HUTTON RD from INDEPENDENCE BLVD to NELSON LN
HUTTON RD from CLEVELAND AVE to CLEVELAND AVE
HUTTON RD from 97TH ST to WOLCOTT DR
INDEPENDENCE BLVD from 109TH ST to 108TH ST
INDEPENDENCE BLVD from 110TH TER to 110TH ST
INDEPENDENCE BLVD from 111TH ST to 110TH TER
INDEPENDENCE BLVD from 110TH ST to 109TH TER
INDEPENDENCE BLVD from 108TH ST to HUTTON RD
INDEPENDENCE BLVD from 109TH TER to 109TH ST
INDEPENDENCE BLVD from 112TH ST to 111TH ST
INDEPENDENCE BLVD from DONAHOO RD to WINCHESTER DR
INDEPENDENCE BLVD from WINCHESTER DR to WINGFOOT DR
INDEPENDENCE BLVD from 113TH CT to 112TH ST
INDEPENDENCE BLVD from WINGFOOT DR to 113TH CT
JAMES ST from RIVERVIEW AVE to OHIO AVE
JAMES ST from LYON AVE to REYNOLDS AVE
JAMES ST from CENTRAL AVE to LYON AVE
K-5 HWY from SB I-435 HWY TO NB K-5 HWY to UNNAMED – 12304
KINDELBERGER RD from FIBERGLASS RD to CENTRAL INDUSTRIAL AVE

KINDELBERGER RD from BRINKERHOFF RD to FIBERGLASS RD
KINDELBERGER RD from BRINKERHOFF RD to BRINKERHOFF RD
KINDELBERGER RD from WB KINDELBERGER RD TO 7TH ST to BRINKERHOFF RD
LAKESIDE DR from 111TH ST to 110TH TER
LEAVENWORTH RD from WEST END to 139TH ST
LEAVENWORTH RD from 139TH ST to 131ST ST
MINNESOTA AVE from 5TH ST to MINNESOTA AVE
MINNESOTA AVE from 6TH ST to 5TH ST
N 38TH ST TO WB I-70/US-24/40 from 38TH ST to EB KAW DR TO SB N 38TH ST
PACIFIC AVE from 12TH ST to BETHANY ST
PACIFIC AVE from 13TH ST to VALLEY ST
PACIFIC AVE from 14TH ST to 13TH ST
PACIFIC AVE from 16TH ST to 15TH ST
PACIFIC AVE from 15TH ST to 14TH ST
PARALLEL PKWY from 24TH ST to 24TH ST
PARALLEL PKWY from 33RD TER to 33RD ST
PARALLEL PKWY from 34TH ST to 33RD TER
PARALLEL PKWY from 33RD ST to 32ND ST
PARALLEL PKWY from 27TH ST to 24TH ST
PARALLEL PKWY from 32ND ST to 32ND ST
PARALLEL PKWY from 32ND ST to TENNYSON ST
PARALLEL PKWY from 40TH ST to 38TH ST
PARALLEL PKWY from NB I-635 HWY TO PARALLEL PKWY to 40TH ST
PARALLEL PKWY from 29TH ST to 27TH ST
PARK DR from 25TH ST to 24TH ST
PARK DR from 21ST ST to 20TH ST
PARK DR from 26TH ST to 25TH ST
PARK DR from 32ND ST to GRANDVIEW BLVD
PARKVIEW AVE from 99TH TER to 99TH ST
PARKVIEW AVE from 100TH ST to 99TH TER
QUINDARO BLVD from 20TH ST to 18TH ST
QUINDARO BLVD from 21ST ST to 21ST ST
QUINDARO BLVD from 27TH ST to 26TH ST
QUINDARO BLVD from GEORGIA AVE to 11TH ST
QUINDARO BLVD from HIAWATHA ST to CISSNA ST
QUINDARO BLVD from 21ST ST to 20TH ST
QUINDARO BLVD from ROWLAND AVE to 10TH ST
QUINDARO BLVD from BETHANY ST to GEORGIA AVE
QUINDARO BLVD from 11TH ST to ROWLAND AVE
QUINDARO BLVD from 12TH ST to BETHANY ST
QUINDARO BLVD from 12TH ST to 12TH ST
QUINDARO BLVD from 17TH ST to 16TH ST
QUINDARO BLVD from HUTCHINGS ST to HIAWATHA ST
QUINDARO BLVD from 18TH ST to HUTCHINGS ST
QUINDARO BLVD from CISSNA ST to 17TH ST
QUINDARO BLVD from 16TH ST to 13TH ST
QUINDARO BLVD from ALLIS ST to WAVERLY AVE

QUINDARO BLVD from 13TH ST to ROOSEVELT ST
 QUINDARO BLVD from ROOSEVELT ST to 12TH ST
 SIMPSON AVE from LYON AVE to 7TH ST TRFY
 SLOAN AVE from 100TH ST to EAST END
 SUNSHINE RD from BRINKERHOFF RD to DODGE RD
 VICTORY DR from PRAUN LN to 39TH ST
 VICTORY DR from 40TH ST to PRAUN LN
 WAGON TRAIL CT from 107TH TER to EAST END
 WAGON TRAIL DR from SW END to 110TH ST
 WAGON TRAIL DR from 110TH ST to 109TH ST
 WASHINGTON BLVD from 10TH ST to 9TH ST
 WASHINGTON BLVD from 6TH ST to 5TH ST
 WASHINGTON BLVD from 8TH ST to 7TH ST TRFY
 WASHINGTON BLVD from 7TH ST TRFY to 6TH ST
 WASHINGTON BLVD from 9TH ST to 8TH ST
 WB I-70/US-24/40 TO NB 38TH ST from NB N 38TH ST TO EB PARK DR to 38TH ST
 WINCHESTER DR from 112TH ST to 111TH ST
 WINCHESTER DR from 111TH ST to 110TH ST
 WINCHESTER DR from 110TH ST to DONAHOO RD
 WINCHESTER DR from INDEPENDENCE BLVD to 112TH ST
 WINGFOOT DR from NW END to INDEPENDENCE BLVD
 WOLCOTT DR from WEST END to 107TH ST
 WOLCOTT DR from MARXEN RD to ELM ST
 WOOD AVE from 36TH ST to 36TH ST

Annual Pavement Preservation Program, 2024

CMIP #: PRG00011

New Project

Annual CMIP#: 941-1124

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$4,400,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Annual project that will involve the milling, concrete pouring, asphalt overlay, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, railroad crossing enhancements, Americans With Disabilities Act compliant Street to sidewalk access, and surface treatment applications including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs at the following locations.

North of Parallel Parkway

LATHROP AVENUE, from WEST END to 51ST STREET

LEAVENWORTH ROAD, from 80TH TERRACE to 79TH STREET

LEAVENWORTH ROAD, from 81ST STREET to 80TH TERRACE

LEAVENWORTH ROAD, from 82ND TERRACE to 81ST STREET

LEAVENWORTH ROAD, from 83RD STREET to 82ND TERRACE
LEAVENWORTH ROAD, from 84TH TERRACE to 83RD STREET
LEAVENWORTH ROAD, from 84TH TERRACE to 84TH TERRACE
LEAVENWORTH ROAD, from 84TH PLACE to 84TH TERRACE
LEAVENWORTH ROAD, from 89TH TERRACE to 89TH STREET
CLEVELAND AVENUE, from 48TH TERRACE to 47TH TERRACE
NOGARD AVENUE, from 54TH STREET to 53RD STREET
NOGARD AVENUE, from 53RD STREET to EAST END
PARKVIEW AVENUE, from 64TH STREET to 63RD STREET
PARKVIEW AVENUE, from 66TH STREET to 64TH STREET
PARKVIEW AVENUE, from 67TH STREET to 66TH STREET
ROSWELL AVENUE, from 41ST STREET to 40TH STREET
ROSWELL AVENUE, from 42ND STREET to 41ST STREET
ROSWELL AVENUE, from 54TH STREET to 53RD STREET
ROSWELL AVENUE, from WEST END to 54TH STREET
ROWLAND AVENUE, from 51ST STREET to 49TH TERRACE
SEWELL AVENUE, from 61ST STREET to 60TH STREET
SLOAN AVENUE, from 60TH TERRACE to 60TH STREET
SLOAN AVENUE, from 61ST STREET to 60TH TERRACE
WEBSTER AVENUE, from 78TH STREET to 77TH STREET
WEBSTER AVENUE, from 47TH STREET to 46TH STREET
WEBSTER AVENUE, from UNNAMED – 7505 to 51ST STREET
WEBSTER AVENUE, from 53RD STREET to UNNAMED – 7505
WEBSTER AVENUE, from 55TH STREET to 53RD STREET
YECKER AVENUE, from 47TH PLACE to 47TH TERRACE
YECKER AVENUE, from YECKER AVENUE to 51ST STREET
41ST STREET from GEORGIA AVENUE to ROSWELL AVENUE
42ND STREET from SOUTH END to ROSWELL AVENUE
42ND STREET from ROSWELL AVENUE to ROSWELL AVENUE
43RD STREET from LATHROP AVENUE to LEAVENWORTH ROAD
44TH STREET from GEORGIA AVENUE to YECKER AVENUE
44TH STREET from SOUTH END to ROSWELL AVENUE
45TH STREET from ROSWELL AVENUE to LEAVENWORTH ROAD
46TH STREET from YECKER AVENUE to KIMBALL AVENUE
47TH STREET from CLEVELAND AVENUE to CLEVELAND AVENUE
47TH STREET from CLEVELAND AVENUE to GEORGIA AVENUE
47TH STREET from WEBSTER AVENUE to LEAVENWORTH ROAD
47TH TERRACE, from GEORGIA AVENUE to YECKER AVENUE
48TH TERRACE, from CLEVELAND AVENUE to MALONE DRIVE
48TH TERRACE, from SOUTH END to WELBORN LAKE DRIVE
49TH STREET from ROWLAND AVENUE to GEORGIA AVENUE
51ST STREET from PARALLEL PKWY to WAVERLY AVENUE
51ST STREET from WAVERLY AVENUE to HASKELL AVENUE
51ST STREET from GEORGIA AVENUE to YECKER AVENUE
51ST STREET from YECKER AVENUE to KIMBALL AVENUE
51ST STREET from KIMBALL AVENUE to KIMBALL AVENUE
51ST STREET from KIMBALL AVENUE to WEBSTER AVENUE

51ST STREET from WEBSTER AVENUE to LATHROP AVENUE
51ST STREET from LATHROP AVENUE to LATHROP AVENUE
51ST STREET from LATHROP AVENUE to LEAVENWORTH ROAD
51ST STREET from PARKVIEW AVENUE to EDITH AVENUE
52ND STREET from GEORGIA AVENUE to YECKER AVENUE
52ND STREET from UNNAMED – 7505 to LEAVENWORTH ROAD
52ND TERRACE, from GEORGIA AVENUE to YECKER AVENUE
53RD STREET from SOUTH END to HASKELL AVENUE
53RD STREET from WEBSTER AVENUE to ROSWELL AVENUE
53RD STREET from ROSWELL AVENUE to LEAVENWORTH ROAD
54TH STREET from ROSWELL AVENUE to LEAVENWORTH ROAD
55TH STREET from PARALLEL PKWY to HASKELL AVENUE
55TH STREET from GEORGIA AVENUE to YECKER AVENUE
55TH STREET from YECKER AVENUE to WEBSTER AVENUE
55TH STREET from WEBSTER AVENUE to WEBSTER AVENUE
55TH STREET from WEBSTER AVENUE to LATHROP AVENUE
55TH STREET from LEAVENWORTH ROAD to FARROW AVENUE
55TH STREET from FARROW AVENUE to PARKVIEW AVENUE
55TH STREET from PARKVIEW AVENUE to SLOAN AVENUE
57TH TERRACE, from PARALLEL PKWY to 57TH STREET
59TH STREET from HASKELL AVENUE to HASKELL COURT
59TH STREET from HASKELL COURT to 58TH DRIVE
59TH STREET from 58TH DRIVE to NOGARD AVENUE
59TH STREET from NOGARD AVENUE to ROWLAND AVENUE
59TH STREET from ROWLAND AVENUE to GEORGIA AVENUE
59TH STREET from GEORGIA AVENUE to YECKER AVENUE
59TH STREET from PARKVIEW AVENUE to EDITH AVENUE
59TH STREET from EDITH AVENUE to EDITH AVENUE
59TH TERRACE, from EDITH AVENUE to SEWELL AVENUE
60TH STREET from EDITH AVENUE to SLOAN AVENUE
60TH STREET from SLOAN AVENUE to SEWELL AVENUE
60TH TERRACE, from EDITH AVENUE to SLOAN AVENUE
61ST STREET from LEAVENWORTH ROAD to FARROW AVENUE
61ST STREET from PARKVIEW AVENUE to EDITH AVENUE
61ST STREET from EDITH AVENUE to EDITH AVENUE
61ST TERRACE, from PARKVIEW AVENUE to NORTH END
63RD STREET from CLEVELAND AVENUE to CLEVELAND AVENUE
63RD STREET from CLEVELAND AVENUE to ROWLAND AVENUE
63RD STREET from ROWLAND AVENUE to GEORGIA AVENUE
63RD STREET from GEORGIA AVENUE to LONGWOOD COURT
63RD STREET from WEBSTER AVENUE to ROSWELL AVENUE
63RD STREET from ROSWELL AVENUE to ROSWELL AVENUE
63RD STREET from ROSWELL AVENUE to LATHROP AVENUE
63RD STREET from LATHROP AVENUE to LEAVENWORTH ROAD
63RD STREET from LEAVENWORTH ROAD to FARROW AVENUE
63RD STREET from FARROW AVENUE to MAY LANE
63RD STREET from MAY LANE to PARKVIEW AVENUE

63RD STREET from PARKVIEW AVENUE to PARKVIEW AVENUE
63RD STREET from PARKVIEW AVENUE to EDITH AVENUE
63RD STREET from EDITH AVENUE to SLOAN AVENUE
63RD TERRACE, from FARROW AVENUE to 63RD TERRACE
66TH STREET from FARROW AVENUE to OAK DRIVE
67TH STREET from LEAVENWORTH ROAD to PARKVIEW AVENUE
72ND STREET from HASKELL AVENUE to HASKELL AVENUE
72ND STREET from HASKELL AVENUE to ROWLAND AVENUE
72ND STREET from ROWLAND AVENUE to GEORGIA AVENUE
72ND STREET from PARK ACC DRIVE – 8954 to WEBSTER AVENUE
72ND STREET from WEBSTER AVENUE to ROSWELL AVENUE
77TH STREET from WEBSTER AVENUE to ROSWELL AVENUE
77TH STREET from ROSWELL AVENUE to LEAVENWORTH ROAD
81ST STREET from PARALLEL PKWY to GREELEY AVENUE
81ST STREET from WAVERLY AVENUE to WAVERLY AVENUE
81ST STREET from WAVERLY AVENUE to CLEVELAND AVENUE
81ST STREET from CLEVELAND AVENUE to ROWLAND AVENUE
81ST STREET from LONGWOOD AVENUE to YECKER AVENUE
81ST STREET from YECKER AVENUE to YECKER AVENUE
81ST STREET from YECKER AVENUE to ROSWELL AVENUE
81ST STREET from ROSWELL AVENUE to SEWARD AVENUE
83RD STREET from 83RD LANE to GEORGIA AVENUE
83RD STREET from GEORGIA AVENUE to GEORGIA AVENUE
83RD STREET from FAYETTE AVENUE to WEBSTER AVENUE
CERNECH ROAD, from 61ST STREET to 60TH STREET
CERNECH ROAD, from 62ND STREET to 61ST STREET
CERNECH ROAD, from 63RD STREET to 62ND STREET
CERNECH ROAD, from 63RD TERRACE to 63RD STREET
CERNECH ROAD, from 64TH TERRACE to 63RD TERRACE
CERNECH ROAD, from 65TH STREET to 64TH TERRACE
CERNECH ROAD, from 67TH STREET to 65TH STREET
HASKELL AVENUE, from 55TH STREET to 53RD STREET
FARROW AVENUE, from 63RD TERRACE to 63RD STREET
GEORGIA AVENUE, from 42ND STREET to 41ST STREET
GEORGIA AVENUE, from 47TH TERRACE to 47TH STREET
GEORGIA AVENUE, from MALONE DRIVE to 47TH TERRACE
GEORGIA AVENUE, from 48TH TERRACE to MALONE DRIVE
GEORGIA AVENUE, from 48TH TERRACE to 48TH TERRACE
GEORGIA AVENUE, from 49TH STREET to 48TH TERRACE
GEORGIA AVENUE, from 51ST STREET to 49TH STREET
GEORGIA AVENUE, from 52ND STREET to 51ST STREET
GEORGIA AVENUE, from 52ND STREET to 52ND STREET
GEORGIA AVENUE, from 52ND TERRACE to 52ND STREET
GEORGIA AVENUE, from 53RD STREET to 52ND TERRACE
GEORGIA AVENUE, from 53RD TERRACE to 53RD STREET
GEORGIA AVENUE, from 55TH STREET to 53RD TERRACE
38TH STREET from SOUTHBOUND N 38TH STREET TO SOUTHBOUND I-635 HWY to LEAVENWORTH ROAD

46TH STREET from KIMBALL AVENUE to WEBSTER AVENUE
47TH STREET from SOUTH END to WEBSTER AVENUE
GEORGIA AVENUE, from 46TH STREET to 45TH TERRACE
GEORGIA AVENUE, from WELBORN LANE to 46TH STREET
YECKER AVENUE, from 44TH STREET to EAST END
51ST STREET from HASKELL AVENUE to CLEVELAND AVENUE
51ST STREET from CLEVELAND AVENUE to ROWLAND AVENUE
51ST STREET from ROWLAND AVENUE to GEORGIA AVENUE
53RD TERRACE, from GEORGIA AVENUE to NORTH END
YECKER AVENUE, from 52ND TERRACE to 52ND STREET
YECKER AVENUE, from 55TH STREET to 52ND TERRACE
59TH STREET from EDITH AVENUE to SLOAN AVENUE
59TH STREET from HONNELL LANE to NORTH END
63RD STREET from LONGWOOD COURT to YECKER AVENUE
63RD STREET from YECKER AVENUE to YECKER AVENUE
63RD STREET from YECKER AVENUE to WEBSTER AVENUE
PARKVIEW AVENUE, from WEST END to 61ST TERRACE
61ST STREET from EDITH AVENUE to SLOAN AVENUE
61ST STREET from SLOAN AVENUE to SLOAN AVENUE
61ST STREET from SEWELL AVENUE to SEWELL AVENUE
61ST STREET from SLOAN AVENUE to SEWELL AVENUE
59TH STREET from SEWELL AVENUE to CERNECH ROAD
59TH STREET from SLOAN AVENUE to SEWELL AVENUE
55TH STREET from LATHROP AVENUE to LEAVENWORTH ROAD
77TH STREET from YECKER AVENUE to WEBSTER AVENUE
77TH STREET from ROWLAND AVENUE to LONGWOOD AVENUE
77TH STREET from LONGWOOD AVENUE to YECKER AVENUE
LEAVENWORTH ROAD, from 79TH STREET to SAVAGE DRIVE
LAKEVIEW DRIVE, from 55TH STREET to SE END
63RD STREET from SLOAN AVENUE to SEWELL AVENUE
63RD STREET from SEWELL AVENUE to CERNECH ROAD
EDITH AVENUE, from 59TH TERRACE to 59TH STREET
EDITH AVENUE, from 60TH STREET to 59TH TERRACE
EDITH AVENUE, from 60TH TERRACE to 60TH STREET
EDITH AVENUE, from 61ST STREET to 60TH TERRACE
66TH TERRACE, from FARROW AVENUE to FARROW AVENUE
53RD STREET from PARALLEL PKWY to NORTH END
72ND STREET from GEORGIA AVENUE to PARK ACC DRIVE – 8954
67TH STREET from PARKVIEW AVENUE to SEWELL AVENUE
67TH STREET from SEWELL AVENUE to CERNECH ROAD
72ND STREET from ROSWELL AVENUE to LATHROP AVENUE
72ND STREET from LAFAYETTE AVENUE to GREELEY AVENUE
72ND STREET from GREELEY AVENUE to GREELEY AVENUE
72ND STREET from PARALLEL PKWY to LAFAYETTE AVENUE
72ND STREET from LAFAYETTE AVENUE to LAFAYETTE AVENUE
72ND STREET from GREELEY AVENUE to WAVERLY AVENUE
72ND STREET from WAVERLY AVENUE to HASKELL AVENUE

77TH STREET from HASKELL AVENUE to CLEVELAND AVENUE
77TH STREET from CLEVELAND AVENUE to ROWLAND AVENUE
77TH STREET from PARALLEL PKWY to HASKELL AVENUE
83RD STREET from WEBSTER AVENUE to ROSWELL AVENUE
83RD STREET from ROSWELL AVENUE to LEAVENWORTH ROAD
81ST STREET from GEORGIA AVENUE to LONGWOOD AVENUE
83RD STREET from GEORGIA AVENUE to FAYETTE AVENUE
LEAVENWORTH ROAD, from 85TH STREET to 84TH PLACE
LEAVENWORTH ROAD, from 85TH PLACE to 85TH STREET
LEAVENWORTH ROAD, from 87TH STREET to 85TH PLACE
81ST STREET from GREELEY AVENUE to GREELEY AVENUE
81ST STREET from GREELEY AVENUE to WAVERLY AVENUE
81ST STREET from SEWARD AVENUE to LEAVENWORTH ROAD
GEORGIA AVENUE, from 41ST STREET to I-635 HWY
55TH STREET from HASKELL AVENUE to JODEE LANE
55TH STREET from JODEE LANE to GEORGIA AVENUE
83RD STREET from 82ND STREET to DS@96N 82ND STREET
LEAVENWORTH ROAD, from 89TH TERRACE to 89TH TERRACE
83RD STREET from DS@158N 82ND STREET to GREELEY AVENUE
UNNAMED – 7660, from UNNAMED – 7661 to NE END
CLEVELAND AVENUE, from WEST END to 51ST STREET
LEAVENWORTH ROAD, from 91ST STREET to 89TH TERRACE
91ST STREET from HASKELL AVENUE to GEORGIA AVENUE
91ST STREET from PARALLEL PKWY to HASKELL AVENUE
82ND STREET from PARALLEL PKWY to 83RD STREET
GEORGIA AVENUE, from 84TH STREET to DS@424E 84TH STREET
83RD STREET from HASKELL AVENUE to 83RD LANE
81ST STREET from ROWLAND AVENUE to GEORGIA AVENUE
72ND STREET from LATHROP AVENUE to LEAVENWORTH ROAD
ROWLAND COURT, from WEST END to 54TH STREET
54TH STREET from NOGARD AVENUE to ROWLAND COURT
66TH STREET from OAK DRIVE to PARKVIEW AVENUE
EDITH AVENUE, from 63RD STREET to 61ST STREET
YECKER AVENUE, from YECKER AVENUE to YECKER AVENUE
66TH TERRACE, from FARROW AVENUE to OAK DRIVE
FARROW AVENUE, from 66TH TERRACE to FARROW AVENUE
FARROW AVENUE, from 66TH TERRACE to DS@140N 66TH TERRACE
OAK DRIVE, from 66TH TERRACE to 66TH STREET
66TH STREET from PARKVIEW AVENUE to SLOAN AVENUE
63RD TERRACE, from 63RD TERRACE to 63RD TERRACE
63RD TERRACE, from 63RD TERRACE to 63RD TERRACE
55TH STREET from LAKEVIEW DRIVE to JOYCE DRIVE
55TH STREET from SLOAN AVENUE to LAKEVIEW DRIVE
BRENNER DRIVE, from HONNELL LANE to DICKINSON ROAD
42ND STREET from UNNAMED – 5393 to LEAVENWORTH ROAD
40TH STREET from ROSWELL AVENUE to LEAVENWORTH ROAD
42ND STREET from GEORGIA AVENUE to GEORGIA AVENUE

LEAVENWORTH ROAD, from 78TH STREET to SAVAGE DRIVE
59TH STREET from MEADOWLARK LANE to HASKELL AVENUE
59TH STREET from WEBSTER AVENUE to LEAVENWORTH ROAD
SEWELL AVENUE, from 60TH STREET to 59TH TERRACE
SEWELL AVENUE, from 59TH TERRACE to 59TH STREET
62ND STREET from SLOAN AVENUE to SEWELL AVENUE
SLOAN AVENUE, from 62ND STREET to 61ST STREET
MAY LANE, from 63RD STREET to LEAVENWORTH ROAD
PARKVIEW AVENUE, from 63RD STREET to EAST END
PARKVIEW AVENUE, from DS@171E 61ST TERRACE to 61ST STREET
PARKVIEW AVENUE, from WEST END to PARKVIEW AVENUE
PARKVIEW AVENUE, from 61ST TERRACE to DS@171E 61ST TERRACE
63RD STREET from WAVERLY AVENUE to CLEVELAND AVENUE
59TH STREET from CERNECH ROAD to HONNELL LANE
HONNELL LANE, from 59TH STREET to BRENNER DRIVE
59TH STREET from LEAVENWORTH ROAD to PARKVIEW AVENUE
JOYCE DRIVE, from 55TH STREET to UNNAMED – 7464
DICKINSON ROAD, from BRENNER DRIVE to 55TH STREET
55TH STREET from JOYCE DRIVE to DICKINSON ROAD
54TH STREET from PARALLEL PKWY to NORTH END
52ND STREET from SW END to ROWLAND AVENUE
51ST STREET from LEAVENWORTH ROAD to PARKVIEW AVENUE
47TH PLACE, from YECKER AVENUE to WELBORN LANE
WELBORN LAKE DRIVE, from 48TH TERRACE to 48TH STREET
47TH TERRACE, from YECKER AVENUE to YECKER AVENUE
GEORGIA AVENUE, from 47TH STREET to 46TH TERRACE
45TH STREET from GEORGIA AVENUE to NORTH END
ROSWELL AVENUE, from 45TH STREET to 44TH STREET
KIMBALL AVENUE, from 47TH PLACE to 46TH STREET
YECKER AVENUE, from 47TH TERRACE to 46TH STREET
LATHROP AVENUE, from 44TH STREET to 43RD STREET
44TH STREET from ROSWELL AVENUE to LATHROP AVENUE
38TH STREET from NB N 38TH STREET TO SOUTHBOUND I-635 HWY to SOUTHBOUND N 38TH STREET TO SOUTHBOUND I-635 HWY
CERNECH ROAD, from 60TH STREET to 59TH STREET
GEORGIA AVENUE, from 45TH TERRACE to 45TH STREET
GEORGIA AVENUE, from 45TH STREET to 44TH STREET
GEORGIA AVENUE, from 44TH STREET to 43RD STREET
GEORGIA AVENUE, from 43RD STREET to 42ND STREET
FARROW AVENUE, from DS@140N 66TH TERRACE to 66TH STREET
FARROW AVENUE, from 66TH STREET to 63RD TERRACE
FARROW AVENUE, from UNNAMED – 7661 to 61ST STREET
CLEVELAND AVENUE, from 47TH TERRACE to 47TH STREET
83RD STREET from GREELEY AVENUE to HASKELL AVENUE
64TH STREET from OAK DRIVE to PARKVIEW AVENUE
63RD STREET from PARALLEL PKWY to WAVERLY AVENUE
61ST STREET from SEWELL AVENUE to CERNECH ROAD

61ST STREET from FARROW AVENUE to PARKVIEW AVENUE
59TH STREET from YECKER AVENUE to WEBSTER AVENUE
53RD STREET from ROWLAND AVENUE to GEORGIA AVENUE
53RD STREET from NOGARD AVENUE to ROWLAND AVENUE
53RD STREET from HASKELL AVENUE to NOGARD AVENUE
52ND STREET from YECKER AVENUE to KIMBALL AVENUE
52ND STREET from ROWLAND AVENUE to GEORGIA AVENUE
48TH STREET from SOUTH END to WELBORN LAKE DRIVE
47TH TERRACE, from KIMBALL AVENUE to LEAVENWORTH ROAD
46TH STREET from WEBSTER AVENUE to ROSWELL AVENUE
46TH STREET from GEORGIA AVENUE to YECKER AVENUE
45TH TERRACE, from GEORGIA AVENUE to NORTH END
44TH STREET from YECKER AVENUE to NORTH END
43RD STREET from SOUTH END to LATHROP AVENUE
42ND STREET from ROSWELL AVENUE to LATHROP AVENUE
UNNAMED – 7744, from CERNECH ROAD to NORTH END
WELBORN LANE, from WEST END to 47TH PLACE
47TH PLACE, from WELBORN LANE to KIMBALL AVENUE
YECKER AVENUE, from YECKER AVENUE to YECKER AVENUE
WELBORN LAKE DRIVE, from LEAVENWORTH ROAD to 48TH TERRACE
48TH STREET from WELBORN LAKE DRIVE to LEAVENWORTH ROAD
SLOAN AVENUE, from 66TH STREET to 63RD STREET
SEWELL AVENUE, from 67TH STREET to EAST END
SEWELL AVENUE, from 63RD STREET to 62ND STREET
SEWELL AVENUE, from 62ND STREET to 61ST STREET
ROWLAND AVENUE, from 53RD STREET to 52ND STREET
ROSWELL AVENUE, from 46TH STREET to 45TH STREET
ROSWELL AVENUE, from WEST END to 42ND STREET
OAK DRIVE, from 66TH STREET to 64TH STREET
NOGARD AVENUE, from SW END to 54TH STREET
LATHROP AVENUE, from 43RD STREET to 42ND STREET
KIMBALL AVENUE, from 52ND STREET to 51ST STREET

Armourdale/Argentine

MERRIAM LANE, from COUNTY LINE ROAD to 34TH STREET
12TH STREET, from SHAWNEE AVENUE to CUSTER AVENUE
12TH STREET, from HASBROOK AVENUE to SHAWNEE AVENUE
12TH STREET, from PENNSYLVANIA AVENUE to OSAGE AVENUE
43RD AVENUE, from BOOTH STREET to ADAMS STREET
43RD AVENUE, from FISHER STREET to BOOTH STREET
MISSION ROAD, from 42ND AVENUE to 42ND AVENUE
43RD AVENUE, from PEARL STREET to LLOYD STREET
43RD AVENUE, from EATON STREET to CAMBRIDGE STREET
43RD AVENUE, from FRANCIS STREET to EATON STREET
43RD AVENUE, from RAINBOW BOULEVARD to FRANCIS STREET
5TH STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET

MINNIE STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
MINNIE STREET, from SEMINARY STREET to SE END
SEMINARY STREET, from MINNIE STREET to HILL STREET
SOUTHWEST BOULEVARD, from LINCOLN STREET to HILL STREET
SOUTHWEST BOULEVARD, from MINNIE STREET to LINCOLN STREET
BOOTH STREET, from 38TH AVENUE to NORTH END
RAINBOW EXT, from SOUTHWEST BOULEVARD to SEMINARY STREET
SEMINARY STREET, from HILL STREET to RAINBOW EXT
IOWA STREET, from SEMINARY STREET to SUMMIT STREET
RUBY AVENUE, from WOODLAND BOULEVARD to 30TH STREET
SOUTHWEST BOULEVARD, from 9TH STREET to 9TH STREET
SOUTHWEST BOULEVARD, from BOEKE STREET to 9TH STREET
STATE LINE ROAD, from 43RD AVENUE to 42ND AVENUE
STATE LINE ROAD, from 43RD PL to 43RD AVENUE
STATE LINE ROAD, from SENECA AVENUE to 43RD PL
STATE LINE ROAD, from 46TH AVENUE to 45TH AVENUE
STATE LINE ROAD, from SOUTH END to 46TH AVENUE
WOODLAND BOULEVARD, from SILVER AVENUE to METROPOLITAN AVENUE
10TH STREET, from KANSAS AVENUE to SCOTT AVENUE
10TH STREET, from CUSTER AVENUE to KANSAS AVENUE
42ND STREET, from STRONG AVENUE to POWELL AVENUE
42ND STREET, from STRONG AVENUE to STRONG AVENUE
42ND STREET, from METROPOLITAN AVENUE to STRONG AVENUE
43RD AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
BARBER AVENUE, from CAMBRIDGE STREET to EAST END
BARBER AVENUE, from EATON STREET to CAMBRIDGE STREET
EATON STREET, from SOUTHWEST BOULEVARD to ELMWOOD AVENUE
EATON STREET, from BARBER AVENUE to ELMWOOD AVENUE
SEMINARY STREET, from 5TH STREET to IOWA STREET
IOWA STREET, from SEMINARY STREET to SEMINARY STREET
KANSAS AVENUE, from DS@261E NB I-635 TO WB KANSAS AVENUE/K-32 to NB I-635 HWY TO SB S 39TH STREET
36TH AVENUE, from NW END to 36TH AVENUE
36TH AVENUE, from NW END to 36TH AVENUE
ELMWOOD AVENUE, from EATON STREET to EAST END
LAWRENCE AVENUE, from CAMBRIDGE STREET to EAST END
STATE LINE ROAD, from FEDERAL AVENUE to ESTERLY AVENUE
STATE LINE ROAD, from 37TH AVENUE to 36TH AVENUE
36TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
36TH AVENUE, from EATON STREET to CAMBRIDGE STREET
37TH AVENUE, from EATON STREET to CAMBRIDGE STREET
BRISTOW AVENUE, from FRANCIS PL to FRANCIS STREET
CAMBRIDGE STREET, from 37TH AVENUE to 36TH AVENUE
CAMBRIDGE STREET, from 38TH AVENUE to 37TH AVENUE
CHESTER AVENUE, from FRANCIS STREET to EATON STREET
CHESTER AVENUE, from FRANCIS PL to FRANCIS STREET
ESTERLY AVENUE, from FRANCIS STREET to STATE LINE ROAD
FEDERAL AVENUE, from EATON STREET to STATE LINE ROAD

FRANCIS PL, from CHESTER AVENUE to BRISTOW AVENUE
FRANCIS STREET, from CHESTER AVENUE to BRISTOW AVENUE
39TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
STATE LINE ROAD, from UNNAMED – 4379 to 38TH AVENUE
STATE LINE ROAD, from 39TH AVENUE to UNNAMED – 4379
CAMBRIDGE STREET, from UNNAMED – 4379 to 38TH AVENUE
CAMBRIDGE STREET, from 39TH AVENUE to UNNAMED – 4379
MISSION ROAD, from 45TH AVENUE to 44TH PL
MISSION ROAD, from 46TH AVENUE to 46TH AVENUE
MISSION ROAD, from COUNTY LINE ROAD to 46TH AVENUE
43RD AVENUE, from ADAMS STREET to RAINBOW BOULEVARD
43RD AVENUE, from THOMPSON STREET to MINNIE STREET
43RD AVENUE, from MISSION ROAD to THOMPSON STREET
43RD AVENUE, from PEARL STREET to PEARL STREET
43RD AVENUE, from FISHER STREET to FISHER STREET
43RD AVENUE, from LLOYD STREET to FISHER STREET
SOUTHWEST BOULEVARD, from CHEROKEE STREET to MINNIE STREET
CHEROKEE STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
CHEROKEE STREET, from SEMINARY STREET to SE END
SEMINARY STREET, from IOWA STREET to CHEROKEE STREET
IOWA STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
SOUTHWEST BOULEVARD, from 5TH STREET to 5TH STREET
SOUTHWEST BOULEVARD, from MILL STREET to EARLY STREET
43RD AVENUE, from MINNIE STREET to PEARL STREET
39TH AVENUE, from SPRINGFIELD STREET to BOOTH STREET
BOOTH STREET, from 39TH AVENUE to 38TH AVENUE
38TH AVENUE, from SPRINGFIELD STREET to BOOTH STREET
39TH AVENUE, from BOOTH STREET to ADAMS STREET
SOUTHWEST BOULEVARD, from 31ST STREET to NE END
31ST STREET, from SOUTHWEST BOULEVARD to SE END
SOUTHWEST BOULEVARD, from TREMONT STREET to MISSION ROAD TO SOUTHWEST BOULEVARD
MISSION ROAD, from 43RD AVENUE to 42ND AVENUE
MISSION ROAD, from 45TH AVENUE to 45TH AVENUE
MISSION ROAD, from 44TH TERRACE to 44TH AVENUE
MISSION ROAD, from ROSEDALE PARK ROAD to 40TH TERRACE
SOUTHWEST BOULEVARD, from 9TH STREET to MILL STREET
7TH STREET ACCESS ROAD, from PAWNEE AVENUE to CHEYENNE AVENUE
SOUTHWEST BOULEVARD, from SOUTHWEST BOULEVARD TO MISSION ROAD to NB MISSION ROAD TO SOUTHWEST BOULEVARD
42ND STREET, from POWELL AVENUE to SWARTZ ROAD
SOUTHWEST BOULEVARD, from RAINBOW EXT to MARSHALL STREET
HILL STREET, from SOUTHWEST BOULEVARD to SEMINARY STREET
RAINBOW EXT, from SEMINARY STREET to BOOTH STREET
KANSAS AVENUE, from NB S 39TH STREET TO NB I-635 HWY to DS@163E NB S 39TH STREET TO NB I-635 HWY
KANSAS AVENUE, from DS@163E NB S 39TH STREET TO NB I-635 HWY to DS@460E NB S 39TH STREET TO NB I-635 HWY
SILVER AVENUE, from WOODLAND BOULEVARD to RUBY TRFY
SILVER AVENUE, from WOODLAND BOULEVARD to WOODLAND BOULEVARD

KANSAS AVENUE, from 12TH STREET to 11TH STREET
 KANSAS AVENUE, from VALLEY STREET to 12TH STREET
 KANSAS AVENUE, from 14TH STREET to VALLEY STREET
 KANSAS AVENUE, from BOEKE STREET to ARGENTINE BOULEVARD
 KANSAS AVENUE, from ARGENTINE BOULEVARD to MILL STREET
 KANSAS AVENUE, from MILL STREET to MILL STREET
 KANSAS AVENUE, from FERREE STREET to BOEKE STREET
 KANSAS AVENUE, from SB 18TH/US-69 TO WB KANSAS AVENUE to SB 18TH/US-69 TO EB KANSAS AVENUE
 KANSAS AVENUE, from KANSAS AVENUE/K-32 TO NB 18TH/US-69 to BAYARD AVENUE
 KANSAS AVENUE, from UNNAMED – 6079 to 14TH STREET
 KANSAS AVENUE, from NB 18TH/US-69 TO EB KANSAS AVENUE to UNNAMED – 6079
 STEELE ROAD, from WB STEELE ROAD TO NB 18TH STREET/US-69 to 15TH STREET
 STEELE ROAD, from NB 18TH STREET/US-69 TO WB STEELE ROAD to STEELE ROAD
 WOODLAND BOULEVARD, from SILVER AVENUE to SILVER AVENUE
 SOUTHWEST BOULEVARD, from FERREE STREET to BOEKE STREET
 SOUTHWEST BOULEVARD, from DS@283E 10TH STREET to FERREE STREET
 KANSAS AVENUE, from 6TH STREET to 5TH STREET
 SUMMIT STREET, from SW END to MINNIE STREET
 37TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
 38TH AVENUE, from CAMBRIDGE STREET to STATE LINE ROAD
 SOUTHWEST BOULEVARD TO MISSION ROAD, from DS@456W SOUTHWEST BOULEVARD to DS@568N SOUTHWEST BOULEVARD
 39TH AVENUE, from WEST END to THOMPSON STREET
 MISSION ROAD, from 42ND AVENUE to ROSEDALE PARK ROAD
 METROPOLITAN AVENUE, from 30TH STREET to 29TH STREET
 METROPOLITAN AVENUE, from 32ND STREET to 30TH STREET
 METROPOLITAN AVENUE, from 34TH STREET to 33RD STREET
 METROPOLITAN AVENUE, from 35TH STREET to 34TH STREET
 METROPOLITAN AVENUE, from 36TH STREET to 35TH STREET
 METROPOLITAN AVENUE, from 37TH STREET to 36TH STREET
 METROPOLITAN AVENUE, from 37TH STREET to 37TH STREET
 METROPOLITAN AVENUE, from 38TH STREET to 37TH STREET
 METROPOLITAN AVENUE, from 39TH STREET to 38TH STREET
 METROPOLITAN AVENUE, from 40TH STREET to 39TH STREET
 METROPOLITAN AVENUE, from 41ST STREET to 40TH STREET
 METROPOLITAN AVENUE, from 42ND STREET to 41ST STREET
 METROPOLITAN AVENUE, from 43RD STREET to 42ND STREET
 METROPOLITAN AVENUE, from EB METROPOLITAN AVENUE TO NB I-635 to WB METROPOLITAN AVENUE TO NB I-635
 KANSAS AVENUE, from SB 18TH/US-69 TO EB KANSAS AVENUE to 18TH STREET EXPY
 METROPOLITAN AVENUE, from 44TH STREET to 44TH STREET
 METROPOLITAN AVENUE, from 44TH STREET to 43RD STREET
 METROPOLITAN AVENUE, from 29TH STREET to ALLEY E OF 29TH – 6499
 38TH AVENUE, from EATON STREET to CAMBRIDGE STREET
 EATON STREET, from 38TH AVENUE to 37TH AVENUE
 39TH AVENUE, from EATON STREET to CAMBRIDGE STREET
 39TH AVENUE, from RAINBOW BOULEVARD to EATON STREET
 SOUTHWEST BOULEVARD, from 8TH STREET to I-35 HWY

SOUTHWEST BOULEVARD, from SOUTHWEST BOULEVARD TO NB I-35 HWY to SB MISSION ROAD VIA
SB MISSION ROAD VIA, from DS@361S MISSION ROAD TO SOUTHWEST BOULEVARD to DS@451S MISSION ROAD TO
SOUTHWEST BOULEVARD
LAKE AVENUE, from MINNIE STREET to LLOYD STREET
THOMPSON STREET, from LAKE AVENUE to 39TH AVENUE
THOMPSON STREET, from 39TH AVENUE to THOMPSON CIR
THOMPSON CIR, from THOMPSON STREET to THOMPSON STREET
LAKE AVENUE, from THOMPSON STREET to MINNIE STREET
MINNIE STREET, from LAKE AVENUE to DS@672N LAKE AVENUE
LAKE AVENUE, from LLOYD STREET to FISHER STREET
FISHER STREET, from LAKE AVENUE to NORTH END
LLOYD STREET, from LAKE AVENUE to NORTH END
LAKE AVENUE, from FISHER STREET to 39TH AVENUE
39TH AVENUE, from LAKE AVENUE to SPRINGFIELD STREET
SB MISSION ROAD VIA, from DS@121S SOUTHWEST BOULEVARD TO NB I-35 HWY to NB I-35 HWY TO SB MISSION
ROAD
NB MISSION TO WB SOUTHWEST BOULEVARD, from MISSION ROAD TO SOUTHWEST BOULEVARD to SOUTHWEST
BOULEVARD TO MISSION ROAD
SOUTHWEST BOULEVARD TO MISSION ROAD, from NB MISSION TO WB SOUTHWEST BOULEVARD to NB MISSION
ROAD VIA
SOUTHWEST BOULEVARD, from NB MISSION TO WB SOUTHWEST BOULEVARD to SOUTHWEST BOULEVARD TO
MISSION ROAD
SOUTHWEST BOULEVARD, from I-35 HWY to HENNING STREET
STEELE ROAD, from 18TH STREET EXPY to NB 18TH STREET/US-69 TO WB STEELE ROAD
ROE LANE, from I-35 HWY to ALMA STREET
METROPOLITAN AVENUE, from I-635 HWY to EB METROPOLITAN AVENUE TO NB I-635
METROPOLITAN AVENUE, from ALLEY E OF 29TH – 6499 to 25TH STREET
18TH STREET, from BAYARD AVENUE to 18TH STREET EXPY
KANSAS AVENUE, from 18TH STREET EXPY to KANSAS AVENUE/K-32 TO NB 18TH/US-69
METROPOLITAN AVENUE, from 33RD STREET to 32ND STREET
SOUTHWEST BOULEVARD, from MARSHALL STREET to RAINBOW BOULEVARD
SOUTHWEST BOULEVARD, from RAINBOW BOULEVARD to EATON STREET
LAKE AVENUE, from WEST END to THOMPSON STREET
EATON STREET, from 39TH AVENUE to 38TH AVENUE
NB MISSION ROAD VIA, from SB MISSION ROAD VIA to MISSION ROAD TO SOUTHWEST BOULEVARD
MISSION ROAD TO SOUTHWEST BOULEVARD, from NB MISSION ROAD VIA to NB MISSION TO WB SOUTHWEST
BOULEVARD
24TH STREET, from NB I-35 HWY TO SB S 24TH STREET to NB I-35 HWY TO NB S 24TH STREET
SOUTHWEST BOULEVARD, from EARLY STREET to 8TH STREET
KANSAS AVENUE, from 3RD STREET to 2ND STREET
KANSAS AVENUE, from 8TH STREET to COY STREET
KANSAS AVENUE, from 2ND STREET to ADAMS STREET
KANSAS AVENUE, from 5TH STREET to 5TH STREET
KANSAS AVENUE, from 5TH STREET to 4TH STREET
KANSAS AVENUE, from STREET PAUL STREET to 6TH STREET
18TH STREET EXPY, from SE END to NB 18TH STREET/US-69 HWY TO NB I-35
SOUTHWEST BOULEVARD, from MERRIAM LANE to SOUTHWEST BOULEVARD

RUBY TRFY, from SILVER AVENUE to RUBY AVENUE
STEELE ROAD, from STEELE ROAD to WB STEELE ROAD TO NB 18TH STREET/US-69
KANSAS AVENUE, from BAYARD AVENUE to NB 18TH/US-69 TO EB KANSAS AVENUE
10TH STREET, from SCOTT AVENUE to MCALPINE AVENUE
KANSAS AVENUE, from 10TH STREET to FERREE STREET
KANSAS AVENUE, from 11TH STREET to 10TH STREET
WOODLAND BOULEVARD, from SILVER AVENUE to SILVER AVENUE
KANSAS AVENUE, from 34TH STREET to 26TH STREET
RAINBOW EXT, from BOOTH STREET to RAINBOW BOULEVARD
SPRINGFIELD STREET, from 38TH AVENUE to BOOTH STREET
BOOTH STREET, from SPRINGFIELD STREET to RAINBOW EXT
SOUTHWEST BOULEVARD, from IOWA STREET to CHEROKEE STREET
SOUTHWEST BOULEVARD, from 5TH STREET to IOWA STREET
PARK ACC DR – 4481, from WEST END to BOOTH STREET
MINNIE STREET, from DS@672N LAKE AVENUE to SUMMIT STREET
ADAMS STREET, from 39TH AVENUE to RAINBOW BOULEVARD
STATE LINE ROAD, from 42ND AVENUE to 41ST AVENUE
STATE LINE ROAD, from 41ST AVENUE to OLATHE BOULEVARD
STATE LINE ROAD, from OLATHE BOULEVARD to 39TH AVENUE
STATE LINE ROAD, from 38TH AVENUE to 37TH AVENUE
FRANCIS STREET, from EATON STREET to CHESTER AVENUE
EATON STREET, from 37TH AVENUE to 36TH AVENUE
EATON STREET, from 36TH AVENUE to FEDERAL AVENUE
EATON STREET, from FEDERAL AVENUE to FRANCIS STREET
STATE LINE ROAD, from 36TH AVENUE to FEDERAL AVENUE
STATE LINE ROAD, from ESTERLY AVENUE to EATON STREET
EATON STREET, from STATE LINE ROAD to CAMBRIDGE STREET
CAMBRIDGE STREET, from LAWRENCE AVENUE to BARBER AVENUE
FRANCIS STREET, from BRISTOW AVENUE to EATON STREET
EATON STREET, from FRANCIS STREET to CAMBRIDGE STREET
CAMBRIDGE STREET, from EATON STREET to LAWRENCE AVENUE
SOUTHWEST BOULEVARD, from MISSION ROAD TO SOUTHWEST BOULEVARD to SOUTHWEST BOULEVARD TO SB
MISSION ROAD
SOUTHWEST BOULEVARD, from NB MISSION ROAD TO SOUTHWEST BOULEVARD to 5TH STREET
39TH AVENUE, from ADAMS STREET to RAINBOW BOULEVARD
EATON STREET, from LAWRENCE CT to BARBER AVENUE
LAWRENCE CT, from EATON STREET to LAWRENCE CT
EATON STREET, from FRANCIS STREET to LAWRENCE CT
SPRINGFIELD STREET, from 39TH AVENUE to 38TH AVENUE
BRISTOW AVENUE, from WEST END to FRANCIS PL
BRISTOW AVENUE, from FRANCIS STREET to EAST END
36TH AVENUE, from DS@785E RAINBOW BOULEVARD to DS@1022E RAINBOW BOULEVARD
36TH AVENUE, from DS@1022E RAINBOW BOULEVARD to EATON STREET
36TH AVENUE, from RAINBOW BOULEVARD to DS@785E RAINBOW BOULEVARD
SOUTHWEST BOULEVARD, from HILL STREET to RAINBOW EXT
SUMMIT STREET, from MINNIE STREET to IOWA STREET

LAWRENCE CT, from LAWRENCE CT to LAWRENCE CT
STATE LINE ROAD, from 45TH AVENUE to SENECA AVENUE

Annual Priority Traffic Signal Replacements, 2020 f/k/a Priority Traffic Signal Replacements, 2020

CMIP #: PRG00267
Annual CMIP#: 943-0120

Statutory Authority: Charter Ordinance CO-03-09
Prior Authorization Approved: O-53-19/R-50-19; R-76-19; O-124-21
Prior Authorization Amount Approved*: \$400,000
New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

The project will be focused on traffic signal equipment upgrades to improve operation efficiency and connection to the communication network. Scope of work includes but is not limited to upgrades to the communication switches, underground connection to backbone fiber network, and upgrades to traffic signal controller, servers, and software. Work includes retiming of traffic signals for coordination along corridors. This includes upgrades to traffic signals along major arterial streets controlled by traffic signals. Arterial streets this project includes but are not limited to are Kansas Avenue, 55th Street, State Avenue, Parallel Parkway, Metropolitan Avenue, Shawnee Drive, Downtown area and others as needed. The scope of work also includes equipment upgrades to signalized intersections at K-59 and Kansas Avenue, and preliminary design plans for intersection of Metropolitan and 42nd Street.

Annual Priority Traffic Signal Replacements, 2021 f/k/a Priority Traffic Signal Replacements, 2021

CMIP #: PRG00267
Annual CMIP#: 943-0121

Statutory Authority: Charter Ordinance CO-03-09
Prior Authorization Approved: O-37-20/R-47-20; O-124-21
Prior Authorization Amount Approved*: \$800,000
New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Scope of work includes but is not limited to the following: (1) upgrades to the traffic signal detection system at 2nd St and Kansas Ave, 59th St and Kansas Ave, 7th Street and Sunshine, or other intersections detection deficiencies within the network. (2) Relocation of signalized crossing from Holy Name of Jesus Church entrance to Iowa St and Southwest Blvd and traffic/pedestrian signal upgrades at Olathe Blvd at Rainbow Blvd. (3) Transition from local server at BPU workshop to OGL regional server, upgrades or replacement of ATMS operation systems from TACTICS to TRANSUITE from OGL server, and/or traffic signal equipment upgrades to support the intersections in the OGL network. (4) Continue the transition and expansion of the fiber optic communication network along K-32, Rainbow Blvd, Southwest Blvd, 18th Street corridors and other corridors adjacent to the fiber optic backbone network. Work includes but is not limited to extension of fiber optic network, purchasing of equipment, and connection to backbone fiber network.

Annual Priority Traffic Signal Replacements, 2023**CMIP #:** PRG00267**Annual CMIP#:** 943-0123**Statutory Authority:** Charter Ordinance CO-03-09**Prior Authorization Approved:** O-132-22/R-54-22**Prior Authorization Amount Approved*:** \$800,000**New Authorization Amount*:** N/A**plus capitalized interest on any temporary financing and costs of issuance***Project Description:**

Continued evaluation and complete removal of existing non-warranted traffic signals in the downtown area bound within the boundary of 10th Street to 4th Street and Central Ave. to Parallel Ave as well as the installation of a new traffic signal at Hutton Road and Donahoo Road. This work will encompass design and construction including but not limited to new poles, mast arms, controllers, underground conduits, and wiring, fiberoptic connections, video and pavement vehicle detectors, associated curbs, sidewalks, pavement repairs, Americans with Disabilities Act accessible ramps, signing, and pavement markings. This project includes all associated construction costs and any appurtenances related thereto, any necessary land acquisition, engineering, and design as well as concept design of adjacent signals and coordination.

Annual Priority Traffic Signal Replacements, 2024**CMIP #:** PRG00267**Annual CMIP#:** 943-0124*New Project***Statutory Authority:** Charter Ordinance CO-03-09**Prior Authorization Approved:** None**Prior Authorization Amount Approved*:** NONE**New Authorization Amount*:** \$800,000**plus capitalized interest on any temporary financing and costs of issuance***Project Description:**

Project will involve the review, design, and potential installation of traffic control elements along the State Avenue Corridor, from 94th Street to 118th Street. Possible elements could include the removal, replacement, or installation of traffic signals, removal and replacement of pavement marking patterns, installation or modification of traffic controller computer cabinets or equipment, pavement reconditioning, installation or modification of American with Disabilities Act accessible ramp and push buttons, or any appurtenances related to, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs along the above mentioned corridor.

Annual R/R Crossing Improvement, 2020**CMIP #:** PRG00012**Annual CMIP#:** 941-1020**Statutory Authority:** Charter Ordinance CO-03-09**Prior Authorization Approved:** O-53-19/R-50-19 (RR); R-76-19 (RR); O-124-21**Prior Authorization Amount Approved*:** \$150,000**New Authorization Amount*:** N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project funds will involve the removal and replacement of two (2), 88-foot railway street crossing surfaces on Sunshine Road, approximately 200 feet east of 7th Street (MP 2.31 Fairfax Industrial Lead, DOT#814983G), and one (1) 80-foot railway street crossing surface on Kindleberger Road, approximately 270 feet east of 7th Street Trafficway. Replacement of project items to include the crossing surfaces, ties, rails, other track materials, and roadway approaches. Also included in this project will be all necessary traffic marking, detours, pavement markings, and area restoration. Some work to be completed by the Union Pacific Railroad Company in conjunction with the Unified Government of Wyandotte County/ Kansas City, Kansas.

Annual R/R Crossing Improvement, 2022

CMIP #: PRG00012

Annual CMIP#: 941-1022

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21 (RR); O-132-22/R-54-22

Prior Authorization Amount Approved*: \$150,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project funds will involve the removal and replacement of 4 Crossing locations as related to the Quiet Zone Improvements Project as listed below;

98th Street Crossing, located 200ft south of Kansas Highway 32

9th Street Crossing, located 150ft south of Kansas Highway 32

4th Street Crossing, located 300ft south of Kansas Highway 32

Swingster Road Crossing, located 150ft south of Kansas Highway 32

Replacement of project items to include the crossing surfaces, ties, rails, other track materials, and roadway approaches. Also included in this project will be all necessary traffic marking, detours, pavement markings, and area restoration. Some work to be completed by the Union Pacific Railroad Company in conjunction with the Unified Government of Wyandotte County/ Kansas City, Kansas.

**Annual Sanitary Sewer System Capacity Upgrades, 2021 f/k/a
Sewer Main Extension 2021**

CMIP #: PRG00233

Annual CMIP#: 946-0521

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-37-20/R-47-20 (RR); O-124-21

Prior Authorization Amount Approved*: \$3,500,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project helps fund sewer extensions and/or capacity upgrades. This is an annual program to upgrade the sanitary sewer collection system on a priority basis. Reasons for upgrades are to eliminate pump stations, provide service to growth areas, to replace private systems, or to meet/exceed minimum level of service. Areas identified for 2021 include Pump Station 15 elimination near the intersection of Georgia and Hutton Road, 49th and Armstrong, and near 74th and Tauromee.

Annual Sanitary Sewer System Capacity Upgrades, 2022

CMIP #: PRG00233

Annual CMIP#: 946-0522

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$1,500,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project helps fund sewer extensions and/or capacity upgrades. This is an annual program to upgrade the sanitary sewer collection system on a priority basis. Reasons for upgrades are to eliminate pump stations, provide service to growth areas, to replace private systems, or to meet/exceed minimum level of service. Areas identified for 2022 include Pump Station 41 discharge, 49th and Armstrong, Pump Station 6 Excess Flow Holding Basin siting, area NW of 118th and I70.

Annual Sanitary Sewer System Capacity Upgrades, 2023

CMIP #: PRG00233

Annual CMIP#: 946-0523

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$1,500,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project helps fund sewer extension and/or capacity upgrades as an annual program to upgrade the collection system on a priority basis. Reasons for upgrades are to eliminate pump stations, provide service to growth areas, replace private systems, or to meet/exceed minimum levels of service. Areas identified for 2023 include Pump Station 41 service area and discharge, 79th and Armstrong, 65th and Tauromee, Pump Station 6 Excess Flow Holding Basin, area NW of 118th and I70, area near 14th and Gibbs, interceptor near I70 and 57th street, and area near 104th and Parallel.

Annual Sanitary Sewer System Capacity Upgrades, 2024

CMIP #: PRG00233

Annual CMIP#: 946-0524

New Project

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$1,600,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project helps fund sewer extensions and/or capacity upgrades. This is an annual program to upgrade the sanitary sewer collection system on a priority basis. Reasons for upgrades are to eliminate pump stations, provide service to growth areas, to replace private systems, or to meet/exceed minimum level of service. Targeted areas for 2024 are:

14th and Gibbs

78th and Armstrong

65th and Tauromee

44th and Metropolitan

71st and Holiday Drive

Targeted Septic Tank Elimination Areas

Annual Stream Bank Stabilization Improvements, 2022 f/k/a

Stream Bank Stabilization Improvements, 2022

CMIP #: PRG00278

Annual CMIP#: 945-0222

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21 (RR); O-132-22/R-54-22

Prior Authorization Amount Approved*: \$100,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Design and construction for protection of existing storm sewer structures due to stream bank failures and erosion. Streambank stabilization program is designed to support emergency and stormwater and sewer repairs that are within streams and require stabilization outside of the infrastructure repairs and replacements. These sites are located within the City, and are discovered and prioritized as part of the MS4 requirement for annual storm sewer outfall inspections. The 2022 improvements will be focused on a location in the middle and lower reach and stream bank sections affected by Turkey Creek in the area surrounding the Turkey Creek USACE project bound by approximately Lamar to the mouth of the Tunnel to Kansas River (east of 7th street bridge).

Annual Stream Bank Stabilization Improvements, 2023

CMIP #: PRG00278

Annual CMIP#: 945-0223

Description Amended

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22 (RR)

Prior Authorization Amount Approved*: \$100,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Design and construction for protection of existing storm sewer structures due to stream bank failures and erosion along Jersey Creek between 9th and 12th streets. Streambank stabilization program is designed to support emergency and stormwater and sewer repairs that are within streams and require stabilization outside of the infrastructure repairs and replacements. These sites are located within the City, and are discovered and prioritized as part of the MS4 requirement for annual storm sewer outfall inspections.

Annual Stream Bank Stabilization Improvements, 2024

CMIP #: PRG00278

New Project, Reimbursement Resolution

Annual CMIP#: 945-0224

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$100,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Design and construction for protection of existing storm sewer structures due to stream bank failures and erosion along Jersey Creek between 12th and 18th Streets. Streambank stabilization program is designed to support emergency and stormwater and sewer repairs that are within streams and open channels that require stabilization outside of the scheduled infrastructure repairs and replacements. These sites are located within the City, and are discovered and prioritized as part of the MS4 requirement for annual storm sewer outfall inspections.

Annual Wastewater System Renewal, 2022

CMIP #: PRG00229

Annual CMIP#: 946-0722

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$8,000,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Includes the inspection, rehabilitation, repair, and/or replacement of wastewater related facilities for the collection, conveyance, treatment, or utility operations. Areas considered for 2022 include: AID Pump Station (general/pumps/screens), FID Pump Station (general/pumps), PS6 (general), large diameter brick sewers in the Jersey Creek/Armourdale/Argentine/CID service areas, river siphons and forcemain inspections/rehab, WWTP 20 (Structural/roofing), WWTP 01 (grit blowers), and other collection system pipe/manhole rehabilitation/repairs.

Annual Wastewater System Renewal, 2023

CMIP #: PRG00229

Annual CMIP#: 946-0723

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$8,000,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This is an annual program that includes the inspection, rehabilitation, repair, and/or replacement of wastewater related facilities for the collection, conveyance, treatment of wastewater and/or utility operations. Areas considered for 2023 include: AID Pump Station, FID Pump Station, Pump Stations 6, 41, 26, 27, 47, 63, 66, Kaw Point WWTP, WWTP 14, WWTP 20, interceptor near Donahoo and east of Hutton Road, large diameter brick lines in Jersey Creek / Armourdale / Argentine / CID service areas, river siphons, forcemain inspections/rehab, and other collection system pipe/manhole repairs/rehabilitation.

Annual Wastewater System Renewal, 2024

CMIP #: PRG00229

New Project

Annual CMIP#: 946-0724

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: NONE

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$9,000,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This is an annual program that includes the inspection, rehabilitation, repair, and/or replacement of wastewater related facilities for the collection, conveyance, treatment of wastewater and/or utility operations. Areas considered for 2024 include:

Wastewater Treatment Plant No 1
Wastewater Treatment Plant No 3
Wastewater Treatment Plant No 5
Wastewater Treatment Plant No 14
Wastewater Treatment Plant No 20
Pump Station No 1
Pump Station No 2
Pump Station No 3
Pump Station No 4
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Pump Station No 44
Pump Station No 45
Pump Station No 46
Pump Station No 47
Pump Station No 48
Pump Station No 49
Pump Station No 50 (EFHB)
Pump Station No 51
Pump Station No 52
Pump Station No 53
Pump Station No 54
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Pump Station No 78

Pump Station No 79

Pump Station No 80

Pump Station No 81

Pump Station No 86

Flood Pump Station No 01

Flood Pump Station No 02

Flood Pump Station No 10

Flood Pump Station No 11

Flood Pump Station No 12

Flood Pump Station No 13

Flood Pump Station No 14

Flood Pump Station No 16

Flood Pump Station No 17

Data Collection and transmission related improvements associated with Rain Gage /Weather Monitoring Network

Roswell Tower

Fire Station 3 Radio Tower

City Hall (701 N 7th Street)

Mill Street Bridge at Turkey Creek

Kansas River Crossings

Sewer Interceptor Pipes, pressure mains, Local Sewer Collection Pipes, Sewer Junction Structures (Manholes) and associated facilities in the following watersheds:

Armourdale Industrial District

Barber Creek

Brenner Heights Creek

Brenner Heights Tributary

Brush Creek

Central Industrial District

Connor Creek

East Mission Creek

Eddy Creek

Esplanade Creek

Fairfax Industrial District

Honey Creek

Island Creek (and tributary)

Jersey Creek

Little Muncie

Little Turkey Creek (North, South, Tributary)

Marshall Creek

Matoon Creek

Mill Creek

Morris Creek

Muncie Bluff Creek
Muncie Creek
Nearman Creek
Piper Creek
Pomeroy Creek
Sortor Creek
Splitlog Creek
Timmons Creek
Turkey Creek
Turner Creek
Union Pacific Bottoms
Vance Creek
Wolf Creek

APX Radio Replacement Project

CMIP #: PRJ7316

Statutory Authority: K.S.A. 19-101a

Prior Authorization Approved: R-4-23

Prior Authorization Amount Approved*: \$5,300,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Acquire and implement public safety radio system subscriber units

Argentine Basin Stormwater Improvements

CMIP #: PRJ5060

Statutory Authority: Charter Ordinance CO-03-09 (for general obligation bonds), K.S.A. 10-1201 et seq. (for sewer system revenue bonds), and K.S.A. 65-3321 et seq. (for KDHE SRF Loans); any or all funding of these funding sources may be used to provide financing of the project

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$6,745,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Stormwater Improvements to be located in a site adjacent to the Kansas River and bordered by S. 7th Street Trafficway to the east and S. 12th Street to the west. Project includes engineering studies and design as well as construction of improvements to address the Metropolitan Avenue drainage issues, a pipe outfall near 10th Street, mitigating icy conditions caused by a natural spring near 12th Street and Ruby Avenue, and add additional pipe and inlet capacity. Exact nature of construction improvements is unknown at this time. Project anticipated to be funded from any and all: Go bonds, Revenue Bonds, SRF.

Bridge #210 (18th St.) over Turkey Creek**CMIP #:****PRJ2170****Statutory Authority:** Charter Ordinance CO-03-09**Prior Authorization Approved:** O-53-19/R-50-19; R-76-19**Prior Authorization Amount Approved*:** \$150,000**New Authorization Amount*:** N/A**plus capitalized interest on any temporary financing and costs of issuance***Project Description:**

Project to include the inspection, evaluation, and removal or replacement of the currently closed Bridge #210 over Turkey Creek. Removal of the bridge would include the complete removal of the super structure, sub-structure, and any other structural bases for the bridge. Removal would also include the cleaning/clearing of the Turkey Creek Channel, and restoration of the embankments on either side of the creek to natural conditions. Replacement would involve the re-design of the bridge location to account for the new raised flood limits from the Army Corp. of Engineers, and allow for suitable right-of-way for the adjacent railroad.

Bridge #223 (36th and Ohio Ave.) Replacement**CMIP #:****PRJ2169****Statutory Authority:** Charter Ordinance CO-03-09**Prior Authorization Approved:** R-52-18; O-124-21**Prior Authorization Amount Approved*:** \$410,000**New Authorization Amount*:** N/A**plus capitalized interest on any temporary financing and costs of issuance***Project Description:**

Project will include the design, construction and inspection for the removal and replacement of the existing single cell 6'x 8'x 68' reinforced concrete box that has significant structural deficiencies. These deficiencies have caused the flow line of the creek feeding this structure to change drastically and cause erosion of the creek bank, and failure of the adjacent roadway. The new structure will be the same height and width dimensions but will be 200ft long and skewed at a different angle to allow for continuous flow of the creek, as to not create any new erosion issues. The additional length will also allow us to not require guardrails for the structure, as the ends of the structure will be outside of the required clear zones for vehicle and pedestrian traffic. Other elements of the project will include the removal and replacement of 8 tons of existing road pavement, 400 ft. of new curb and gutter, and 2 new storm drainage inlets to accommodate the water flowing down the roadway.

Census Tract 422 Clifton Park Green Infrastructure**CMIP #:****PRJ5066**

Statutory Authority: Charter Ordinance CO-03-09 (for general obligation bonds), K.S.A. 10-1201 et seq. (for sewer system revenue bonds), and K.S.A. 65-3321 et seq. (for KDHE SRF Loans); any or all funding of these funding sources may be used to provide financing of the project

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$1,182,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project will address areas sensitive to regulatory oversight within a combined sewer area to capture and treat stormwater runoff through the implementation of green infrastructure. The project locations will be specified in the final design but will expand the existing storm system on Park Drive, a neighborhood connection between Central Ave and I-70. The expansion is to include curb extensions, rain gardens, dry creek beds, and vegetated extensions to build a green infrastructure network to address and mitigate stormwater runoff. Project anticipated to be funded from any and all: Go bonds, Revenue Bonds, SRF.

KCK Riverfront Park

CMIP #:

PRJ-010041

New Project

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$2,400,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Projects consist of fill and grading for the area between the Eastern access of the Rock Island Bridge along the levee to the North property line of the parcel to create a level green space that is at the height of the levee top. The scope includes fill, grading, walkways, maintenance access roads, landscaping and any other work necessary to complete the project.

City Hall Structure Study and Stabilization

CMIP #:

PRJ8176

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: R-52-18

Prior Authorization Amount Approved*: \$10,355,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Exploratory Study, including both Architectural and Structural to investigate structural integrity of City Hall with possible temporary stabilization and repair in lieu of major structure plan, decking and diaphragm renovation.

Community Care Center

CMIP #:

TBD

New Project; Public Building Commission

Statutory Authority: K.S.A. 12-1757 et seq., as amended by Charter Ordinance CO-1-98 and Charter Resolution CR-1-98

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$3,000,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

The initiative involves the development and construction of a versatile multi-service facility, strategically situated to tackle the socio-economic challenges faced by Wyandotte County residents. The project encompasses a comprehensive scope, encompassing site selection, site acquisition, architectural design, and construction of the facility. Additionally, the endeavor extends to the design and construction of offsite enhancements, including sewers and roadways, along with essential sitework and parking facilities.

Courthouse

CMIP #: PRJ8220

Public Building Commission

Statutory Authority: K.S.A. 12-1757 et seq., as amended by Charter Ordinance CO-1-98 and Charter Resolution CR-1-98

Prior Authorization Approved: O-37-20/R-47-20

Prior Authorization Amount Approved*: \$4,375,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Court House

Elevator Rehab

- Rehabilitate and Modernize the existing elevators at the Court House. This work will include all items needed for rehabilitation including but not limited to Power Supply, Control System, Traction Components, Pulleys, Bearings, Seals, Interior, Flooring, Doors and other associated equipment needed to meet the scope of design for Elevator Improvement.

Plumbing Improvements – Waste/Distribution/Fixture – To replace or improve all plumbing features including:

- All drainage components from any and all Appliances, Drinking Fountains, Fixtures, Machines, Piping, Fittings, Valves, Automated Control Devices or other Building Components from source to destination.
- All components related to Fresh water distributions from City Water Supply to all fixtures, machines, or other building components from source to destination including Hot Water Heaters, Circulation Pumps, Valves, Fittings Control Devices, Sinks, Toilets, Drinking Fountains, Ice Maker Machines and other associated components needed to meet modern standards of water distribution and control for the general building and public health & safety.
- All components related to the replacement or improvement of all fixtures including Sinks, Faucets, Stools, Appliances, Valves, Fittings, and any Automatic Control Devices needed to finish the scope of design.

Windows

- Remove and replace windows for the purpose of modernizing, sealing and improving energy savings with updated equipment and material. The project shall include any relevant construction, painting, re-covering of walls and/or floors or the alteration of walls or openings relevant to the design and installation of new equipment and/or material. This project is to include any window accessories such as tinting, shading, coverings, screenings, polishing or wrapping needed to fulfill the scope of project design.

Continued Masonry Rehab

• Aid in the restoration of masonry deficiencies to the interior and exterior of the Court House shell. Work shall include but not be limited to Tuck Pointing, Caulking, Sealing, Mortar Work, Joint Work, Sill Plate Work, Soffit Repair, Scabbard Repair, Brick or Surface Cracking or Spalling, etc.

DA Digitizing Project

CMIP #: PRJ-010036

Amount Amended

Former # 7318

Statutory Authority: K.S.A. 19-101a

Prior Authorization Approved: R-80-22

Prior Authorization Amount Approved*: \$1,022,000

New Authorization Amount*: \$1,400,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Acquisition and implementation of a records digitization software system to serve the county, including particularly the Wyandotte County District Attorney record management and supporting applications of the County.

Fairfax Industrial Area Improvements, 2022

CMIP #: PRG00247

Annual CMIP#: 941-0922

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-124-21 (RR); O-132-22/R-54-22

Prior Authorization Amount Approved*: \$100,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Annual project that may involve the milling, concrete pouring, asphalt overlay, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, railroad crossing enhancements, Americans With Disabilities Act compliant Street to sidewalk access, and surface treatment applications including any appurtenances related to the improvement of public infrastructure asset there to any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs within the Fairfax Industrial Area, bounded by the Missouri River on the north, Fairfax Trafficway on the East, Quindaro Boulevard on the South, and North 10th Street on the West.

Fairfax Infrastructure Improvements, 2023 f/k/a Fairfax Industrial Area Improvements, 2023

CMIP #: PRG00247

Annual CMIP#: 941-0923

Description Amended

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22 (RR)

Prior Authorization Amount Approved*: \$100,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project to include the removal and replacement of concrete curb and gutter, utility cover adjustments, pavement marking, traffic control modifications, Americans With Disabilities Act compliant street to sidewalk access in the Fairfax industrial area along 7th Street Trafficway/ US-69 Highway from Sunshine Road to Kindleberger Road, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs. All work includes necessary traffic control and detour signing and utility adjustments necessary to accommodate the improvements as well as all necessary engineering, design, inspection, appurtenances, and related construction.

Fairfax Infrastructure Improvements, 2024

CMIP #: PRG00247

New Project, Reimbursement Resolution

Annual CMIP#: 941-0924

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$100,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project to include the milling, concrete pouring, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, Americans With Disabilities Act compliant street to sidewalk access, and removal and replacement of curb, all in the Fairfax industrial area, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs. All work includes necessary traffic control and detour signing and utility adjustments necessary to accommodate the improvements as well as all necessary engineering, design, inspection, appurtenances, and related construction.

Fairfax Trafficway

CMIP #: PRJ1059

Description Amended

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: R-64-22

Prior Authorization Amount Approved*: \$800,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Milling, concrete pouring, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, Americans with Disabilities Act compliant street to sidewalk access, removal and replacement of curb, and other traffic control and roadway improvements on Fairfax Trafficway. This project involves the removal of the failed section of roadway that extends out over the concrete box under the road and reestablishment of the structural integrity of the roadway base. This project includes removals, new curbs, full depth pavement replacement, signing, striping and other ancillary items to complete the work.

Fiber Connectivity Projects, 2018-2020 f/k/a Fiber Connectivity Projects

CMIP #:

PRG00288

Name Change, Description Amended, Amount Amended

Statutory Authority: Charter Ordinance CO-03-09 and Article 12, Section 5 of the Constitution of the State of Kansas

Prior Authorization Approved: O-66-17

Prior Authorization Amount Approved*: \$4,100,000

New Authorization Amount*: \$2,700,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project will include the installation of fiber optic cable, conduit and other elements. All work includes necessary traffic control and detour signing, and utility adjustments, necessary to accommodate the improvements as well as all necessary engineering, design, inspection, and all necessary appurtenances and related construction.

Public Safety

- Fiber installations in all Phase I and Phase II sites for PD
 - Southern connection to carrier hotel – creating fully redundant loop for PD
 - Installation of additional network switch for Internet Circuit redundancy across the 2 fiber paths
 - Implementation of fiber connectivity with KCMO PD through carrier hotel to support video federation
 - Fiber and network connectivity to Edwardsville Police Department (also Fire Department, City Hall, Community Center) from 911 Dispatch Center
 - Implementation of PD LPR fiber network; incorporating 13 intersections with LPR cameras; creating redundant loop
- Fire
- Installation of fiber in 9 fire stations (and PD HQ & 911 Center) in ring topology to support redundancy (FD Ring 1)
 - Installation of fiber in 6 fire stations (and PD HQ & 911 Center) in ring topology to support redundancy (FD Ring 2)
- UG
- Implementation of fiber to stand-alone Unified Government buildings on redundant fiber (UG Services Ring 1)
 - Implementation of fiber to Community Centers on UG Services Ring 2
 - Implementation of point-to-point fiber connections from City Hall to Memorial Hall, Juvenile Hall and to the Court House
 - Installation of fiber at the Amphitheatre and connection to KCK PD/911 Center
 - Installation of fiber to Kaw Point Water Pollution Plant
 - Implementation of fiber connectivity to Speedway network/cameras

Traffic

- Implementation of new Traffic Layer III network and firewall on UPN fiber
- Move the Traffic Video server from behind the BPU firewall to UG Traffic firewall
- Implementation of 50+ traffic intersections/cameras on UG's new Traffic network
 - 7th & Central to 18th & Central corridor (8 sites)
 - Campus & Parallel Parkway to 99th & Parallel Parkway (9 sites)
 - Rainbow sites (5 sites)

Economic Development

- Implementation of fiber in key economic corridors
 - 7th & Central to 18th & Central
 - Downtown (4th to 18th Street – State & Minnesota)

- Armourdale/Kansas Avenue
- Merriam/SW Boulevard

Fiber Connectivity Projects, 2023

CMIP #: PRG00288

Annual CMIP#: 9430223

Statutory Authority: Charter Ordinance CO-03-09 and Article 12, Section 5 of the Constitution of the State of Kansas

Prior Authorization Approved: O-66-17

Prior Authorization Amount Approved*: \$4,100,000

New Authorization Amount*: \$430,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Fiber Connectivity Projects, 2023 was previously grouped with Fiber Connectivity Projects, 2018-2020, formerly known as Fiber Connectivity Projects. Fiber Connectivity is a comprehensive program without a defined start/end date. Starting with 2023, each year will be treated as a separate project for debt purposes.

Project will include the installation of fiber optic cable, conduit and related hardware, software and services. The project will include continued fiber implementation for the Traffic Network intersections and connectivity to other Unified Government buildings or assets. Projects will include, but are not limited to:

- Connection of remaining feasible Fire stations – FS#5, FS#16, FS#18
- Completion of the fiber and camera installations in identified parks
- Adding 7+ PD/Video/LPR sites on fiber
- Continue implementing 25 traffic intersections on UG fiber and Traffic network (focus on sites with no BPU connectivity)
- Connection of UG Facilities to fiber – Parkwood Pool, Pierson Park
- Extension of fiber on Leavenworth Road (Phase 1 – 27th to 63rd)
- 6 Traffic signals, 1 Fire Station, 2 PD LPR/Video sites

Economic Development

- Implementation of fiber in key economic corridors
 - Downtown (4th to 18th Street – State & Minnesota)
 - Armourdale/Kansas Avenue
 - Merriam/SW Boulevard

Fiber Connectivity Projects, 2024

CMIP #: PRG00288

Annual CMIP#: 9430224

New Project

Statutory Authority: Charter Ordinance CO-03-09 and Article 12, Section 5 of the Constitution of the State of Kansas

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$430,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project will include the installation of fiber optic cable, conduit and related hardware, software and services. The project will include continued fiber implementation for the Traffic Network intersections and connectivity to other Unified Government buildings or assets.

- Kansas & Kaw for Traffic and PD LPR sites
- Leavenworth Road Phase II – 63rd Street to 77th Street
- Fairfax including FS#15
- The new CSI/Water Pollution building

Fire Station Replace & Repair #20**CMIP #:**

PRJ8085

Statutory Authority: Charter Ordinance CO-03-09**Prior Authorization Approved:** O-124-21**Prior Authorization Amount Approved*:** \$6,300,000**New Authorization Amount*:** N/A**plus capitalized interest on any temporary financing and costs of issuance***Project Description:**

Design, engineering, construction, repair, and improvements to a new Fire Department Station that will replace Fire Station 20 which is located at 78th and Kansas. Left over funds from this project will be utilized to repair and improve existing fire facilities.

Green Infrastructure Improvements**CMIP #:**

PRJ6048

Statutory Authority: Charter Ordinance CO-03-09**Prior Authorization Approved:** R-52-18; O-124-21**Prior Authorization Amount Approved*:** \$7,000,000**New Authorization Amount*:** N/A**plus capitalized interest on any temporary financing and costs of issuance***Project Description:**

Design and construction of green infrastructure, including adding pervious pavement, rain gardens (water retention basins), bioswales, planters, and other similar improvements to reduce stormwater run-off the amount entering the combined sanitary sewer system. Locations include:

Juvenile Justice Center (JJC) located between 7th and 8th on Armstrong
Eighth Street Park
Lombardy Drive (Tract 422)
Big Eleven Lake
East Jersey Creek

Holiday Drive Bridge Replacements**CMIP #:**

PRJ2141

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-66-17

Prior Authorization Amount Approved*: \$1,300,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project will include the removal and replacement of three (Bridge #s 281, 282, and 283) short span bridge structures located along Holiday Drive between South 73rd Street and Quivira Lane and any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs.

All work includes necessary traffic control and detour signing, and utility adjustments, necessary to accommodate the improvements as well as all necessary engineering, design, inspection, and all necessary appurtenances and related construction.

Hutton & Donahoo Rd Intersection Improvements

CMIP #: PRJ1618

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-37-20/R-47-20

Prior Authorization Amount Approved*: \$350,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Design and construction of intersection improvements at Hutton Road and Donahoo Road. Additional scoping will determine if the intersection is appropriate to be a fully signalized intersection or if some other design element will allow for the greatest flow of traffic and cause minimal impact to the surrounding area, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs.

Hutton & Leavenworth Rd Intersection Reconstruction

CMIP #: PRJ1609

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: R-081-12; O-37-20/R-47-20

Prior Authorization Amount Approved*: \$7,450,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Design and reconstruct the intersection of Hutton Road and Leavenworth Road. Project will include the removal, grading, and replacing of road surface through the intersection, as well as extending east through the intersection of

N. 107th St. Also included will be the installation of new storm sewer, and curb and gutter system along the improved sections of road and intersection. Additional scoping will determine if the intersection is appropriate to be a fully signalized intersection or if some other design element will allow for the greatest flow of traffic and cause minimal impact to the surrounding area.

Jersey Creek Basin Stormwater Improvements

CMIP #:

PRJ5061

Description Amended

Statutory Authority: Charter Ordinance CO-03-09 (for general obligation bonds), K.S.A. 10-1201 et seq. (for sewer system revenue bonds), and K.S.A. 65-3321 et seq. (for KDHE SRF Loans); any or all funding of these funding sources may be used to provide financing of the project

Prior Authorization Approved: O-124-21

Prior Authorization Amount Approved*: \$2,736,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project known as JERS-1 identified as high priority within the stormwater deficiency study. The area location is within the area of Jersey Creek Watershed, bound by 3rd Street, Richmond Street, and Fairfax Trafficway.

Stormwater Improvements to be located within the Jersey Creek watershed, upstream of a piped (concrete box) section that empties into the Missouri River. Improvements include reduction of peak flow flooding by removing the concrete lined channel and restoring the area to a stabilized natural channel, constructing flood benches, adjacent green infrastructure components, and modification of existing stormwater infrastructure to accommodate the project work. Grey infrastructure is anticipated to be approximately 1900 LF of pipe and associated manholes.

Project anticipated to be funded from any and all: Go bonds, Revenue Bonds, SRF.

Jersey Creek Naturalization

CMIP #:

PRJ5067

Amount Amended

Statutory Authority: Charter Ordinance CO-03-09 (for general obligation bonds), K.S.A. 10-1201 et seq. (for sewer system revenue bonds), and K.S.A. 65-3321 et seq. (for KDHE SRF Loans); any or all funding of these funding sources may be used to provide financing of the project

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$100,000

New Authorization Amount*: \$1,500,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Jersey Creek Naturalization is a project partnership under the US Army Corp of Engineers (USACE) Section 206 program with a scope that was initiated by the North East Area Masterplan and substantiated through the watershed deficiency study (identified as JERS-2) of the Jersey Creek Watershed. The site includes a reach of Jersey Creek located in Jersey Creek Park, extending approximately 4,000 linear feet south of Parallel Parkway, bounded by North 18th Street on the west and North 10th Street on the east. A proposed solution that will be reviewed as part of this

project includes restoring the concrete lined channel to stabilized natural channel and enhancing the stormwater capacity and quality through the use of green infrastructure.

Kaw Point Biosolids Digestion

CMIP #: PRJ6045

Statutory Authority: Charter Ordinance CO-03-09 (for general obligation bonds) and K.S.A. 10-1201 et seq. (for sewer system revenue bonds)

Prior Authorization Approved: R-52-18; O-37-20/R-47-20

Prior Authorization Amount Approved*: \$80,500,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Design and construct improvements to restore biosolids digestion process at Kaw Point Waste Water Treatment Plant. The non-utilized existing digester tanks will be structurally rehabilitated and new equipment installed so that the Unified Government may stabilize the biosolids produced at Kaw Point to increase disposal options and decrease disposal costs.

KCKPD West Patrol Station

CMIP #: PRJ-010043

New Project

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$10,000,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Design, engineering, construction, repair, and improvements to a new Patrol Station that will house the West Patrol Division of the Kansas City Kansas Police Department at a site to be determined. The facility will include, but not be limited to offices, meeting space, restrooms, storage and garage space, as well as grounds for storage of additional equipment and a large garage to store tactical vehicles, and including any appurtenances related thereto, any associated land acquisition, inspection, engineering, design, and construction costs.

Leavenworth Road, 78th - 63rd Street

CMIP #: PRJ1612

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-66-17

Prior Authorization Amount Approved*: \$9,000,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project will include the milling, concrete pouring, asphalt overlay, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, Americans With Disabilities Act compliant street to sidewalk access, along 1.8 miles of Leavenworth Road, from 63rd Street to 78th Street and any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs. All work includes necessary traffic control and detour signing, and utility adjustments, necessary to accommodate the improvements as well as all necessary engineering, design, inspection, and all necessary appurtenances and related construction.

Maintenance Facility Quarter Master Project

CMIP #: PRJ8013

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$1,500,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

The Quartermaster project consists of the design and construction of an area to store and organize all of the fire department's equipment, uniforms, and janitorial supplies. The project includes construction of a clean room designed to facilitate SCBA maintenance, repairs, and for firefighter mask-fit testing. The Quartermaster project will be located in the fire maintenance facility at 5440 Kansas Avenue.

Muncie Creek Basin Stormwater Improvements

CMIP #: PRJ5065

Statutory Authority: Charter Ordinance CO-03-09 (for general obligation bonds), K.S.A. 10-1201 et seq. (for sewer system revenue bonds), and K.S.A. 65-3321 et seq. (for KDHE SRF Loans); any or all funding of these funding sources may be used to provide financing of the project

Prior Authorization Approved: O-124-21; O-132-22/R-54-22

Prior Authorization Amount Approved*: \$4,359,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Stormwater Improvements to be located south of Kaw Valley Scenic Highway and west of the Kansas River. Improvements include addressing drainage issues along Speaker Road, Royal Drive, and South 59th Lane by replacing outfalls and upsizing the maximum pipe diameter to 60-inch RCP in the area. The Speaker Road improvements include extending the stormwater network north for approx. 985 feet with 48" RCP, removing sediment deposits and grading. Project anticipated to be funded from any and all: Go bonds, Revenue Bonds, SRF.

PDHQ Chiller System

CMIP #: PRJ8228

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-132-22/R-54-22

Prior Authorization Amount Approved*: \$3,750,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Replace & repair the HVAC system at the Police Headquarters, located at 700 Minnesota Avenue. Scope of work includes but is not limited to cooling tower(s), chillers, heaters, chemical support system, control system.

Plant 20 & 3 Equipment and Structural Rehab

CMIP #: PRJ6132

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-66-17/R-52-18

Prior Authorization Amount Approved*: \$3,000,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project will include the engineering, and installation for the replacement of the influent bar screens and bar screen conveyor system at Treatment Plant 20 and Treatment Plant 3. Currently, treatment plant #20 and #3 have aged bar screens that are failing and have deteriorated past the point of repair. The bar screens are necessary to remove the larger debris before entering the treatment facility in order to save wear and tear on the pumps and other equipment within the treatment plant.

Plant 20 Biosolids Dewatering

CMIP #: PRJ6047

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: R-52-18

Prior Authorization Amount Approved*: \$5,000,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Rehabilitate and relocate existing equipment from the Kaw Point Wastewater Treatment Plant to Plant 20 to replace equipment that has outlived its useful life.

Police CSI Lab f/k/a Police Tow Lot & CSI Lab

CMIP #: PRJ8212

Name Change, Amount Amended

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: R-80-16; O-94-20; O-124-21; O-132-22/R-54-22

Prior Authorization Amount Approved*: \$8,000,000

New Authorization Amount*: \$9,650,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Funding will be used to design, engineer, construct, repair, and improved a crime scene lab to conduct basic evidence processing. The CSI Tow facility will be located near the intersection of Armstrong and N 50th Street. Project includes all renovations and/or actions to the acquired land and/or structures to make suitable for new construction.

Pump Station 18, 5, 4 Upgrade

CMIP #: PRJ6131

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: O-66-17; R-52-18; O-53-19/R-50-19; R-76-19

Prior Authorization Amount Approved*: \$4,450,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project will require the study, design, construction, inspection, and testing to repair and/or replace the existing force main between pump station #18 and pump station #5, and the force main between pump station #5 and pump station #4 as well as structural upgrades. The aging infrastructure combined with the consequence of failure on these facilities has moved this project up the priority list.

Relocation of Sewer Maintenance Facilities

CMIP #: PRJ6039

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: R-114-13; R-98-15; R-52-18; O-132-22/R-54-22

Prior Authorization Amount Approved*: \$21,375,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

This project involves the building of new facilities to house sewer maintenance offices for staff, equipment, and vehicles. Project includes the land acquisition consisting of several parcels totaling approximately 17 acres near the intersection of Armstrong and N 50th Street. This project includes design and construction of offsite improvements (sewers and roadway), sitework, outdoor parking, material storage, operations center and office space for Sewer Maintenance Section including preventative maintenance, construction, asset management and information management work groups. Building facility will include finished areas for uses such as offices, meeting spaces, and locker rooms as well as unfinished garage space for large vehicles, equipment, and supplies and similar items used in the sewer maintenance section.

Safe Routes to Schools-Phase G (Northwest Middle and Caruthers Elem.)

CMIP #: PRJ3037

Statutory Authority:	Charter Ordinance CO-03-09
Prior Authorization Approved:	O-53-19/R-50-19; R-76-19
Prior Authorization Amount Approved*:	\$528,000
New Authorization Amount*:	N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Construction of new sidewalks that would provide pedestrian connectivity between two schools, Northwest Middle and Bertram Caruthers Elementary, in the Northeast Historic Neighborhood in Kansas City, KS. The project will emphasize filling the gaps on sidewalks along two east-west streets (Cleveland Avenue and Waverly Avenue between the boundaries of 18th St and 11th St) and north-south streets between Cleveland Ave and Parallel Pkwy. The project will construct new sidewalk to fill the gaps on sidewalks between the schools, provide access to major arterial roadways, activity centers, and transit routes.

Stormwater Enhancements, 2021

CMIP #:	PRJ5317
Annual CMIP#:	945-0321

Statutory Authority:	Charter Ordinance CO-03-09
Prior Authorization Approved:	O-37-20/R-47-20 (RR); O-124-21
Prior Authorization Amount Approved*:	\$500,000
New Authorization Amount*:	N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project includes the repair and replacement of deteriorated or debilitating stormwater infrastructure in areas of critical need. Elements of these enhancements includes inspection and design of infrastructure and right-of-way/easement acquisition in preparation of repairs. Work includes grading, installation of pipes, devices, and structures related to repair and replacement of deteriorated or debilitating stormwater infrastructure. Repair and replacement scope will be traditional and green infrastructure where feasible and cost effective. We are doing improvements in the areas of Jersey Creek, Muncie Creek, and Argentine, but prioritize emergency needs.

Stormwater Enhancements, 2022

CMIP #:	PRJ5317
Annual CMIP#:	945-0322

Statutory Authority:	Charter Ordinance CO-03-09
Prior Authorization Approved:	O-124-21 (RR); O-132-22/R-54-22
Prior Authorization Amount Approved*:	\$500,000
New Authorization Amount*:	N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project includes the repair and replacement of deteriorated or debilitating stormwater infrastructure in areas of critical need. Elements of these enhancements includes inspection and design of infrastructure and right-of-way/easement acquisition in preparation of repairs. Work includes grading, installation of pipes, devices, and structures related to repair and replacement of deteriorated or debilitating stormwater infrastructure. Repair and

replacement scope will be traditional and green infrastructure where feasible and cost effective. The 2022 project location is within the Jersey Creek watershed as it relates to the Jersey Creek Watershed Management and the Stormwater Repair and Restoration program bound by Highway 5 (north boundary), 27th Street (east boundary), Fairfax Trafficway (west boundary), and Oakland Ave (south boundary).

Stormwater Renewal & Replacement

CMIP #:

PRG00277

Statutory Authority:

Charter Ordinance CO-03-09 (for general obligation bonds), K.S.A. 10-1201 et seq. (for sewer system revenue bonds), and K.S.A. 65-3321 et seq. (for KDHE SRF Loans); any or all funding of these funding sources may be used to provide financing of the project

Prior Authorization Approved:

O-124-21

Prior Authorization Amount Approved*:

\$4,912,000

New Authorization Amount*:

N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

The maintenance and replacement of stormwater assets that have failed or are preparing to fail in the stormwater infrastructure system. 2400 locations have been identified at this time. Work will be prioritized to locations requiring emergency repairs and failures, followed by an improvement plan developed to prioritize locations based on need and greatest impact. Renewal and replacement program includes improvements such as cured-in-place pipe lining, point repairs to pipes, full replacement of pipes, manhole or inlet repair/replacement, soil replacement and stabilization at pipe outlets and along streams, soil and other similar activities. This funding will augment the WIFIA projects: Argentine Basin Stormwater Improvements, Jersey Creek Basin Stormwater Improvements, Muncie Creek Basin Stormwater Improvements, and Wyandotte High Lombardy Drive. Project anticipated to be funded from any and all: GO bonds, Revenue Bonds, SRF.

Turkey Creek Channel/Tunnel Repair

CMIP #:

TBD

New Project

Statutory Authority:

Charter Ordinance CO-03-09

Prior Authorization Approved:

None

Prior Authorization Amount Approved*:

NONE

New Authorization Amount*:

\$5,180,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Turkey Creek Channel/Tunnel Repair will include work based upon contractual agreement with the USACE and KCMO for repairs and restoration to approximately .25 miles of open channel and .25 miles of enclosed tunnel. Design and study required to understand and identify the full extent and prioritization of type of work. Type of work will include grading, masonry repair, concrete patching and all other appurtenances deemed necessary to complete the project.

UG Levee Trail James Street Trailhead

CMIP #:

PRJ-010042

New Project

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$200,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

The project includes a trailhead to be constructed at N James Street with green infrastructure, public bike repair facilities and water and electrical services to accommodate a water drinking/bottle refill station and lighting for safety. The concrete trail surfacing will connect to the levee trail system and the project will also include wayfinding (aligned with MARC's Regional Wayfinding Plan and Guidelines).

Waterway Corridor Stormwater Improvements

CMIP #: TBD

New Project

Statutory Authority: Charter Ordinance CO-03-09 (for general obligation bonds), K.S.A. 10-1201 et seq. (for sewer system revenue bonds), and K.S.A. 65-3321 et seq. (for KDHE SRF Loans); any or all funding of these funding sources may be used to provide financing of the project

Prior Authorization Approved: None

Prior Authorization Amount Approved*: NONE

New Authorization Amount*: \$5,570,000

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

The waterway corridor project is additional green infrastructure to increase the stormwater capacity and minimize local flooding in support of grey infrastructure installed in CSO19 sewer separation project. The stormwater capacity increase for green infrastructure installation in the area of Sandusky Ave to Jersey Creek, 12th street to 8th street. Project anticipated to be funded from any and all: GO Bonds, Revenue Bonds, SRF.

Wyandotte County Lake Waterline Study & Repair

CMIP #: PRJ4425

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: R-94-12/R-97-15/O-66-17; O-37-20/R-47-20

Prior Authorization Amount Approved*: \$2,895,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Project design for the replacement of the existing UG owned water line around Wyandotte County Lake Park that was mostly originally constructed in the 1930's. Project construction will include the clearing of trees, earthwork, line removal and replacement, base stabilization, compaction, removal and replacement of existing lines, and restoration of disturbed areas.

Wyandotte County Park Road Repairs

CMIP #:

PRJ4253

Statutory Authority: Charter Ordinance CO-03-09

Prior Authorization Approved: R-52-18

Prior Authorization Amount Approved*: \$200,000

New Authorization Amount*: N/A

**plus capitalized interest on any temporary financing and costs of issuance*

Project Description:

Milling, concrete pouring, asphalt overlay, resurfacing, utility cover adjustments, pavement marking, traffic control modifications, railroad crossing enhancements, Americans With Disabilities Act compliant street to sidewalk access, including any appurtenances related thereto, any necessary land acquisitions, and associated engineering, design, inspection, removal, replacement, and construction costs at locations in and around several Wyandotte County Parks.

Possible locations:

Pierson Park

Wyandotte County Lake Park

Alvey Park

City Park

Garland Park

Klamm Park

Highland Park

Westheight Park



**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

October 4, 2023

Mr. Brett A. Deichler, PMP CMP
Unified Government Clerk
East Building

Re: Subdivision Plat Approval for **ENDLESS OUTDOORS**

Dear Mr. Deichler

Please be advised that the Engineering Division has reviewed the attached plat of **ENDLESS OUTDOORS** located at 2640 Woodend Lane and being developed by Endless Outdoors.

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: 2023.10.04
11:21:49-05'00'

Troy Shaw, P.E.
County Engineer

Attachments

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

SPECIAL SESSION, WEDNESDAY, SEPTEMBER 6, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Wednesday, September 6, 2023, with six members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Johnson, Commissioner Fourth District; Stites, Commissioner Eight District; Garner, Mayor/CEO, presiding. Townsend, Commissioner First District; Ramirez, Commissioner Third District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; and Davis, Commissioner Seventh District; were absent. The following officials were also in attendance: David Johnston, County Administrator; Bridgette Cobbins and Alan Howze, Assistant County Administrators; Wendy Green, Assistant Counsel; Monica Sparks, Deputy Unified Government Clerk; Debbie Jonscher, Interim Chief Finance Officer; Reginald Lindsey, Budget Director; Mike Peterson, Assistant Budget Director; Jeff Fisher, Executive Director of Public Works; LaVert Murray, Economic Development Advisor to the Mayor; and Irene Caudillo, Chief of Staff in Mayor's Office.

Mayor Garner said before I call the meeting to order I want to announce that we do have individuals attending remotely as well as on-site. All participants joining by phone, should please mute your phones when not speaking to avoid background noise. During the meeting, make sure you announce yourself by name and title every time you speak so the public that is participating knows exactly who is speaking. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General's Office. I would also like to remind, especially here on the 5th floor, that you please be sure to speak loudly and clearly into the microphone to ensure that your comments are being captured by the Clerk for an accurate record of the meeting.

Mayor Garner called the meeting to order.

ROLL CALL: Stites, Bynum, Burroughs, McKiernan, Johnson, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Wednesday, September 6, 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 I will turn this meeting over to our County Administrator, David Johnston, and he will facilitate the presentation from this point.

David Johnston, County Administrator, said about a week or so ago we had a meeting similar to this with the Commission and the process of working toward a final recommendation of a budget to be voted on, on the 14th for fiscal year '24. After that meeting a few of the commissioners requested another meeting with staff to really talk about a couple other options. We had that meeting late last week, which resulted in the calling of this meeting to talk about the option presented during that meeting.

Commissioner Bynum and Commissioner Burroughs were the two commissioners that requested that meeting with our Budget Director and our Interim Finance Director and myself and we did talk about a few things. A couple of items that were reiterated in that meeting is, regardless of options chosen by the Commission, we are still too heavily reliant on drawing down from our reserves to balance the operating budget and that is not a good management practice, so that was an understood component of that meeting.

The other, I think, was the substance of why the meeting was called. A few of the commissioners from their comments, particularly the last three weeks, said some things that were very germane they heard from the public. There was a desire for some sort of relief from the tax bill and I think there is a struggle how do you do that at the same time that we're going to try to meet the expectations from the public of services that we are providing already, but they wanted to investigate how to move on.

There were a couple commissioners in the last two meetings that said, look, for the last three years we've been looking about trying to save money, cut the budget, doing deep dives, but it's always next year, it's always next year, it's always next year. So, we heard their frustration voiced at the table. So, with all that laying before us, there was discussion on how to proceed and there was an additional, I guess, recommendation that came out of that meeting to have for consideration of all the Commission that showed up at tonight's meeting and, commissioners, if I say this incorrectly, please correct me. There was an option that I think met the desires of what we've heard through meeting the need of relief to the public that's been voiced at the public meetings, the frustration of some commissioners, but saying that we've been trying to do—wanting to do something every year, but we never did it and they were frustrated there, but also the need to provide services to our citizens.

Here is the synopsis of that. If the goal is to provide relief to our citizens with the mill relief, we're going to be talking about one or two mills reduction to the City General Fund tonight. There's got to be corresponding cuts to the expenses in the budget and I think to meet the frustrations voiced by a couple of the commissioners, you can only do that if in any resolution that says you're going to do mill relief, you have to force action. How we discussed that in that meeting is that you would pass a budget, this is the option, with a desired mill relief reduction with the language that says directing the County Administrator to go through a process over the next few months culminating with the final presentation of a working budget for fiscal year '24 at the last Commission meeting of November. During that time from when a budget to meet state regulations that would be passed on the 14th of September to that date in November, we would show progress of how we were doing. We threw out the sexy words, deep dive, closer examination of departmental budgets on the City side of the budget, whatever you might want to call that, an update would be presented and this is part of the motion if there is one, part of the motion is every monthly Finance, not called subcommittee, what's it called, Standing Committee, from the Finance Standing Committee, progress monthly through to meet that November date.

So, the deep dive instead of maybe starting in October-November for the fiscal year '25 Budget, it's starting immediately after passage of a budget on the 14th to fill that gap that is reduced through a mill rate reduction and it means it's immediate.

I believe, commissioners, that's what is on the table for discussion and I guess I would defer to you two to carry on the conversation with your peers.

Commissioner Bynum said I don't think I could have done that any better than Administrator Johnston just did. I think he laid it out pretty clearly and also—I just want to—for those of you that are here, I appreciate that very much. I appreciate the staff continuing to look at this with us even though at a session on the 24th we had the straw poll so we know what many of the commissioners think about the mill levy rate. What I appreciated the most, in the meeting, was David Johnston saying to us what if we looked at it through this lens, what if we stopped saying next year, next year and we started saying tomorrow I will work with staff and we will see if those cuts can be made. We talked, I don't want to put words in Commissioner Burroughs mouth, I do want to let him speak to it. We talked about if this road is taken, that it would be by resolution and it would include the monthly updates and that it would include no cutting of people positions or salaries, that those are protected and held harmless. But, through the deep dive work, we might possibly unearth something that's not been on a laundry list that's been provided to us as of yet and I was just trying to remain open among the Commission knowing that we had the straw poll with the majority, I completely understand and respect that. But again, as David Johnston said, still trying to find a way to provide relief.

The only other thing I really want to say is that I'm delighted to have a couple of wins in this budget that I personally have worked on, but also that I think does help the community, at least a particular targeted segment of the community, and that is the Sales Tax & Utility Tax Rebate Program as well as preserving in this budget the PILOT Relief. Then, for me, the mill levy reduction was a way to give some gesture toward all taxpayers, that we are committed, it is serious, we want to take a step toward relief for those taxpayers.

I'm grateful for what's occurred truly and, Mr. Johnston and Mayor, I would hope that next week regardless of the outcome of this conversation, that next week when we have a budget adoption, if perhaps we could itemize some of the good things that are going to come from that budget. I think we can identify some pluses that are going to come as a result of the budget that you bring and I just think it would be helpful for our commissioners and our community to see what is good with this. With that, Mayor, I'll yield.

Commissioner Burroughs said I sincerely appreciate having an opportunity to work with the County Administrator, staff, and my colleague Commissioner Bynum trying to find some relief. Listening to the heartfelt comments that the public made at our prior public session in reference to

the budget, it's the same message that I've heard for a number of years here and we seem to, I don't want to say not hear them, because we're listening, but I don't know that we're really hearing what it is they're saying. The compassion and concern that was given in the pleas to do something on the tax relief is something that has set with me since I've been elected and it was one of the things I chose to run on six years ago was to bring our valuation process—the appraisal process in with the mill rate and what we've been able to do is very little on either side. We've reduced a mill here, but we continue to raise the taxes because we're not lowering the mill to the extent that the valuations are going up and the public is feeling that.

Then, we're coming off of a COVID time when many families have been impacted by job loss or loss of wages due to the loss of a loved one or a wage earner in the family and they need assistance, financial assistance and what a better opportunity for us as a local unit of government and as leaders in this community to say, hey, we hear you. Revenue neutral, we can absorb that for one year. We had the federal funds that we went through quite quickly to address many needs, but we'll always have needs in this community and sometimes I'm not so sure we don't go searching for them, but at the same time we need to be mindful that we have a responsibility and ask to put forward a budget that is sustainable, one that is responsive, and one that is responsible and that can be the challenge.

I know that there's things in this budget that have been in this budget for decades. I don't want to call them sacred cows, but they're programs that get started for good causes, but over the years either phase out or we find that we're not getting the return on investment because the money is either not addressing the issue or it's not enough money and that's where that deep dive comes in. We, as leaders, could have made a statement this budget process by going with revenue neutral. We've seen the increased valuation. This would have been a great opportunity and I don't want to rehash things, but I do want to commend the commissioner and the Administrator and staff for at least listening to the concerns I bring forward.

I'm going to represent those taxpayers that have been crying out loudly for reduction and this budget at the same time we're lowering a mill, we're taking in an additional \$12M and that \$12M is already slated and spent and my question is when I look at the budget forecast for four years, we're looking to bring in just on the city alone an additional \$27M and that's with the proposed, I believe you call it your reduction for utilities and Homestead. Even with that included, we're still going to bring in an additional \$27M over the next four years. That \$27M is a lot of

money and I don't want to see us sit here another two years from now looking back at what happened two to four years ago when we brought in tens of millions and what do we have to show for it. I mean some of us are pleased that some of the organizations received some funding, but I believe those organizations are going to be needing additional resources moving forward. We are not on a sustainable path financially. We can ill-afford to continue to dig into our reserves to balance our budget every year.

If we were to take and cut the mills a couple years back and set an example to the other entities and we've stated this a number of times while we're here, the other entities continue to raise their mills or they choose not to take any action. They are accountable to the public just like we are. Unfortunately, we are the face of the government when it comes to the billing because it comes from us. So, if we could find a way to cut expenses in other categories that would allow us to, if not lower the mill, to at least look at how we can stabilize our valuation to the point that it's not up and down and trust me, I will be talking with our legislative colleagues in Topeka about the LABTRF. We submitted a bill 2.5 years ago for \$49M to try to get that back, but in the meantime we have a fiscal responsibility to this community and to our Administrator and to our employees and that's why I was pleased in talking with Commissioner Bynum in bringing this forward that no cuts to employees, no salary cuts, nothing like that because there's money in this budget. There's always money in the budget to find savings and that deep dive has not occurred because of external factors, COVID, continued extensions of the health concerns that we have as a state, so those things come into play.

I'm here tonight to say that I'm pleased that there's an opportunity to have this discussion. I know there's been a straw poll. Whether we pass this or not, we know what the budget is going to be moving forward, but we all have a chance to have our voices heard and I just appreciate the opportunity to have one last opportunity to find some relief for our ratepayers, taxpayers.

Mayor Garner said thank you Commissioners Bynum and Burroughs and our Administrator. I was approached by Commissioner Bynum to have a little more time for the Commission to at least have more options available to them that, hopefully, could provide needed relief to our residents that have been demanding and pleading for tax relief. I think most people by now know where I stand. My position is simple. We cannot continue to tax, spend, borrow and continue to dip into our savings to fund our governmental operations and balance our budget. Most successful

businesses in the corporate world or even if you have a small business don't operate that way, most people that do their public finances don't operate that way. At some point you have to make hard decisions when you're facing hard times, to tighten your belt, like I've always said, and cutback on things that maybe you want, but not necessarily you need and sometimes those can be hard decisions whether it's the individual making personal choices in their finances or for corporate world executives and boards that have to make those hard decisions. But, nevertheless, that's where we're at especially when you're talking about being in the red, moving past '26 into '28 and looking at our massive debt.

Our Administrator has already revealed to us this year that, I believe, it's 44% of our budget goes to pay off debt right out of the gate. So, that's where we're at and so listening to the residents at the revenue neutral hearing, again, for two years that I've been Mayor and listening to people literally beg this Unified Government, this Commission to please take a pause and find a way to bring them necessary relief that they've been demanding. Why is that so important? We still have some poor zip codes anywhere you would find in the state of Kansas right here in Wyandotte County. We have over 4,500 Land Bank properties as a result of people losing their properties. We have a high homeless population that is moving into our city. When you do that, the fear is—because I experienced it when I first started working here in my prior profession and I got laid off, when the city was facing budgetary constraints, they continued to raise taxes to try and make up the difference. What happened is, a lot of the businesses and individuals, the working class, they started to move out and the government continued to raise taxes again to try and make up the difference and the money wasn't coming in because you just didn't have that foundation of revenues from taxpayers that was there previously. Hence, I got laid off as a city employee because of budgetary constraints. It's amazing how history repeats itself.

What we don't want to do, we don't want to tax people into poverty, into hopefully not homelessness. Like some people had came up to me and talked about prior to the last budget workshop that literally if we raise taxes, they were going to be on the streets and our tax businesses that otherwise might provide expanding tax revenues which we need as well as families and residents that may want to see Wyandotte County as a place to live, work and raise a family not wanting to do so because when you look at BPU rates that people complain about, specifically the PILOT, which this Unified Government has control over, and you look at the ongoing tax

increases, it makes it unaffordable for people to see Wyandotte County as a favorable place to live. Those are things that we've got to change.

I know we've talked about, we've heard over the course of budget workshops, that the mill has been reduced in certain aspects since consolidation, but I've done my own research and there's data out there to show that since consolidation, property taxes have increased over 230% and that's out there and that's far exceeding the other rates that we look at when you talk about our finances here at the Unified Government. So, when that question was brought to me, I didn't hesitate to say, yes, we can hold this budget decision off, which was supposed to occur on the 31st of August and hopefully give staff and our commissioners—and I commend Commissioners Bynum and Burroughs for taking that time to just try and see if there's a way we can give our residents not just the relief that they deserve in property taxes, but the relief that they've been demanding and some people have literally been desperately pleading for far too long.

With that being said, I'm going to turn it over to our Finance Director and our Budget Director and they're going to give a short presentation on some of the conversations that occurred with Commissioners Bynum and Burroughs.

Reginald Lindsey, Budget Director, said this evening we're going to present mill reduction scenarios that have been built in on the revenue side. As part of this we've also built the mill cut on the expense side that County Administrator Johnston will have deep dive sessions with the Finance Standing Committees during the fourth quarter of 2024 to make necessary adjustments to adjust the budget down so that we can have a sensible fund balance. These adjustments will then be brought to the full Commission during the fourth quarter also.

BUDGET WORKSHOP # 8		City General Fund				
2024 Proposed Budget: City General Fund		2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES		\$ 169,110,982	\$ 175,796,284	\$ 181,823,879	\$ 188,588,447	\$ 195,690,868
TOTAL EXPENSES		\$ 170,593,501	\$ 177,684,106	\$ 185,077,218	\$ 192,785,952	\$ 200,823,999
Targeted PILOT Relief		\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000
Net Change in Fund Balance		\$ (1,482,519)	\$ (1,885,822)	\$ (3,253,339)	\$ (4,197,505)	\$ (5,133,131)
Cash Basis Ending Fund Balance		\$ 26,734,011	\$ 24,848,189	\$ 21,594,850	\$ 17,397,345	\$ 12,264,214
ACFR Ending Fund Balance		\$ 41,581,750	\$ 39,095,928	\$ 36,442,589	\$ 32,245,084	\$ 27,111,953
Reserve % of Expenditures		24.37%	22.34%	19.09%	16.73%	13.50%
Fund Balance 17% Target		\$29,000,895	\$30,206,298	\$31,463,127	\$32,773,612	\$34,140,080

Scenario: 1 Mill Cut		City General Fund				
		2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast
TOTAL REVENUES		\$ 167,470,982	\$ 174,059,884	\$ 180,015,943	\$ 186,708,194	\$ 193,735,404
1 Mill Reduction		\$ (1,640,000)	\$ (1,740,000)	\$ (1,810,000)	\$ (1,880,000)	\$ (1,960,000)
TOTAL EXPENSES		\$ 168,953,501	\$ 177,684,106	\$ 185,077,218	\$ 192,785,952	\$ 200,823,999
1 Mill Expense Reduction		\$ (1,640,000)	\$ -	\$ -	\$ -	\$ -
Targeted PILOT Relief		\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000
Net Change in Fund Balance		\$ (1,482,519)	\$ (3,624,222)	\$ (5,061,275)	\$ (6,077,758)	\$ (7,088,595)
Cash Basis Ending Fund Balance		\$ 26,734,011	\$ 23,109,789	\$ 18,048,514	\$ 11,970,756	\$ 4,882,161
ACFR Ending Fund Balance		\$ 41,581,750	\$ 37,957,528	\$ 32,896,253	\$ 26,818,495	\$ 19,729,900
Reserve % of Expenditures		24.61%	21.36%	17.77%	13.91%	9.82%
Fund Balance 17% Target		\$28,722,095	\$30,206,298	\$31,463,127	\$32,773,612	\$34,140,080

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Our first slide what we're doing is showcasing our City General Fund, the 2024 Proposed Budget with the targeted PILOT Relief in it, \$750K there and I'm reading from the top financials. One of the things that's important about looking at the City General Fund is that we were structurally imbalanced when we presented the budget back in May. We had like a structural imbalance of about \$10M when we first started looking at the budget and then as we proposed the budget, we got it up to where we had a 25% fund balance and we also had only a structural imbalance of \$700K. With the targeted PILOT Relief, looking at 2024 it did raise to about \$1.4M for the net change in fund balance, so we're balancing our budget based on pulling from our fund balance and we end up having almost 25% fund balance and then when you get out to 2025, we do pull again from our fund balance to balance the budget and that ends up being the case getting all the way out to 2028.

We do end up having a fund balance that is more than a floor of the fund balance that we recommend of 17%, but our top is 25% that we recommend, but you see when we get out to 2028, it ends up being like 13.5%.

So, the bottom financials, we get into Scenario 1 for mill cuts, and what we do there is in the 2024 column, we can see that we have one mill cut which is about \$1.6M and then we also take that same amount and deduct it from the expense side of about \$1.6M. This is where County Administrator Johnston will work internally to reduce the budget by \$1.6M by the time we end the year, so we can see that fund balance with deducting expenses on the expense side ends up being

about the same as what we have with the targeted PILOT Relief and that's because we deducted that expense amount. The reason for doing this is because we have definitely improved our structural imbalance. We still have a structural imbalance, but based on what we were looking at when we first started this budget season, we did not want to balance the budget even more on fund balance that was existing. So, what we're doing is lining up the expense revenue cuts in 2024 with the expense cuts on the expenditure side.

We can see going out to 2025 the fund balance ends up being like \$3.6M in the net fund balance change and we do have a 21% fund balance which is below our recommended fund balance of 25%. As we get out to 2026 we do have a structural fund balance of \$5M and as we get out to 2028 we've got a structural imbalance of \$7M which also gets us down to below 10% for our fund balance percentage.

BUDGET WORKSHOP # 8		City General Fund					
2024 Proposed Budget: City General Fund		2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast	
TOTAL REVENUES		\$ 169,110,982	\$ 175,798,284	\$ 181,823,879	\$ 188,288,447	\$ 193,699,868	
TOTAL EXPENSES		\$ 170,593,501	\$ 177,684,106	\$ 185,077,218	\$ 192,785,952	\$ 200,823,999	
Targeted PILOT Relief		\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	
Net Change in Fund Balance		\$ (1,482,519)	\$ (1,885,822)	\$ (3,253,339)	\$ (4,197,505)	\$ (5,133,131)	
Cash Basis Ending Fund Balance		\$ 26,734,011	\$ 24,848,189	\$ 21,594,850	\$ 17,397,345	\$ 12,264,214	
ACFR Ending Fund Balance		\$ 41,581,750	\$ 39,695,928	\$ 36,442,589	\$ 32,245,084	\$ 27,111,953	
Reserve % of Expenditures		24.37%	22.34%	19.69%	16.73%	13.50%	
Fund Balance 17% Target		\$29,000,895	\$30,206,298	\$31,463,127	\$32,773,612	\$34,140,080	

SCENARIO: 2 Mill Cut		City General Fund					
		2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast	2028 Forecast	
TOTAL REVENUES		\$ 165,830,982	\$ 172,321,484	\$ 178,208,007	\$ 184,827,941	\$ 191,779,940	
2 Mill Reduction		\$ (3,280,000)	\$ (3,480,000)	\$ (3,620,000)	\$ (3,760,000)	\$ (3,910,000)	
TOTAL EXPENSES		\$ 167,313,501	\$ 177,684,106	\$ 185,077,218	\$ 192,785,952	\$ 200,823,999	
2 Mill Expense Reduction		\$ (3,280,000)	\$ -	\$ -	\$ -	\$ -	
Targeted PILOT Relief		\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	\$ 750,000	
Net Change in Fund Balance		\$ (1,482,519)	\$ (5,362,622)	\$ (6,869,211)	\$ (7,958,011)	\$ (9,084,059)	
Cash Basis Ending Fund Balance		\$ 26,734,011	\$ 21,371,389	\$ 14,502,178	\$ 6,544,167	\$ (2,499,892)	
ACFR Ending Fund Balance		\$ 41,581,750	\$ 36,219,128	\$ 29,349,917	\$ 21,391,906	\$ 12,347,847	
Reserve % of Expenditures		24.85%	20.38%	15.86%	11.10%	6.13%	
Fund Balance 17% Target		\$28,443,295	\$30,206,298	\$31,463,127	\$32,773,612	\$34,140,080	

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Looking at the second set of slides that we have here, our 2024 Proposed City General Fund, same slide at the top, as I went over earlier, where it looks at the targeted PILOT Relief that's in there, which Commission all came to a consensus on the add that into the budget, so that's the same dollar amount. But when we get down to the second financials, that's where we have the two mill reduction in and the two mill reduction equates to about \$3.2M for 2024 and it grows out to 2028 to about \$3.9M.

So, concentrating on the 2024 forecast, we do have the mill reduction to the revenue side of \$3.2M and we did also include the \$3.2M on the expenditure side. So, what happens is with us taking it out on the expenditure side, fund balance does not really change and the reserve as expenditure of fund balance doesn't really change. Since we're not taking out the \$3.2M over the mill reduction on the expense side from 2025 to 2028 we can see there is a difference and the reason we're not taking out the expenditure side from 2025 to 2028 is because we don't know exactly what the adjustments will look like. We don't know if they will be one-time adjustments or if there will be recurring adjustments yet, so that's the reason we haven't taken those out.

One key thing to concentrate on is that we are still balancing the budget, digging in the fund balance and we can see in 2025 digging in the fund balance of about \$5.3M. We get out to 2028 we're digging a fund balance of about \$9M and out in 2028 we're in a negative cash situation where we wouldn't be able to pass a budget because we're in the negative with the cash balance.

The one thing that I will add is while these scenarios like in 2024, it does show that on both two mills and the mill cut was taken out expenses, it does show that we'll have like the same fund balance almost, but one of the things that we need to keep in mind is that there are things in other funds that need to be within the City General Fund that we don't have over there yet. Some things I'm talking about like in our Special Street & Highway Fund we're paying people out of it when we should be paying them out of the City General Fund and there's also debt projects that are being debted that we should be paying out of the City General Fund. Those are some things to keep in mind with taking away revenue and putting additional expenditure cuts within the City General Fund. Those are things that I want to discuss about the financials.

I don't know if Debbie Jonscher or Michael our Assistant Budget Director, I don't know if they have anything they want to add.

Debbie Jonscher, Interim Chief Financial Officer, said one comment I think I just wanted to make, Reggie had mentioned that you'll see in the scenarios the cut in 2024, but we don't show any cuts going out into the future years. I did just want to note that as you see in 2026, as that fund balance—I mean this was in both scenarios that as that fund balance drops below our minimum amount of 17% that we have in our fund balance policy that was adopted by the Commission, that we would need—in order to keep that fund balance at or above that limit, we would need to make additional cuts within those years. We've shown the cut for the mill levy, but we would probably

also need those additional cuts out in future years so that we don't go below our fund balance policy.

Commissioner Burroughs said, Debbie, I appreciate that because as we look forward and do the deep dive, that's where I believe we will find the ability to make cuts moving forward or at least to find out what we can stabilize our budget that is respectful, responsible and responsive and sustainable. You just made the statement I think that has been lost maybe to some in the community is that we can lower the mill and that gives you immediate gratification by seeing a little bit of a drop, a monthly drop. It might only be a few bucks on your property taxes. We see it on a larger scale because we're talking over a million dollars, but we could see that same savings within the budget by paying down debt, by enhancing some of the contracts we may have that's more favorable to the Unified Government, by identifying grants through Economic Development for those projects that are going to come online and be paying their fair share.

I do know that in talking with the State Department of Revenue that we did find that our evaluations we are now in compliance on the residential side, but we're not in compliance on the commercial side. Without drilling down specifically to find out is it more money that we're expecting from the commercial side because we're not in compliance because that's usually the case, but I don't want to speak for the Department of Revenue. Those things all come into play in the next 18 months as to how it will impact our budget and when we go through those things, those dollars add up. If it's \$50K there, \$100K there, that allows us to start looking at, not necessarily, lowering the mill and taking it out of ending balance to make people feel good that we're lowering the mill even though we're taking \$6M-\$12M we're going to cut 1.5M out of that and say we gave you a break. Well, no, we're still taking money and we're still not being what I call fiscally responsible in stabilizing a budget that keeps robbing the ending balance because there's still expenses that are going out.

So, I appreciate that and I would hope that we could all work collectively on a message that we can immediately lower your mill and take that savings out of ending balance, but it's still not forcing us to look at the deep dive or present the deep dive numbers that we were hoping we would have today. I believe that's what the County Administrator is hoping to get at when we have this discussion this evening.

Commissioner Bynum said a question and you've told us this repeatedly, as we look at the forecasting into the outyears regarding the revenue, is there a set percentage increase, for example, that you use for sales tax revenue. Are you applying some formula that's capturing like potential increases in sales tax collections, things like that? **Ms. Jonscher** said yeah and I might let Michael Peterson get to what's built in, but yeah, there is a—going out into the forecast we've estimated a certain percentage of increase assuming that we would get that based on the trends that we have in the current year. I'll let Michael speak to that.

Michael Peterson, Deputy Budget Director, said we have three basic assumptions we've made to the revenues, so on the property tax side we have gradually dropped that percentage growth so we know that it's about 15% this year, so next year we have a dropping of 6% and then we have it stabilizing at closer to 4% in the outyears just because we're not entirely sure what the property market's going to do.

On sales taxes, we have it growing at about 2% in the near future and then we have it growing back up to around 3-4% and in outyears just because we're projecting—we've heard a lot of talk about our recession, we didn't want to be overly aggressive on the sales tax side and then all other revenues we're projecting just a basic 3% inflationary increase each year.

Commissioner Bynum said I think it's helpful for us to have that in our minds and I appreciate it because I'm one that I just don't carry that information around with me. You have to tell that to me repeatedly and so as we look to the future years, you know, we may see changes greater than those percentages and we can't necessarily predict something greater because that probably wouldn't be wise, but at that time then could be very beneficial if something were to come back greater than what we had predicted.

This is why, commissioners, I was hoping that you would be able to hear us as we talk about what I consider a compromise that our Administrator has put on the table for the deep dive over the next basically 85 days that he's willing to look at these things and see what can be brought that we could live with. What cut could be brought if we did one mill, again, you know \$1.6M that we would be looking for to reduce expenditures by such that we could handle and live with the \$1.6M reduction.

That's all really that I was hoping to share with everybody today and just have folks be willing to hear it and possibly contemplate it and I think we're trying to bring a budget next week that we're going to vote on and adopt and either it's going to be maintaining the mill levy rates as they are or you know, hopefully, one mill at least. I'd be really curious what some of the quiet commissioners are thinking, those that haven't spoken.

Commissioner McKiernan said this is fine, we're nibbling around the edges. Yeah, people want to pay less in taxes, okay, and I'm sorry, I'm going to be my same oh Eeyore broken record that I've been for all these years, and you won't have to put up with my Eeyore next time around, but at the same time the people want to pay less in taxes, they want more and better services from local governments. That comes at a cost. What do we want to pay for excellent service delivery. People want better roads, they want more police protection, they want better and more timely response from fire departments to both fires and medical calls, they want better enforcement of municipal codes by keeping your grass cut and keeping your property in good repair, they want more parks and more community centers and more activity programs and more timely return phone calls from government offices and the list goes on. Beyond that, the cost of everything that local government buys to support service delivery to the community is going up.

The UG is a service organization. For most service organizations, personnel costs are the single biggest category budget expense and if we want to continue to hire the best and brightest employees who are capable of delivering the highest level of customer service, then we need to be prepared to make our pay competitive with other local governments who could give you the same job to do as we can. As I've said before, we're not going to cut substantial amounts of expense by only looking at paperclips and pickup trucks and if we're willing to make those big cuts, then we can make substantial change. I think until we are ready to make those big cuts, and that's not something I would expect by December 1st or whenever it is, that's not enough time to do that, but we've got to seriously consider how we hire, compensate, and otherwise reward employees from whom we expect exemplary, excellent customer service and that's really all I have to say.

I have no problem with this whatsoever, but if we're going to make bigger cuts, then we're going to have to look very deeply and anyway, that's it.

Commissioner Stites said I have the unique position that I represent three cities in Wyandotte County. The only commissioner, other than the At-Large, that represents three cities, Bonner Springs, Edwardsville and KCK. The unfortunate thing is when I look at this, and we talk about the deep dive in 85 days and the mill reduction and tax relief and the PILOT Relief Program, that doesn't affect two out of the three cities that I represent. I don't want to diminish or overlook the fact that on the County side that we proposed the CIFI which is going to be a much needed infrastructure funds to go to Bonner Springs, Edwardsville and also KCK. When we look at tax relief and that this won't affect all of Wyandotte County, it affects KCK. I don't want the people that I represent in KCK to think, well, wait a minute, what about us. I agree, I agree we need that tax relief for KCK folks too, but I also have two other cities that are in the county that aren't receiving any tax relief. They've been asking also and they're again being left out in the cold and I would like when we are looking at this deep dive, that it's not just the KCK deep dive, it's the county deep dive so that we're looking at how the folks that aren't in KCK can benefit from tax relief also.

I agree with Commissioner McKiernan on this, that we're scratching the surface here. We're really just kind of—I'm okay with it. I mean I like anything that's going to give some relief, but we haven't really addressed it. I was elected because people in my district said man, we are tired of it, we are tired of not being represented and getting our seat at the table and we need somebody to speak up and this can has been kicked down the road so many times that it's unfortunate that they feel like their voices aren't heard. I hope, like I said, that this will include the county deep dive also.

Commissioner Burroughs said if I may, on the back page staff, you included this on the back page, the key budget dates. Am I to understand that those six and the full Commission meeting Thursday for the Wyandotte County Library, that's when it will be presented with the mill levies that those entities have brought forward and the fee increases that those entities have brought forward in addition to the new mill rate? **Ms. Jonscher** said the six would be brought on the 14th, next week and then the library would be the only one that would come forward on the 28th and that's due to the fact that the library is holding their public hearing next week on the 19th.

Commissioner Burroughs said if I understand correctly, I believe they're moving forward with the mill increase, so we will have that mill increase in addition to the other items

that'll be on here that will be fee increases also to the residents. I'm just curious as to how much more that will be in fees and stuff. Do we have an idea what they will be, the fee increases collectively. I don't need that now, maybe the 14th would be a time to present that as to what the new fee increases would be so that the public knows the transparent part of that as we do the resolution.

I know they're concentrating on property tax relief, but you know a lot of times they don't get to see the hidden fees and charges and stuff that are going to be coming forward through the budget resolution. **Ms. Jonscher** said we can provide that.

Commissioner Johnson said I guess since I'm here I should say something. David, I don't think it's fair to you, I don't think it's reasonable, I don't think it's practical to send you down this path of mill reduction to see if you can pull the proverbial rabbit out of the hat so to speak. Personally, I apologize that you've been put in this position. To you, to Debbie and Reggie, you all showed us a cadre of discretionary expenses last week and not one of us said let's take a look at that one and cut—see if there's some cuts in that. I mean you gave them to—I'm talking about at that particular time. Debbie, correct me if I'm wrong. I want to make sure I say this right. We all have already received a warning from one of our credit rating agencies that lowering our mill levy and the resulting tapping of our reserves will bring us to the point of lowering our credit rating, which then increases our interest costs that are then tasked upon the shoulders of our residents.

Ms. Jonscher said we haven't received a warning this year. You know we were lowered in the past by one of the rating agencies due to the low reserves, but that is something that they note each year on their report. Right now the outlook is stable for both credit ratings; however, they have noted that a reduction in reserves could lead to a downgrade in the rating.

Commissioner Johnson said okay, so I'll change my word from warning to note. They've noted to us to do that and if it is true that we are losing residents that are being forced out of our community, there must be more persons moving into our community because our population continues to increase year over year here recently. David, the best way as far as I'm concerned to right size this budget is to hire an Eco Devo Director post-haste and the corresponding staff so that we can be about driving good business into Wyandotte County. That always comes up as the stepchild in any of our conversations and it is the one area that we know will drive—Katherine Carttar did a great job. She kept the cadre full of prospects for us to continue to look at. Did we

do all of them, no, but that's the way that you do business. You've got to have the pipeline full of prospects, the likes of which that we can do business with and the more full that pipeline is, the more will come out and the more we can expect to create the kind of economics in Wyandotte County that will allow us to look at, you know, reducing our mill levy to our constituents without seeing all these red lines all over the place. Every time I see red lines and red numbers, that tells me to slow down, change your path. I cannot legislate based on a bunch of red lines and that's all that we see and I think, David, you gave us our recommendation a week ago or so. It was not pretty, but it was the best we could do at this particular time and I'm ready to roll with it because you gave us the strategy behind it. You didn't make it look one way, throw a rock and hide your hand. You said this is exactly what it is folks and this is how I propose that we can get out of our situation, but the hiring of an Eco Devo Director will be our saving grace at some point when that finally happens. They can get into the community.

Also, you talk about going after grants. We have to have grant writers on staff in order to get those kinds of things. So, those are just my thoughts.

Commissioner McKiernan said, Mr. Johnston, I would be in favor of looking for a mill. That would be fine, but structurally how's this going to happen next week. Are we going to bring two different motions because I could anticipate that if we say on the basis of this meeting with five of the ten of us here, one mill, what happens if that doesn't pass. Would we then bring a motion that would reflect last week's zero. I mean is that how it would go?

Mayor Garner said what I was planning on doing is putting both of these on the agenda because there are five commissioners not here. It would allow them to weigh in to this conversation and I apologize to staff that you may have to go over this presentation to answer questions from the five that aren't here. What that would do is to give this Commission two options and I would entertain a motion on an option that would be favorable to the Commission and I would call for the vote and the majority of vote would prevail. **Commissioner McKiernan** said thank you, I would appreciate that.

Mayor Garner said I agree with Commissioner Johnson, we've got to expand our tax base. We've got to bring in business, we've got to bring in residents and that can provide jobs to these businesses or have jobs at these businesses and anchor them in Wyandotte County to expand our

tax base. One thing I would caution, not just the Commission, but even staff as we move forward is I've always been an advocate of when we do bring businesses into Wyandotte County, especially big business, I don't believe in corporate welfare. I believe that these businesses should be obligated to pay their fair share of taxes and so we need to be intentional and responsible with the type of incentives that we give these companies. Yes, I'm not—we need incentives, I'm not against incentives, but we just need to be mindful of that because if we give away the farm and you have this big business sitting next door to me that pays little to nothing, but my valuation goes up, I could end up paying more property taxes in some cases, and it's dependent on the incentives, than a big box business and I think that's unfair and has been unfair to a lot of our taxpayers here recently.

So, we've just got to change how we do business here in Wyandotte County and expand our tax base and I think the more businesses we bring in, it will alleviate some of the tax burden from our residents and from those businesses that are here and make it more favorable for those businesses that do want to be here. I just want us to be mindful of that.

Yes, we want to bring in economic development. That is what is going to help us claw ourselves out of this hole, but we just have to make sure that we're intentional and responsible with the types of incentives that we get to have those types of businesses. Then we need to make sure that the jobs they provide are actually going to Wyandotte County workers in a way that can be reflective of what we see in our data gathering tracks throughout our area zip codes because it's no secret Wyandotte County has a lot of high-paying jobs, but there's a lot of data out there to indicate that about 70+ percent, from what I've heard and being told, those high-paying jobs a lot of those folks don't even live in Wyandotte County. They come in, they work and they take their dollars and they take them back to other communities. Some communities that are more affluent, doing better, so you've got one of the poorest communities propping up some of the more affluent communities that don't need our tax dollars and are really thriving on the backs of poor folks here in Wyandotte County and for me therein lies some of the problem.

I think our Administrator has made it clear to all of us that he is working to put a plan together for a deep dive and really changing how we do business here at the Unified Government and I'm anxious to see what he comes back with. That's why we hired him. We all have a lot of confidence in him and we have confidence in staff because what I've seen staff do, staff has stepped up time and time and time again to give this Commission exactly what they said they've

wanted and I know and I'm confident that whatever that call to action to staff is moving forward, they're going to shine and they're going to step up to the plate and they're going to give this Commission and, hopefully, this community something that will be not just reasonable and responsible, something that I think can help sustain Wyandotte County in the foreseeable future.

So, that's what will happen at the next meeting. I just ask that staff makes sure that we get the information to the rest of the Commission so they can review it and digest it. Maybe, I don't know if three on three is in order for those that weren't here or two on three, whatever the case may be, just to bring them up to speed, answer their questions and that way they can be better informed and prepared so when we do have this final budget discussion, because this is it on the 14th. This Commission will have all the information they need to make an informed decision and we can move on to the deep dive as we move into 2024.

This meeting was just for information. There's no further items on the agenda. I'll call for a motion to adjourn.

Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to adjourn. Mayor Garner said we have a motion and a second. Clerk, roll call please. Roll call was taken and there were five "Ayes," Stites, Bynum, Burroughs, McKiernan, Johnson.

**MAYOR GARNER ADJOURNED
THE MEETING AT 6:05 p.m.**

Monica L. Sparks
Deputy Unified Government Clerk

dt

September 6, 2023

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

SPECIAL SESSION, THURSDAY, SEPTEMBER 14, 2023

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Special Session, Thursday, September 14, 2023, with eleven members present: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Davis, Commissioner Seventh District; Stites, Commissioner Eight District; and Garner, Mayor/CEO, presiding. The following officials were also in attendance: David Johnston, County Administrator; Bridgette Cobbins and Alan Howze, Assistant County Administrators; Angela Lawson, Interim Chief Counsel; Monica Sparks, Deputy Unified Government Clerk; Jeff Fisher, Executive Director of Public Works; LaVert Murray, Economic Development Advisor to the Mayor; Chief Karl Oakman, Police Department. Sheriff Daniel Soptic, Interim Chief Dennis Rubin, Fire Department; and Irene Caudillo, Chief of Staff in Mayor's Office.

Mayor Garner said before I call the meeting to order I want to announce that we do have individuals attending remotely as well as on-site. All participants joining by phone, should please mute your phones when not speaking to avoid background noise. During the meeting, make sure you announce yourself by name and title every time you speak so the public that is participating knows exactly who is speaking. This is critical given the number of remote participants and is also current guidance from the Kansas Attorney General's Office. I would also like to remind, especially here on the 5th floor, that you please be sure to speak loudly and clearly into the microphone to ensure that your comments are being captured by the Clerk for an accurate record of the meeting.

Mayor Garner called the meeting to order.

ROLL CALL: Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Garner.

NOTICE OF SPECIAL SESSION of the Unified Government of Wyandotte County/Kansas City, Kansas, to be conducted in a hybrid format on Thursday, September 14, 2023, at 5:30 p.m. in the Commission Chambers of the Municipal Office Building for presentations from Public Safety officials regarding retention and recruitment.

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 evening will be a hearing presentation from our Public Safety Departments regarding recruitment and retention efforts and the challenges they face here in Wyandotte County. I'll recognize our County Administrator, David Johnston, to allow him to open up some remarks and looking forward to the meeting.

David Johnston, County Administrator, said during our budget processes the issue of how difficult it is to recruit for vacant positions in various departments have come up regularly. It was at the last Commission meeting where the Commission requested a presentation by the four largest departments on the challenges that they are experiencing to fill key vacancies to serve our citizens. So, we asked each department head and Sheriff Soptic to put together a presentation and make a presentation before the Commission to help enlighten them on the challenges that our departments are facing.

We have in order of the seating from Sheriff Soptic to our left down to Mr. Fisher at the far left is the order of the presentations and I think we would probably so you can get the whole landscape let each department make their presentation to the Commission and then ask your questions and they'll be here to answer them directly.



Staffing Update

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Sheriff Soptic said that meeting that Mr. Johnston is referring to, the Sheriff's Office was a big part of that discussion I guess I'll say. So, what my presentation does, it talks about retention and our efforts to recruit. It's also going to hit on a couple other issues. I went back and listened to that meeting three different times and wrote down the questions that the commissioners that had questions asked. My goal is, and I'm going to try and stay within a timeframe so I can pass it on to the Chief, but my intention is to answer, or at least provide information, that speaks to the questions that you had. With that said, I'm not going to exactly quote your questions, but I will try to get at least the content of the question that you asked.

Sheriff Authority/ Funding

- **19-811. Charge and custody of jail; liability for acts.** The sheriff shall have the charge and custody of the jail of his county, and all the prisoners in the same, and shall keep such jail himself, or by his deputy or jailer, for whose acts he and his sureties shall be liable.
- **19-812. Process, writs, precepts and orders; court attendance; fees.** The sheriff, in person or by his undersheriff or deputy, shall serve and execute, according to law, all process, writs, precepts and orders issued or made by lawful authority and to him directed, and shall attend upon the several courts of record held in his county, and shall receive such fees for his services as are allowed by law.
- **19-813. Preservation of peace.** It shall be the duty of the sheriff and undersheriffs and deputies to keep and preserve the peace in their respective counties, and to quiet and suppress all affrays, riots and unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they, and every coroner, may call to their aid such person or persons of their county as they may deem necessary.
- **19-805. Deputies and undersheriffs; duties; meetings and seminars; budget; limitation of personnel action.**
 - The sheriff shall submit a budget for the financing of the operation of the sheriff's office to the board of county commissioners for their approval.
 - (The county shall adequately fund the Sheriff's order to fulfill the responsibilities of the office)

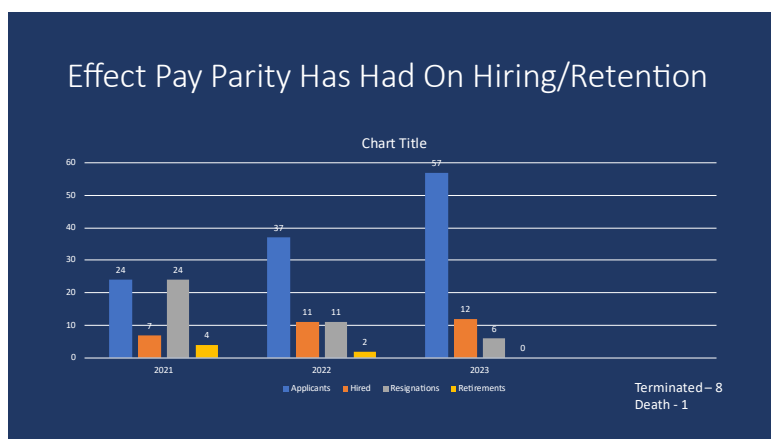
Commissioner Davis, one of the questions you asked was the statutory requirements for funding the Sheriff's Office and what you guys are obligated to do. These three statutes really are my playbook, my Bible, my whatever you want to call it. This is what lays out the foundation for me and what I do every single day, what I'm responsible to do when I took the oath, when I took this

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job. The first two are pretty clear, running the Detention Center. The second one is pretty clear, serving the courts and the third is pretty open and there's a lot of things that fall under that, but these are the three statutes that govern what I do every single day.

To your question of funding, 19-805 speaks to that. What it boils down to, and I'm not going to give you my legal response, what it boils down to is I have the duty by law to fulfill those statutes. I bring a budget to you guys that in turn funds those three statutes. I ask for you guys to approve it and once it's approved, it's given to me to disperse. Again, to fulfill those three statutes.

You know we can talk about properly funding and improperly funding and all those things. You mentioned in your question what do we need to do to keep us out of court and that's never been my intention, that's never been the direction that I've ever even talked about going. My goal has always been to work with this Commission and it will be to my very last day here. I think we can always get past that and it doesn't need to go that direction, but at the end of the day, sure, that is a remedy for me, but just so you know those three statutes is what guides me every single day.

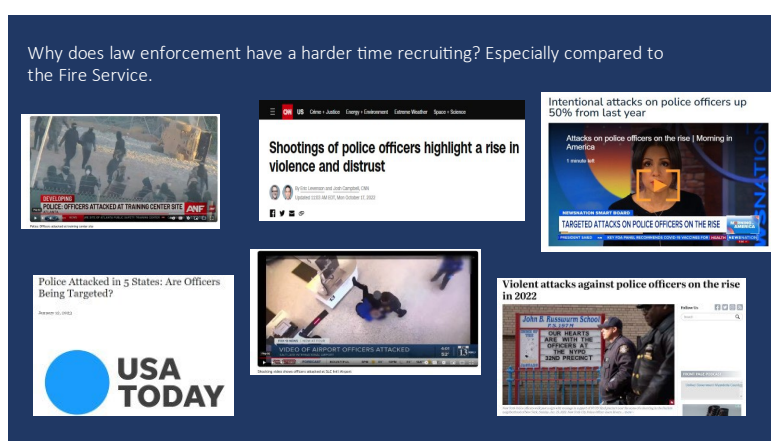


Commissioner Ramirez, you asked about has the pay helped with bringing in more candidates. The chart you have in front of you, 21 in blue was our number of applicants and you see that in '22 and '23. Also, up there in orange is the number of—and this is just deputies, numbers of deputies we've hired in '21, '22, and '23 and then ultimately the number of resignations there also. There's no doubt that has played a huge part and you look at that graph that goes up in the direction or the numbers we would hope that it would go up and the resignations, it goes the opposite way what we would like and then retirements, that's not anything we can control although I will say my goal since being here is to produce an environment where people not only want to come to

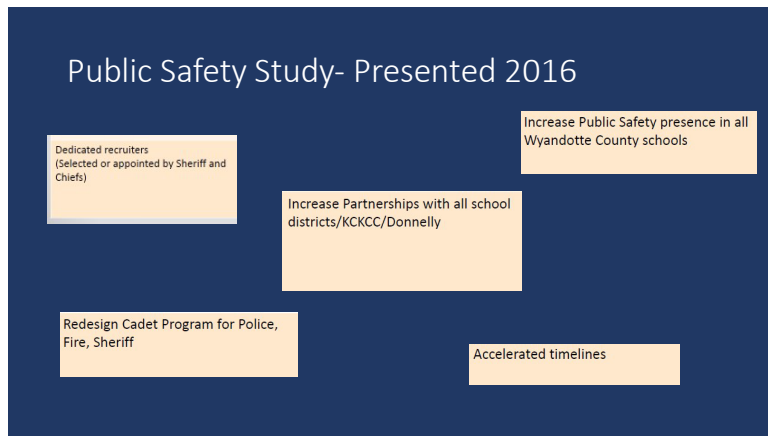
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work, but they want to stay and ultimately retire. So, you know, having retirements at the end of the day sure it hurts numbers, but it also means that we've provided a workplace that people want to come and stay. So, to your question, absolutely, it's played a huge part no doubt and it's just the beginning.

What I will say and I said this when I came to you guys and asked for the pay parity, it's not a magic bullet, it's not a fix all. It's nothing that's going to solve our country's law enforcement recruitment problems by any means, but putting us on a more even playing field at least internally was the goal and it has definitely done that.



Commissioner Johnson, you asked why the Fire Department was so successful in hiring and then Commissioner Stites has made some comments to this. So, this literally took me about two minutes to put these together. All I did was Google it and, you know, it's pretty clear, law enforcement is not an attractive job, law enforcement has been demonized and I've said that over and over again. I can't tell you how many speeches I've given at our Law Enforcement Memorial, at some graduations and I say it over and over again and it has—you know there's people and there's groups that try to use local governments really to weaponize and to further agenda's against law enforcement. That's not productive either. That doesn't help us at all either, but it's just not what it used to be in the sense of jobs that people are just lining up to take.



Mayor, you had mentioned or you actually talked about your time at the Police Department and when you were hired, correct me if I'm wrong, 1987 is that right, okay, all right. You talked about the hundred and hundreds of applicants that came in and really the lack or the ineffectiveness of hiring—you felt of hiring of minorities in our community. So, in 2016 this study was presented to the Commission. Back then Sheriff Ash was here. Now these were things and I just took out stuff that applied to the Sheriff's Office. It talks about dedicated recruiters, something we should do to increase our partnerships with the school districts, increase our presence in the schools, redesign our Cadet Program and accelerate timeline. What I can tell you as we sit here in 2023, these are all the things we've done. Some of them later than others, but they've all happened at this point and so everything that came up in this Public Safety Study back then has been done.

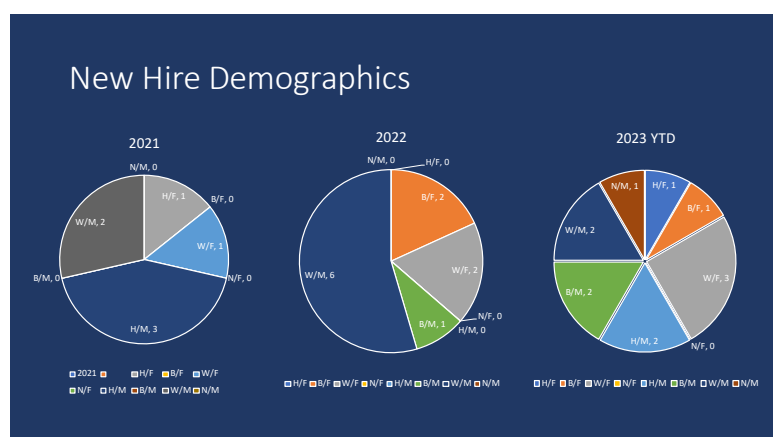


In that same conversation we talked about our hiring and are we really reaching out. What are we doing, are we going to every part of this community to try to hire. In 2022 we attended 49 hiring events. When I put this together we had attended 42 year-to-date with another 22 anticipated. Clearly our hiring events are on the rise and this is just a small, small sampling of the places we've

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been and I just ask you to take a look at that and tell me that we're not reaching out to every part of this community because we are.

The things I can't control is who applies, I cannot control their backgrounds, the things they've done that maybe make them ineligible. Those things I can't control, but I can tell you and this is a commitment that I've made since day one, there is no part of this county—and quite honestly, even outside the county if I have to, that I won't go to work on recruiting. The work that HR does with us, our recruiter, our HR liaison, there's no way we could do it without them. The work that they do every single day to go along with my people, you know, when I'm as short as I am, those bodies have to come from somewhere to recruit and what ends up happening is HR picks up that slack, if not to lead the charge to help to get out to some of these places particularly as we talk about our Cadet Program, which I will brief you on later.



On that same token the demographics of those that we've hired, so out of those same three years I would just, if nothing else, just look at the wheels and the representation by nothing but the colors that the PowerPoint picked. I don't know that I need to say a whole lot else to this slide other than as I get qualified applicants I don't care who they are, I don't care where they live, I don't care what their color is, I don't care. None of that matters. I look for content, I look for character and I look for people that are qualified and I hope that you could take just a quick brief look at this and that would put any of that fear or that concern to rest.



Finally, Commissioner Stites, during that meeting you mentioned residency and you mentioned my concerns with residency. Here's what I'll tell you. Residency is a problem, it's not the problem. I've showed you in other slides that this isn't a career that people are lining up for. With that said, I can't ignore the people that do tell me I won't work there or I can't work there because I can't or don't want to move there. This is just some snippets and I'll tell you this is all stuff you guys can go find. It's not super-secret, it's on our Facebook page. All I did was go through and pull out some comments. I went back, I don't know, six-eight months, a year, and just pulled random comments. This isn't stuff we put—I don't know any of these people. This is things that have come to us and I think it's really interesting and equally important, do we look at the average age of my new hires. I would ask you as you kind of bat around the residency discussion, what were you doing at 27, 30 and 32, probably raising a family most of you. I think that becomes problematic. I think it becomes—and not problematic in the sense that it's a bad thing, but I think it's something that has to be considered.

Part of that question, Commissioner Davis I believe, asked what is my legal ability or where do I stand when it comes to residency, what can I do, what I can't do. I will tell the Commission I am very confident, in fact, 100% confident that I do have the ability to challenge it and I think that legally I have that ability, but I will tell you I think there's a difference between can and should. I'm not here to tell you that's my intention. I'm not here to hold that over your head. Like I told you earlier in my presentation, my intention has always been to work with this Commission and I think on a daily basis there's probably things that I can do, but I always look at should I do them for the good of not only the community, but for good of my agency. I would much rather work with this Commission and find a way to work through this issue.

I'll tell you, I've told several of my staff members I was going to come in here tonight and do exactly what I tell them not to do and I tell them don't bring me a problem without a solution and that's what I'm going to do. I'm going to bring you the problem and I don't, I'll be very frank, I don't have that solution. I really don't, but what I can tell you is, I do believe that having employees that live here and work here, at the end of the day, probably does make for a better public employee. I can't argue with that and I won't argue with that, but we have to find a way to be competitive to incentivize people to want to be here and I truly believe if we incentivize and we change that narrative, I don't think you have to force people. I think they want to do it because they want to do it for whatever that reason is.

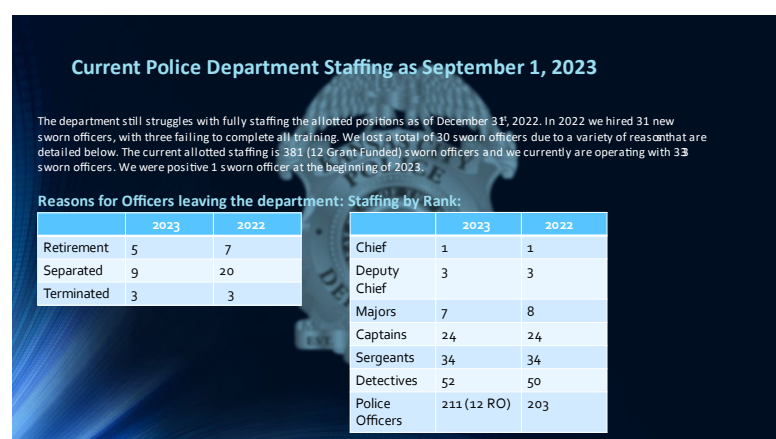
I will tell you since you had your last meeting I've had a resignation. He put in his two weeks, I asked the Undersheriff to do his exit interview, his reason was residency. So, again, I won't hide that from you. I won't cook the books, I'm just going to tell you what people tell me, but like I said early on, it's not the only stumbling block for us. It's just not. There are several stumbling blocks, but I think we need to be realistic as a government and as an entity, as an organization and lay our cards out and look at everybody else's cards and, you know, what makes us competitive, what separates us from other places, what do we do to incentivize and be somewhere that people want to come work and live.

Unfortunately, when you lay on—in law enforcement anyway, when you lay our cards down you end up with comparing money and residency. That's about what's left. I think our benefits are amazing. I think the things we offer our employees are amazing, I think we are very competitive in that sense. There's just a few things left that separates us. Take that for what you want, but that's a reality of where I sit. We do have people that come to our hiring events and this comes up. Do I have to move, well yeah you do, I don't want to and I can't. I've used this explanation with people before, and I almost brought her, but I didn't make her come, my daughter's 15, if I came to her tomorrow and said we're moving and I'm making you leave the school district that you've been in since day one, I would have a very, very upset 15 year old and the family dynamic would be turned on its head. So, I think we have to keep that in mind. We have to compare that to the average age of our new hires and figure out keeping that in mind, what do we do, how do we fix that. I mean I know all I've added to your problem and I get it. That was not my intention, but at the same time, there really was no way around it.

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Again, I'm here to work with you guys and that's been my intention since day one. I'll leave you with this and I think this is the dynamic we have to work through. For a lot of us Wyandotte County has always been home and for all of our lives. Some of us, you know, at least for most of our lives. We feel connected and we've raised families here and this is home. What do we do when our applicants have that exact same feeling and that exact same connection to home and it's not here. That's hard to overcome and I think that's what we have to figure out. Again, I wish I had the answer. If I did, I'd sell a book to you guys and make a whole lot of money. I don't, but that is truly the answer, that's the problem, that's what we come across and that's our hurdles when we try to recruit.

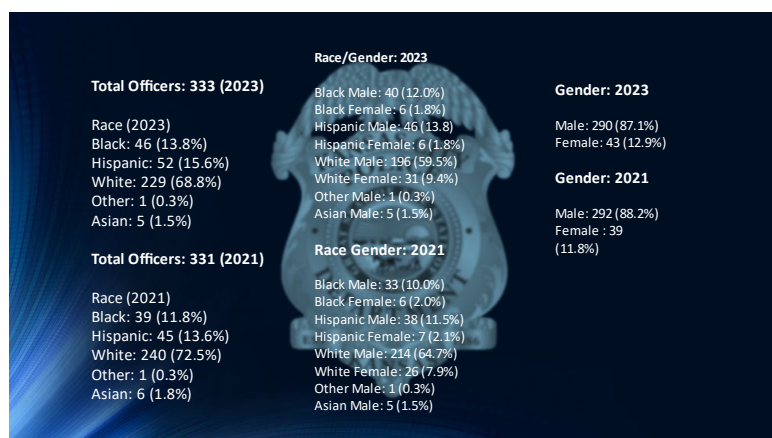
Like I said, my presentation was a little bit all over the place, but I wanted to address the questions that had come out of the last meeting and so I will stop there and you can move on.



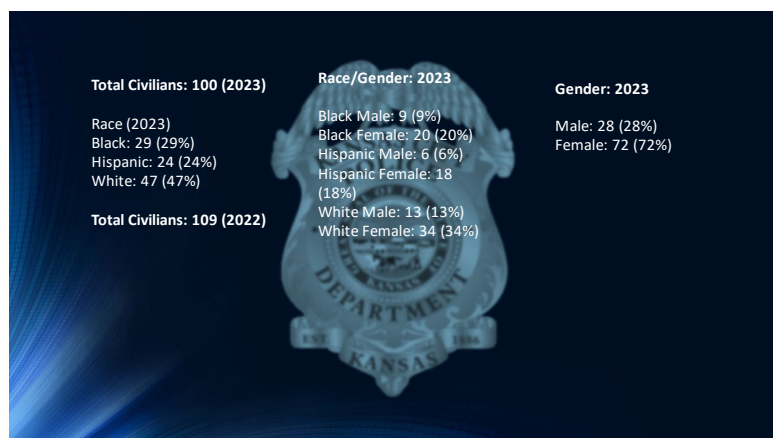
Chief Karl Oakman, Police Department, said I'll try to be brief and just hit a few points. As you can see this is as of September 1st, our total sworn is 333. As you can see when you compare 2023 to 2022 we're pretty optimistic right now about our losses compared to 2022. On the separated at 20 for 2022, most of the people left for various reasons and there was actually a couple of terminations in there, but they left pending termination. One thing, I'm a firm believer of sometimes there's addition by subtraction and then you can see our ranking 2023 compared to 2022. If you look at the police officers for 2023 the 211 and we have 12 recruit officers now that are in the academy. Then last year after—and I'll go to the next slide...



you'll see the number of recruits that we hired going back to 2021. In 2022 we hired 32 recruits and at the beginning of January of 2023 we were one officer ahead of what we started 2022 after hiring 32. Now, that may seem not the best, but compared to a lot of other Police Departments in the area in this day and age, that's considered a positive gain. If you look, we've hired 73 recruits since 2021 and if you look at the breakdown, and this goes to one of the questions that Sheriff Soptic answered, we had 42 minorities in those classes and 12 females, so the minority representation in those 73 recruits was 57.5% and the female representation was 16.4.



As you look at our total breakdown of the Police Department, sworn we're at—when you look at the minority of the Kansas City, Kansas Police Department, we're just over 30%. That is the highest minority representation of any Police Department in the state of Kansas, any Police Department in the Kansas City metro area, and any Police Department in the Midwest outside of St. Louis, MO and Chicago, Illinois. The next closest department in the metro is Kansas City, MO which is at about 12%.



This is just more. Now when you look at our civilians, currently we have 109. As you can see, the demographics and the breakdown of our non-sworn is similar to our sworn.



When you look at our attrition rates, as you can see in 2016, we lost one and what I mean by that, that's how many people resigned, how many people retired, how many people are terminated versus how many we hire or rehire.

When you look at 2021, in 2023—2021 and 2022 is where the struggle is with most Police Departments and that is a result of most of the civil unrest from 2020 and I would have to definitely agree with the Sheriff is that in law enforcement versus other professions right now is a very difficult profession because often the outside groups and KCK Police Department, unlike others, have really seen the brunt of it in the last two to three years. Something that I always do with the community is I make sure they understand the facts, what's really going on because I think being a resident that was born and raised in Kansas City, Kansas, I stress to the community we should not let outside people come into our community and tell us how bad of a community

this is when they have no idea. Just like those numbers I mentioned about the Police Department, this is one of the most diverse cities in America and I think that we have great things ahead of us and I make sure that I stress that.

As you can see, over those eight years we've lost 11 and when you look at all the hiring, that's a lot when you talk about the amount of people that we hire and the amount of people that have left. So, even going back to 2021 when you add up all those people have left and we've hired 74 and we were only up by one, that tells you how many people have left.



As far as our Dispatchers, which we often hear about dispatch, in 2021 we hired eight, we lost nine, so that's a net loss of one and, there again, 2022 we hired five, lost nine, net loss of four. Now, like I said, some of those were terminations, but it still affects our ability to give the most effective service to our community members and as you can see with Dispatch in three years, you're talking about a smaller number. We have a loss of seven versus going back to 2016. With sworn we had eleven and we're dealing with a lot more people, so you can see how that's very impactful for Dispatch.

Recruiting Challenges

- Police Perception
- Residency
- Health Care (deductibles and coinsurance)
- Working Shifts (8 hours vs. 10 hours)
- Lateral hiring process
- Facilities

Some of the recruiting challenges, I think number one as we talked about was police perception. I've been in this profession for 32 years and one of the most painful statements that I've ever heard came from my own son who is a police officer in Kansas City, MO and he told me just about six months ago, he said Dad, myself and my fellow officers, we are more concerned with getting charged in the line of duty than being shot and killed in the line of duty. They're more concerned about going to jail than being killed in the line of duty. That is something that we really need to understand and think about. That's the mindset of the people that we entrust to take care of this community.

When we talk about residency, I agree with the Sheriff. We have to look at it, but I also will tell you this, this is my belief as a Police Chief and this is my belief as Karl Oakman, resident of Wyandotte County. I believe that police officers should live in the community that they serve; however, we understand the recruitment challenges that we're faced with and that's one of the things that I think when you talk about the Kansas City, Kansas Police Department, we have a large percentage of officers who were born and raised in this community that work for this Police Department. As the Sheriff said, I don't have a magic answer, but I think that balance should always be there and then some other things that we hear compared to other Police Departments is health care.

Unfortunately, there's a lot of other Police Departments in the metro that when they have health care, they have their portion that they pay, but they're not required to pay the large deductibles and the large co-insurance that we offer to our department members. When you look at places like Overland Park, Lenexa, even Kansas City, MO, you're talking about health insurance, and as the Sheriff mentioned, a lot of these people that we hire have families. They can't afford to have a child and have to pay 10% of that cost through co-insurance.

Just to give you an example, where I came from my son tore his ACL, cost \$60K. You know how much I paid, 30 bucks, \$30 and that's something that's hard to compete with when you're trying to recruit other individuals and they can just go to another Police Department because, yeah, you get the salary, but that's a big amount of money. You know if I had to pay 10%, that's \$6K I would had to pay out of my pocket.

Then working conditions, and this is something we're working on with staffing. We're one of the few departments that still works the basic five days, two days off, eight hours a day, that's a very antiquated shift and I mean that will be an overnight game changer for recruiting, but the catch-22 is, we have to get staff up to where we're able to put in the 10-hour plan, so that's something that we're very optimistic about.

The lateral hiring process, this is both a blessing and a curse. The blessing is we can get other officers from other departments, but at the same time they can get our trained officers to go to their department.

The last is facilities. This is something that we really need to look at and we've been working on it and really thank you to the support of the Commission that is really helping us with that to really compete against some of these other departments such as our patrol vehicles, our equipment and I just want to thank the commissioners for that.

Positive improvements

- In late 2021 worked with HR to reduce processing times (received national praise from police agencies and organizations)
- Reduce the sign up time for the written test
- Removed the doctor exam requirement for the obstacle course
- Created the process to conduct two academy classes at once
- Reserve officer program
- Dispatch Cadet Diploma plus program with USD 500, Tuner and Piper

Residency Proposals

- Residency waiver first 3 to 5 years
- Members who plan on retiring within a year will have the option to live outside the county
- Possibly waive residency requirement for dispatchers

The last thing is some of our positive improvements. I got here in June, 2021 and I looked at our process the first month I was here. The first thing I looked at was our recruiting process and we were doing some things that was a little antiquated and really made us where we was now, competitive, but I can tell you HR rolled up their sleeves and worked with us to get some things changed such as reduced our sign up time for the written test. It used to be you had to sign up 30

days before you could take the test. We got that changed to where you can sign up within a week.

We removed the doctor's exam requirement for the obstacle course. We were requiring applicants to go get an exam from their doctor to see if they were fit to run an obstacle course. Every other Police Department in America just made you sign a liability waiver, so that's what we put in place.

My academy staff was like oh no we could only do one class at a time and I said wrong answer. We figured out how to do two classes at the same time and it's working just fine and now we're looking at a Reserve Officer Program, which we will give you more details about that in the future as we get it rolled out.

Then, our Dispatch Cadet Diploma Plus Program with USD 500, Turner and Piper, so we're pretty excited about that after a year with District 500, I think we got it worked out, so that will be growing.

Here's a few suggestions as you look at residency. There's some things we can look at like as a residency waiver for the first three to five years because where that's important is oftentimes by the time you're at your third year, you're in a different pay bracket where you can pretty much afford to move, so that would be a good starting point. Then, the second thing, as some of you may know, when it comes to employees, you do something for one you have to do it for all. My solution to that is as we have members in their last year that have given a retirement date, that we allow them the option to live outside the county that year if they're going to retire. Now, if they don't retire, they have to move back in or they will retire. No choice there.

Then a possible residency waiver for dispatchers. I'm going to throw this out here. This is just me throwing out a vision. I think dispatch is a problem all over the metro. Those 911 taxes, the majority goes to MARC, Mid-America Research Council, and just before I left KCMO I was toying with the idea of looking at creating a regional dispatch center that's ran by MARC so you don't have the competition which is what we're having now from dispatchers jumping to agency to agency because MARC runs the dispatch infrastructure anyway. They get a majority of the 911 taxes, so I think that's the option to start exploring even if you did a CORE4 Dispatch Center. That's all I have and I'll turn it over to the Fire Chief.

Interim Chief Dennis Rubin, Fire Department, said thanks for letting us provide a perspective on the residency requirement as it impacts the Fire Department.

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KCKFD's Perspective on the Residency Requirement

- Fire Administration is in favor of extending the residency requirement to incorporate 25 miles from the center of Wyandotte County (78th Street & Orient Drive)
- Based on the interstate highway system, the reporting time back to work would likely be under 60 minutes for all
- In the past 20 years, there has only been one call back to duty – the Joplin, Missouri tornado disaster
- The Fire Chief should live within the boundaries of Wyandotte County



Fire Administration is in favor of extending out the ability to reside to about a 25-mile perimeter around the center. Much like my colleagues, I've worked in my business for quite a while, about 41 years, I've always lived in a community that I worked in personally, but I would tell you that I've modeled this on the District of Columbia that had a lot of problems in hiring, particularly, paramedics. The downside always is, of course, can you get your crews back, can you be able to handle the next tornado that comes through town or a major fire and we feel like with a highway system, if we were to maintain that 25 mile barrier or closer, about 60 minutes would be the response time. In the past 20 years, I did a poll, there's been one callback of off-duty members in 20 years and that was to the Joplin, MO tornado disaster that occurred several years back. As I mentioned, I believe strongly that the Fire Chief must live in the community.



The next slide will show you, of course, the current boundaries of Wyandotte County and the center point ends up being at 78th—oh, I thought I had it, but at any rate that is the center point and

moving out, as you can see, it isn't far off of any of the interstate highways to be able to report back to duty in an appropriate time.

This request aligns with the Center for Public Safety Management Report of June 2023

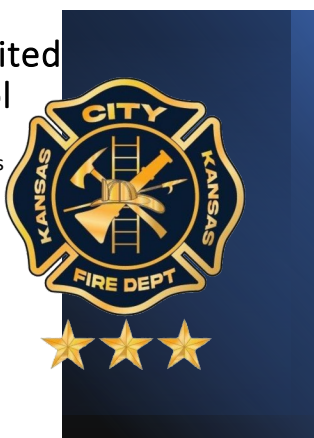
- "Policies that impact the department's ability to effectively recruit (i.e., residency requirement)"
[CPSM Final Report - page 6](#)
- "There is a residency requirement for staff, but Wyandotte County does not offer opportunity to residents which creates a recruitment problem"
[CPSM Final Report - page 45](#)
- "Other policies like the living requirement were not addressed; the living requirement is imposing a burden on recruitment efforts"
[CPSM Final Report - page 46](#)



I think you're going to find a couple of interesting notes from our recent study that was prepared by the International City Managers Association through the group called Center for Public Safety Management. I pulled out three of their excerpts and there's probably a total of five and either directly or indirectly it points out that if the catchment area was expanded, we would be able to attract more paramedics as you're going to see in another slide...

Direct Impacts due to limited Paramedic Candidate Pool

- Staffing level stands at **negative** 45 Paramedics
- The 45 Paramedic positions are being filled by Emergency Medical Technicians
- This causes increased Overtime expenditures
- Forces Overtime on the Paramedic staff



we really are up to speed in terms of numbers of firefighters. We do have some issues and we're working on them very diligently to diversify our organization. In fact, I would daresay we're way behind the power curve, but we're working hard to resolve that. Even though our positions are filled, we're negative 45 paramedics. The goal of the organization is to have all of our ambulances operate as paramedic ambulances 24 hours a day, seven days a week and at least one paramedic

on every fire truck. We do that for several reasons. Today at about 11:30 we had a three car wreck at an intersection, not terribly far from here, and it generated five patients. As you might be able to tell with that number of patients, one paramedic would not be able to provide the appropriate care in the appropriate time. By having to fill those paramedic positions currently, we do that often with overtime. The overtime sometimes becomes a forced march when we don't have enough bare minimum paramedics to be able to provide the care on the ambulance.

Direct Impacts due to limited Paramedic Candidate Pool

- Forced Overtime leads to poor morale
- Research indicates that extended work hours is associated with "Paramedic Burnout"
- Expanded catchment area could alleviate this concern



The forced overtime then, of course, leads to very poor morale and as research has provided over and over again that when a person is forced to work extended hours in such a pressure-packed arena for such a long time, a 24-hour window, it does become a burnout problem.

Benefit for our City

- Larger catchment area for potential employees, in particular certified Paramedics candidates will improve KCKFD's Recruitment efforts
- The savings of hiring one certified Paramedic versus training one Paramedic inhouse is about \$81,000
- The cost saving would be \$3.7 million dollars if Paramedics were recruited versus trained inhouse
- The time to train a Paramedic is a minimum of 22 months



Expanding the catchment area, we believe, could alleviate some of the concerns. The larger catchment area in particular when we look at paramedics, if we were able to move outside of the current one, we believe we would be able to recruit people who are already certified. The problem

of certifying our own, at least 45 members have been identified that will start the paramedic school, two and three at a time, and it'll cost this community about \$81K to have that person trained. The reason why that cost is so high, we have to pay for the firefighters time that's going through paramedic school while another person backfills that position.

KCKFD Benefits

- Hiring qualified Paramedics will lower one of our major overtime drivers
- Couple the cost savings with a zero timeline to become a paramedic will benefit our community
- KCKFD is committed to being a diverse, equitable, and inclusive organization regardless the geographical catchment area



So, hiring qualified paramedics, which we believe would allow us to do that by expanding the area, would save approximately \$3.7M of today's money and, of course, it would continue to expand over a period of time. Again, that would be providing the training—I'm sorry, providing the certified rather than the in-house training. It also takes a minimum of 22 months to go through the paramedic curriculum.

The other issue that's facing us is simply time and, quite frankly, some of the folks that we asked were actually direct or mandate to go to paramedic school are not very excited about it. Hiring qualified paramedics would lower one of the major overtime drivers that we're confronted with and I think everyone on the Commission would agree it seems to be well out of control and we're going to try to put some controls in place as time allows.

A couple of savings, of course, with being able to narrow the timeline, we feel like it's a pretty strong benefit. We're committed to having a diverse equitable and inclusive organization regardless of the geographical catchment area. We have just recently put in position a senior member that will take care of DEI along with recruitment, along with community involvement and I would daresay after just a few weeks some impacts being seen.

KCKFD Retention

- The retention rate is relatively high for members
- Paramedic separation is typically retirement or involuntary
- Of the Paramedics who voluntarily separated from KCKFD, they did so to relocate outside of the catchment area
- The twelve Paramedics that left the organization in good standing, represents nearly \$1,000,000 of loss



The retention rate for our members is relatively high. In fact, it's probably more likely that folks would involuntarily leave as compared to other means, but we have had over the past several years 12 paramedics leave and I believe in the exit discussion is that part of the reason was to be able to live in an area where they could afford appropriate housing. That would represent about a million dollars in loss to our community.

Recruitment Expansion Using a 25 mile Catchment

- There are approximately 610 certified Paramedics in the Kansas portion of the proposed catchment area
- There are approximately 1,200 Paramedics in the Missouri portion of the proposed catchment area
- The proposed catchment area adds over **1,800** certified Paramedics to our recruitment pool



There's approximately 610 paramedics that are in the catchment area currently and, of course, that's simply our community. There's approximately 1,200 certified paramedics that's in the Missouri portion of the catchment zone and adding those together the Kansas side of the expanded area coupled with the ability to pick up Missouri paramedics, we would end up with an additional currently 1,200 certified paramedic pools.

Program Funding Recommendation

- This appears to be the appropriate time to implement a **commuter fee** for **all workers in KCK/WYCO** that live outside of the city/county
- Suggesting that we use a similar commuter fee as applied in Kansas City, Missouri of 1%, but only applied to nonresidents working in **KCK/WYCO**
- Revenue generated by this fee would offset public safety services and other commuter related expenses such as public works



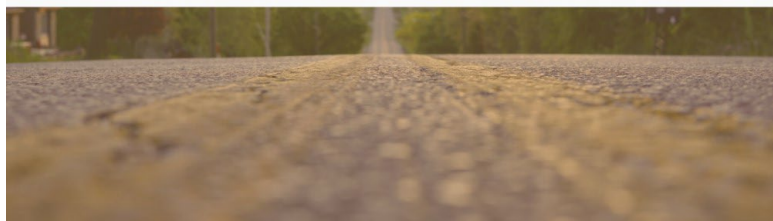
Now, with that said, it always goes with a funding issue, so our recommendation for your consideration to improve the ability to allow this to occur would be able to provide a commuter fee. Many communities do that. It's been debated often in Washington, DC although I don't believe that it started, but I believe someday it will and just outside of their communities, they have done that and I also know that KCMO, I believe, has it in place.

With that, all people who would come from outside would represent—we would hope or would recommend rather, a one percent commuter tax or commuter fee to be able to take care of Public Safety as well as Public Works.

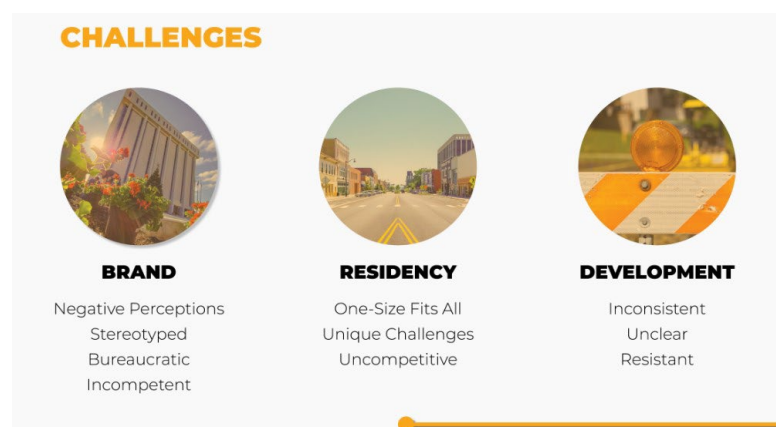
So, with that said, I'm going to pass the baton, if you will, to Mr. Fisher to talk about Public Works.

Jeff Fisher, Executive Director of Public Works, said thank you for allowing us to speak tonight on this topic. Hopefully, I'll do half as well as my colleagues have. I joined the team as Public Works Director seven years ago this month and I've served as a Public Works Director for almost 20 years in the metro in two other cities. Over the last seven years I've heard many comments, many out of frustration for how the UG operates or outcomes of one kind or another and that includes elected officials and staff in the community. How the UG operates and produces outcomes is largely influenced by policies and so, of course, we're here tonight to highlight recruiting and recruitment and retention challenges and particularly the residency policy.

There are three challenges from the Public Works perspective
The UG Brand, Residency Requirements & Career Development



I'll speak to residency, but I first want to point out two other very important components. One of them is the organization's brand and when I talk about brands, simply how people feel about the UG, so whether they're doing business with the UG and that experience for prospective candidates and how they feel about the UG, based on what they hear and what they read and they see, so we have a brand and I will say it is the largest challenge that we have.



If the UG wishes to recruit top talent, we're going to have to improve the brand, especially to the outside world, especially if there's going to be a residency requirement going forward, especially for certain job types.

Public Works also believes it can improve recruitment and retention with a robust career development program in some areas. We have to have our A-game everywhere when it comes to recruiting from our website to how they interface with Workday, job titles, job descriptions, videos attached to those which we can do now and I know we're working on that. It's going to be real

exciting. We have to catch prospective candidates attention, it has to be very clear and intuitive and so we've got to be on our A-game with that.

Residency, as my colleagues have pointed out, is problematic. It's a challenge. It's difficult for people outside the organization to understand that challenge. The concept of a residency requirement, especially to the public, sounds great and it feels right, but unless a person knows about these challenges with recruiting and retaining employees and that it takes an inordinate amount of time to fill those vacancies. It takes a lot of resources and energy to do that and a lot of time. It's hard to understand those challenges and the impacts to the organization and the services that we're expected to provide to the community.

An example in Public Works would be, about four years ago we lost Lideana Laboy, our Traffic Engineer to another opportunity. We still have not filled that position with a certified experienced Traffic Engineer. Now, we have filled the position with an Engineer we have had for some time, a very bright, capable person, but essentially he's on a career development plan to develop into a Traffic Engineer because we couldn't recruit a Traffic Engineer even after we substantially increased the compensation to match the market three years ago.

So, that's a challenge and with those types of professions all across the UG, some of those had to hit certain milestones before they're sort of accredited or licensed. That takes time, it takes experience. As one of my colleagues pointed out, when they hit those milestones that time that it's taken to get there, they're now ingrained in their community wherever they're living. They may have a family, they may have kids that are in the schools and they're just not likely to move. They're not going to uproot their family. That doesn't mean though that they won't give the same passionate approach to another community they don't live in. They're professionals, they've chosen that profession and as long as it's an appealing opportunity and they don't have to move, they'd be interested.

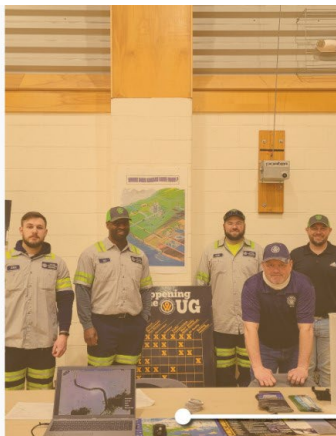
Now, the UG has a lot of different job types. We have four departments here and even within those teams there's a lot of different job types. Each of those professions include people that have different values and interests, both professionally and personally, and residency works for some, but not for all.

In my case I've served three different communities and I've been required to live in each of those cities within the city limits. The UG is the only one that requires all. It is not uncommon

for local government to require certain positions to live within the city limits including City Managers, Public Works Directors, and Chiefs, so there's something to think about.

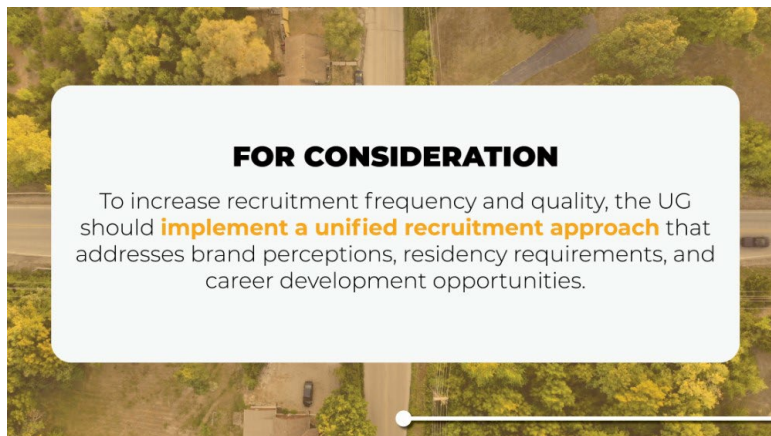
RESPONDING TO CHALLENGES

- **Recruitment Team** formed in 2020
- **Engineering Career Development Plan** established
 - Career development plans for other groups not adopted
- Professional development provided via **Public Works Roundtable** events since 2019



Public Works, as some of you know, have been very intentional about building culture and leadership at all levels. Pipeline for leadership, access to opportunity for all that wanted. We've been diligently working on that, intentionally working on that, and we need to continue to do that as an organization. Some examples of what we've done, Recruitment Team we've developed. The department initiated in 2020 led by Diana Jimenez, done a great job, that team is real excited, more recently working with HR. It's very exciting stuff, going to the high schools and we got to continue to do that. I know our other departments are doing that as well.

We also, four or five years ago, developed an Engineering Career Development Plan for the Engineering Division for Engineer Project Managers that's been very successful and has been a model for the department to incorporate that in other areas. It has not yet been adopted in other areas, but we're hopeful that it will in the near future. The important point is it sort of sets a new tone for our training and development in Public Works and then, most excitingly, as most of you know we've had our leadership roundtables we've been doing about three years now. We were doing about twice a year, now we're doing it every three months to greater frequency and accelerate the growth in Public Works.



FOR CONSIDERATION

To increase recruitment frequency and quality, the UG should **implement a unified recruitment approach** that addresses brand perceptions, residency requirements, and career development opportunities.

I'll wrap it up just by saying that reinforcing that I believe brand is number one and it always will be. Culture, leadership always will be the first most important thing. Residency is something we need to discuss. I would suggest it does need to be changed and then as importantly, we need to be intentional about developing employees.

Then, I'll say about residency, it does reduce the effectiveness of the UG, the competitiveness of the UG, and it limits the diversity of perspectives in the team. I would agree with the Chief that a 25 mile radius would be effective and appropriate and improve our ability to recruit, but also alternatively it could just be something similar that's about response time.

I'll leave you with a few questions. As the UG, or more importantly, the community realized satisfactory outcomes as a result of residency over the years, is the organization performing at the level the community deserves or wants, and is it more important that the UG bring value to the community or that employees live in the community. I thank you for your time.

Mayor Garner said thank you Sheriff, Chief, Fire Chief and Director of Public Works. I appreciate all that you have presented today and some of the good work that you produce as well as some of the challenges, I think it's all good information that you all produce. I'm going to open it up for questions from our commissioners.

Commissioner Ramirez said thank you all for everything you do for the community, especially in our Public Safety for all that you do to serve and protect our community. I thank you for that. I'm going to kind of go down the row of presentations of questions. Thank you, Sheriff, for answering the question about the pay parity because that was something that came last minute to us last year during the budget and that was something you were very passionate about and thank

you for advocating for your department and your staff and what they need and want. I'm happy that it is helping and I'm hoping that trend continues to go the way that it needs to go. I really do thank you for coming back and answering that question. I appreciate that.

For Chief Oakman, just as I said at the beginning, thank you for all that you've done as you become Chief and all that our police officers—and I know that we, as the Commission, are working with you and Chief Rubin and Sheriff Soptic for, as you mentioned, those facility upgrades and what needs to be done. Our Public Safety, they need to have the best facilities to make sure they are able to perform the duties that they've sworn to do, so I do thank you for all that you've done and I really appreciate all the statistics of the breakdown, the demographics of the recruits that have come in and just currently of the department and it does show we have a pretty diverse department and I appreciate you for bringing that forward.

It's all culminating to the discussion of residency. For Chief Rubin, thank you for presenting a proposal and coming forward with it. Several question I have, what percentage is your department staffed at now? **Chief Rubin** said, Commissioner, at this point we have no vacancies. **Commissioner Ramirez** said you have no vacancies at the moment within the Fire Department. **Chief Rubin** said yes sir.

Commissioner Ramirez said when it comes to the topic of—I guess one other question I have when it pertains to we finally, with the help of our new Administrator and the Mayor, we were able to finally bring forward a contract or they were able—you, everyone was able to bring forward a contract that brought the union and all firefighters back into contract with us. Since your time with the department and the new contract, how has morale gone up? **Chief Rubin** said I think it's been effective. We've made a lot of changes to put much of the control back in the hands of the membership where it belongs. I believe that we had centralized it to such a degree that very few decisions were made outside of the Battalions or fire stations, so I think that has helped quite a bit.

I know there was a lot of discussion around communications, both by this Commission, as well as by the study that was completed by the Centers for Public Safety Management. I believe we've opened up the lines of communication in many, many ways to include conducting a meeting involving all fire stations every morning at 8:30. I would urge any of the Commission members interested to join us and see what that's about. Of course, we publish weekly staff minutes with the help of our Communications Division or Department. Within the UG we publish a monthly

video. As an example, I make myself immediately available to any concerns and questions that go on in the department. I think the morale has improved. I think what the Commission has done has been incredible.

I know we've got some serious work to do with both fire stations as well as fire apparatus. We made a tremendous investment a few weeks ago and we cannot thank this Commission and County Administrator enough for allowing us to get apparatus where our apparatus had begun to truly fail, so thank you for that.

Commissioner Ramirez said going back to the very last slide where it talks about the commuter fee and you referenced it to KCMO, KCMO has an earnings tax, so proposing community—what expenses would we be incurring by extending the residency? **Chief Rubin** said I would submit to you that folks who come into town that do not live here, that do not pay taxes, that do not stop in this community to buy gasoline or groceries ends up with, so to speak, a free ride. The road surfaces, the use of our Police Department, the response of our Sheriff's Office, Fire Department, EMS, I don't have statistics in front of me, but I would daresay perhaps as much as 30 to 40% of our emergency medical care is provided to folks outside of our community and I say that with a reasonable degree of certainty because of the interstate system. There's probably not a day that we don't do five or six, sometimes ten, maybe even 20 calls on the interstate for either automobiles on fire or collisions. The other day we had a motorcycle wreck involved and I think the most expensive part of any Fire Department is the delivery of that Emergency Medical Services so that would be the offsets that I was speaking to.

Again, I think if it could be done in a way that would incorporate anyone who comes to work here that doesn't live in this city, hence a fee, rather than a tax, it wouldn't be a burden on the citizens of this great city and county. It would simply make sense to me.

Commissioner Ramirez said I agree with you, but the only hesitation I have and, unfortunately, we don't have a great relationship with our legislature, more like they really don't—they like to preempt us on a lot of what we can and cannot do. I'm afraid that if we pass something like that, that will open the door for AG Kobach to come in and try to take it away. That has happened already with Safe and Welcoming. When we passed Safe and Welcoming, the state took it right back out of our hands. They passed a law and said we couldn't do that. It would be great for us to be the first community in the state to do something like that, but it opens the door for the Attorney General to come in and for the legislature to say, nope, you're not going to do that and

they pass a law and say we can't do that. It's came out in the news over in Missouri, their legislature is going to review the earnings tax for KCMO and St. Louis, so it may stay and it may not. That's my only concern. Let's say in the future we pass it and the state and the Attorney General come in and say no, you can't do that, then we did all of that kind of for nothing and that's my concern. That's my only concern with the commuter fee, but overall I agree with what you said about it and the reasoning for it. I do agree with that.

Now, to get to the overarching issue of residency. I know several commissioners have stated based off of our community survey—at least I don't know one of you will correct me if I'm wrong, over 60% of our residents support residency. That's a survey that we do regularly and that's what most of us, not even—I'm not going to say most of us, all of us on this dais rely on when we try to do a policy, when we try to come up with ways—what needs to be done, we rely on the community survey. Number one thing that's on the community survey is always infrastructure, but also, we added the question of residency. Over 60% of residents said they want the residency requirement to stay and at the moment I'm keen to listen to those over 60% of residents who want to keep it. I know over across the river, KCMO lifted their residency for their Police Department and I've had communication from an official over there and they said it really hasn't done much. It really hasn't done anything. First they had, I think, it was a 25 mile radius, but they closed out Kansas. It was just on the Missouri side, did nothing, nothing really happened, so they opened it up to the Kansas side and still nothing has happened and so if we have a test case right across the river saying that they lifted the residency, but nothing—there was no rush, there was nothing. They said yes, they may have gotten a few, a bit more than they usually did, but it wasn't what they had expected.

That is why I say at this time I cannot support lifting the residency and it's again—this is a conversation that I believe is going to give—we're going to continue to have and I would like also honestly to see if we as staff and Commission could redo that survey, but more specifically just the residency requirement to get more updated data on it so that we can see if those numbers are still the same, if they've lowered, or if they've increased. So, I think that would be a good idea for us as a Commission to do that survey, but specifically just that question.

Again, I thank you for everything that you do here. Jeff, your department, always amazing. We always love hearing your quarterly reports to standing committee and so I thank you for what you and your department do. We truly appreciate it.

Commissioner Johnson said thank you Mayor for inviting this conversation to the Sheriff, Chief, Chief and to Executive Director. I appreciate the information that you have provided to us. I do like the idea of a commuter fee if it's possible. The majority of my banking—well, all of my banking career I worked in Missouri for over 20 some years, so I do understand that and it's something that I knew was coming out and that was just the cost of doing business because I've lived in Wyandotte County all my life, so I certainly would be open to that conversation.

The thing that—if I pull back kind of from a 30,000 foot level and we look at overall in the state of Kansas that Wyandotte County has one of the highest levels of wages that are paid out in the state of Kansas and yet we have one of the lowest median household income levels in the state of Kansas, that lets me know that persons are coming into Wyandotte County that don't live in Wyandotte County to work, but very little of those dollars remain in Wyandotte County in terms of sales tax, property tax, etc.

So, when we talk about lifting the residency requirement, I feel myself held in tension because first of all I think that we ought to try to recruit as many persons as we can from Wyandotte County to get these high-paying jobs and if we take that same approach, and Sheriff, I'm glad you mentioned all the areas that you've already gone to, that you're looking at and hoping to look at more, but it invites to me a thought that if we tried to take the residency requirement away, we're going to continue to see the situation, a person's coming into Wyandotte County working for Wyandotte County spending very little money in Wyandotte County, paying no property taxes in Wyandotte County and it's not—I mean if you ask me, my personal opinion, I want to keep the residency requirement. I mean I want as many kids that are going through elementary school all the way on up matriculating to be able to have the jobs that are available here. I don't know that's going to be the way we need to go in the future, but the flip side of it is that we run the risk of having persons coming in doing the same things that are happening at KU for instance, down in Fairfax, and just elsewhere in the community and spending very little bit of that money in our community. I put that out there for feedback from both my—from all my colleagues as well as from you all if you have any thoughts with regard to that.

Commissioner Kane said I try not to say anything. First of all, Police and Sheriff's across the United States jobs are hard to fill because how dangerous they are, so Wyandotte County isn't the only one having trouble hiring people. You know the union that I work for, Laborer's 1290, we

have asked our retirees to come back to the workforce because we have so much work. There's a school teacher shortage, there's a school bus shortage and these are some of the highest paid jobs in the community. You know KCMO they lifted theirs and I talked to one of the elected body over there and, Chief, you know it didn't work the way they wanted it to. The take-home vehicles, that's something you have to consider. There's a lot of take-home vehicles and who's driving these cars and they're going to be somewhere else other than here, more mileage, more tires, more gas and these are things we have to think about.

You kind of left off Bonner on one of the projects they were talking about. You left off Bishop Ward High School on a couple of the folks that you were talking about, you left off Piper High School, the couple of places that you haven't talked to. You guys' job is hard and there is no doubt about it, but today the Fire Department goes out to Piper and takes an old fire truck that's 30 some odd years old and if you watch TV tonight when you go home, you're going to see the excitement of the kids that saw that fire truck and if Piper can do it, the rest of the school districts can do it. We can go get these kids. There's a—there used to be (inaudible)—I don't know if it's there anymore, but when my son was there it said what do you want to be when you're a senior and grow up, he said a fireman. We need to get these kids freshman year, maybe even in junior high and say, hey, we've got these high-paying jobs here in Wyandotte County because it's hard for me when somebody's making \$120K a year to say you don't have to stay. We know it's hard, but it would be hard for me to lift it. That's all I'm saying. I'm not trying to be difficult with any of you.

One of you said something I didn't like and I'll call you about it, but it's not easy. None of these jobs are easy and three of them are damn sure dangerous, so I'm off my soapbox Mayor.

Chief Soptic said I don't know if you're referring to my list, but those were just examples. Those were not everywhere we've been, but I will say this, and I was going to leave my Cadet update for the 7:00 meeting. We've been to every single high school and the Cadet Program that job is open. We've had two applicants so far. We've been to every single one and I do agree with that. I think regardless of what happens, you can't stop recruiting from here. This has to be number one, but I want to make it very, very clear and I won't speak for the Chief, but I'll speak for the Sheriff's Office, we go everywhere in this community and every single school because you're right, that should be number one priority.

Chief Oakman said same here and I didn't put them on my PowerPoint because we would have been in here all day. We go to about three or four recruiting events a week. Our recruiter is often on Saturday and Sunday of every week at events. I agree with you Commissioner Kane, that was one of my big things, that's why I started two youth academies which one is for Piper, one is northeast and one is south and this year we had 45 kids, ages 12 to 15. I think the best thing for recruiting is recruit from your own community first. I always use the example of, no offense, but KU and K-State. K-State became good at football and outpaced KU because KU continued in the late 80's—KU continued to get the worst players from California, Texas and so on and then they turned around and expect the best players for Kansas to be available. What Bill Snyder did was he focused on the best players in Kansas first, then he went and found those outside of the state and the rest is history. You see how Kansas State turned their team around and that's what I do with KCKPD. **Commissioner Kane** said you were doing good until that analysis.

Commissioner Davis said I will be brief. I will say Rock Chalk. We don't really do that over here. I would just say for the community because I had folks kind of calling me and I'm a little concerned about this conversation. We are not considering any legislation tonight on our residency requirement. We are merely having a discussion about it. It's a very lively discussion. It's a discussion that I've learned a lot from, but we are not voting on anything tonight and so please, please folks really just trying to deter some calls tomorrow, but this is merely a discussion. It is not something that we are voting on.

Commissioner Stites said I'll approach it just a little bit differently. I want to talk quickly about the survey. I'm not sure—I wasn't here when that survey was completed, but I would be willing to bet that of the 60% that said they'd like to have the residency requirement remain in place, that they didn't know the financial impact of saying that. There should be a follow-up question that says do you know it's going to make it hard for our departments to recruit, do you know it's going to cost you a lot of money in overtime, so there should be some follow-up questions. It can't just be taken with that do you like residency, so I'd like to look at that and actually I'd like to have a copy of that report.

I think we should strive for our community to be where people do want to come and live, not want to leave. I worked under residency requirement on the Police Department. My son is

fourth generation Wyandotte County law enforcement and, Chief, southwest Wyandotte County might be a place you might want to do a little recruiting because two of them came out of there, myself and my son.

I think we ought to focus on how we make this community where people want to come, not leave. I think we're spinning it the wrong direction, that we're afraid that people are just going to mass exit us, I don't believe that's the case. We've got four highly qualified Chief's, Sheriff, and department heads that are coming forward and saying we have a problem. Not one of them said, and I was glad to hear it, this is the answer, this is going to fix it all. All they're saying is this could potentially help us and I respect that because you're not saying—you're not hanging your hat on it saying this is going to fix it. You're saying this is a tool that will help us.

I'm all for looking at additional ways that we can help you guys be fully staffed and if that means a modified residency requirement, I think that we can have that discussion. We talked about take-home cars. Maybe if you live outside of Wyandotte County, you don't have a take-home car. That's an easy fix, so you make that decision. If you want to move outside of Wyandotte County, guess what, your take-home car stays here. So, there's things that we can look at that we don't have to just be all or nothing and I'm hopeful that we will have further discussion on this.

Commissioner Burroughs said, gentlemen, thank you for your presentation. More importantly, thank you for what you and your colleagues, staff, all Public Safety including our Director of Public Works, thank you for what you do under the most trying of times. Many of us respect and appreciate everything that you do.

Mayor Garner said thank you all again. I've always said it, that to have a great Wyandotte County/Kansas City, Kansas you have to have a safe Wyandotte County/Kansas City, Kansas and the great work of our Public Safety officials has proven that as well as our Public Works and what they're trying to do with the resources that they have. I look at the numbers from the departments and I can tell you that—and the Chief did talk about it, but just working in partnership with the Sheriff's Department just on the criminal justice side, we're at I believe a nine year low in violent crime, Chief, is that correct and I believe just—I'd want to speak out of turn, but I know at least a month ago our great investigators here under the leadership of Karl Oakman and his executive team, they put us at a 100% solvability rate for homicides. That's unheard of anywhere in the

United States and that says a lot about even with their limited resources and even with the challenges they face, they have not stopped doing everything they can to make sure Wyandotte County is a safe place for all of us to live. So, these criminal justice officials need to be commended for that great work that they've done in spite of the challenges that they have.

Our Fire Department, when I look at those numbers when you have no vacancies, that says a lot about the type of department that is being run under your leadership Chief and you should be commended for that, that we've got the contract for the great men and women of the Fire Department that they have been begging for, for far too long. Even under those challenges we're still at a point where you don't have any vacancies and those people stayed here because they love this community and they wanted to provide those great services.

I know Public Works does a great job when you talk about all the infrastructure needs. Just at that groundbreaking we just had to get some of those folks a new facility that was approved by this Commission, well deserved for those people, because we need to make sure that they have all the resources available to them within a reasonable budget that this Commission could afford to make sure that they can provide the best level of quality services to the residents of Wyandotte County and Kansas City, Kansas. Our residents deserve it especially when you talk about taxes and fees and the other things that a lot of our residents have concerns about.

Thank you all. Thank you so much for what you do day in and day out for the great citizens of Wyandotte County. What you've done has not gone unnoticed and as long as I'm Mayor will never be overlooked because I wore that uniform well and I know what it means to sacrifice day in and day out and put service above yourself, so thank you.

This was just for information only and that takes us to adjournment and I will entertain a motion.

Commissioner Davis made a motion, seconded by Commissioner Ramirez, to adjourn.

Mayor Garner said before I ask for roll call, the Clerk is letting us know we're going to need at least 10 minutes for them to get up and running for our full Commission meeting. We will reconvene for our full Commission meeting at exactly 7:15. Clerk, roll call please. Roll call was taken and there were ten "Ayes," Stites, Davis, Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley.

**MAYOR GARNER ADJOURNED
THE MEETING AT 7:10 p.m.**

Monica L. Sparks
Deputy Unified Government Clerk

dt

September 14, 2023



Unified Government Clerk's Office

Monica L. Sparks
Interim 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: Monica L. Sparks
Interim UG Clerk

Date: October 5, 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 September 29, 2023 – October 5, 2023

1. COMMUNICATION:

Dr. Stubblefield, Superintendent of Kansas City, Kansas Public Schools, nomination of Sammuell Simmons Jr., District Athletic Director, to serve as a non-voting member on the Board of Park Commissioners.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED October 3, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Michael L. Klyce	Comm Corr	9/28/23	ISO
Christopher L. Tompson Sr	Fire	10/5/23	Firefighter/EMT
Karl J. Schubert	Fire	10/5/23	Firefighter/Paramedic
Leana Locke	Fire	10/5/23	Firefighter/EMT
Kamie Fuller	Fire	10/5/23	Firefighter/EMT
Gillian Minshew	Fire	10/5/23	Firefighter/Paramedic

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Seth A. Briggs	Fire	10/5/23	Trainee	Firefighter/EMT
Tanner Freeman	Fire	10/5/23	Trainee	Firefighter/EMT
Joel J. Sanchez	Fire	10/5/23	Trainee	Firefighter/EMT

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Jessica D. Vogel	Finance/Treasury	10/6/23	Fiscal Supt Asst

Section IV – Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends
Ray Vazquez	PW/Street	10/16/23	10/21/23

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Nancy Chartrand	Police	8/31/23	Media Relations Specialist

Section VIII – Other Requests

Name	Department/Division	Action Requested and Explanation
Sharon Cook	PW/Solid Waste	ACD code change, efft 1/1/23
Calvin Fortune III	Police	Amend PAC 9/19/23 to reflect change in status/reason of separation, efft 9/17/23
Elijah Lovell	Police	ACD code change, efft 10/5/23
Steven M. Mortell	PW/Solid Waste	ACD code change, efft 1/1/23
Blake Owen	Police	ACD code change, efft 10/5/23
Monica M. Palomeque-Murrillo	Health	Status change from PT B to PT A, efft 9/28/23
Vacant PIN 2328	PW/Solid Waste	ACD code change, efft 1/1/23
Vacant PIN 2522	PW/Solid Waste	ACD code change, efft 1/1/23
Vacant PIN 2325	PW/Solid Waste	ACD code change, efft 1/1/23

Action: Received and filed. Copy previously forwarded to Payroll.

3. CLAIM FOR DAMAGES:

Gloria Gandarilla, 12500 W 97th Ter., alleging damage to personal property due to negligence, located at the accident scene.

Cherish Dietz, 3300 Minnesota Ave., alleging damage to a fence on the property, on July 18, 2023, located at the residence.

Charliey Stabb, 3909 Locust Ave., alleging damage to the retaining wall on the property on August 16, 2023, located at the residence.

Action: Received and filed. Copy previously forwarded to Legal.

4. MOTION TO SET-ASIDE:

Unified Government vs. Audrea Rodrigues Ramirez, Case No. 2023CV000247 COA # 086.

Action: Referred to Legal. Copy previously forwarded to Legal.

5. SUMMONS:

Brandon D. Washington vs. The Unified Government of Wyandotte County/ Kansas City, KS., Case No. 2023-CV-000540.

Action: Referred to Legal. Copy previously forwarded to Legal.

6. TRAVEL REQUESTS:

Garrett Garrison, Health/Air Quality, and Sarah Monson, Health, travel to Des Moines, IA, September 25-28, 2023, to attend NACT #350 Basic Inspector Training, employee travel and training.

Khou Herr, Health/CHD/AmeriCorps, travel to Washington, DC, November 30 – December 2, 2023, to attend Public Health AmeriCorps In-Person Grantee Convening, AmeriCorps Kansas (PHA) fund.

Brandon Moses, KCKPD, travel to Kansas City, MO, September 2023- June 2024 (intermittent), to attend Leadership 2000, employee travel and training.

LaRwan McClaine, KCKFD, and Scott Schaunaman, Fire, travel to Dothan, AL, November 15-17, 2023, to attend Town Training Facility, employee travel and training.

Daniel Soptic, Sheriff, travel to Osage Beach, MO, September 26-29, 2023, to attend Fall Re-Trainer FBI, employee travel and training.

Stevin Summers Jr., Water Pollution Control, travel to Olathe, KS, October 10-13, 2023, to attend Aveva System Platform, employee travel and training.

Stevin Summers Jr., Water Pollution Control, travel to St. Joseph, MO, November 6-10, 2023, to attend Studio 5000 Logix ControlLogix Fundamentals and Troubleshooting, employee travel and training.

Action: Approved by Administrator's Office and received and filed.

7. CERTIFICATE OF INSURANCE/LIABILITY INSURANCE:

- Tacos El Viejon
- Plate II Plates LLC
- Scary Potion LLC (2)
- Hell's Gate, LLC

Action: Referred to License.

8. BUSINESS BONDS:

- Electrical Bonds:
 - Phaze One Electric LLC
 - Jett Solutions, LLC
 - Wired Up Right LLC
 - Jonathan Galloway d/b/a Galloway's Electric
 - RL Yates Electrical Construction Co., Inc
 - Elite Electric KC, LLC
 - Arizona Solar Solutions Inc. d/b/a Suntria, Tempe, AZ
- Mechanical/HVAC Bonds:
 - Harding & Air Conditioning LLC
 - Central States Contracting Services, Inc
 - OEHLERT HVAC LLC
- Plumber's Bonds:
 - Inception Plumbing LLC
 - Pristine Plumbing LLC
 - R and J Mechanical LLC
 - Central States Contracting Services, Inc

Action: Referred to License.

7. CONTINUATION CERTIFICATES:

- Electrical Bonds:
 - Wilks Electrical & Handyman Services
 - CRH Electric

Action: Referred to License.

8. CANCELLATION NOTICE OF INSURANCE/BOND:

- Mechanical/HVAC Bonds:
 - James Steenrod
- Sign Hanger Bonds:
 - JEJ Signage LLC
- Electric Bonds:
 - Elite 1 Electric LLC
- Contractor Bonds:
 - Lockton Companies, LLC

Action: Referred to License.

9. SURETY RIDER:

- Electrical Bonds:
 - IPME Corp.
- Plumber Bonds:
 - Quality Plumbing Inc
- Septic Tank & Cess Pool Bonds:
 - Quality Plumbing Inc

Action: Referred to License.

10. APPLICATIONS FOR LIQ. TEMP. LIC:

- LJ Productions, Francisco Lopez, Memorial Hall, 600 N 7th Street, Kansas City, KS 66101.
The temp permit is for 10/06/23 from 7:00 pm to 10:00 pm.

Action: Referred to License.



Unified Government Clerk's Office

Moncia L. Sparks
Interim 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: Monica L. Sparks
Interim UG Clerk

Date: October 12, 2023

Re: Weekly Business Material

Attached is a listing of weekly business items presented to the Unified Government of Wyandotte County/Kansas City, Kansas, for informational purposes.

In addition to the listing of the items, we have indicated the action taken by the Unified Government Clerk.

Attachments

tk

Weekly Business Material for October 5, 2023 – October 12, 2023

1. PUBLIC NOTICE:

- Alandon Tow Service, 6224 Kansas Avenue, KCK 66105, held a public auto auction on October 3, 2023.

Action: Received and filed.

2. PERSONNEL ACTION COMMUNICATION, DATED October 10, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Daniel A Botello-Espinoza	PW/WPC	10/26/23	Construction Worker I
Elisha Caldwell	Health	10/5/23	Director
Harry R Chambers	Sheriff	10/12/23	Deputy
Veronica Chim	Finance/Treasury	10/12/23	Fiscal Supt Asst
Helen Y Florez-Acosta	Municipal Court	10/12/23	Court Clerk I
Delaney A Lynch	Finance/Treasury	10/12/23	Fiscal Supt Asst
Mark Lopez	Sheriff	10/12/23	Deputy

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Michael D Kroening	Sheriff	9/18/23	Sheriff Investigator	Sheriff Captain
Nicholas J Novak	Parks/Rec	8/31/23	Horticulturalist I	Horticulturalist III

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Justin G Crutchfield	Parks/Rec	9/29/23	Program Coordinator
Charles W Dennis Jr	PW/Fleet	10/12/23	Fleet Maint Tech II Heavy
Rane M Stone	PW/Fleet	10/13/23	Fleet Maint Tech II Light

Johnnie M Wooten	Parking Control	10/6/23	School Crossing Guard
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Section IV – Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends
Sean Befort	Police	10/16/23	10/21/23
Sean Befort	Police	11/3/23	11/7/23
Sean Befort	Police	12/2/23	12/2/23
Sean Befort	Police	1/11/24	1/11/24
Garrett Mumphrey	Police	12/2/23	12/2/23
Garrett Mumphrey	Police	12/2/23	12/2/23
Garrett Mumphrey	Police	11/3/23	11/3/23
Garrett Mumphrey	Police	1/11/24	1/11/24
Brendan McEvoy	Police	1/11/24	1/11/24
Brendan McEvoy	Police	12/2/23	12/2/23
Brendan McEvoy	Police	10/16/23	10/16/23

Section V – Increases per Memorandum of Understanding

Name	Department/Division	Eff. Date	Job Title
Alexandra McIntyre	Health	8/23/23	Admin Supp Spec

Section VI – Other Requests

Name	Department/Division	Action Requested and Explanation
Alycia M Mendez	Finance/Treasury	Out of class pay efft. 10/4/23
Monica M Palomeque-Murillo	Health	Status change from PT B to PT A efft 9/28/23
Justin M Stanard	PW/WP	WPC cert class I efft 9/1/23

Action: Received and filed. Copy previously forwarded to Payroll.

3. PERSONNEL ACTION COMMUNICATION, DATED October 12, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Kenya Parker	Finance/Treasury	10/12/23	Fiscal Supt Asst

La'Shell Miller	Health	10/12/23	Environmental Health Specialist
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Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Stephen C Dyer	Sheriff	10/12/23	Deputy	Deputy

Section III – Leave of Absence

Name	Department/Division	Lv. Beg	Lv. Ends
Darius Russell	Police	12/2/23	12/16/23
Darius Russel	Police	11/3/23	11/7/23
Darius Russell	Police	10/16/23	10/21/23
Darius Russell	Police	1/4/24	12/20/24
Gerardo Velasquez III	Police	1/11/24	12/20/24
Gerardo Velasquez III	Police	12/2/23	12/16/23
Gerardo Velasquez III	Police	11/3/23	11/7/23
Gerardo Velasquez III	Police	10/16/23	10/21/23
Raymond Slayden	Police	1/11/24	12/20/24
Raymond Slayden	Police	12/2/23	12/16/23
Raymond Slayden	Police	11/3/23	11/7/23
Raymond Slayden	Police	10/16/23	10/21/23
Garrett Mumphy	Police	10/16/23	10/21/23
Brendan McEvoy	Police	11/3/23	11/7/23

Action: Received and filed. Copy previously forwarded to Payroll.

4. TRAVEL REQUESTS:

Rocki Mayes, Public Works/Building and Logistics, travel to Calgary, Alberta, Canada, November 1 – November 4, 2023, to attend Ameresco Asset Planner User Conference, Employee Training & Travel.

George Sims, Police Department, travel to Columbia, IL, October 1 – October 6, 2023, to attend the PPCT Use of Force Instructor, Employee Training & Travel.

Action: Approved by Administrator's Office and received and filed.

5. APPLICATION FOR LIQUOR TEMPORARY LICENSE:

- Argentine Betterment Corp, Michael King, Silver City Day Celebration, 2717 Strong Ave. This is a temporary permit for 10/7/2023 from 10:00 a.m. to 4:00 p.m.

Action: Referred to License.



Staff Request for Commission Action

Tracking No. 212767

Full Commission Meeting Date:

Committee: Economic Development & Finance

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>
10/11/2023	Jeffrey Conway	x5075	jconway@wycokck.org	Legal

Item Description:

Adopting a resolution determining the intent to issue Industrial Revenue Bonds in the amount of not to exceed \$52,927,000 to finance the costs and equipping a Commercial Multifamily facility for the benefit of 4601 Rainbow, LLC., submitted by Jeff Conway, Assistant Counsel, Legal Department.

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Resolution of Intent - Woodside Village Rosedale Apartments (UG), Performance Agreement - Woodside Village Rosedale Apartments (UG), Notice of Public Hearing - Woodside Village Rosedale Apartments (UG)



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
October 26, 2023	Jeffrey Conway, Assistant Counsel	Legal
AGENDA ITEM #XI.1.		
RESOLUTION: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS (4601 RAINBOW LLC)		
BACKGROUND		
Conduct a public hearing and approve the adoption of a resolution determining the intent to issue Industrial Revenue Bonds in the amount of not to exceed \$52,927,000 to finance the costs and equipping a Commercial Multifamily facility for the benefit of 4601 Rainbow, LLC., submitted by Jeff Conway, Assistant Counsel, Legal Department. <i>On October 9, 2023, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution of Intent - Woodside Village Rosedale Apartments (UG), Performance Agreement - Woodside Village Rosedale Apartments (UG), Notice of Public Hearing - Woodside Village Rosedale Apartments (UG)		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:

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 AMOUNT OF NOT TO EXCEED \$52,927,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A COMMERCIAL MULTIFAMILY FACILITY FOR THE BENEFIT OF 4601 RAINBOW, LLC AND ITS SUCCESSORS AND ASSIGNS

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Unified Government and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the Unified Government is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, 4601 Rainbow, LLC, a Kansas limited liability company (including any 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 and equipping an approximately 149 unit commercial multifamily facility located generally at the southeast corner of Rainbow Boulevard and W. 46th Avenue, as more fully described in the Application (collectively, the “Project”) through the issuance of its industrial revenue bonds in one or more series in the amount of not to exceed \$52,927,000 (the “Bonds”), and to lease the Project to the Company, or its successors and assigns, in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the Unified Government and its inhabitants that the Unified Government finance the costs of the Project by the issuance of the Bonds under the Act in a principal amount of not to exceed \$52,927,000, said Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the Unified Government to the Company; and

WHEREAS, to set forth certain terms of the Project and the proposed property tax abatement, the Unified Government desires to approve the Performance Agreement between the Unified Government and Company (the “Performance Agreement”) and authorize the Mayor/CEO’s execution thereof.

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

Section 1. Approval of Project. The governing body of the Unified Government hereby finds and determines that the acquiring, constructing, improving and equipping of the Project will promote the general welfare and economic prosperity of the Unified Government, and the issuance of the Bonds to pay the costs of the Project will be in furtherance of the public purposes set forth in the Act. The Project shall be generally located at the southeast corner of Rainbow Boulevard and W. 46th Avenue, in the corporate boundaries of the Unified Government, as further described in the Application.

Section 2. Intent to Issue Bonds. The governing body of the Unified Government hereby determines and declares the intent of the Unified Government to acquire, construct and equip the Project out of the proceeds of the Bonds of the Unified Government in the principal amount of not to exceed \$52,927,000, to be issued pursuant to the Act.

Section 3. Ad Valorem Tax Abatement. In consideration of the Company's decision to acquire, construct, improve and equip the Project, the Unified Government hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the Unified Government under Kansas law, including the school district's capital outlay levy) for all property (including real property, building improvements, machinery and equipment) financed with the proceeds of the Bonds.

In consideration of the Unified Government's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax as set forth on **Exhibit A** hereto, and such amounts shall be set forth in the Performance Agreement and subject to adjustment as set forth therein. The Project shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the Bonds are issued.

Section 4. Performance Agreement. The Mayor/CEO is authorized and directed to execute and deliver the Performance Agreement between the Unified Government and the Company on behalf of, and as the act and deed of the Unified Government, in substantially the same form as presented to the governing body on this date with such corrections or amendments thereto as the Mayor/CEO, upon recommendation of the acting Chief Counsel of the Unified Government, may approve.

Section 5. Provision for the Bonds. Subject to the conditions of this Resolution of Intent (this "Resolution"), the Unified Government expresses its intent to (i) issue the Bonds to pay the costs of acquiring, constructing, improving and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be reasonably acceptable to the Company and determined by ordinance of the Unified Government (the "Ordinance"); (ii) provide for the lease (with an option to purchase) of the Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the Unified Government and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 6. Conditions to Issuance. The issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to: (i) obtaining any necessary governmental approvals; (ii) agreement by the Unified Government, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project; (iii) the Company's compliance with the Unified Government's policy relating to the issuance of industrial revenue bonds and ad valorem tax abatement; (iv) the passage and publication of an Ordinance authorizing the issuance of the Bonds; and (v) Company's payment of all of the costs of issuance related to the issuance of the Bonds.

Section 7. Sale of the Bonds. The sale of the Bonds shall be the sole responsibility of the Company; provided, however, arrangements for the sale of the Bonds shall be reasonably acceptable to the Unified Government.

Section 8. Limited Obligations of the Unified Government. The Bonds and the interest thereon shall be special, limited obligations of the Unified Government payable solely out of the amounts derived by the Unified Government under a Lease Agreement (as defined in the Performance Agreement) with respect

to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the trust estate to the trustee for the Bonds and in favor of the owners of the Bonds, all as provided in the Trust Indenture to be entered into between the Unified Government and the trustee for the Bonds (the "Indenture"). The Bonds shall not constitute a general obligation of the Unified Government, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the Unified Government, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the Unified Government, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 9. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Project, including the necessary planning and engineering for the Project and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law and upon compliance with the other requirements of this Resolution, the Unified Government will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 10. No Reliance on Resolution. Kansas law provides that the Unified Government may only issue the Bonds by passage of an Ordinance and compliance with other state law requirements. The Unified Government has not yet passed an Ordinance for the Bonds. This Resolution only evidences the intent of the current governing body to issue the Bonds for the Project. The Company should not construe the adoption of this Resolution as a promise or guarantee that the Ordinance for the Bonds will be passed or that the Project will be approved.

Section 11. Termination of Resolution. This Resolution shall terminate eighteen (18) months from the date of the adoption of this Resolution unless (i) the Bonds have been issued for the Project or (ii) a building permit has been issued by the Unified Government for the Project, or as otherwise set forth in the Performance Agreement. The Unified Government, upon the written request of the Company, may extend this time period.

Section 12. Benefit of Resolution. This Resolution will inure to the benefit of the Unified Government and the Company. The Unified Government may, at the prior written request of the Company or as otherwise provided in the Performance Agreement, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 13. Further Action. Counsel to the Unified Government and Gilmore & Bell, P.C., Bond Counsel for the Unified Government, together with the officers and employees of the Unified Government, are hereby authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the Unified Government all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 14. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Unified Government.

[Remainder of page intentionally blank.]

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON OCTOBER 26, 2023.**

(SEAL)

By: _____
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____
Brett Deichler, Unified Government Clerk

APPROVED AS TO FORM:

By: _____
Office of Chief Counsel

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Payments in lieu of tax (“PILOTs”) shall be determined on a per-apartment-unit basis as further set forth in the Performance Agreement. Below is an approximate PILOT schedule based on 149 apartment units, which may be adjusted as set forth in the Performance Agreement.

Local, Minority, and Women Business Enterprise (L/M/W) goals are set forth in the Performance Agreement. PILOT payments do not include the school district’s capital outlay levy that cannot be abated under Kansas law.

Number of units	149
Year 1 PILOT	\$156,301
Year 1 PILOT per unit	\$1,049
Annual Increase	2.00%
Annual Increase if LMW Failure	4.00%

Year^(a)	Annual PILOT^(b)	PILOT per Door^(b)	Annual PILOT if L/M/WBE Failure^(b)	PILOT per Door^(b)
1	\$156,301	\$1,049	\$156,301	\$1,049
2	159,427	1,070	162,553	1,091
3	162,616	1,091	169,055	1,135
4	165,868	1,113	175,817	1,180
5	169,185	1,135	182,850	1,227
6	172,569	1,158	190,164	1,276
7	176,020	1,181	197,771	1,327
8	179,541	1,205	205,681	1,380
9	183,132	1,229	213,909	1,436
10	186,794	1,254	222,465	1,493

Business Category	Participation Percentage Goal Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

^(a) Year 1 refers to calendar year beginning January 1 after issuance of Bonds.

^(b) Does not include school district capital outlay levy.

PERFORMANCE AGREEMENT

Dated as of October __, 2023

BETWEEN THE

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

AND

4601 RAINBOW, LLC

Prepared By:

**Gilmore & Bell, P.C.
Kansas City, Missouri**

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, dated as of the date first set forth above (this “**Agreement**”), between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation organized and existing under the laws of the State of Kansas (the “**Issuer**”), and **4601 RAINBOW, LLC** a Kansas limited liability company, or assigns (the “**Company**”);

WITNESSETH:

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “**Act**”), to acquire, construct and improve certain facilities for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for said projects, and to issue revenue bonds for the purpose of paying the cost of any such facilities;

WHEREAS, pursuant to such authorization, the governing body of the Issuer has adopted a Resolution (the “**Resolution**”) indicating the Issuer’s intent to issue one or more series of taxable industrial revenue bonds in the principal amount of not to exceed \$52,927,000 (the “**Bonds**”), for the purpose of acquiring, constructing, improving, installing, furnishing and equipping the Project and authorizing the Issuer to enter into this Agreement;

WHEREAS, the Issuer is authorized and empowered under the Act and K.S.A. 79-201a, as amended (the “**Abatement Statute**”) to exempt from ad valorem taxation all or any portion of the Project financed with the proceeds of the Bonds, subject to the limitations set forth in the Abatement Statute and this Agreement; and

WHEREAS, pursuant to the foregoing, the Issuer desires to enter into this Agreement with the Company in consideration of the Company’s desire to acquire, construct, improve, install, furnish and equip the Project as more fully described in the hereinafter defined Application upon the terms and conditions hereinafter set forth and in the Lease Agreement to be entered into between the Issuer and the Company relating to the Project (the “**Lease Agreement**”).

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein contained, the Issuer and the Company hereby represent, covenant and agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions of Words and Terms. The following words and terms as used herein shall have the following meanings:

“**Abatement Statute**” means K.S.A. 79-201a, as amended.

“**Ad valorem taxes**” or “**ad valorem taxation**” means all property taxes imposed on real or personal property (including fixtures) and eligible for exemption pursuant to the Abatement Statute.

“Agreement” means this Performance Agreement between the Issuer and the Company, as from time to time amended and supplemented in accordance with the provisions hereof.

“Application” means the Application for Issuance of Industrial Revenue Bonds filed with the Issuer by the Company in connection with the request for the issuance of the Bonds, a copy of which is attached hereto as **Exhibit A**.

“Board of Tax Appeals” means the State of Kansas Board of Tax Appeals.

“Bond Financed Portion of the Project” means that portion of the Project financed in whole from the proceeds of the Bonds as evidenced by the requisitions submitted by the Company to the bond trustee in accordance with **Section 2.7** hereof.

“Bonds” means the Issuer’s taxable industrial revenue bonds issued in relation to the Project in the maximum aggregate principal amount of \$52,927,000.

“Company” means 4601 Rainbow, LLC, a Kansas limited liability company, and its successors and assigns as set forth in this Agreement.

“Event of Default” means any Event of Default as described in **Section 5.1** hereof.

“Exempt Period” means the ten (10) calendar years beginning on the January 1 following the issuance of the Bonds.

“Exempt Property” means all Property that is exempt from taxation pursuant to K.S.A. 79-201(a) *Second* and/or *Twenty-Fourth* by reason that such property was constructed or purchased with the proceeds of the Bonds authorized by and in accordance with the Abatement Statute.

“Force Majeure” means acts of God, strikes, lockouts, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate government authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the Issuer to timely approve the plans or construction documents relating to the Project, war, terrorism, pandemic (including a material worsening of the conditions related to COVID-19 existing as of the date hereof) or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement.

“Future Facility Additions” means any additions, improvements or renovations to or equipping of the Bond Financed Portion of the Project following the receipt of a final certificate of occupancy for the final building comprising the Project. As used herein, **“Future Facility Additions”** shall never include any future additions, improvements or renovations to or equipping of the Project that are exempt from ad valorem taxes.

“Issuer” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Property” means all real and personal property subject to taxation pursuant to K.S.A. 79-101.

“Project” means acquiring and constructing an approximately 149-unit commercial multifamily facility, as further described in **Section 3.3**, including land, buildings, structures, improvements and fixtures, that will be generally located at the southeast corner of Rainbow Boulevard and 46th Avenue.

“Project Costs” means all costs and expenses of every nature paid from proceeds of the Bonds and relating to the acquisition, construction, improvement, installation, furnishing and equipping of the Project.

“Project Site” means all of the real property described in **Exhibit B** attached hereto and by this reference made a part hereof.

“Tax Payment” means a payment-in-lieu of taxes to be paid by the Company in the amounts set forth in **Section 2.3** and **Exhibit C** hereof.

ARTICLE II

EXEMPTION; PAYMENTS IN LIEU OF TAX

Section 2.1. Exempt Property. During the Exempt Period, and so long as the Bonds are outstanding and the Company remains in compliance with this Agreement, the Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be and remain Exempt Property.

Section 2.2 Agreement to Make Tax Payments. The Company covenants and agrees that, for each calendar year during the Exempt Period that the Bond Financed Portion of the Project is Exempt Property, the Company will make a Tax Payment in lieu of ad valorem taxes to the County Treasurer. For each such calendar year, 50% of the Tax Payment with respect to such calendar year shall be due and payable on or before the date that the first installment of ad valorem taxes for real property are due (and in any event, not later than December 20th), and the balance of such Tax Payment with respect to such calendar year shall be due and payable on or before the date that the second installment of ad valorem taxes for real property are due (and in any event, not later than May 10th of the immediately succeeding calendar year).

Section 2.3. Amount of Tax Payment. The Tax Payments shall be in the amounts shown in **Exhibit C**. The parties acknowledge that such Tax Payments do not include special assessments, if any, and the school district’s capital outlay levy that cannot be abated under Kansas law and that the Tax Payments are subject to adjustment as set forth in **Exhibit C**.

Section 2.4. Term of Agreement. This Agreement shall become effective upon execution, and subject to earlier termination pursuant to the provisions of this Agreement (including particularly **Article V** hereof), shall terminate upon the later of (i) the expiration of the Exempt Period or (ii) the date of the final Tax Payment.

Section 2.5. No Abatement of Special Assessments and Certain Property Taxes. The Issuer and the Company hereby agree that the Abatement Statute and any tax abatement with respect to the Project shall not apply to special assessments and property taxes that cannot be abated under Kansas law. In the event special assessments are ever abated, the Company hereby agrees that 100% of the amount of such abated special assessments shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement.

Section 2.6. Obligation of Issuer to Effect Tax Abatement. The Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be Exempt Property during the Exempt Period and agrees to make all filings required by the Wyandotte County Board of Commissioners or the Board of Tax Appeals; provided, however, the Issuer shall not be liable for any failure of the Board of Tax Appeals to effect the exemption permitted by the Abatement Statute. The Issuer covenants that it will not knowingly take any action that the Issuer has knowledge may cause the Bond Financed Portion of the Project to no longer

be Exempt Property. In the event the Bond Financed Portion of the Project is determined to no longer be Exempt Property, the Issuer shall, at the Company's request, cooperate with the Company in all reasonable ways to cause the Bond Financed Portion of the Project to be Exempt Property, including cooperating with the Company in any related litigation. The Company agrees to pay to the Issuer the costs that the Issuer incurs (including legal fees and expenses) in cooperating with the Company in the manner required by this Section, provided that, the Company shall not be responsible for any legal fees and expenses accrued through the Issuer's negligence or intentional acts which cause the Bond Financed Portion of the Project to no longer be Exempt Property.

Section 2.7. Compliance. Within ten (10) business days following the request of the Issuer, the Company shall provide the Issuer with (i) copies of the requisitions submitted by the Company to the bond trustee in accordance with the Lease Agreement for the preceding calendar year, (ii) a list containing a brief description and the amount of all costs of the Bond Financed Portion of the Project, and (iii) the total costs of the Project, all in such reasonable detail as the Issuer shall request.

Section 2.8. Value of the Project Not Determined by Bonds. The Issuer and the Company acknowledge that it is not the intent of the parties that the principal amount of the Bonds be used for the purpose of determining the appraised value of the Project or any portion thereof for tax purposes.

Section 2.9. Company's Right to Protest. Nothing in this Agreement shall be construed to limit or in any way restrict the ability of the Company to utilize any provision of Kansas law to appeal, protest or otherwise contest any property tax valuation, assessment or similar action with respect to the Project Site or any portion thereof.

Section 2.10. Credits for Tax Payments; No Duplicate Tax Liability. Nothing in this Agreement shall be construed to require the Company to make duplicate tax payments. The Company shall receive as a credit against its obligations to pay the Tax Payments, the amount of any ad valorem taxes (other than special assessments and property taxes that cannot be abated under Kansas law) paid by the Company to the County to the extent that the amounts paid to the County include any taxes due with respect to the Exempt Property.

Section 2.11. No Abatement on Appraised Value of Future Facility Additions. In the event any Future Facility Additions are determined to be Exempt Property as a result of the issuance of the Bonds, this Agreement or for any other reason, so long as this Agreement remains in effect, the Company hereby agrees that 100% of the amount of such abated ad valorem taxes attributable to the Future Facility Additions shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement. This provision shall not be construed as restricting the Company from applying to the Issuer or to any other governmental entity for any future tax abatement in connection with the Future Facility Additions.

Section 2.12. Tax Abatement Order; Adjustment of Tax Payment. The Issuer and the Company acknowledge that, prior to the Bond Financed Portion of the Project being determined to be Exempt Property, an order from the Board of Tax Appeals approving tax abatement on the Bond Financed Portion of the Project for the Exempt Period must be obtained. In the event the Board of Tax Appeals issues an order stating that less than 100% of the Bond Financed Portion of the Project is Exempt Property, the parties agree that the Tax Payment shall be decreased by an amount necessary to result in the sum of the new Tax Payment plus the payment of ad valorem taxes by the Company with respect to the Bond Financed Portion of the Project is equal to the original Tax Payment. In the event the Board of Tax Appeals issues an order stating that none of the Bond Financed Portion of the Project is Exempt Property, then the Tax Payment shall be reduced to \$0.

Notwithstanding the foregoing, if (i) the entire Bond Financed Portion of the Project is not determined to be Exempt Property, or (ii) the Board of Tax Appeals issues an order that less than 100% of the Bond Financed Portion of the Project is Exempt Property, and such determination or order is a result of the Company's failure to comply with the terms and provisions of this Agreement (after any applicable notice and cure period), the Issuer shall be under no obligation to decrease the Tax Payment as provided in this Section. Furthermore, in no event shall the Issuer be under any obligation to make any payment to the Company as a result of the Board of Tax Appeals determining that less than 100% of the Bond Financed Portion of the Project is Exempt Property. Notwithstanding any provisions herein to the contrary, in no event shall the Company be liable for the payment of any amounts, including the Tax Payments, which are in the aggregate greater than the amount of ad valorem taxes on the Project in the event there is no abatement of the same.

Section 2.13. Determination of Appraised Value and Assessments. The Company acknowledges that the county appraiser independently determines the appraised value of Property. The Company further acknowledges that the Issuer does not have input in or in any way control the determination of the appraised value of Property or the assessment of Property, and that the Issuer cannot and is not attempting to bind the county appraiser or any other governmental authority with respect to a determination of the appraised value of the Bond Financed Portion of the Project.

ARTICLE III

COVENANTS OF THE COMPANY

Section 3.1. Construction. The Project will be constructed, equipped and operated (or caused to be operated) in a manner that is consistent with the description of the Project herein. In the event the Project is constructed in a manner that the Issuer determines, in its reasonable discretion, is materially inconsistent with the description of the Project herein, the Issuer reserves the right to declare an Event of Default in accordance with **Section 5.1** hereof.

Section 3.2. Completion Date. Subject only to Force Majeure, the Company agrees to commence construction on or before January 1, 2025, and substantially complete construction of the Project on or before December 31, 2027. "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 facility, as evidenced by receipt by the Company of a temporary certificate of occupancy for the Project. The parties agree that the governing body of the Issuer will consider an ordinance authorizing the issuance of the Bonds on or about such time, but in no event will the Bonds be issued later than December 31, 2028.

Section 3.3. Development of Project. The Issuer and Company hereby agree that the Project shall be as described below. The Company covenants that the Project, including all buildings, parking facilities, and other improvements constituting the Project shall be developed, constructed, completed, and operated (or caused to be operated) on the Project Site in substantial accordance and compliance with the terms and conditions of this Agreement and the final site plan approval from the Issuer's Planning Commission, and this Agreement shall not be construed to waive such Planning Commission's discretion in approving or disapproving the same. On and subject to the terms and provisions set forth in this Agreement, Company shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Project, and shall operate (or cause to be operated) and use the Project in the manner described herein. The parties further agree as follows:

(a) The Project shall be designed, developed, and constructed as a Class A apartment development that shall include approximately 149 apartment units, consisting of studio, one-bedroom, two-bedroom, and several three-bedroom units ranging in size from 500 square feet to 1,400 square foot located within a multi-story apartment building that surrounds an onsite parking garage, including site amenities and related infrastructure such as widening 46th Avenue and addition of designated drop-off areas and street parking. Project amenities shall be suitable for a Class A apartment facility, including (i) heavy landscaping; (ii) a courtyard, pocket park, and outdoor fire pits; (iii) a pet grooming area; and (iv) in-unit washer/dryer, refrigerator, oven/range, and microwave, all as generally depicted in Exhibit E attached hereto, though the parties acknowledge the depiction in Exhibit E is subject to modification pursuant to the Issuer's planning process.

(b) Company stipulates and agrees that its signage shall be subject to all applicable laws and requirements of the Issuer and any special use permits granted by the Issuer's governing body.

(c) The Project shall include parking improvements containing at least the number of spaces required by the Issuer's applicable laws and requirements.

(d) The Company's plans for landscaping on the Project Site shall be considered in accordance with all applicable laws and requirements of the Issuer and the Issuer's approval thereof will not be unreasonably withheld.

Section 3.4. Maintenance and Use. The Company shall cause the Project and the Project Site to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with other Class A apartment space in the greater metropolitan Kansas City area, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Project Site. Company specifically understands and agrees that the Issuer shall not undertake or have any obligation under this Agreement for snow or ice removal on sidewalks located at or adjacent to the Project.

Section 3.5. Inspection. The Company agrees that the Issuer and its duly authorized agents shall have the right at reasonable times (during business hours), subject to at least 48 hours advance notice and to the Company's usual business proprietary, safety and security requirements, to enter upon the Project Site to examine and inspect the Project and the records of the Company which demonstrate compliance with this Agreement, including, but not limited to, inspections necessary to confirm compliance with **Section 3.3.**

Section 3.6. Compliance with Laws. The Project will comply in all material respects with all applicable building and zoning, health, environmental and safety ordinances and regulations and all other applicable laws, rules and regulations.

Section 3.7. Employment Certification. Beginning on March 1 in the calendar year following the issuance of Bonds, and on each March 1 thereafter and at any other time that the Issuer may request, for the term of this Agreement, the Company shall provide a written certification to the Issuer stating the total number of full-time employees employed at the Project.

Section 3.8. Payment of Fees and Reimbursement or Payment of Costs.

(a) The Company agrees to pay to the Issuer the standard fees charged by the Issuer in connection with tax abatement projects and the issuance of industrial revenue bonds. These fees include, but are not limited to, an initial application fee (which the Issuer agrees has been paid in full), a service fee that is due at the time of issuance of the Bonds and an annual administrative fee. The Company acknowledges receipt of a fee schedule from the Issuer and acknowledges that the fee schedule may be adjusted or amended by the Issuer at any time.

(b) The Company agrees to promptly reimburse the Issuer, within ten (10) business days following receipt by the Company of an invoice from the Issuer and reasonable supporting documentation, for any amounts that the Issuer pays to any other party as a result of the Issuer pursuing, obtaining or maintaining the tax abatement granted to the Company pursuant to this Agreement. These costs shall include, but shall not be limited to, all fees and expenses for filings with the Board of Tax Appeals (including the application fee and annual administration fee), legal notice publication expenses, and the costs and expenses of the Issuer's legal counsel. The Company agrees that the Issuer may, in lieu of seeking reimbursement from the Company, forward any invoice received by the Issuer to the Company, which invoice is for a cost which the Issuer could seek reimbursement from the Company pursuant to this paragraph, and the Company agrees to promptly pay such invoice and to promptly provide the Issuer with evidence of such payment.

Section 3.9. Abatement of Property. The Abatement Statute provides that, with certain exceptions, any property constructed or purchased in part with the proceeds of revenue bonds issued under the authority of the Act is exempt from taxation for a period of up to ten years to the extent of the value of that portion of the property financed by the revenue bonds. The tax abatement commences in the year following the year in which the Bonds are issued.

Company understands that property will be exempt under the Abatement Statute only if such property is purchased or reimbursed with the proceeds of the Bonds. In order to be purchased or reimbursed with Bond proceeds, the trustee for the Bonds must receive a requisition request from the Company and must make a draw on the Bonds and use the money to either (a) pay, or (b) reimburse the Company for the cost of the property, which the parties acknowledge and agree may be documented via book entry.

The Abatement Statute also provides that if property purchased with proceeds of the Bonds is used in any retail enterprise identified under the NAICS sectors 44 and 45 ("**Prohibited NAICS**"), the property will not be exempt from taxation, unless the property is a facility used exclusively to house the headquarters or back office operations of a prohibited retail enterprise.

The Abatement Statute further provides that property purchased with bond proceeds is not exempt from taxation if the property is (i) a swine production facility (as described in K.S.A. 12-1749b), (ii) property located in a redevelopment project area established under the authority of K.S.A. 12-1770 or (iii) a poultry or rabbit confinement facility (as described in K.S.A. 17-5903).

Company hereby represents that the NAICS code for the Project is not included within the list of Prohibited NAICS and agrees that during the term of the tax abatement, the property purchased with the proceeds of the Bonds will not be used in any of the Prohibited NAICS. Company understands that if any property purchased with the proceeds of the Bonds is used in a Prohibited NAICS, that property will not be subject to property tax abatement under Kansas law.

Company represents that the Project is not, and will not become, a swine production facility, a poultry or rabbit confinement facility or inventory, and that the Project is not located in a redevelopment project area as defined in K.S.A. 12-1770 *et seq.*

Section 3.10. Solid Waste Services. Until termination of this Agreement, the Company agrees that it and all of its tenants, subtenants, operators and licensees shall exclusively use the solid waste services of the Unified Government for the Project. This requirement shall not apply to the Company or any user if the Company or user demonstrates that solid waste services provided by the Issuer are inadequate to serve such user's reasonable needs.

Section 3.11. LBE/MBE/WBE Employment Opportunity Goals. The Company agrees to comply with the goals set forth on **Exhibit D** in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses. The Company hereby understands and agrees that if it shall fail to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** for the Construction (as those terms are defined therein) of the Project, then the Tax Payments shall be increased as set forth in **Exhibit C**. The parties agree that failure to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** shall not cause an Event of Default hereunder, and the Issuer's sole remedy will be increasing the amount of Tax Payments as set forth in **Exhibit C**.

ARTICLE IV

SALE AND ASSIGNMENT

Except as otherwise provided herein, the Company will not, without the prior written consent of the Issuer, (a) assign, sell, lease, or otherwise transfer the Project Site, the Project, or equipment that comprises the Project or any part thereof or any interest therein; (b) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (c) assign this Agreement. The Issuer shall have the right to grant or withhold its consent to any of the aforesaid in its reasonable discretion after inquiry and delivery of information to the Issuer as to whether the proposed assignee has sufficient financial wherewithal and experience to successfully complete and/or operate the Project according to the terms hereof. If an assignment is approved by the Issuer, the assignee shall assume and agree to pay and perform each and all of terms and provisions hereof. Notwithstanding the foregoing, the parties hereby agree that the Company may do any of the following without written consent of the Issuer:

(a) The Company may lease the residential units within the Project in the ordinary course of its business.

(b) The Company may grant a mortgage, leasehold mortgage, or other security on the Project to a lender in order to finance construction of the Project or refinance the Project, including, but not limited to, collateral assignment of all or any portion of its rights or obligations under this Agreement or any other documents entered into in connection with the Bonds.

(c) Once all occupancy permits have been issued for the Project, the Company may sell, lease, assign, transfer or mortgage the Project (and this Agreement and any other documents entered into in connection with the Bonds including without limitation the Resolution, in connection with the same) upon written request to the Issuer and the approval of the County Administrator or his/her designee; provided, if the County Administrator or his/her designee disapproves any such disposition, the Company will have the right to appeal such decision to the Issuer's governing body within a reasonable time. The consent of the Issuer to any such disposition described in this subsection shall not be unreasonably withheld or delayed.

(d) The Company may terminate this Agreement, and thereafter freely sell, assign, transfer or mortgage.

(e) The Company, upon written notice to the Issuer, may freely sell, assign, lease or transfer all or any portion of the Project or Project Site, and/or its rights or obligations under this Agreement and any other documents entered into in connection with the Bonds (including, without limitation, the Resolution), to an entity managed by or under common control of or by the Company or one or more of its principals.

Upon the sale, assignment, or transfer of the Project as set forth herein, the Company (as assignor) shall be relieved of all further liability occurring on and after the effective date of such disposition, except as may be otherwise set forth in the Lease Agreement.

ARTICLE V

DEFAULT AND REMEDIES

Section 5.1. Events of Default. If any one or more of the following events shall occur and be continuing, it is hereby defined as and declared to be and to constitute an "Event of Default" hereunder:

- (a) the Company shall fail to perform any of its obligations hereunder;
- (b) the Company shall breach any covenant contained herein or any representation of the Company contained herein shall prove to be materially false or erroneous; or
- (c) the Company shall be in default under the Lease Agreement.

Section 5.2. Remedies on Default. Upon the occurrence of an Event of Default hereunder, the Company shall be given 60 days (or such longer period as the Issuer and the Company may agree), following written notice by the Issuer to the Company of the occurrence of such Event of Default, to cure such Event of Default; provided that, if such Event of Default is of a nature that it cannot reasonably be cured within 60 days, then such occurrence will not constitute an Event of Default so long as Company: (a) commences to cure such failure within such 60-day period; and (b) diligently pursues such cure to completion. If such Event of Default is not cured within such time, this Agreement may be terminated by written notice to the Company from the Issuer. Such termination shall be effective immediately following delivery of such written notice. Upon the termination of this Agreement, the Company shall make a payment to the Issuer (or as the Issuer may otherwise direct) in an amount equal to the sum of (i) all due but unpaid Tax Payments attributed to prior calendar years, (ii) the pro rata total Tax Payments that would be due with respect to the current calendar year, (iii) the pro rata amount of any taxes that would be due for the remaining portion of the current calendar year assuming the Bond Financed Portion of the Project was not Exempt Property, and (iv) the amount of any costs and attorneys' fees incurred by the Issuer as a result of such Event of Default and in enforcing this Agreement.

Section 5.3. Payments on Defaulted Amounts. Any amounts due hereunder which are not paid when due shall bear interest at the interest rate imposed by Kansas law on overdue ad valorem taxes from the date such payment was first due. In addition, amounts payable hereunder in lieu of ad valorem taxes that are not paid when due shall be subject to the same penalties imposed by Kansas law on overdue ad valorem taxes.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.1. Notice and Waiver of Company. The Issuer reserves the right to grant tax abatement for projects that are located adjacent to or in the proximity of the Project or for projects that are located elsewhere within the Issuer but are similar to the Project in amounts that are above or below the amounts set forth herein. The Company acknowledges and agrees that the Tax Payment, the Exempt Period and the other terms of the tax abatement granted by the Issuer with respect to such other projects may be more favorable than the terms provided for in this Agreement. As a condition to the Issuer entering into this Agreement, the Company waives any claim it may have against the Issuer as a result of the Issuer granting tax abatement to other projects with terms that are more favorable than the terms provided for in this Agreement. Additionally, the Company agrees that it will not request that the Issuer modify this Agreement because the Issuer plans to grant or has granted tax abatement to another project or projects on terms that are more favorable than the terms provided for in this Agreement. Upon the occurrence of the Company's breach of its obligations set forth in this Section to waive any claim it may have against the Issuer as described above, the Issuer shall have the right to immediately terminate this Agreement and the associated tax abatement and require that the Company pay to the Issuer the amounts specified in **clauses (i) through (iv) of Section 5.2.**

Section 6.2. Severability. If for any reason any provision of this Agreement shall be determined to be invalid or unenforceable, the validity and enforceability of the other provisions hereof shall not be affected thereby.

Section 6.3. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Kansas.

Section 6.4. Execution in Counterparts. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

Section 6.5. Waiver. The Issuer and the Company acknowledge and agree that the amounts payable hereunder shall constitute payments due the Issuer under the Lease Agreement. The Company shall not be entitled to any extension of payment of such amounts as a result of a filing by or against the Company in any bankruptcy court.

Section 6.6. Notices. All notices, certificates or other communications required or desired to be given hereunder shall be in writing and shall be given to or filed with the Issuer and the Company as set forth below:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 323

Kansas City, Kansas 66101
Telephone: 913-573-5260
Email: bdeichler@wycokck.org

with a copy to:

Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: 913-573-5060
Email: alawson@bpu.com

with a copy to:

David Johnston
County Administrator
Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, 9th Floor
Kansas City, Kansas 66101
Email: djohnston@wycokck.org

with a copy to:

Gilmore & Bell, P.C.
Kevin Wempe
2405 Grand Blvd., Suite 1100
Kansas City, Missouri 64108
Telephone: 816-221-1000
Email: kwempe@gilmorebell.com

and to the Company at:

Blair Tanner
1545 Stone Canyon Road
Los Angeles, California 90077
Telephone: 310-476-7500
Email: blair@tannerwhiteproperties.com

with a copy to:

Aaron Mesmer
4622 Pennsylvania Avenue, Suite 700
Kansas City, Missouri 64112
Telephone: 816-412-5858
Email: amesmer@blockllc.com

with a copy to:

Bob Johnson
Polsinelli PC
900 W. 48th Place, Suite 900

Kansas City, Missouri 64112
Telephone: 816-360-4359
Email: rjohnson@polsinelli.com

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

Section 6.7. Further Assurances. The parties each agree to do, execute, acknowledge and deliver any and all other documents and instruments and to take all such further action as shall be reasonably necessary or reasonably required in order to fully carry out this Agreement and to fully consummate and effect the transactions contemplated hereby.

Section 6.8. Authority, etc. Each party to this Agreement represents and warrants to each other party as follows: (i) that such party has the requisite power and authority to enter into and perform this Agreement; (ii) that this Agreement has been duly authorized by all necessary action on the part of such party; (iii) that the execution and delivery and performance by each party of this Agreement will not conflict with or result in a violation of such party's organizational documents or any judgment, order or decree of any court or arbiter to which such party is bound; and (iv) that this Agreement constitutes the valid and binding obligation of such party, and is enforceable against such party in accordance with its terms, subject to applicable bankruptcy, insolvency, reorganization, creditor's rights and other similar laws.

Section 6.9. Electronic Storage and Transactions. The parties agree that the transactions described herein may be conducted and related documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers, all as of the date first above written.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

(SEAL)

By: _____
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____
Brett Deichler, Unified Government Clerk

APPROVED AS TO FORM:

By: _____
Office of Chief Counsel

4601 RAINBOW, LLC
a Kansas limited liability company

By:_____

Name:_____

Title:_____

EXHIBIT A

APPLICATION FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS

EXHIBIT B

PROJECT SITE

Lots 25, 26, 27, 28, 29, 54, 55, 56, 57, 58, 83, 84, 85, 86 and 87, Spring Valley, an addition to the City of Kansas City, Wyandotte County, Kansas, together with that part of Francis Street between 46th Street and Wyandotte – Johnson County Line, Vacated by Ordinance No. 65179, and recorded in Book 3237, Page 531.

EXHIBIT C

TAX PAYMENT SCHEDULE

Tax Payments (or “PILOTs”) shall be determined on a per-apartment-unit basis. Below is an approximate PILOT schedule based on 149 apartment units, and the parties acknowledge that the Tax Payments may be adjusted in accordance with the table below depending on the ultimate number of units constructed.

Tax Payments shown below do not include the school district’s capital outlay levy that cannot be abated under Kansas law.

Number of units	149
Year 1 PILOT	\$156,301
Year 1 PILOT per unit	\$1,049
Annual Increase	2.00%
Annual Increase if LMW Failure	4.00%

Year^(a)	Annual PILOT^(b)	PILOT per Door^(b)	Annual PILOT if L/M/WBE Failure^(b)	PILOT per Door^(b)
1	\$156,301	\$1,049	\$156,301	\$1,049
2	159,427	1,070	162,553	1,091
3	162,616	1,091	169,055	1,135
4	165,868	1,113	175,817	1,180
5	169,185	1,135	182,850	1,227
6	172,569	1,158	190,164	1,276
7	176,020	1,181	197,771	1,327
8	179,541	1,205	205,681	1,380
9	183,132	1,229	213,909	1,436
10	186,794	1,254	222,465	1,493

Business Category	Participation Percentage Goal Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

^(a) Year 1 refers to calendar year beginning January 1 after issuance of Bonds.

^(b) Does not include school district capital outlay levy.

EXHIBIT D

LBE/MBE/WBE PARTICIPATION AGREEMENT

THIS LBE/MBE/WBE PARTICIPATION AGREEMENT (the “**Agreement**”), by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the “**UG**”) and 4601 Rainbow, LLC or assigns (the “**Developer**”), sets forth procedures and goals for the utilization of local business, minority and women enterprises in connection with the development of an approximately 149-unit, commercial multifamily project in Kansas City, Kansas (the “**Project**”), as defined below.

I. SCOPE

A. These procedures are applicable to the Construction (as defined below) of the Project, as further described in that certain Performance Agreement between the UG and Developer, dated October ___, 2023 (the “**Performance Agreement**”), whether performed by or on behalf of Developer, including, but not limited to, all aspects of Construction of the Project and related facilities including labor, materials and supplies, and construction related services whether undertaken by or on behalf of Developer, but not including Specialized Services.

II. DEFINITIONS

A. “**Construction**” means all aspects of the construction of the Project including labor, materials and supplies, and construction related services, whether performed or contracted for by or on behalf of Developer; provided, however, “Construction” shall not include: (i) Specialized Services; and (ii) Professional Services.

B. “**Contractor**” means the Proposer selected by the Developer for the Project.

C. “**Local Business Enterprise**” (or “**LBE**”) means a business headquartered or which maintains a Substantial Local Office that performs the significant functions of the business in Wyandotte County or a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County. There is no formal certification process for LBE designation and it is determined and assigned based upon the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

D. “**Minority Business Enterprise**” (or “**MBE**”) means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of a person who is a member of an American ethnic minority group including African-American, Asian-Indian, Asian-Pacific, Hispanic and Native American.

E. “**Professional Services**” means advisory or consulting activities including, but not limited to, architectural, engineering, legal, accounting, financial, marketing, environmental studies, and financial services contracted for, by or on behalf of Developer for the design, development and construction of the Project.

F. “**Project**” means the Construction of a new apartment complex and as legally described in Exhibit 1 to this Agreement.

G. “Proposer” means a construction firm that submits a proposal in response to a solicitation for proposals issued by Developer with respect to the Construction of the Project or with respect to the annual operations of the Project.

G. “Specialized Services” means expertise, services, or products that are only available through sole source providers or national vendors or are unique to the business of the Project.

H. “Substantial Local Office” means an office operated and financially supported by a firm that has sufficient space, staff and equipment to carry on the local business of the firm and that is engaged in significant, on-going local involvement with the business community in Wyandotte County, KS. The term “Substantial Local Office” shall specifically exclude any office that has been established for the sole purpose of participating in a specific Project.

I. “Women Business Enterprise” (or “WBE”) means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of one or more women who are U.S. citizens or legal resident aliens.

III. GOALS FOR LBE/MBE/WBE PARTICIPATION.

Developer and its Contractor will use Best Efforts to meet the LBE/MBE/WBE participation percentage goals listed in the below chart based upon the total cost of the Construction of the Project. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. These goals are based upon a disparity study performed for the Kansas City Metropolitan Area for LBE, MBE, and WBE participation. These goals are not quotas or set asides.

Business Category	Participation Percentage Goal – Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

It is the intent of the UG to give preference to the utilization of LBEs so long as all other factors relating to the award of an individual contract are equal. If the factors relating to an award of an individual contract are equal, the Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs.

IV. ELIGIBILITY FOR CREDIT

A. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification by the Kansas Department of Commerce, the City of Kansas City, Missouri, the State of Missouri, the Missouri Department of Transportation, the MidAmerica Minority Business Development Council, and/or the Women’s Business Enterprise National Council or any other applicable or appropriate public or private entity or other entity mutually acceptable to the UG and the Developer (each, an “approved” business) may be counted towards the participation goals in Section III above.

B. In the event that a contract has been awarded on the Project to an approved LBE, MBE, or WBE business, and such LBE, MBE or WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall receive credit towards the goal for only that portion of work performed or services provided up to the point such business becomes unapproved.

V. CONSTRUCTION UTILIZATION

A. The goals set forth in Section III may be met by the expenditure of dollars with approved LBE, MBE and/or WBE businesses, contractors, labor suppliers, regular dealers, manufacturers, material suppliers, subcontractors, software vendors, consultants, other Construction-related products, suppliers, and/or services, or through joint ventures with approved LBEs, MBEs or WBEs. The participation of certified LBE, MBE and/or WBE Proposers may count toward a goal for which they qualify.

B. A joint venture involving an approved LBE, MBE, and/or WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount for which the approved LBE, MBE, and/or WBE is responsible; provided that if the LBE, MBE, and/or WBE is the majority partner in such joint venture, then the entire joint venture contract amount shall be counted, less any work subcontracted to the non LBE, MBE, and/or WBE joint venture partner. To receive credit, the approved LBE, MBE, and/or WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

C. Participation by a certified MBE owned by a minority woman may be counted as MBE participation or as WBE participation; however, this participation cannot be counted both for MBE and WBE participation. However, a certified MBE or WBE that also qualifies as an LBE may also be counted towards the LBE goal. For additional clarification purposes, a qualified LBE, which also certified as an MBE or WBE, shall be counted toward both the LBE and the MBE or WBE goals in the Developer's sole discretion.

D. The LBE, MBE, or WBE must be responsible for the execution of a distinct element of the work by actually performing, managing, or supervising its function in the work identified in the agreement with such LBE, MBE or WBE. Brokering is not credited.

VI. CONTRACT AWARD COMPLIANCE PROCEDURES

A. Solicitation Documents. The solicitation documents, for each contract for which goals are established, shall contain a description of the requirements set forth in this Agreement and the LBE, MBE, and WBE goals. Upon request by the UG, Developer shall submit the solicitation documents and the bid list to the UG.

B. Subcontractor Relations – Documentation of Subcontracting Agreements. All subcontracting services for LBE, MBE and/or WBE businesses shall be evidenced by an agreement which shall include the scope of work to be performed and the amount to be paid for performance of the work. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

C. Best Efforts. For each LBE/MBE/WBE participation percentage goal that is not achieved, Developer shall be deemed to have used “**Best Efforts**” to meet such goal(s) if Developer shall have taken substantially all of the following actions:

- i. Developer is seeking or has sought timely assistance of the UG to identify qualified LBEs, MBEs, and WBEs;
- ii. Developer is advertising or has advertised contract opportunities in local, minority, and women media;
- iii. Developer is providing or has provided reasonable written notice of opportunities and/or informational meetings to approved LBEs, MBEs, and WBEs;

- iv. Developer is following up or has followed up initial solicitations of interest by contacting LBEs, MBEs, and WBEs;
- v. Developer is segmenting or has segmented portions of the work to increase the likelihood of LBE, MBE, and WBE participation, where feasible;
- vi. Developer is or has provided interested LBEs, MBEs, and WBEs with timely and accurate information about the plans, specifications, requirements, deadlines, and bidding procedures of the contracts;
- vii. Developer is negotiating or has negotiated in good faith with interested LBEs, MBEs, and WBEs, not rejecting them as unqualified without sound reasons, based on a thorough review of their capabilities and prior work history;
- viii. Developer is seeking or has sought to educate and assist LBEs, MBEs, and WBEs in obtaining bonding, lines of credit or insurance required to perform the contract; and
- ix. Developer is working or has worked with local, minority, and women contracting, professional, civic, and community organizations, government officers and any other organization or persons, as identified by the UG, that provide assistance in the recruitment of LBEs, MBEs, and WBEs.

Failure by Developer to take all of the foregoing actions shall not be determinative that Developer has not used its Best Efforts. The parties acknowledge that all of the foregoing actions may not apply to every scope of the Project.

VII. UG'S ASSISTANCE TO PROJECT

The UG shall use its best efforts to provide assistance to Developer and its agents so that Developer may fulfill its participation goals as set forth in this Agreement. The Developer assumes all responsibility for using Best Efforts to meet the goals and complying with the procedures and processes set forth herein. Examples of such assistance by the UG include but are not limited to:

- A.** providing information and technical assistance regarding this Project to the Developer and its agents including the Contractor and any other contractors, subcontractors, LBEs, MBEs, WBEs, officials and other interested persons;
- B.** developing and maintaining a registry of approved LBE, MBE and WBE businesses;
- C.** assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;
- D.** updating the Developer and its agents on current or proposed affirmative action legislation enacted by the UG that may affect the Project;
- E.** frequently reviewing Developer and the Contractor and any other contractor or subcontractor performance and LBE, MBE, and/or WBE participation on the Project;
- F.** providing advice relative to utilization and compliance matters;

- G. conducting compliance reviews and audits of LBE, MBE, and WBE and participation;
- H. assisting the Developer and its agents in addressing issues related to the goals and procedures set forth in this Agreement;
- I. reviewing complaints from LBEs, MBEs, WBEs, and any other interested persons regarding these goals and procedures with Developer and its agents; and
- J. assisting in the Developer's development of forms to document compliance with these procedures.

VIII. DEVELOPER COMPLIANCE; RECORDS AND REPORTS.

A. Records. Developer shall maintain those records as may reasonably be required to demonstrate compliance (and/or its Best Efforts to comply) with the goals and procedures set forth in this Agreement. These records shall be made available to the UG at Developer's offices during business hours and upon reasonable advance notice.

B. Construction Utilization Plan Reports. Developer shall provide the UG with information sufficient to document the participation under this Agreement, which may include periodically providing the Construction Utilization Plan as set forth on Exhibit 2. Such information may include for each LBE, MBE, or WBE whose participation is utilized by Developer to be applied to the goals set forth herein: business name and address of each LBE, MBE, and/or WBE; and a brief description of the work to be performed by each such LBE, MBE and/or WBE.

C. Remedies. If, after review of the Developer's construction and related reports by the Unified Government Contract Compliance Department, the UG determines that the participation goals contained in this Agreement for the Construction of the Project have not been met, and that the Best Efforts described herein have not been met, then the UG shall have, as its sole and exclusive remedies: such remedy as set forth in Section 3.11 of the Performance Agreement; and (ii) UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects undertaken by the Company in the UG.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
David Johnston
County Administrator
Date: _____

4601 RAINBOW, LLC

By: _____
Name: _____
Title: _____
Date: _____

EXHIBIT 1
Legal Description

Lots 25, 26, 27, 28, 29, 54, 55, 56, 57, 58, 83, 84, 85, 86 and 87, Spring Valley, an addition to the City of Kansas City, Wyandotte County, Kansas, together with that part of Francis Street between 46th Street and Wyandotte – Johnson County Line, Vacated by Ordinance No. 65179, and recorded in Book 3237, Page 531.

EXHIBIT 2
Construction Utilization Plan

EXHIBIT E
SITE PLAN

(Published in *The Wyandotte Echo* on October 5, 2023)

**NOTICE OF PUBLIC HEARING ON ISSUANCE
OF INDUSTRIAL REVENUE BONDS**

Notice is hereby given that the Commission of the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) will conduct a public hearing on **Thursday, October 26, 2023**, at 7:00 p.m., or as soon thereafter as may be heard, regarding the proposed issuance by the Unified Government of its industrial revenue bonds in a principal amount not to exceed \$52,927,000 (the “Bonds”) and in regard to an exemption from ad valorem taxation for property constructed or purchased with the proceeds of the Bonds.

The public hearing will be held at City Hall, 701 N 7th Street, Kansas City, Kansas, 66101. Additional public hearing access information is available at www.wycokck.org/Departments/Clerks-Office/Engage-in-Public-Commission-Meeting or by contacting the Clerk’s office via phone at (913) 573-5206 or via email at ugclerkrequest@wycokck.org. Public comment may also be submitted in advance of the public hearing by email to ugclerkrequest@wycokck.org, fax to (913) 573-5299, or mail to Unified Government Clerk’s Office, 701 N. 7th Street, Suite 323, Kansas City, Kansas 66101.

The Bonds are proposed to be issued under authority of K.S.A. 12-1740 *et seq.*, as amended, to provide funds for acquiring, purchasing, constructing, installing and equipping an approximately 149-unit commercial multifamily facility, located generally at the southeast corner of Rainbow Boulevard and 46th Avenue, in the City of Kansas City, Kansas (the “Project”). The Unified Government intends to base lease the facility and further intends to lease the facility to 4601 Rainbow, LLC, a Kansas limited liability company, or its successors and assigns (the “Company”).

The Company has requested a 10-year property tax abatement subject to certain payments in lieu of tax for the property constructed or purchased with the proceeds of the Bonds.

A copy of this Notice, together with a copy of the resolution of intent of the Unified Government to be considered for adoption, indicating the intent of the governing body of the Unified Government to issue the Bonds and a report analyzing the costs and benefits of such property tax exemption, are on file in the office of the Unified Government Clerk and available for public inspection during normal business hours.

All persons having an interest in this matter will be given an opportunity to be heard at the time and place above specified.

Dated: October 5, 2023.

Brett Deichler
Unified Government Clerk
701 N. 7th Street
Kansas City, Kansas 66101
(913) 573-8039



Staff Request for Commission Action

Tracking No. 212833

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/20/2023	<u>Contact Name:</u> Jeffrey Conway	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> jconway@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

Conduct a public hearing and approve an ordinance adopting the 2023 Redevelopment Project plan and terminating the existing redevelopment project plan district, submitted by Jeff Conway, Assistant Counsel.

Resolution R-56-23 was adopted by the governing body on September 14, 2023, setting the public hearing.

Action Requested:

Conduct public hearing and approve ordinance

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Presentation TIF District (Downtown Campus) with legal, Ordinance -Downtown Campus - TIF Plan Termination & Adoption (UG)



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
October 26, 2023	Jeffrey Conway, Assistant Counsel	Finance
AGENDA ITEM #XI.2.		
ORDINANCE: DOWNTOWN CAMPUS PROJECT (LANIER UNITED LLC)		
BACKGROUND		
Conduct a public hearing and approve an ordinance adopting the 2023 Redevelopment Project plan and terminating the existing redevelopment project plan district, submitted by Jeff Conway, Assistant Counsel. <i>Resolution R-56-23 was adopted by the governing body on September 14, 2023, setting the public hearing.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Presentation TIF District (Downtown Campus) with legal, Ordinance -Downtown Campus - TIF Plan Termination & Adoption (UG)		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:

Ordinance to Amend TIF District for Lanier Project (Downtown Campus) and Adopt New TIF Project Plan

Unified Government of Wyandotte County/Kansas City,
Kansas

October 26, 2023

What are We Considering Tonight?

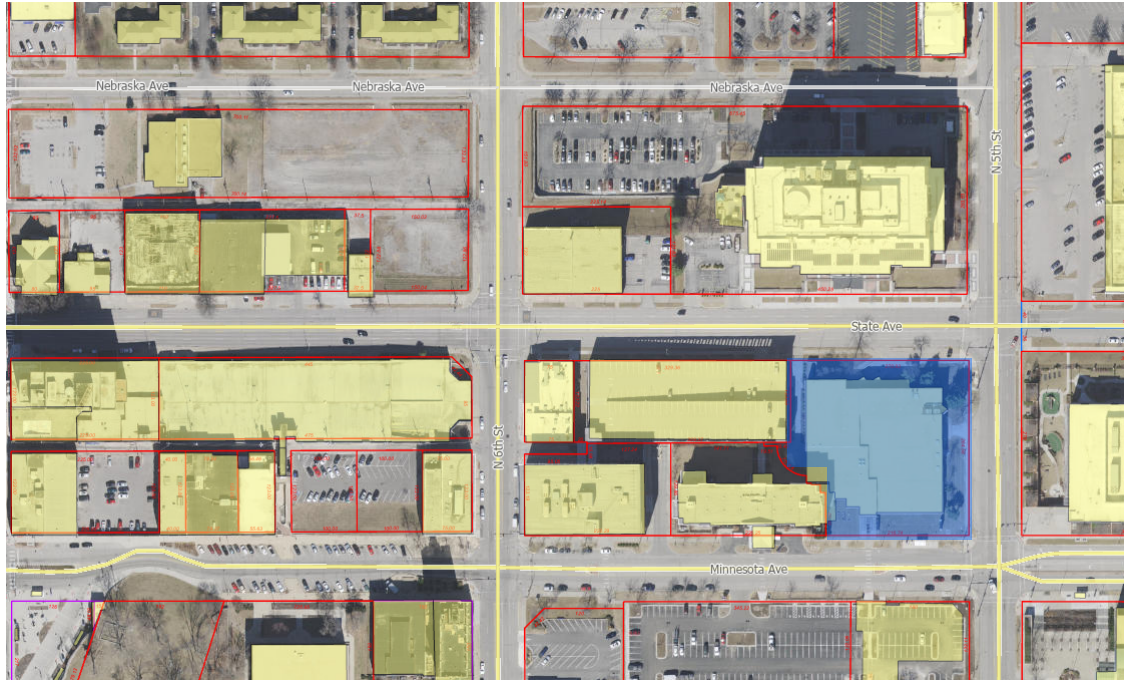
An Ordinance re: the Lanier Downtown TIF that would:

- Remove the Athletic Field Property (and connecting ROW) from the TIF District
- Termination of the Original TIF Project Plan adopted by the UG on July 30, 2020
- Adopt a New TIF Project Plan with a Number of Differences

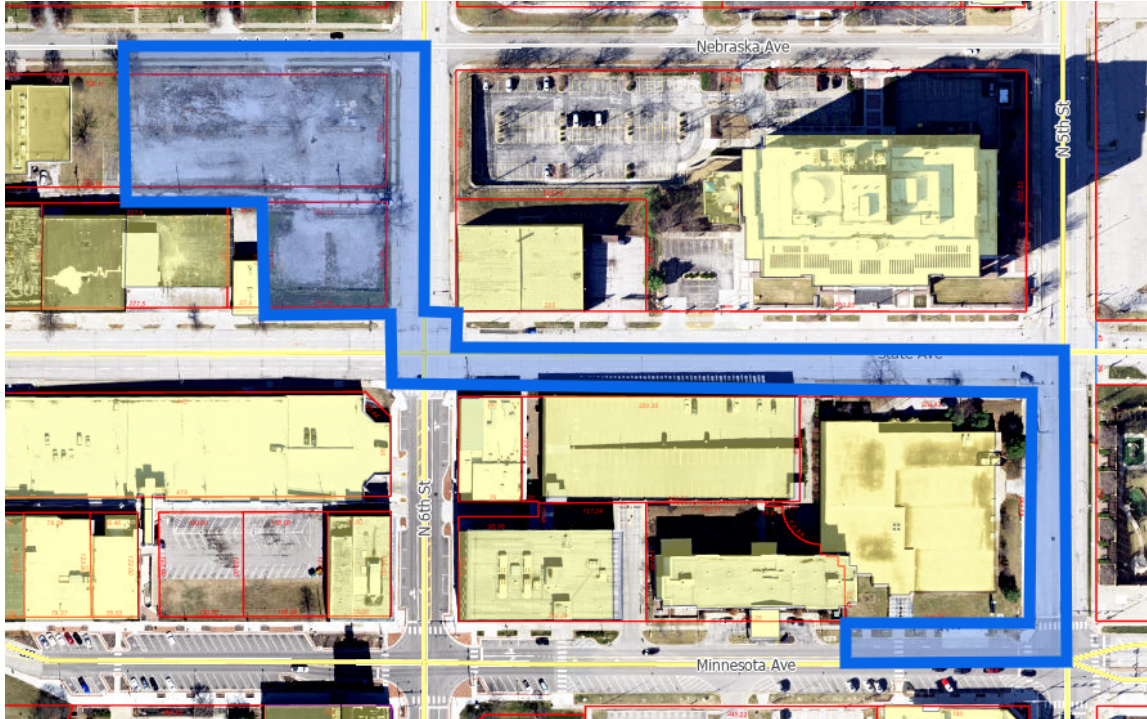
1. Removal – This is the Original TIF District (2020)"



1. Removal -- The Proposed Amended TIF District (2023)



1. Removal – The Removed Property



2. Termination of Original TIF Project Plan

- Original TIF Project Plan was adopted on July 30, 2020
- Has never been implemented and no TIF Proceeds Disbursed under existing TIF Project Plan
- The Original Project Plan is no longer desired or feasible

3. Approval of new TIF Project Plan

Key Differences in New TIF Project Plan (vs. 2020 TIF Plan)

*All previously reviewed and approved in Amended Development Agreement
(approved on April 13, 2023)*

- Removal of 38,000 s.f. recreational fields concept
- Removal of 6,000 s.f. fitness center
- Increase in Apartments from 75-85 units up to 85-100 units

3. Approval of new TIF Project Plan (continued)

Other Key Differences in New TIF Project Plan (vs. 2020 TIF Plan)

- Original TIF Project Plan for sharing TIF increment: Developer gets 100% of incremental and had a scaled structure real property taxes for first 12 years, then decreasing by 10% each year thereafter:
 - 100% for years 1 through 12
 - 90% in year 13
 - 80% in year 14
 - 70% in year 15
 - Etc., down to 20% in year 20
- New Project Plan provides for 85% share of TIF increment every year for 20 years

DISCLAIMER: This presentation is designed to give general information only. It is not intended to be a comprehensive summary of the law or to treat exhaustively the subjects covered. This information does not constitute legal advice or opinion. Legal advice or opinions are provided by Stinson LLP only upon engagement with respect to specific factual situations.

(Published in *The Wyandotte Echo* on November 2, 2023)

ORDINANCE NO. O- ____-23

AN ORDINANCE OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS REMOVING AREA FROM A REDEVELOPMENT DISTRICT, TERMINATING A REDEVELOPMENT PROJECT PLAN, AND ADOPTING A REDEVELOPMENT PROJECT PLAN PURSUANT TO K.S.A. 12-1770 ET SEQ., AND AMENDMENTS THERETO, FOR THE PROJECT AREA WITHIN THE DOWNTOWN CAMPUS REDEVELOPMENT DISTRICT.

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the “Act”), the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) is authorized to adopt redevelopment project plans within established redevelopment districts, as said terms are defined in the Act, and to finance all or a portion of redevelopment project costs from tax increment revenues and various fees collected within such redevelopment district, revenues derived from redevelopment projects, revenues derived from local sales taxes, other revenues described in the Act, or a combination thereof or from the proceeds of full faith and credit tax increment bonds of the Unified Government or special obligation tax increment bonds of the Unified Government payable from such described revenues; and

WHEREAS, the Board of Commissioners of the Unified Government (the “Governing Body”) on March 26, 2020, passed Ordinance No. O-16-20, which created the Downtown Campus Redevelopment District within Kansas City, Kansas, the boundaries of which were defined in said Ordinance (the “Existing Redevelopment District”) and containing one redevelopment project area the (“Existing Project Area”); and

WHEREAS, a Redevelopment Project Plan for the Redevelopment District dated April 6, 2020 (the “Existing Redevelopment Project Plan”) was adopted pursuant to Ordinance No. O-46-20, passed by the Governing Body on July 30, 2020; and

WHEREAS, Lanier United, LLC (the “Developer”) has asserted that the Existing Redevelopment Project Plan has been abandoned because the development projects contemplated thereunder are no longer desired or feasible, and the Developer has requested termination of the Existing Redevelopment Project Plan; and

WHEREAS, Developer has submitted a Redevelopment Project Plan – Downtown Campus Redevelopment District (the “2023 Redevelopment Project Plan”) that proposes a revised project and removal of certain property from the Existing Redevelopment District and the Existing Project Area; and

WHEREAS, on September 11, 2023, the Planning Commission of the Unified Government made a finding that the 2023 Redevelopment Project Plan was consistent with the intent of the Unified Government’s comprehensive plan for the development; and

WHEREAS, a copy of the 2023 Redevelopment Project Plan was delivered by the Unified Government to the Board of Education of Unified School District No. 500; and

WHEREAS, the Governing Body adopted Resolution No. R-56-23 on September 14, 2023,

calling for a public hearing considering the adoption of the 2023 Redevelopment Project Plan to be held by the Governing Body on October 26, 2023; and

WHEREAS, notice of the public hearing was given as required by the Act, and the public hearing was held and closed on this date.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. Removal of Real Property.

(a) Pursuant to K.S.A. 12-1771(g), the Unified Government hereby removes from the Existing Redevelopment District and the Existing Project Area the real property depicted in **Exhibit A** hereto and legally described in **Exhibit B** hereto (referred to herein as the “Removed Property”). The revised redevelopment district and revised redevelopment project area (following removal of the Removed Property) are depicted on **Exhibit C** hereto and legally described on **Exhibit D** hereto and are referred to herein, respectively, as the “Revised Redevelopment District” and the “Revised Redevelopment Project Area.”

(b) The Governing Body hereby finds that (a) the Removed Property constitutes more than a de minimis amount of real property (as defined in the Act) within the Existing Redevelopment District, and (b) removing the Removed Property from the Redevelopment District is not a “substantial change” to the district plan adopted for the Existing Redevelopment District pursuant to Ordinance No. O-16-20.

Section 2. Termination of Existing Redevelopment Project Plan. The Governing Body hereby finds that the Act does not address termination of a redevelopment project plan, and that termination of a redevelopment project plan does not conflict with any provisions of the Act. The Governing Body further finds that the Existing Redevelopment Project Plan has been abandoned by the Developer and is no longer desired or feasible, and that the 2023 Redevelopment Project Plan proposes a new redevelopment project consisting of new revenue sources in comparison to the Existing Redevelopment Project Plan. The Governing Body, pursuant to its home rule powers under Article 12, Section 5 of the Constitution of the State of Kansas, hereby terminates the Existing Redevelopment Project Plan and repeals Ordinance No. O-46-20.

Section 3. Approval of 2023 Redevelopment Project Plan. The Governing Body finds and determines that all required notice of the public hearing and the 2023 Redevelopment Project Plan were properly given in accordance with the Act. The Governing Body hereby adopts the 2023 Redevelopment Project Plan pursuant to the Act for the Revised Redevelopment Project Area, which is depicted on **Exhibit C** and legally described on **Exhibit D** attached hereto.

Section 4. Relocation Assistance Plan. The Governing Body finds and determines that the 2023 Redevelopment Project Plan does not require a relocation assistance plan under the Act.

Section 5. Transmittal of 2023 Redevelopment Project Plan. Copies of the 2023 Redevelopment Project Plan and this Ordinance shall be filed with the Clerk and also transmitted by the Clerk to the County Appraiser, County Treasurer, and the governing boards of the County and the school district in which the Revised Redevelopment District is located.

Section 6. Further Action. The Mayor/CEO, County Manager, Unified Government Clerk

and other officials and employees of the Unified Government, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 7. Effective Date. This ordinance shall be in full force and take effect from and after its passage by 2/3 vote of the Governing Body and publication once in ***The Wyandotte Echo***.

[Balance of page intentionally left blank]

**PASSED BY NO LESS THAN TWO-THIRDS OF THE COMMISSION OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 26TH
DAY OF OCTOBER, 2023.**

[SEAL]

Tyrone Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to form:

Office of Chief Counsel

EXHIBIT A

MAP OF REMOVED PROPERTY

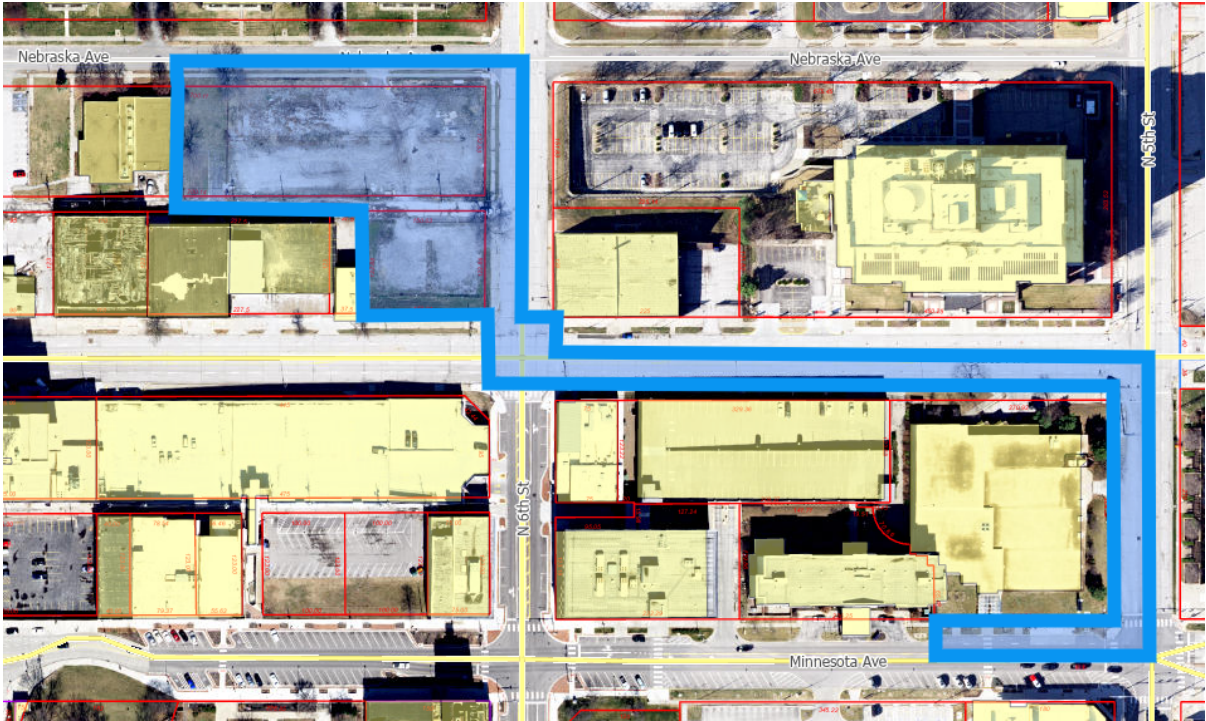


EXHIBIT B

LEGAL DESCRIPTION OF REMOVED PROPERTY

All that part of Parcels 3 and 8 and all of Parcel 9, Center City, a subdivision in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof, together with the West ½ of North 6th Street from the South right-of-way line of State Avenue to the South right-of-way line of Nebraska Avenue, as both streets are now established, and together with the South ½ of Nebraska Avenue from the center line of North 6th Street, West 422.00 feet more or less to the East wall line of a building to the South and together with the East ½ of said North 6th Street from the North right-of-way line of State Avenue, as now established to the South right-of-way line of said State Avenue and together with the South ½ of said State Avenue from the East right-of-way line of said North 6th Street to the center line of North 5th Street, and together with the West ½ of North 5th Street from the South right-of-way line of said State Avenue to the center line of Minnesota Avenue, as both streets are now established, together with the North ½ of Minnesota Avenue from the West right-of-way line of Minnesota Avenue, West 260.00 feet, more or less, to the East wall line of a building to the North, described as follows:

BEGINNING at the intersection of the center line of said North 5th Street and the center line of said Minnesota Avenue;

thence South 87 degrees 48 minutes 09 seconds West, on the center line of said Minnesota Avenue, a distance of 260.24 feet, to a point being on the Southerly prolongation of the East wall line of an existing building;

thence North 02 degrees 11 minutes 51 seconds West, on said prolongation and the East wall of said existing building, a distance of 117.37 feet, to a point;

thence South 87 degrees 48 minutes 09 seconds West, on the North face of said existing building, a distance of 8.58 feet, to a point;

thence North 02 degrees 11 minutes 51 seconds West, on the East face of said existing building, a distance of 12.99 feet, to a point;

thence South 87 degrees 48 minutes 09 seconds West, on the North face of said existing building, a distance of 49.69 feet, to a point;

thence North 02 degrees 11 minutes 51 seconds West, departing the North face of said existing building, a distance of 184.14 feet, to a point on the South right-of-way line of said State Avenue, as now established;

thence South 87 degrees 47 minutes 14 seconds West, on said South right-of-way line, a distance of 476.74 feet, to a point being the intersection of said South right-of-way line and the West right-of-way line of said North 6th Street, as now established;

thence North 02 degrees 11 minutes 51 seconds West, departing said South right-of-way line and on said West right-of-way line, a distance of 100.00 feet, to a point being the intersection of said West right-of-way line and the North right-of-way line of said State Avenue, as now established;

thence South 87 degrees 47 minutes 14 seconds West, on said North right-of-way line, a distance of 150.04 feet, to the Southwest corner of said Parcel 9 and the Southeast corner of Lot 50, Block 109, Wyandotte City, a subdivision in the City of Kansas City, Wyandotte County, Kansas, according to the recorded plat thereof;

thence North 02 degrees 11 minutes 27 seconds West, departing said North right-of-way line and on the West line of said Parcel 9 and the East line of said Lot 50, a distance of 122.88 feet, to the Northeast corner of said Lot 50 and the South line of a vacated alley 18.00 feet in width as shown on the plat of said Wyandotte City;

thence South 87 degrees 47 minutes 34 seconds West, on the South line of said Alley and the North line of Lots 50, 49, 48, 47, 46, 45, 44, 43 and 42, a distance of 225.09 feet, to the Northwest corner of said Lot 42;

thence North 02 degrees 11 minutes 27 seconds West, departing said South line, a distance of 190.88 feet, to a point on the center line of said Nebraska Avenue;

thence North 87 degrees 47 minutes 59 seconds East, on the center line of said Nebraska Avenue, a distance of 415.11 feet, to a point being the intersection of the center line of said Nebraska Avenue and the center line of said North 6th Street;

thence South 02 degrees 11 minutes 43 seconds East, departing the center line of said Nebraska Avenue and on the center line of said North 6th Street, a distance of 313.69 feet, to a point being on the Westerly prolongation of the North right-of-way line of said State Avenue, as now established;

thence North 87 degrees 47 minutes 14 seconds East, departing the center line of said North 6th Street, a distance of 40.00 feet, to a point being the intersection of said North right-of-way line and the East right-of-way line of said North 6th Street, as now established;

thence South 02 degrees 11 minutes 43 seconds East, departing said North right-of-way line, a distance of 40.00 feet, to a point being on the center line of said State Avenue;

thence North 87 degrees 47 minutes 14 seconds East, on the center line of said State Avenue, a distance of 715.37 feet, to a point being the intersection of the center line of said State Avenue and the center line of said North 5th Street;

thence South 02 degrees 10 minutes 50 seconds East, departing the center line of said State Avenue and on the center line of said North 5th Street, a distance of 364.59 feet, to the POINT OF BEGINNING, containing 5.70 acres, more or less;

EXCEPT:

All of Lot 4, Replat of Parcel 3, Center City, a subdivision in the City of Kansas City, Wyandotte County, Kansas, recorded in the Wyandotte County Register of Deeds Office as Document #2016R-01402 in Book 45, Page 5, identified as Parcel #412303 and more commonly known as 500 Minnesota Avenue.

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EXHIBIT C

MAP OF REVISED REDEVELOPMENT DISTRICT AND REVISED REDEVELOPMENT PROJECT AREA

Revised Redevelopment District and Revised Redevelopment Project Area indicated by hashed area within map below and generally located at the southwest corner of State Avenue and N. 5th Street.



EXHIBIT D

LEGAL DESCRIPTION OF REVISED REDEVELOPMENT DISTRICT AND REVISED REDEVELOPMENT PROJECT AREA

All of Lot 4, Replat of Parcel 3, Center City, a subdivision in the City of Kansas City, Wyandotte County, Kansas, recorded in the Wyandotte County Register of Deeds Office as Document #2016R-01402 in Book 45, Page 5, identified as Parcel #412303 and more commonly known as 500 Minnesota Avenue.

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Staff Request for Commission Action

Tracking No. 212832

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/20/2023	<u>Contact Name:</u> Jeffrey Conway	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> jconway@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

Approval of an amendment to the Resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue taxable Industrial Revenue Bonds for the benefit of Lanier United LLC, in a principal amount not to exceed \$23, 260,000, submitted by Jeff Conway, Assistant Counsel.

This commission previously approved Resolution No. R-86-20 adopted on December 17, 2020 authorizing issuance of bonds.

Action Requested:

Approve request

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

IRB Resolution of Intent (UG - Lanier United)



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
October 26, 2023	Jeffrey Conway, Assistant Counsel	Finance
AGENDA ITEM #XIII.1.		
RESOLUTION: AMENDING ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR LANIER UNITED		
BACKGROUND		
Approval of an amendment to the Resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue taxable Industrial Revenue Bonds for the benefit of Lanier United LLC, in a principal amount not to exceed \$23, 260,000, submitted by Jeff Conway, Assistant Counsel. <i>This commission previously approved Resolution No. R-86-20 adopted on December 17, 2020 authorizing issuance of bonds.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
IRB Resolution of Intent (UG - Lanier United)		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:

RESOLUTION NO. R-____-23

**RESOLUTION AMENDING RESOLUTION NO. R-86-20 PREVIOUSLY
ADOPTED BY THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS RELATING TO THE ISSUANCE OF
INDUSTRIAL REVENUE BONDS IN THE AMOUNT NOT TO EXCEED
\$23,260,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING,
AND EQUIPPING MULTI-USE COMMERCIAL FACILITIES FOR THE
BENEFIT OF LANIER UNITED, LLC AND ITS SUCCESSORS AND ASSIGNS
(SALES TAX EXEMPTION ONLY)**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), desires to promote, stimulate and develop the general welfare and economic prosperity of the Issuer 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 Issuer 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, Lanier United, LLC, a Kansas limited liability company (the “Company”), has submitted to the Issuer an Application for the Issuance of Industrial Revenue Bonds (the “Application”) requesting that the Issuer finance the cost of acquiring, constructing and equipping multi-use commercial facilities, as more fully described in the Application (the “Project”) through the issuance of its industrial revenue bonds in the principal amount not to exceed \$23,260,000 (the “Bonds”), and to lease the Project to the Company and its successors or assigns in accordance with the Act; and

WHEREAS, pursuant to Resolution No. R-86-20 adopted on December 17, 2020, the governing body of the Issuer previously found and determined it to be advisable to issue the Bonds under the Act; and

WHEREAS, the Issuer now desires to amend portions of Resolution No. R-86-20 pursuant to this Resolution.

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

Section 1. Amendment. Section 10 of Resolution No. R-86-20 is hereby amended, as follows:

Section 10. Termination of Resolution. This Resolution shall terminate (i) on December 31, 2026, unless (a) the Bonds have been issued for the Project or (b) a building permit has been issued by the Issuer for the Project or (ii) upon termination of the Amended and Restated Downtown Campus Development Agreement dated as of April 27, 2023 between the Issuer and the Company. The Issuer, upon the written request of the Company, may extend this time period.

Section 2. Ratification. Except as amended by this Resolution, Resolution No. R-86-20 is hereby ratified and will remain in full force and effect.

Section 3. Further Action. Counsel to the Issuer and Gilmore & Bell, P.C., Bond Counsel for the Issuer, together with the officers and employees of the Issuer, 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 Issuer all documents necessary to effect the authorization, issuance and sale of the bonds and other actions contemplated hereunder.

Section 4. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the governing body of the Issuer.

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ADOPTED this 26th day of October, 2023.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS**

By: _____
Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

Unified Government Clerk

Approved as to form:

Office of Chief Counsel



Staff Request for Commission Action

Tracking No. 212834

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 10/20/2023	<u>Contact Name:</u> Jeffrey Conway	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> jconway@wycokck.org	<u>Department/Division:</u> Finance
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Item Description:

Approval of an Ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue taxable Industrial Revenue Bonds (94th and State, LLC Project) series 2023, in a principal amount not to exceed \$45,000,000, submitted by Jeff Conway, Assistant Counsel.

Resolution R-20-21 was adopted by the governing body on March 11, 2021, authorizing intent to issue bonds.

Action Requested:

Approve request

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance - 94th and State (UG), Performance Agreement (Milhaus Properties LLC) (Executed)



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
October 26, 2023	Jeffrey Conway, Assistant Counsel	Finance
AGENDA ITEM #XIII.2.		
ORDINANCE: APPROVING ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR MILHAUS PROPERTIES LLC		
BACKGROUND		
Approval of an Ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas to issue taxable Industrial Revenue Bonds (94th and State, LLC Project) series 2023, in a principal amount not to exceed \$45,000,000, submitted by Jeff Conway, Assistant Counsel.		
<i>Resolution R-20-21 was adopted by the governing body on March 11, 2021, authorizing intent to issue bonds.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Ordinance - 94th and State (UG), Performance Agreement (Milhaus Properties LLC) (Executed)		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:

ORDINANCE NO. O-__-23

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (94TH AND STATE, LLC PROJECT), SERIES 2023, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$45,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL MULTIFAMILY DEVELOPMENT, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (94th and State, LLC Project), Series 2023 (the “Bonds”), in a principal amount not to exceed \$45,000,000, for the purpose of acquiring, constructing, improving and equipping an approximately 270-unit commercial multifamily facility, and all related improvements for the benefit of 94th and State, LLC, a Delaware limited liability company (the “Company”), including land, buildings, structures, improvements, fixtures, furnishings, machinery and equipment (the “Project”); and

WHEREAS, the Issuer and Milhaus Properties, LLC (“Milhaus”), previously entered into that certain Performance Agreement dated as of May 17, 2021 (the “Performance Agreement”), setting forth certain terms of the Bonds and related property tax abatement for the Project; and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and BOKF, N.A., as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized. The Issuer hereby approves the assignment to the Company of all of Milhaus's interest in Resolution No. R-20-21 and the Performance Agreement.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$45,000,000 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the "Bond Documents"), such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer.
- (c) Lease Agreement, between the Issuer and the Company; and
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser.

Section 4. Execution of Bond and Documents. The Mayor/CEO of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor/CEO (or, in the Mayor/CEO's absence, the acting Mayor/CEO) of the Issuer is hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture.

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 8. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor/CEO and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

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PASSED by the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas on October 26, 2023 and **APPROVED AND SIGNED** by the Mayor/CEO.

Tyrone Garner, Mayor/CEO

[SEAL]

ATTEST:

Brett Deichler, Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

(Published in *The Wyandotte Echo* on November 2, 2023)

SUMMARY OF ORDINANCE NO. O-__-23

On October 26, 2023, the governing body of the Unified Government of Wyandotte County/Kansas City, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (94TH AND STATE, LLC PROJECT), SERIES 2023, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$45,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL MULTIFAMILY DEVELOPMENT, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$45,000,000, for the purpose of acquiring, constructing, furnishing, and equipping commercial multifamily development for 94th and State, LLC, a Delaware limited liability company, and constitute limited obligations of the Unified Government payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2023 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the Unified Government Clerk, 701 North 7th Street, Kansas City, Kansas. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.wycokck.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: October 26, 2023.

Office of Chief Counsel

PERFORMANCE AGREEMENT

Dated as of May 17, 2021

BETWEEN THE

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

AND

MILHAUS PROPERTIES, LLC

Prepared By:

**Gilmore & Bell, P.C.
Kansas City, Missouri**

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, dated as of May 17, 2021 (this “**Agreement**”), between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation organized and existing under the laws of the State of Kansas (the “**Issuer**”), and **MILHAUS PROPERTIES LLC**, an Indiana limited liability company, or assigns (the “**Company**”);

WITNESSETH:

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “**Act**”), to acquire, construct and improve certain facilities for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for said projects, and to issue revenue bonds for the purpose of paying the cost of any such facilities;

WHEREAS, pursuant to such authorization, the governing body of the Issuer has adopted a Resolution (the “**Resolution**”) indicating the Issuer’s intent to issue one or more series of taxable industrial revenue bonds in the principal amount of not to exceed \$45,000,000 (the “**Bonds**”), for the purpose of acquiring, constructing, improving, installing, furnishing and equipping the Project and authorizing the Issuer to enter into this Agreement;

WHEREAS, the Issuer is authorized and empowered under the Act and K.S.A. 79-201a, as amended (the “**Abatement Statute**”) to exempt from ad valorem taxation all or any portion of the Project financed with the proceeds of the Bonds, subject to the limitations set forth in the Abatement Statute and this Agreement; and

WHEREAS, pursuant to the foregoing, the Issuer desires to enter into this Agreement with the Company in consideration of the Company’s desire to acquire, construct, improve, install, furnish and equip the Project as more fully described in the hereinafter defined Application upon the terms and conditions hereinafter set forth and in the Lease Agreement to be entered into between the Issuer and the Company relating to the Project (the “**Lease Agreement**”).

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein contained, the Issuer and the Company hereby represent, covenant and agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions of Words and Terms. The following words and terms as used herein shall have the following meanings:

“**Abatement Statute**” means K.S.A. 79-201a, as amended.

“**Ad valorem taxes**” or “**ad valorem taxation**” means all property taxes imposed on real or personal property (including fixtures) and eligible for exemption pursuant to the Abatement Statute.

“**Agreement**” means this Performance Agreement between the Issuer and the Company, as from time to time amended and supplemented in accordance with the provisions hereof.

“Application” means the Application for Issuance of Industrial Revenue Bonds filed with the Issuer by the Company in connection with the request for the issuance of the Bonds, a copy of which is attached hereto as **Exhibit A**.

“Board of Tax Appeals” means the State of Kansas Board of Tax Appeals.

“Bond Financed Portion of the Project” means that portion of the Project financed in whole from the proceeds of the Bonds as evidenced by the requisitions submitted by the Company to the bond trustee in accordance with **Section 2.7** hereof.

“Bonds” means the Issuer’s taxable industrial revenue bonds issued in relation to the Project in the maximum aggregate principal amount of \$45,000,000.

“Company” means Milhaus Properties LLC, an Indiana limited liability company, and its successors and assigns.

“Event of Default” means any Event of Default as described in **Section 5.1** hereof.

“Exempt Period” means the ten (10) calendar years beginning on the January 1 following the issuance of the Bonds.

“Exempt Property” means all Property that is exempt from taxation pursuant to K.S.A. 79-201(a) *Second* and/or *Twenty-Fourth* by reason that such property was constructed or purchased with the proceeds of the Bonds authorized by and in accordance with the Abatement Statute.

“Force Majeure” means acts of God, strikes, lockouts, failure of power or other insufficient utility service, riots, insurrection, environmental remediation required by the appropriate government authorities, discovery of cultural, archeological or paleontological resources or endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of the Issuer to timely approve the plans or construction documents relating to the Project, war, terrorism, pandemic (including a material worsening of the conditions related to the COVID-19 pandemic existing as of the date hereof) or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement.

“Future Facility Additions” means any additions, improvements or renovations to or equipping of the Bond Financed Portion of the Project following the receipt of a final certificate of occupancy for the final building comprising the Project. As used herein, **“Future Facility Additions”** shall never include any future additions, improvements or renovations to or equipping of the Project that are exempt from ad valorem taxes.

“Issuer” means the Unified Government of Wyandotte County/Kansas City, Kansas.

“Property” means all real and personal property subject to taxation pursuant to K.S.A. 79-101.

“Project” means acquiring and constructing an approximately 270-unit commercial multifamily facility, as further described in **Section 3.3**, including land, buildings, structures, improvements and fixtures, that will be generally located at the northwest corner of N. 94th Street and State Avenue.

“Project Costs” means all costs and expenses of every nature paid from proceeds of the Bonds and relating to the acquisition, construction, improvement, installation, furnishing and equipping of the Project.

“Project Site” means all of the real property described in **Exhibit B** attached hereto and by this reference made a part hereof.

“Tax Payment” means a payment-in-lieu of taxes to be paid by the Company in the amounts set forth in **Section 2.3** and **Exhibit C** hereof.

ARTICLE II

EXEMPTION; PAYMENTS IN LIEU OF TAX

Section 2.1. Exempt Property. During the Exempt Period, and so long as the Bonds are outstanding, the Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be and remain Exempt Property.

Section 2.2 Agreement to Make Tax Payments. The Company covenants and agrees that, for each calendar year during the Exempt Period that the Bond Financed Portion of the Project is Exempt Property, the Company will make a Tax Payment in lieu of ad valorem taxes to the Issuer (or, if the Issuer shall direct, to the County Treasurer).

Section 2.3. Amount of Tax Payment. The Tax Payments shall be in the amounts shown in **Exhibit C**. The parties acknowledge that such Tax Payments do not include special assessments, if any, and the school district’s capital outlay levy that cannot be abated under Kansas law and that the Tax Payments are subject to adjustment as set forth in **Exhibit C**.

Section 2.4. Term of Agreement. This Agreement shall become effective upon execution, and subject to earlier termination pursuant to the provisions of this Agreement (including particularly **Article V** hereof), shall terminate upon the later of (i) the expiration of the Exempt Period or (ii) the date of the final Tax Payment.

Section 2.5. No Abatement of Special Assessments and Certain Property Taxes. The Issuer and the Company hereby agree that the Abatement Statute and any tax abatement with respect to the Project shall not apply to special assessments and property taxes that cannot be abated under Kansas law. In the event special assessments are ever abated, the Company hereby agrees that 100% of the amount of such abated special assessments shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement.

Section 2.6. Obligation of Issuer to Effect Tax Abatement. The Issuer agrees to use its best efforts to cause the Bond Financed Portion of the Project to be Exempt Property during the Exempt Period and agrees to make all filings required by the Wyandotte County Board of Commissioners or the Board of Tax Appeals; provided, however, the Issuer shall not be liable for any failure of the Board of Tax Appeals to effect the exemption permitted by the Abatement Statute. The Issuer covenants that it will not knowingly take any action that the Issuer has knowledge may cause the Bond Financed Portion of the Project to no longer be Exempt Property. In the event the Bond Financed Portion of the Project is determined to no longer be Exempt Property, the Issuer shall, at the Company’s request, cooperate with the Company in all reasonable ways to cause the Bond Financed Portion of the Project to be Exempt Property, including cooperating with

the Company in any related litigation. The Company agrees to pay to the Issuer the costs that the Issuer incurs (including legal fees and expenses) in cooperating with the Company in the manner required by this Section.

Section 2.7. Compliance. Within ten (10) business days following the request of the Issuer, the Company shall provide the Issuer with (i) copies of the requisitions submitted by the Company to the bond trustee in accordance with the Lease Agreement for the preceding calendar year, (ii) a list containing a brief description and the amount of all costs of the Bond Financed Portion of the Project, and (iii) the total costs of the Project, all in such reasonable detail as the Issuer shall request.

Section 2.8. Value of the Project Not Determined by Bonds. The Issuer and the Company acknowledge that it is not the intent of the parties that the principal amount of the Bonds be used for the purpose of determining the appraised value of the Project or any portion thereof for tax purposes.

Section 2.9. Company's Right to Protest. Nothing in this Agreement shall be construed to limit or in any way restrict the ability of the Company to utilize any provision of Kansas law to appeal, protest or otherwise contest any property tax valuation, assessment or similar action with respect to the Project Site or any portion thereof.

Section 2.10. Credits for Tax Payments; No Duplicate Tax Liability. Nothing in this Agreement shall be construed to require the Company to make duplicate tax payments. The Company shall receive as a credit against its obligations to pay the Issuer Tax Payments, the amount of any ad valorem taxes (other than special assessments and property taxes that cannot be abated under Kansas law) paid by the Company to the County to the extent that the amounts paid to the County include any taxes due with respect to the Exempt Property.

Section 2.11. No Abatement on Appraised Value of Future Facility Additions. In the event any Future Facility Additions are determined to be Exempt Property as a result of the issuance of the Bonds, this Agreement or for any other reason, so long as this Agreement remains in effect, the Company hereby agrees that 100% of the amount of such abated ad valorem taxes attributable to the Future Facility Additions shall be paid to the Issuer at the times and in the manner that Tax Payments are paid to the Issuer pursuant to this Agreement. This provision shall not be construed as restricting the Company from applying to the Issuer or to any other governmental entity for any future tax abatement in connection with the Future Facility Additions.

Section 2.12. Tax Abatement Order; Adjustment of Tax Payment. The Issuer and the Company acknowledge that, prior to the Bond Financed Portion of the Project being determined to be Exempt Property, an order from the Board of Tax Appeals approving tax abatement on the Bond Financed Portion of the Project for the Exempt Period must be obtained. In the event the Board of Tax Appeals issues an order stating that less than 100% of the Bond Financed Portion of the Project is Exempt Property, the parties agree that the Tax Payment shall be decreased by an amount necessary to result in the sum of the new Tax Payment plus the payment of ad valorem taxes by the Company with respect to the Bond Financed Portion of the Project is equal to the original Tax Payment. In the event the Board of Tax Appeals issues an order stating that none of the Bond Financed Portion of the Project is Exempt Property, then the Tax Payment shall be reduced to 0.

Notwithstanding the foregoing, if (i) the entire Bond Financed Portion of the Project is not determined to be Exempt Property, or (ii) the Board of Tax Appeals issues an order that less than 100% of the Bond Financed Portion of the Project is Exempt Property, and such determination or order is a result of the Company's failure to comply with the terms and provisions of this Agreement (after any applicable notice and cure period), the Issuer shall be under no obligation to decrease the Tax Payment as provided in this Section. Furthermore, in no event shall the Issuer be under any obligation to make any payment to the

Company as a result of the Board of Tax Appeals determining that less than 100% of the Bond Financed Portion of the Project is Exempt Property. Notwithstanding any provisions herein to the contrary, in no event shall the Company be liable for the payment of any amounts, including the Tax Payments, which are in the aggregate greater than the amount of ad valorem taxes on the Project in the event there is no abatement of the same.

Section 2.13. Determination of Appraised Value and Assessments. The Company acknowledges that the county appraiser independently determines the appraised value of Property. The Company further acknowledges that the Issuer does not have input in or in any way control the determination of the appraised value of Property or the assessment of Property, and that the Issuer cannot and is not attempting to bind the county appraiser or any other governmental authority with respect to a determination of the appraised value of the Bond Financed Portion of the Project.

ARTICLE III

COVENANTS OF THE COMPANY

Section 3.1. Construction. The Project will be constructed, equipped and operated (or caused to be operated) in a manner that is consistent with the description of the Project herein. In the event the Project is constructed in a manner that the Issuer determines, in its reasonable discretion, is materially inconsistent with the description of the Project herein, the Issuer reserves the right to declare an Event of Default in accordance with **Section 5.1** hereof.

Section 3.2. Completion Date. Subject only to Force Majeure, the Company agrees to substantially complete construction of the Project on or before May 1, 2024. “Substantially complete,” for purposes of this Section, shall mean that the Project can be occupied or utilized for its intended purpose as a multifamily facility, as evidenced by receipt by the Company of temporary certificate of occupancy. 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, 2024.

Section 3.3. Development of Project. The Issuer and Company hereby agree that the Project shall be as described below. The Company covenants that the Project, including all buildings, parking facilities, and other improvements constituting the Project shall be developed, constructed, completed, and operated (or caused to be operated) on the Project Site in substantial accordance and compliance with the terms and conditions of this Agreement and the final site plan approval from the Issuer’s Planning Commission. On and subject to the terms and provisions set forth in this Agreement, Company shall have the sole right to, and shall be responsible for, design, construction, equipment and completion of the Project, and shall operate (or cause to be operated) and use the Project in the manner described herein. The parties further agree as follows:

(a) The Project shall be designed, developed, and constructed as garden-style, luxury apartment development that shall include approximately 270 apartment units, consisting of studio, one-bedroom, two-bedroom, and/or three-bedroom units located within approximately nine high-end apartment buildings, including site amenities and related infrastructure. Project amenities shall include (i) a clubhouse and swimming pool with sun deck and outdoor lounge, health and fitness facilities, an event space/club room, conference area, resident lounge and coworking space, coffee bar, outdoor kitchen with gas grills, fire pits, and patio space; (ii) in-unit washer/dryer, refrigerator, oven/range, and microwave; (iii) green space, dog park, and pet washing area; (iv) indoor bike storage and repair area; and (v) package delivery/pickup amenities (including groceries), all as

generally depicted in **Exhibit E** attached hereto, though the parties acknowledge the depiction in **Exhibit E** is subject to modification pursuant to the Issuer's planning process.

(b) Company stipulates and agrees that its signage shall be subject to all applicable laws and requirements of the Issuer and any special use permits granted by the Issuer's governing body.

(c) The Project shall include parking improvements containing at least the number of spaces required by the Issuer's applicable laws and requirements.

(d) The Company's plans for landscaping on the Project Site shall be considered in accordance with all applicable laws and requirements of the Issuer and the Issuer's approval thereof will not be unreasonably withheld.

Section 3.4. Maintenance and Use. The Company shall cause the Project and the Project Site to be maintained, preserved and kept in good repair and working order and in a safe condition, consistent at all times with other first-class apartment space in the greater metropolitan Kansas City area, and will make all repairs, renewals, replacements and improvements necessary for the safe, efficient, and advantageous conduct of its business and operations on the Project Site. Company specifically understands and agrees that the Issuer shall not undertake or have any obligation under this Agreement for snow or ice removal on sidewalks located at or adjacent to the Project.

Section 3.5. Inspection. The Company agrees that the Issuer and its duly authorized agents shall have the right at reasonable times (during business hours), subject to at least 48 hours advance notice and to the Company's usual business proprietary, safety and security requirements, to enter upon the Project Site to examine and inspect the Project and the records of the Company which demonstrate compliance with this Agreement, including, but not limited to, inspections necessary to confirm compliance with **Section 3.3.**

Section 3.6. Compliance with Laws. The Project will comply in all material respects with all applicable building and zoning, health, environmental and safety ordinances and regulations and all other applicable laws, rules and regulations.

Section 3.7. Employment Certification. Beginning on March 1 in the calendar year following the issuance of Bonds, and on each March 1 thereafter and at any other time that the Issuer may request, for the term of this Agreement, the Company shall provide a written certification to the Issuer stating the total number of full-time employees employed at the Project (based upon the Company's actual knowledge of the full-time employees employed by the Company or subtenants occupying the Project).

Section 3.8. Payment of Fees and Reimbursement or Payment of Costs.

(a) The Company agrees to pay to the Issuer the standard fees charged by the Issuer in connection with tax abatement projects and the issuance of industrial revenue bonds. These fees include, but are not limited to, an initial application fee (which the Issuer agrees has been paid in full), a service fee that is due at the time of issuance of the Bonds and an annual administrative fee. The Company acknowledges receipt of a fee schedule from the Issuer and acknowledges that the fee schedule may be adjusted or amended by the Issuer at any time.

(b) The Company agrees to promptly reimburse the Issuer, within ten (10) business days following receipt by the Company of an invoice from the Issuer and reasonable supporting

documentation, for any amounts that the Issuer pays to any other party as a result of the Issuer pursuing, obtaining or maintaining the tax abatement granted to the Company pursuant to this Agreement. These costs shall include, but shall not be limited to, all fees and expenses for filings with the Board of Tax Appeals (including the application fee and annual administration fee), legal notice publication expenses, and the costs and expenses of the Issuer's legal counsel. The Company agrees that the Issuer may, in lieu of seeking reimbursement from the Company, forward any invoice received by the Issuer to the Company, which invoice is for a cost which the Issuer could seek reimbursement from the Company pursuant to this paragraph, and the Company agrees to promptly pay such invoice and to promptly provide the Issuer with evidence of such payment.

Section 3.9. Abatement of Property. The Abatement Statute provides that, with certain exceptions, any property constructed or purchased in part with the proceeds of revenue bonds issued under the authority of the Act is exempt from taxation for a period of up to ten years to the extent of the value of that portion of the property financed by the revenue bonds. The tax abatement commences in the year following the year in which the Bonds are issued.

Company understands that property will be exempt under the Abatement Statute only if such property is purchased or reimbursed with the proceeds of the Bonds. In order to be purchased or reimbursed with Bond proceeds, the trustee for the Bonds must receive a requisition request from the Company and must make a draw on the Bonds and use the money to either (a) pay, or (b) reimburse the Company for the cost of the property, which the parties acknowledge and agree may be documented via book entry.

The Abatement Statute also provides that if property purchased with proceeds of the Bonds is used in any retail enterprise identified under the NAICS sectors 44 and 45 ("**Prohibited NAICS**"), the property will not be exempt from taxation, unless the property is a facility used exclusively to house the headquarters or back office operations of a prohibited retail enterprise.

The Abatement Statute further provides that property purchased with bond proceeds is not exempt from taxation if the property is (i) a swine production facility (as described in K.S.A. 12-1749b), (ii) property located in a redevelopment project area established under the authority of K.S.A. 12-1770 or (iii) a poultry or rabbit confinement facility (as described in K.S.A. 17-5903).

Company hereby represents that the NAICS code for the Project is not included within the list of Prohibited NAICS and agrees that during the term of the tax abatement, the property purchased with the proceeds of the Bonds will not be used in any of the Prohibited NAICS. Company understands that if any property purchased with the proceeds of the Bonds is used in a Prohibited NAICS, that property will not be subject to property tax abatement under Kansas law.

Company represents that the Project is not, and will not become, a swine production facility, a poultry or rabbit confinement facility or inventory, and that the Project is not located in a redevelopment project area; provided, however, the parties acknowledge and agree that the Project is located within a sales tax and revenue (STAR) bond district, and that the same does not constitute a redevelopment project area for purposes of this Agreement or the Abatement Statute.

Section 3.10. Solid Waste Services. Until termination of this Agreement, the Company agrees that it and all of its tenants, subtenants, operators and licensees shall exclusively use the solid waste services of the Unified Government for the Project. This requirement shall not apply to the Company or any user if the Company or user demonstrates that solid waste services provided by the Issuer are inadequate to serve such user's reasonable needs.

Section 3.11. LBE/MBE/WBE Employment Opportunity Goals. The Company agrees to comply with the goals set forth on **Exhibit D** in order to identify and provide employment opportunities for local businesses and contractors, women and local minority owned businesses. The Company hereby understands and agrees that if it shall fail to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** for the Construction (as those terms are defined therein) of the Project, then the Tax Payments shall be increased as set forth in **Exhibit C**. The parties agree that failure to use Best Efforts to meet the LBE/MBE/WBE goals set forth on **Exhibit D** shall not cause an Event of Default hereunder, and the Issuer's sole remedy will be increasing the amount of Tax Payments as set forth in **Exhibit C**.

ARTICLE IV

SALE AND ASSIGNMENT

Except as otherwise provided herein, the Company will not, without the prior written consent of the Issuer, (a) assign, sell, lease, or otherwise transfer the Project Site, the Project, or equipment that comprises the Project or any part thereof or any interest therein; (b) merge with or into another corporation or sell or transfer to another corporation substantially all of its assets; or (c) assign this Agreement. The Issuer shall have the right to grant or withhold its consent to any of the aforesaid in its reasonable discretion after inquiry and delivery of information to the Issuer as to whether the proposed assignee has sufficient financial wherewithal and experience to successfully complete the Project according to the terms hereof. If an assignment is approved by the Issuer, the assignee shall assume and agree to pay and perform each and all of terms and provisions hereof. Notwithstanding the foregoing, the parties hereby agree that the Company may do any of the following without written consent of the Issuer:

(a) The Company may lease the residential units within the Project in the ordinary course of its business.

(b) The Company may grant a mortgage, leasehold mortgage, or other security on the Project to a lender in order to finance construction of the Project, including, but not limited to, collateral assignment of all or any portion of its rights or obligations under this Agreement or any other documents entered into in connection with the Bonds (including, without limitation, the Resolution).

(c) Once all occupancy permits have been issued for the Project, the Company may sell, lease, assign, transfer or mortgage the Project (and this Agreement and any other documents entered into in connection with the Bonds including without limitation the Resolution, in connection with the same) upon written request to the Issuer and the approval of the County Administrator; provided, if the County Administrator disapproves any such disposition, the Company will have the right to appeal such decision to the Issuer's governing body within a reasonable time. The consent of the Issuer to any such disposition described in this subsection shall not be unreasonably withheld or delayed.

(d) The Company may terminate this Agreement, and thereafter freely sell, assign, transfer or mortgage.

(e) The Company, upon written notice to the Issuer, may freely sell, assign, lease or transfer all or any portion of the Project or Project Site, and/or its rights or obligations under this Agreement and any other documents entered into in connection with the Bonds (including, without limitation, the Resolution), to an entity managed by or under common control of or by the Company or one or more of its principals.

Upon the sale, assignment, or transfer of the Project as set forth herein, the Company (as assignor) shall be relieved of all further liability occurring on and after the effective date of such disposition, except as may be otherwise set forth in the Lease Agreement.

ARTICLE V

DEFAULT AND REMEDIES

Section 5.1. Events of Default. If any one or more of the following events shall occur and be continuing, it is hereby defined as and declared to be and to constitute an “Event of Default” hereunder:

- (a) the Company shall fail to perform any of its obligations hereunder;
- (b) the Company shall breach any covenant contained herein or any representation of the Company contained herein shall prove to be materially false or erroneous; or
- (c) the Company shall be in default under the Lease Agreement.

Section 5.2. Remedies on Default. Upon the occurrence of an Event of Default hereunder, the Company shall be given 60 days (or such longer period as the Issuer and the Company may agree), following written notice by the Issuer to the Company of the occurrence of such Event of Default, to cure such Event of Default; provided that, if such Event of Default is of a nature that it cannot reasonably be cured within 60 days, then such occurrence will not constitute an Event of Default so long as Company: (a) commences to cure such failure within such 60-day period; and (b) diligently pursues such cure to completion. If such Event of Default is not cured within such time, this Agreement may be terminated by written notice to the Company from the Issuer. Such termination shall be effective immediately following delivery of such written notice. Upon the termination of this Agreement, the Company shall make a payment to the Issuer (or as the Issuer may otherwise direct) in an amount equal to the sum of (i) all due but unpaid Tax Payments attributed to prior calendar years, (ii) the pro rata total Tax Payments that would be due with respect to the current calendar year, (iii) the pro rata amount of any taxes that would be due for the remaining portion of the current calendar year assuming the Bond Financed Portion of the Project were not Exempt Property, and (iv) the amount of any costs and attorneys’ fees incurred by the Issuer as a result of such Event of Default and in enforcing this Agreement.

Section 5.3. Payments on Defaulted Amounts. Any amounts due hereunder which are not paid when due shall bear interest at the interest rate imposed by Kansas law on overdue ad valorem taxes from the date such payment was first due. In addition, amounts payable hereunder in lieu of ad valorem taxes that are not paid when due shall be subject to the same penalties imposed by Kansas law on overdue ad valorem taxes.

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 6.1. Notice and Waiver of Company. The Issuer reserves the right to grant tax abatement for projects that are located adjacent to or in the proximity of the Project or for projects that are located elsewhere within the Issuer but are similar to the Project in amounts that are above or below the amounts set forth herein. The Company acknowledges and agrees that the Tax Payment, the Exempt Period

and the other terms of the tax abatement granted by the Issuer with respect to such other projects may be more favorable than the terms provided for in this Agreement. As a condition to the Issuer entering into this Agreement, the Company waives any claim it may have against the Issuer as a result of the Issuer granting tax abatement to other projects with terms that are more favorable than the terms provided for in this Agreement. Additionally, the Company agrees that it will not request that the Issuer modify this Agreement because the Issuer plans to grant or has granted tax abatement to another project or projects on terms that are more favorable than the terms provided for in this Agreement. Upon the occurrence of the Company's breach of its obligations set forth in this Section to waive any claim it may have against the Issuer as described above, the Issuer shall have the right to immediately terminate this Agreement and the associated tax abatement and require that the Company pay to the Issuer the amounts specified in **clauses (i) through (iv) of Section 5.2.**

Section 6.2. Severability. If for any reason any provision of this Agreement shall be determined to be invalid or unenforceable, the validity and enforceability of the other provisions hereof shall not be affected thereby.

Section 6.3. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Kansas.

Section 6.4. Execution in Counterparts. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

Section 6.5. Waiver. The Issuer and the Company acknowledge and agree that the amounts payable hereunder shall constitute payments due the Issuer under the Lease Agreement. The Company shall not be entitled to any extension of payment of such amounts as a result of a filing by or against the Company in any bankruptcy court.

Section 6.6. Notices. All notices, certificates or other communications required or desired to be given hereunder shall be in writing and shall be given to or filed with the Issuer and the Company as set forth below:

The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 323
Kansas City, Kansas 66101
Telephone: 913-573-5260
Email: bdeichler@wycokck.org

with a copy to:

Chief Counsel
The Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, Suite 961
Kansas City, Kansas 66101
Telephone: 913-573-5060
Email: mbrown@wycokck.org

And a copy to:

Douglas G. Bach
County Administrator
Unified Government of Wyandotte County/Kansas City, Kansas
701 N. 7th Street, 9th Floor
Kansas City, Kansas 66101
Telephone: 913-573-5030
Email: dbach@wycokck.org

And a copy to:

Gilmore & Bell, P.C.
Gina Riekhof & Kevin Wempe
2405 Grand Blvd., Suite 1100
Kansas City, Missouri 64108
Telephone: 816-221-1000
Email: griekhof@gilmorebell.com; kwempe@gilmorebell.com

and to the Company at:

Tadd Miller
Milhaus Properties LLC
460 Virginia Ave.
Indianapolis, IN 46203
Telephone: 317-226-9500
Email: tadd.miller@milhaus.com

with a copy to:

Korb Maxwell
Polsinelli PC
900 W. 48th Place, Suite 900
Kansas City, MO 64112
Telephone: 816-360-4327
Email: kmaxwell@polsinelli.com

and a copy to:

Samantha R. Hargitt & E. Joseph Kremp
Dinsmore & Shohl LLP
211 North Pennsylvania Street, Suite 1800
Indianapolis, IN 46204

All notices given by: (i) nationally recognized overnight delivery service, or (ii) electronic mail, followed up by regular United States mail or nationally recognized overnight delivery service in accordance with the above procedures, shall be deemed duly given one business day after they are so delivered. All notices given in person shall be deemed duly given when delivered.

Section 6.7. Further Assurances. The parties each agree to do, execute, acknowledge and deliver any and all other documents and instruments and to take all such further action as shall be reasonably necessary or reasonably required in order to fully carry out this Agreement and to fully consummate and effect the transactions contemplated hereby.

Section 6.8. Authority, etc. Each party to this Agreement represents and warrants to each other party as follows: (i) that such party has the requisite power and authority to enter into and perform this Agreement; (ii) that this Agreement has been duly authorized by all necessary action on the part of such party; (iii) that the execution and deliver and performance by each party of this Agreement will not conflict with or result in a violation of such party's organizational documents or any judgment, order or decree of any court or arbiter to which such party is bound; and (iv) that this Agreement constitutes the valid and binding obligation of such party, and is enforceable against such party in accordance with its terms, subject to applicable bankruptcy, insolvency, reorganization, creditor's rights and other similar laws.

Section 6.9. Electronic Storage and Transactions. The parties agree that the transactions described herein may be conducted and related documents may be stored by electronic means. All closing documents, certificates, and related instruments may be executed by electronic transmission. Copies, telecopies, facsimiles, electronic files, and other reproductions of original executed documents (or documents executed by electronic transmission) shall be deemed to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

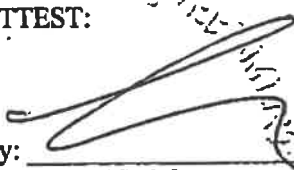
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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers, all as of the date first above written.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

(SEAL)

ATTEST:

By: 

Unified Government Clerk

By: 

Mayor/CEO

MILHAUS PROPERTIES LLC
an Indiana limited liability company

DocuSigned by:

30C8F3CDFA5C447...

By: _____
Name: Tadd M. Miller
Title: Authorized Representative

EXHIBIT A

APPLICATION FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS



**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**



APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS
(A non-refundable application fee of \$1,000 must accompany this application
when filed with the Unified Clerk's Office)

The undersigned hereby agrees that the submission of this Application to the Unified Government, and the Unified Government's adoption of a Resolution indicating an intent to issue the Bonds to provide funds for the Project will not give rise to an obligation by the Unified Government to fund such Project in the amount requested or in any amount. The undersigned further understands and agrees that there is no assurance that Bonds will be issued by the Unified Government or that Bond proceeds will be sufficient to fund the Project as hereby requested.

11/5/20

Date of Application

Milhaus Properties LLC (or assigns, "Applicant")

Applicant (Firm Name or Name of Individual)

Telephone Number (317) 226-9500
Fax Number _____
E-mail Address tadd.miller@milhaus.com

460 Virginia Avenue, Indianapolis, IN 46203

Address

Tadd Miller

Name of Responsible Officer

Manager

Title

460 Virginia Avenue, Indianapolis, IN 46203

Address

Korb Maxwell

Attorney for Applicant

Telephone Number (816) 360-4327
Fax Number _____
E-mail Address kmaxwell@polsinelli.com

900 W. 48th Place, Suite 900, Kansas City, MO 64112

Address

TBD

Underwriter or Purchaser of Bonds (If known)

Telephone Number _____
Fax Number _____
E-mail Address _____

Address

Amount of Bonds
Requested:

\$ 45,000,000

Nature of
Project:

☐

Industrial

☐

Commercial

☐

Agricultural

☐

Pollution Control

☒

Other (please specify)

Residential/Multifamily

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

I. Corporate or Business Entity Information

A. In what line or lines of business is the applicant engaged?

Applicant is an award-winning, mixed-use development, construction, and property management company that specializes in Class A, urban, multifamily residential buildings.

B. Is the Applicant a proprietorship, partnership, limited liability company or corporation?
LLC

C. Year and state of incorporation or formation of business entity?
2011 - IN

If proprietorship, partnership, limited liability company or closed corporation, list the names and owners and the approximate amounts owned by each of its principal stockholders:

The Applicant is a national real estate development firm with numerous offices and projects across the country. Tadd Miller is the CEO of Milhaus. Additional information can be provided upon request.

D. If applicant is subsidiary of another business entity, state name and address of parent:
See above

E. List the name and titles of the principal officers of the applicant firm:
See above

F. List the name of the certified public accounting firm (or firms) which has performed audits of the applicant firm (or its parent books and records for the past five years):
See above

If the applicant corporation or its parent is a publicly held corporation and regularly files annual and quarterly reports on Form 10-K and Form 10-Q, respectively, attach as a part of this application, copies of the most recent Form 10-K and Form 10-Q, the applicant's most recent report to shareholders, as well as any reports on Form 8-K filed within the past fiscal year.

**UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

II. The Project

A. Type of project (check one)

- ☒ New business
☐ Establishment of branch plant/business
☐ Acquisition of existing business
☐ Expansion of existing business

B. Briefly describe the nature of the proposed project, including detailed information as to the structure itself (size of building, amount of land to be purchased, etc.), and what products or services are to be manufactured or provided:

Approx. 270 unit multifamily/residential project

C. Will the facility engage in direct retail sales? If so, are any of the retail sales catalog or on-line sales, and if so, how much:

No.

D. What is the street address or location of the proposed project?

NWC of N. 94th Street and State Avenue, Kansas City, KS 66112

E. Legal description of the property (attach separate sheet if necessary):

Will be completed in zoning/platting process.

F. Appraised value of property to be acquired from County Appraiser:

Real Estate	\$	<u>2,470,718**</u>
Improvements	\$	<u>433,946**</u>
Equipment	\$	<u>0</u>

**The Project site is only a portion of Parcel No. 413100. The above figures are based on the Project's proportionate share of the 2020 appraised value of such parcel.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

G. Will the applicant be in direct competition with other local firm(s)? If so, name the firm(s):
There are other residential buildings in Wyandotte County; however, the Project is distinguishable based
on its superior design, location, and quality of service

Describe the nature of the competition:
N/A

H. Does the applicant have a single or a multiple plant business or operation?

N/A; Applicant is a national real estate development firm.

I. Does the applicant or its parent presently have facilities located in Kansas City, Kansas and/or Wyandotte County? If so, describe and provide location:
No.

J. Will the Kansas City Kansas/Wyandotte County facility be the main operation of the applicant? If not, where is the main operation located?
The Applicant is a national real estate development firm with numerous offices and projects across the country.

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

III. Nature of Improvements

A.	Approximate amount requested:	
	Land	\$ 2,600,000
	Buildings	\$ 39,100,000
	Machinery and Equipment	\$ included above
	Financing Costs	\$ included above
	Other (specify)	\$ \$3,300,000
	Issuance costs and contingency	
	Total	\$ 45,000,000

B. What type of machinery and equipment is proposed to be financed?
TBD

C. Name, address and telephone number of contractor, architect, engineer:
TBD

D. How many persons will be employed at the project?
6

How many new jobs will be created initially?
6

How many new jobs will created ultimately?
6

E. Briefly describe the approximate numbers of persons to be employed at the project at all levels (management, office, skilled, and unskilled, for example):
Manager: (1); Assistant Manager (1); Sales Associate (2); Maintenance Supervisor (1); Assistant Maintenance Supervisor: (1)

F. What dollar amount or percentage of the applicant’s total projected annual sales is expected to be generated by the project?
N/A.

UNIFIED GOVERNMENT OF
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APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

G. What were applicant’s total assets at all locations at the end of the last fiscal year?
Please see Question I.C. above

H. Is the prospective location properly zoned?
See below

If a zoning change is pending, cite application number and present status. If application has not been make, briefly describe what change will be need and plans for submitting application:
Applicant is in the process of rezoning to allow for multifamily/residential use.

I. Is there likelihood for expansion of the proposed facility within 3 years?

TBD

Is such expansion contemplated in this application for the resolution of intent?
No.

J. What is the estimated date for operations to begin at the project?
2022

IV. The Financing

A. Will the applicant pledge any assets other than the project itself to secure the bonds? If so, what?
No.

B. What other person, firm or corporation will guarantee the payment of the bonds?
N/A.

SUBMIT AS AN ATTACHMENT, THE SAME FINANCIAL INFORMATION WITH RESPECT TO THE
GUARANTOR AS IS REQUESTED FOR THE APPLICANT UNDER PART III ABOVE.

C. What portion of the project will be financed from funds other than bond proceeds?

TBD

What is the source of such funds?
TBD

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APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

- D. Has the applicant consulted a prospective purchaser or underwriter to determine whether the bonds are marketable?

N/A. Applicant or its lender will purchase the bonds.

If so, state the name, address and principal contact of the prospective underwriter:

-
- E. If the bonds are to be privately placed, please attach the letter of intent or commitment letter relating to such sale:

-
- F. Has the applicant considered conventional financing?

-
- G. Does the applicant or its parent intend to purchase all or any part of the proposed bond issue?

V. Tax Abatement

Is the applicant requesting any tax abatement for the project in accordance with the Unified Government's policy? Describe estimated amount of tax abatement?

No tax abatement required. Fixed PILOT structure.

VI. Appraiser's Statement

Attach as a part of this application, a letter signed by the County Appraiser stating the estimated amount of ad valorem taxes payable for the land and improvements to be financed through the proceeds of the proposed bonds.

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APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

VI. Certification of Applicant

The undersigned hereby represents and certifies that, to the best knowledge and belief of the undersigned, this application contains no information or data, contained herein or in the exhibits or attachments, that is false or incorrect and that it is truly descriptive of the property which is intended as the security for the proposed bonds.

A check in the amount of \$1,000 representing the non-refundable application fee is enclosed.

The undersigned acknowledges and agrees to pay a bond origination fee calculated on the schedule set forth below (less the \$1,000 application fee) to the Unified Government simultaneously with the issuance of the bonds.

APPLICANT NAME: Milhaus Properties LLC, by Tadd Miller

SIGNATURE: _____

TITLE: Manager

Bond Origination Fee: .400% of principal amount of bonds issued up to \$10,000,000
 .250% of principal amount of bonds issued \$10,000,000 -- \$25,000,000
 .125% of principal amount of bonds issued \$25,000,000 and over

Dated this 22nd day of October, 2020.

Milhaus Properties LLC

Applicant Name

By: Tadd Miller

Title: Manager

FIRM DATA SHEET
(To be completed by the Firm)

Firm and Its Employees

Name of Firm: Milhaus Properties LLC

Description of the Firm’s location or expansion in the community:
Approx. 270 unit multifamily/residential project

SIC

Market Value of the Firm’s initial new or additional investment in:

Land	\$
Building and improvements	\$
Furniture, fixtures and equipment	\$

Projected expansions:

Expansion 2:

Year of expansion: TBD

Additional investment in:

Land	\$
Buildings and improvements	\$
Furniture, fixtures and equipment	\$

Expansion 3:

Year of expansion

Additional investment in:

Land	\$
Buildings and improvements	\$
Furniture, fixtures and equipment	\$

Expansion 4:

Year of expansion

Additional investment in:

Land	\$
Buildings and improvements	\$
Furniture, fixtures and equipment	\$

FIRM DATA SHEET

(To be completed by the Firm)

New or additional sales of the firm

Year

1	\$	<u>N/A</u>
2	\$	<u>N/A</u>
3	\$	<u>N/A</u>
4	\$	<u>N/A</u>
5	\$	<u>N/A</u>
6	\$	<u>N/A</u>
7	\$	<u>N/A</u>
8	\$	<u>N/A</u>
9	\$	<u>N/A</u>
10	\$	<u>N/A</u>

Percent of sales subject to sales taxes in the:

City	<u>N/A</u>	%
County	<u>N/A</u>	%
State	<u>N/A</u>	%

Annual net taxable income, as a percent of sales, on which state corporate income taxes will be computed:

N/A %

Annual purchases of the firm:

Year

1	\$	<u>8,140,037</u>
2	\$	<u>8,140,037</u>
3	\$	<u>150,000</u>
4	\$	<u>150,000</u>
5	\$	<u>150,000</u>
6	\$	<u>150,000</u>
7	\$	<u>150,000</u>
8	\$	<u>150,000</u>
9	\$	<u>150,000</u>
10	\$	<u>150,000</u>

Percent of purchases subject to sales taxes in the:

City	<u>50</u>	%
County	<u>50</u>	%
State	<u>75</u>	%

FIRM DATA SHEET

(To be completed by the Firm)

Average Annual Salaries of employees:

Year	
1	\$ <u>45,000</u>
2	\$ <u>45,450</u>
3	\$ <u>45,905</u>
4	\$ <u>46,364</u>
5	\$ <u>46,827</u>
6	\$ <u>47,295</u>
7	\$ <u>47,768</u>
8	\$ <u>48,246</u>
9	\$ <u>48,729</u>
10	\$ <u>49,216</u>

Household size of a typical new worker: 3.5

Number of school age children in the household of a typical new worker: 1.5

Construction

Initial construction or expansion:

Cost of construction at the firm's new or expanded facility: \$ 39,100,000

If construction is by an outside contractor, estimated percent profit on the cost of construction: \$ N/A

Amount of taxable construction materials purchased in:

Kansas \$ 13,300,000

The County \$ 6,650,000

The City \$ 6,650,000

Amount of taxable furniture, fixtures and equipment purchased in:

Kansas \$ 400,000

The County \$ 200,000

The City \$ 200,000

Total construction salaries: \$ 10,576,800

Amount paid to an average construction worker during the construction period \$ 31,200

Household size of an average construction worker: \$ 1.5

Number of construction workers: 339

FIRM DATA SHEET

(To be completed by the Firm)

Expansion 2:

Expansion construction costs: \$ _____

If construction is by an outside contractor, estimated percent profit on the cost of construction: \$ _____

Amount of taxable construction materials purchased in:

Kansas	\$	_____
The County	\$	_____
The City	\$	_____

Amount of taxable furniture, fixtures and equipment purchase in:

Kansas	\$	_____
The County	\$	_____
The City	\$	_____

Total construction salaries: \$ _____

Amount paid to an average construction worker during the construction period: \$ _____

Number of construction workers: _____

Expansion 3:

Expansion construction costs: \$ _____

If construction is by an outside contractor, estimated percent profit on the cost of construction: \$ _____

Amount of taxable construction materials purchased in:

Kansas	\$	_____
The County	\$	_____
The City	\$	_____

Amount of taxable furniture, fixtures and equipment purchase in:

Kansas	\$	_____
The County	\$	_____
The City	\$	_____

Total construction salaries: \$ _____

Amount paid to an average construction worker during the construction period: \$ _____

Number of construction workers: _____

FIRM DATA SHEET

(To be completed by the Firm)

Expansion 4:

Expansion construction costs:	\$	
If construction is by an outside contractor, estimated percent profit on the cost of construction:	\$	
Amount of taxable construction materials purchased in:		
Kansas	\$	
The County	\$	
The City	\$	
Amount of taxable furniture, fixtures and equipment purchase in:		
Kansas	\$	
The County	\$	
The City	\$	
Total construction salaries:	\$	
Amount paid to an average construction worker during the construction period:	\$	
Number of construction workers:		

Visitors

Number of out-of -town visitors expected at the firm:

Year	
1	\$ 270
2	\$ 270
3	\$ 270
4	\$ 270
5	\$ 270
6	\$ 270
7	\$ 270
8	\$ 270
9	\$ 270
10	\$ 270

Number of days that each visitor will stay in area:	1.5
Number of nights that a typical visitor will stay in a local hotel or motel:	1
In the City:	
Anywhere in the county:	1.5

EXHIBIT B

PROJECT SITE

All that part of Lot 1 Schlitterbahn Vacation Village Second Plat, being more particularly described as follow: commencing at the Southeast corner of said Lot 1, thence North 00 degrees 30 minutes 04 seconds West, with the East line of said Lot 1, a distance of 466.04 feet to the point of beginning; thence South 89 degrees 27 minutes 50 seconds West, a distance of 555.27 feet to a point of curvature; thence on a curve to the right having a radius of 82.00 feet, a central angle of 58 degrees 11 minutes 49 seconds, an arc distance of 83.29 feet; thence North 32 degrees 20 minutes 21 seconds West, a distance of 612.67 feet to a point of curvature; thence on a curve to the right, having radius of 50.00 feet, a central angle of 85 degrees 11 minutes 05 seconds an arc distance of 74.34 feet to a point of reverse curvature; thence on a curve to the left, having a radius of 924.50 feet, a central angle of 01 degree 41 minutes 54 seconds, an arc distance of 27.40 feet to a point of compound curvature; thence on a curve to the left having a radius of 830.00 feet, a central angle of 14 degrees 57 minutes 10 seconds, an arc distance of 216.61 feet to a point of compound curvature; thence on a curve to the left having a radius of 924.50 feet, a central angle of 14 degrees 53 minutes 27 seconds, an arc distance of 240.27 feet; thence North 89 degrees 29 minutes 55 seconds East, a distance of 661.22 feet to a point on the East line of said Lot 1; thence South 00 degrees 30 minutes 05 seconds East, a distance of 827.04 feet; thence South 89 degrees 29 minutes 56 seconds West, continuing with the East line of said Lot 1, a distance of 15.00 feet; thence South 00 degrees 30 minutes 04 seconds East, continuing with the East line of said Lot 1, a distance of 179.00 feet to the point of beginning. The above described tract contains 798,767 square feet or 18.34 acres. The basis of bearing for the above real property description is the Kansas Regional Coordinate System, Zone 11.

EXHIBIT C

TAX PAYMENT SCHEDULE

Tax Payments (or “PILOTs”) shall be determined on a per-apartment-unit basis. Below is an approximate PILOT schedule based on 270 apartment units, and the parties acknowledge that the Tax Payments may be adjusted in accordance with the table below depending on the ultimate number of units constructed.

Tax Payments shown below do not include the school district’s capital outlay levy that cannot be abated under Kansas law.

Value/unit	# of units	Projected Value	2020 mill rate	PILOT	PILOT per door
\$53,719.19	270	\$14,504,181.30	167.470438	\$262,089.00	\$970.70

Year	With L/M/W		Without L/M/W	
	Per Unit	Annual PILOT Payment	Per Unit	Annual PILOT Payment
1	\$970.70	\$262,089.00	\$970.70	\$262,089.00
2	\$979.76	\$264,535.20	\$990.10	\$267,327.00
3	\$1,009.81	\$272,648.70	\$1,036.29	\$279,798.30
4	\$1,040.77	\$281,007.90	\$1,084.59	\$292,839.30
5	\$1,072.66	\$289,618.20	\$1,135.08	\$306,471.60
6	\$1,105.54	\$298,495.80	\$1,187.89	\$320,730.30
7	\$1,139.41	\$307,640.70	\$1,243.11	\$335,639.70
8	\$1,174.31	\$317,063.70	\$1,300.85	\$351,229.50
9	\$1,210.27	\$326,772.90	\$1,361.22	\$367,529.40
10	\$1,247.32	\$336,776.40	\$1,424.35	\$384,574.50
Total		\$2,956,648.50		\$3,168,228.60

Business Category	Participation Percentage Goal - Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

EXHIBIT D

LBE/MBE/WBE PARTICIPATION AGREEMENT

THIS LBE/MBE/WBE PARTICIPATION AGREEMENT (the “**Agreement**”), by and between the Unified Government of Wyandotte County/Kansas City, Kansas (the “**UG**”) and Milhaus Properties LLC or assigns (the “**Developer**”), sets forth procedures and goals for the utilization of local business, minority and women enterprises in connection with the development of an approximately 270-unit, commercial multifamily project in Kansas City, Kansas (the “**Project**”), as defined below.

I. SCOPE

A. These procedures are applicable to the Construction (as defined below) of the Project, as further described in that certain Performance Agreement between the UG and Developer, dated May 17, 2021 (the “**Performance Agreement**”), whether performed by or on behalf of Developer, including, but not limited to, all aspects of Construction of the Project and related facilities including labor, materials and supplies, and construction related services whether undertaken by or on behalf of Developer, but not including Specialized Services.

II. DEFINITIONS

A. “**Construction**” means all aspects of the construction of the Project including labor, materials and supplies, and construction related services, whether performed or contracted for by or on behalf of Developer; provided, however, “Construction” shall not include: (i) Specialized Services; and (ii) Professional Services.

B. “**Contractor**” means the Proposer selected by the Developer for the Project.

C. “**Local Business Enterprise**” (or “**LBE**”) means a business headquartered or which maintains a Substantial Local Office that performs the significant functions of the business in Wyandotte County or a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and whose day-to-day management is under the control of an individual residing in Wyandotte County. There is no formal certification process for LBE designation and it is determined and assigned based upon the criteria referenced in this definition and payment of all applicable Wyandotte County taxes and/or licensing fees.

D. “**Minority Business Enterprise**” (or “**MBE**”) means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of a person who is a member of an American ethnic minority group including African-American, Asian-Indian, Asian-Pacific, Hispanic and Native American.

E. “**Professional Services**” means advisory or consulting activities including, but not limited to, architectural, engineering, legal, accounting, financial, marketing, environmental studies, and financial services contracted for by or on behalf of Developer for the design, development and construction of the Project.

F. “**Project**” means the Construction of a new apartment complex and as legally described in Exhibit 1 to this Agreement.

G. “Proposer” means a construction firm that submits a proposal in response to a solicitation for proposals issued by Developer with respect to the Construction of the Project or with respect to the annual operations of the Project.

G. “Specialized Services” means expertise, services, or products that are only available through sole source providers or national vendors or are unique to the business of the Project.

H. “Substantial Local Office” means an office operated and financially supported by a firm that has sufficient space, staff and equipment to carry on the local business of the firm and that is engaged in significant, on-going local involvement with the business community in Wyandotte County, KS. The term "Substantial Local Office" shall specifically exclude any office that has been established for the sole purpose of participating in a specific Project.

I. “Women Business Enterprise” (or “WBE”) means a business of which at least 51% of the stock, equity, or beneficial interest is owned, held, or controlled and/or whose day-to-day management is under the control of one or more women who are U.S. citizens or legal resident aliens.

III. GOALS FOR LBE/MBE/WBE PARTICIPATION.

Developer and its Contractor will use Best Efforts to meet the LBE/MBE/WBE participation percentage goals listed in the below chart based upon the total cost of the Construction of the Project. In no event shall Developer be required to incur higher costs as a result of its commitment to attempt to meet such goals. These goals are based upon a disparity study performed for the Kansas City Metropolitan Area for LBE, MBE, and WBE participation. These goals are not quotas or set asides.

Business Category	Participation Percentage Goal – Percentage of Total Construction Cost for the Project
LBE	12%
MBE	6%
WBE	4%

It is the intent of the UG to give preference to the utilization of LBEs so long as all other factors relating to the award of an individual contract are equal. If the factors relating to an award of an individual contract are equal, the Developer shall give preference to the utilization of LBEs over the utilization of MBEs and WBEs.

IV. ELIGIBILITY FOR CREDIT

A. Only LBE businesses that are qualified and/or MBE or WBE businesses that are certified or undergoing certification by the Kansas Department of Commerce, the City of Kansas City, Missouri, the State of Missouri, the Missouri Department of Transportation, the MidAmerica Minority Business Development Council, and/or the Women’s Business Enterprise National Council or any other applicable or appropriate public or private entity or other entity mutually acceptable to the UG and the Developer (each, an “approved” business) may be counted towards the participation goals in Section III above.

B. In the event that a contract has been awarded on the Project to an approved LBE, MBE, or WBE business, and such LBE, MBE or WBE business later becomes unapproved prior to the completion and acceptance of all the work to be provided under such contract, then Developer shall receive credit towards the goal for only that portion of work performed or services provided up to the point such business becomes unapproved.

V. CONSTRUCTION UTILIZATION

A. The goals set forth in Section III may be met by the expenditure of dollars with approved LBE, MBE and/or WBE businesses, contractors, labor suppliers, regular dealers, manufacturers, material suppliers, subcontractors, software vendors, consultants, other Construction-related products, suppliers, and/or services, or through joint ventures with approved LBEs, MBEs or WBEs. The participation of certified LBE, MBE and/or WBE Proposers may count toward a goal for which they qualify.

B. A joint venture involving an approved LBE, MBE, and/or WBE as a partner may be counted towards the applicable goal only to the extent of the dollar amount for which the approved LBE, MBE, and/or WBE is responsible; provided that if the LBE, MBE, and/or WBE is the majority partner in such joint venture, then the entire joint venture contract amount shall be counted, less any work subcontracted to the non LBE, MBE, and/or WBE joint venture partner. To receive credit, the approved LBE, MBE, and/or WBE must be responsible for a clearly defined portion of the work, profits, risks, assets, and liabilities of the joint venture.

C. Participation by a certified MBE owned by a minority woman may be counted as MBE participation or as WBE participation; however, this participation cannot be counted both for MBE and WBE participation. However, a certified MBE or WBE that also qualifies as an LBE may also be counted towards the LBE goal. For additional clarification purposes, a qualified LBE, which also certified as an MBE or WBE, shall be counted toward both the LBE and the MBE or WBE goals in the Developer's sole discretion.

D. The LBE, MBE, or WBE must be responsible for the execution of a distinct element of the work by actually performing, managing, or supervising its function in the work identified in the agreement with such LBE, MBE or WBE. Brokering is not credited.

VI. CONTRACT AWARD COMPLIANCE PROCEDURES

A. Solicitation Documents. The solicitation documents, for each contract for which goals are established, shall contain a description of the requirements set forth in this Agreement and the LBE, MBE, and WBE goals. Upon request by the UG, Developer shall submit the solicitation documents and the bid list to the UG.

B. Subcontractor Relations – Documentation of Subcontracting Agreements. All subcontracting services for LBE, MBE and/or WBE businesses shall be evidenced by an agreement which shall include the scope of work to be performed and the amount to be paid for performance of the work. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

C. Best Efforts. For each LBE/MBE/WBE participation percentage goal that is not achieved, Developer shall be deemed to have used “**Best Efforts**” to meet such goal(s) if Developer shall have taken substantially all of the following actions:

- i. Developer is seeking or has sought timely assistance of the UG to identify qualified LBEs, MBEs, and WBEs;
- ii. Developer is advertising or has advertised contract opportunities in local, minority, and women media;
- iii. Developer is providing or has provided reasonable written notice of opportunities and/or informational meetings to approved LBEs, MBEs, and WBEs;

- iv. Developer is following up or has followed up initial solicitations of interest by contacting LBEs, MBEs, and WBEs;
- v. Developer is segmenting or has segmented portions of the work to increase the likelihood of LBE, MBE, and WBE participation, where feasible;
- vi. Developer is or has provided interested LBEs, MBEs, and WBEs with timely and accurate information about the plans, specifications, requirements, deadlines, and bidding procedures of the contracts;
- vii. Developer is negotiating or has negotiated in good faith with interested LBEs, MBEs, and WBEs, not rejecting them as unqualified without sound reasons, based on a thorough review of their capabilities and prior work history;
- viii. Developer is seeking or has sought to educate and assist LBEs, MBEs, and WBEs in obtaining bonding, lines of credit or insurance required to perform the contract; and
- ix. Developer is working or has worked with local, minority, and women contracting, professional, civic, and community organizations, government officers and any other organization or persons, as identified by the UG, that provide assistance in the recruitment of LBEs, MBEs, and WBEs.

Failure by Developer to take all of the foregoing actions shall not be determinative that Developer has not used its Best Efforts. The parties acknowledge that all of the foregoing actions may not apply to every scope of the Project.

VII. UG'S ASSISTANCE TO PROJECT

The UG shall use its best efforts to provide assistance to Developer and its agents so that Developer may fulfill its participation goals as set forth in this Agreement. The Developer assumes all responsibility for using Best Efforts to meet the goals and complying with the procedures and processes set forth herein. Examples of such assistance by the UG include but are not limited to:

- A.** providing information and technical assistance regarding this Project to the Developer and its agents including the Contractor and any other contractors, subcontractors, LBEs, MBEs, WBEs, officials and other interested persons;
- B.** developing and maintaining a registry of approved LBE, MBE and WBE businesses;
- C.** assisting with identifying potential LBEs, MBEs, and WBEs and reviewing their qualifications to participate in the Project;
- D.** updating the Developer and its agents on current or proposed affirmative action legislation enacted by the UG that may affect the Project;
- E.** frequently reviewing Developer and the Contractor and any other contractor or subcontractor performance and LBE, MBE, and/or WBE participation on the Project;
- F.** providing advice relative to utilization and compliance matters;

G. conducting compliance reviews and audits of LBE, MBE, and WBE and participation;

H. assisting the Developer and its agents in addressing issues related to the goals and procedures set forth in this Agreement;

I. reviewing complaints from LBEs, MBEs, WBEs, and any other interested persons regarding these goals and procedures with Developer and its agents; and

J. assisting in the Developer's development of forms to document compliance with these procedures.

VIII. DEVELOPER COMPLIANCE; RECORDS AND REPORTS.

A. **Records.** Developer shall maintain those records as may reasonably be required to demonstrate compliance (and/or its Best Efforts to comply) with the goals and procedures set forth in this Agreement. These records shall be made available to the UG at Developer's offices during business hours and upon reasonable advance notice.

B. **Construction Utilization Plan Reports.** Developer shall provide the UG with information sufficient to document the participation under this Agreement, which may include periodically providing the Construction Utilization Plan as set forth on Exhibit 2. Such information may include for each LBE, MBE, or WBE whose participation is utilized by Developer to be applied to the goals set forth herein: business name and address of each LBE, MBE, and/or WBE; and a brief description of the work to be performed by each such LBE, MBE and/or WBE.

C. **Remedies.** If, after review of the Developer's construction and related reports by the Unified Government Contract Compliance Department, the UG determines that the participation goals contained in this Agreement for the Construction of the Project have not been met, and that the Best Efforts described herein have not been met, then the UG shall have, as its sole and exclusive remedies: such remedy as set forth in Section 3.11 of the Performance Agreement; and (ii) UG shall also have the right to renegotiate LBE, MBE, and WBE goals for future construction projects undertaken by the Company in the UG.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

By: _____

Douglas G. Bach
County Administrator

Date: _____

5-7-2021

MILHAUS PROPERTIES LLC

By: _____

Name: _____

Title: _____

Date: _____

- G.** conducting compliance reviews and audits of LBE, MBE, and WBE and participation;
- H.** assisting the Developer and its agents in addressing issues related to the goals and procedures set forth in this Agreement;
- I.** reviewing complaints from LBEs, MBEs, WBEs, and any other interested persons regarding these goals and procedures with Developer and its agents; and
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UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

By: _____
Douglas G. Bach
County Administrator
Date: _____

MILHAUS PROPERTIES LLC

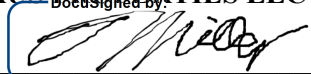
By:  _____
Name: Tadd M. Miller
Title: Manager
Date: 5/17/2021

EXHIBIT 1
Legal Description -- Link

All that part of Lot 1 Schlitterbahn Vacation Village Second Plat, being more particularly described as follow: commencing at the Southeast corner of said Lot 1, thence North 00 degrees 30 minutes 04 seconds West, with the East line of said Lot 1, a distance of 466.04 feet to the point of beginning; thence South 89 degrees 27 minutes 50 seconds West, a distance of 555.27 feet to a point of curvature; thence on a curve to the right having a radius of 82.00 feet, a central angle of 58 degrees 11 minutes 49 seconds, an arc distance of 83.29 feet; thence North 32 degrees 20 minutes 21 seconds West, a distance of 612.67 feet to a point of curvature; thence on a curve to the right, having radius of 50.00 feet, a central angle of 85 degrees 11 minutes 05 seconds an arc distance of 74.34 feet to a point of reverse curvature; thence on a curve to the left, having a radius of 924.50 feet, a central angle of 01 degree 41 minutes 54 seconds, an arc distance of 27.40 feet to a point of compound curvature; thence on a curve to the left having a radius of 830.00 feet, a central angle of 14 degrees 57 minutes 10 seconds, an arc distance of 216.61 feet to a point of compound curvature; thence on a curve to the left having a radius of 924.50 feet, a central angle of 14 degrees 53 minutes 27 seconds, an arc distance of 240.27 feet; thence North 89 degrees 29 minutes 55 seconds East, a distance of 661.22 feet to a point on the East line of said Lot 1; thence South 00 degrees 30 minutes 05 seconds East, a distance of 827.04 feet; thence South 89 degrees 29 minutes 56 seconds West, continuing with the East line of said Lot 1, a distance of 15.00 feet; thence South 00 degrees 30 minutes 04 seconds East, continuing with the East line of said Lot 1, a distance of 179.00 feet to the point of beginning. The above described tract contains 798,767 square feet or 18.34 acres. The basis of bearing for the above real property description is the Kansas Regional Coordinate System, Zone 11.

EXHIBIT 2
Construction Utilization Plan

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