

**NOVEMBER 30, 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/87578768446>

Or One tap mobile:

+13462487799,87578768446# US (Houston)

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Or join by phone:

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

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 253 205 0468 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or 888 475 4499 (Toll-Free) or 877 853 5257 (Toll-Free)

Webinar ID: 875 7876 8446

International numbers available: <https://us02web.zoom.us/j/87578768446>

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. INVOCATION GIVEN BY REVEREND**
- IV. PLEDGE OF ALLEGIANCE**
- V. REVISIONS TO THURSDAY, NOVEMBER 30, 2023, AGENDA**
- VI. MAYOR'S AGENDA**
- VII. 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.)
- VIII. PLANNING AND ZONING CONSENT AGENDA**
- IX. PLANNING AND ZONING NON-CONSENT 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. MAYOR'S AGENDA

1. RECOGNITION: KANSAS CITY KANSAS POLICE DEPARTMENT

Synopsis: Recognition of the recent recipients of the Award of Valor and the Officer of the Year Award for the Kansas City Kansas Police Department, submitted by Tyrone A. Garner, Mayor/CEO.

For information only

Tracking #: 212928

2. RECOGNITION: KANSAS CITY KANSAS FIRE DEPARTMENT

Synopsis: Recognition for the Kansas City Kansas Fire Department as the 2023 Gingerbread House winner, submitted by Tyrone A. Garner, Mayor/CEO.

For information only

Tracking #: 212932

3. PRESENTATION: CENTRAL AVENUE BRIDGE

Synopsis: Presentation from Representative Pam Curtis regarding the Central Avenue Bridge, submitted by Tyrone A. Garner, Mayor/CEO.

For information only

Tracking #: 212933

4. ORDINANCE: AMENDING GODOTTE COUNTYWIDE STRATEGIC MOBILITY PLAN

Synopsis: Approval of an ordinance amending the GoDotte Countywide Strategic Mobility Plan approved on August 25, 2023, with regard to the Central Avenue Bridge, submitted by Jeff Conway, Assistant Counsel.

Approve Ordinance

Tracking #: 212935

5. **PROCLAMATION: SMALL BUSINESS SATURDAY DAY**

Synopsis: Proclamation proclaiming November 25, 2023, as Small Business Saturday Day, submitted by Tyrone A. Garner, Mayor/CEO.

Tracking #: 212925

VII. 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.)

VIII. PLANNING AND ZONING CONSENT AGENDA

A. CHANGE OF ZONE APPLICATIONS

1. COZ2023-026 - JACK XIONG WITH UG WATER POLLUTION CONTROL

Synopsis: Change of Zone from R-1 Single Family District to MP-3 Planned Heavy Industrial District for a water treatment facility at 2443R South 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212891

2. COZ2023-027 - TIMOTHY ELLIOTT WITH ATLAS LAND CONSULTANTS

Synopsis: Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to develop a senior living facility at 9205 Garfield Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212892

3. COZ2023-028 - CURTIS PETERSON WITH POLSINELLI

Synopsis: Change of Zone from A-G Agriculture District to CP-2 Planned General Business District to construct the Atlas9 interactive art gallery at 9700 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212893

B. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-025 - WATHIQ KASSIM

Synopsis: Renewal of a Special Use Permit (SP-2020-102 - expired 8/5/2023) for an auto body repair shop at 744 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 212894

2. **SP2023-064 - SANTOS ORNELAS**

Synopsis: Special Use Permit to operate a drinking establishment with live entertainment at 5235 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212897

3. **SP2023-066 - MEGAN DUMA WITH MD RENTAL HOMES, LLC**

Synopsis: Special Use Permit to operate a Short-Term Rental at 408 Sandusky Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212898

4. **SP2023-072 - BRAD HUS**

Synopsis: Special Use Permit for a Short-Term Rental/Cabin Retreat with an alpaca farm at 2914 South 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL)**

Tracking #: 212899

5. **SP2023-074 - WAYNELL HENSON**

Synopsis: Special Use Permit to operate a Short-Term Rental at 2501 North Tremont Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212900

6. **SP2023-075 - AYA AGATHE M'BRA**

Synopsis: Home Occupation Special Use Permit for a wig-making business at 8127 Troup Avenue, #106, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212902

7. **SP2023-080 - DENISE TOMASIC WITH PURPLE PROPERTIES LLC**

Synopsis: Renewal of a Special Use Permit (SP2022-082 - expired 11/3/2023) to operate a Short-Term Rental at 419 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212890

8. **SP2023-082 - HEIDI TOMPKINS**

Synopsis: Special Use Permit to operate a dog kennel/grooming operation at 9240 Georgia Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212905

9. **SP2023-083 - JOHN MCCLELLAND**

Synopsis: Special Use Permit to operate a drinking establishment at 412 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS)**

Tracking #: 212906

10. **SP2023-084 - JOHN OVERTON**

Synopsis: Special Use Permit to operate a drinking establishment at 1200 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212907

11. **SP2023-085 - JON WONDERGEM**

Synopsis: Home Occupation Special Use Permit to repair musical instruments at 1108 Shawnee Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212908

12. **SP2023-086 - MAKSIM KUNAKHOVICH**

Synopsis: Special Use Permit to operate a Short-Term Rental at 4211 South Thompson, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212909

13. **SP2023-087 - PATRICIA ZANQUETIN**

Synopsis: Special Use Permit to operate a Short-Term Rental at 2110 North 104th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR DENIAL)**

Tracking #: 212910

14. **SP2023-088 - VANESSA NYHUS**

Synopsis: Home Occupation Special Use Permit to produce gummies, topicals and a powdered drink at 11411 Hollingsworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212911

15. **SP2023-089 - AMANDA TARWATER**

Synopsis: Home Occupation Special Use Permit for a dog grooming operation at 10120 Hollingsworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212913

16. SP2023-092 - BRETT JACOBSON

Synopsis: Special Use Permit for semi-truck sales at 1701 South 45th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS)**

Tracking #: 212914

17. SP2023-093 - ALISON SCHWARTZ

Synopsis: Special Use Permit to operate a Short-Term Rental at 625 Northrup Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212915

18. SP2023-095 - RHIANNON CABELLERO WITH NEXT LUXURY

Synopsis: Special Use Permit to operate a Short-Term Rental at 535 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212916

19. SP2023-097 - AARON LAU

Synopsis: Special Use Permit to operate a Short-Term Rental at 4110 South Minnie Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 6 MONTHS)**

Tracking #: 212917

20. SP2023-099 - CURTIS PETERSON WITH POLSINELLI

Synopsis: Special Use Permit for grading, fill/removal of earthen fill at 9700 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR)**

Tracking #: 212901

C. MASTER PLAN APPLICATIONS

1. MPL2023-015 - GUNNAR H. HAND, AICP - UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

Synopsis: Master Plan Amendment from Planned Mixed-Residential (Prairie-Delaware-Piper Area Plan) to Planned Entertainment District (Prairie-Delaware-Piper Area Plan) at 1800 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**

Tracking #: 212919

D. PLAN REVIEW APPLICATIONS

1. PR2023-029 - NICK HANAWAY

Synopsis: Preliminary and Final Development Plan to construct a new Burger

King restaurant at 7736 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212918

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

1. **AN ORDINANCE** rezoning property at 7511 Leavenworth Road, (COZ2023-019) from CP-2 Planned General Business and R-1 Single Family Districts to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212862
2. **AN ORDINANCE** rezoning property at 2324 Grandview Boulevard, (COZ2023-022) from CP-O Planned Nonretail Business District to CP-1 Planned Limited Business District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212863
3. **AN ORDINANCE** rezoning property at 3308 North 75th Street, (COZ2023-023) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212864
4. **AN ORDINANCE** rezoning property at 3850 North 55th Street, (COZ2023-015) from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212866
5. **AN ORDINANCE** authorizing a Special Use Permit (SP2023-024) for grading of the property at 3850 North 55th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212867
6. **AN ORDINANCE** rezoning property at 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue, (COZ2023-020) from R-1 Single Family District to RP-5 Planned Apartment District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212868
7. **AN ORDINANCE** repealing Ordinance No. 0-91-23 and enacting a new ordinance authorizing a Special Use Permit (SP2022-097) for an event center at the Margaritaville Resort Hotel at 9400 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212877

8. AN ORDINANCE authorizing a Special Use Permit (SP2023-017) for a non-owner-occupied Short-Term Rental at 15 South 17th Street, Apartment #2, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212878
9. AN ORDINANCE authorizing a Special Use Permit (SP2023-036) to operate an event space with live entertainment and alcohol sales at 600 North 7th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212879
10. AN ORDINANCE authorizing a Special Use Permit (SP2023-040) to keep livestock at 3425 North 87th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212880
11. AN ORDINANCE authorizing a Special Use Permit (SP2023-057) for a non-owner-occupied Short-Term Rental at 4436 Cambridge Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212881
12. AN ORDINANCE authorizing a Special Use Permit (SP2023-059) for live entertainment/drinking establishment at an existing restaurant at 4960 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212882
13. AN ORDINANCE authorizing a Special Use Permit (SP2023-060) to utilize Legends field as an event center at 1800 Village West Parkway, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212883
14. AN ORDINANCE authorizing a Special Use Permit (SP2023-061) for a non-owner-occupied Short-Term Rental at 809 Central Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212884
15. AN ORDINANCE authorizing a Special Use Permit (SP2023-062) for a drinking establishment at 612 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212885
16. AN ORDINANCE authorizing a Special Use Permit (SP2023-067) for a non-owner-occupied Short-Term Rental at 2706 Espenlaub Lane, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212886

17. AN ORDINANCE authorizing a Special Use Permit (SP2023-069) for a non-owner-occupied Short-Term Rental at 2520 North 131st Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212887
18. AN ORDINANCE authorizing a Special Use Permit (SP2023-070) for a non-owner-occupied Short-Term Rental at 3008 South 9th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212888
19. **AN ORDINANCE** rezoning property at 6029 Oak Grove Road and 6019 Woodend Avenue (COZ2023-017), from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212920
20. AN ORDINANCE authorizing a Special Use Permit (SP2023-065) to operate an automotive repair/painting and used automotive dealership at 402 Osage Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212921
21. AN ORDINANCE authorizing a Special Use Permit (SP2023-073) for continuation of a kennel/dog day care and boarding operation, at 4001 North 74th Street, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL)**
Tracking #: 212922

IX. PLANNING AND ZONING NON-CONSENT AGENDA

A. SPECIAL USE PERMIT APPLICATIONS

1. SP2023-038 - ALICIA ARCHAMBAULT

Synopsis: Special Use Permit to operate a Short-Term Rental at 2559 West 46th Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 7/1 VOTE)**
Tracking #: 212895

2. SP2023-042 - MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC.

Synopsis: Special Use Permit to operate a group dwelling unit at 1723 Quindaro Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 2 YEARS - 6/2 VOTE)**
Tracking #: 212896

3. **SP2023-077 - BRIAN GLASSER**

Synopsis: Special Use Permit to operate a Short-Term Rental at 508 Ohio Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR ONE (1) YEAR - 7/1 VOTE)**

Tracking #: 212903

4. **SP2023-079 - CORINNA WEST**

Synopsis: Renewal of a Special Use Permit (SP2021-052 - expired 11/4/2023) to keep ducks on the property at 1921 Nebraska Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 5 YEARS - 6/2 VOTE)**

Tracking #: 212889

5. **SP2023-081 - ERICA SCHUBACH WITH TWOPIN HOMES, LLC**

Synopsis: Special Use Permit to operate a Short-Term Rental at 1918 Federal Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. **(RECOMMENDED FOR APPROVAL FOR 1 YEAR - 7/1 VOTE)**

Tracking #: 212904

B. MISCELLANEOUS

1. **ORDINANCE: PLANKCK CITYWIDE MASTER PLAN**

Synopsis: Approval of an ordinance adopting the PlanKCK CityWide Master Plan, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. Links to connect to the documents are:

- PlanKCK: wycokck.org/files/assets/public/v/1/planning-amp-urban-design/documents/comprehensive-plan/2023.11.21-plankck_final.pdf
- Appendices: wycokck.org/files/assets/public/v/1/planning-amp-urban-design/documents/comprehensive-plan/2023.11.21-plankck-appendices_final.pdf
- Engagement Summary: [plankck_engagement_summary_final.pdf\(wycokck.org\)](http://plankck_engagement_summary_final.pdf(wycokck.org))

Tracking #: 212923

TAX STATUS REPORT
BOARD OF COMMISSIONERS AGENDA FOR NOVEMBER 30, 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.

X. REGULAR CONSENT AGENDA

1. RESOLUTION: APPROVING AND AUTHORIZING THE MAYOR/CEO TO EXECUTE A SECOND AMENDMENT TO THE PERFORMANCE AGREEMENT (CRITERION DEVELOPMENT PARTNERS)

Synopsis: Adopt a resolution approving and authorizing the Mayor/CEO to execute a second amendment to the performance agreement with CPC Land Acquisition Company, LLC, submitted by Jeff Conway, Assistant Counsel.

*On November 13, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to the full commission.*

Tracking #: 212842

2. NOMINATIONS: BOARDS AND COMMISSIONS

Synopsis: Nominations for Boards and Commissions:
Nikki Richardson to the Advisory Commission on Human Relations and Disabilities Issues from 11/30/2023 to 12/31/2025, submitted by Commissioner Davis.

Tracking #: 212934

3. MINUTES

Synopsis: Minutes from the Regular Session meeting on November 17, 2022.

Tracking #: 212926

4. WEEKLY BUSINESS

Synopsis: Weekly business materials dated October 26th, 2023.

Tracking #: 212927

XI. PUBLIC HEARING AGENDA

1. RESOLUTION: ISSUANCE OF INDUSTRIAL REVENUE BONDS AND TO ADOPT PERFORMANCE AGREEMENT (CARNATION PARTNERS, LLC)

Synopsis: Adopt a resolution of intent to issue industrial revenue bonds in the amount not to exceed \$11,500,000 to finance costs of acquiring, constructing,

improving and equipping a manufacturing facility for the benefit of Carnation Partners LLC, and to adopt a performance agreement, submitted by Jeff Conway, Assistant Counsel.

*On November 13, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.*

Tracking #: 212841

XII. STANDING COMMITTEES' AGENDA

1. ORDINANCE: AUTHORIZING THE REMOVAL OF PROPERTY FROM PROJECT AREA A IN THE KANSAS SPEEDWAY REDEVELOPMENT DISTRICT

Synopsis: Adopt an ordinance authorizing the removal of property from Project Area A in the Kansas Speedway redevelopment district for the purpose of other development, submitted by Jeff Conway, Assistant Counsel.

*On November 13, 2023, the **Economic Development and Finance Standing Committee**, chaired by Commissioner Burroughs, voted 4/2 to approve and fast-track to the full commission on November 16, 2023. This item was removed by the proponents on November 16, 2023. The proponents are requesting this item be returned to the commission for action.*

Tracking #: 212843

2. RESOLUTION: VIOLENCE AGAINST WOMEN'S ACT FISCAL YEAR 2024

Synopsis: Approval of a resolution authorizing acceptance of a Violence Against Women's Act grant via the Kansas Governor's Office in the amount of \$110,604, submitted by Wendy Medina, Police Department. Matching funds will be allocated from the existing department budget.

*This item was scheduled to appear before the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, on November 27, 2023. It was requested, and approved by the Mayor, to fast-track this item to the November 30, 2023, full commission meeting.*

Tracking #: 212838

3. REPORT: FEMA FLOODPLAIN COMMUNITY RATING SYSTEM 2023

Synopsis: The FEMA Floodplain Community Rating System (CRS) 2023 report is an update of the current 5-year plan. Prior to the development and approval of the next 5-year plan, this update includes a revised repetitive loss area analysis, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

*This item was scheduled to appear before the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, on November 27, 2023. It was requested, and approved by the Mayor, to fast-track this item to the November 30, 2023, full commission meeting.*

Tracking #: 212774

4. **RESOLUTION: KAW POINT MODERNIZATION PROJECT**

Synopsis: Approval of a resolution authorizing the Public Works Department to accept a grant in the amount of \$17.8M from the United States Department of Agriculture and to implement the grant immediately upon its adoption, submitted by Jeff Fisher, Executive Director of Public Works.

*This item was scheduled to appear before the **Public Works and Safety Standing Committee**, chaired by Commissioner Bynum, on November 27, 2023. It was requested, and approved by the Mayor, to fast-track this item to the November 30, 2023, full commission meeting.*

Tracking #: 212791

5. **RESOLUTION: NORTHEAST KCK HERITAGE TRAIL PHASE I UTILIZING ARPA FUNDS**

Synopsis: Approval of a resolution authorizing the use of \$240,000 from ARPA set-aside funds as the local match, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

*This item was scheduled to appear before the **Administration and Human Services Standing Committee**, chaired by Commissioner Markley, on November 27, 2023. It was requested, and approved by the Mayor, to fast-track this item to the November 30, 2023, full commission meeting.*

Tracking #: 212772

XIII. ADMINISTRATOR'S AGENDA

1. **RESOLUTION: HFS ESTOPPEL CERTIFICATE, CONSENT AND RECOGNITION**

Synopsis: Approval of a resolution authorizing execution of an Estoppel Certificate, Consent and Recognition Agreement in connection with the Homefield Project, submitted by Jeff Conway, Assistant Counsel.

Tracking #: 212873

XV. LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

1. **LAND BANK OPTIONS**

Synopsis: The Land Bank Manager respectfully requests that the Neighborhood and Community Development Committee review the proposed item and forward it to the Land Bank Board of Trustees for final consideration, submitted by Jud Knapp, Land Bank Manager.

Please visit the site to review the applications below.

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

20 Single Family Homes

3 Commercial

Tracking #: 212929

2. LAND BANK TRANSFERS

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

Please visit the new site to review the applications below.

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

Tracking #: 212930

XVI. PUBLIC ANNOUNCEMENTS

XVII. ADJOURN



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
November 30, 2023	Ana Marin, Executive Assistant	Finance
AGENDA ITEM #VII.1.		
RECOGNITION: KANSAS CITY KANSAS POLICE DEPARTMENT		
BACKGROUND		
Recognition of the recent recipients of the Award of Valor and the Officer of the Year Award for the Kansas City Kansas Police Department, submitted by Tyrone A. Garner, Mayor/CEO.		
<i>For information only</i>		
RECOMMENDATION		
For information only		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:



Staff Request for Commission Action

Tracking No. 212932

Full Commission Meeting Date:

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u> 11/27/2023	<u>Contact Name:</u> Ana Marin	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> amarin@wycokck.org	<u>Department/Division:</u> Mayor's Office
<u>Item Description:</u> Recognition for the Kansas City Kansas Fire Department as the 2023 Gingerbread House winner, submitted by Tyrone A. Garner, Mayor/CEO.				
<i>For information only</i>				
<u>Action Requested:</u>				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u>				



Staff Request for Commission Action

Tracking No. 212933

Full Commission Meeting Date: 11/30/2023

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/27/2023	<u>Contact Name:</u> Ana Marin	<u>Contact Phone:</u> x5010	<u>Contact Email:</u> amarin@wycokck.org	<u>Department/Division:</u> Mayor's Office
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Item Description:

Presentation from Representative Pam Curtis regarding the Central Avenue Bridge, submitted by Tyrone A. Garner, Mayor/CEO.

Action Requested:

For information only

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:



Staff Request for Commission Action

Tracking No. 212935

Full Commission Meeting Date: 11.30.23

Committee: Full Commission

Date of Standing Committee Action:
(If none, please explain):

Publication Required: No

<u>Date:</u> 11/28/2023	<u>Contact Name:</u> Jeffrey Conway	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> jconway@wycokck.org	<u>Department/Division:</u> Legal
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Item Description:

Approval of an ordinance amending the GoDotte Countywide Strategic Mobility Plan approved on August 25, 2023, with regard to the Central Avenue Bridge.

Action Requested:

Approve Ordinance

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Amendment to goDotte Plan (LaVert 2)

Published _____

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE GODOTTE COUNTYWIDE STRATEGIC
MOBILITY PLAN APPROVED ON AUGUST 25, 2022.**

WHEREAS, on August 8, 2022, the Planning Commission for the Unified Government of Wyandotte County/Kansas City, Kansas (“Planning Commission”) held a public hearing on the goDotte Countywide Strategic Mobility Plan;

WHEREAS, after the public hearing on August 8, 2022, a majority of the Planning Commission voted to adopt the goDotte Countywide Strategic Mobility Plan;

WHEREAS, pursuant to K.S.A. 12-747(b), the Planning Commission adopted the goDotte Countywide Strategic Mobility Plan by resolution and sent notice thereof to the governing body for final approval;

WHEREAS, Unified Government Board of Commissioners approved the goDotte Countywide Strategic Mobility Plan on August 25, 2022, and was published on September 1, 2022; and

WHEREAS, the Unified Government Board of Commissioners now desires to clarify local policy with respect to the Central Avenue Bridge and amend the goDotte Countywide Strategic Mobility Plan accordingly.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS:**

Section 1. In the goDotte Countywide Strategic Mobility Plan adopted by the Planning Commission on August 8, 2022, and approved by the Board of Commissioners on August 25, 2022, and published on September 1, 2022, Action Item 4-6 on page 51, entitled “Central Avenue Bridge”, is hereby amended to read as follows:

Study the feasibility of reopening the currently-closed Central Avenue Bridge over the Kansas River to all vehicular traffic. In addition, the feasibility study may consider lower deck use for ~~serve only~~ bicycles and pedestrians. ~~This redesign/retrofit would need to account for streetscape-related elements and signage/striping/wayfinding to accommodate only bike/ped travel along Central Avenue and James Street to the state line and coordination with KCMO for signage and wayfinding east of the state line. In addition, this effort should identify a solution for safely accommodating bicycle and pedestrians for the section between the I-70 ramps and 6th Street that remains open to~~

~~vehicular traffic and features high-speed freeway on and off ramps. Funding is currently being pursued through a RAISE grant application.~~

Section 2. That said original Action Item 4-6 of the goDotte Countywide Strategic Mobility Plan be and the same is hereby repealed.

Section 3. The Mayor/CEO, County Administrator, and any other employees or agents of the Unified Government are authorized to take such action as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 4. This Ordinance shall take effect and be in full force after its passage, approval, and publication.

**APPROVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS _____
DAY OF _____, 2023.**

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to form:

Chief Counsel



Unified Government of Wyandotte County/Kansas City, Kansas

PROCLAMATION

- WHEREAS,** the Unified Government of Wyandotte County, Kansas City, KS, celebrates our local small businesses and the contributions they make to our local economy and community; and
- WHEREAS,** according to the U.S. Small Business Administration, there are 33.2 million small businesses in the United States: small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 62.7% of net new jobs created since 1995, and small businesses employ 46.4% of the employees in the private sector in the United States; and
- WHEREAS,** 68 cents of every dollar spent at a small business in the United States stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and
- WHEREAS,** 72% of consumers reported that Small Business Saturday 2022 made them want to shop and dine at small, independently-owned retailers and restaurants all year long; and
- WHEREAS,** the Unified Government of Wyandotte County, Kansas City, KS, supports our local businesses that create jobs, boost our local economy, and preserve our communities; and
- WHEREAS,** advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Tyrone Garner, Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, do hereby proclaim November 25, 2023, as:

“SMALL BUSINESS SATURDAY DAY”

in Wyandotte County/Kansas City, Kansas, urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and to Shop Small throughout the year. 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



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: November 30, 2023

Re: **Petition COZ2023-026**

GENERAL INFORMATION

Applicant:
Jack Xiong

Status of Applicant:
Representative
Unified Government of Wyandotte
County/Kansas City, Kansas
701 North 7th Street Trafficway
Kansas City, Kansas 66101

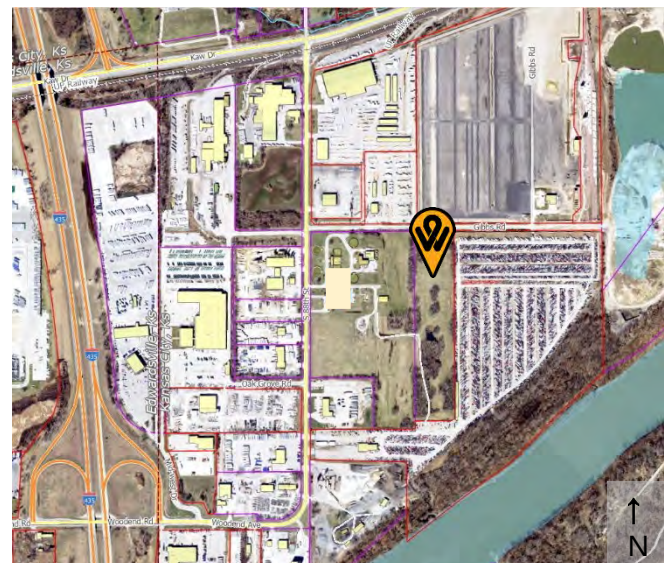
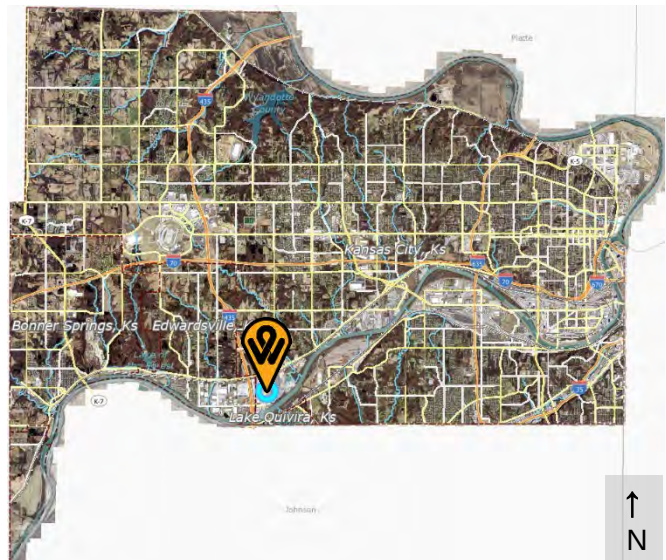
Requested Actions:
Approval of a Change of Zone.

Date of Application:
September 29, 2023

Purpose:
Approval of a Change of Zone from R-1
Single-Family District to MP-3 Planned
Heavy Industrial District.

Property Location:
2443R South 88th Street
Kansas City, Kansas 66111

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



Existing Zoning:	R-1 Single-Family District
Adjacent Zoning:	North: MP-3 Planned Heavy Industrial District South: MP-3 Planned Heavy Industrial District East: MP-3 Planned Heavy Industrial District West: MP-3 Planned Heavy Industrial District
Adjacent Uses:	North: Industrial warehousing and distribution South: Industrial business and salvage/auto auction lot East: Salvage/auto auction lot West: Unified Government property
Total Tract Size:	14.09 Acres
Master Plan Area:	The subject property is within the City-Wide Comprehensive Plan.
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Utilities. The Utilities Land Use District includes provisions for public and private infrastructure and facilities related to water, sanitary sewer, electric power, natural gas, cable, telephone and mobile phone facilities, etc. Allowed uses in the Utilities Land Use District include: water and sanitary sewer lines; natural gas lines; electric power substations; electric power lines; cellular phone towers; and other utilities.
Major Street Plan:	The Major Street Plan classifies South 88 th Street as a Class C Thoroughfare, per Section 27-763(e)(61).
Required Parking:	Current Zoning District: Section 27-454(e) requires two (2) off-street parking spaces for each single-family dwelling, at least one (1) of which shall be in a garage or carport. Proposed Zoning District: Section 27-470(f) requires paved off-street parking at a ratio necessary to serve the employees, visitors, customers and others who may be on the premises. The ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000

square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. For buildings larger than 50,000 square feet, the parking required for increments over 50,000 square feet will be determined by the director of planning. Where questions arise concerning increments over 50,000 square feet, the unified government board of commissioners shall make the final determination upon recommendation of the planning commission.

Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

RELATED ENFORCEMENT AND ACTION ITEMS

Detailed Outline of Requested Action: The applicant, Jack Xiong with the Unified Government, Public Works Department, Water Pollution Control Division, is requesting a Change of Zone from the R-1 Single-Family District to the MP-3 Planned Heavy Industrial District for an undeveloped property. The purpose of the Change of Zone is to create continuity between the subject property and the adjacent Wastewater Treatment Plant on 32.3 acres at 2443 South 88th Street, also owned by the Unified Government. The subject property currently serves as a landscaping buffer to the parcel where the plant is located, but will be more readily available to accommodate expansion of the plant if the Change of Zone is granted.

City Ordinance Requirements: Article VI, Sections 27-196—209, and 27-211; Article VIII, Sections 27-470

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. The current property owner has not received any building or code enforcement complaints.

Outstanding or Related Permits and Cases:

1. Electrical (SCADA Communications Improvements for UG), 01/23/2022 (ELE22-0079).

FACTORS TO BE CONSIDERED

1. Character of the neighborhood.

The subject property is within the Muncie-Stony Point Statistical Neighborhood and is not within a neighborhood group. This neighborhood is a primarily industrial area in the southwest corner of Kansas City, Kansas. The immediate area west of the site is comprised of industrial businesses and the municipal boundaries of the City of Edwardsville, Kansas. Along Gibbs Road, east of the subject property, are insurance auto sales businesses and a sand/gravel operation.

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

The zoning and uses of nearby properties is set out above. The proposed use is compatible with them because the properties along South 88th Street, Gibbs Road and to the south, Woodend Road are industrial businesses/operations that have more employees and larger volumes of truck traffic than the wastewater treatment plant.

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 an undeveloped parcel directing to the east of the parcel where the current wastewater treatment plant is located. The subject property is suitable as either a landscaping buffer or as a future expansion of the current wastewater treatment plant with the required landscaping and screening.

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

The subject property is undeveloped but is adjacent and connected to the wastewater treatment plant parcel directly to the west.

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 to keep up with the demand level of the wastewater needing to be treated. The subject property will initially serve as a landscaping buffer for the adjacent wastewater treatment plant. Therefore, because of this additional buffering and screening, said facility should not

permanently injure the appropriate use, visual quality or marketability of nearby property because these properties along South 88th Street and Gibbs Road are industrial zoned and are operating industrially related businesses.

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 development plan proposes to expand an existing building and make interior upgrades to these buildings within the fenced compound of the UG's Wastewater Treatment Plant. Despite the expansion of the current facility, the operations of the plant will not require any additional workforce. Consequently, the number of parking spaces on site will not increase, therefore, 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 is negligible. If the facility were to expand into the subject property, then traffic and parking concerns would need to be reassessed at that time based on those future expansion plan specifics.

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

The City-Wide Comprehensive Plan designates this property as Utilities. As the name implies, the Utilities Land Use District is intended for public and private infrastructure and facilities related to water, sanitary sewer, electric power, natural gas, cable, telephone and mobile phone facilities, etc. This includes sanitary sewer lines, natural gas lines, electric power substations, electric power lines, cellular phone towers, and other utilities. The proposed use conforms with the City-Wide Comprehensive Plan.

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

The proposed use will not cause environmental harm if the wastewater treatment plant is properly managed and local, State and federal regulations are strictly adhered to.

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

a. *Water service*

The subject property receives water service via BPU.

b. *Sanitary sewer service*

The subject property receives sanitary sewer service via the Unified Government.

c. Storm water control

Storm water control infrastructure will be designed to meet the Unified Government Code.

d. Police

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

e. Fire

Fire service is provided by Fire Station #20.

f. Transit

Kansas City does not provide transit service near the property. The closest transit route is approximately four (4) miles east at 72nd Street and Kansas Avenue, Route #115.

g. Schools

Public education is provided by Edwardsville Elementary School, Robert E. Clark Middle School, and Bonner Springs High School, under Bonner Springs/Edwardsville USD 204.

h. Streets

See “Factor to be Considered #6” within the *Factors To Be Considered* section of this report.

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

The proposed Change of Zone will allow for renovations related to the adjacent wastewater treatment plant. These renovations will increase the plant’s capability to handle wastewater, which in turn could have a positive impact on the surrounding community by supporting more development.

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

The proposed use is capable of meeting applicable ordinance requirements with additional landscaping.

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

The gain to the public health, safety, and welfare from the Change of Zone and subsequent development would supersede any hardship imposed on the individual landowners. Little hardship is anticipated, however, as improvements made to the Unified Government's public health infrastructure would present a benefit to all residents, businesses, employees, customers, and visitors to the county, even those property owners who may see a temporary hardship during the development process.

PREVIOUS ACTIONS

- N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 701 North 7th Street Trafficway, 1st Floor Lobby at 5:00 PM on October 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Landscaping and Screening
Lighting and Glare

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-026, subject to:

1. While there are no development plans, the existing terrain, vegetation, and trees on the subject property must be preserved;
2. As part of any future development plan, a landscaping plan must be provided. Such a landscaping plan must be in compliance with all relevant landscaping requirements, including Sections 27-470(h), 27-700(b)(4), and 27-702;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. Per Section 27-317, electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
5. 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;

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. 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, Section 8-610 – Section 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; 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.

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 **COZ2023-026** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023, City Planning Commission Minutes

Aerial Map

Zoning Map

Land Use Map

Neighborhood Meeting Materials

Explanation of Change of Zone Request

Letter from Matthew Say to Byron Toy, Dated January 20, 2023

Staff Site Visit Photos, Dated October 23, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Change of Zone	November 13, 2023	November 30, 2023
	Approval	

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-026** as meeting all the requirements of the city code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements:

1. _____
2. _____; AND
3. _____

OR

I move the Unified Government Board of Commissioners **DENY** Petition **COZ2023-026** as it is not in compliance with the City Code 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 1:54:22:

CHANGE OF ZONE APPLICATION COZ2023-026 – JACK XIONG/UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS - SYNOPSIS:

Change of Zone from R-1 Single Family District to MP-3 Planned Heavy Industrial District for a water treatment facility at 2443R South 88th Street. Detailed Outline of Requested Action: The applicant, Jack Xiong with the Unified Government, Public Works Department, Water Pollution Control Division, is requesting a Change of Zone from the R-1 Single-Family District to the MP-3 Planned Heavy Industrial District for an undeveloped property. The purpose of the Change of Zone is to create continuity between the subject property and the adjacent Wastewater Treatment Plant on 32.3 acres at 2443 South 88th Street, also owned by the Unified Government. The subject property currently serves as a landscaping buffer to the parcel where the plant is

located but will be more readily available to accommodate expansion of the plant if the Change of Zone is granted.

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 November 13, 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:

- Jack Xiong, Project Manager, UG Water Pollution Control Division in the Public Works Department

Present in Opposition:

- No one appeared

Staff Recommendation starts at 1:56:53: Planning Director Hand stated the request is from R-1 Single Family District to MP-3 Planned Heavy Industrial District. A year ago, the abutting Water Treatment Plant property was rezoned, and this is a follow-up to that project. The property is in the City-Wide Comprehensive Plan in the Midtown South area. 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.

Motion starts at 1:57:40:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-026:**

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

Jones

Not Present

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

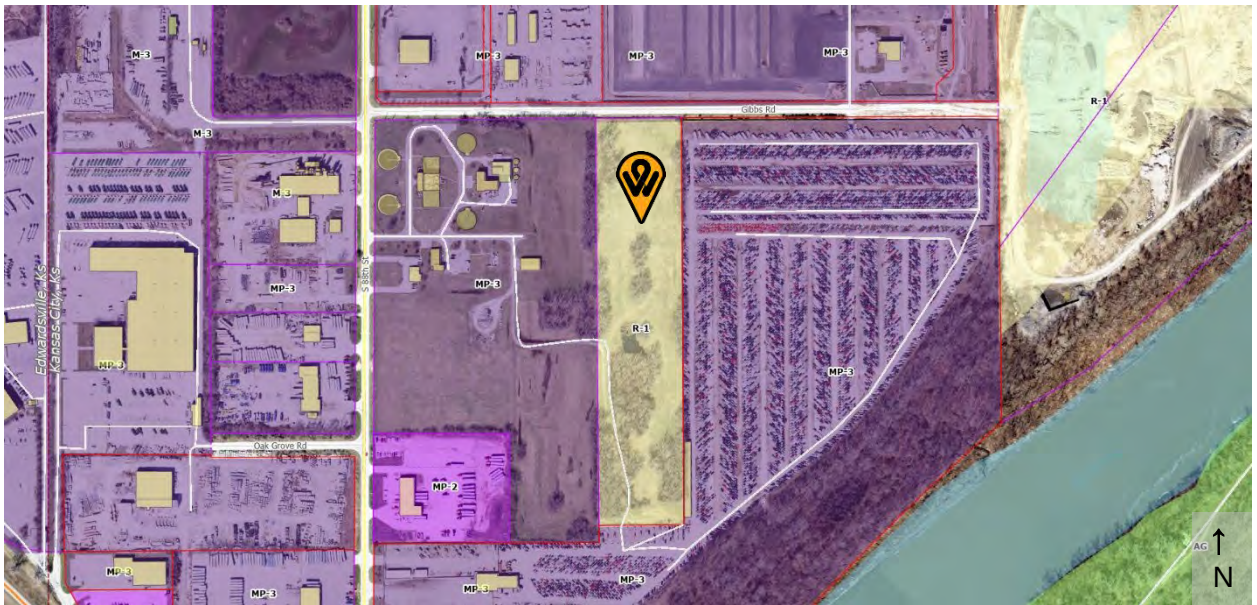
1. While there are no development plans, the existing terrain, vegetation, and trees on the subject property must be preserved;
2. As part of any future development plan, a landscaping plan must be provided. Such a landscaping plan must be in compliance with all relevant landscaping requirements, including Sections 27-470(h), 27-700(b)(4), and 27-702;
3. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
4. Per Section 27-317, electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
5. 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;
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. 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, Section 8-610 – Section 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; 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.

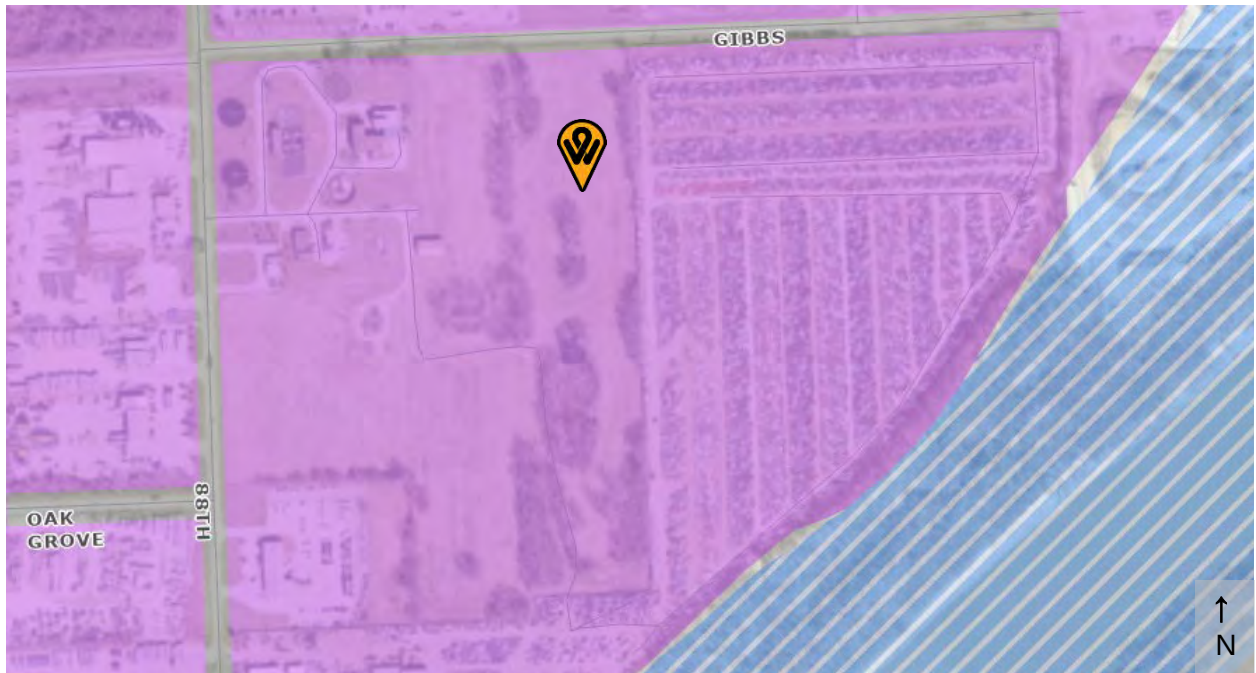
AERIAL MAP



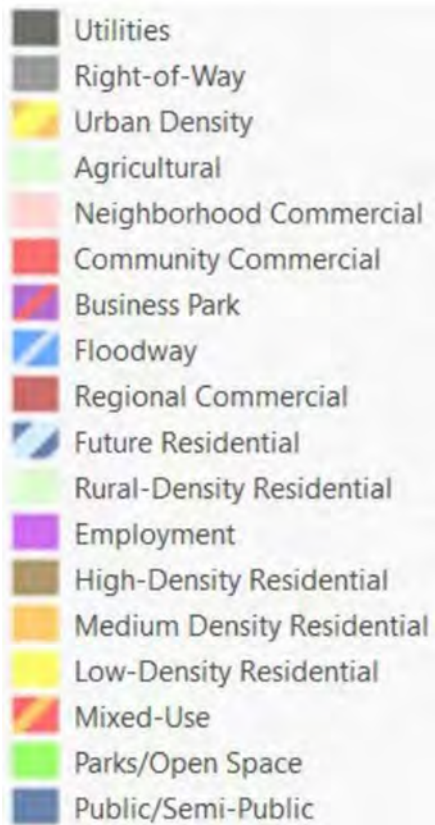
ZONING MAP



LAND USE MAP



City-Wide Comprehensive Plan Land Uses



NEIGHBORHOOD MEETING MATERIALS

October 17, 2023

Attn: [Recipient]
[Recipient Address]
[Recipient Address]

SUBJECT: Neighborhood Meeting – Change of Zone for 2443R South 88th Street

We have filed an application with the Department of Urban Planning and Land Use #COZ2023-026. The purpose of this is for a change of zone at the following address: 2443R South 88th Street.

2443R South 88th Street is a vacant parcel of land east of Municipal Wastewater Treatment Plant #20 (WWTP 20). WWTP 20 and the adjoining vacant parcel to the east are both owned by the Unified Government of Wyandotte County and Kansas City, Kansas (UG). UG has applied for rezoning of the vacant parcel based on the following:

1. The current R-1 Single Family District zoning is not consistent with the surrounding properties and their uses.
2. The current interim specific use of the parcel is a landscape buffer from the properties to the north and east.
3. The parcel currently serves as a landscape buffer to neighboring properties but would be available to UG for potential future expansion of the WWTP.

We are having a neighborhood meeting on October 30th, 2023, from 5:00 to 6:00 p.m. at the following address: 701 North 7th Street, Lobby, 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 below.

Sincerely,

Jack Xiong
Public Works – Engineering
Unified Government of Wyandotte County and Kansas City, Kansas
701 North 7th Street, Suite 712, Kansas City, KS 66101
Phone: 913-573-1367

NEIGHBORHOOD MEETING MATERIALS, CONT.

Unified Government of Wyandotte County and Kansas City, Kansas

Change of Zone COZ2023-026 - 2443R South 88th Street

Neighborhood Meeting

Sign-in Sheet

Name and Organization	Phone Number	Email Address
MATT SAY (HDR)	816-305-4254	MATTHEW.SAY@HDRINC.COM
JACK XIONG (UGPW)	913-573-1367	JXIONG@WYCOCK.ORG
Kris Finger (UGPW)		KFinger@wycock.org

Unified Government of Wyandotte County and Kansas City, Kansas

Change of Zone COZ2023-026 – 2443R South 88th Street

Neighborhood Meeting

Meeting Summary

The neighborhood meeting was held on October 30th, 2023, from 5:00 to 6:00 p.m. at the following address: 701 North 7th Street, Lobby, Kansas City, KS 66101.

The meeting was attended by:

- Jack Xiong (Public Works – Unified Government of Wyandotte County and Kansas City, KS)
- Kris Finger (Public Works – Unified Government of Wyandotte County and Kansas City, KS)
- Matt Say (HDR Engineering, Inc.)

There were no neighboring property owners in attendance at the meeting and we were not contacted with any questions or comments.

NEIGHBORHOOD MEETING MATERIALS, CONT.
EXPLANATION OF CHANGE OF ZONE REQUEST

Additional Information Please note any additional information that may assist staff in reviewing this request (i.e. builder and/or architect, architectural style, date(s) of construction and major alterations, previous ownership and/or occupants):

This is a continuation of site 22-0013. Please reference all drawings submitted under that DRC number.

The wastewater treatment plant (WWTP) located at 2443 S. 88th St. was recently rezoned from R-1 Single

Family District to Industrial District. The WWTP property and the adjoining parcel to the east are owned by the

Unified Govt. of Wyandotte County and KCK (UG). UG did not realize the need to change the zoning of the east parcel

when rezoning the WWTP due to the property currently being vacant. The current R-1 zoning is not consistent with

surrounding properties and their uses and the vacant parcel currently serves as a landscape buffer to

neighboring properties. The property will continue to serve as a landscape buffer into the foreseeable

future but would be available to UG for potential future expansion of the WWTP.

LETTER FROM MATTHEW SAY TO BYRON TOY, DATED JANUARY 20, 2023



January 20, 2023

RE: Rezoning Request for Parcel East of UG Wastewater Treatment Plant (2443 South 88th Street)

Dear Byron Toy,

This is related to the recent rezoning of the property located at 2443 South 88th Street from R-1 Single Family District to Industrial District. The property is home to a wastewater treatment plant (WWTP) that is owned and operated by the Unified Government of Wyandotte County and Kansas City Kansas (UG).

The WWTP site was previously zoned R-1 Single Family District. It was realized that the site zoning did not match the specific use during the recent design of improvements to the WWTP. As a result, UG applied to change the zoning to Industrial District to match the specific use.

The parcel of land located east of the WWTP is also owned by UG and is zoned R-1 Single Family. UG did not realize the need to change the zoning for the east parcel when rezoning the WWTP due to the property currently being vacant. A zoning map and an aerial image of the area are provided as attachments, for reference.

UG recently received notice of ordinance requirements from the Development Review Committee (DRC) for the planned improvements to the WWTP. The ordinance requirements state that a six (6) foot high architectural screening in combination with a buffer area is to be provided along all property lines common to residentially zoned property. The notice from the DRC made UG realize that the parcel to the east of the WWTP is not properly zoned for the current specific use, and that the application for rezoning for the WWTP should have included the parcel to the east. The notice of requirements provided by the DRC is attached, for reference.

UG and HDR participated in a call with you to discuss the ordinance requirements on December 28, 2022. UG and HDR stated the desire to rezone the parcel east of the WWTP from R-1 Single Family District to Industrial District. You informed us that there must be a planned specific use for the parcel to be rezoned, as a property could be granted a rezoning and then be sold limiting control of the intended future use.

After further discussions between UG and HDR, we are requesting consideration for rezoning of the parcel east of the WWTP based on the following:

1. The current interim specific use of the parcel is a landscape buffer from the properties to the north and east.
2. The current R-1 Single Family District zoning is not consistent with the surrounding properties and their uses.
3. Following (or in combination with) rezoning, UG is willing to plat the two parcels as a single lot alleviating concerns of potential future uses for the property.

hdrinc.com

Use UPDATE/INSERT ADDRESS feature in ribbon

LETTER FROM MATTHEW SAY TO BYRON TOY, DATED JANUARY 20, 2023, CONT.

4. Landscape plans to ensure compliance with the vegetation portion of the ordinance defined buffer area will be provided with the rezoning application.
5. The parcel currently serves as a landscape buffer to neighboring properties but would be available to UG for potential future expansion of the WWTP.

In summary, UG owns and operates the WWTP located at 2443 South 88th Street as well as the vacant parcel directly east of the plant. The WWTP site was recently rezoned from R-1 Single Family to Industrial District to match the specific use. The UG owned parcel directly east of the WWTP serves the specific use of a landscape buffer for the WWTP to neighboring properties. Landscape plans to improve the existing buffer area will be provided with the rezoning application. UG is requesting consideration for the rezoning of the vacant parcel from R-1 Single Family District to Industrial District to provide consistency of zoning for the area. If necessary, UG is willing to plat the two parcels as a single lot to alleviate concerns with future development of the adjacent parcel to the WWTP.

We appreciate your consideration for the request to rezone the parcel. Please reach out with any questions.

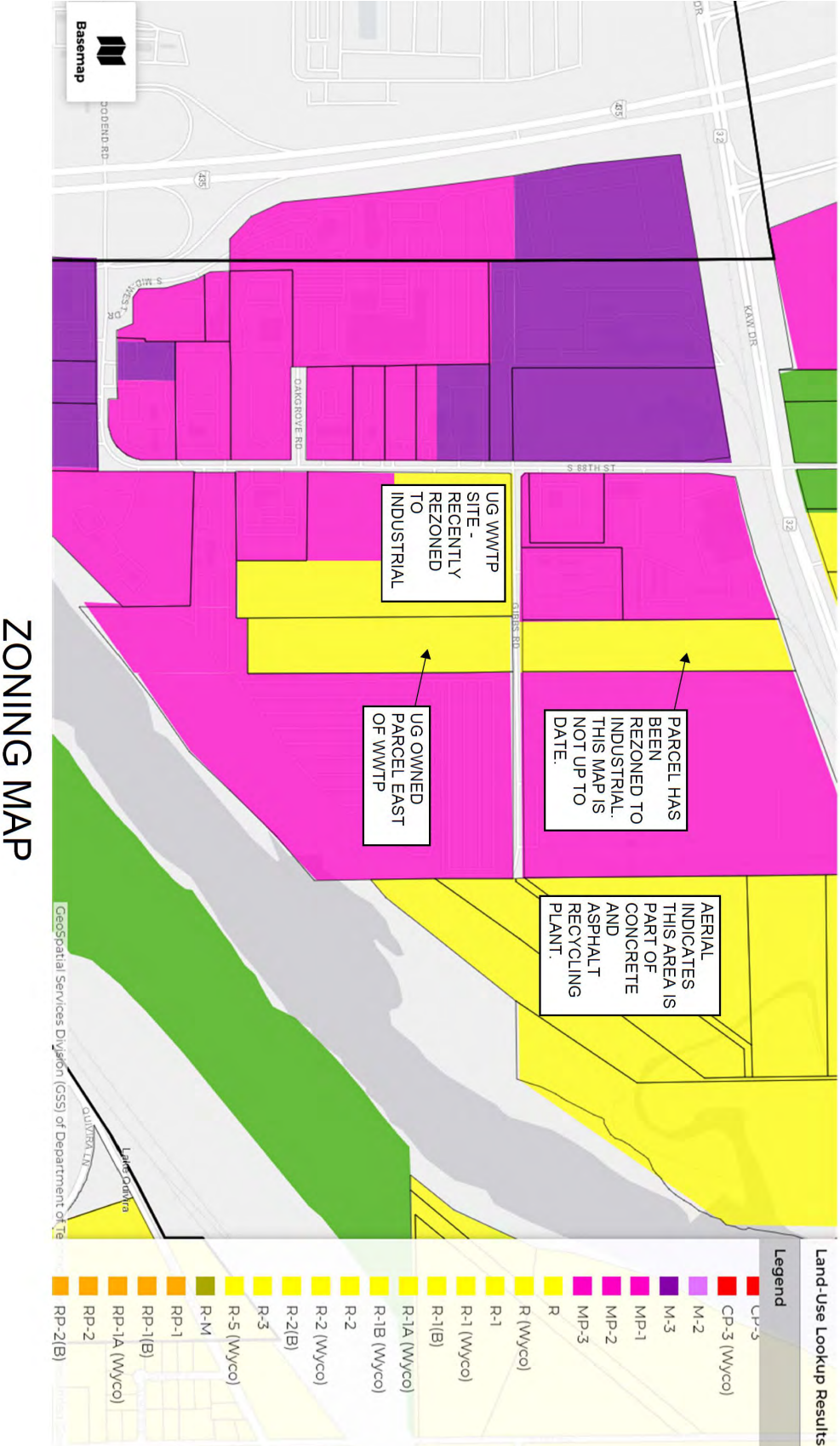
Sincerely,
HDR Engineering, Inc.

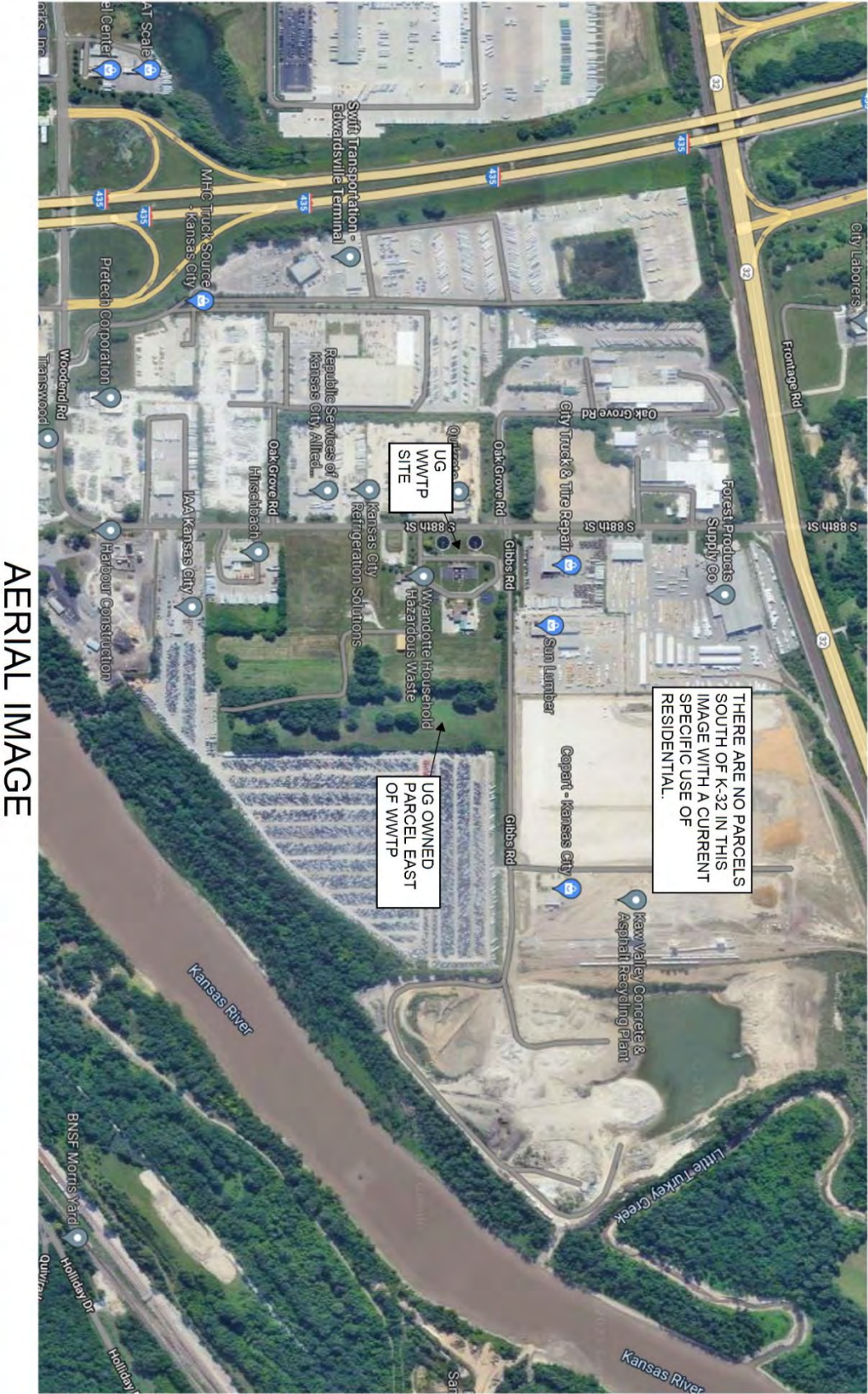


Matthew Say
Wastewater Project Manager

Attachments: Zoning Map
 Aerial Image
 Development Review Committee – Ordinance Requirements

CC: Jack Xiong, UG
 Trenton Foglesong, UG
 Brandon Coleman, HDR
 Samuel Brown, HDR





AERIAL IMAGE

STAFF SITE VISIT PHOTOS, DATED OCTOBER 23, 2023



Left: View of architecture screening from the Copart property.

Below: View of the Copart property, facing northeast. Every parcel adjacent to the subject property is zoned MP-3 Planned Heavy Industrial District.



Above and Right: Interior views of the subject property, facing north.



STAFF SITE VISIT PHOTOS, DATED OCTOBER 23, 2023, CONT.



Above (All): Interior views of the subject property, facing northeast toward adjacent industrial uses.



Left: Interior view of the subject property, facing east toward adjacent industrial uses.

Below: Interior view of the subject property, facing west toward the UG wastewater treatment plant.





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: November 30, 2023

Re: **Change of Zone Petition COZ2023-027**

GENERAL INFORMATION

Applicant:
Timothy Elliott

Status of Applicant:
Atlas Land Consulting
14500 Parallel Road, Unit R
Basehor, KS 66007

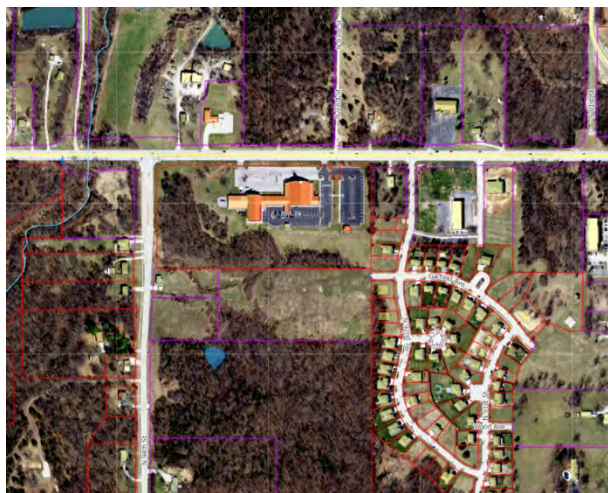
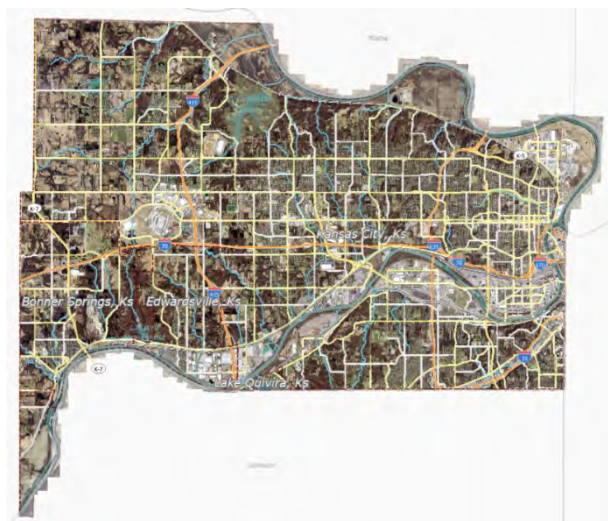
Requested Actions:
Change of Zone from R-1 Single Family
District to RP-4 Planned Garden
Apartment District.

Date of Application:
September 29, 2023

Purpose:
To rezone and build a three (3) phased
senior assisted living facility, with three (3)
one-story buildings totaling 48 units.

Property Location:
9205 Garfield Avenue
Kansas City, KS 66109

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



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Oak Ridge Baptist Church South: Large wooded, undeveloped lot East: Single family homes West: Single family home and vacant land
Total Tract Size:	6.71 Acres
Master Plan Area:	Prairie Delaware Piper Area Plan
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates this property as Mixed Use Residential, which allows patio (zero lot line) homes, townhouses, condominiums, housing for seniors, and other multifamily uses.
Major Street Plan:	The Major Street Plan classifies North 92 nd Terrace and Garfield Avenue as Local Streets.
Required Parking:	Sec. 27-459(d) 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. 30 parking spaces are required. 33 parking spaces are provided. Sec. 27-668(a)(7) One (1) space for each staff member plus one (1) space for each four (4) beds. 30 parking spaces are required. 33 parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	One (1) person appeared at the November 13, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The representative, Katie Quigley, seeks a Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment

District to build three (3), 16-unit buildings in three (3) phases for senior housing (assisted living) on 6.71 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 to the east and civic spaces – Oak Ridge Baptist Church to the north, and undeveloped, heavily wooded land to the south.

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 east as this area is a small, established single-family subdivision. Higher intensity and density development should occur at major intersections along transit corridors, which is at the 90th Street and Parallel Parkway intersection.

Traditionally, multi-family and senior housing 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 landscaping and buffering that is required to be planted where abutting 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 with a privacy fence with masonry columns from the single-family residences to the east.

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

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

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

The proposed development is reasonably necessary for individuals that do not want to maintain a single-family residence or condominium, but want the ability to be in a comfortable, safe environment. Architecturally, the proposed use is to be constructed as a single story, therefore the three (3) buildings will not rise above the existing tree lines into the rear yards of the easternmost single-family homes as a traditional two (2) or three (3) story complex may.

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 48 potential units will increase traffic along North 92nd Street and Garfield Avenue from employees, guests and ambulatory care. While a Traffic Impact Study has been provided, it is currently being reviewed and analyzed by Planning Engineering and Public Works.

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

The proposed use does conform to the Mixed-Use Residential land use designation within the Prairie Delaware Piper Area Plan, which allows patio (zero lot line) homes, townhouses, condominiums, housing for seniors, and other multifamily uses.

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 adjacent parcels or onto Garfield Avenue.

The proposed use can enhance the environment or mitigate the intensity of use through enhanced landscaping throughout the development, internally and along the perimeter of the property and maintaining existing topography and vegetation along the south, west, and east 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 #226.

e. *Fire*

Fire service is provided by Fire Station #6 located off 98th Street and State Avenue.

f. *Transit*

Kansas City ATA provides transit service along North 92nd Terrace & Parallel Parkway, approximately 700 feet north, Route #116.

g. *Schools*

Public education is provided by Piper USD 203.

h. *Streets*

North 92nd Terrace and Garfield Avenue are designated as Local Streets. A Traffic Impact Study will determine if the proposed development can be supported by the existing street network.

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

The proposed use will have a small beneficial economic impact on the community. The development will also provide a housing option for a specific population in the community.

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

With some revisions and redesigning, the proposed use is capable of meeting applicable ordinance requirements.

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

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

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 9301 Parallel Parkway aka Oak Ridge Baptist Church on October 26, 2023 Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Open Space Preservation
Fire Access
Traffic
Pedestrian Connectivity
Landscaping, Screening and Buffering

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-027, subject to:

1. **Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;**
2. **If necessary, 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;**
3. **Redesign the detention basin to be more natural in shape and size rather than a parallelogram;**

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. Install a sidewalk on the south side of Garfield Avenue to North 92nd Terrace;
6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361);
7. Sec. 27-459(f) trees are required at not less than one (1) tree per 4,500 square feet of site area;
8. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;
9. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the development from the single-family homes abutting the property along the property line;
10. Landscaping and landscape beds, commons spaces and amenities shall be irrigated;
11. Parking lot islands shall be curbed and landscaped;
12. 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;
13. Lighting cannot exceed one (1) footcandle at the property line;
14. Interior parking lots lights shall have 90-degree cutoff fixtures;
15. 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;
16. All electrical meter banks, typically on the side of the building shall be screened from public view;
17. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
18. 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;

- 19. 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) on the front allowing for 10 feet on the front when gate doors open;**
- 20. 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;**
- 21. All existing and future driveways must feature curb cuts that are constructed to UG standards;**
- 22. 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;**
- 23. 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;**
- 24. 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,
25. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

STAFF COMMENTS AND SUGGESTIONS

Staff concurs with the recommendation of the City Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Board of Commissioners make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommends **APPROVAL** of Petition **COZ2023-027**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Designation Map
Multi-Family Residential Amenity Guidelines
KCKFD Comments
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Grading Plan
Landscape Plan
Sight Line Cross Section
Floor Plan
Building Elevations
Site Photographs taken by Staff on October 11, 2023.

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	November 13, 2023	November 30, 2023
Rezoning	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **COZ2023-027** 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 **COZ2023-027** 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 1:58:35:

CHANGE OF ZONE APPLICATION COZ2023-027 – TIMOTHY ELLIOTT WITH ATLAS LAND CONSULTANTS - SYNOPSIS: Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to develop a senior living facility at 9205 Garfield Avenue. Detailed Outline of Requested Action: The representative, Katie Quigley, seeks a Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District to build three (3), 16-unit buildings in three (3) phases for senior housing (assisted living) on 6.71 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 November 13, 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:

- Timothy Elliott, applicant, Atlas Land Consulting, 14500 Parallel Road, Unit R, Basehor, Kansas 66007

Present in Opposition:

- Lawrence Harvey, 1723 North 91st Street, Kansas City, Kansas

Staff Recommendation starts at 2:4:20: Planning Director Hand stated that the request is for a Change of Zone from R-1 Single Family District to RP-4 Planned Garden Apartment District for a senior living facility. There will be three (3) phases to the three (3) 16-unit buildings. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support and no opposition before this evening. There are no Notices of Violation. Staff has reviewed the site plan with the applicant and has made some revisions to the design. He further stated that there is sidewalk connectivity into the neighborhood and buffering and screening from the single-family homes and church. He stated that a traffic study was completed and received by the County Engineer, who determined no public improvements were required.

The Planning Commission directed questions to Director Hand.

Motion starts at 2:07:36:

On motion by Mrs. Armstrong, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-027:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. **Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time;**
2. **If necessary, 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;
3. Redesign the detention basin to be more natural in shape and size rather than a parallelogram;
 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. Install a sidewalk on the south side of Garfield Avenue to North 92nd Terrace;
 6. All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361);
 7. Sec. 27-459(f) trees are required at not less than one (1) tree per 4,500 square feet of site area;
 8. Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of a minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required;
 9. Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the development from the single-family homes abutting the property along the property line;
 10. Landscaping and landscape beds, commons spaces and amenities shall be irrigated;
 11. Parking lot islands shall be curbed and landscaped;
 12. 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;
 13. Lighting cannot exceed one (1) footcandle at the property line;
 14. Interior parking lots lights shall have 90-degree cutoff fixtures;
 15. 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;
 16. All electrical meter banks, typically on the side of the building shall be screened from public view;
 17. The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running;
 18. 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;

19. 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) on the front allowing for 10 feet on the front when gate doors open;

20. 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;

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

22. 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;

23. 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;

- 24. 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,**
- 25. 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.**

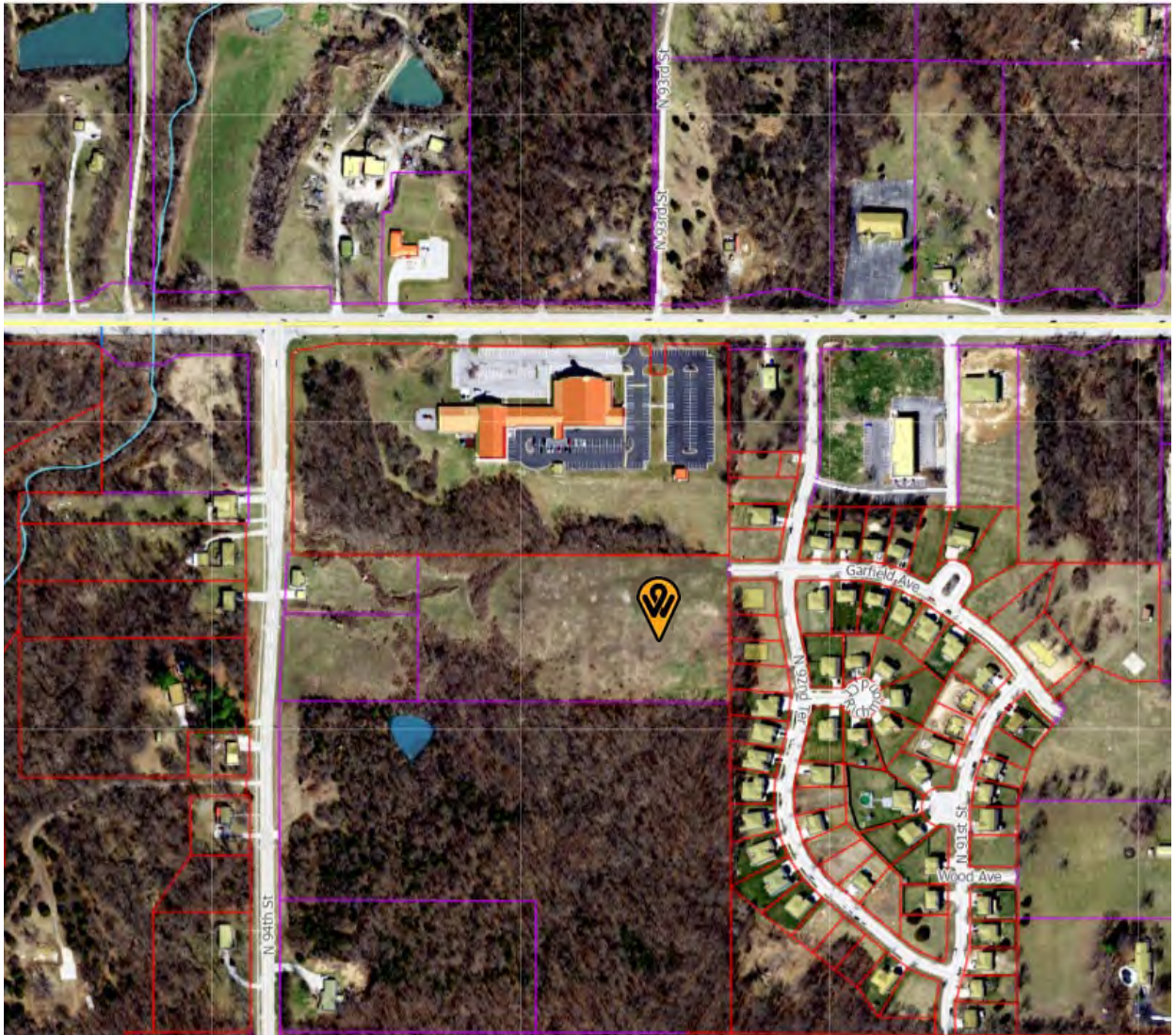


Figure 1. Aerial Photograph of 9205 Garfield Avenue (provided by UG Maps).

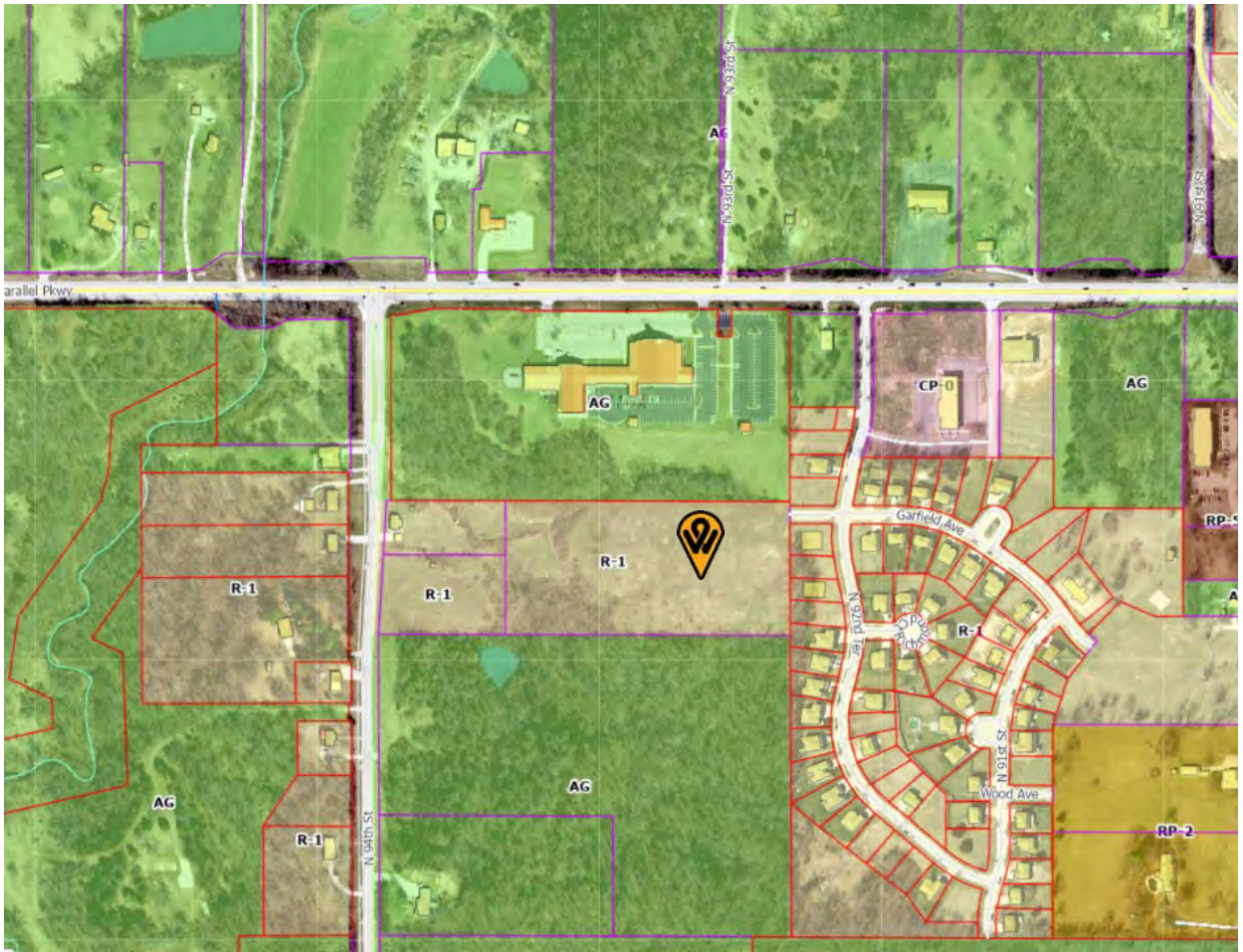


Figure 2. Zoning Map of 9205 Garfield Avenue (provided by UG Maps).

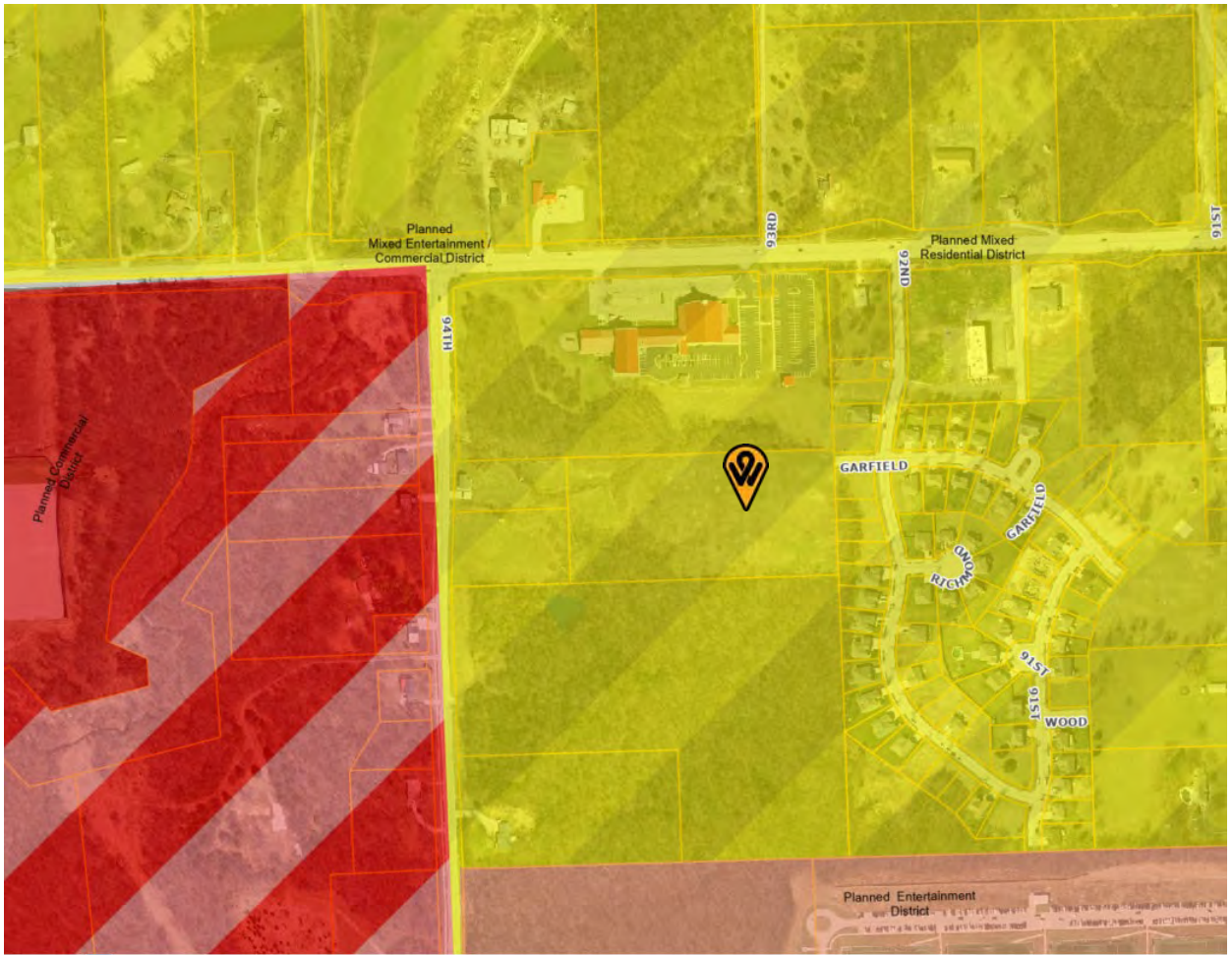


Figure 3. Prairie Delaware Piper Plan Land Use Designation Map of 9205 Garfield Avenue (provided by ArcGIS Pro).

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.	



KS ENG COA. #3315
KS SUR COA. #361
MO ENG COA. #2023014084
MO SUR COA. #2023014231

ALC

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

Comment Response Letter

To: Byran Toy, UG Department of Planning & Urban Design
Address: 701 N 7th Street
Kansas City, KS 66101
Phone: 913-573-5758
Email: btoy@wycokck.org
Date: October 30th, 2023
Project: Grace Acres Assisted Living

Planning Comments:

- 1) Because this is a planned district and multiple parcels are involved in this development, a Final Development Plan is required to be submitted prior to obtaining a building permit. Final architectural and civil drawings are required to be submitted at such time.

Acknowledged

- 2) If necessary, 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 are required every 8 feet of wall.

Acknowledged. No retaining walls planned at this time.

- 3) In coordination with Planning Engineering and Public Works Department, the extension of Garfield Avenue and the private drive leading the buildings needs to be redesigned. Based on the civil drawings, Garfield Avenue will not be able to be extended based on the proposed location of Building 1 and the dog park. As a result, Garfield Avenue should not be stubbed. A cul-de-sac can be created at the end of Garfield Avenue, with a private drive leading to the three (3) buildings and

14500 Parallel Rd. Unit R Basehor, KS 66007

parking lot encircled by the roundabout.

Entrance updated per discussion with Byron Toy. Public street extension removed. All roadwork is private.

- 4) Redesign the detention basin to be more natural in shape and size rather than a parallelogram.

Detention grading updated.

- 5) Sec. 27-459(d) 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 site plan cites the nursing home parking ratio. Is this is nursing home or senior, independent living? A variance may be required, which must be approved prior to the Change of Zone petition being heard by the City Planning Commission unless the requisite parking is provided for each phase.

The proposed use is assisted living, which is closer to a nursing home when it comes to the number of residents that will be able to drive. For this reason, we are going with the nursing home parking numbers.

- 6) 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.

Crosswalks painted; additional sidewalks added.

- 7) Install a sidewalk on the south side of Garfield Avenue to North 92nd Terrace.

Sidewalk added. The home on that corner is currently under construction. The sidewalk should be the responsibility of the homebuilders as the sidewalk along 92nd is.

- 8) All dwelling units within a new development must be provided with a basement or with a FEMA standard safe room constructed to standards for the protection of the occupants (FEMA Publication 320 or 361).

Acknowledged

- 9) What on-site amenities will be provided as part of this development? Three (3) amenities, two (2) regular and one (1) small are required.

One unit was removed from each building, so the total unit count is now 48 units. The Prairie Delaware Piper master plan indicates that if there are less than 50 units, one small amenity is provided. This is what is currently proposed with the dog park.

- 10) Install bike racks at high trafficked nodes (clubhouse and site amenities).

Bike racks added to each building.

14500 Parallel Rd. Unit R Basehor, KS 66007

- 11) Show the transit stop in front of the property on the site plan. A bus shelter and bench may be warranted. Further discussion with KCATA is necessary. Contact Deasiray Bush, Director of Transportation at (913) 573-8312 or dbush@wycokck.org.

We reached out to Deasiray and she indicated that the existing nearby bus stop location at 90th & Parallel will be sufficient for the proposed use. A bench will not be needed because the anticipated traffic added to the bus network from this development is very low.

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

Acknowledged

- 13) 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

- 14) 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

- 15) A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting.

Acknowledged

- 16) 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
14500 Parallel Rd. Unit R Basehor, KS 66007

becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

Acknowledged

Building Architecture Comments:

- 1) What are the proposed exterior building materials as they are not listed on the elevations?

Materials listed on arch plans. LP smart siding, LP shingle siding, 30 or asphalt architectural shingles, heavy timber columns at front porch.

- 2) Sec. 27-459(c)(4) Minimum floor area shall be 380 square feet of habitable floor area for each dwelling unit. What is the approximate size of the dwelling units?

Floor areas shown on arch plan.

- 3) 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.

Acknowledged.

Landscaping and Screening Comments:

- 1) Sec. 27-459(f) trees are required at not less than one (1) tree per 4,500 square feet of site area.

Trees provided. See landscape plan.

- 2) Sec. 27-700(b)(1) Buffer plantings, which shall include the equivalent of minimum of one (1) evergreen tree or one (1) shade tree and three (3) large shrubs for each 30 feet of adjacent project boundary, shall be provided for such development adjacent to single-family or two-family zoned property. Except in district R-M and C-0, such buffer plantings may be arranged on any portion of the property. Buffer plantings will be in addition to required trees. All multi-family residential projects shall include at least one (1) shade tree per 8 dwelling units and one (1) shrub per dwelling unit in addition to the tree requirement, but not in addition to the buffer plantings if required

Buffer plantings provided. See landscape plan.

- 3) Maintain the ridgelines, existing topography, and vegetation along the perimeter of the property, as these natural features will screen the development from the single-family homes abutting the property along the property line.

Acknowledged.

- 4) Provide a site line section between the multi-family apartments and the single-family homes.

14500 Parallel Rd. Unit R Basehor, KS 66007

Site line cross sections provided.

- 5) While depicted on the site plan, the trees on the single-family home parcels will be preserved, but that is not determined by the developer since it is off-site. In addition to a physical fence that is required abutting residentially zoned parcels, trees and shrubs shall be planted between the east property line and fence line

Acknowledged.

- 6) Landscaping and landscape beds, commons spaces and amenities shall be irrigated

Acknowledged.

- 7) Parking lot islands shall be curbed and landscaped

Acknowledged.

- 8) 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. See landscape plan.

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

Acknowledged.

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

Acknowledged.

- 11) 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. See landscape plan.

- 12) All electrical meter banks, typically on the side of the building shall be screened from public view

Acknowledged. See landscape plan.

- 13) The privacy fence abutting the single-family residences shall have masonry columns installed every 32 feet running

Masonry columns shown. See preliminary development plan.

14500 Parallel Rd. Unit R Basehor, KS 66007

-
- 14) All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six (6) feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times

Trash enclosure provided. See preliminary development plan.

- 15) 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) on the front allowing for 10 feet on the front when gate doors open.

Transformer screening provided.

Signage Comments:

- 1) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

Acknowledged.

14500 Parallel Rd. Unit R Basehor, KS 66007

Application Number: COZ2023-027

Date and Location: October 26th, Oak Ridge Baptist Church KCK.

Meeting called to order at: 6PM

Names of people in attendance:

- Timothy Elliott – ALC representative
- Paul & Janell Rhodes – 1801 N 94th St. (southern neighbors of property to be rezoned)
- Errol Cade – Operations Business manager at Oak Ridge Missionary Baptist Church (northern neighbor of the property to be rezoned)

Introductions:

An overview of the proposed development was given. Printouts of the site plan and building renderings were presented for the attendees to review.

Questions and answers (include the following):

Janell Rhodes asked a question about ambulance traffic. I gave her the estimated ambulance traffic volume anticipated by the owner per her discussions with other owners of assisted living facilities: 2 trips per quarter. The owner is going to request that any ambulances arriving to the facility have their lights and sirens off as to not disturb the neighborhood. Janell was satisfied with the answer and had no further concerns.

Paul Rhodes asked a question about rainwater flows coming off of our site into his pond. I explained that we have to meet the stormwater runoff requirements of the UG and that most of our runoff will be directed to the detention facility on our site, which will not affect his pond which is uphill from the site. Paul was satisfied with the answer and had no further concerns.

Errol Cade and one of the church deacons mentioned the project to the pastor and he did not have any concerns. After explaining the proposal to the deacon he did not have any concerns either.

Meeting adjourned at: 6:35 PM

Minutes taken by: Timothy Elliott

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

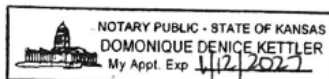
1. That I am the petitioner for Petition # COZ2023-027
2. That I conducted a neighborhood meeting on October 26, 2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

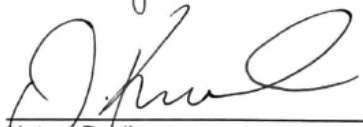
Further affiant saith not.

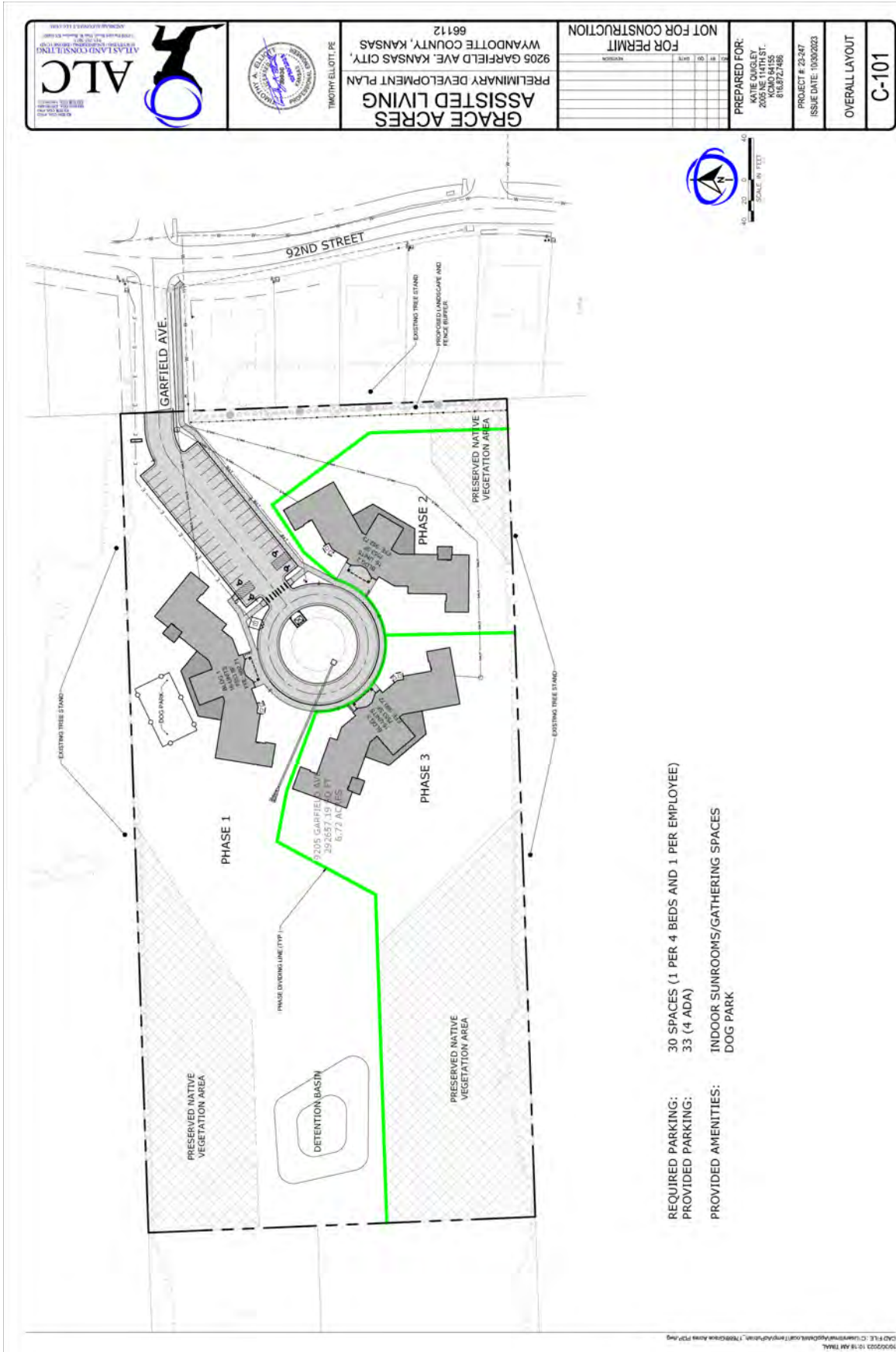

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of October, 2023.

My commission expires 12th of January, 2027.




Notary Public





		THOMAS E. LOTT, P.E. 9601-12 WYANDOTTE COUNTY, KANSAS 9205 GARFIELD AVE. KANSAS CITY, PRELIMINARY DEVELOPMENT PLAN GRACE ACRES ASSISTED LIVING	FOR PERMIT PREPARED FOR: KATE GUGLEY 2005 NE 14TH ST. OKLAHOMA CITY, OK 73107-2166 PROJECT # 22-017 ISSUE DATE 06/26/2023	SIGHT LINE CROSS SECTION
---	---	--	--	-----------------------------





Project Name: New Facility at Lake Center
 Project Number: 2023-027
 Project Location: 10000 N. 100th St., Suite 100, Eden Prairie, MN 55325
 Project Owner: Lake Center
 Project Architect: V.L. Lee Architects, Inc.
 Project Engineer: V.L. Lee Architects, Inc.
 Project Date: 11/2023

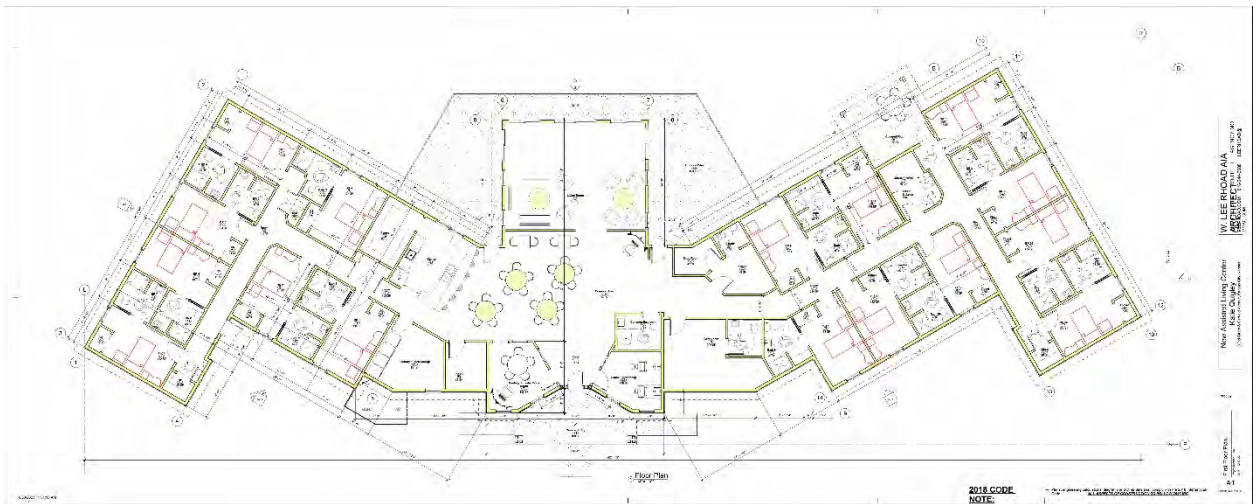




Figure 4. Site photograph of 9205 Garfield Avenue looking west from Garfield Avenue (provided by Planning Staff).



Figure 5. Site photograph of 9205 Garfield Avenue looking southwest from Garfield Avenue (provided by Planning Staff).



Figure 6. Site photograph of 9205 Garfield Avenue looking southeast from Garfield Avenue (provided by Planning Staff).



Figure 7. Site photograph of 9205 Garfield Avenue looking northwest from Garfield 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: November 30, 2023

Re: **Change of Zone Petition COZ2023-028 and SP2023-099**

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Actions:

Change of Zone from A-G Agriculture District
to CP-2 Planned General Business District.

Special Use Permit for off-site grading.

Date of Application:

September 29, 2023

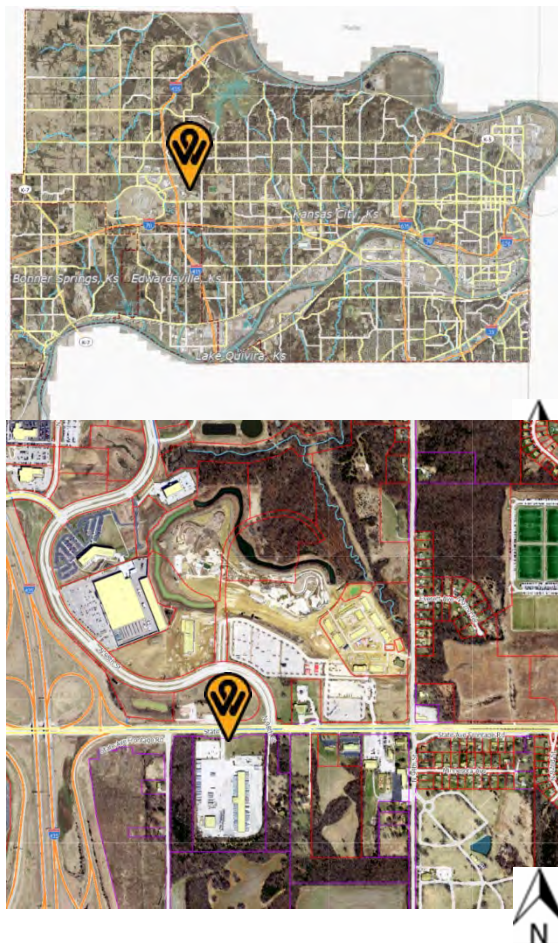
Purpose:

To rezone and create one (1) commercial lot
to build a 53,267 square foot immersive art
museum and a Special Use Permit for off-site
grading.

Property Location:

9700 State Avenue
Kansas City, KS 66111

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



Existing Zoning:	A-G Agriculture District		
Adjacent Zoning:	North:	A-G Agriculture District	
	South:	A-G Agriculture and MP-2 Planned General Industrial District	
	East:	A-G Agriculture District	
	West:	A-G Agriculture District	
Adjacent Uses:	North:	Camping World	
	South:	Trucking company	
	East:	Vacant parking and KCKFD Station #6	
	West:	Detention basin	
Total Tract Size:	4.62 Acres		
Master Plan Area:	Prairie Delaware Piper Area Plan		
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Entertainment / Commercial District, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.		
Major Street Plan:	The Major Street Plan classifies State Avenue as a Class A Thoroughfare and North 98 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 27-466(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building, however, there are specific parking ratios for places of assembly, auditoriums, and theatres.		
	Sec. 27-668(a)(11) One (1) space for each four (4) seats. 100 spaces are required.		
	Theater space is 200 seats, and the non-theater space is 47,000 square feet.		
	50 parking spaces are required for the theater and 188 parking spaces are required for the non-theater space. 238 parking spaces are required. Applicant is providing 240 parking spaces.		
Advertisement:	The Wyandotte Echo – Change of Zone – October 19, 2023; Special Use Permit – October 19, 2023		

Letters to Property Owners – Change of Zone – October 20, 2023; Plat – October 20, 2023; Special Use Permit – October 20, 2023

Public Hearings: November 13, 2023 and November 30, 2023

Public Support: None to date.

Public Opposition: One (1) person appeared at the November 13, 2023 meeting

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9700 State Avenue from A-G Agriculture District to CP-2 Planned General Business and create one (1) commercial lot to build a 53,267 square foot interactive art museum on 4.62 acres and a Special Use Permit for off-site grading to the west when this parcel is subdivided.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group Boundary. The subject property is, however, considered within the Legends/Kansas Speedway area. This site is formerly the KDOT road maintenance garage. The neighborhood is defined by large commercial buildings, business campuses, sports and entertainment facilities and multi-family apartments with close proximity to two (2) interstates (I-70 and I-435) and two (2) major roadways (State Avenue and Parallel Parkway).

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

As presently zoned, the subject property is incompatible with the uses and proposed uses of neighboring parcels. By rezoning to CP-2 Planned General Business District and by operating out of the large building on a large lot, the subject property will be compatible with the retail businesses to the north and the commercial office buildings to the northwest. Proper screening, accomplished through both landscaping and berming, will continue to ensure the continued compatibility between the uses on the neighboring parcels, in particular parking lots adjacent to State Avenue and North 98th Street.

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 4.62 acres and will site a building that is approximately 53,267 square feet resort hotel. The building is sited in the rear of the property, adjacent to the curve along North 98th Street. Removal of the restrictions will not detrimentally affect nearby property, but will continue the trend of not complying with the Commercial Design Guidelines by placing the parking in the rear or on the side of the building and orienting the building towards the street, in this case, 98th & State Avenue intersection.

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

The property has been vacant as zoned without a building on site since 2020.

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 does not fulfill any basic necessities or services to the community, and therefore is not reasonably necessary for the convenience and welfare of the public. The extent of the development proposed on site will greatly increase the amount of impervious surfaces, traffic, and visuals, given its setback along North 98th Street and State Avenue. If all site design requirements – including Commercial District zoning requirements and Commercial Design Guidelines requirements are met, then the proposed use may not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

There will be additional traffic due to the on-site redevelopment. The entry-exit access point to the property from the public right-of-way may be redesigned after

being reviewed by Planning Engineering and Public Works in a manner that reduces potential traffic issues such as backups and crashes, as well as minimize pedestrian conflicts due to the fact that 98th & State Avenue is the only controlled intersection.

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

The proposed use conforms to the Prairie Delaware Piper Area Plan's Planned Commercial / Entertainment designation, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

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

Redevelopment of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times and stormwater runoff. Best practices must be employed for stormwater runoff retention and more trees need to be planted around the detention basins and within the parking lot islands.

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 West Patrol, District #226.

e. *Fire*

Fire service is provided by Fire Station #6.

f. *Transit*

Kansas City ATA does provide transit service along State Avenue, Route #101. The nearest transit stop is in front of this property.

g. Schools

Public education service 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 economic impact of a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. The interactive art museum will include full- and part-time jobs, so there will be a positive impact.

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

With revisions to site design, landscaping, and berming, the proposed use is capable of meeting applicable ordinance requirements.

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

If properly constructed and managed, the proposed use will not pollute the land or water because trash/litter will be picked up and disposed of appropriately, and the regional detention basin requires annual maintenance.

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

The property is currently vacant and pervious. The proposed development will reduce the natural vegetation and terrain, even though the former KDOT maintenance garage and county building accelerated these issues. Proper mitigation measures and best practices must be employed to ensure development does not unduly disrupt the local environment and surrounding properties. These measures include, but are not limited to, stormwater runoff retention, native tree and vegetation landscaping, screening, and shading.

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

The proposed use should not result in overcrowding of land or cause undue concentrations of population because there is ample space for maneuvering through the site, however, if there is a large event overflow parking may occur on the former Schlitterbahn parking lot to the northeast, across to North 98th Street.

Staff must have an updated master plan of the entire Homefield redevelopment to address potential parking and infrastructure issues.

Sidewalk needs to be installed around the super block. There is a previous agreement/condition in Camping World and Margaritaville that deferred said public improvements to those projects. Seeing as this development is across the street from both of those uses, Staff wants to ensure the public improvements are fulfilled.

15. 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.

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided documentation regarding grading, erosion control, and stormwater runoff management.

16. 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.

There will be additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes. Additionally, the entry/exit access points, parking lots, and drive aisles must be designed in a manner that takes into account pedestrian traffic. Vehicle-pedestrian conflict points should be strictly minimized.

17. 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, lots, blocks, parcels, and streets will be arranged so as to afford adequate light, open space, or air to facilitate protection, and to provide for long-term sustained real estate values provided proper berming, fencing and screening is constructed and continuously maintained.

Staff requests a revised master plan for the entire Homefield redevelopment to help with site design, infrastructure, sidewalk and trail connectivity per the goDotte Mobility Plan.

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

Development patterns have been designed with minimal regard to topography in the center of the development site, whereas most of grades around the perimeter of the site should be retained.

19. 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 is an interactive art museum, and there will not be public amenities for residents. The project will provide public accommodation to their facility and sidewalks around the perimeter of the site, specifically North 98th Street and State Avenue. A transit shelter may be warranted at the 98th Street & State Avenue intersection. Further discussion with Deasiray Bush, UG Transit, (913) 573-8312 or dbush@wycokck.org is needed.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on October 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Orientation
Overall Development Master Plan
Building Materials
Internal/External Pedestrian Connectivity
Access to Trails
Parking
Commercial Design Guidelines
Site Topography
Stormwater Management
goDotte Mobility Strategies
Transit Shelter

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-028 and Special Use Permit Application SP2023-099 (**for 1 year**), subject to:

1. **The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:**
 - a. **Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block;**
 - b. **Sec. 27-575(f)(3) Buildings should be oriented primarily to the street;**

- c. **Sec. 27-576(c)(2)** In order to break up the monotonous appearance of the long façade, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Division or breaks in materials;
 - ii. Building offsets (projects, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or,
 - v. Variation in roofline.
 - d. **Sec. 27-596(e)(2)** Metal paneling may only account for 15% of the exterior building materials per façade. Incorporate various exterior building materials that comply with Sec. 27-576(e)(2);
- 2. The median along State Avenue allowing full access to the southern entrance/exit will be moved as part of the Interstate 435 interchange improvement;
- 3. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
- 4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;
- 5. Utility easements shall connect with easements established in adjoining properties;
- 6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
- 7. Trim the 8 – 9-foot sidewalk adjacent to the grass median and ADA accessible space southwest of the building as it appears to serve minimal function for pedestrians in the parking lot;
- 8. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building;
- 9. Install sidewalk in the southern and eastern medians to facilitate pedestrians through the parking lot;
- 10. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
- 11. **Sec. 27-466(g)** requires that trees are required at not less than one (1) per 7,000 square feet of site area. **Sec. 57-577(a)(5)** states that landscaping shall exceed the typical code requirements by at least 75 percent.

The subject property is 4.62 acres, requiring 50 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands;

12. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
15. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
16. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
17. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
18. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
19. All landscaping shall be irrigated;
20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
21. 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;

22. Hours of operation for grading shall be Monday through Friday, 8:00 AM – 5:00 PM;
23. Adhere to the erosion control plan and SWPPP to mitigate dust and reduce mud/dirt on the public right-of-way;
24. Following the conclusion of the site grading, the site shall be brought to the finished grade and seeded until groundcover is established;
25. Future development will require its own entitlement, which may include, but is not limited to Variances, Change of Zone, Preliminary and Final Development Plan, Preliminary and Final Plat;
26. Obtain a hauling permit from the Public Works Department;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. 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;
29. 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
30. 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;
31. 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;

32. 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;
33. 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;
34. Subject to approval, a \$250.00 ordinance publication fee for the Change of Zone and Special Use Permit 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,
35. 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 **COZ2023-028** and **SP2023-099**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan as drawn by Planning Staff
Site Plan
Grading Plan
Landscape Plan
Photometric Plan
Building Elevations
Homefield Sidewalk Plan
Homefield Development Master Plan
Site Photographs taken by Staff on October 11, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	November 13, 2023	November 30, 2023
Rezoning	Approval	
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	
Public Hearing	November 13, 2023	TBD
Preliminary Plat	Approved	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition COZ2023-028 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 COZ2023-028 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 **APPROVE** Petition **SP2023-099** 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 **SP2023-099** 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 2:08:37:

CHANGE OF ZONE APPLICATION COZ2023-28 – CURTIS PETERSON WITH POLSINELLI – SYNOPSIS: Change of Zone from A-G Agriculture District to CP-2 Planned General Business District to construct the Atlas 9 interactive art gallery at 9700 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2023-099 – CURTIS PETERSON WITH POLSINELLI – SYNOPSIS: Special Use Permit for grading, fill/removal of earthen fill at 9700 State Avenue.

PLAT APPLICATION PLAT2023-031 – CURTIS PETERSON WITH POLSINELLI – SYNOPSIS: Preliminary Plat to create one (1) commercial lot and vacate a portion of the 98th Street right-of-way at 9700 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9700 State Avenue from A-G Agriculture District to CP-2 Planned General Business and create one (1) commercial lot to build a 53,267 square

foot interactive art museum on 4.62 acres and a Special Use Permit for off-site grading to the west when this parcel is subdivided.

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 November 13, 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:

- Richard Napper, Homefield HFS KCK LLC and Atlas9 development team
- Matt Masilionis, Perspective Architects
- Ashley Meeks

Present in Opposition:

- Bethany Snyder, 9325 Georgia Avenue, Kansas City, Kansas

The representatives addressed the comments of the public.

Staff Recommendation starts at 2:22:38: Planning Director Hand stated that there are three (3) cases before the Commission this evening: a Change of Zone, Special Use Permit for grading and a Plat to divide the existing parcel in half. The project is the Atlas9 museum proposed in the Homefield Master Plan district within the Prairie-Delaware-Piper Area Plan. Before this evening Staff received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval of the applications subject to the conditions in the staff report. Director Hand showed the Commission on the map where the grading will be done and where the lot will be split. Staff worked with the applicant to better address the Commercial Design Guidelines. Staff requested that the "black box" be moved closer to State Avenue and that was not done. There is also some metal paneling not too dissimilar from other deviations that the Commission has approved for Homefield in the past. The deviations they are requesting are part of the conditions in the staff report if the Commission wishes to accept those deviations, as a part of the approval for all three (3) applications. Director Hand stated that a final development plan will be required so some of those requirements can be addressed at that time as well.

The Planning Commission asked Director Hand to explain the four (4) deviations being requested.

Motion starts at 2:27:25:

On motion by Mr. Straws, seconded by Mrs. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-028:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:
 - a. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block;
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 - d. Sec. 27-596(e)(2) Metal paneling may only account for 15% of the exterior building materials per façade. Incorporate various exterior building materials that comply with Sec. 27-576(e)(2);
2. The median along State Avenue allowing full access to the southern entrance/exit will be moved as part of the Interstate 435 interchange improvement;
3. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements

- on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;
5. Utility easements shall connect with easements established in adjoining properties;
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 7. Trim the 8 – 9-foot sidewalk adjacent to the grass median and ADA accessible space southwest of the building as it appears to serve minimal function for pedestrians in the parking lot;
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 9. Install sidewalk in the southern and eastern medians to facilitate pedestrians through the parking lot;
 10. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
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The subject property is 4.62 acres, requiring 50 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands;

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- combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
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 23. Adhere to the erosion control plan and SWPPP to mitigate dust and reduce mud/dirt on the public right-of-way;
 24. Following the conclusion of the site grading, the site shall be brought the finished grade and seeded until groundcover is established;
 25. Future development will require its own entitlement, which may include, but is not limited to Variances, Change of Zone, Preliminary and Final Development Plan, Preliminary and Final Plat;
 26. Obtain a hauling permit from the Public Works Department;
 27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 28. 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;
 29. 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
30. 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;
 31. 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;
 32. 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;
 33. 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;
 34. Subject to approval, a \$250.00 ordinance publication fee for the Change of Zone and Special Use Permit 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,

35. 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 Mr. Straws, seconded by Mrs. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2023-099 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to the above conditions.

On motion by Mr. Straws, seconded by Mrs. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2023-031:**

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

Motion to **APPROVE** Passed: 8 to 0

Subject to the above conditions.



Figure 1. Aerial Map of 9700 State Avenue (provided by UG Maps).

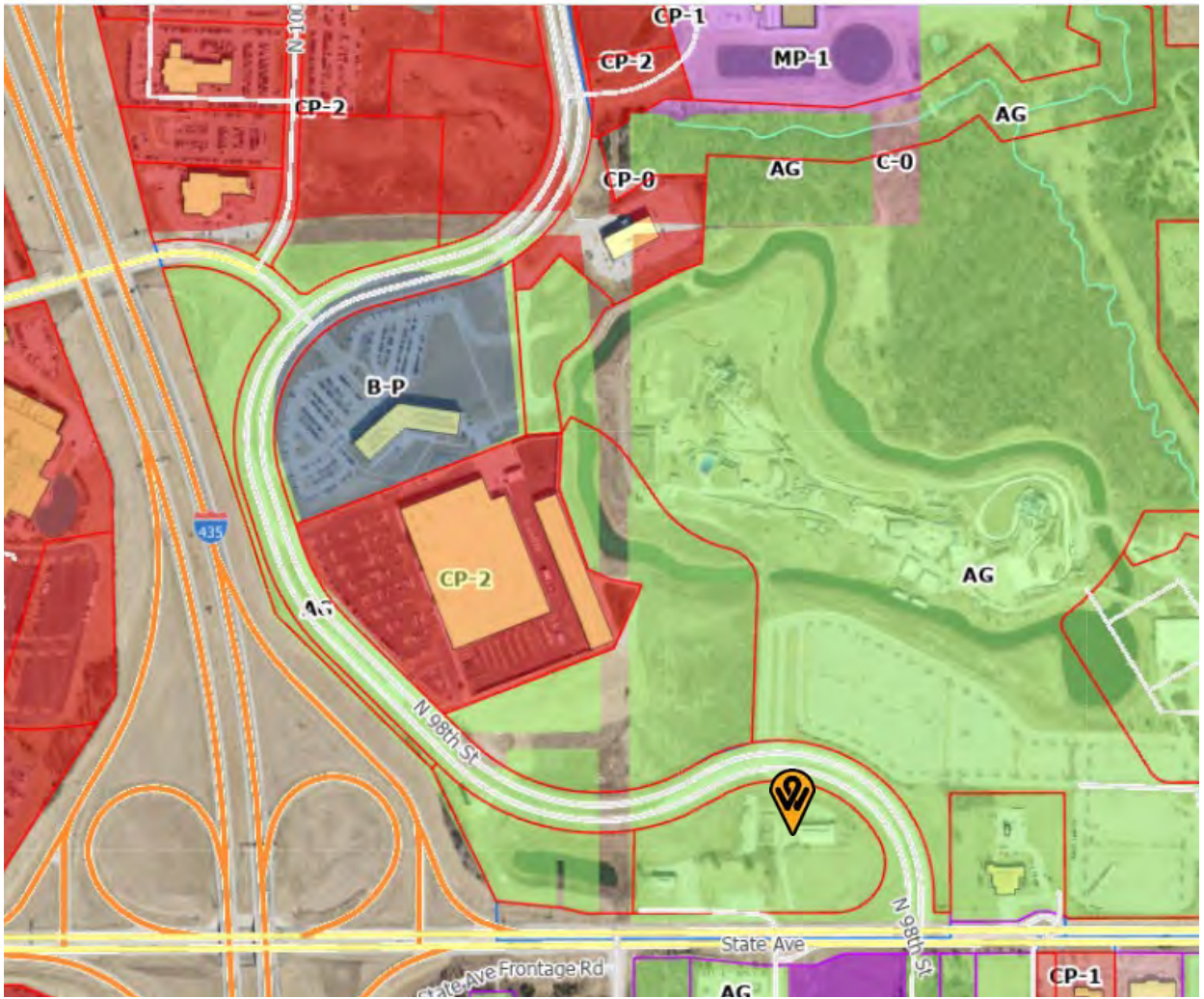
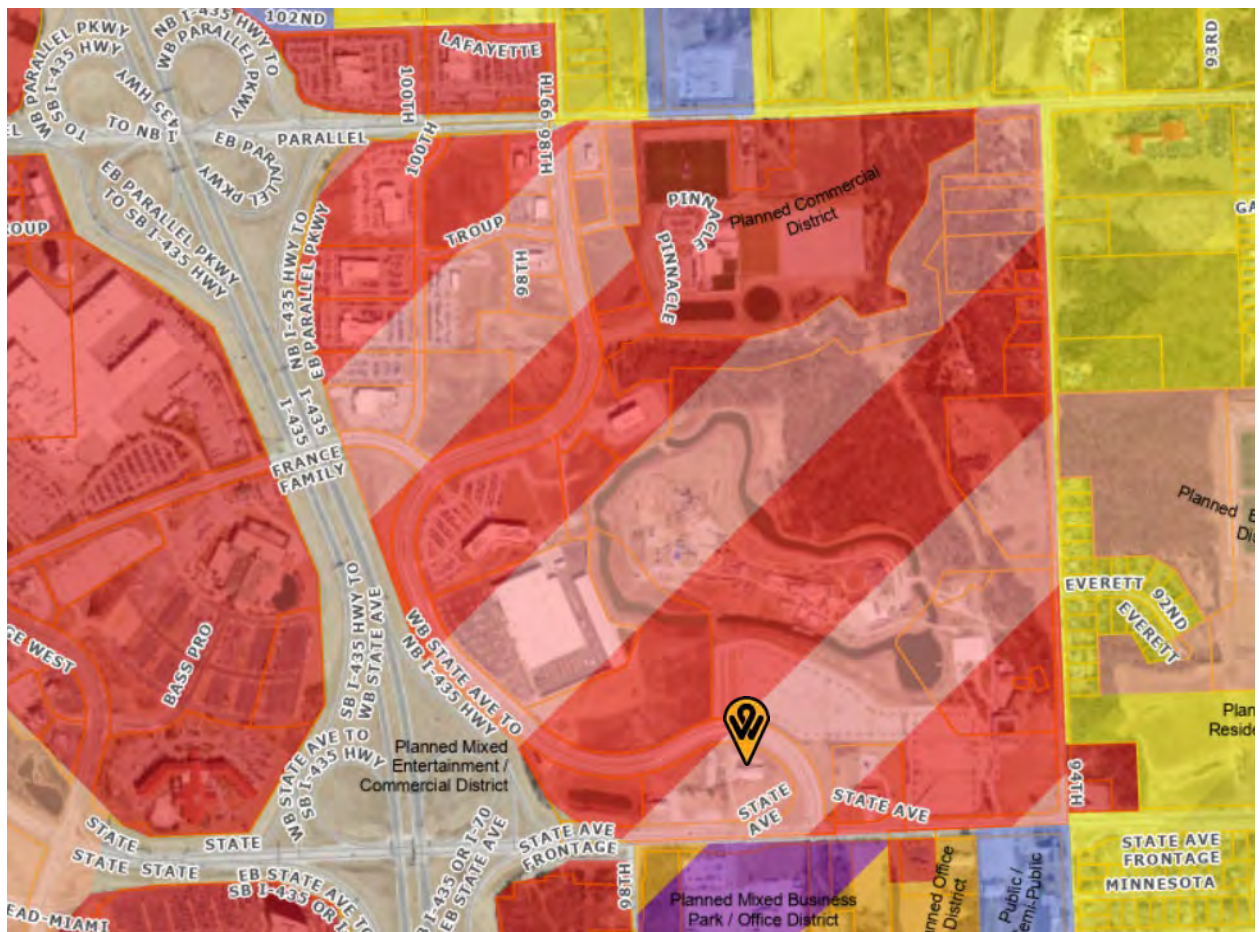


Figure 2. Zoning Map of 9700 State Avenue (provided by UG Maps).



STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. Sec. 27-576(j) If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements to accommodate the necessary public infrastructure to adequately screen the site.

Response: The proposed immersive art museum is a single-phase project.

Further conversation and collaboration with Planning Engineering and the Public Works Department is required to determine if further improvements need to be made at North 97th Terrace and North 98th Street & State Avenue intersections. All other public improvements from previous Homefield redevelopment approvals are now in play with this project effectively triggering them following:

- a. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project. **Response:** Acknowledged.
 - b. As part of approval for the Final Development Plan of Margaritaville, there are existing sidewalk gaps on State Avenue and 98th Street that were agreed upon previously to close during the entitlement. **Response:** See attached sidewalk plan. The only gap along State Avenue is to be constructed by the UG as part of the signalization project – see comment (a) above. The only gaps along 98th Street are adjacent to Commercial Lot 8 and Commercial Lot 2 and an 8-foot sidewalk will be installed adjacent to those properties at the time they are developed.
2. The median along State Avenue allowing full access to the southern entrance/exit will be moved as part of the Interstate 435 interchange improvement. **Acknowledged.**
 3. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. **Acknowledged.**
 4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside.
 5. Utility easements shall connect with easements established in adjoining properties. **Acknowledged.**
 6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if

- applicable) shall be provided by underground wiring for all new wiring provided.
7. Trim the 8 – 9-foot sidewalk adjacent to the grass median and ADA accessible space southwest of the building as it appears to serve minimal function for pedestrians in the parking lot. **See updated site plan for revised sidewalk.**
 8. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building. **See updated site plan for revised sidewalk and crosswalks.**
 9. Install sidewalk in the southern and eastern medians to facilitate pedestrians through the parking lot. **See updated site plan for revised sidewalk.**
 10. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated. **Acknowledged, utility easements will be granted on the plat or by separate document for public utilities as well.**
 11. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting. **Acknowledged.**
 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. **Response: This comment belongs under the off-site grading section of this staff report**
 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. **Response: This comment belongs under the off-site grading section of this staff report.**
 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. **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. **Response: This comment should be replaced with the following: Per Section 27-211(j), all conditions of approval herein must be constructed, implemented, or otherwise completed within 18 months of approval unless otherwise determine by the Director of Planning or designee.**

Building Architecture:

1. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block.

Sec. 27-575(f)(3) Buildings should be oriented primarily to the street.

As this building will be a focal point along State Avenue, which is one of the major commercial corridors in the city, Atlas 9 must be oriented closer to State Avenue or 98th Street, shifting the parking lot to the west of the site in accordance with the Commercial Design Guidelines because this is a commercial building.

This is a prominent corner at a major intersection and transit corridor. The building should be orientated east towards 98th Street and/or south towards State Avenue. The parking lot should not be the focal point at this intersection, which is the case, especially since the front of the building faces south towards State Avenue.

Response: The proposed design maximizes the building visibility to the site while creating maximum user impact (as it relates to the design narrative). The development team would like to discuss this further with planning staff. The applicant is seeking a deviation to the commercial design guidelines.

2. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building. **Response: The applicant believes this has been accomplished with the current, proposed design.**

3. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - a. Divisions or breaks in materials;

-
- b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or,
 - e. Variation in rooflines.

Response: The proposed design of the building (as a "containment" building concept) is critical to the user experience, which begins upon approaching the building site. The development team would like to discuss this further with planning staff. The applicant is seeking a deviation to the commercial design guidelines.

4. Per Sec. 27-596(e)(2) Metal paneling may only account for 15% of the exterior building materials per façade. Incorporate various exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

Response: The 'Integrally Colored Metal Panels with Textured Finish' utilized for the building facades as the primary material is correct and proper based on the design narrative for this project. The development team would like to discuss further with planning staff. The applicant is seeking a deviation to the commercial design guidelines.

5. Downspouts shall be internalized. *Response: Downspouts will be enclosed/wrapped in a painted metal shrouds that will provide the visual appearance of structural breaks to the façade, which supports the design narrative of the facility "containment" building.*

6. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building. *Response: Loading dock doors, service entries will be painted to blend with the adjacent façade color of the building.*

Landscaping and Screening:

1. Sec. 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. Sec. 27-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. *Acknowledged.*
The subject property is 4.62 acres, requiring 50 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands. *Acknowledged, at least 50 site trees have been provided, see L100.*
2. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage. *Acknowledged, street trees with spacing and documentation provided on sheet L100.*
3. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them. *Acknowledged, street trees with spacing and*

documentation provided on sheet L100.

4. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. **Acknowledged, see shrub layout on sheet L100.**
5. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. **Acknowledged, berm is located along State Ave and shrubs located along 98th Street adjacent to parking.**
6. How will lighting be mitigated? **Response: See Sheet SL100, Site Lighting Photometric Plan. Lighting will comply with UG standards and does not need to be mitigated.**
7. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. **Acknowledged.**
8. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers). **Acknowledged.**
9. All landscaping shall be irrigated. **Acknowledged.**
10. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines. **Acknowledged.**

Signage:

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.

Grading:

1. What are the proposed hours of operation for grading on-site? **M-F, 8a-5p**
2. How long do you anticipate the grading project will take? **3 months.**
3. How many truck trips per day will the site generate? **No offsite haul in or haul off, so no trucks loaded with dirt should be entering or exiting the site.**
4. What dust mitigation measures are being used on site to prevent dirt and mud from tracking onto Nort 98th Street and State Avenue? **See attached erosion control plans. A full SWPPP will be submitted with FDP as well.**
5. Following the conclusion of the site grading, the site shall be brought the finished grade and seeded until groundcover is established. **Acknowledged.**
6. Future development will require its own entitlement, which may include, but is not

- limited to Variances, Change of Zone, Preliminary and Final Development Plan, Preliminary and Final Plat. **Acknowledged.**
7. Obtain a hauling permit from the Public Works Department. **Acknowledged.**
 8. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledged.**
 9. 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.**
 10. 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620. **Acknowledged.**
 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. **Acknowledged.**
 12. The Special Use Permit shall be valid for [REDACTED] 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. **Acknowledged, special use permit for grading will only be requested for 1 year.**
 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. **Acknowledged**
 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. **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) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

October 18, 2023

UNIFIED GOVERNMENT WY CO/KCK
701 N 7TH ST, STE 421
KANSAS CITY, KS 66101

**SUBJECT: Neighborhood Meeting
 Atlas9 (Immersive Museum)**

We have filed an application with the Department of Urban Planning and Land Use #COZ2023-028. The purpose of this:

- change of zone
- preliminary plan review

is for the Atlas9 Project located at the following address: 9700 State Avenue, Kansas City, Kansas 66111.

We are having a neighborhood meeting on **Monday, October 30, 2023 at 5:30 p.m.** via Zoom Video Conferencing:

Join Zoom Meeting @:

<https://us06web.zoom.us/j/85982525828?pwd=IRmTOwFngIczuoS3GUUWtaUmifEpUa.1>

To attend via telephone, dial:
1-312-626-6799
Meeting ID: 859 8252 5828
Passcode: 154314

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you would like me to email you the Zoom Link invitation to this meeting, please email me at CDoyle@HomefieldKC.com.

I look forward to seeing you at the neighborhood meeting.

Sincerely,

Chris Doyle
Director of Design and Construction
816-985-7770, CDoyle@HomefieldKC.com



10/30/23

Atlas9

9700 State Ave, Kansas City, KS 66111

NEIGHBORHOOD MEETING MINUTES:

Application Number COZ2023-028, PLAT2023-031, SP2023-099

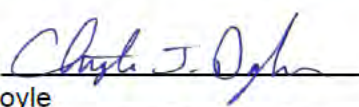
Date and Location: 10/30/23, Meeting held on Zoom Video Conference

Names of people in attendance:

1. Gabrielle Klockau – Atlas9 JV KCK, LLC
2. Richard Napper – Homefield (Atlas9 JV KCK, LLC)
3. Chris Doyle – Homefield (Atlas9 JV KCK, LLC)
4. Brian Lavery – Continental Engineering Consultants
5. Matt Masilionis – Perspective Architects
6. Tyler Moreland – Perspective Architects
7. No other attendees

The attendees above representing the applicant all gathered on the Zoom call at 5:25 PM. The Meeting was called to order at: 5:30 PM, however no other attendees joined the meeting. We stayed on the Zoom call the full 30 minutes, then officially ended the Neighborhood meeting at 6:00 PM.

Minutes taken by: Chris Doyle at Homefield

Signed 
Chris Doyle
Director of Design & Construction

HOMEFIELD

2115 E. Kansas City Road, Olathe, Kansas 66061

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #COZ2023-028, PLAT2023-031, SP2023-099.
2. That I conducted a neighborhood meeting on 10/30/23 at 5:30-6:00 PM.
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.

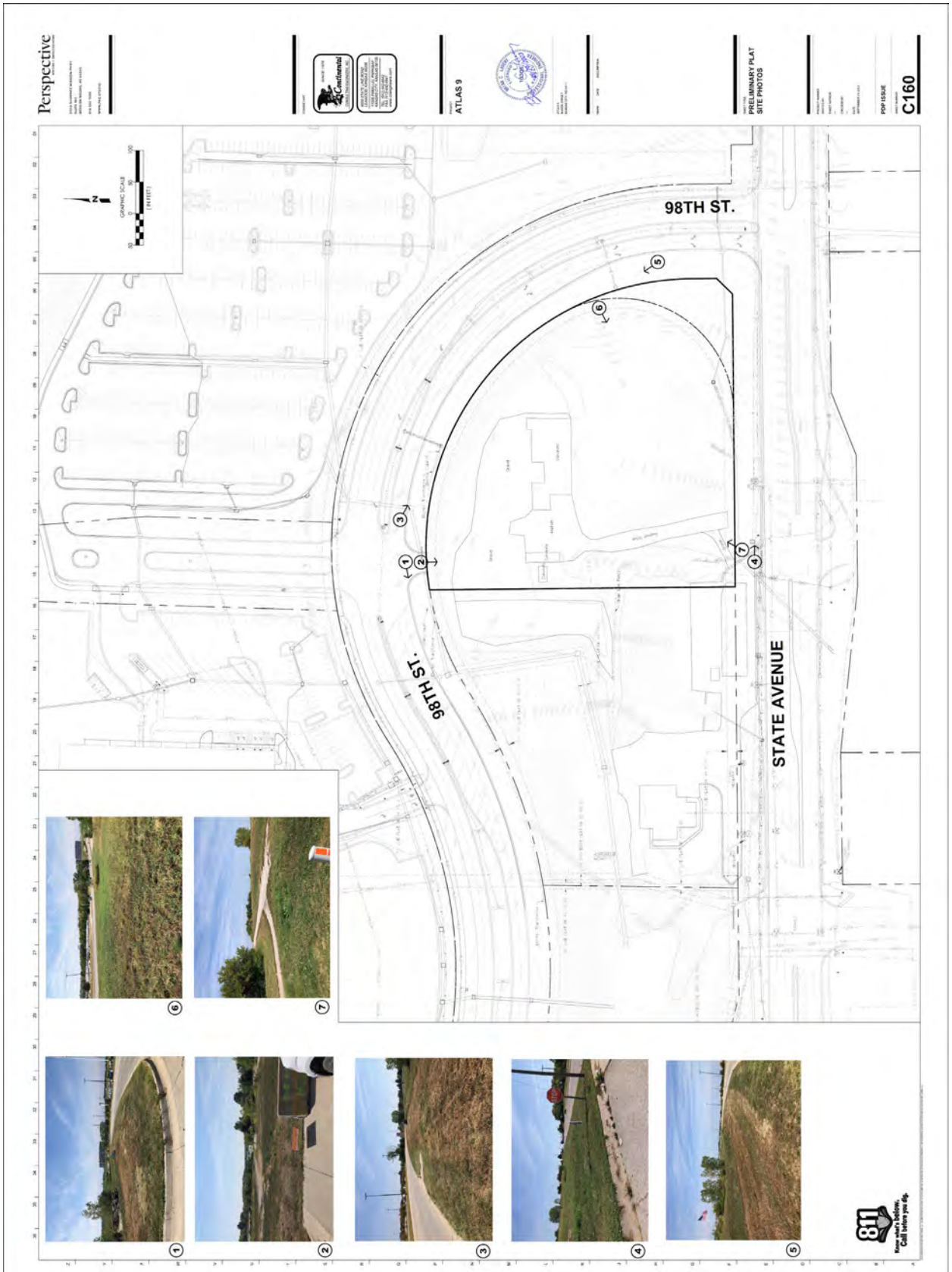
Chris J. Doyle
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of October, 2023

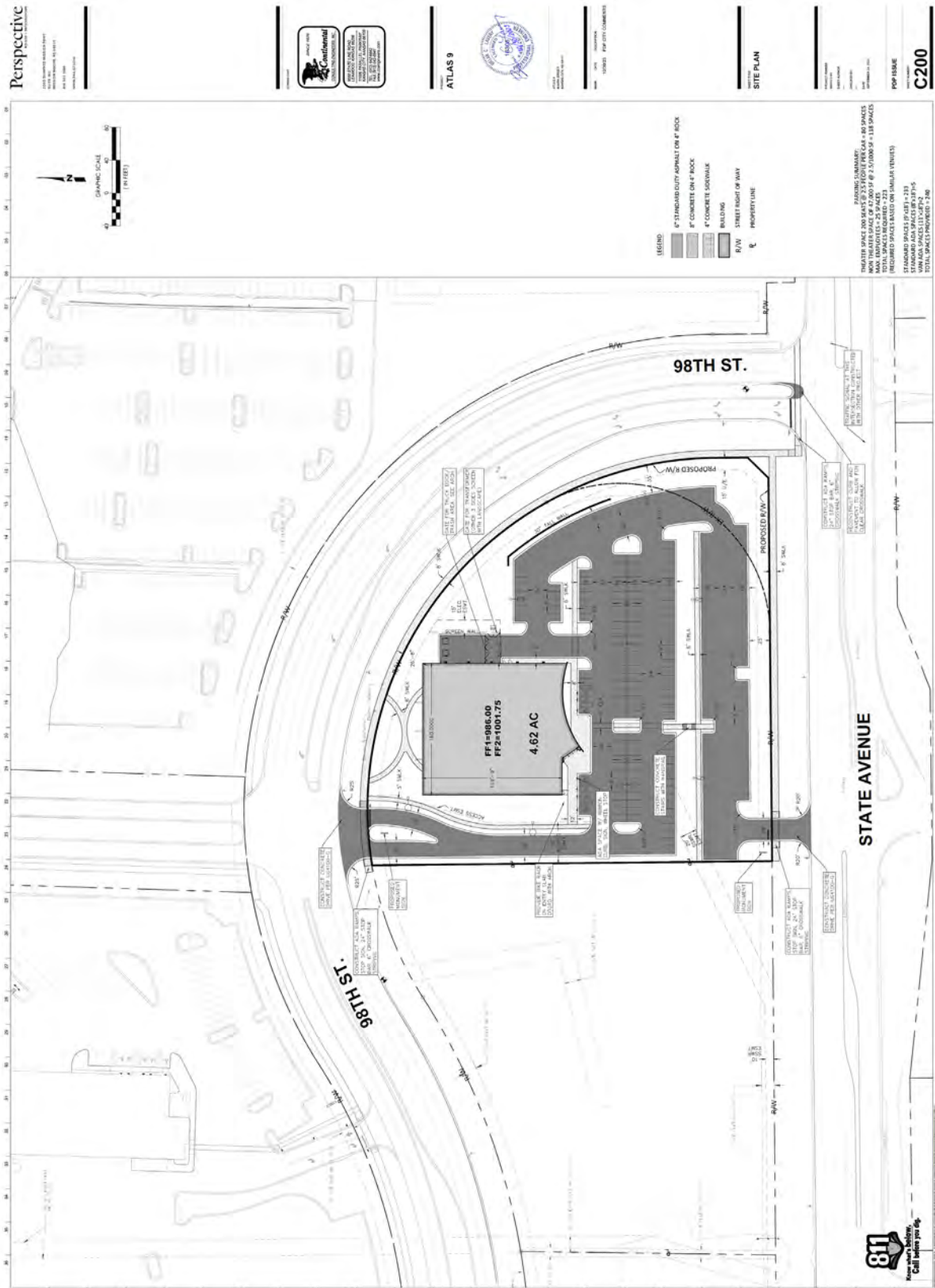
My commission expires 25th of April, 2027



Susan K. Gibbs
Notary Public













EXTERIOR ELEVATION - EAST J01

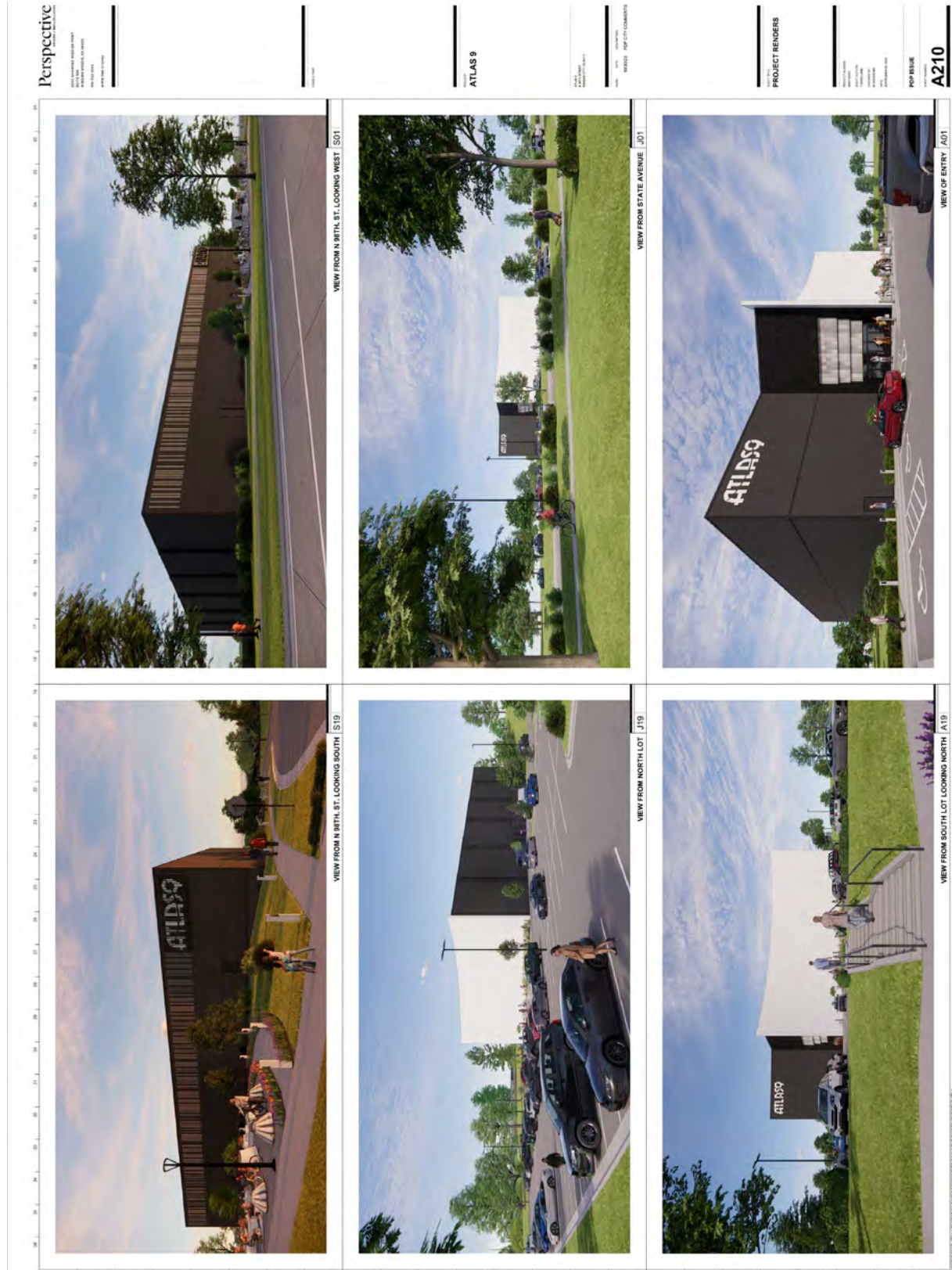


Author's address: Department of Psychology,
University of Cambridge, 7 West Road,
Cambridge CB3 9ET, UK.
E-mail: j.s.west@psychology.cam.ac.uk



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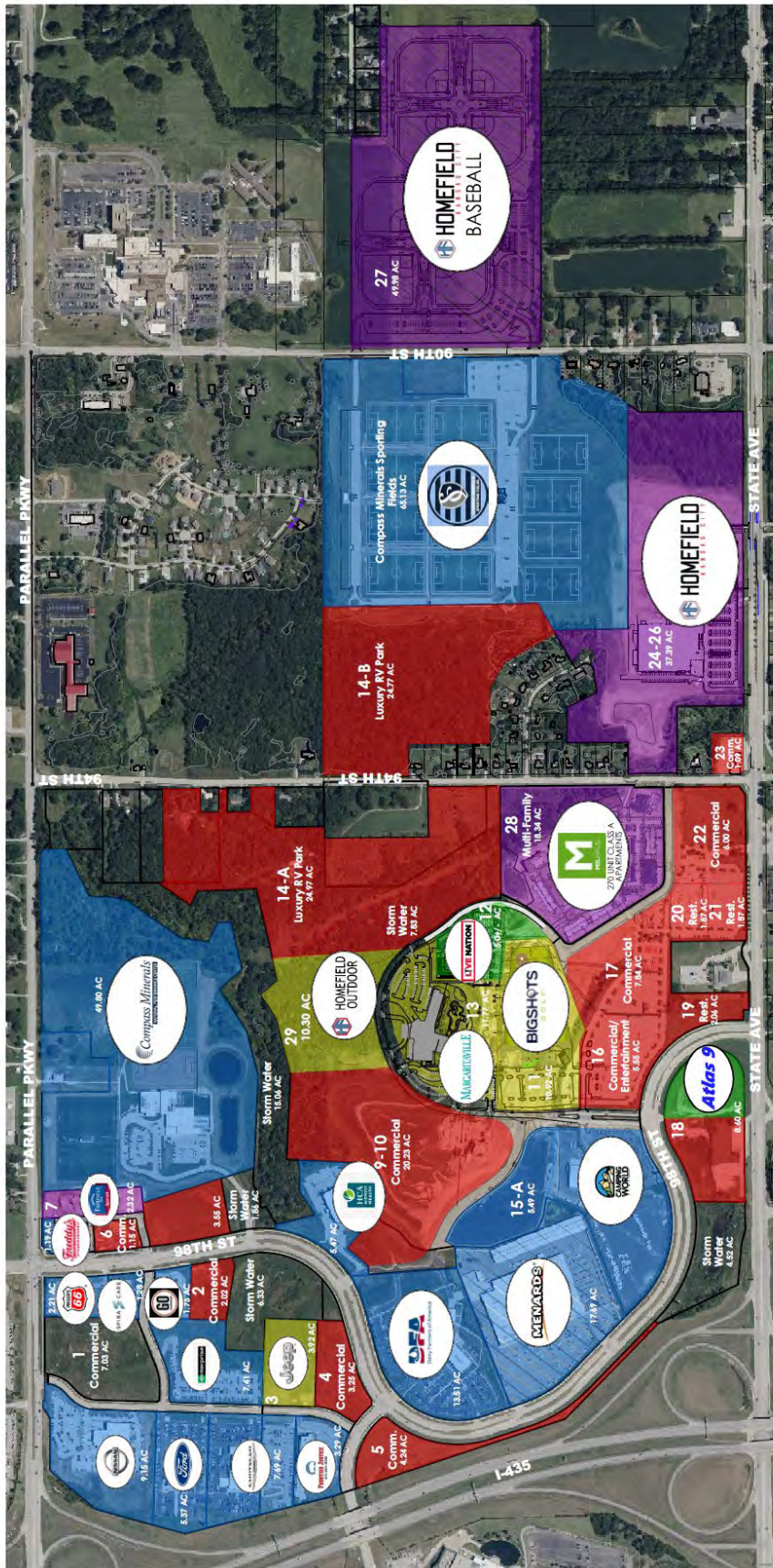




Figure 4. Site photograph of 9700 State Avenue looking north (provided by Planning Staff).



Figure 5. Site photograph of 9700 State Avenue looking northwest (provided by Planning Staff).



Figure 6. Site Photograph of 9700 State Avenue looking west (provided by Planning Staff).



Figure 7. Site Photograph of 9700 State Avenue looking south (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: November 30, 2023

Re: Petition SP2023-025

GENERAL INFORMATION

Applicant:

Wathiq Kassim

Status of Applicant:

KCK Automotive
716 Kansas Avenue
Kansas City, KS 66105

Requested Action:

Approval of a Special Use Permit
(expired August 5, 2023).

Date of Application:

October 30, 2020

Purpose:

To continue operation of an auto body shop.

Property Location:

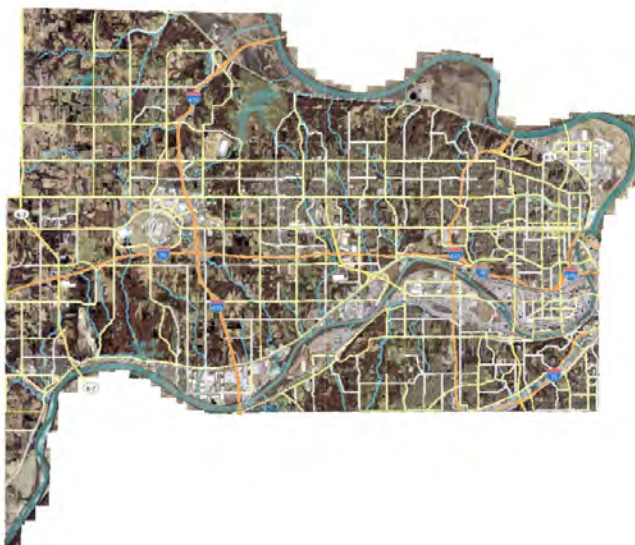
744 Kansas Avenue

Commission Districts:

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

Existing Zoning:

M-2 General Industrial District



Adjacent Zoning:	North: M-3 Heavy Industrial District South: M-2 General Industrial District East: M-2 General Industrial District West: M-2 General Industrial District
Adjacent Uses:	North: Industrial warehouse South: Automotive business and retail sales East: Automotive business West: Commercial business
Total Tract Size:	0.36 Acre
Master Plan Area:	Armourdale Area Plan
Master Plan Designation:	The Armourdale Area Plan designates this property as Business Park, which allows light industrial uses and supportive commercial and retail uses.
Major Street Plan:	The Major Street Plan classifies Kansas Avenue as a Class B Thoroughfare, and South 7 th Street Trafficway as a Class B Thoroughfare.
Parking Requirement:	Section 27-469(e) requires the use of off-street parking with Commercial uses meeting the requirements in 27-467(e) for a C-3 Commercial District with a ratio of four (4) spaces per 1,000 square feet of total building area. 28 parking spaces are required. 12 parking spaces are proposed. The Applicant received a variance for less parking.
Advertisement:	<u>The Wyandotte Echo</u> – June 15, 2023 Letters to Property Owner – June 16, 2023, August 8, 2023, September 24, 2023 and October 25, 2023
Public Hearings:	July 10, 2023, September 11, 2023, October 9, 2023, November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Wathiq Kassim, is requesting renewal of a Special Use Permit to continue to operate (expires on August 5, 2023) an auto body shop at 744 Kansas Avenue. This auto body shop is an expansion of KCK Automotive at 716 Kansas Avenue.

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. SP2020-101 (expires on August 5, 2023).
2. SP-2019-76 (expired on January 9, 2021).
3. BOZA2021-008 for parking reduction (approved on May 10, 2021).
4. SP-2016-92 (expired January 5, 2019).

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is on the western end of a block of industrial uses along Kansas Avenue. West of Mill Street, the neighborhood becomes more residential and light commercial. 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 property is surrounded by industrial uses and is considered to be compatible with the nearby uses if the business maintains 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 suitable for automotive uses given the existence of several surrounding automotive uses. By ordinance, a Special Use Permit is required for an auto body shop.

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

The property has been in use since 2016 as an auto body shop.

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 Area Plan designates the land at 744 Kansas Avenue for Light Industrial uses. An auto body shop is a compatible use at this location.

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 auto body shop is currently in operation and is along a Class B Thoroughfare with a heavy amount of daily traffic. There is a moderate chance of an increase in traffic, but not to exceed the capacity of the Class B Thoroughfare 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 nor welfare of the public. The proposed use will likely not substantially or permanently injure the appropriate use, visual quality, or marketability of adjoining property if 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 use, especially with auto body work. This is less of an issue given the surrounding industrial uses, but it is located on a primary commercial corridor for the abutting residential neighborhood. The proposed use will not likely create problems for nearby properties if brought up to standards and managed properly.

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, groundwater intrusion and stormwater runoff. 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 located in an existing building, and in a 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.

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. The proposed use will not cause undue concentrations of population as it is an industrial use.

PREVIOUS ACTIONS

- SP2020-101 (expires on August 5, 2023)
- SP-2019-76 (expired on January 9, 2021)
- BOZA2021-008 (approve on May 10, 2021)
- SP-2016-92 (expired January 5, 2019)

NEIGHBORHOOD MEETING

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

KEY ISSUES

Compliance with previous conditions of approval
Compliance with Commercial Design Guidelines
Conformance with the Armourdale Master Plan
Inventory management
Parking
Site management and control of wastes
Landscaping upgrades and maintenance

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-025, **for five (5) years**, subject to:

1. **Repair any damaged or missing building materials on the four building walls and the stone perimeter fence. Complete the northern section of fence to attach to the building northwest corner;**
2. **Do not exceed the limit of 12 vehicles on the property;**
3. **All vehicles must be parked or stored in designated parking stalls;**
4. **No outside storage of wrecked or inoperable vehicles at any time;**
5. **Provide a trash enclosure that provides the required screening as described and with materials that match the main building, or store the trash dumpster inside of the building at all times, except when being serviced;**
6. **Approval allows no more than 12 vehicles at this site. Since this parking lot is not screened to allow inoperable or wrecked vehicles, wrecked or inoperable vehicles may not be parked outside and must be stored inside the building;**
7. **No on-street parking of vehicles for this business. All vehicles on-site for repairs or maintenance must be stored on the property and be properly screened from view;**
8. **No auto repair or servicing is allowed outside or in public view;**
9. **No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;**
10. **Vehicles shall not be parked on the right of way of Kansas Avenue in front of the property. Vehicles shall not park on Kansas Avenue or Coy Street at any time;**
11. **This Special Use Permit applies only to 744 Kansas Avenue. There cannot be any shared work, inventory, storage, or property access with another business or another property under this Special Use Permit;**
12. **No storage or warehousing of salvage or wrecked automobile parts on the property. Storage of salvage parts requires M-3 Zoning and a separate Special Use Permit;**
13. **Replace any dead trees and maintain in perpetuity for tree cover;**
14. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;**

15. 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;
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. If approved, The Special Use Permit shall be valid for five (5) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
18. 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) 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.

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 **SP2023-025** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Armourdale Area Plan Land Use Designation Map
Statement Letter from Applicant
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Photographs Provided by Staff (Dated November 18, 2020, November 19, 2020, April 28, 2021 and June 15, 2023)
Photographs Provided by the Applicant (Dated November 8, 2023)

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Board of Commissioners
Public Hearing	July 10, 2023	
Special Use	Held Over September 11, 2023 Held Over October 9, 2023 Held Over November 13, 2023 Approval	November 30, 2023

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-025** 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 **SP2023-025**, 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.

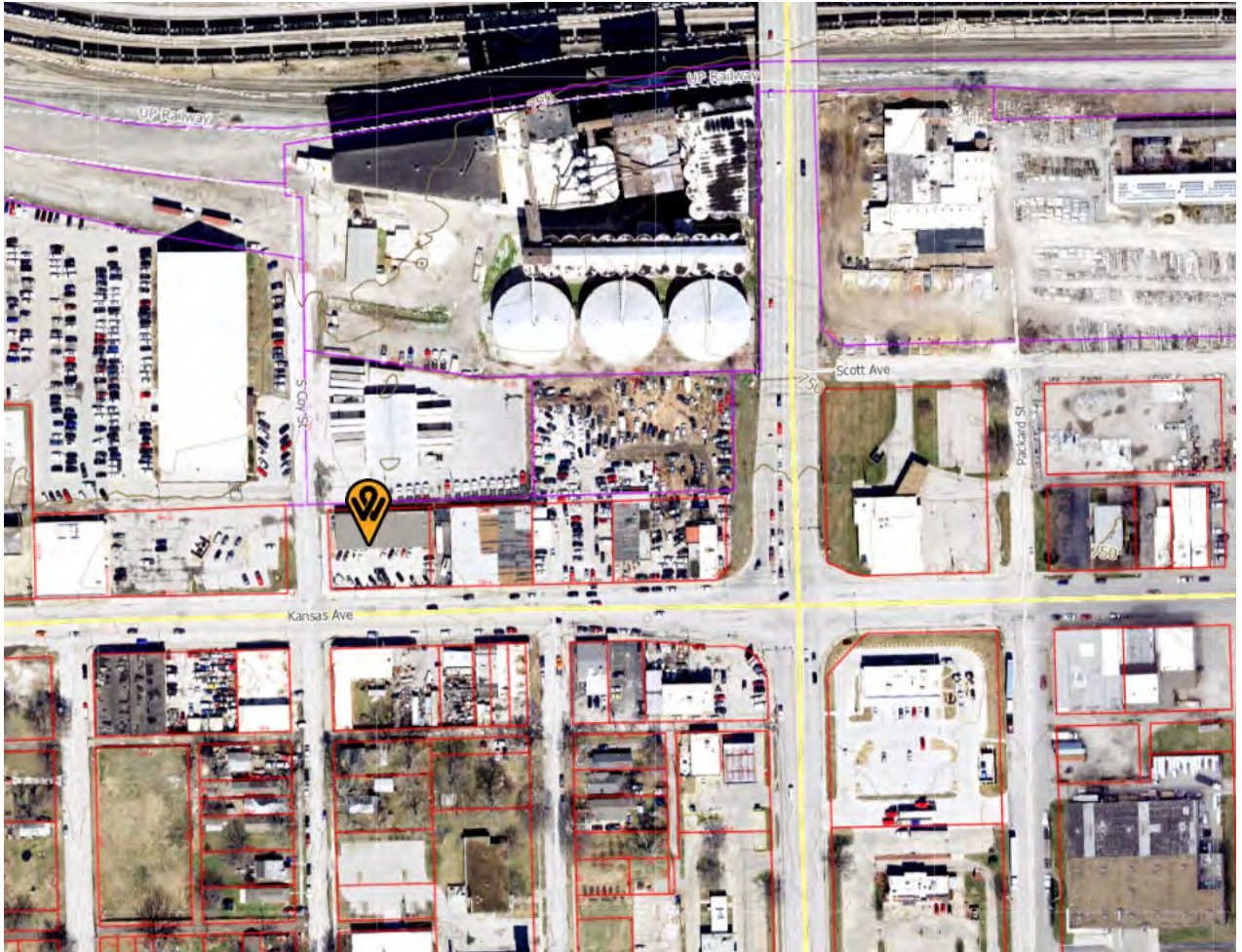


Figure 1. Aerial Photograph of 744 Kansas Avenue (provided by UG Maps).

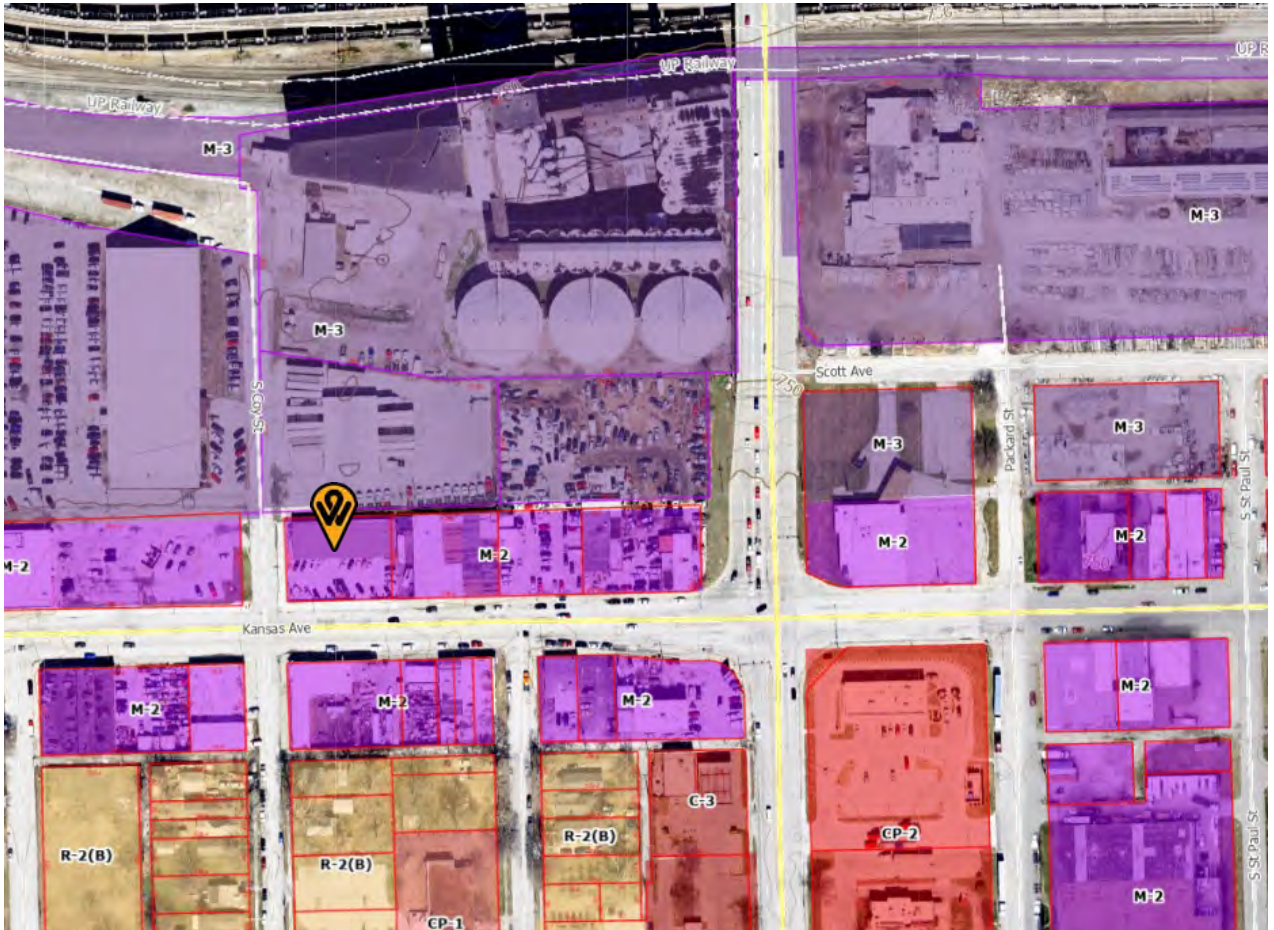


Figure 2. Zoning Map of 744 Kansas Avenue (provided by UG Maps).



Figure 3. Armourdale Area Plan Land Use Designation Map (provided by ArcGIS Pro).

UPDATE LETTER for DEVELOPMENT APPLICATION

Since the last approval for a special use permit (SP 2019-76) located at 744 Kansas Ave, Kansas City, KS 66105 there have been no changes to the building and everything remains the same. There have been no change to services provided at this location. The building is used for auto body repair and operated from 8am-6pm Monday-Friday. Saturday hours are 8am-4pm and Sunday the business is closed. There are 3-4 employees working inside the building during business hours. The business is ran by Wathiq Kassim. There will be no changes to the building and everything will remain the same. All stipulations from the last approval, specifically the replacing of two trees, have been met.

Applicant response to Staff Comments and Suggestions:

- 1) This application is for a third renewal of the original application for a special use permit SP2016-092 for operation of an auto body repair shop renewed by SP2019-076 and SP2020-101. Services provided are consistent auto body repair. At any given time, there are 4-5 cars being actively worked on in various stages of repair and an estimated average of 8-10 vehicles are waiting for repair. There is a continuous turnover of vehicles in and out. The shop is operated Monday-Friday from 8am to 6pm. Saturday hours are 8am to 4pm. The business is closed on Sundays. There are 3-4 employees working daily inside the building during business hours.
- 2) There have been no modifications or changes to the business since 2021.
- 3) See #1
- 4) Closure of the western drive has been completed with matching materials. The tear out of the driveway and installation of a new sidewalk and curb will be completed as soon as possible. We have had two separate contractors on board to do the work, but for whatever reason each contractor has failed to complete the job.
- 5) Any damaged or missing building materials on the building or perimeter fence will be repaired. A gate has been installed connecting the northern section of the fence to the building.
- 6) Agree
- 7) Historically, very rarely is a vehicle towed from an accident to the shop. If it should occur the vehicle will be stored inside the building.
- 8) Drop off and pick-up of vehicles will be done at the office of KCK Automotive Repair and Body Shop located at 716 Kansas Ave, KC KS, 66105.
- 9) 10-15 vehicles
- 10) Acknowledge
- 11) Acknowledge
- 12) Acknowledge
- 13) Acknowledge
- 14) Acknowledge
- 15) Acknowledge
- 16) Acknowledge
- 17) a) Acknowledge
- b) See #5
- c) with the closing of the driveway and moving the dumpster inside the building the approved variance for parking spaces was increased from 12 to 16 as depicted on the site plan.
- d) Acknowledge. All vehicles will be parked in designated spaces.
- e) Acknowledge. Any inoperable vehicle will be stored inside.
- f) Trash receptacle is located inside the building except when being serviced
- g) See #4

- h) Acknowledge
- l) Approved variance is for 16 vehicles; acknowledge
- j) Acknowledge. There will be no on-street parking.
- k) Acknowledge
- l) Acknowledge
- m) Acknowledge
- n) Acknowledge
- o) Acknowledge
- p) Acknowledge
- q) Acknowledge
- r) Approved
- s) Approved
- t) Approved

Sign-in Sheet Re: SP2023-025-744

Name	Address	Phone#/Email
Wendy Kassim	716 Kansas Ave, KCKS 66105	KC KENTINATIVE66105@gmail.com

Minutes of Neighborhood Meeting held on 6/26/2023

At 716 Kansas Avenue, Kansas City, KS 66105

Re: Application SP2023-025-744

The meeting was called to order at 5:30 p.m. by petitioner Wathiq Kassim.

There was no one in attendance.

In addition, for the record the petitioner received no phone calls, emails, or correspondence of any kind regarding this matter.

The meeting was held open for 30 minutes and adjourned at 6:00 p.m.

The minutes were taken by Wathiq Kassim, petitioner.

Signed: _____

Wathiq P. Kassim

Wathiq Kassim

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF Wyandotte) SS:

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

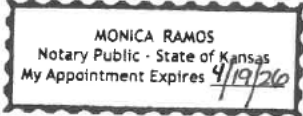
1. That I am the petitioner for Petition # 2023-025-744
2. That I conducted a neighborhood meeting on 6/26/2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

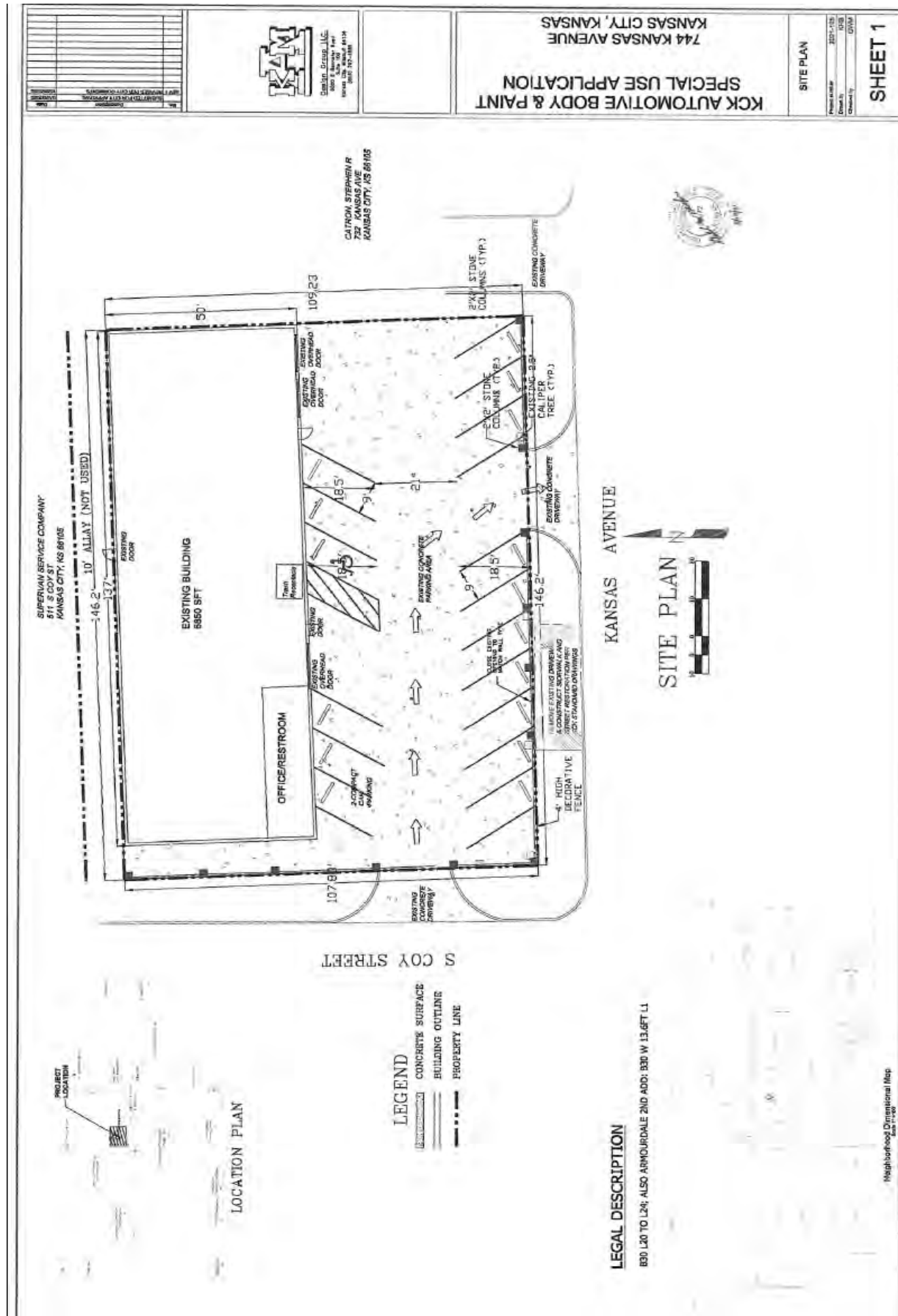
Further affiant saith not.

Wathiq A. Kassim
Affiant

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

My commission expires 19th of April, 2026

Monica Ramos
Notary Public






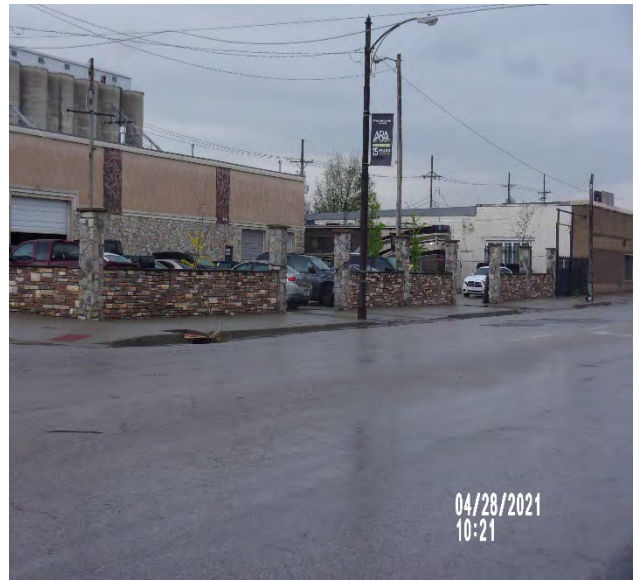




Figure 4. Site Photograph of 744 Kansas Avenue looking north from Kansas Avenue (provided by Planning Staff).



Figure 5. Site Photograph of 744 Kansas Avenue looking north from Kansas Avenue (provided by Planning Staff).



Figure 6. Site Photograph of 744 Kansas Avenue looking southeast from Coy Street (provided by Planning Staff).



Figure 7. Site Photograph of 744 Kansas Avenue looking southeast from Coy Street (provided by Planning Staff).



Figure 8. Photograph of 744 Kansas Avenue looking northwest (provided by the Applicant on November 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: November 30, 2023

Re: Petition SP2023-064

GENERAL INFORMATION

Applicant:

Santos Ornelas

Status of Applicant:

7931 Hall Drive
Lenexa, KS 66219

Requested Action:

Approval of a Special Use Permit.

Date of Application:

August 24, 2023

Purpose:

To operate a drinking establishment with live entertainment.

Property Location:

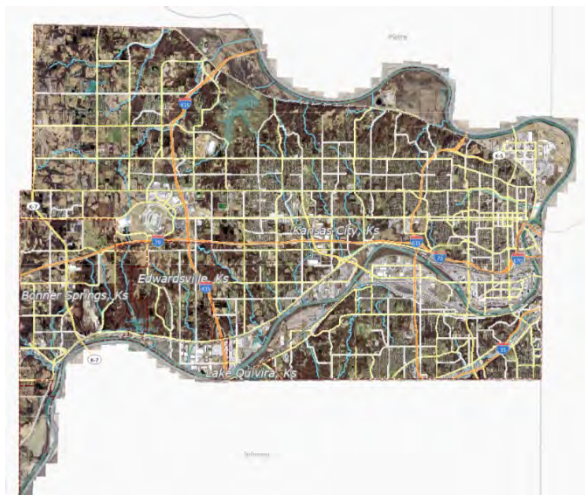
5235 State Avenue
Kansas City, KS 66102

Commission Districts:

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

Existing Zoning:

CP-2 Planned General Business District



Adjacent Zoning:	North: C-1 Limited Business and CP-2 Planned General Business Districts South: R-1 Single Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Vacant motel South: Large lot single-family residence East: Wooded, undeveloped land West: Wooded, undeveloped land
Total Tract Size:	2.09 Acres
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Mixed Use, which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, etc., professional and office services, institutional uses such as churches, schools, libraries, parks, plazas and open space, mixed-density residential uses.
Major Street Plan:	The Major Street Plan classifies State Avenue as a Class A Thoroughfare.
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. 96 parking spaces are required. 95 parking spaces are provided. The applicant will stripe one additional (1) parking space in the parking lot.
Advertisement:	<u>The Wyandotte Echo</u> – September 21, 2023 Letters to Property Owner – September 22, 2023 and October 2, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	Staff received a letter of support.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Santos Ornelas with Goodmath Inc, seeks to operate a drinking establishment with live entertainment at 5235 State 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. 10216-00008 – zoning citations for multiple yard signs (previous owner).

Outstanding or Related Permits and Cases:

1. SP2022-106 – operate an audio business and host car audio meets.
2. SP-2018-48 – a 190-foot self-supporting stealth-type monopole telecommunication tower approved by the Unified Government Board of Commissioners on May 31, 2018.
3. DRC 18300-00715 – building permit for 190-foot communication tower and related group equipment.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is along State Avenue, which is a major east/west commercial corridor in the City. This portion of State Avenue is transitional mostly residentially zoned property on the south side of State Avenue in between 49th Street to the east and 55th Street to the west.

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. There are two (2) parcels to the south that have single-family residences, however the parcels to the east and west are undeveloped.

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 a larger parcel with wooded, undeveloped land on the periphery. 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 is not vacant. The liquor store is the tenant space to the west and this tenant space was previously an auto audio installation business.

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 Mixed Use, which allows specialty retail, sit-down restaurants, convenience retail uses such as banks, drug stores, etc., professional and office services, institutional uses such as churches, schools, libraries, parks, plazas and open space, mixed-density residential uses.

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 by its nature result in increasing the amount of vehicular traffic, but not to the point where it exceeds the capacity of the street network to accommodate it because the site and building was developed for commercial purposes.

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. There are restaurants that serve alcohol along State Avenue. 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 with live entertainment adjacent to a residence 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 two (2) tenant commercial strip center.

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 within the CP-2 Planned General Business District.

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

The proposed use would not result in undue concentrations of populations as the Fire Marshal will provide a limit on the number of allowed occupants. There should not be an overcrowding of land as there is ample parking on the property in the front and rear of the property to accommodate employees and patrons as well as the existing liquor to the west.

PREVIOUS ACTIONS

- SP-2018-48 – 190-foot self-supporting stealth-type monopole telecommunication tower.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1520 Central Avenue on September 20, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Screening/Landscaping/Buffering
Security
Noise
Parking
Illumination
Pedestrian Access

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-064, for **two (2) years**, subject to:

1. Hours of operation shall be Sunday through Thursday from 4:00 PM – 12:00 AM and Friday through Saturday from 12:00 PM – 1:00 AM;
2. The live entertainment shall cease operation by 1:00 a.m.;
3. Off-duty KCK police officer, Gerado Velasquez, Jr. will be the security personnel for the drinking establishment;
4. Alcohol can only be provided by licensed vendors;
5. Doors and windows must stay closed during any entertainment performance;
6. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104(f)) including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
7. Patrons are not allowed to loiter in their vehicles. If so, they will be asked to leave;
8. An I.D. scanner will be used at all times;
9. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
10. No amplified speakers or entertainment is allowed in outdoor spaces; and,
11. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
12. The dumpster on the east side of the building shall be fully enclosed with an opaque screen (wood privacy fence) and door to screen the dumpster from public view;
13. Resurface the parking lot to remove the potholes and restripe the parking spaces;
14. Stripe one (1) additional parking space in the parking lot to total 96 parking spaces to share between the drinking establishment and liquor store;
15. Sidewalks shall remain clean and clear of trash and debris;
 - a. Create a direct pedestrian access from the sidewalk along State Avenue to the front door of the building. A hatched crosswalk shall be painted in the parking lot linking these two ends together;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. 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;

18. 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;
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. 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;
21. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit; and,

24. 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.

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 **SP2023-064** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan
Floor Plan
Site Rendering
Site Photographs Provided by Staff on September 12, 2023.
Letter of Support

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-064** 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 **SP2023-064** 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 3:07:15:

SPECIAL USE PERMIT APPLICATION SP2023-064 – SANTOS ORNELAS -

SYNOPSIS: Special Use Permit to operate a drinking establishment with live entertainment at 5235 State Avenue. *Detailed Outline of Requested Action:* The applicant, Santos Ornelas with Goodmath Inc, seeks to operate a drinking establishment with live entertainment at 5235 State 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 November 13, 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:

- Santos Ornelas, Applicant, 7931 Hall Drive, Lenexa, Kansas 66219
- Timothy Kielman, 7823 Stover Lane, Kansas City, Kansas

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:09:48: Planning Director Hand stated that this is a Special Use Permit for live entertainment and a drinking establishment. This site was previously heard by the Planning Commission for a car audio installation operation that has since been withdrawn. The property is in the City-Wide Comprehensive Plan in the Midtown area. Staff received one (1) letter in support and no letters in opposition. There are some old Notices of Violation, some of which have been rectified and the others would be addressed through the redevelopment of this site. Staff recommends approval for two (2) years subject to the conditions in the staff report. He stated that there was an error in the staff report as the standard condition for approval terms for a Special Use Permit was not included and he would request the Commission include that condition in their motion. Also, the applicant indicated in his response to the draft staff report that the live entertainment and bar would end at midnight, and he provided contradictory information this evening. The Commission may want to ask the applicant if he wants to change that condition.

Mr. Kielman stated that they would like to amend the requests for Friday and Saturday to close the drinking establishment and live entertainment at 1:00 a.m.

Motion starts at 3:13:00:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-064 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. **Hours of operation shall be Sunday through Thursday from 4:00 PM – 12:00 AM and Friday through Saturday from 12:00 PM – 1:00 AM;**
2. **The live entertainment shall cease operation by 1:00 a.m.;**
3. **Off-duty KCK police officer, Gerado Velasquez, Jr. will be the security personnel for the drinking establishment;**
4. **Alcohol can only be provided by licensed vendors;**
5. **Doors and windows must stay closed during any entertainment performance;**

6. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104(f)) including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
7. Patrons are not allowed to loiter in their vehicles. If so, they will be asked to leave;
8. An I.D. scanner will be used at all times;
9. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
10. No amplified speakers or entertainment is allowed in outdoor spaces; and,
11. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
12. The dumpster on the east side of the building shall be fully enclosed with an opaque screen (wood privacy fence) and door to screen the dumpster from public view;
13. Resurface the parking lot to remove the potholes and restripe the parking spaces;
14. Stripe one (1) additional parking space in the parking lot to total 96 parking spaces to share between the drinking establishment and liquor store;
15. Sidewalks shall remain clean and clear of trash and debris;
 - a. Create a direct pedestrian access from the sidewalk along State Avenue to the front door of the building. A hatched crosswalk shall be painted in the parking lot linking these two ends together;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. 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;
18. 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;
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. 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;
21. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
22. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper;
23. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. Regardless, all conditions of approval must be fulfilled within one (1) year of approval by the Unified Government Board of Commissioners. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit; and,
24. 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.



Figure 1. Aerial photograph of 5235 State Avenue (provided by UG Maps).

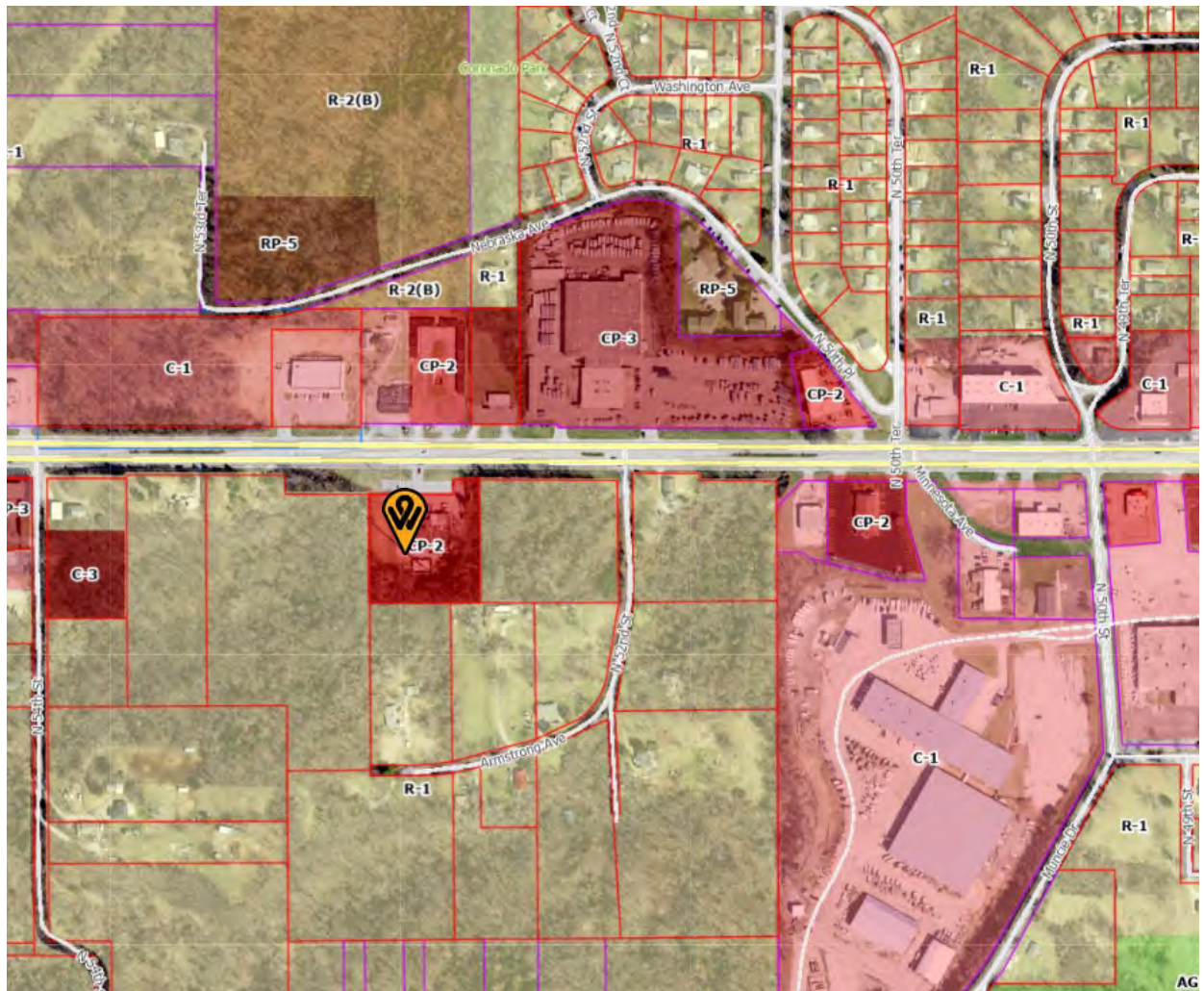


Figure 2. Zoning Map of 5235 State Avenue (provided by UG Maps).



Figure 3. City-Wide Comprehensive Land Use Designation Map of 5235 State Avenue (provided by ArcGIS Pro).

Toy, Byron

From: Tim Keilman <tkeilman@outlook.com>
Sent: Tuesday, October 24, 2023 10:22 AM
To: EDR; Toy, Byron
Cc: Parker, Janet
Subject: FW: Petition 2023-064 5235 State
Attachments: Plan B - Floor Plan - Site Plan-Site B revised.pdf; Plan B - Floor Plan - Site Plan-Plan B revised.pdf; Plan B - 3D View - (3D)-2-Layout1.pdf

Some people who received this message don't often get email from tkeilman@outlook.com. [Learn why this is important](#)

From: Tim Keilman
Sent: Saturday, October 21, 2023 1:42 PM
To: santos1414@icloud.com
Cc: writetony@aol.com
Subject: Petition 2023-064 5235 State

General Planning Comments

1. Drawing site plan
2. Parking drawing
3. Food may be served at a later date all licenses will be applied for at that time
4. Live Music events Friday and Saturday 8:00 pm to 1:00 pm
5. Security will be provided by off duty KCK police letter enclosed.
6. Salsa dance and disc jockey
7. Copy of old Licenses. Will apply for new at this address when approved.
8. All entertainment will stop by 1:00am
9. Will keep all doors and windows closed during operation.
10. Will follow all guidelines (Chapter4 Article II Division 1, Sec4-104 (f) including door security personal. No loitering signs posted and enforced. Will purchase ID.scanner
11. No music outside building.
12. No illumination will be visible outside building.
13. Dumpster will have corral built around it see drawing.
14. Will resurface and restripe parking lot.
15. Staff will clean parking during and after all events see drawing for pedestrian sidewalk.
16. Will post information and offer to call rideshare for all patrons.
17. Will apply for all new licenses at this address.
18. Will pull all require Building permits.
19. Will make sure all parking meets requirements.
20. Owner and landlord will not operate till application is approved.
21. Will pay the fee of \$125.00 On Planning approval.
22. Will start on approval and complete with in time frame.

Other items will be sent on second email

Thanks Tim Keilman

Sign In

Name	Address	City	Signature
Tony Seman	1520 Central Ave	Kansas City, KS 66102	Tony Seman
José D. Delas	7931 Hall St	Lenexa KS 66219	José D. Delas
Arnoldo Ramos	1861 N. 41 Ter	Kansas city KS 66102	Arnoldo Ramos

:Minutes of Meeting

Application Number Sp 2023-064

Date and Location:09/20/2023

At 1520 Central Kansas City Kansas 66102

Meeting called to order at: 7:05 pm

Names of people in attendance:4

Introductions: Tony Seeman Property Owner

Santos Ornelas Applicant

Arnoldo Ramos works with Santos

Tim Keilman Person taking minutes

Presentation by applicant and/or team No attendance

From neighborhood Attended

Meeting adjourned at: 7:10

Minutes taken by: Tim Keilman

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas) SS:
COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #SP2023-064.
2. That I conducted a neighborhood meeting on 09/20/2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

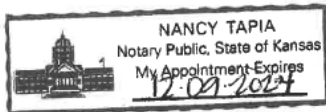
Further affiant saith not.

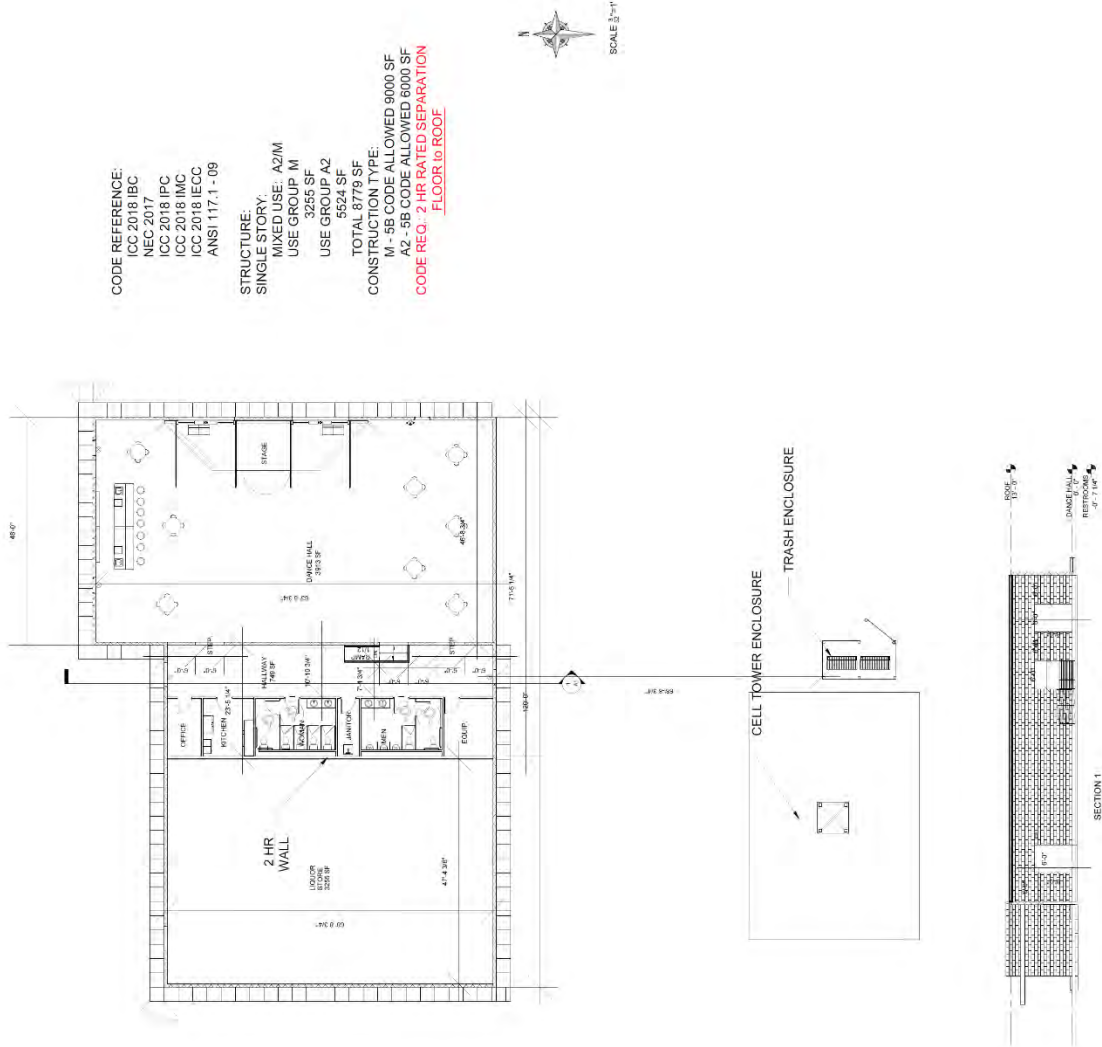

Affiant

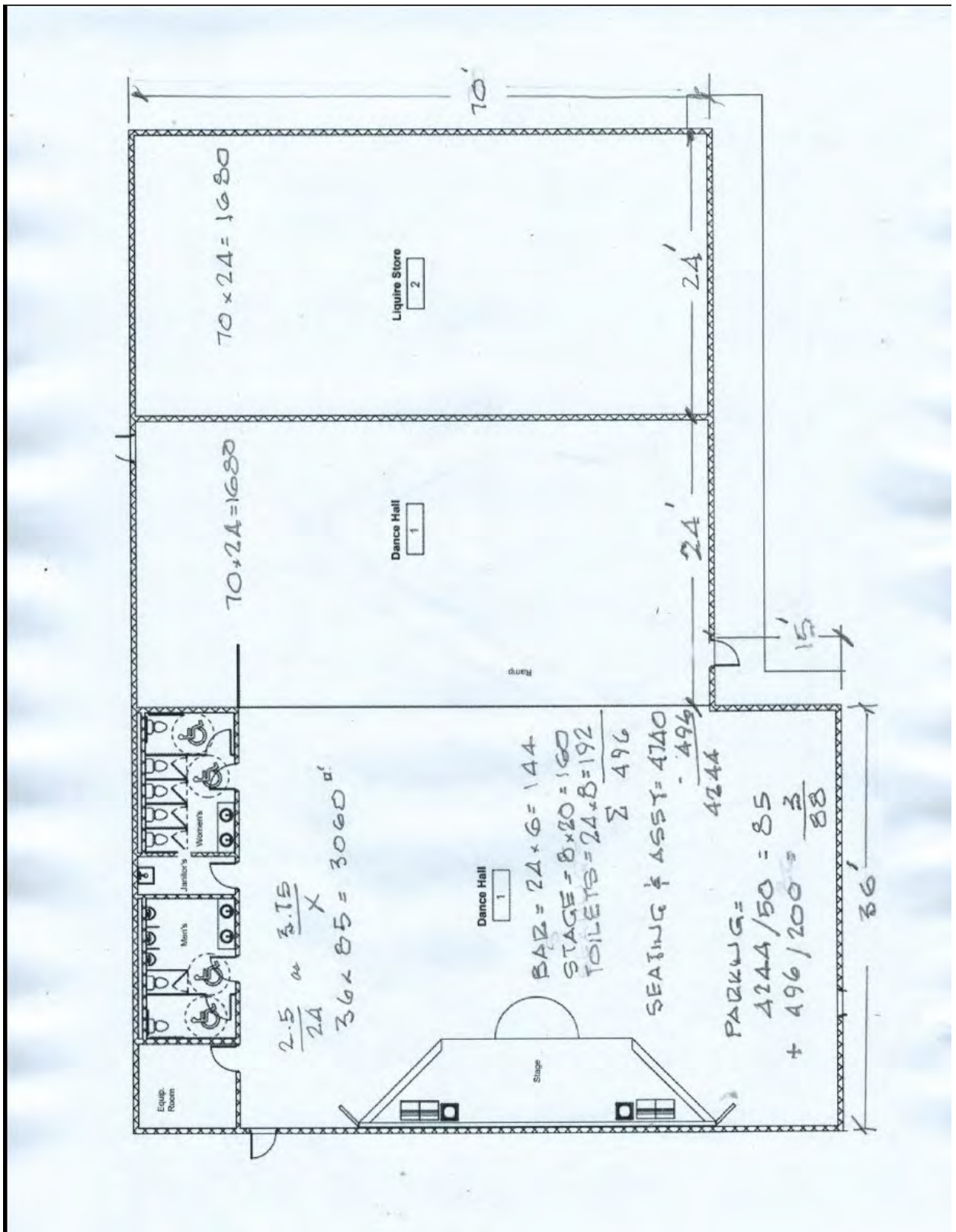
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20 day of Sept, 2023.

My commission expires 09 of DEC, 2024


Notary Public







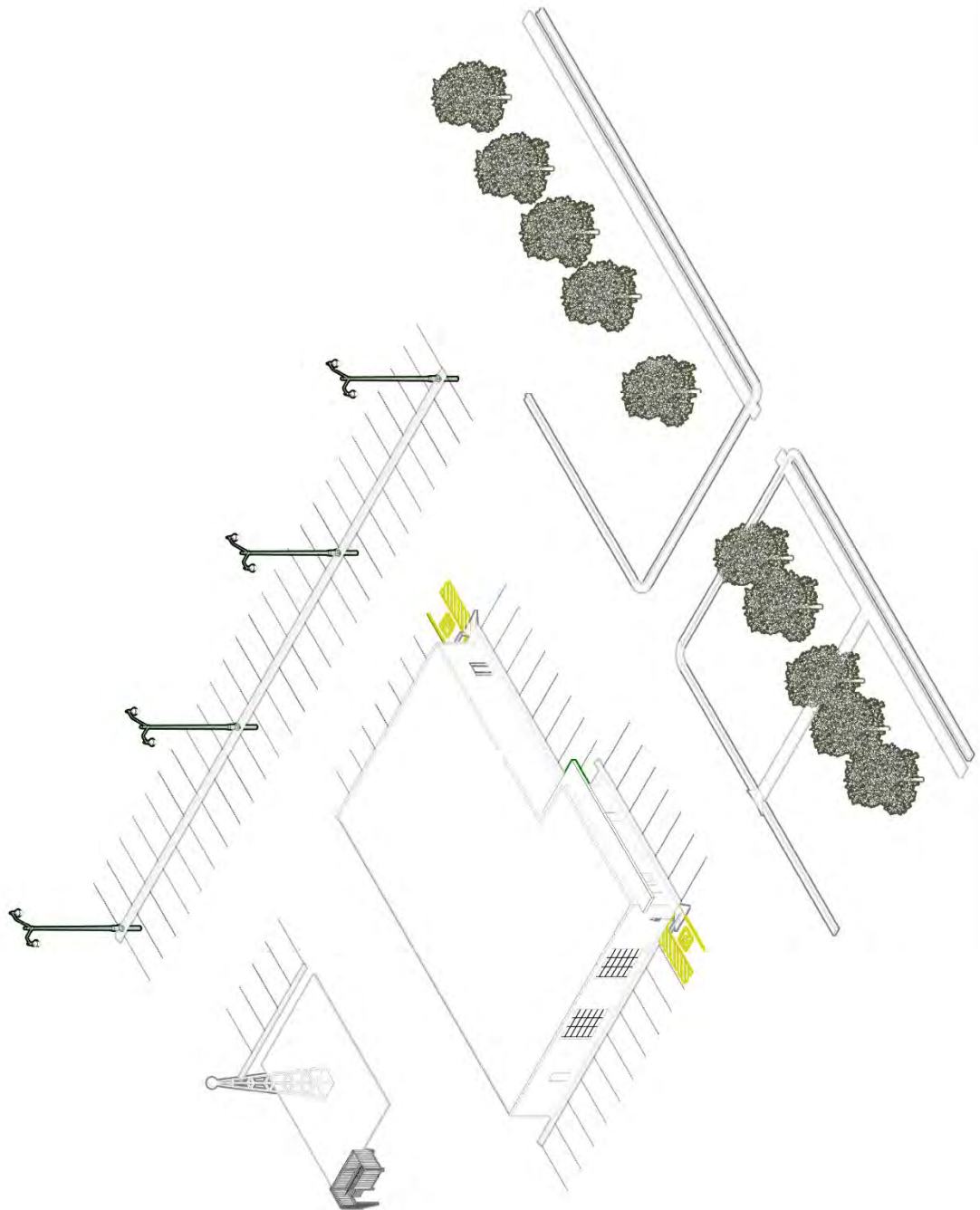




Figure 4. Site Photograph of 5235 State Avenue looking southeast from State Avenue (provided by Planning Staff).



Figure 5. Site Photograph of 5235 State Avenue looking south from State Avenue (provided by Planning Staff).



Figure 6. Site Photograph of 5235 State Avenue looking east from 5235 State Avenue (provided by Planning Staff).

JOHN IVAN
ADMITTED IN KANSAS & MISSOURI

LAW OFFICES
JOHN IVAN
SUITE 308, BANK BUILDING
8600 SHAWNEE MISSION PARKWAY
SHAWNEE MISSION, KANSAS 66202

(913) 384-0370
FAX (913) 384-0374

September 13, 2023

Wyandotte County Kansas Planning and Zoning Commission
701 N. 7th Street
Kansas City, Kansas 66101

Re: Santos Ornelas
Brass Ring d/b/a/ Goodmath, Inc.
5325 State Avenue
Kansas City, KS 66102

Dear Planning and Zoning Commissioner:

The is to inform your office that our client, Santos Ornelas, owner and operator of The Brass Ring recently lost his lease and is moved the location of his business to 5325 State Avenue, Kansas City, Kansas 66102. His business is a live entertainment and alcohol establishment. He needs a variance from your office.

Mr. Ornelas has been in this type of business going on 19 years and has always been in complete compliance with all rules and regulations needed to run this type of business. His business was always a safe and fun establishment for the community to enjoy live music. He has always employed the services for security purposes of the Kansas City Kansas Police Department and will continue to run his business at the new location with the same type of services.

Kindest regards,


John Ivan

Jl/jlt

tkeilman@sunflower.com

From: Gerardo Velasquez <gxv913@gmail.com>
Sent: Tuesday, October 10, 2023 4:32 PM
To: santos1414@icloud.com; tkeilman@sunflower.com
Subject: Police Off Duty

To whom it may concern, My name is Gerardo Velasquez, Jr. #2017 I am a Police officer for the Kansas City Police Department. I have and will continue to be in charge of off duty security for Mr. Santos business at his new location in Kansas City Kansas. For any additional information please do not hesitate to contact me at any time. Thank you for your time and consideration in this matter.

G. Velasquez, Jr.
913-486-1267



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: November 30, 2023

Re: Special Use Petition SP2023-066

GENERAL INFORMATION

Applicant:
Megan Duma

Status of Applicant:
Property Owner
4520 West 65th Street
Prairie Village, Kansas 66208

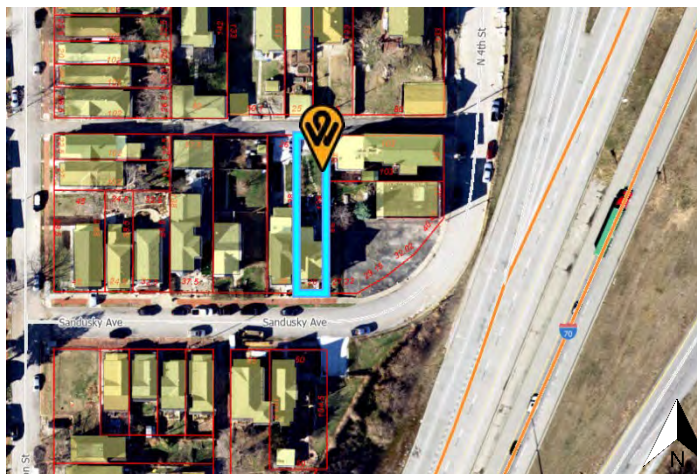
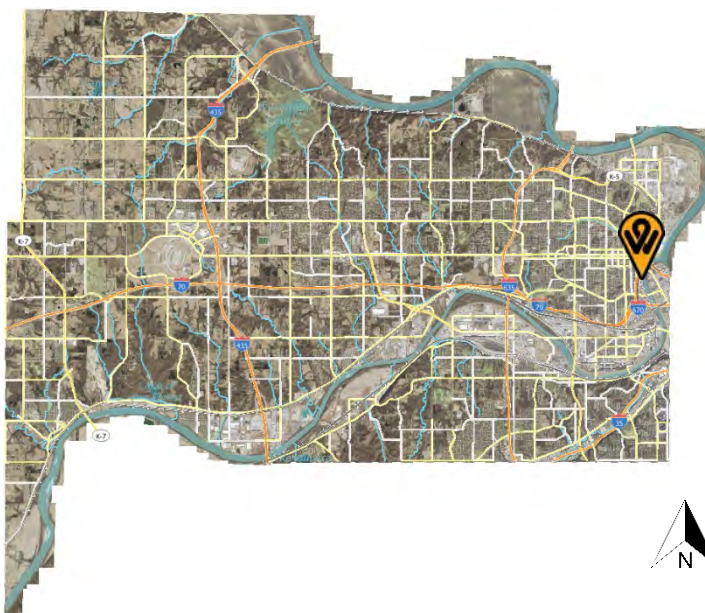
Requested Action:
Approval of a Short-Term Rental
Special Use Permit.

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:
408 Sandusky Avenue
Kansas City, Kansas 66101

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



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: CP-1 Planned Limited Business District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residence South: Single-family residence East: Vacant lot/Commercial building West: Single-family residence
Total Tract Size:	0.08 Acre
Comprehensive Plan Designation:	The Central Area Plan designates the subject property as Urban Density, which allows for a mix of detached and attached residential.
Major Street Plan:	The goDotte Mobility Plan designates Sandusky as a Local/Neighborhood Street.
Parking Requirement:	Section 27-455(d) states that two (2) off-street parking spaces shall be provided. The property appears to only provide one (1) space off-street.
Advertisement:	<u>The Wyandotte Echo</u> – September 14, 2023 Letters to Property Owners – September 15, 2023 and October 2, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a Short-Term Rental Special Use Permit at 408 Sandusky Avenue. This is not the owner's primary residence. There was previously a Special Use Permit on the property (SP-2019-106), however, it lapsed in December 2020, nearly three (3) years ago. The applicant continued to operate despite this lapse. This would be the one (1) and only short-term rental on the 400 block of Sandusky.

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 previous noise or disturbance complaints on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. 2023 – ENV23-2063 – Environmental – Weeds in the alley

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is located within the Riverview Statistical Neighborhood, the Strawberry Hill Neighborhood Association, and the Central Area Betterment Association (CABA) groups. The neighborhood consists of primarily single-family residences or duplexes. There are small mixed-use commercial spaces mixed-throughout the neighborhood as well.

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 2018.

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 the subject property as Urban Density, which allows for a mix of detached and attached residential. 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 Sandusky Avenue, 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 and 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, however, there are concerns with parking on-site, as there appears to only be one (1) space provided, one (1) less than the code requirement of two (2) spaces. The applicant will either have to file for a variance or create a 2nd space. The maximum number of guests at one time is six (6). 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 (SP-2019-106) for 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.

KEY ISSUES

Home Inspection Report
Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 with 1 abstention to recommend **APPROVAL** of Special Use Permit Application SP2023-066, **for one (1) year**, subject to:

1. The applicant shall maintain the provided parking agreement throughout the duration of the Special Use Permit;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). 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.

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 **SP2023-066** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated September 8, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-066** 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 **SP2023-066**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 3:15:25:

SPECIAL USE PERMIT APPLICATION SP2023-066 – MEGAN DUMA WITH MD RENTAL HOMES, LLC - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 408 Sandusky Avenue (SP-2019-106 – expired 12/5/2020). Detailed Outline of Requested Action: The applicant, Megan Duma, is requesting a Short-Term Rental Special Use Permit at 408 Sandusky Avenue. This is not the owner's primary residence. There was previously a Special Use Permit on the property (SP-2019-106), however, it lapsed in December 2020, nearly three (3) years ago. The applicant continued to operate despite this lapse. This would be the one (1) and only short-term rental on the 400 block of Sandusky.

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 November 13, 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 65th Street, Prairie Village, Kansas 66208

Present in Opposition:

- No one appeared

Staff Recommendation starts at 3:24:50: Planning Director Hand stated that this special use permit is for a non-owner-occupied Short-Term Rental. The property is in the Central Area Plan. Staff received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 3:23:25:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-066 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 7 to 0 and 1 abstention
Subject to:

1. The applicant shall maintain the provided parking agreement throughout the duration of the Special Use Permit;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). 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

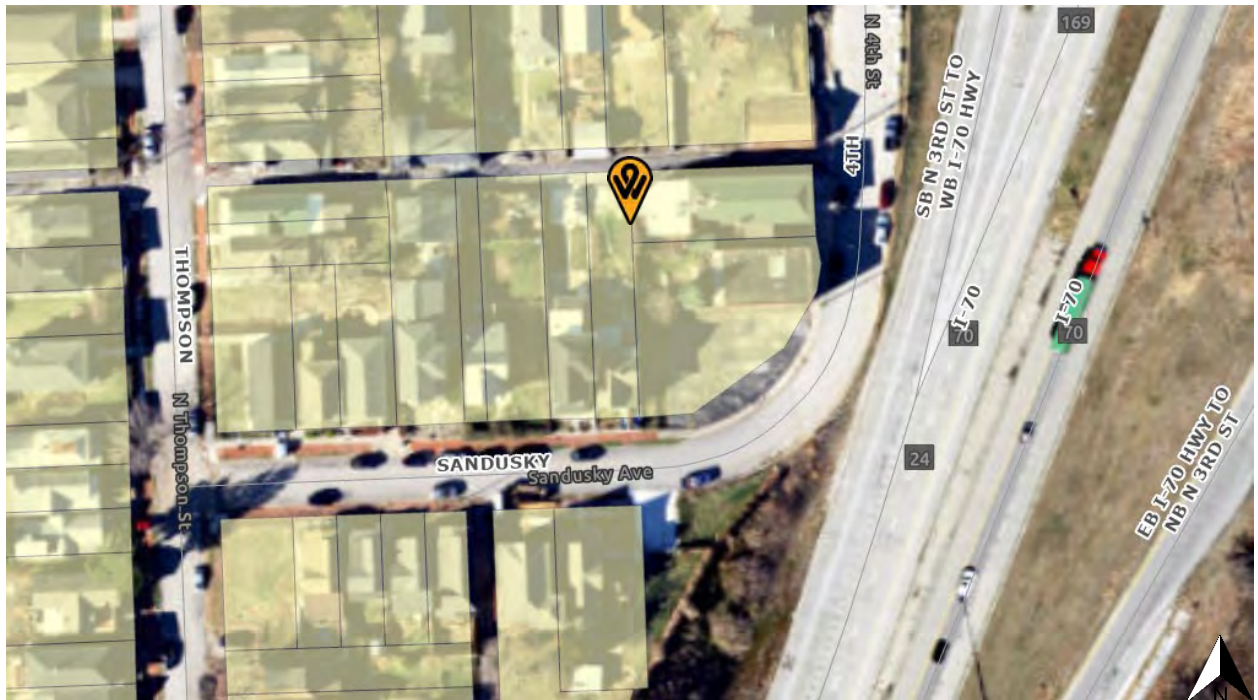
AERIAL IMAGERY



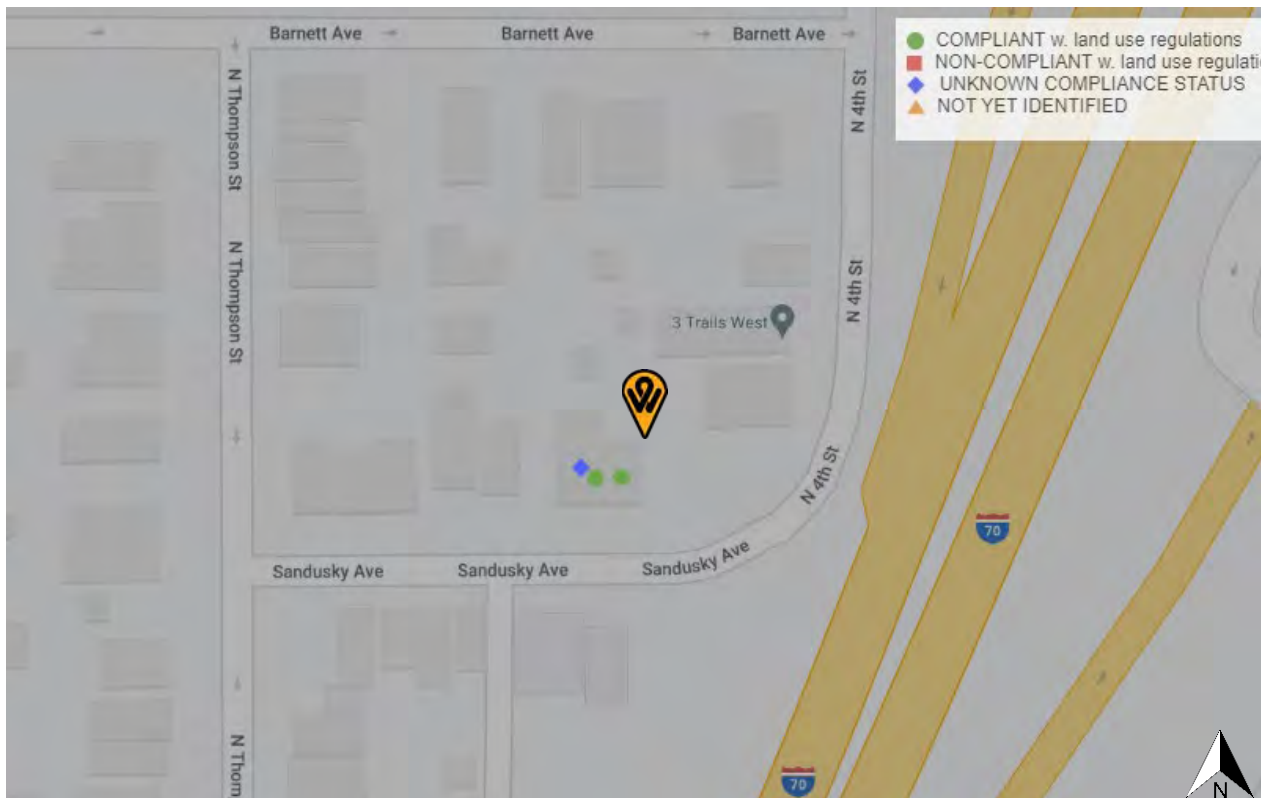
ZONING MAP



LAND USE MAP



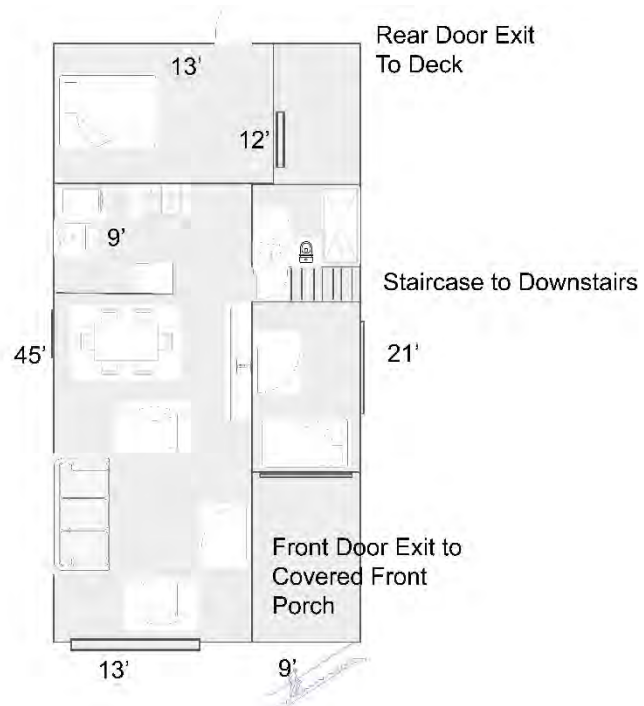
HOST COMPLIANCE MAP – SEPTEMBER 11, 2023



FLOOR PLAN

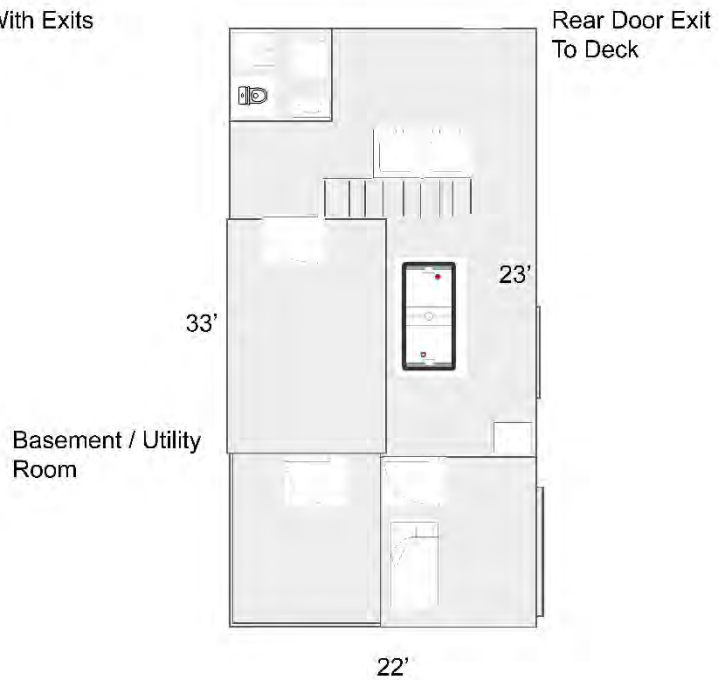
408 Sandusky Ave. Plan With Exits

Upper Floor



408 Sandusky Ave. Plan With Exits

Lower Floor



PARKING AGREEMENT WITH ADJACENT PROPERTY OWNER

Property Address: 504 N 4th Ave.
Kansas City, KS 66101

Grantor (Landlord): Michael Schmelzle
Grantee (Tenant): MD Rental Homes, LLC and/or Megan Duma

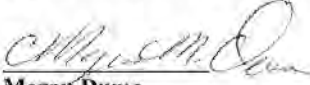
NOTICE OF LEASED PARKING SPOT

MD Rental Homes, LLC (Megan Duma) has a month-to-month lease for one parking spot at the commercial property at 504 N 4th Ave. Kansas City, Kansas 66101 to wit:

LEGAL DESCRIPTION:

Wyandotte City, S4, T11, R4, ACRES 0.190, B156 PART OF L51-54; BEG 40FT S & 5FT E OF NE COR L5 4; S 32 FT, S39W-40.42FT, S51W- 32.02FT, S59W- 29.15FT, W 27.22FT, N 98FT, E 103FT TO POB, Wyandotte County, Kansas.

By:

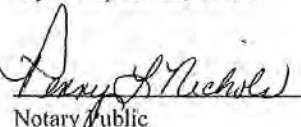

Megan Duma

STATE OF MISSOURI)

) ss.

COUNTY OF PLATTE)

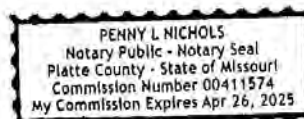
Subscribed and sworn to before me, a Notary Public in and for said County and State this 28th day of September, 2023.


Notary Public

My Commission Expires:

04/26/2025

1 of 1



SITE PHOTOS, TAKEN BY STAFF, SEPTEMBER 8, 2023



HOME INSPECTION REPORT

AFFIDAVIT – NEIGHBORHOOD MEETING

[illegible]

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

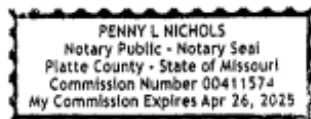
That I am the petitioner for Petition #_SP2023-066_.
That I conducted a neighborhood meeting on SEPTEMBER 26, 2023.
Attached are the minutes/summary of the meeting and a copy of the notice
mailed to the property owners on the list provided by the Urban Planning and
Land Use Department.

Further affiant saith not.


Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26TH day
of SEPTMEBER, 2023.

My commission expires 26th of April, 2025



Dorothy L. Nichols
Notary Public

Date: September 26, 2023

Re: Neighborhood Meeting Minutes For SP2023-066

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, Leo Eilts and Artie Scholes.

Ms. Duma and Mr. Eilts discussed parking options, and Mr. Eilts wants two off-street parking spots, and Ms. Duma to move a shed which Mr. Eilts has been unhappy about since Ms. Duma's first SUP permit was issued in 2019. In 2019, Ms. Duma moved the shed 6 inches because it was 6 inches too close to Mr. Eilts property. Mr. Eilts is in general dislike for STRs, and would prefer neighbors, so he will likely be in opposition to the SUP. Ms. Duma has had many issues with Mr. Eilts over the four and half years she has owned the property, and therefore communicates only to his wife, Rose Eilts, the president of the Strawberry Hill Neighborhood Association, with respect to the subject property. Ms. Eilts is on the BZA for KCK, and could not be in attendance, so Ms. Duma did her best to communicate with Mr. Eilts.

Ms. Duma and Mr. Scholes discussed Mr. Scholes general dislike for STRs. He has small children, and would also prefer neighbors. Mr. Scholes is an owner of a local bar called 403, which is in the Strawberry Hill neighborhood. Mr. Scholes stated that he would prefer 5-7 day minimum stays. Ms. Duma explained the new STR SUP process, and how it is limited to 1 per block, and KCK's increased enforcement efforts. Ms. Duma attempted to get Mr. Scholes' telephone number, so they could communicate if any issues came up in the neighborhood, but he did not give it to her. He confirmed that he did indeed have her number.

Meeting with Messrs. Eilts and Scholes adjourned around 5:00 p.m..

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 #SP2023-066 for a Special Use Permit to operate a short term rental at 408 Sandusky Ave. 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



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: November 30, 2023

Re: Special Use Petition SP2023-072

GENERAL INFORMATION

Applicant:

Brad Hus

Status of Applicant:

Representative
NSPJ Architects
3515 West 75th Street
Prairie Village, Kansas 66208

Requested Action:

Approval of a Special Use Permit.

Date of Application:

August 24, 2023

Purpose:

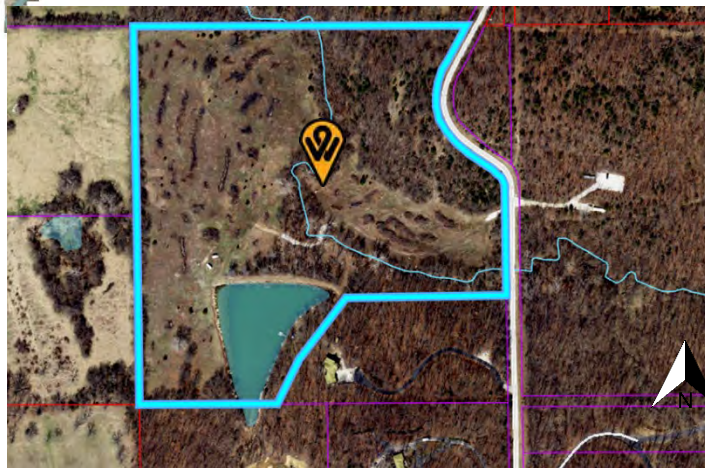
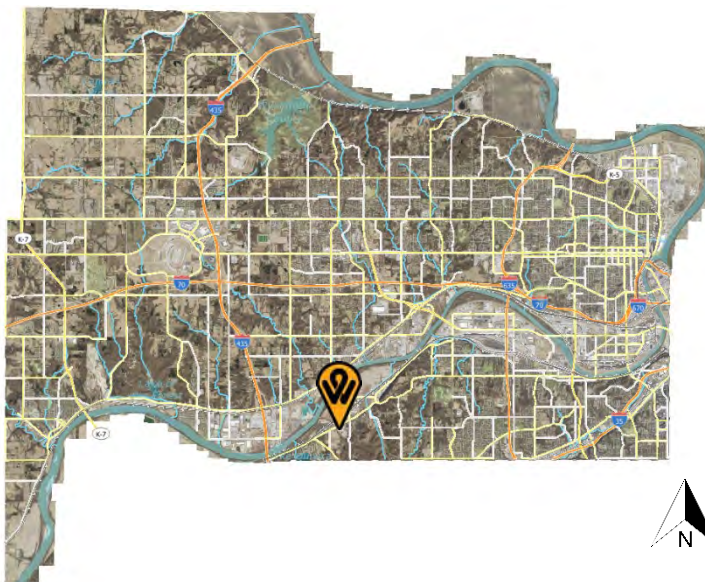
To approve a Special Use Permit
for Short-Term Rental cabins.

Property Location:

2914 South 74th Street
Kansas City, Kansas 66106

Commission Districts:

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



Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: R-1 Single Family District South: A-G Agriculture District East: R-1 Single Family District West: R-1 Single Family and A-G Agriculture Districts
Adjacent Uses:	North: WaterOne Water Treatment Plant South: Single Family Residence and Agricultural Land East: Vacant Residential Parcel West: Agricultural Farm Land
Total Tract Size:	31.15 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 South 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 and October 2, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	There have been several letters and calls in opposition to this proposal. There were 38 persons present in opposition at the November 13, 2023 City Planning Commission meeting. Staff also received two (2) additional letters in opposition the day of the meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brad Hus, is requesting a Short-Special Use Permit to develop and operate short-term rental cabins at 2914 South 74th Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2900 block of South 74th 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.

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 within the Morris Statistical Neighborhood and the Morris neighborhood group. The surrounding neighborhood is comprised of large lot single family residences and agricultural lots. Additionally, WaterOne's water treatment plant for Johnson County is located directly north of the subject property.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the A-G Agriculture District. Operating the site as a rental, either short or long-term, is consistent with other nearby properties in close proximity to the property. 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 an agricultural property. The property could be suitable for use as cabin retreat with short-term rentals 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 never been developed.

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 Rural Density Residential, which allows agriculture, ranches, passive parks and large lot residential development. The proposed use as a cabin retreat with short-term rental cabins should be able to conform to the Comprehensive Plan with a Special Use Permit if managed properly.

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 on South 74th Street, a Local Street, but will not exceed the capacity of South 74th Street. Engineering staff determined that the potential increase in traffic does not necessitate a Traffic Impact Study to be performed.

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, the use 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. Dust may also be a concern depending on what areas are paved. Vibration is not an issue typically related to the use of a 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 has the potential to impact the existing natural terrain of the subject property, however, staff does not expect this to be a concern as long as it is managed properly.

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 or campground but may redevelop the property in other manners.

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 of land as it will operate withing several different units spread out across the site. There should not be a concern with undue concentrations of population as long as the applicant abides by the outlined conditions, specifically those that limit parties, larger groups or events.

PREVIOUS ACTIONS

Change of Zone (COZ 3225) from R-1 to A-G for a hay farm and to keep bees.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on September 25, 2023 and October 23, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Dust
Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **DENIAL** of Special Use Permit Application SP2023-072, **as it is not compatible with the neighborhood.**

STAFF COMMENTS AND SUGGESTIONS

Staff does not concur with the recommendation of the City Planning Commission.

Planning and Urban Design Comments:

1. How does the applicant intend to use the site? Explain the operation of the proposed cabin retreat.

Applicant Response: The proposed cabin retreat will be used as short-term rentals, in the "Air B&B" style, but with a more remote, rural type experience. The owner would eventually like to offer an alpaca farm to enhance the uniqueness of the experience.

2. Will cabins be able to be rented by individual parties?

Applicant Response: The cabins are designed for individuals or minimally sized groups of people.

3. How many people can stay in each cabin?

Applicant Response: Each Cabin has one (1) bedroom.

Staff Response: At most, three (3) people per cabin is allowed.

4. Is there an event space on the property for large-scale gatherings?

Applicant Response: No, this proposal does not include event type spaces intended for large-scale gatherings.

5. Are there other central facilities on-site?

Applicant Response: There will be a barn facility intended to support the eventual alpaca farm.

6. What type of, if any, gatherings will occur on the site?

Applicant Response: No formal events or gatherings are intended for this project.

7. What other uses will occur on the site? The applicant mentions an alpaca farm in the application.

Applicant Response: An alpaca farm is the only use in addition to the short-term rentals currently anticipated for this site.

8. The applicant understands that if this Special Use Permit lapses, they may be required to alter the operation.

Applicant Response: Understood.

9. Does the applicant intend to parcel out the cabins?

Applicant Response: Not at this time.

10. Where will storm shelters be placed? A storm shelter is required on site that is designed to FEMA 320 Standards.

Applicant Response: Storm shelters will be provided in the mechanical space of each unit. Provisions to meet FEMA 320 standards will be identified during final plan submittal.

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 **SP2023-072** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

1. There shall be no more than three (3) guests per cabin;
2. There shall be no more than two (2) vehicles per cabin;
3. There shall be no large-scale or other formal events hosted on the property;
4. The applicant shall file a Final Development Plan;
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.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Host Compliance Map
Site Plan
Grading Plan
Erosion Control Plan
Elevations
Floor Plan
Site Layout
UG Pictometry, Dated January 2023
Applicant Response to Draft Comments
Neighborhood Meeting Minutes – September 25, 2023
Neighborhood Meeting Minutes – October 23, 2023
Additional Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated September 8, 2023
Letters of Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Denial	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-072** 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 **SP2023-072**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 3:26:30:

SPECIAL USE PERMIT APPLICATION SP2023-072 – BRAD HUS - SYNOPSIS:

Special Use Permit to operate a Short-Term Rental/cabin retreat with an alpaca farm at 2914 South 74th Street. Detailed Outline of Requested Action: The applicant, Brad Hus, is requesting a Short- Special Use Permit to develop and operate short-term rental cabins at 2914 South 74th Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2900 block of South 74th 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 November 13, 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. Commissioner Ernst stated that he was contacted by Mr. Phil Lopez in opposition to the project. Secretary Parker read a letter from Mr. Lopez, 6th District Commissioner-Elect, into the record. "Frankly, I am perplexed as to how this project even made it this far in the review process. It blatantly violates numerous existing zoning rules, which is a matter of significant concern. Furthermore, I must stress that this project does not contribute to the betterment of my district. Having thoroughly reviewed the details, it's clear that the project would be more appropriately situated outside the city limits, where it would align better with the zoning requirements and the overall developmental vision of the area. Most importantly, I want to voice the strong opposition of my constituents. They have expressed clear disapproval of this project, and it is my duty to represent their interests and concerns in this matter. I trust that the board will take these points into serious consideration when making a decision." It should be noted that after the hearing an additional letter in opposition was submitted to Staff .

Present in Support:

- Brad Hus, applicant, NSPJ Architects, 3515 West 75th Street, Prairie Village, Kansas 66208
- Reggie Kennon, 5118 West 158th Terrace, Overland Park, Kansas, owner of the property

The Planning Commission directed questions to the applicant.

Present in Opposition:

- There were 38 people present in opposition including the following that spoke:
- Mr. Cusack, 2909 South 74th Street, Kansas City, Kansas
- Matt May, 2730 South 74th Street, Kansas City, Kansas
- Christopher Handlin, 3000 South 74th Street, Kansas City, Kansas
- Laura Christensen, co-owner of Two Birds Farm with Katherine Kelly, 2931 South 78th Street, Kansas City, Kansas
- Stephanie Barton
- Kate Halber, 4708 Mullen Road, Kansas City, Kansas
- Kenneth Brustade, 7165 Gibbs Road, Kansas City, Kansas
- Jessica Kent, 2629 South 72nd Terrace, Kansas City, Kansas
- Olivia Elliot, 2925 South 78th Street, Kansas City, Kansas
- Jennifer Lloyd, 3155 Pearl Lane, Kansas City, Kansas
- Barbara Mealer, 2806 South 73rd Street, Kansas City, Kansas
- Chase Thompson, 3100 South 74th Street, Kansas City, Kansas
- Marsha Kent, 2627 South 75th Terrace, Kansas City, Kansas

Chairman Carson asked the developer to address the concerns of those in opposition.

Staff Recommendation starts at 4:31:04: Planning Director Hand stated that the request is for a Special Use Permit for a Short-Term Rental cabin retreat. He further stated that the Short-Term Rental ordinance was not written for this type of use. This proposed use has been added to the review of the current STR ordinance to the Commission in May of 2024. That is why this application has been confusing because Staff feels this is some sort of campground whether a campground means tents, cabins or luxury dwelling units. This property is in the City-Wide Comprehensive Plan in the Morris neighborhood. Staff received no letters in support and has received opposition at the meeting tonight and prior to the meeting. There are no Notices of Violation on this property. Staff recommends approval of this application subject to the conditions in the staff report. One (1) of the conditions of approval was no more than three (3) people per cabin but would defer to the Planning Commission if they wanted to change the conditions to no more than four (4) people per cabin.

The Planning Commission directed questions to Director Hand.

Motion starts at 4:38:55:

On motion by Mr. Beth, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2023-072 as it is not compatible with the neighborhood:**

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

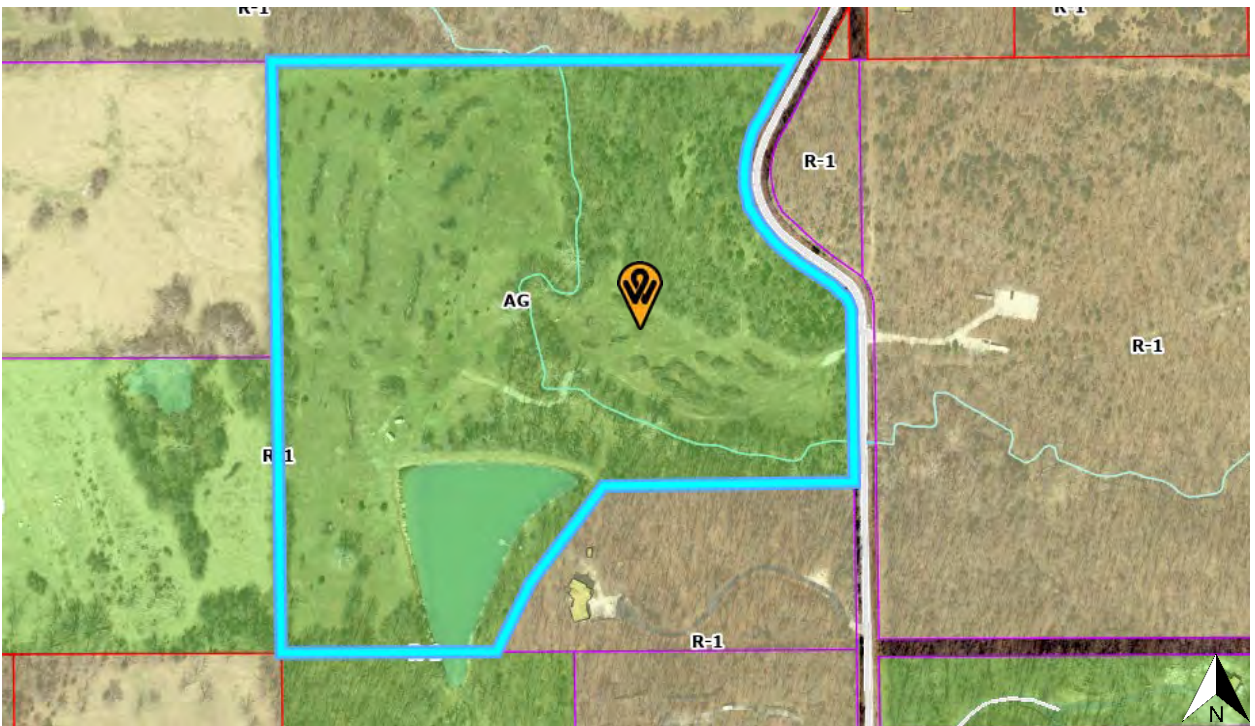
Motion to recommend **DENIAL** Passed: 8 to 0

ATTACHMENTS

AERIAL IMAGERY



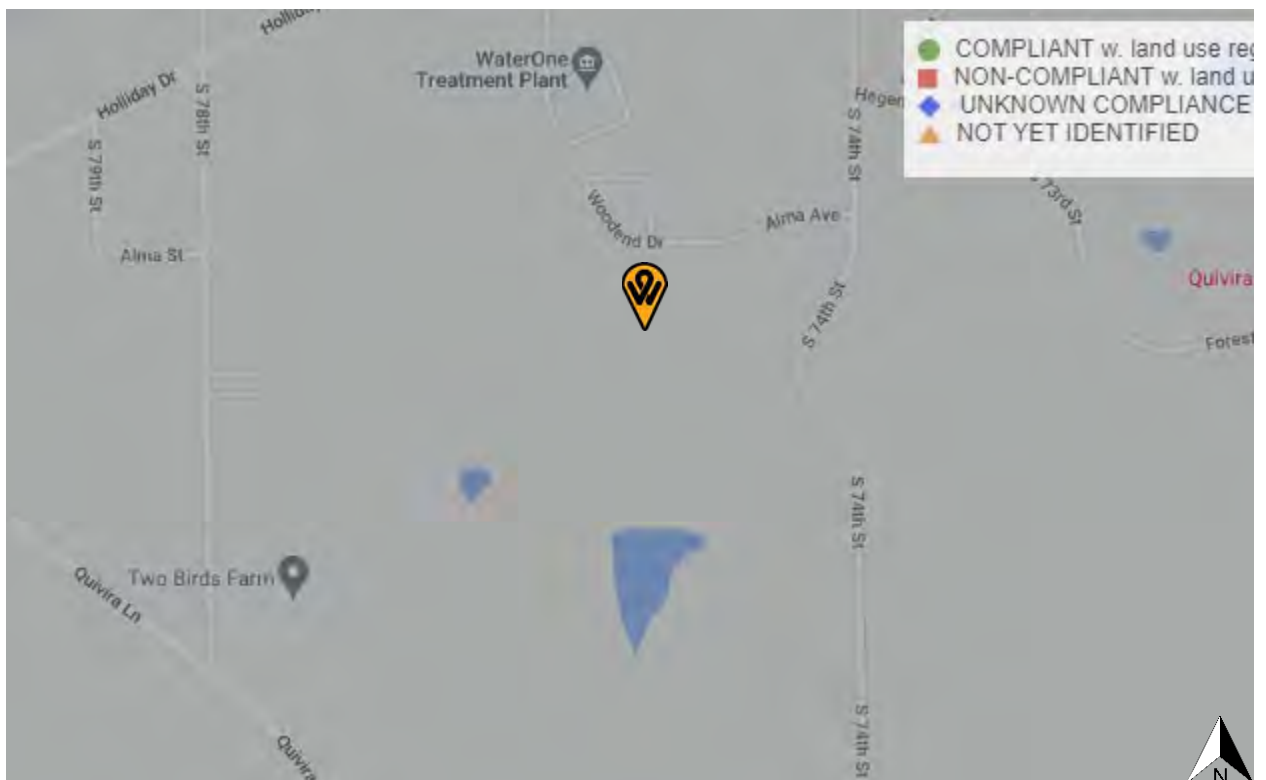
ZONING MAP



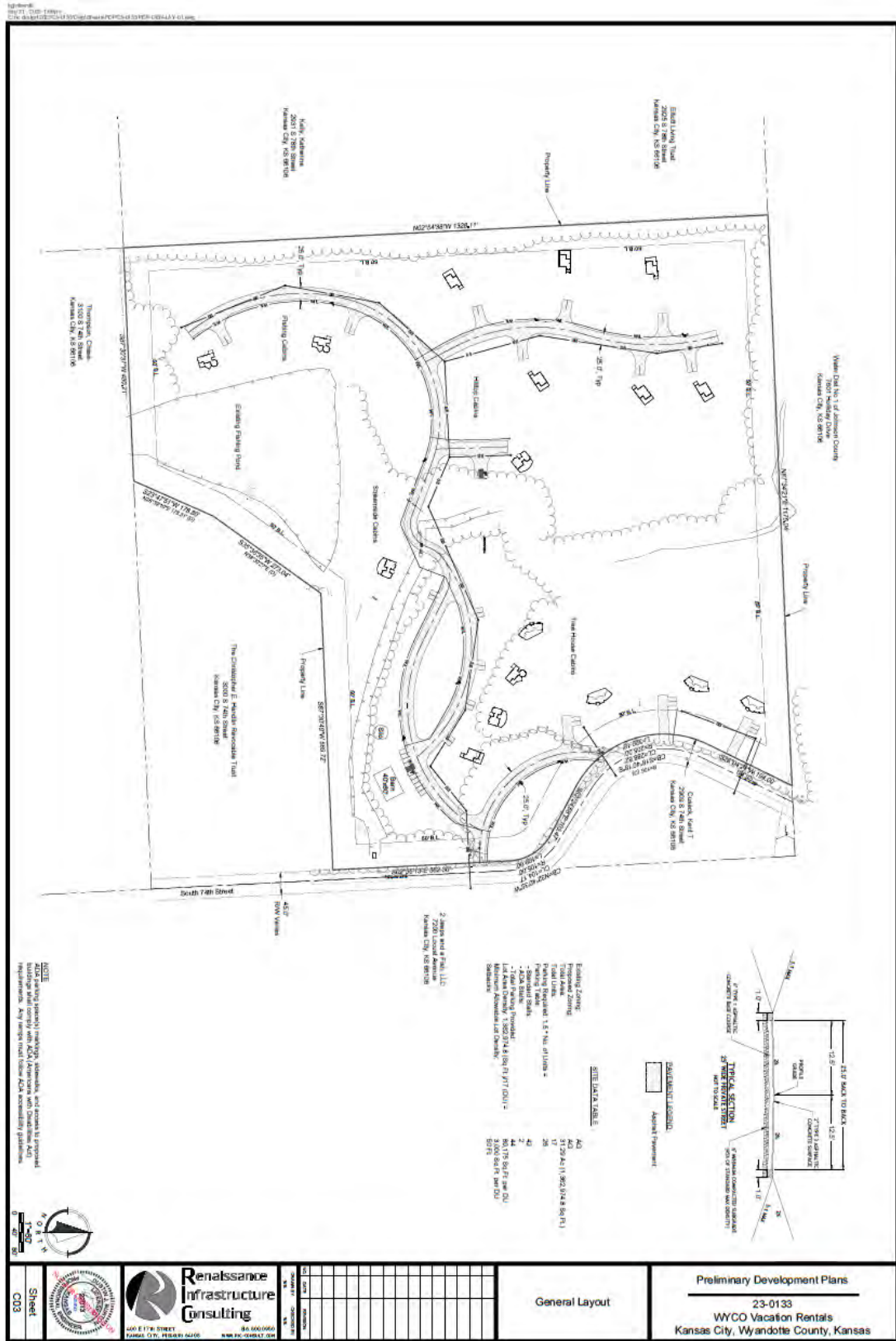
LAND USE MAP

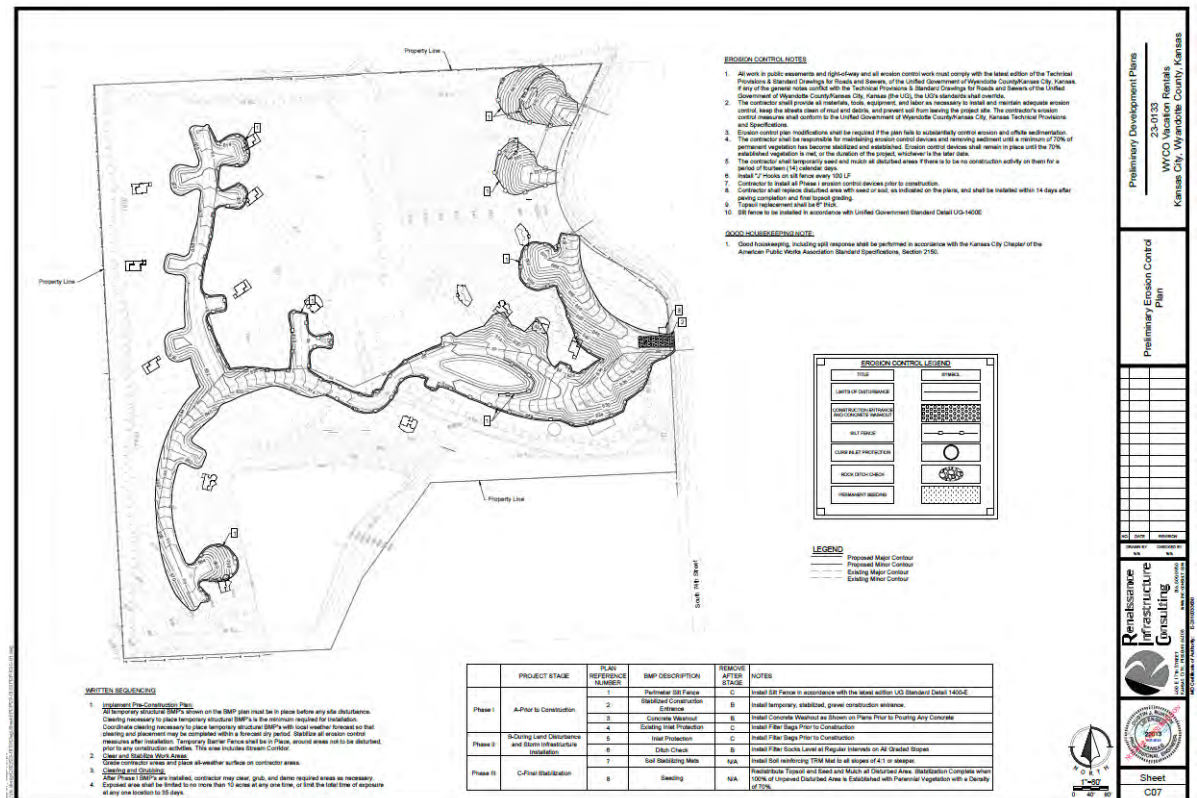


HOST COMPLIANCE MAP – JUNE 12, 2023



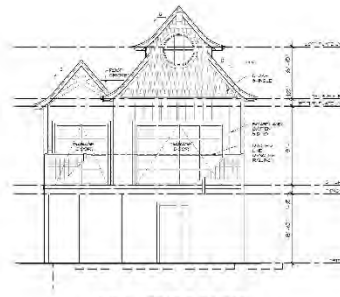
SITE PLAN



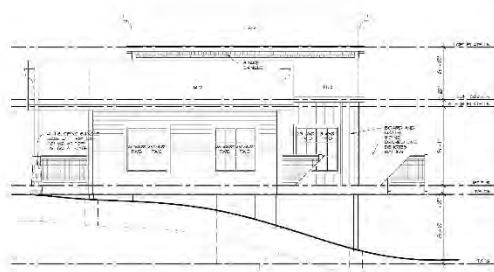


ELEVATIONS

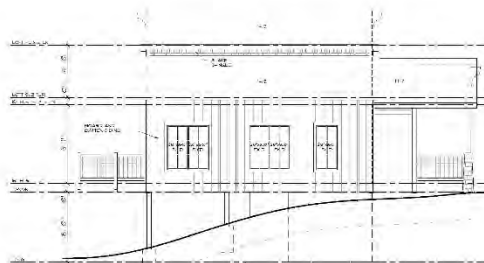
ARCHITECTURAL



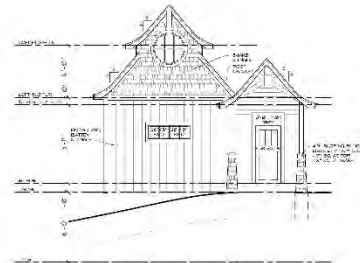
UNIT A - REAR ELEVATION
1/4" = 1'-0"



UNIT A - RIGHT ELEVATION
1/4" = 1'-0"



UNIT A - LEFT ELEVATION
1/4" = 1'-0"



UNIT A - FRONT ELEVATION
1/4" = 1'-0"

PROFESSIONAL
ARCHITECT
NSPJ
ARCHITECTS
214 EAST 10TH
SUITE 100
PRAIRIEVILLE, KANSAS
67449



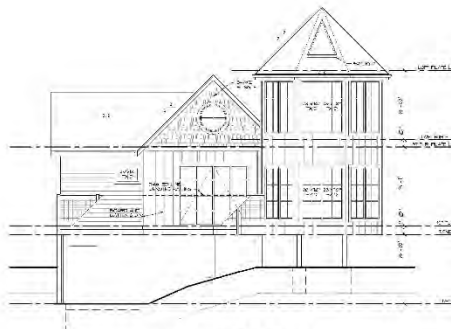
ANNE CAROLINE
WY. CO. DEV.
2914 S. 74th STREET
KANSAS CITY, KANSAS
64114

Approved

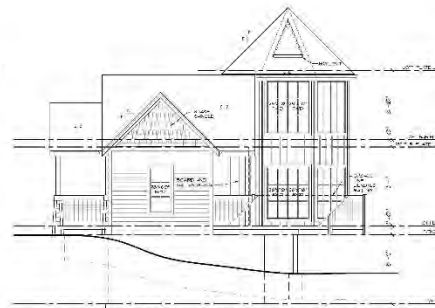
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TIME
11:00 AM
PAGE 12/15/2024

A02

ARCHITECTURAL



UNIT B - REAR ELEVATION
1/4" = 1'-0"



UNIT B - RIGHT ELEVATION
1/4" = 1'-0"



UNIT B - LEFT ELEVATION
1/4" = 1'-0"



UNIT B - FRONT ELEVATION
1/4" = 1'-0"

PROFESSIONAL
ARCHITECT
NSPJ
ARCHITECTS
214 EAST 10TH
SUITE 100
PRAIRIEVILLE, KANSAS
67449



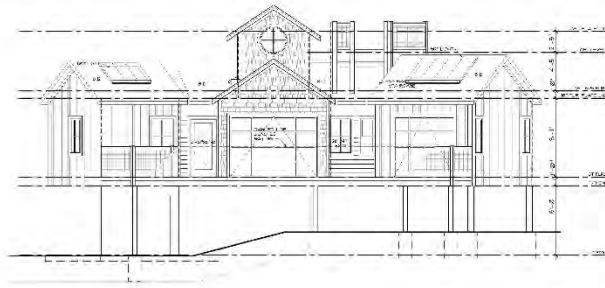
ANNE CAROLINE
WY. CO. DEV.
2914 S. 74th STREET
KANSAS CITY, KANSAS
64114

Approved

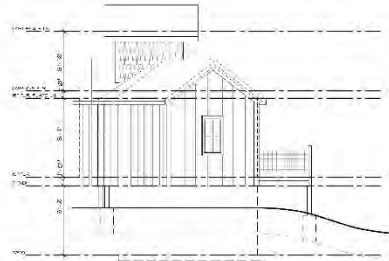
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A04

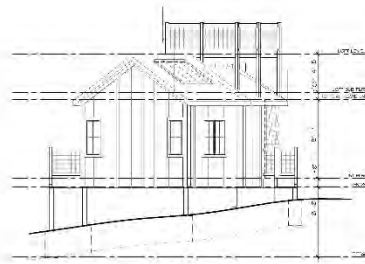
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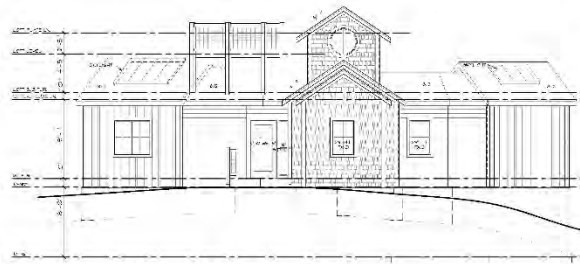
UNIT C - REAR ELEVATION
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UNIT C - RIGHT ELEVATION
1/2" = 1'-0"



UNIT C - LEFT ELEVATION
1/2" = 1'-0"



UNIT C - FRONT ELEVATION
1/2" = 1'-0"



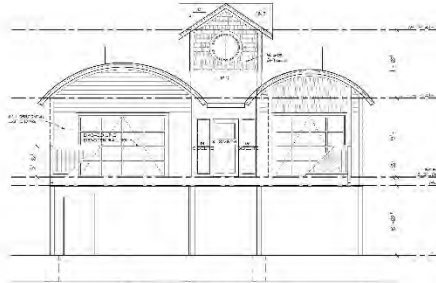
ANDY CARBON
WY. CO. DEV.
2914 S. 74th STREET
KANSAS CITY, KANSAS
DRAWN BY: ACP/108

Checked by:

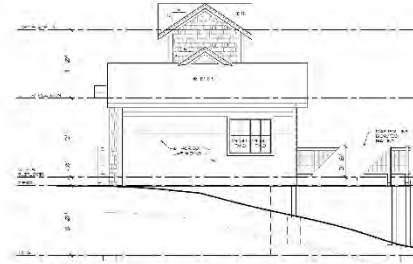
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A06

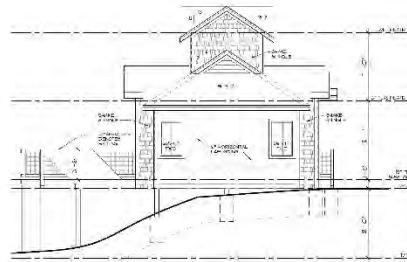
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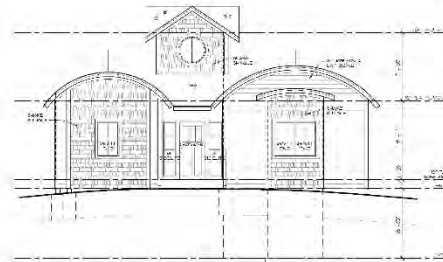
UNIT D - REAR ELEVATION
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UNIT D - RIGHT ELEVATION
1/2" = 1'-0"



UNIT D - LEFT ELEVATION
1/2" = 1'-0"



UNIT D - FRONT ELEVATION
1/2" = 1'-0"



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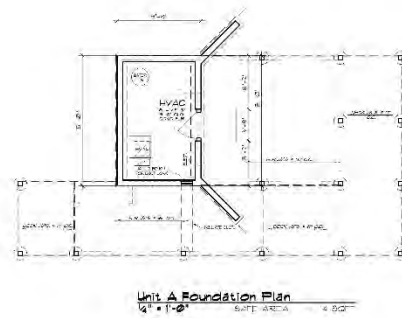
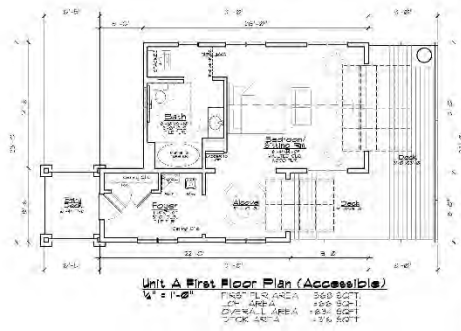
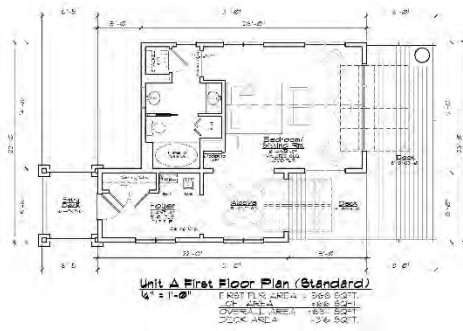
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A08

FLOOR PLANS

ARCHITECTURAL

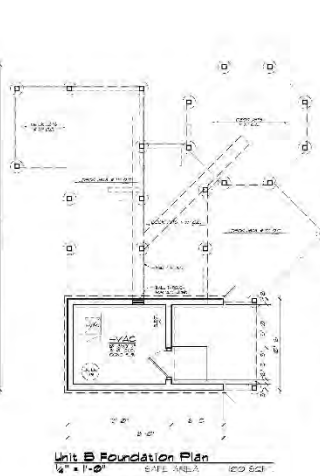
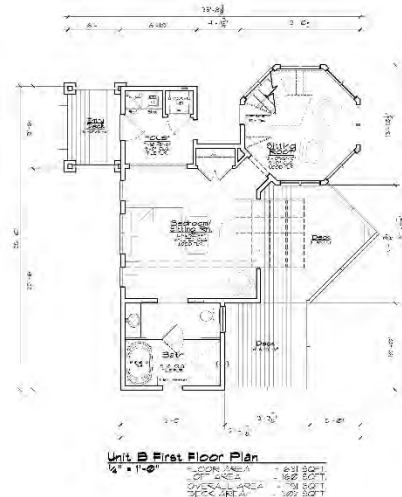
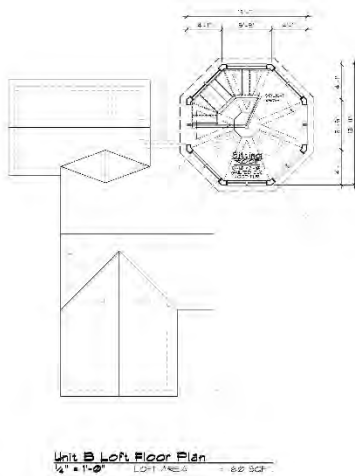


NSPJ
 ARCHITECTS
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 www.nspj.com

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A01

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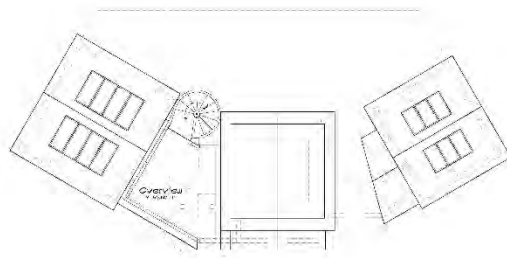


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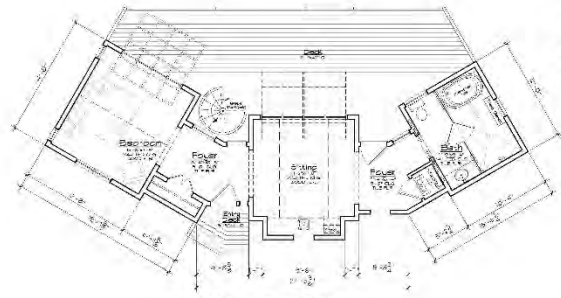
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SP2023-072

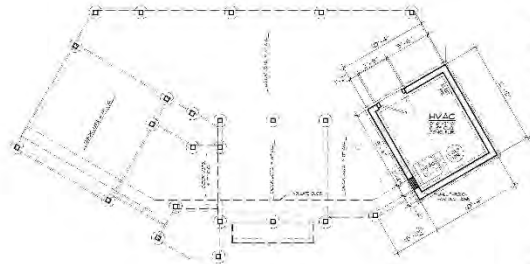
November 30, 2023



Unit C Left Plan
1/4" = 1'-0" TOTAL AREA = 15 SQ'-1



Unit C First Floor Plan
1/4" = 1'-0" FLOOR AREA = 15 SQ'-1



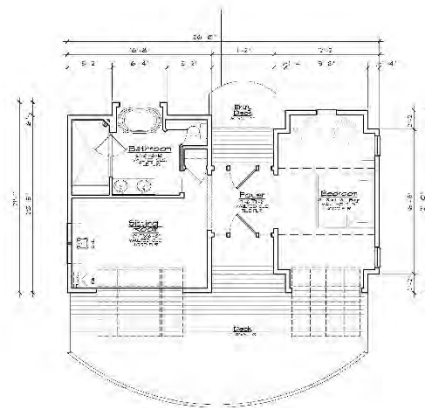
Unit C Foundation Plan
1/4" = 1'-0" FLOOR AREA = 15 SQ'-1

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KANSAS CITY, KANSAS
A05

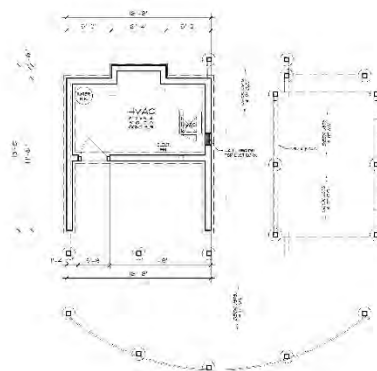
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A07

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A05

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A07



Unit D First Floor Plan
1/4" = 1'-0" FLOOR AREA = 15 SQ'-1



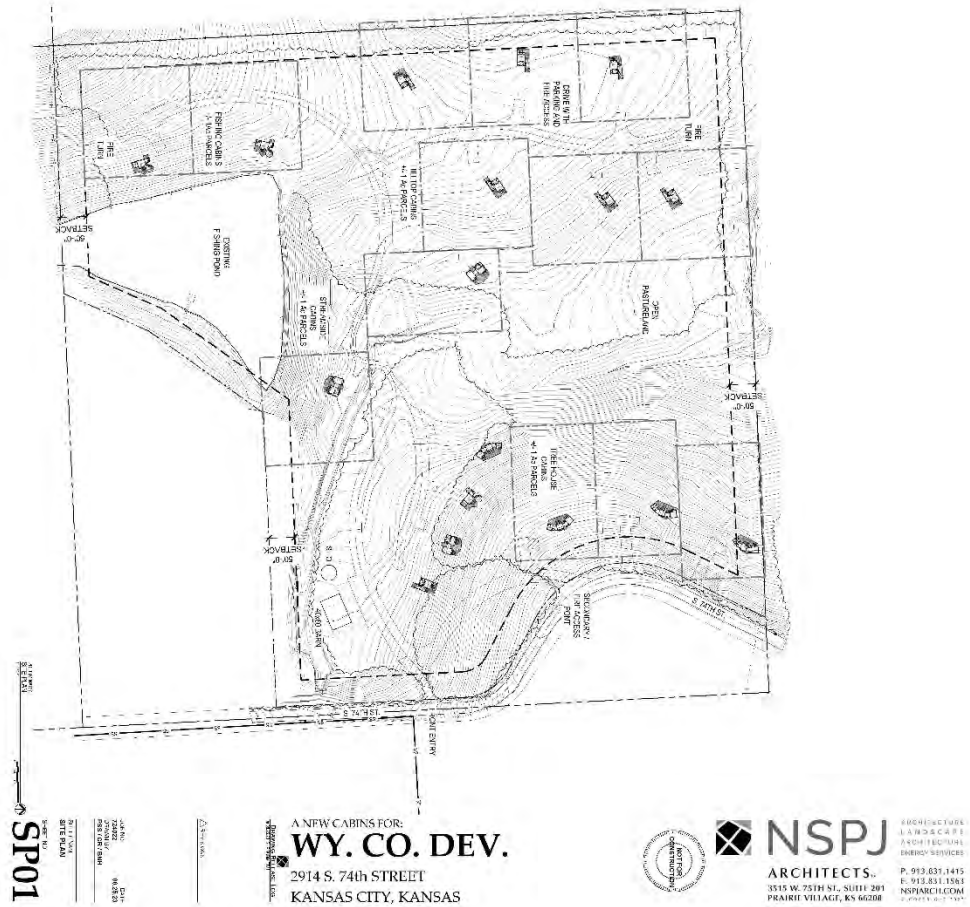
Unit D Foundation Plan
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PRATTVILLE, ALABAMA
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WY. CO. DEV.
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KANSAS CITY, KANSAS
A07

SITE LAYOUT

NOV 2023





APPLICANT RESPONSE TO DRAFT COMMENTS



400 E 17th Street
Kansas City, MO 64108
P: 816.800.0950
ric-consult.com

September 21, 2023

Travis Trumble
Project Engineer
Department of Planning + Urban Design
701 N 7th Street, Suite 423
Kansas City, Kansas 66101

Re: Brad Hus- WYCO Vacation Rentals- (SP2023-072)

Mr. Trumble,

General Engineering

- 1) All sheets shall be sealed, signed and dated by a design professional i.e., professional engineer or architect. Revised and resubmit.
All sheets have been sealed, signed, and dated.
- 2) On the title sheet C01, include a site data table and indicate the quality of land disturbance area in acres, net change in impervious area (in square feet), and net cut/fill quantities.
A site data table with the requested information has been added.
- 3) On the title sheet C01, please include the following note: "All work in public easements and right-of-way and all erosion control work must comply with the latest edition of the Technical Provisions & Standard Drawings for Roads and Sewers, of Unified Government of Wyandotte County/Kansas City, Kansas. If any of the general notes conflict with Technical Provisions & Standard Drawings for Roads and Sewers, of the Unified Government of Wyandotte County/ Kansas City, Kansas (the UG), the UG's standard shall override."
This note has been added.
- 4) Provide contact information for Sewer Maintenance Department, (913) 573-1360, Kevin Swearengen or Kirk Roland for storm and sanitary sewers.
This contact information has been added.
- 5) The driveway entrances within the right of way S. 74th Street shall conform to the United Government of Wyandotte County and Kansas City, Kansas Technical Provisions specifications. See UG detail i.e., UG 4100-G, UG 4100-L.
Acknowledged. A 5' radius has been placed on driveway entrances and grading revisions will be reflected with final development plans.
- 6) With final development plans, provide the dimensions, i.e., the drive entrance shall be 25' max in accordance with UG standards and criteria. If a wider drive entrance is required, please submit a waver request and indicate reasons for the wider drive

Riverside, Missouri | Kansas City, Missouri | Kansas City, Kansas | Lenexa, Kansas

entrance. Further discussion with staff may be required.

Acknowledged.

- 7) Regarding the above comment, indicate the drive entrance's radius on final development plans. The drive entrance shall have a radius of not less than 3', nor greater than 5' in accordance with UG standards and criteria.

Acknowledged.

- 8) If the existing street, i.e., on S 74th Street is damaged during the demolition or construction phase, it shall be restored in accordance with UG standards and criteria.

Acknowledged.

- 9) With final development plans, indicate more details about the proposed parking i.e., to show all pavement markings info, parking striping, etc. In this regard, add a note to include "All construction traffic, temporary traffic control devices, and pavement marking shall conform to the requirements of the latest Manual of Uniform Traffic Control Devices."

Acknowledged.

- 10) With final development plans, add a note regarding permits to be obtained prior to starting construction, including but not limited to the Unified Government, Public Works Department, right-of-way, hauling, land disturbance permits, etc., as applicable.

Acknowledged.

- 11) Verify engineered slopes shall not be steeper than 3H:1V.

Acknowledged.

- 12) With final development plans, provide UG node numbers, pipe sizes, and pipe material, for existing public sewer structures and lines, which may be obtained from the Sewer Maintenance Department.

Acknowledged.

- 13) Please provide a truck turning template of the site. The truck turning template shall be produced from CAD software e.g., AUTO-TURN. Also, coordinate with Harvey Fields, (913-573-5947), KCK Fire department for any additional requirements i.e., hydrant locations, fire access etc.

Acknowledged. A truck turning template has been added to the fire protection plan.

- 14) Please note that ADA parking space(s) markings, sidewalks, and access to the proposed buildings shall comply with ADA (Americans with Disabilities Act) requirements. And note that any ramps must follow ADA accessibility guidelines. If you have any questions about ADA ramps, please contact Troy Shaw, PE at 913-

573-5411 in the Public Works Department for clarification.

Acknowledged. This note has been added to the general layout.

- 15) Please coordinate with James Molloy, jmolloy@wycokck.org, for additional Urban Planning and Zoning requirements and comments.

Acknowledged.

- 16) Final Development Plans will have to be approved before going to Planning Commission with approval to obtain permits. This will include final engineering, calculations, and complete drawings with construction notes and details. Final Development Plans must meet the requirements of UG standards and criteria. Only preliminary drawings are required at this time.

Acknowledged.

- 17) See Erosion Control review for additional comments.
18) See Sanitary Sewer review for additional comments.
19) See Stormwater Quality review for additional comments.

Erosion Control Review

- 1) With final development plans, on the erosion control plan sheet C07, add the following in the erosion control notes section:
- a) Excavated material that is not immediately loaded and hauled off site shall be stockpiled on site. The contractor shall provide the appropriate BMP (site fence, compost sock, gravel filter bags, waddles, etc.) fully surrounding the stockpile area to protect adjacent inlets or areas, etc. until such time that stockpile is removed from the site.
 - b) Inspection, i.e., "The contractor shall inspect erosion control devices every 7 days and within 24 hours of a storm of 0.5 inches or more. The contractor shall repair damage, clean out sediment, and add additional erosion control devices as needed, as soon as practicable, after inspection."

Acknowledged.

- 2) Slope interrupts need to be provided on graded slopes within the site. Slope interrupts are either compost berm, gravel berm, compost sock or silt fence. Slope interrupts shall approximately follow a contour. In this regard, mild and moderate slopes longer than 75 feet are interrupted at intervals not exceeding 75 ft. (See UG checklist, standards and criteria)

Silt fence has been added to slopes longer than 75 feet to assure slope interrupt intervals do not exceed 75 ft.

- 3) Similar to the above comment, for large sites the written construction sequence

includes a requirement to limit the exposed area to no more than 10 acres at any one time, or to limit the total time of exposure at any one location to 35 days. (See UG checklist, standards and criteria)

Acknowledged. A note has been added to the written sequencing notes.

- 4) Please indicate on the final development plans the contractor staging area.

Acknowledged.

- 5) If concrete will be used on site, with final development plans, please provide and indicate a concrete washout location. Please note that a concrete washout must structure a minimum of 50 feet away from open channels, storm drain inlets, sensitive areas, wetlands, buffers and water courses and away from construction traffic.

Acknowledged.

- 6) Applicant will need to identify and acquire all necessary permits including local, state and federal jurisdictions for all work including land disturbance.

Acknowledged.

- 7) Final Development Plans will have to be approved before going to Planning Commission with approval to obtain permits. These will need to include construction notes, separate drawings and references covering the phases of construction with leaders and notes that describe when EC BMPs are placed on site and removed. Only preliminary engineering drawings have been submitted at this time.

Acknowledged.

NOTE: For future reference, this project contains land disturbance of 1.0 acre or more, which will require a Land Disturbance permit through the Public Works Department (and KDHE). Contact Mr. Ricky Ledgerwood (913-573-5421) in Public Works to obtain all applicable Public Works permits, prior to obtaining a building permit through the Building Inspections Department.

Acknowledged.

Sanitary Sewer Review

- 1) With final development plans, provide at PE-sealed sanitary sewer memo with flow calculations and sewer analysis, i.e., proposed sanitary sewer flows, in accordance with the UG Minimum Design Standards for Sanitary Sewers. The Sanitary sewer memo shall also evaluate the capacity of the existing system and determine if any improvements are needed downstream to accommodate the proposed sanitary sewer flows.

Acknowledged.

- 2) If existing and proposed utilities are not public, indicate that on the plans by calling them out as private. Public sewer maps (with UG node number) and as-built drawings may be obtained from the Sewer Maintenance Department at (913)573-5535. In this regard, label the existing public sanitary sewer lines with node numbers for UG structures on the final development plans, as applicable.
Acknowledged. Proposed sanitary sewer labels have been revised to reflect private sanitary.
- 3) Add a note that the Contractor shall obtain a Public Works Sewer permit and coordinate with UG staff for inspection on the proposed sanitary sewer service connection.
This note has been added to the utility plan.
- 4) Sanitary sewer clean-outs and /or manholes on the private sanitary service lines shall be in accordance with applicable uniform plumbing code.
Acknowledged.
- 5) Manholes shall not be placed at a distance to exceed 500ft from each other for pipe diameters less than 18 inches or less.
Acknowledged.
- 6) Validate that manhole covers are located away from curb, sidewalk, and drainage swales.
Acknowledged and verified.
- 7) With final development plans, verify minimum clearance for proposed sanitary sewer pipes with other utilities, i.e., W/L waterline, shall be met in accordance with UG checklist, standards and criteria. (See UG checklists, standards and criteria).
Acknowledged.
- 8) Similar to the above comment, if the clearance between the proposed sanitary service line and other utilities is not adequate, the sanitary line shall be concrete encased at a minimum 10' centered at the point of crossing.
Acknowledged.
- 9) Private sanitary service line shall comply with the applicable uniform plumbing code.
Acknowledged.
- 10) Final Development Plans will have to be approved before going to Planning Commission with approval to obtain permits. These will need to include final engineering, calculations, and complete drawings with construction notes and details. Final Development Plans must meet the requirements of KDHE and UG standards. Only preliminary drawings are required at this time.

Acknowledged.

Stormwater Quality

- 1) Stormwater treatment facilities, i.e., detention ponds, shall be accessible by vehicle for maintenance and inspection purposes. The layout, topography/ slopes and ground cover shall be considered and identified on the plans where the storm facilities are proposed.

Acknowledged. The proposed detention basin has been labelled on the grading plan.

- 2) With final development plans, provide an operations and maintenance manual for the proposed post-construction BMPs. This documents should be formatted to be provided to the owner and include the site address, owner's contact information, description of BMPs on site, relevant plan sheets, operation and maintenance information, inspection calendar, inspection log, sample inspection form, etc. Include a statement that the UG may request inspection reports.

Acknowledged.

- 3) Final Development Plans will have to be approved before going to Planning Commission with approval to obtain permits. These will need to include final engineering, calculations, and complete drawing with construction notes and details. Final Development Plans must meet the requirements of the MARC BMP manual, UG standards, criteria, and checklist. Only preliminary plans are required at this time.

Acknowledged.

Sincerely,
Francisco Ramirez
Design Engineer

RENAISSANCE INFRASTRUCTURE CONSULTING



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

If you have any questions, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bradley N. Bus'.

Bradley N. Bus, RLA, LEED AP
Landscape Architect III, Project Manager

NSPJ Architects, P.A.
C-Corporation, # 48-0800449



September 25, 2023

James Molloy
Department of Planning + Urban Design
Unified Government of Wyandotte County + Kansas City, Kansas
City Hall
701 N. 7th St., Suite 423
Kansas City, Kansas 66101
(913) 573-5771
jmolloy@wycokck.org

Re: SUP Application SP2023-072
Response to City Comments 1

Dear James:

Please see below for our responses in *blue italics* to your round 1 review comments of the SUP Application SP2023-072, as received by the project team on September 15, 2023.

Planning and Urban Design Comments:

1. How does the applicant intend to use the site? Explain the operation of the proposed cabin retreat.

RESPONSE: The proposed cabin retreat will be used as short-term rentals, in the "Air B&B" style, but with a more remote, rural type experience. The owner would eventually like to offer an alpaca farm to enhance the uniqueness of the experience.

2. Will cabins be able to be rented by individual parties?

RESPONSE: The cabins are designed for individuals or minimally sized groups of people.

3. How many people can stay in each cabin?

RESPONSE: Each cabin has only one bedroom.

4. Is there an event space on the property for large-scale gatherings?

RESPONSE: No, this proposal does not include event type spaces intended for large-scale gatherings.

5. Are there other central facilities on-site?

RESPONSE: There will be a barn facility intended to support the eventual alpaca farm.

6. What type of, if any, gatherings will occur on the site?

RESPONSE: No formal events or gatherings are intended for this project.

7. What other uses will occur on the site? The applicant mentions an alpaca farm in the application.

RESPONSE: An alpaca farm is the only use in addition to the short-term rentals currently anticipated for this site.

8. The applicant understands that if this Special Use Permit lapses, they may be required to alter the operation.

RESPONSE: Understood.

9. Does the applicant intend to parcel out the cabins?

RESPONSE: Not at this time.

10. Where will storm shelters be placed? A storm shelter is required on site that is designed to FEMA 320 Standards.

RESPONSE: Storm shelters will be provided in the mechanical space of each unit. Provisions to meet FEMA 320 standards will be identified during final plan submittal.

Standard Conditions:

RESPONSE: All conditions below are acknowledged.

- 1. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;**
- 2. 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;**
- 3. Applicant is to maintain liability insurance.**
- 4. The property must remain in proper maintenance and free of hazards, pests, or infestations.**
- 5. The granting of this Special Use Permit does not transfer with a change of ownership of the property.**
- 6. 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).**

7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
8. If approved, occupying businesses must file and maintain a current business occupation tax application with this office.
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. 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.

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



LETTERS OF OPPOSITION – AS OF NOVEMBER 3, 2023

CHRIS HANDLIN

From: [Chris Handlin](#)
To: [Molloy, James](#); [Parker, Janet](#); [Hand, Gunnar](#); [Bumoughs, Tom](#); [Markley, Angela](#); [jnieke3@gmail.com](#); [merrittlesie@yahoo.com](#); [May, Matt](#)
Subject: SIX DAYS NOTICE!
Date: Wednesday, September 20, 2023 8:24:54 AM
Attachments: IMG 4470.jpg
IMG 4471.jpg

I just received Notification, about a project that could potentially change my family's life!
And all I received was 6 days notice! To attend a meeting at 2PM! In the middle of the afternoon!

How does the working class make this work???

Also I might add that the notification only limits neighbors within 200 feet the whole entire neighborhood will be affected by this project 200 feet is a joke it needs to be 1500 maybe even 2000 feet for a project of this size! This totally favors the development company!

I am not up set with anyone in the zoning office.

You have all been extremely professional, and kind! I am upset with the current guidelines that allow this to happen! We have to do better by our tax payers! We deserve better than this!

Respectfully Christopher Handlin and Family!!!



[Sent from Yahoo Mail for iPhone](#)

From: [Chris Handlin](#)
To: [Hand, Gunnar](#)
Cc: [Parker, Janet](#); [Molloy, James](#); [Toy, Byron](#)
Subject: Re: SP2023-072
Date: Tuesday, September 19, 2023 11:08:52 AM
Attachments: [image002.png](#)
[image003.png](#)
[image001.jpg](#)

Mr, Hand

I appreciate your swift response and your team's professionalism. I hope you understand my position and protecting my family's interest and trying to avoid being steam rolled by an outside organization not from this county with extremely deeper pockets than I have! I am vehemently against this project! I feel I am being backed into a corner! I appreciate your time and understanding of my position.
Respectfully Christopher Handlin.

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, September 19, 2023, 10:54 AM, Hand, Gunnar <gchand@wycokck.org> wrote:

Mr. Handlin,

Assuming this project stays on track for the October City Planning Commission hearing, my schedule would not allow for a timely meeting for this case. I would recommend that you meet directly with the lead planner on this project, Mr. James Molloy (copied here). Again, if you have comments about this case, you should attend the neighborhood meeting, send a letter to Mr. Molloy for the record, and/or attend the public hearing when it is set. If you have any additional questions, please let me know. Thank you for your time and efforts,



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

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

From: Chris Handlin <chrishandlin@yahoo.com>

Sent: Monday, September 18, 2023 7:21 PM

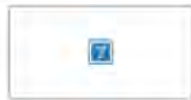
To: Hand, Gunnar <gband@wycokck.org>

Subject: SP2023-072

Mr Hand,

My name is Christopher Handlin my family and I reside at 3000 S 74th street in the Morris area of KCK. I have been a resident of Wyandotte county for 20 years. I was hoping I could meet with you in person to discuss the above project that will surround my families homestead. I know you are a busy man and would appreciate any time you could spare.

Semper Fidelis,



Christopher Handlin

913-707-8082

chrishandlin@yahoo.com

KSRRRC #19-007673

ICC Class A GC #2019-5538



From: chase@inspirekc.com
To: [Paul Staats](#); [Brad Hus](#)
Cc: chrishandlin@yahoo.com; [Parker, Janet](#); [Molloy, James](#)
Subject: Comprehensive Concerns and Request for Immediate Withdrawal from Proposed Development at 2914 S 74th St, Kansas City, KS
Date: Tuesday, September 26, 2023 6:38:08 AM

Some people who received this message don't often get email from chase@inspirekc.com. [Learn why this is important](#)

Dear Brad Hus, Paul Staats, and Team at NSPJ Architecture,

I trust this letter finds you well. As an adjacent property owner and concerned neighbor, I'm writing to share grave concerns regarding the proposed development at 2914 S 74th St, Kansas City, KS. Our neighborhood recently convened to discuss the project, and the opposition was unanimous. We outline our reservations below:

Inexperience and Track Record

Inexperience: Reggie Kernna and Rich Jones lack prior experience in property development, raising significant questions about the project's feasibility and its impact on our community.

Fire Hazards: Reggie has accumulated numerous citations and fines from the fire department, approaching \$10,000, which calls into question the responsible management of such a large project.

Infrastructure and Safety

Dangerous Entryway: Known locally as "Dead Man's Curve," the proposed entrance is perilously located, posing risks to both neighbors and potential patrons.

Bridge Over the Creek: The development requires a bridge robust enough for emergency vehicles, yet no details have been shared about this critical safety feature.

Fire Suppression Systems: Information about fire suppression systems and fire hydrants across the property is conspicuously absent.

Sewer System: A cursory mention of a single lift station seems insufficient, leaving us concerned about long-term maintenance and reliability.

Permitting and Compliance

Permit Violations: Rich Jones has been working on the property three days a week, and the clearing of all 30 acres took place without the necessary city permits.

Dam Safety: The Class 3 dam requires triennial state inspections. The dam also has at least three leaks, raising further concerns about the project's long-term viability.

Community and Personal Impact

Noise and Disruptions: Reggie has a history of hosting large concerts on the property. Considering that an event center was already rejected by planning and zoning, we're concerned he may circumvent this by using the Alpaca barn as a guise.

Personal Liability: As I share a portion of the pond with the proposed development, allowing short-term tenants to access it creates liability issues for me.

Additional Concerns

Architectural Firm Withdrawal: Another architectural firm has opted out of this project due to financial or logistical impracticalities.

Agricultural Tourism Loophole: We suspect the applicants aim to exploit planning and zoning loopholes, such as keeping alpacas, to advance a project inconsistent with community values. Additional concern arises from the lack of detailed plans for the silo and 60x40 barn.

Plan-Application Misalignment: There's a discrepancy between the verbiage on the application and the actual plans, most notably in the repurposing of a 60x40 event building to house alpacas.

Given these multifaceted issues and the community's unanimous opposition, we respectfully request that NSPJ Architecture consider withdrawing from this project. Your immediate attention to these pressing matters would be greatly appreciated.

Best regards,
Chase Thompson
Adjacent Property Owner

From: chase@inspirekc.com
To: [Brad Hus](mailto:Brad.Hus@nsbjarch.com); [Hand Gunnar](mailto:Hand.Gunnar@yahoo.com); chrishandlin@yahoo.com; [Malloy James](mailto:Malloy.James)
Subject: Re: SP2023-072 - 2914 SOUTH 74TH STREET
Date: Monday, September 18, 2023 10:44:34 PM

Some people who received this message don't often get email from chase@inspirekc.com. [Learn why this is important](#)

Hello,

I appreciate you sending over the plans for the special use project you're coordinating in our neighborhood. It's the first official notice I've received, and I appreciate the chance to review the details.

That being said, my prior awareness of this project has been solely through informal channels, specifically from a neighbor. I should also note that the information disseminated by our neighbor didn't include any concrete plans, thus leaving us a bit in the dark.

Unfortunately, it has come to my attention that formal notification documents were indeed sent by the Unified Government. However, these documents never made it to us; they were taken from our mailbox by an unauthorized individual. After confirming that the document was dispatched via USPS, I feel we have not been given adequate time to prepare for the upcoming meeting.

Given these circumstances, I request that the meeting be postponed to grant ample time to study the project's intricacies and formulate any relevant questions or concerns. Could you clarify if there's a 10-day minimum notice requirement from the Unified Government for projects of this nature? If such a requirement exists, rescheduling seems like a good idea. I would also prefer that the meeting be held outside of normal work hours so that all neighbors have the opportunity to attend.

I genuinely appreciate your immediate attention to this matter and await your prompt reply. Please let me know if there is an alternative date and time that would allow the neighborhood to adequately prepare.

Thanks,
Chase Thompson

From: Brad Hus <bhus@nsbjarch.com>
Sent: Monday, September 18, 2023 3:28 PM
To: chase@inspirekc.com <chase@inspirekc.com>
Cc: Paul Staats <pstaats@nsbjarch.com>
Subject: SP2023-072 - 2914 SOUTH 74TH STREET

Chase – please see attached for the information you requested. This is the letter we sent out on Friday, so you should be receiving it soon. Included is the site plan and building plans / elevations.

THANKS,

BRAD HUS | RLA, LEED AP
Landscape Architect III, Project Manager
P: 913.831.1415 | F: 913.831.1563
3515 W. 75th St. Suite 201, Prairie Village, KS 66208
KANSAS CITY | NSPIARCH.COM



[Architecture](#) | [Landscape Architecture](#) | [Energy Services](#)

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Parker, Janet

From: phil lopez <phillopez@me.com>
Sent: Friday, November 10, 2023 8:34 PM
To: Parker, Janet
Subject: record # sp2023-072

[You don't often get email from phillopez@me.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

record # sp2023-072

Frankly, I am perplexed as to how this project even made it this far in the review process. It blatantly violates numerous existing zoning rules, which is a matter of significant concern.

Furthermore, I must stress that this project does not contribute to the betterment of my district. Having thoroughly reviewed the details, it's clear that the project would be more appropriately situated outside the city limits, where it would align better with the zoning requirements and the overall developmental vision of the area.

Most importantly, I want to voice the strong opposition of my constituents. They have expressed clear disapproval of this project, and it is my duty to represent their interests and concerns in this matter.

I trust that the board will take these points into serious consideration when making a decision.

Sincerely,

Phil Lopez
Wyandotte County 6th District Elect

SP 2023-072 letter in opposition

11/13/2023
City Planning Commission

Dear City Planning Commission,

We are not residents of Wyandotte County and live in Johnson County but will be impacted by the proposed Short-Term Rental/Cabin Retreat project SP2023-072. If this project is approved, we foresee construction vehicles and future short-term renters from the proposed development at 2914 S 74th driving through Quivira Highlands, which is our residential neighborhood, to access shopping, groceries, restaurants, entertainment and service stations, etc. The two roads on this route, Mullen and 48th Street, in Quivira Highlands subdivision are local residential roads with no sidewalks, not marked with lines and have posted speeds of 25 mph. The shortest route from 2914 S 74th St. to Quivira Drive/Pflumm, a busy collector street driven to get to the amenities listed above, is through our Quivira Highlands residential neighborhood.

I've listed the three possible routes below as evidence to show that the shortest route to the amenities is through our residential area and would be the obvious route taken.

.6 miles

Starting at 2914 S 74th, which turns into Mullen at JoCo line and which is **a residential street** in Quivira Highlands, taking a right onto 48th Street, which is **a residential street** in Quivira Highlands, and ending at the Quivira Highlands entrance sign (48th and Quivira Drive).

2.2 miles

Starting at 2914 S 74th, to Holliday Drive, taking a left onto S 78th Street, taking a left onto Quivira Lane/Quivira Drive, and ending at the Quivira Highlands entrance sign (48th and Quivira Drive).

2.7 miles

Starting at 2914 S 74th, to Holliday Drive, taking a left onto Quivira Lane/Quivira Drive, and ending at the Quivira Highlands entrance sign (48th and Quivira Drive).

Of utmost concern is that both Mullen and 48th Street both have hills which makes it difficult to see oncoming traffic coming over the hill. We

have seen a significant amount of increased traffic over the past couple of years cutting through our residential area from 74th Street/Mullen and onto 48th Street to the Quivira Highlands entrance sign. This traffic includes many large trucks in addition to cars, which we and our neighbors intend to be addressing with the City of Shawnee. Even at the last Neighborhood meeting on this project, the residents on 74th street were complaining about the increased truck traffic. The traffic is driving at higher speeds than posted and is a major concern for safety with the lack of visibility from the hills. This lack of visibility is a serious problem on Mullen and 48th Street as you back out of your driveway or get your mail, as a fast moving vehicle appears at the top of the hill. There are many neighbors (adults and homeschooled children) who regularly walk in our neighborhood on 48th Street to the Quivira Highlands entrance at Quivira Drive and you have to be very cautious with the traffic, taking your life in your own hands, so to speak.

The Quivira Highlands neighborhood will be contacting the newly elected Shawnee City Council and City of Shawnee Transportation Manager to remedy this potentially dangerous traffic problem and insure the safety of our residents. For these reasons, we have serious concerns about adding any additional traffic from the proposed 2914 S 74th St. project.

Sincerely,
Cheryl and Ronald Roberts
14318 W 48th St.
Shawnee, KS
816-304-2527



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: November 30, 2023

Re: Special Use Petition SP2023-074

GENERAL INFORMATION

Applicant:

Waynell Henson

Status of Applicant:

Property Owner

2501 North Tremont Street

Kansas City, Kansas 66101

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

September 5, 2023

Purpose:

To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

2501 North Tremont Street

Kansas City, Kansas 66101

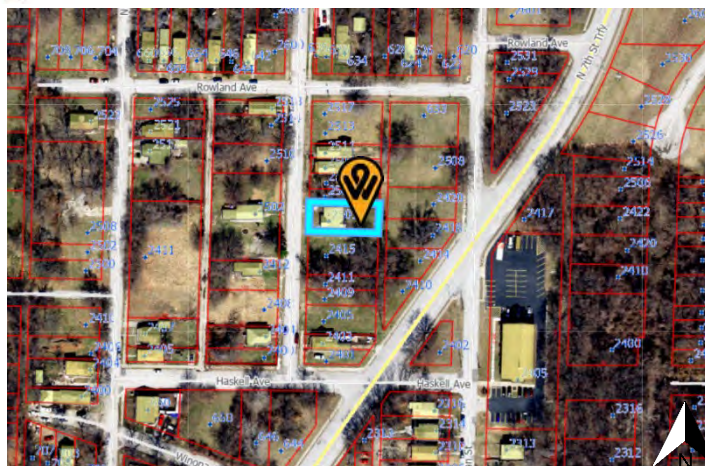
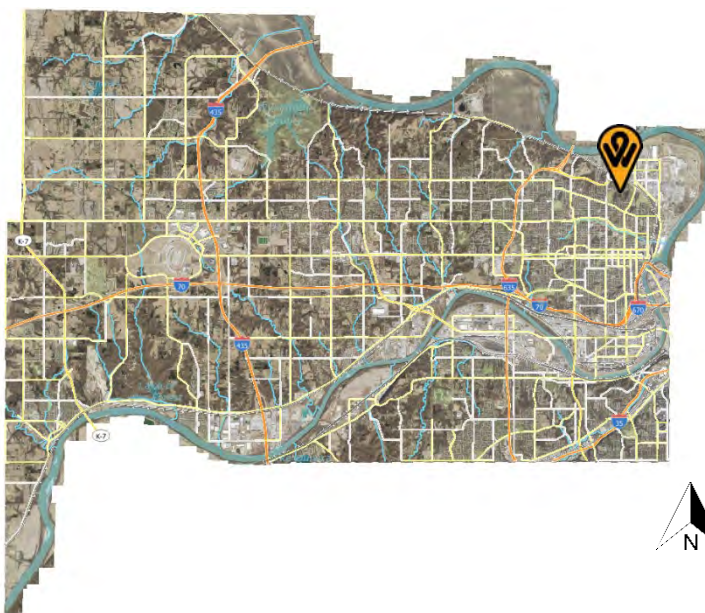
Commission Districts:

Commissioner At-Large, District #1:

Melissa Bynum

District #1 Commissioner:

Gayle Townsend



Existing Zoning:	R-2(B) Two Family 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: R-2(B) Two Family District
Adjacent Uses:	North: Vacant parcel South: Vacant parcel East: Vacant parcel West: Single-family residence
Total Tract Size:	0.14 Acre
Comprehensive Plan Designation:	The Northeast Area Plan designates the subject property as Lower-Medium Density Residential, which is intended to promote infill development and investment by allowing additional units compared to the R-1 Single Family District, while preserving the overall character of existing neighborhoods.
Major Street Plan:	The goDotte Mobility Plan designates North Tremont Street as a Local/Neighborhood Street. The goDotte Mobility Plan also designates this portion of North Tremont Street as a Priority 2 or Medium Priority for sidewalk repairs and updates.
Parking Requirement:	Section 27-457(d) states “one (1) parking space for each dwelling unit shall be provided on the premises. There are two (2) parking spaces on the property.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Waynell Henson, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2501 North

Tremont Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of North Tremont 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 has been one (1) call for police service:
 - a. 2019 – 2019-100284 – Burglary and Criminal Damage

Building, Zoning, or Code Enforcement Complaints:

1. There is an active Notice of Violation for structural concerns.
 - a. 2023 – STR23-0931 – Structural – Multiple Violations
 - b. 2021 – CAC21-1956 – Citation – Failure to Register Vacant Structure
 - c. 2021 – CAC21-0723 – Citation - Failure to Register Vacant Structure
 - d. 2021 – VPR21-0096 – Vacant Structure - Failure to Register Vacant Structure
 - e. 2009 – 09208-00666 – Environment – Grass and Weeds

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 Northeast Statistical Neighborhood and the Historic Northeast-Midtown neighborhood group. The neighborhood consists primarily of single-family residences and duplexes as well as several vacant 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 subject property is surrounded primarily by the R-2(B) Two Family District and 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 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 was registered as a vacant structure in 2021.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the subject property as Lower-Medium Density Residential, which is intended to promote infill development and investment by allowing additional units compared to the Single-Family district, while preserving the overall character of existing neighborhoods. The use as a short-term rental 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 North Tremont 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 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 October 27, 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
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-074, **for one (1) year**, subject to:

1. The applicant shall repair/replace the sidewalk in the front of the property;
2. All additional Property Maintenance Citations shall be addressed and remediated;
3. If the applicant chooses to also rent as a long-term rental, the applicant shall obtain a rental license in addition to the business license;
4. Maximum number of guests shall be six (6);
5. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
7. 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;
8. Applicant is to maintain liability insurance;
9. The property must remain in proper maintenance and free of hazards, pests, or infestations;
10. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
11. 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);
12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
16. 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;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
20. 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;
21. 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,
22. 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 **SP2023-074** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Northeast Area Plan
Host Compliance Map – October 19, 2023
Applicant Response to Draft Comments
Neighborhood Meeting Materials
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated October 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-074** 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 **SP2023-074**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 4:40:47:

SPECIAL USE PERMIT APPLICATION SP2023-074 – WAYNELL HENSON -

SYNOPSIS: Special Use Permit for a Short-Term Rental at 2501 North Tremont Street.

Detailed Outline of Requested Action: The applicant, Waynell Henson, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2501 North Tremont Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of North Tremont 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 November 13, 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:

- Waynell Henson, applicant, 3437 Mark Metal Way, Dallas, TX 75287

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:48:18: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental. The property is in the Northeast Area Plan. Staff received no letters in support nor opposition. There are some Notices of Violation on the subject property, some of which have been addressed by the applicant's comments. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 4:49:10:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-074 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. The applicant shall repair/replace the sidewalk in the front of the property;
2. All additional Property Maintenance Citations shall be addressed and remediated;
3. If the applicant chooses to also rent as a long-term rental, the applicant shall obtain a rental license in addition to the business license;
4. Maximum number of guests shall be six (6);
5. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park on-street;
6. The applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;
7. 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;
8. Applicant is to maintain liability insurance;
 9. The property must remain in proper maintenance and free of hazards, pests, or infestations;
 10. The granting of this Special Use Permit does not transfer with a change of ownership of the property;
 11. 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);
 12. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 13. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
 14. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 15. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 16. 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;
 17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468

- through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 20. 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;
 21. 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,
 22. 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

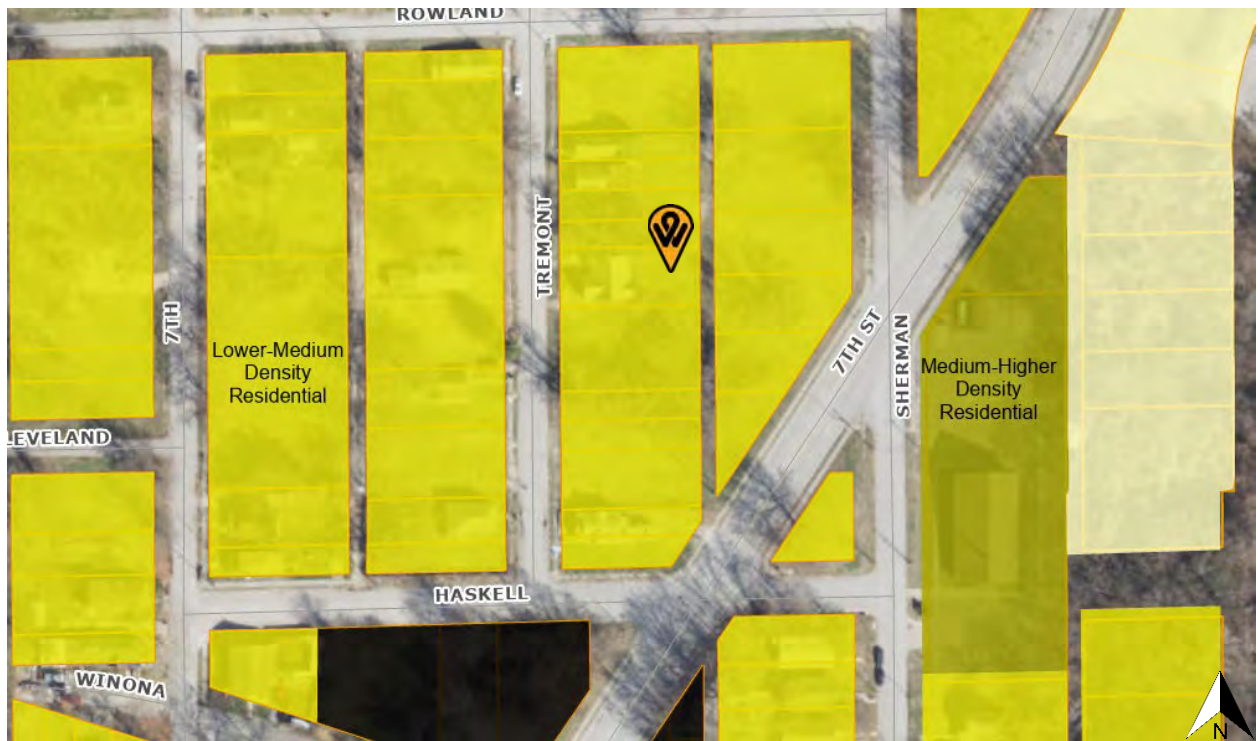
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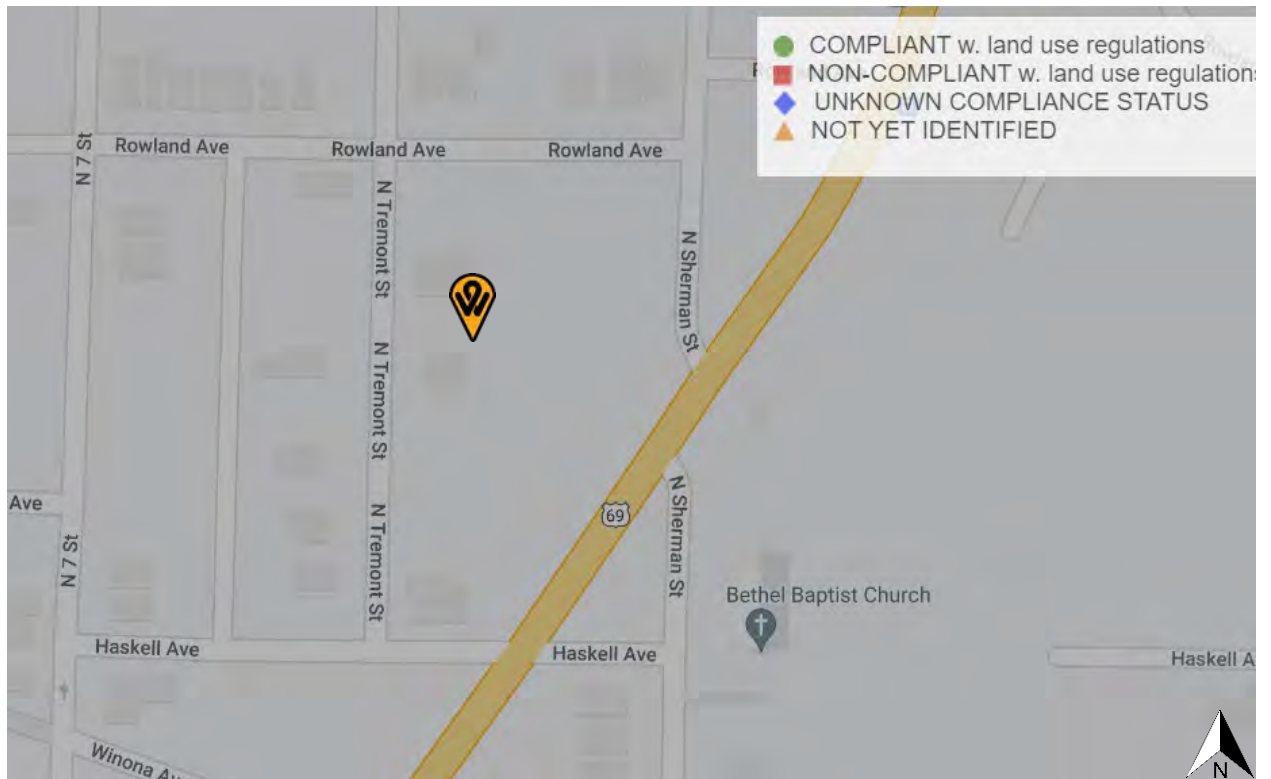
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – OCTOBER 19, 2023



APPLICANT RESPONSE TO DRAFT REPORTS



WAYNELL HENSON

3437 Lark Meadow Way - Dallas, TX 75287

October 23 2023

Travis Trumble
Department of Planning+Urban Design
Unified Government of Wyandotte County
701 N. 7th Street, Suite 423
Kansas City, KS 66101

Dear Mr. Trumble:

I am writing in response to your letter dated October 20.
Subject Waynell Henson - (SP2023-074)
250 N. Tremont Street
General Engineering Review No. 1 (of the application received 8/28/2023)

Please receive my feedback to the five (5) questions in your letter.

1. Yes. There is a proposed site improvement which has largely been completed. Perhaps you are referencing dated photos on the County website. The old drive way and walk way were removed and a new concrete driveway and porch was poured on the week of July 24, 2023. I am aware of a program with the City for repair of driveway and would love to take advantage of it at a future time.
 - Please see the photos that follow for the work in progress and completed driveway and walkway.
 - Please note the previous existing secondary sidewalk located on the north side was removed and has been covered with dirt.
 - There is an active plan to plant grass seed over all new dirt covered areas.

PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

In process



After: Current driveway and walkway. Note: Photo in lower right is extracted from James Molloy's draft report.



PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

2. The new (repaired) closure of the drive way within the right of way meets or exceeds the condition of the adjacent grass and sidewalk.



3. Excessive stone and debris has been removed and dirt loads brought in to fill in and build the yard. The work was conducted and completed on October 17-20, 2023.

- There is an active plan to plant grass seed over all new dirt covered areas.
- Please see photos below for work and current condition.



PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

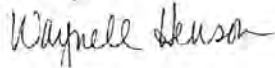
4. Received and will respond to the additional memo from James Mallow.

5. Unclear if an action is being requested or if this is a point of information. I will coordinate with Janet Parker to confirm.

I hope I have substantively address all of your concerns.

If you need to contact me to discuss this, please call me at 214-695-4437.

Sincerely,

A handwritten signature in black ink that reads "Waynell Henson". The signature is written in a cursive, slightly slanted style.

Waynell Henson

cc: Janet Parker

PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

NEIGHBORHOOD MEETING MATIERALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Texas)
COUNTY OF Callin) SS:

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

1. That I am the petitioner for Petition # SP-2023-074
2. That I conducted a neighborhood meeting on 10-27-2023.
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.

Waynell Henson
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30 day of October, 2002023

My commission expires 19 of July, 2002026

Christopher O Fecht
Notary Public





WAYNELL HENSON

3437 Lark Meadow Way - Dallas, TX 75287

October 30, 2023

Janet Parker
Department of Planning+Urban Design
Unified Government of Wyandotte County
701 N. 7th Street, Suite 423
Kansas City, KS 66101

Dear Ms. Parker:

I am writing to confirm my neighborhood meeting on Friday, October 27, 2023.

The meeting was scheduled for 7:00 p.m. on Zoom.

- List of people who participated in your in-person, Zoom or Skype/Teams meeting.
 - There were no (zero) members present at my online Zoom meeting.
 - I remained on the Zoom for a time of 15 minutes.
 - A copy of the Zoom can be found here: <https://bit.ly/HensonNeighborhoodMtg>
- List of people who contacted you with questions and comments - please document their names and questions/comments.
 - One person contact me with questions by direct phone call.
 - MOORE, DYAN MARIE 2506 GREELEY AVE KANSAS CITY, KS 66104
- Signed and notarized affidavit that you held the meeting.
 - My signed and notarized affidavit is attached.

Please let me know if additional information is required.

Sincerely,

Waynell Henson
Waynell Henson

PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM



WAYNELL HENSON

3437 Lark Meadow Way - Dallas, TX 75287

October 23 2023

James Molloy
Department of Planning+Urban Design
Unified Government of Wyandotte County
701 N. 7th Street, Suite 423
Kansas City, KS 66101

Dear Mr. Molloy

I am writing in response to your letter dated October 20.

Subject: Special Use Petition SP2023-074

250 N. Tremont Street

Please receive my feedback for the additional information requested in your in your draft

1. Inspection report responses:

- a. Excessive stone and debris has been removed and dirt loads brought in to fill in and build the yard. The work was conducted and completed on October 17-20, 2023.



PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

b. The bars on the window have been determined to be not at issue per the report of the UF Property Maintenance Compliance Division. Please see below the report on Code Case: STR23-0931 conducted by Keith W. Schwartz, dated October 9, 2023. I have subsequently spoken with Mr. Schwartz. The inspector has determined that the bars on the windows are releasable from the inside.

Additionally, note that will the address numbers are listed in Mr. Scharzt's report, they were placed on the house on Thursday, October 5, 2023. In conversation Mr Schwartz believes he missed seeing them and will return to confirm.

 **Property Maintenance Compliance Division**
Neighborhood Resource Center
Unified Government of Wyandotte County / Kansas City, Kansas
4953 State Ave, Kansas City, KS 66102
Phone 913-573-8600 • Fax 913-573-8731

NOTICE OF VIOLATION

HENSON, WAYNELL L
3437 LARK MEADOW WAY
DALLAS, TX 75287

Print Date: 10/9/2023

Dear Owners,

An inspection of the property at **2501 N TREMONT ST, KANSAS CITY, KS 66101** was conducted on **8/30/2023** and revealed the following violations of Chapter 8, Chapter 31 and/or Chapter 27 of the Code of Ordinances, Kansas City, Kansas.

Code Case: STR23-0931

10/9/2023	RENTAL LICENSE INSPECTOR NOTIFIED ME THAT BARS ON WINDOWS ARE RELEASABLE FROM INSIDE. 4 INCH CONTRASTING ADDRESS NUMBERS STILL NEED TO BE INSTALLED.
9/5/2023	[ENFRXTRSTRU46] Exterior Structure - Address Numbers. Must be posted, easily readable and visible from the addressed street. Numbers must be at least 4" in height and contrast in color with the surface upon which they are placed. - NUMBERS MUST BE AT LEAST 4" AND CONTRASTING COLOR WITH SURFACE THEY ARE PLACED ON.

All violations must be corrected before **11/13/2023**. Failure to abate these violations may result in a Summons to appear in Municipal Court on Misdemeanor Charges and/or the issuance of Administrative Citations with escalating civil penalties from \$100 to \$1500. Unpaid civil penalties shall be assessed against the property and become a lien which may lead to foreclosure.

Should you have any questions, please contact Inspector Keith W Schwartz at 913 573-8624
kschwartz@wycokck.org.

PM_Notice of Violation to Owner Page 1 of 1

PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

c. Handrails were installed by a qualified contractor in order to increase safety. This work was completed on September 1, 2023.

d. Home was fully insulated in June 2023. Need clarity on the items with installation repair.

e. Floor receptacle has been replaced.

f. Two GFCI outlets were identified in the report. One was present but missed by the inspector because it was located on the wall behind a microwave (since moved). The second is being remedied by November 5, 2023.



2. Excessive stone and debris has been removed and dirt loads brought in to fill in and build the yard. The work was conducted and completed on October 17-20, 2023.

- There is an active plan to plant grass seed over all new dirt covered areas.
- Please see photos below for work and current condition.



PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

3. The property has been vacant since December 2017.

4. The bars on the window have been determined to be not at issue per the report of the UF Property Maintenance Compliance Division. Please see below the report on Code Case: STR23-0931 conducted by Keith W. Schwartz, dated October 9, 2023. I have subsequently spoken with Mr. Schwartz. The inspector has determined that the bars on the windows are releasable from the inside. Additionally, note that will the address numbers are listed in Mr. Scharzt's report, they were placed on the house on Thursday, October 5, 2023. In conversation Mr Schwartz believes he missed seeing them and will return to confirm.

 **Property Maintenance Compliance Division**
Neighborhood Resource Center
Unified Government of Wyandotte County / Kansas City, Kansas
4953 State Ave, Kansas City, KS 66102
Phone 913-573-8600 • Fax 913-573-8731

NOTICE OF VIOLATION

HENSON, WAYNELL L
3437 LARK MEADOW WAY
DALLAS, TX 75287

Print Date: 10/9/2023

Dear Owners,

An inspection of the property at **2501 N TREMONT ST, KANSAS CITY, KS 66101** was conducted on **8/30/2023** and revealed the following violations of Chapter 8, Chapter 31 and/or Chapter 27 of the Code of Ordinances, Kansas City, Kansas:

Code Case: STR23-0931

10/9/2023	RENTAL LICENSE INSPECTOR NOTIFIED ME THAT BARS ON WINDOWS ARE RELEASABLE FROM INSIDE. 4 INCH CONTRASTING ADDRESS NUMBERS STILL NEED TO BE INSTALLED.
9/5/2023	(ENFEXTSTRUM6) Exterior Structure - Address Numbers. Must be posted, easily readable and visible from the addressed street. Numbers must be at least 4" in height and contrast in color with the surface upon which they are placed. NUMBERS MUST BE AT LEAST 4" AND CONTRASTING COLOR WITH SURFACE THEY ARE PLACED ON.

All violations must be corrected before **11/13/2023**. Failure to abate these violations may result in a Summons to appear in Municipal Court on Misdemeanor Charges and/or the issuance of Administrative Citations with escalating civil penalties from \$100 to \$1500. Unpaid civil penalties shall be assessed against the property and become a lien which may lead to foreclosure.

Should you have any questions, please contact Inspector Keith W. Schwartz at 913 573-8624
kschwartz@wycokck.org

PM_Notice of Violation to Owner Page 1 of 1

PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

5. . At the time the permit was pulled for the new driveway, I spoke with Andy Roddy, who was willing to "grandfather" the existing north driveway. However, the decision was made by the owner to remove it.

- There is an active plan to plant grass seed over all new dirt covered areas.
- Please see photos below for work and current condition.



6. Apron view: The south side drive way and walk were removed and a new concrete driveway and porch was poured on the week of July 24, 2023. The new apron meets the UG standards.



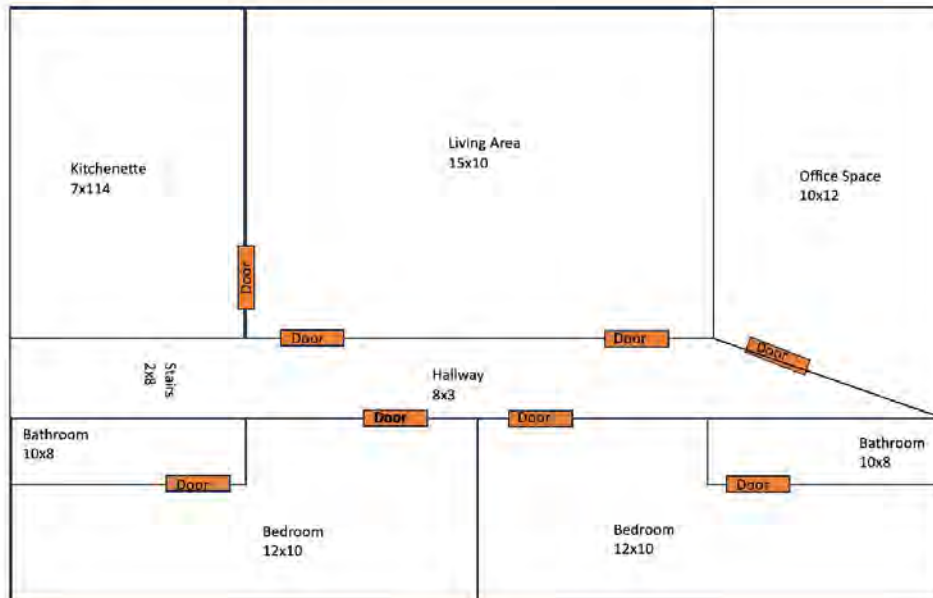
PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

7. The areas to be rented is two bedrooms, two bathrooms, living area, small area with microwave, coffee maker and small bonus space.

8. The areas to be rented is two bedrooms, two bathroom, living area, small area with microwave, coffee maker and small bonus space. See scaled image below.

Dimension plans
Applicant: Waynell Henson
Address: 2501 N. Tremont, Kansas City, KS 66101
800 sq ft.



9. The maximum number of vehicles is two. There is room for two full-size vehicles on the driveway. Guest parking as indicated in the site plan is in the driveway with an adjacent walk way to the rear entrance.

10. The maximum number of people that can stay is 5.

11. Understanding this residence does not sit in the most desirable of locations, the projected annual occupancy rate for this listing is 5%.

PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

12. The property manager is Waynell Henson. Contact number: 214-695-4437. Neighbors have this contact information. In the event of an emergency, the contact is Mrs. Juanita Henson, my mother, who resides about 10 minutes away. Her number is 816-225-2719.

13. There are only 4 occupied houses on the block and I am fairly familiar with all. Neighbors will be notified by personal visit, phone or in writing of issues.

14. I do not currently have a Business License/Occupational Tax Receipt from the Unified Government but will obtain if approved.

15. Guests who book Airbnb listings that are located in the State of Kansas will pay the following taxes as part of their reservation: Kansas Retailers' Sales Tax: 6.5% of the listing price including any cleaning fee for all reservations.

16. I will conduct safety checks with the help of a licensed professional quarterly on all systems listed in question.

17. Acknowledged.

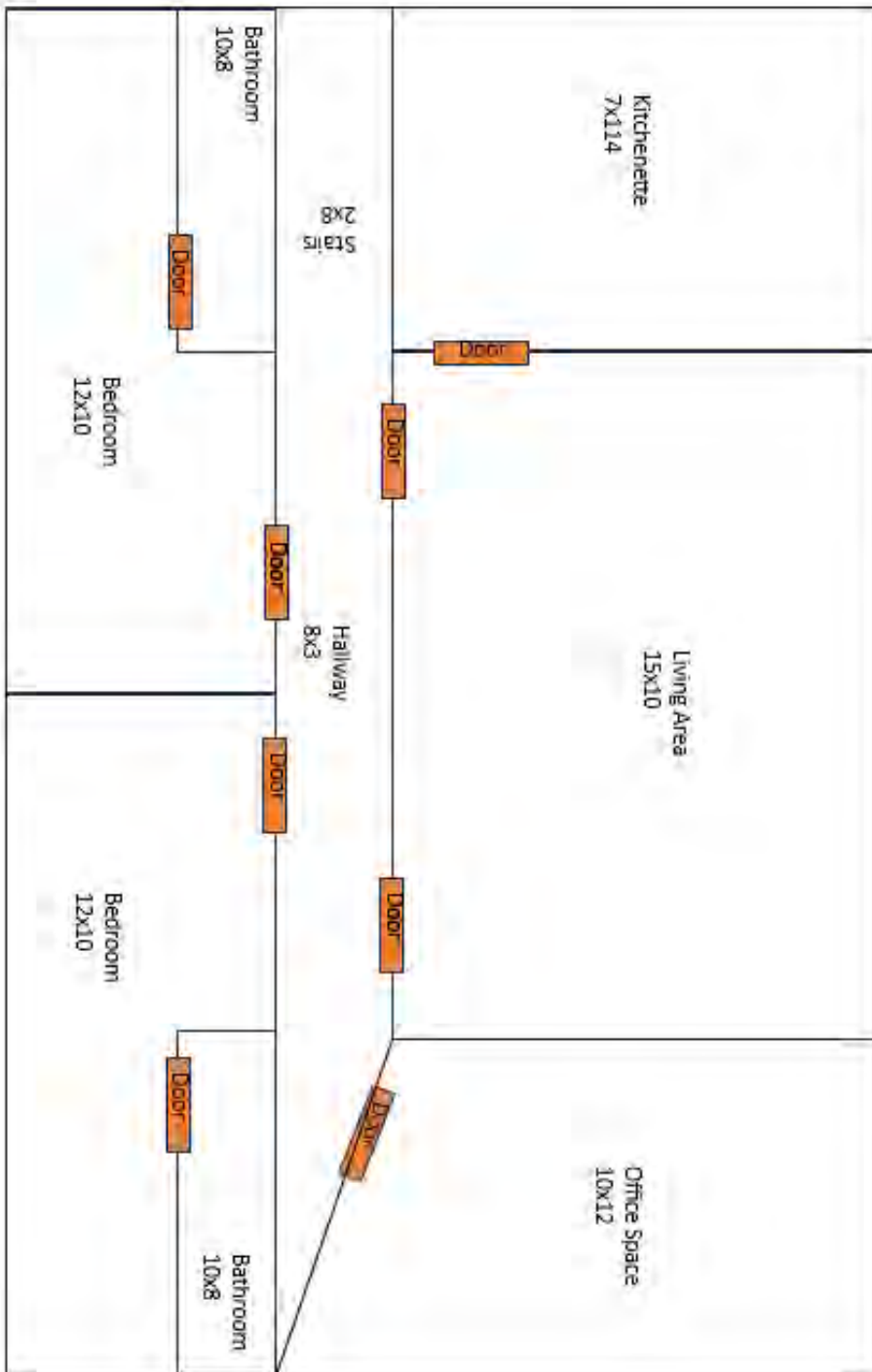
18. Yes. There is a guest book which contains information on noise levels and parties. The full book was submitted at the time of application for this special use permit. See excerpt from guest booklet to follow.

PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

FLOOR PLAN

Dimension plans
Applicant: Waynell Henson
Address: 2501 N. Tremont, Kansas City, KS 66101
800 sq ft



HOME INSPECTION REPORT

2501 N Tremont St

Waynell Henson



SUMMARY

2501 N Tremont St, Kansas City, KS

66101

Waynell Henson

08/28/2023

Randy Davis
Certified Professional Inspector
Inspect KC
(816) 343-9562
office@inspectkc.com



You are currently viewing the report summary.

The report summary only contains recommendations marked as **major concerns**, and **minor concerns**. Informational comments, inspection limitations, the report header, and **maintenance/ informational concerns** are not displayed.

3.1.1 General

EXCESSIVE CONCRETE AND STONE DEBRIS

Major Concern

There was excessive concrete and stone debris in the exterior around the house. This can be hazardous as you walk around the property I recommend removal.



3.2.1 Siding, Flashing & Trim

GAP IN THE SIDING

Minor Concern

The siding had one or more gaps where water could enter. Seal the gap(s) to prevent water entry.

Recommendation
Contact a qualified professional.



3.9.1 Deck

FRAMING CONNECTION - POST TO BEAM BOLTED/ MISSING NOTCH

Minor Concern

Inspect KC

Page 1 of 5

The main support beam is bolted to the posts. These post to beam connections are bearing the weight of the deck on the bolts, rather than on the posts. I recommend having the deck evaluated and these connections addressed by a qualified deck contractor.

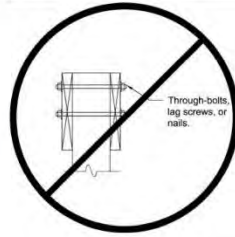
Recommendation

Contact a qualified deck contractor.

Post to Beam Connection

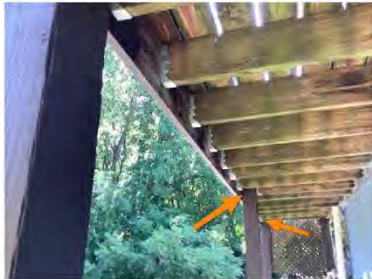
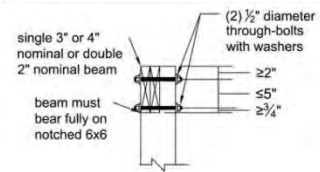


Prohibited Post-to-Beam Attachment Condition.



Note: Support of beams w/ fasteners only is prohibited. Bearing is required. See Figure 8A.

Post-to-Beam Attachment Requirements.



3.9.2 Deck

JOIST - GAP BETWEEN JOIST AND JOIST HANGER

Minor Concern

The joist(s) is not resting properly in the joist hanger. A gap is present between the bottom of the joist and the joist hanger. The joist should be fully seated inside the joist hanger. I recommend having the deck evaluated and repaired/addressed as necessary by a licensed deck contractor.

Recommendation

Contact a qualified deck contractor.



3.13.1 Masonry Block

GAP IN BLOCKS

Minor Concern

There was a gap in the Masonary block. This can allow moisture intrusion I recommend a proper cover.



6.3.1 Windows

HARDWARE - REPAIR/REPLACE

Minor Concern

The window(s) have hardware that was missing or was in need of repair. I recommend having the windows evaluated and repaired/replaced as necessary by a qualified window contractor.

Recommendation
Contact a qualified handyman.



6.8.1 Interior Railings

HANDRAILS - MISSING

Minor Concern

The steps are in need of proper handrails in order to increase safety. I recommend having handrails installed by a qualified contractor.

Recommendation
Contact a qualified professional.



7.3.2 Attic Insulation

ATTIC ACCESS - MISSING INSULATION

Minor Concern

The attic access from the living area was not insulated. I recommend insulating the access to prevent heat and moisture entering the attic.

Recommendation
Contact a qualified professional.



7.3.3 Attic Insulation

ATTIC INSULATION - INSUFFICIENT THROUGHOUT

Minor Concern

The insulation in the attic did not appear to be sufficient. In order to prevent energy loss, I recommend having the insulation evaluated in the attic and addressed as necessary by a qualified insulation contractor.

Recommendation

Contact a qualified insulation contractor.

8.6.2 Fixtures, Fans, Switches & Receptacles

RECEPTACLE - IMPROPER FLOOR RECEPTACLE

Minor Concern

The receptacle(s) and cover are not designed to be installed in the floor. In order to prevent dirt and debris from getting into the receptacle and causing a fire hazard, I recommend having a receptacle and cover (that are designed for being installed in the floor) by a qualified electrician.

Recommendation

Contact a qualified electrical contractor.



1st Floor Bedroom

8.7.1 GFCI & AFCI

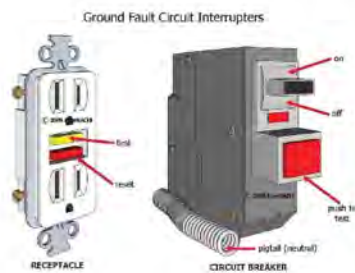
GFCI - NOT INSTALLED

Minor Concern

The receptacle(s) was missing GFCI protection. In order to protect against electrical shock, I recommend having all receptacles in the garage, on the exterior, in unfinished basements, and near any water sources protected by GFCI receptacles. I recommend having the receptacles evaluated and addressed as necessary by a qualified electrician.

Recommendation

Contact a qualified electrical contractor.



Kitchen

9.3.1 Water Supply

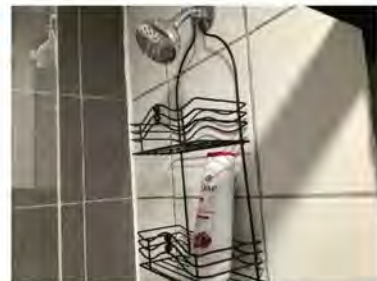
FAUCET - LOW WATER FLOW

Minor Concern

The water flow was low at the faucet(s). I recommend having the water supply evaluated and repaired as necessary by a qualified plumber.

Recommendation

Contact a qualified professional.



2nd Floor Bathroom

11.2.1 Forced Air Furnace 2

HIGH EFFICIENCY FURNACE - AIR INTAKE NOT COMING FROM EXTERIOR Minor Concern

The air intake on the high efficiency furnace was not coming from the exterior of the home. This means that the furnace must pull cold air into the home through gaps to make up for the combustion air that is pushed out of the house. This can lead to dust and pollutants being pulled into the home, and the furnace won't run as efficiently. I recommend an HVAC professional evaluate the system and run another pipe for air intake from the exterior to the high efficiency furnace.

Recommendation

Contact a qualified HVAC professional.



12.3.1 Floor Structure

STEEL POST - BOTTOM OF POST NOT PROPERLY SECURED Minor Concern

The bottom of the support post(s) is not properly secured in place. The post should be secured to the footer or concrete floor. I recommend having the post evaluated and addressed as necessary by a qualified contractor.

Recommendation

Contact a qualified professional.



just a few things to remember

HOUSE RULES

To ensure a pleasant and harmonious stay for all our guests, we have established a set of house rules. These guidelines are designed to maintain a peaceful environment, promote cleanliness, and respect our neighbors. Please take a moment to familiarize yourself with these rules, and feel free to reach out if you have any questions. Enjoy your time here, and thank you for being part of our home!



No Parties: Parties and large gatherings are strictly prohibited on the premises.



No Smoking: Smoking is not permitted inside the property.



Quiet Hours: Please respect our neighbors. Keep noise down between 10PM and 7AM.



No Pets: Please make suitable arrangements for your furry friends.

- **Respect for Neighbors:** Our property may have neighbors living below you or nearby. Please be mindful of noise levels, especially with heavy footsteps.
- **Penalty Fee:** Any violation of the no smoking or no pets policy will result in a penalty fee of \$300 to cover cleaning and restoration costs.
- **Occupancy Limit:** The maximum occupancy of the property is limited to 5 guests. Please adhere to this limit for everyone's safety and comfort.
- **Security and Locks:** For security purposes, ensure all doors and windows are securely locked when leaving the property and at night.
- **Cleanliness:** We kindly ask that you maintain cleanliness throughout your stay. Please clean up after yourself, and avoid leaving dirty dishes or trash around the property.
- **Damages and Liabilities:** Guests are responsible for any damages caused to the property during their stay. Please report any damages immediately to the host.

19. Acknowledged and compliant.

20. No pets are allowed at property.

21. In the event there are issues on the property, the owner or owner's representative can be on-site if necessary within 20 minutes.

22. No question.

PHONE: 214-695-4437

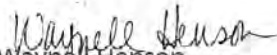
EMAIL: WAYNELLHENSON@AOL.COM

The north side drive way and walk way were removed and a new concrete driveway and porch was poured on the week of July 24, 2023.. Additional stone and debris was been removed and dirt loads brought in to fill in the area of the former driveway. The work was conducted and completed on October 17-20, 2023.

I hope I have substantively address all of your concerns.

If you need to contact me to discuss this, please call me at 214-695-4437.

Sincerely,


Waynell Henson

cc: Janet Parker

PHONE: 214-695-4437

EMAIL: WAYNELLHENSON@AOL.COM

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 19, 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: November 30, 2023

Re: Petition SP2023-075

GENERAL INFORMATION

Applicant:
Aya M'Bra

Status of Applicant:
Business Owner
Wig By Aya
8127 Troup Avenue, #106
Kansas City, Kansas 66112

Requested Actions:
Approval of a Special Use Permit.

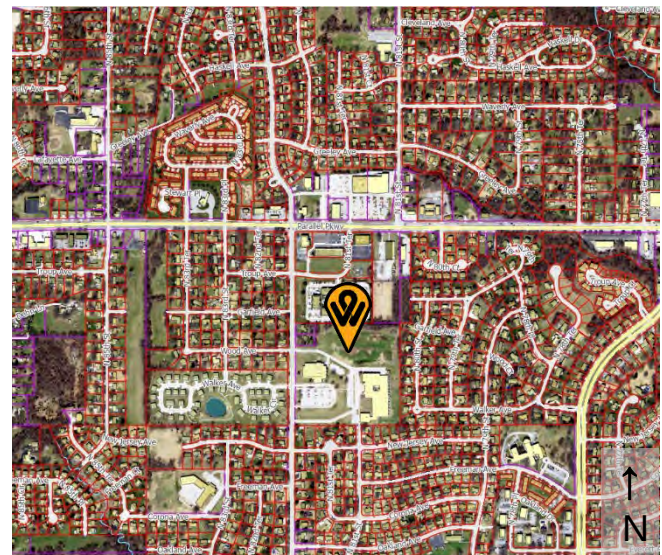
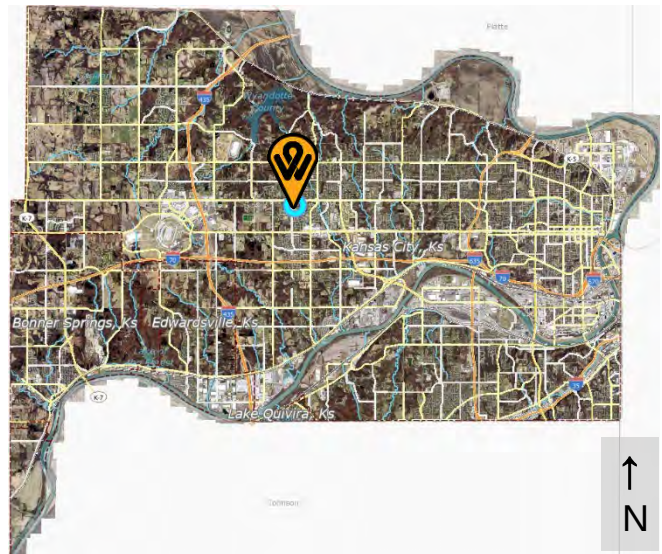
Date of Application:
September 29, 2023

Purpose:
Approval of a Special Use Permit (home occupation) for a wig-making business.

Property Location:
8127 Troup Avenue, #106
Kansas City, Kansas 66112

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

Existing Zoning:
RP-5 Planned Apartment District



Adjacent Zoning:	North: CP-1 Planned Limited Business District South: R-1 Single-Family District East: R-1 Single-Family District West: R-1 Single Family District
Adjacent Uses:	North: Commercial businesses South: Undeveloped property East: Single-family residence West: Single-family residences
Total Tract Size:	6.67 Acres (total multi-family parcel)
Comprehensive Plan Area:	The subject property is within the City-Wide Comprehensive Plan.
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates this property as Community Commercial. The Community Commercial Land Use District is intended to provide goods and services to adjacent districts and neighborhoods. Allowed uses with the Community Commercial Land Use District include: grocery stores; medium-sized (25,000 to 75,000 square feet) box stores; commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, etc.; car lots, auto body and repair shops and other auto-oriented uses are allowed but will be required to meet higher site design standards. Discouraged uses of the Community Commercial Land Use District include: industrial uses and business parks.
Major Street Plan:	The Major Street Plan classifies Troup Avenue as a Local/Neighborhood Street.
Required Parking:	Section 27-460(d) requires one and one-half (1.5) parking spaces for each dwelling unit that has one (1) bedroom or less, and two (2) parking spaces for each dwelling unit that has two (2) bedrooms or more.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.

PROPOSAL

Detailed Outline of Requested Action: Applicant, Aya M'Bra, is requesting a home occupation Special Use Permit to operate a wig-making business at the subject property, 8127 Troup Avenue #106. Applicant will make wigs on the subject property and keep wig materials and samples on site.

City Ordinance Requirements: Article VI, Sections 27-196 to -209, and -214; Article VIII Sections 27-454 and -609

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The apartment complex in general has consistently received 10-20 police calls for service per year. These calls are for the property as a whole and are not linked to the applicant.

Building or Code Enforcement Complaints:

1. By nature of its being a six (6)-acre apartment complex, the property receives several Building and Property Maintenance Compliance citations per year. These citations are for the property as a whole and are not linked to the applicant.

Outstanding or Related Permits and Cases:

1. The current property owner has no outstanding or related permits and cases related to the applicant's requested home occupation use.

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

The subject property is within the Victory Hills Statistical Neighborhood and is within the Normandy West Neighborhood Group boundaries. The neighborhood is primarily single-family residential subdivisions with some multi-family subdivisions and large apartment complexes, such as the subject property, incorporated throughout. While the eastern and western boundaries of the neighborhood may not be apparent, Parallel Parkway and State Avenue serve as the definitive northern and southern boundaries, respectively.

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

The zoning and uses of surrounding properties are single-family residential, except for to the north, which is zoned commercial. A wig-making business is a low-intensity use that can be compatible within a multi-family apartment complex, with the permission of the property owner.

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

Based on the information submitted by Applicant, the supplies stored on site are not noxious, flammable, or dangerous. The wig-making process does not involve high heat or chemicals or produce loud noises that would inhibit the neighbors' enjoyment of their properties. Therefore, the subject property is suitable for a home occupation of wig making and removal of the restrictions on home occupations granted by this Special Use Permit will not detrimentally affect nearby properties.

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

The subject property is currently occupied, as demonstrated by photos submitted by Applicant (see "Photos of 8127 Troup Avenue Submitted by Applicant" within the *Attachments* section of this report) and attested by Applicant on their Business License application.

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

The City-Wide Comprehensive Plan designates this property as Community Commercial. The Community Commercial Land Use District is intended to provide goods and services to adjacent districts and neighborhoods. The proposed use is low-intensity and can be conducted within Applicant's apartment in a manner that does not disturb—or may not even be noticed by—residents in adjacent and neighboring dwelling units. Such a commercial use is anticipated by and in conformance with the City-Wide 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.*

Applicant has stated in the initial application that all sales will be conducted online. Applicant has restated that no customers will come to the subject property (see applicant response to "Urban Planning and Urban Design Comments: General #5" within the *Staff Comments and Suggestions* section of this report).

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 an in-demand service to many people who desire wigs and/or hair extensions for health reasons and personal preferences. The location of the home occupations within Applicant's residence limits the impacts that such a use could have on the surrounding units. The wig-making process does not involve frequent loud noises, the use of strong chemicals, or the production of other odors. Therefore, this home occupation 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.*

Applicant states that there is not intense levels of noise, vibration, dust, or illumination that are normally associated with the wig-making process.

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 multi-family apartment complex. All waste materials produced as a result of the wig making must be properly disposed.

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 dwelling unit within an apartment complex.

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

There is a relative gain to the public health, safety, and welfare as compared to the hardship that may be imposed on the individual landowner or landowners. A wig-making home occupation presents several benefits—promotion of skilled labor and low overhead costs for a small business—that are countered by very few hardships caused to other properties or landowners. The operation of the home occupation will not generate any amounts of traffic (as Applicant has stated that all sales will be conducted online), and will likely not produce noise, or dust that would be out of place with an apartment complex.

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

The home occupation will occur in a residential unit within a multi-family apartment complex. Apartments are designed to accommodate a large amount of residents within a relatively small footprint, as well as accommodate the residents' guests, deliveries, and service workers. Therefore, a wig-making business conducting online-only sales will not result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 8127 Troup Avenue #106 at 3 PM on October 22, 2023. The list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant can be found under "Neighborhood Meeting Minutes Submitted by Applicant" within the *Attachments* section of this report.

KEY ISSUES

Deliveries
Noise
Odors
Rules and Regulations of Apartment Complex
Signage
Storage
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-075, **for two (2) years**, subject to:

1. No signs related to the business shall be posted at the property, either at the subject dwelling unit, another dwelling unit or building, or within the common space of the subject property;
2. No customers may come to the subject property;
3. If approved, the applicant must file and maintain a current business occupation tax application with this office;
4. 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;

5. 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 at all times be compliant with all applicable local ordinances (Section 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 parking shared 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;
6. 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, as well as all rules and regulations of the apartment complex and any terms of lease, 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, or other violate the rules and regulations of the property owner or the lease agreement between the property owner and the applicant-tenant;
7. The Special Use Permit shall be valid for two (2) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning 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;
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; and,
9. 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 makes the findings contained within the staff report related to *Factors to be Considered* and *Key Issues* and recommends **APPROVAL** of Petition **SP2023-075** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Minutes Submitted by Applicant
Photos of 8127 Troup Avenue Submitted by Applicant
Staff Site Visit Photos, Dated October 23, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing		
Special Use Permit	November 13, 2023	November 30, 2023
	Approval	

STAFF CONTACT: Michael Farley
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-075** 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 **SP2023-075**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 4:50:07:

SPECIAL USE PERMIT APPLICATION SP2023-075 – AYA AGATHE M'BRA - SYNOPSIS: Special Use Permit for a wig making business at 8127 Troup Avenue #106.

Detailed Outline of Requested Action: Applicant, Aya M'Bra, is requesting a home occupation Special Use Permit to operate a wig-making business at the subject property, 8127 Troup Avenue #106. Applicant will make wigs on the subject property and keep wig materials and samples on site.

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 November 13, 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:

- Aya M'bra, applicant, 8127 Troup Avenue, #106, Kansas City, Kansas 66112

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:52:59: Planning Director Hand stated that the request is for a Home Occupation Special Use Permit. The property is in the Citywide Comprehensive Plan in the Midtown area, close but not quite in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There are some Notices of Violation related to the apartment complex where the applicant lives, but none directly related to the applicant. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 4:54:15:

On motion by Ms. Armstrong, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2023-075** for two (2) years:

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

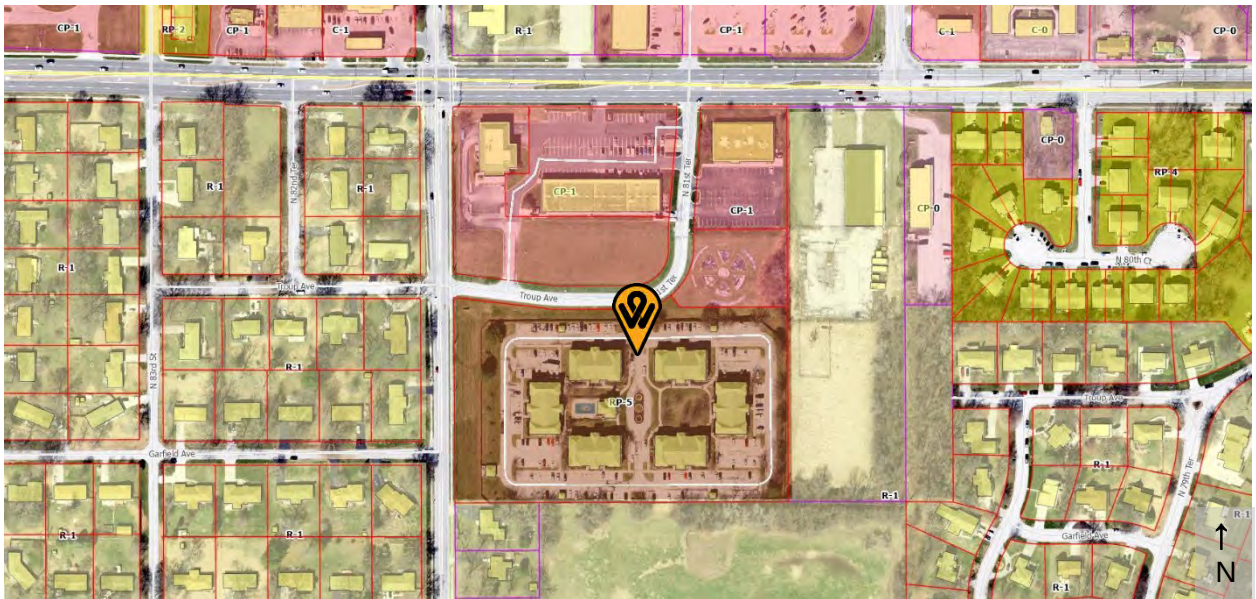
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4. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that 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;
5. 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 at all times be compliant with all applicable local ordinances (Section 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 parking shared 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;
6. 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, as well as all rules and regulations of the apartment complex and any terms of lease, 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, or other violate the rules and regulations of the property owner or the lease agreement between the property owner and the applicant-tenant;
7. The Special Use Permit shall be valid for two (2) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning 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;
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 9. 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.

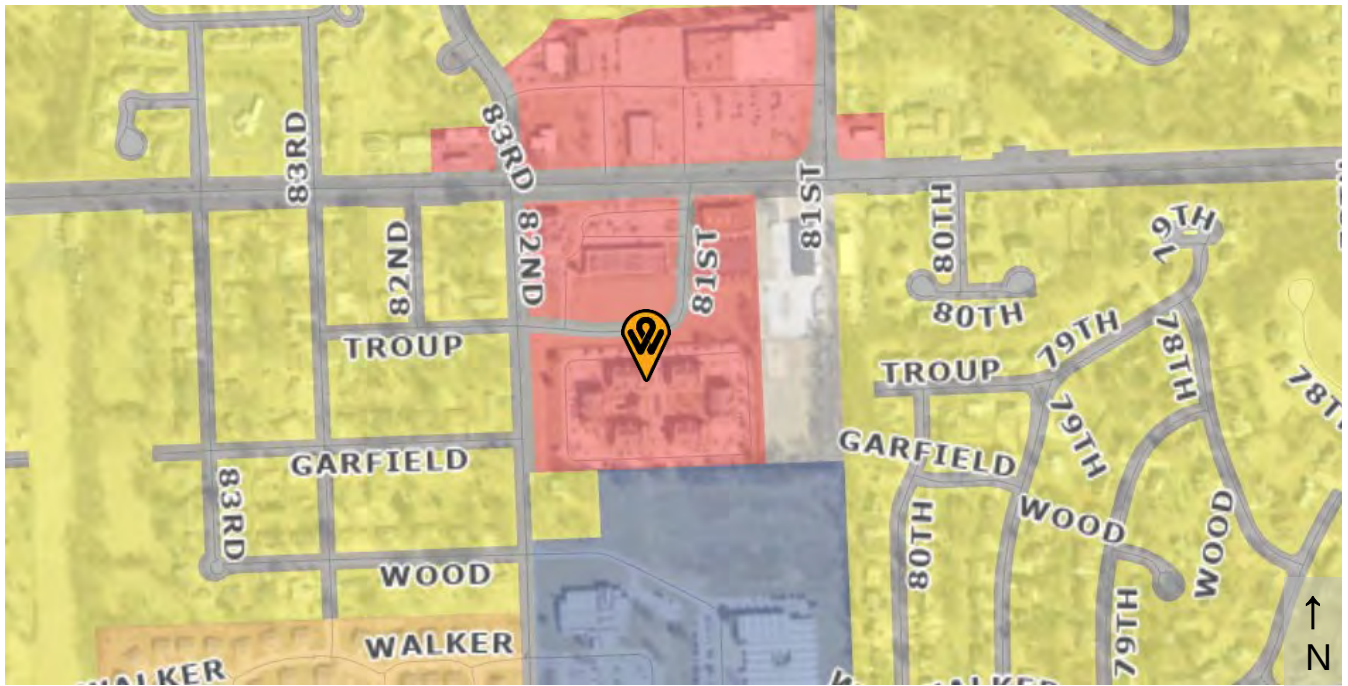
AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Comprehensive Plan Land Uses

	Utilities
	Right-of-Way
	Urban Density
	Agricultural
	Neighborhood Commercial
	Community Commercial
	Business Park
	Floodway
	Regional Commercial
	Future Residential
	Rural-Density Residential
	Employment
	High-Density Residential
	Medium Density Residential
	Low-Density Residential
	Mixed-Use
	Parks/Open Space
	Public/Semi-Public

NEIGHBORHOOD MEETING MATERIALS

Aya Agathe M'bra

Wigs By Aya

8127 Troup Ave, Kansas City, Kansas 66112

Agathembra63@gmail.com

To whom it may concern:

My name is Aya, I am applying for a business license with the Department of Planning + Urban Design in Kansas City, Kansas, and one of the requirements to obtain it is to write a letter to each person of my neighborhood to explain my business idea.

In fact, a lot of people deal with hair loss nowadays due to breast cancer, Alopecia, or thyroid disorders. Wigs are a good option to conceal hair loss, they also protect from hair damage due to heat, coloring, and hair perm.

Unfortunately, not everyone can afford to purchase a wig, they cost between \$500 to \$9,000 per unit.

The goal of my business is to make them affordable for everyone, no matter their financial situation.

By making affordable handmade wigs, I plan to not only provide quality but also long-lasting items for everybody.

I would like to invite you to a meeting at my address listed above, on Sunday, October 22nd at 3 pm to give you more information about my business.

Your presence will be appreciated.

Thank you for your time and consideration

Aya Agathe M'bra

Wigs By Aya

Aya Agathe M'bra

NEIGHBORHOOD MEETING MINUTES, CONT.

Meeting Minutes Provided by Applicant:

“List of people who participated in the meeting (No show)

List of people who contacted me with questions and comments. (No one)

Petition: SP2023 – 075”

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF WYANDOTTE) SS:

Comes now AYA AGATHE M'BEA of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-075
2. That I conducted a neighborhood meeting on OCTOBER 22, 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.

Aya Agathe M'Bea
Affiant

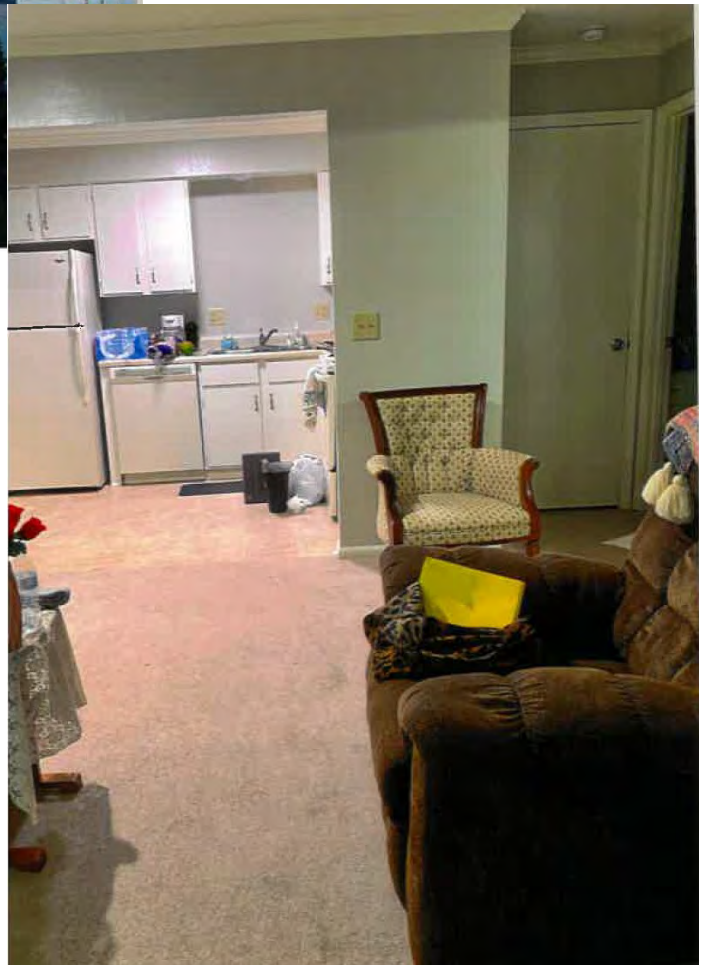
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of OCT, 2023

My commission expires 22 of APR, 2025

Dennis W. Bohnert
Notary Public



PHOTOS OF 8127 TROUP AVENUE SUBMITTED BY APPLICANT



STAFF SITE VISIT PHOTOS, DATED OCTOBER 23, 2023



Left: View of the subject property from North 82nd Street.

Below: Entrance to the subject property.



Above: Additional view of the entrance to the subject property.

Right: View of the interior of the apartment complex.



STAFF SITE VISIT PHOTOS, DATED OCTOBER 23, 2023, CONT.



Above (All): Views of the building addressed as 8127 Troup Avenue.

Below (All): Additional views of the interior of the apartment complex, demonstrating the size and arrangement of the property.





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: November 30, 2023

Re: Special Use Petition SP2023-080

GENERAL INFORMATION

Applicant:

Denise Tomasic DBA Purple Properties LLC

Status of Applicant:

Property Owner
417 North 6th Street
Kansas City, Kansas 66101

Requested Action:

Renewal of a Short-Term Rental Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

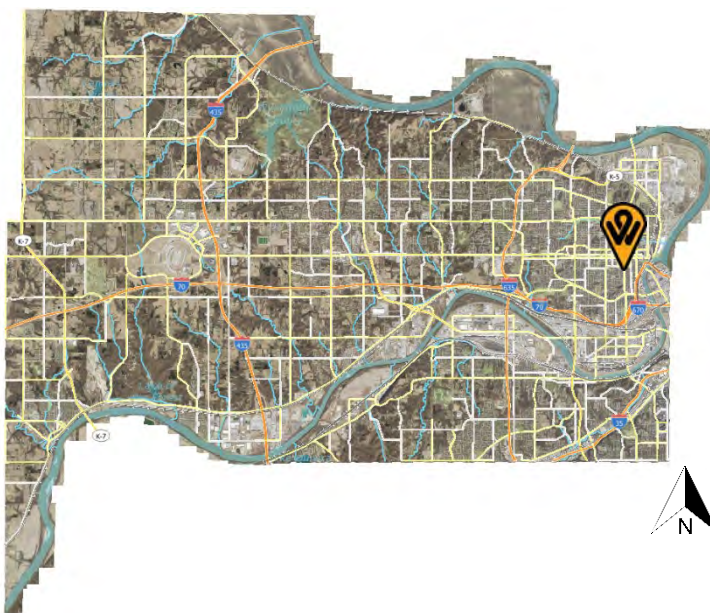
A Special Use Permit for a Short-Term Rental. This is not the applicant's primary residence.

Property Location:

419 North 6th Street
Kansas City, Kansas 66101

Commission Districts:

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



Existing Zoning:	TND Traditional Neighborhood Design
Adjacent Zoning:	North: TND Traditional Neighborhood Design South: TND Traditional Neighborhood Design East: R-1(B) Single Family District West: TND Traditional Neighborhood Design
Adjacent Uses:	North: Mixed-use building South: Mixed-use building East: Single-family residence West: Single-family residence and Delicatessen
Total Tract Size:	0.07 Acre
Comprehensive Plan Designation:	The Central Area Plan designates the subject property as Urban Density, which allows for attached and detached residences.
Major Street Plan:	The goDotte Mobility Plan designates North 6 th Street as a Minor Collector.
Parking Requirement:	Section 27-471(n)(3)a states that one (1) off-street parking spaces shall be provided per each dwelling unit. The subject property has two (2) dwelling units and four (4) parking spaces in the rear of the property, meeting this requirement.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	Staff has received 7 letters of support, all from local businesses.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Denise Tomasic, is requesting a renewal of a Short-Term Rental Special Use Permit (SP2022-082, which expires 11/03/2023) to operate a short-term rental in both units at 419 North 6th Street. This is

not the owner's primary residence. This would be the first and only permitted short-term rental on the 400 block of North 6th 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.

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 within the Riverview Statistical Neighborhood, the Strawberry Hill Neighborhood group and the Central Area Betterment Association (CABA) group. The neighborhood is mixed-use in nature with a variety of uses, ranging from single-family residences, duplexes, and fourplexes, to small-scale mixed-use buildings as well as institutional uses such as churches or government offices.

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 and the TND Traditional Neighborhood Design 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 currently not suitable to be used as a multi-family apartment district, the building was converted to a multi-family dwelling without permits or a Change of Occupancy. The applicant must be granted a Change of Occupancy and granted a Certificate of Occupancy before it can be legally used or occupied. If the property is granted the proper permits, Change of Occupancy and Certificate of Occupancy, 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 2020.

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 the subject property as Urban Density, which allows for attached and detached residences. The use as a short-term rental 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 North 6th Street, a Minor Collector, 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 structure.

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 mixed-use building 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, retail/office space, 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) per unit. The maximum number of vehicles off-street is four (4), with a limit of two (2) per unit. 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 Short-Term Rental Special Use Permit (SP2022-082) for one (1) year in 2022.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 419 North 6th Street on October 19, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Change of Occupancy
Home Inspection Report
Illumination
Noise and Vibration
Overcrowding
Parking

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit SP2023-080, **for one (1) year**, subject to:

1. The applicant shall complete their Change of Occupancy/Building Permitting. The Business License will not be issued until the Change of Occupancy is complete;
2. The applicant shall not operate until these requirements have been met;
3. Maximum number of guests shall be six (6) per unit;
4. All parking must be off-street, maximum number of vehicles is two (2) per unit, four (4) maximum. 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.

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 **SP2023-080** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Central Area Plan
Host Compliance Map – October 19, 2023
Floor Plan
Site Photos, Taken by Staff, Dated October 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-080** 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 **SP2023-080**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

SP2023-080 – DENISE TOMASIC WITH PURPLE PROPERTIES LLC – SYNOPSIS: Renewal of a Special Use Permit (SP2022-082, expired 11/3/2023) to operate a Short-Term Rental at 419 North 6th Street. Detailed Outline of Requested Action: The applicant, Denise Tomasic, is requesting a renewal of a Short-Term Rental Special Use Permit (SP2022-082, which expires 11/03/2023) to operate a short-term rental in both units at 419 North 6th Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 400 block of North 6th 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? The Planning Commission members stated that they received a message from SP2023-079. Planning Commission Mohler stated that he had a conversation with the applicant for SP2023-080.

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 November 13, 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. Ms. Corinna West requested that SP2023-079 be removed from the Consent Agenda. Mr. Schubert requested that PLAT2023-032 be removed from the Consent Agenda to discuss the conditions of approval.

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

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

Motion to APPROVE Passed: 8 to 0

Subject to:

1. The applicant shall complete their Change of Occupancy/Building Permitting. The Business License will not be issued until the Change of Occupancy is complete;
2. The applicant shall not operate until these requirements have been met;
3. Maximum number of guests shall be six (6) per unit;
4. All parking must be off-street, maximum number of vehicles is two (2) per unit, four (4) maximum. 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.

ATTACHMENTS

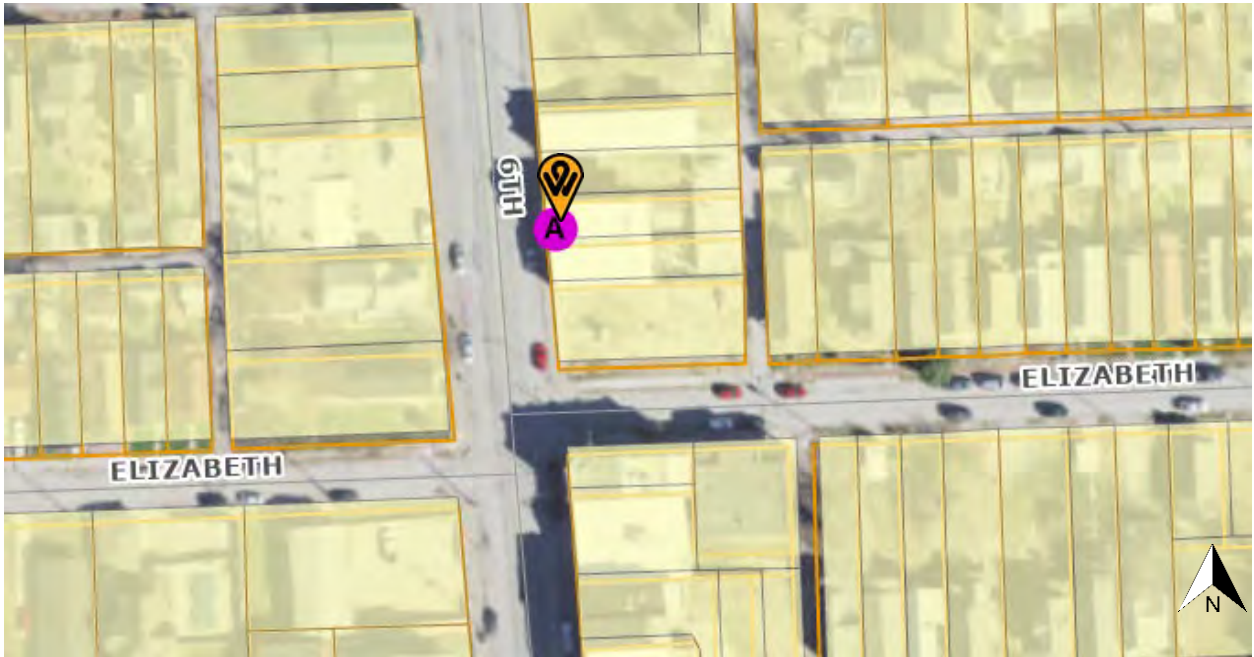
AERIAL IMAGERY



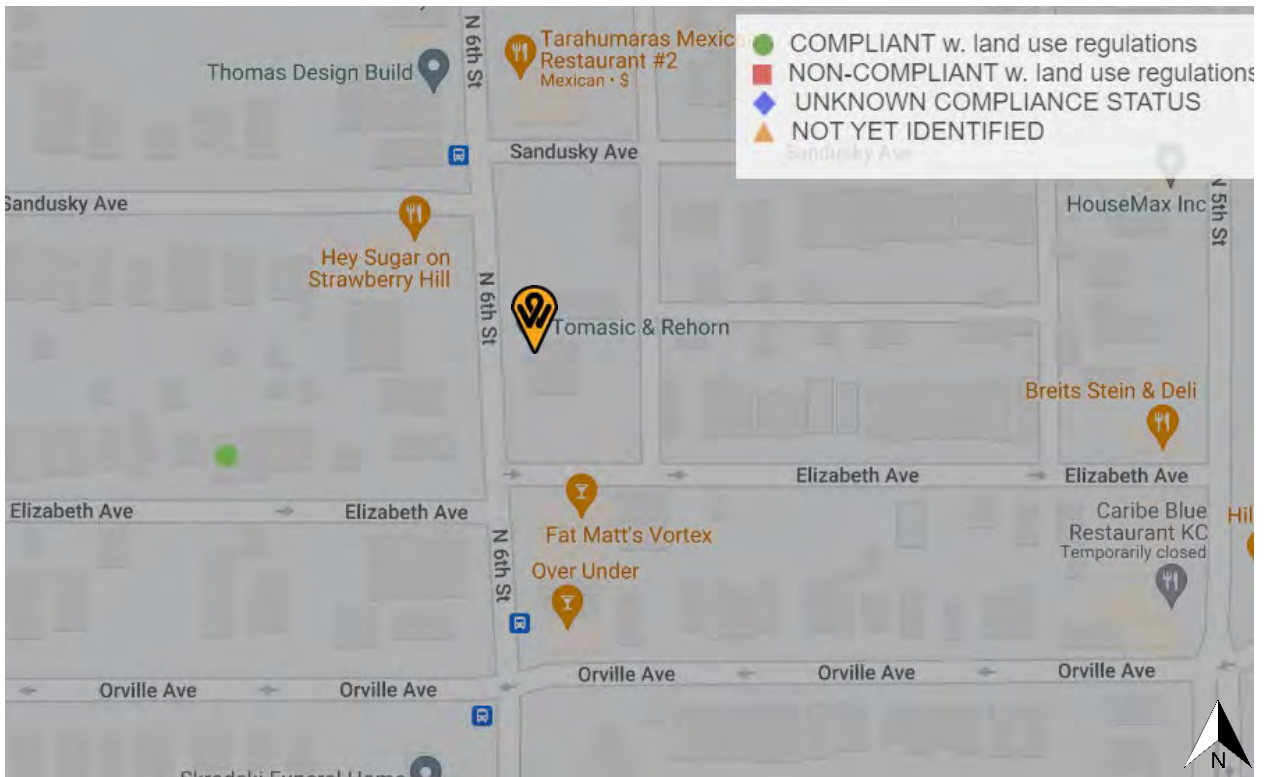
ZONING MAP



LAND USE MAP – CENTRAL AREA PLAN



HOST COMPLIANCE MAP – JUNE 12, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Denise E. Tomasic, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-080.
2. That I conducted a neighborhood meeting on 10/19/2023.
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.

Denise E. Tomasic
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20th day of October, 2023.

My commission expires 8th of December 2023.



Kassandra Wright
Notary Public

Minutes of 10/19/2023 Neighborhood Meeting

Application Number: SP2023-080-419 N. 6th Street

Date and Location: 10/19/2023, 4:00 - 5:00 p.m

Meeting called to order at: 4:00 p.m.

Names of people in attendance:

Denise Tomasic
Tom Tomasic

Introductions:

No one attended the meeting.

Presentation:

Applicant was prepared to give a presentation regarding the proposed use and management of the property as an Airbnb. Photographs of the interior and exterior of 419 N. 6th Street were available to show to attendees.

Questions:

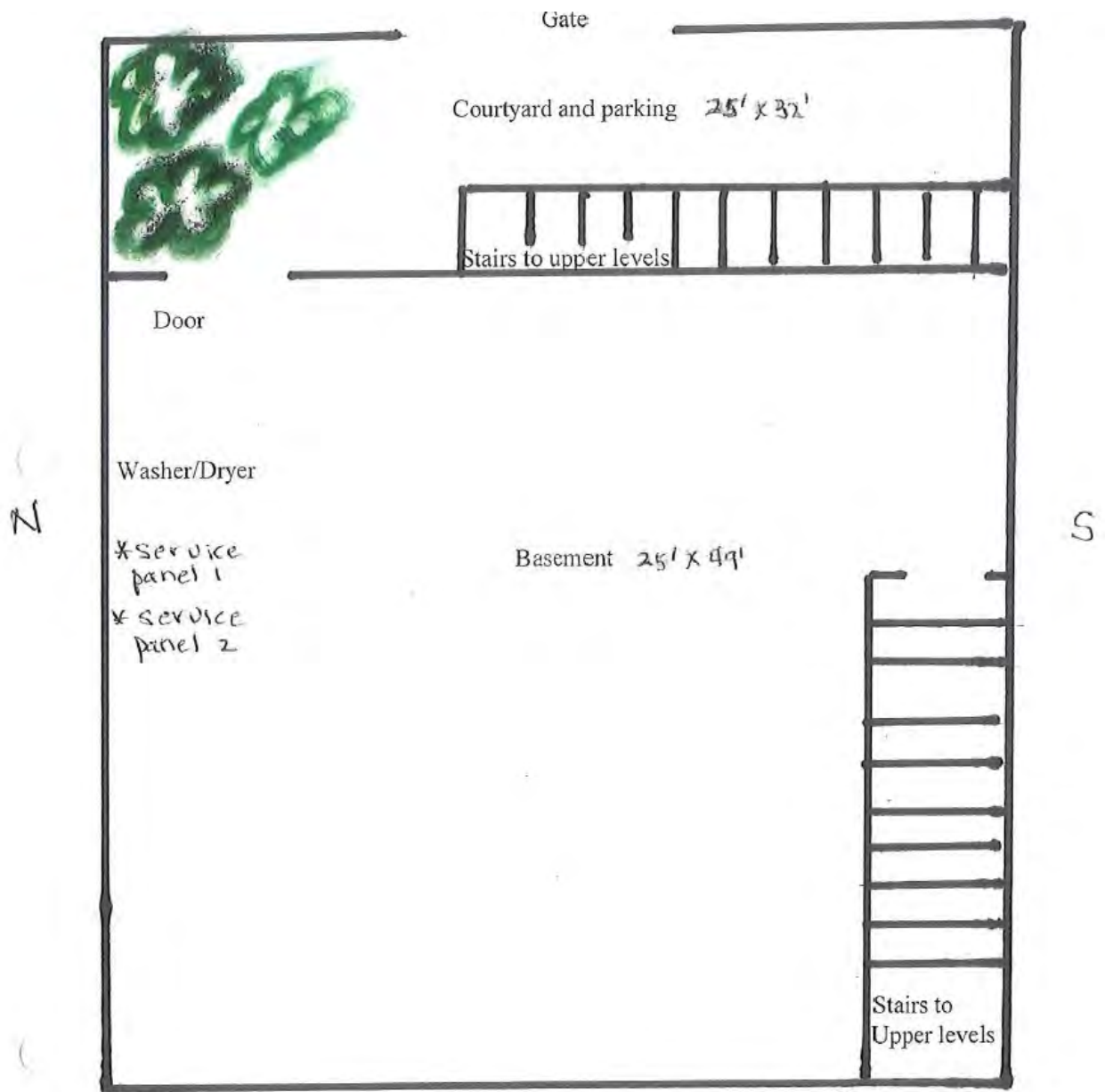
No questions were presented in person, by e-mail or by telephone.

Meeting adjourned at 5:00 p.m. Minutes were taken by Ms. Tomasic

Denise E. Tomasic
Denise E. Tomasic

10/19/2023
Date

SITE PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 14, 2023



LETTERS OF SUPPORT

October 12, 2023

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2023-080-419 N. 6th Street

To Whom It May Concern;

Please accept this letter in support of Denise and Tom Tomasic with respect to the request for renewal of the permit for their Airbnb at 419 N. 6th Street. We own properties near the Airbnb at 411 and 423 N. 6th Street.

Denise and Tom have been good neighbors and we work together to make our part of 6th Street a safe place. We feel strongly that the Tomasics will operate the Airbnb in a manner that is respectful of our neighborhood.

Very truly yours,

Two handwritten signatures in black ink. The first signature is 'Joni Bocelewatz' and the second is 'Mike Bocelewatz'.

Joni and Mike Bocelewatz

October 12, 2023

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2023-808-419 N. 6th Street

To Whom It May Concern:

Breit's Stein & Deli supports the Tomasic Airbnb. Breit's is located on 5th and Elizabeth, one block east of the Tomasic buildings. The Tomasics have been supporters of our family-friendly neighborhood bar since its beginning. They have made our establishment a gathering place for their family and friends. Breit's will be recommended to their Airbnb guests and we will provide everyone with a hometown welcome. We are excited about having the Airbnb in our Strawberry Hill community.

Thank you,



Bob Breitenstein
Owner of Breit's Stein and Deli

October 12, 2023

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2023-080-419 N. 6th Street

To Whom It May Concern:

We operate the Low Riding 2 Success Bike Club at 423 N 6th Street, which is next door to 419 N. 6th Street. The 6th Street neighbors know each other and communicate on a regular basis. We respect and support each other and work together to keep the neighborhood a safe place for visitors and the children who participate in our bike club. We fully support the Tomasics' application to operate an Airbnb at 419 N. 6th Street.

Very truly yours,

The block contains two handwritten signatures in black ink. The first signature, on the left, is 'Martin Cervantes' and the second, on the right, is 'Jalynda Poncin'. Both are written in a cursive, flowing style.

Martin Cervantes and Jalynda Poncin

October 12, 2023

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

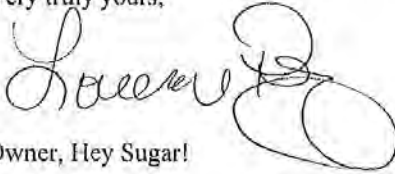
Re: SP2023-080-419 N. 6th Street

To Whom It May Concern:

Please accept this letter in support of Denise and Tom Tomasic with respect to renewal of the permit for their Airbnb at 419 N. 6th Street. We own Hey Sugar!, the ice cream and candy store across the street from their building.

Denise and Tom are fantastic and supportive neighbors. We look out for each other and they support our business. We are happy to voice our support for the Airbnb.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lauren". The signature is fluid and cursive, with a large loop at the end.

Owner, Hey Sugar!

October 12, 2023

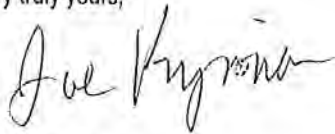
Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2023-080-419 N. 6th Street

To Whom It May Concern;

I own Krizman's Sausage across the street from 417 and 419 N. 6th Street. We have been neighbors of Denise and Tom Tomasic for many years and we work together to keep the neighborhood safe. The Tomasics are long time members of the Strawberry Hill neighborhood and are committed to promoting our business and all businesses that are located on Strawberry Hill. I fully support their application to operate an Airbnb at 419 N. 6th Street.

Very truly yours,

A handwritten signature in black ink that reads "Joe Krizman". The signature is written in a cursive, flowing style.

Joe Krizman

October 12, 2023

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2023-080-419 N. 6th Street

To Whom It May Concern:

Please accept this letter in support of Denise and Tom Tomasic and their Airbnb at 419 N. 6th Street. I own The Shop Cigar Lounge at 407 N. 6th Street, just down the street from the Airbnb. As a business owner, I am happy to voice my support for this Airbnb. Bringing people to 6th Street brings opportunities for more business and an even more vibrant Strawberry Hill.

Thank you for helping support our Strawberry Hill businesses.

Very truly yours,

Mike Simmons
Owner, The Shop Cigar Lounge

A handwritten signature in black ink, appearing to read 'Mike Simmons', with a stylized flourish at the end.

October 12, 2023

Urban Planning and Land Use
Unified Government of Wy Co/KCK
701 N. 7th Street, Room 423
Kansas City, KS 66101

Re: SP2023-080-419 N. 6th Street

To Whom It May Concern:

Please accept this letter in support of the application for a special use permit filed by Denise and Tom Tomasic for an Airbnb at their building located at 419 N. 6th Street. As an owner of several properties on Strawberry Hill, including several buildings on 6th Street, and as a member of the Tomasic family, I am in a unique position to give my highest recommendation for this project.

Denise and Tom have rehabilitated or helped with the rehabilitation of three homes on Strawberry Hill, including the home owned by my parents. They rehabilitated and made major improvements to two buildings on 6th Street. Tom played a major role in the rehabilitation of St. Mary's Church on 5th Street (now the Police Athletic League) and he continues to help with all aspects of the PAL building and the beautiful community garden that is located to the west of the church. Tom and Denise also helped Tom Tomasic, Sr. found the Strawberry Hill Museum and they assisted with the improvements that were made to the building in which it is located.

The Tomasics are committed to the preservation of Strawberry Hill. I can assure you that they will continue to be good neighbors and will promote our downtown community.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Matt Tomasic', with a long horizontal flourish extending to the right.

Matt Tomasic
Personally and on behalf of Tomahawk Ventures, LLC



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: November 30, 2023

Re: Special Use Petition SP2023-082

GENERAL INFORMATION

Applicant:
Heidi Tompkins

Status of Applicant:
Property Owner
9240 Georgia Avenue
Kansas City, Kansas 66109

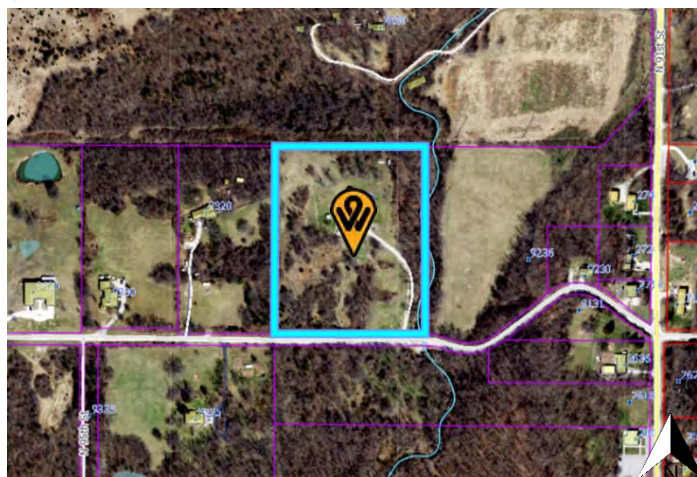
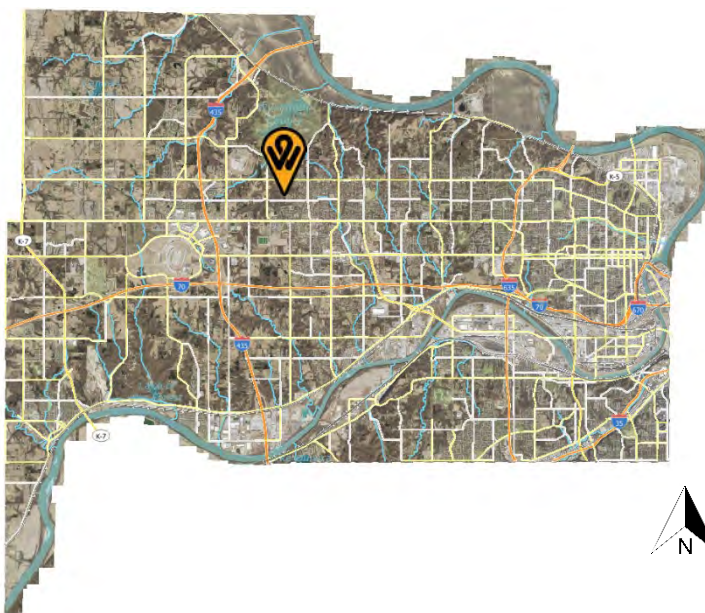
Requested Action:
Approval of a Home Occupation
Special Use Permit.

Date of Application:
September 29, 2023

Purpose:
To operate a pet grooming and
kenneling business at the
applicant's residence.

Property Location:
9240 Georgia Avenue
Kansas City, Kansas 66109

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



Existing Zoning:	A-G Agriculture District
Adjacent Zoning:	North: A-G Agriculture District South: A-G Agriculture District East: A-G Agriculture District West: A-G Agriculture District
Adjacent Uses:	North: Single-family residence South: Agricultural land East: Agricultural land West: Single-family residence
Total Tract Size:	7.59 Acres
Area Plan	Prairie Delaware Piper Area Plan
Area Plan Designation:	The Prairie Delaware Piper Area Plan designates the subject property as Planned Mixed Residential, which allows for patio (zero lot line) homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses.
Major Street Plan:	The goDotte Mobility Plan designates Hollingsworth Road as a Minor Collector.
Parking Requirement:	Section 454(e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The property provides more than two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Heidi Thompkins, has applied for a Home Occupation Special Use Permit for the operation of a pet grooming and kenneling business at the address of 9240 Georgia Avenue.

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 at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notice of Violation on the property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood. The neighborhood consists primarily of large-lot single-family residences and a variety of 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 proposed use should be compatible with nearby uses 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.

The proposed use is suitable as the removal of restrictions will not detrimentally affect nearby properties 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. The operation will operate entirely within the residence. Customers will come to the residence to drop their animals off.

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

The property is not vacant and is currently an occupied single-family residence.

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

Special Use Permits or boarding facilities are not addressed in the Prairie-Delaware-Piper Area Plan. The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Residential, which allows for patio (zero lot line)

homes, townhouses, condominiums, garden apartments, housing for seniors, and other multifamily uses. The use doesn't necessarily conform to the Area Plan with a Special Use Permit, however, as this use is temporary in nature, a Master Plan Amendment would not be advised or appropriate.

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 increase traffic to the home, typically at peak times as specified by the hours of operation. The applicant has a driveway for customer parking that is directly accessible to the accessory structure where the use is based. No issues related to parking are expected.

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. The proposed use should not permanently injure the appropriate use, visual quality, or marketability of adjoining properties because it is wholly contained within the property and the two (2) accessory structures.

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

Noise is a possible source of problems; however, the applicant has previously stated that they do not believe issues will arise due to their relative distance from neighboring properties. No issues have been reported.

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 located in an existing, permitted structure, and waste is disposed of properly.

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

The proposed use will not destroy an irreplaceable natural resource as it is located in an existing, built-out, residential neighborhood and waste is disposed of properly.

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 offers a service to the public and if denied the applicant will have to find an off-site location to run their business.

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

The proposed use will not result in the overcrowding of land or concentrations of population as long as the conditions of approval are adhered to. Parking and drop off could be an issue, however, since the subject property has a large driveway, this is not expected to be an issue.

PREVIOUS ACTIONS

There have been no planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 23, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Parking
Waste Disposal
Screening and Buffering
Signage
Pick-up and Drop-off

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-082, **for two (2) years**, subject to:

1. The applicant shall pave the driveway apron from the roadway to the property line. The applicant does not need to pave the entire driveway;
2. The applicant shall pave any parking spaces within the property;
3. The hours of the salon operation are limited between 7:00 AM and 6:00 PM;
4. Staff requires that the driveway apron from the roadway to the property line is paved as well as any new parking spaces within the property. There may not be an expansion of gravel for customer parking. A new asphalt or concrete pad is required for new parking spaces;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
6. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building.

- Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 8. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 9. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

13. The Special Use Permit shall be valid for 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;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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 **SP2023-082** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Prairie Delaware Piper Area Plan
Neighborhood Meeting Materials
Site Plan/Floor Plan
Site Photos, Taken by Staff, October 13, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-082** 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 **SP2023-082**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 5:10:42:

SPECIAL USE PERMIT APPLICATION SP2023-082 – HEIDI TOMPKINS -

SYNOPSIS: Special Use Permit to operate a dog kennel/grooming operation at 9240 Georgia Avenue. Detailed Outline of Requested Action: The applicant, Heidi Thompkins, has applied for a Home Occupation Special Use Permit for the operation of a pet grooming and kenneling business at the address of 9240 Georgia 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 November 13, 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:

- Heidi Tompkins, applicant, 9240 Georgia Avenue, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:13:17: Planning Director Hand stated that the request is for a Home Occupation Special Use Permit to operate a pet grooming and kenneling business. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 5:13:48:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-082 for two (2) years:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

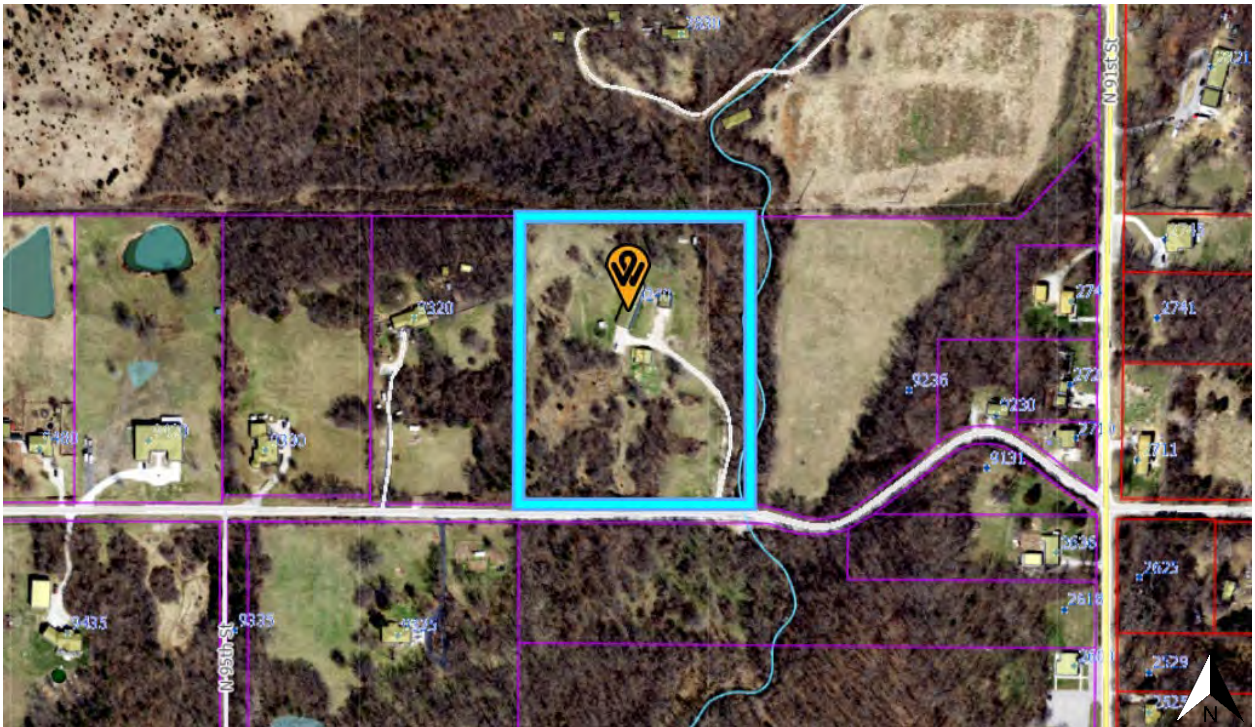
1. **The applicant shall pave the driveway apron from the roadway to the property line. The applicant does not need to pave the entire driveway;**
2. **The applicant shall pave any parking spaces within the property;**
3. **The hours of the salon operation are limited between 7:00 AM and 6:00 PM;**
4. **Staff requires that the driveway apron from the roadway to the property line is paved as well as any new parking spaces within the property. There may**

- not be an expansion of gravel for customer parking. A new asphalt or concrete pad is required for new parking spaces;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 6. Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
 7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 8. The Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
 9. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;
 10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure

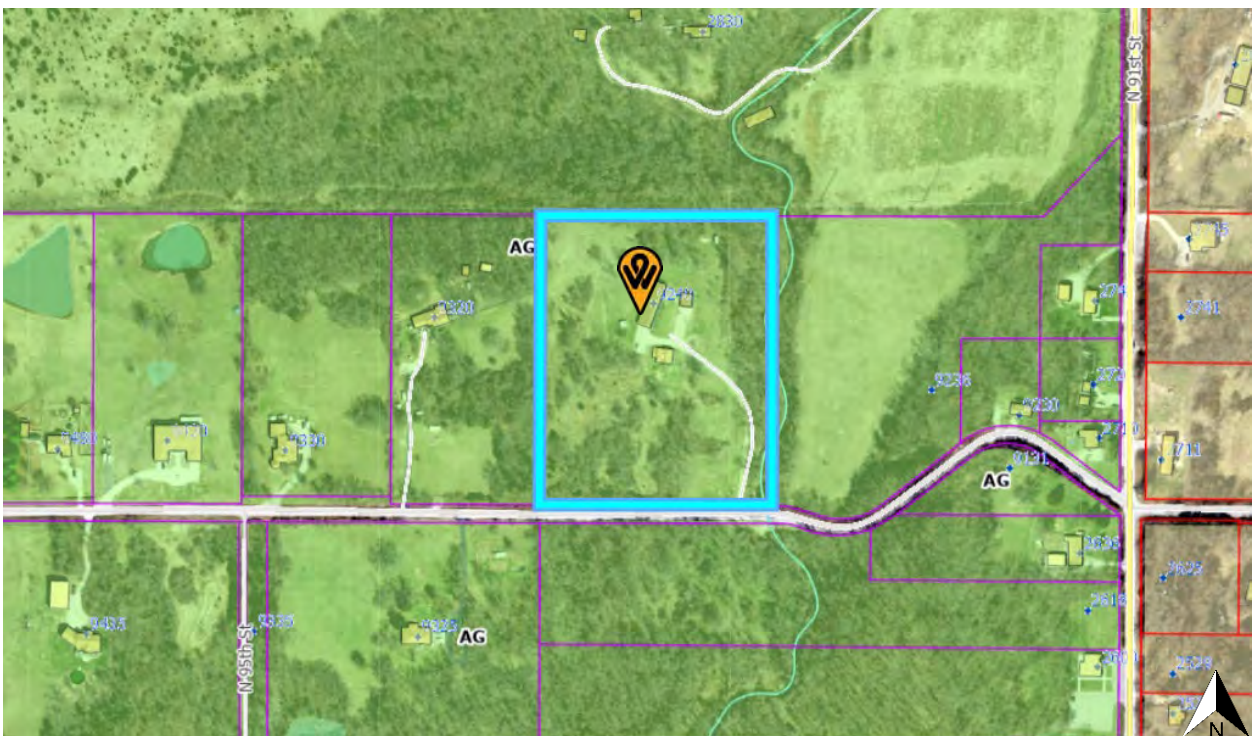
- to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 13. The Special Use Permit shall be valid for 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;
 14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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

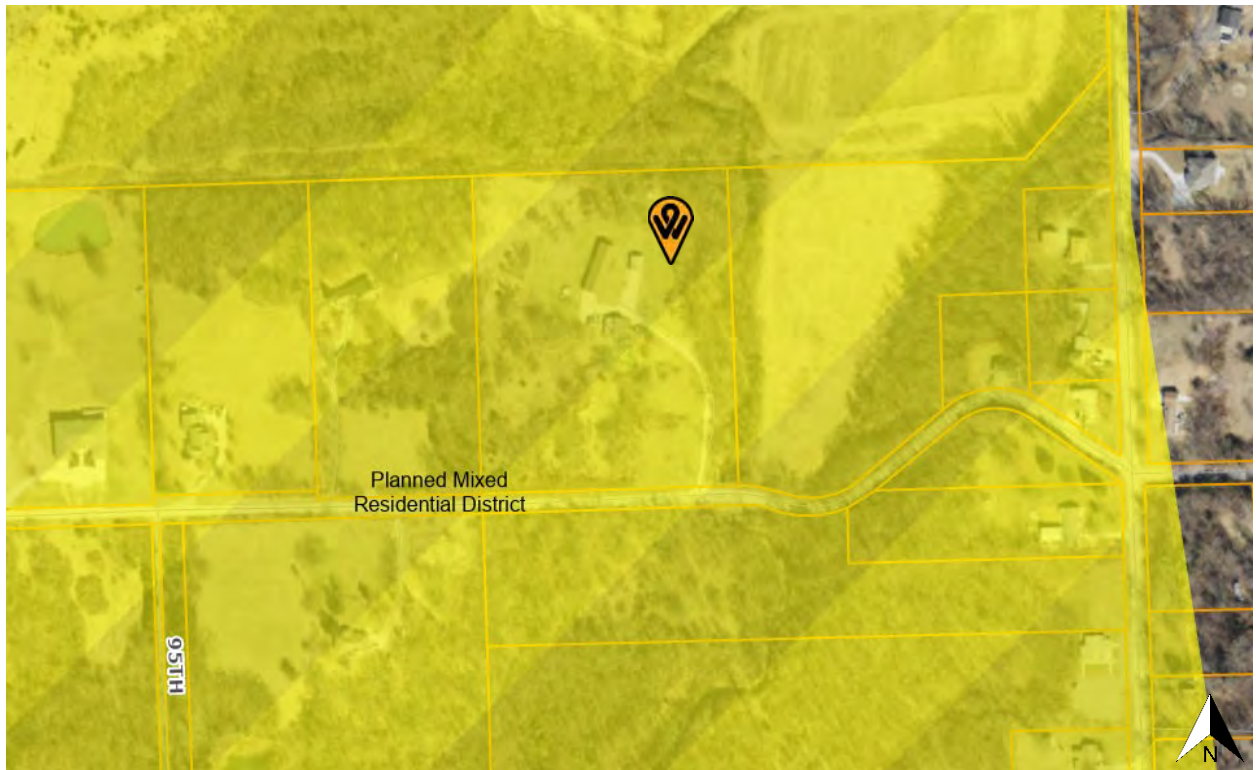
AERIAL IMAGERY



ZONING MAP



LAND USE MAP – PRAIRE-DELAWARE-PIPER AREA PLAN



NEIGHBORHOOD MEETING MATERIALS

PLEASE SIGN IN

Rick Sheahan - Richard J. Shalen
Bethany Snyder Bethany Snyder

RETREIVER CREEK GROOMING AND KENNEL

MEETING NOTES

Application Number: SP2023-082

Date: October 23, 2023

Location: Tompkins' Residence – 9240 Georgia Ave. KC, KS 66109

Meeting Called to order: 6:30pm

6:30PM Introduction/Meet and Greet

People In Attendance:

Heidi Tompkins

Anthony Tompkins

Rick Shearer

Bethany Snyder

6:40PM Presentation – We walked through the space and talked about our plans for the building and the yard around it. We discussed where walls and fences will go and our plans to have “bark boxes” in the kennel area to keep noise to a minimum. We talked about our plan to have fencing buried at the fence-line to keep dogs from digging out but even with that precaution we have no plans of dogs be left unattended in the fence area. We also discussed how the traffic on our road would be affected and our plans for that to minimally change the traffic flow since everything will be by appointment only and most grooms range from 1.5 hrs to 4 hours.

6:55PM Opportunity to ask questions.

*No questions

*Discussed kennel/run ideas that they have seen at other kennels they are used before.

Meeting Adjourned at: 7:10pm

7:10PM Meeting Adjourned

Minutes taken by: Anthony Tompkins

October 10, 2023

Anthony Tompkins
9240 Georgia Ave
Kansas City, KS 66109

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use #SP2023 - 082.

The purpose of this:

☐ change of zone

☒ special use permit

☐ preliminary plan review

is for kennels and groom shop at the following address: 9240 Georgia Ave KC, KS 66109.

We are having a neighborhood meeting on October 23rd at 6:30pm at the following address
9240 Georgia Ave KC, KS 66109.

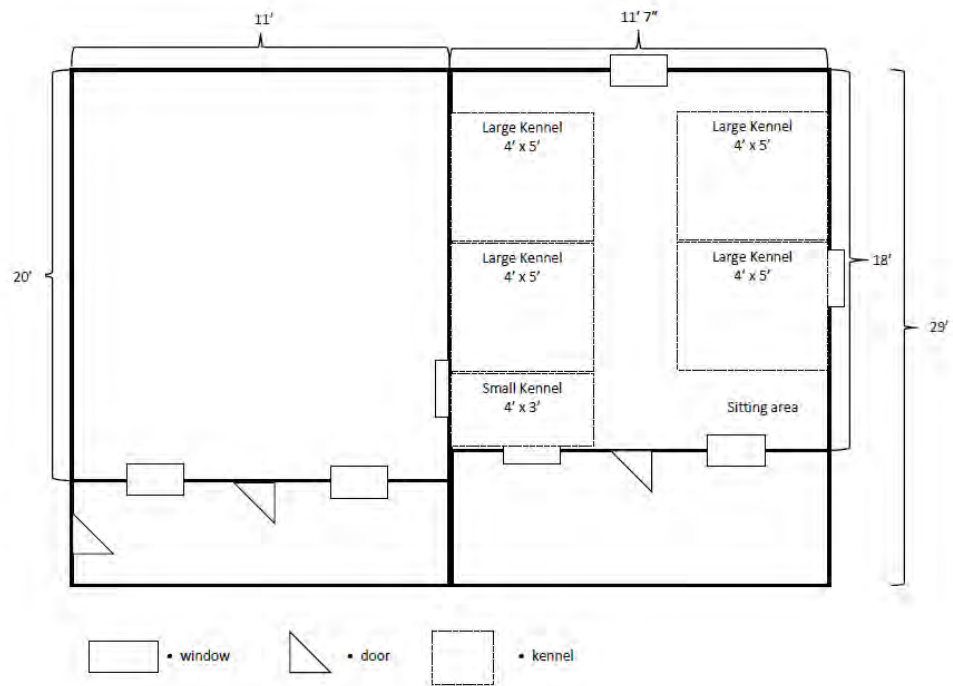
The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please contact me by call/text or email.

Sincerely,

Heidi Tompkins
815.213.0992
h.tompkins5@gmail.com

FLOOR AND SITE PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 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: November 30, 2023

Re: Petition SP2023-083

GENERAL INFORMATION

Applicant:

John McClelland

Status of Applicant:

L & B Breit's Inc.
412 – 414 North 5th Street
Kansas City, KS 66101

Requested Action:

Approval of a Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

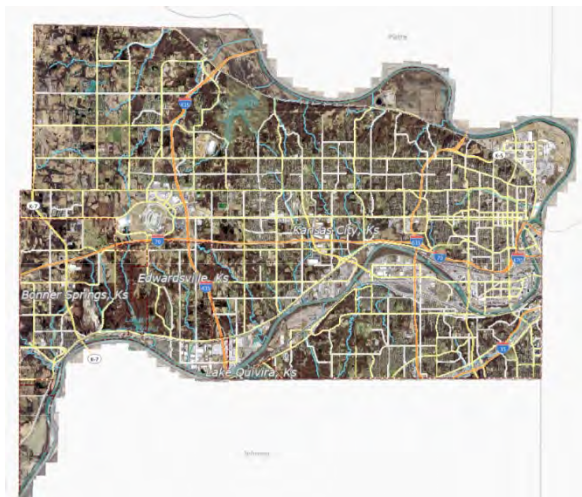
To operate a drinking establishment with sales and consumption (change in ownership).

Property Location:

412 – 414 North 5th Street
Kansas City, KS 66101

Commission Districts:

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



Existing Zoning:	C-3 Commercial District
Adjacent Zoning:	North: C-3 Commercial District South: C-3 Commercial District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Mixed use building South: Commercial storefront East: Single-family residences West: Single-family residences
Total Tract Size:	0.1 Acre
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. 49 parking spaces are required. The applicant is providing three (3) parking spaces. BOZA 2330 was approved by the Board of Zoning Appeals for three (3) off-street parking spaces on June 10, 2019.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owner – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, John McClelland with L & B Breit's Inc., seeks to continue to operate a drinking establishment. The business is transferring ownership, necessitating a new Special Use Permit at 412 – 414 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. None

Outstanding or Related Permits and Cases:

1. SP-2019-48 – drinking establishment approved on June 27, 2019.
2. BOZA 2330 – parking variance for three (3) off-street parking spaces approved on June 10, 2019.
3. SP-2009-38 – drinking establishment approved for 10 years on July 30, 2009.
4. SP-2004-33 – drinking establishment approved for five (5) years on September 30, 2004.
5. SP-2002-33 – drinking establishment approved for two (2) years.

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, and single-family residences. This mixed-use building is on the corner abutting single-family

homes to the east west, mixed use building to the north and commercial retail storefront to the south, so the continuation of a drinking establishment 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. Removal of the restrictions could have a detrimental effect on nearby property if not properly managed. There is a possibility for increased parking demand with the continuation of this use, although philosophically, the parking code should evaluate alternate modes of transportation to reduce drinking and driving.

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

The property is not vacant. It is currently operating as a drinking establishment.

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

Special Use Permits are not addressed in the Area 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 1935 does not comply with the Central Area Plan without 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 current design of the neighborhood does not provide sufficient parking for multiple mixed-use buildings. There are two (3) off-street parking spaces that are allocated for apartments and some on-street parking spaces along Elizabeth Avenue and North 5th Street although it is considered insufficient and cannot be counted towards the parking total for the business. A variance (BOZA 2330) was approved by the Board of Zoning Appeals for three (3) off-street parking spaces for the residential tenants on the second floor. 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. In the 21 years that the drinking establishment has been open, the presence of a drinking establishment at this space has 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.*

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 2019 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 Fire Marshal will provide a limit of the number of allowed occupants, which will mitigate undue concentrations of populations.

PREVIOUS ACTIONS

- SP-2019-48 – drinking establishment approved on June 27, 2019.
- BOZA 2330 – parking variance for three (3) off-street parking spaces approved on June 10, 2019.
- SP-2009-38 – drinking establishment approved for 10 years on July 30, 2009.
- SP-2004-33 – drinking establishment approved for five (5) years on September 30, 2004.
- SP-2002-33 – drinking establishment approved for two (2) years.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 412 North 5th Street aka Breit's Stein & Deli on October 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Screening and buffering from the abutting residential uses
Noise
Illumination
Parking
Security

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-083, **for five (5) years**, subject to:

1. **Hours of operation are Monday through Thursday - 11:00 AM to 12:00 AM, Friday and Saturday – 11:00 AM to 2:00 AM, and Sunday - 11:00 AM to 8:00 PM;**
2. **Outdoor lighting, if any, must be installed so as not to cast light onto neighboring properties. Lighting may not exceed one (1) footcandle at the property line;**
3. **Sidewalks shall remain clean and clear of trash and debris;**
4. **Alcohol can only be provided by licensed vendors;**
5. **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.**
6. **Restripe the parking lot in the rear of the property for the apartment units;**
7. **North of the building, plant small shrubs (Arbor Vitae) along the fence line, inside the outdoor patio;**
8. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;**
9. **Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the**

- Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Subject to approval, 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;
 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.

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 **SP2023-083** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Documents
Site Plan/Floor Plan
Site Photographs Provided by the Applicant September 2023.
List of Support

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-083** 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 **SP2023-083** 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 5:14:40:

SPECIAL USE PERMIT APPLICATION SP2023-083 – JOHN MCCLELLAND -

SYNOPSIS: Special Use Permit to operate a drinking establishment at 412 North 5th Street. *Detailed Outline of Requested Action:* The applicant, John McClelland with L & B Breit's Inc., seeks to continue to operate a drinking establishment. The business is transferring ownership, necessitating a new Special Use Permit at 412 – 414 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 November 13, 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. Planning Commissioner Eilts stated that he attended the neighborhood meeting.

Present in Support:

- Pete Peterson, attorney representing the applicant, 748 Ann Avenue, Kansas City, Kansas 66101
- John McClelland, applicant
- John Griffiths, business partner with Mr. McClelland
- Bob Breitenstein, current owner of Breit's Stein
- Stephanie Stewart, present Manager of Breit's

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:19:38: Planning Director Hand stated that the request is for a Special Use Permit for a drinking establishment. The only reason that the request is before the Commission is due to a change of ownership. The property is in the Central Area Plan. Staff received no letters in support nor opposition. To the applicant's point, there have been no Notices of Violation or police reports ever for this property. Staff recommends approval of this application, which is technically a new Special Use Permit and should be recommended for a two (2) year permit. Director Hand stated that in previous instances where there has been a change in ownership,

the Commission has carried over the previous approval term. He stated that he would defer to the Planning Commission if they want to continue with another 10-year permit, start over with a two (2) year permit or recommend approval of a five (5) year permit. He stated that Staff has included conditions of approval in the staff report.

Motion starts at 5:21:08:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-083 for five (5) years:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. Hours of operation are Monday through Thursday - 11:00 AM to 12:00 AM, Friday and Saturday – 11:00 AM to 2:00 AM, and Sunday - 11:00 AM to 8:00 PM;
2. Outdoor lighting, if any, must be installed so as not to cast light onto neighboring properties. Lighting may not exceed one (1) footcandle at the property line;
3. Sidewalks shall remain clean and clear of trash and debris;
4. Alcohol can only be provided by licensed vendors;
5. 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.
6. Restripe the parking lot in the rear of the property for the apartment units;
7. North of the building, plant small shrubs (Arbor Vitae) along the fence line, inside the outdoor patio;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463

- through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 11. Subject to approval, 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;
 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.



Figure 1. Aerial photograph of 412 North 5th Street (provided by UG Maps).



Figure 2. Zoning Map of 412 North 5th Street (provided by UG Maps).

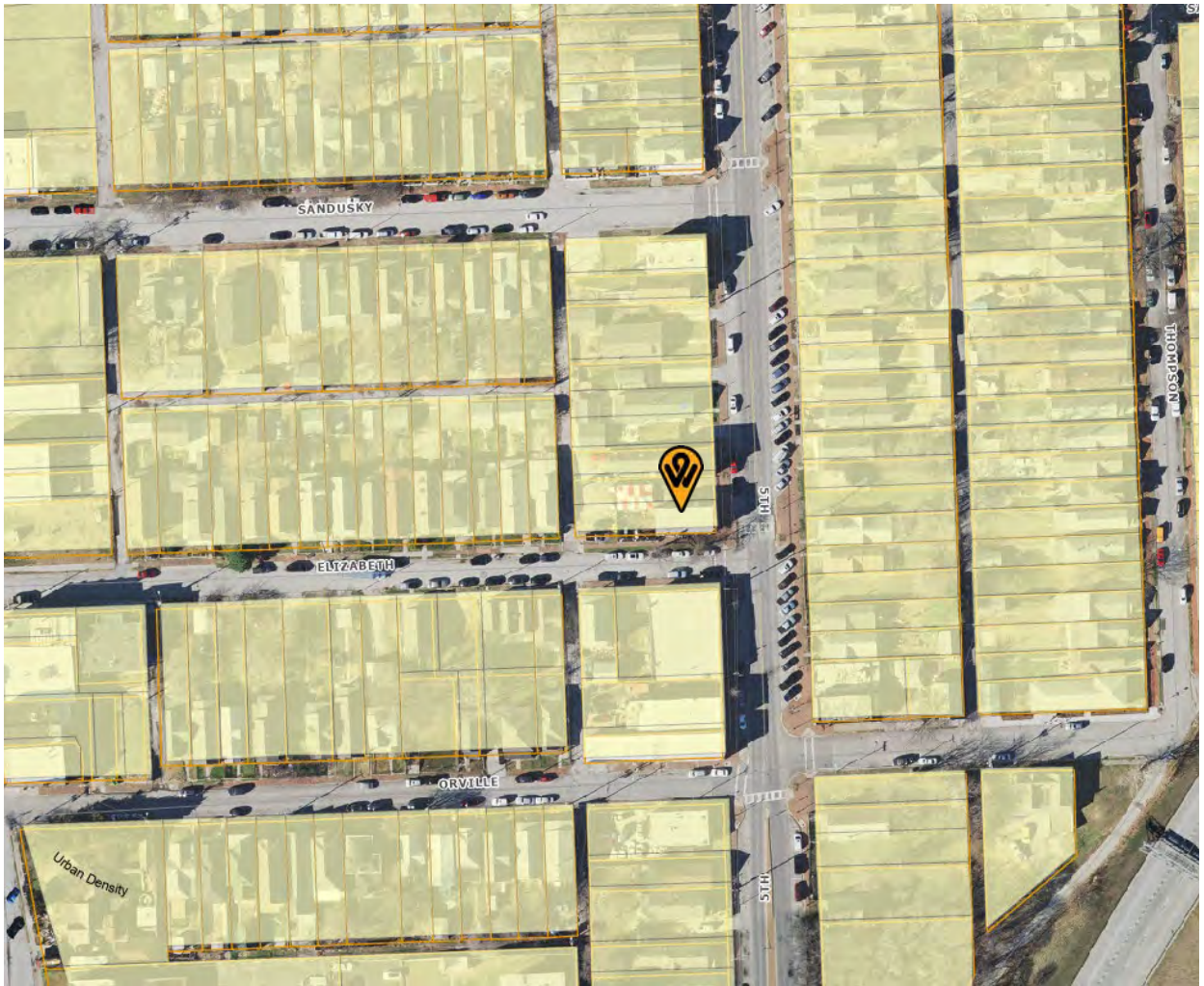


Figure 3. Central Area Plan Land Use Designation Map of 412 North 5th Street (provided by ArcGIS Pro).

JOHN L. PETERSON, P.A.
Attorney at Law
748 Ann Avenue Kansas City, KS 66101
(913) 371-1930, Ext. 118 Fax (913) 888-5403
pete@jlpetersonlaw.com

October 24, 2023

Byron Toy, AICP
c/o Dept of Planning and Urban Design
Unified Government of WyCo/KCK
701 North 7th St., Ste. 423
Kansas City, KS 66101
Sent via email only: btoy@wycokck.org

Re: SP-2023-083 John McClelland
 (L & B Breit's, Inc.)

Dear Byron:

I am writing on behalf of the applicant John McClelland concerning the above-referenced SUP application. In the draft staff report, there is a list of comments and suggestions beginning on page 6 which we now would like to address in its numbered sequence. In other words, our responses will reflect the questions and comments raised in numbers 1 through 15.

1. None.
2. Under construction per UG approval.
3. Updated business plan –
 - a. Operating hours will be:

11:00 a.m. – Midnight	Monday – Thursday
11:00 a.m. – 2 a.m.	Friday & Saturday
11:00 a.m. – 8 p.m.	Sunday
 - b. Food will be served as always during all business hours.
 - c. In-house policing and professional help when needed.
 - d. Never has received any complaints from neighbors concerning noise.

4. None planned and never has been an issue.
5. Agreed, but have never received any complaints.
6. Agreed.
7. None planned.
8. No, patrons do it themselves.
9. Agreed.
10. Agreed, will do so during appropriate planting season in conjunction with professional advice.
11. Agreed
12. Understood.
13. Agreed.
14. Agreed.
15. Understood.

We will be more than willing to discuss these responses if you so choose at any time at your convenience.

With kindest personal regards, I remain

Sincerely,



John L. Peterson

JLP/cp

cc: Janet Parker via email only: jparker@wycokck.org
EDR@wycokck.org
John McClelland via email only: jmccllland@libertyfruit.com
Bob Breitenstein via email only: bobbybreit24@gmail.com

JOHN L. PETERSON, P.A.
Attorney at Law
748 Ann Avenue Kansas City, KS 66101
(913) 371-1930, Ext. 118
pete@jlpetersonlaw.com

This meeting has been
RESCHEDULED

October 19, 2023

RE: 412-414 N. 5th Street, Kansas City, KS Case #2023-SP-083

Dear Property Owner:

I am writing on behalf of and as counsel for Breit's Stein & Deli concerning its application for a transfer of its current Special Use Permit and the continuation of the delicatessen and bar operation at its present location. Breit's has enjoyed being your neighbor these past 21 years.

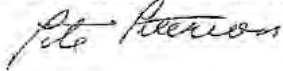
In 2019, Breit's was granted a 10-year renewal of its SUP originally granted in 2002. Now, because of the potential of change of ownership from Bob Breitenstein to John McClelland, it is necessary to reapply. There will be no wholesale changes in management. Stephenie Stewart still will be the manager. John may make some improvements to the building, mainly the bathrooms and floors.

My purpose in writing is to invite you to a neighborhood meeting to answer any questions:

4:00 p.m.
Monday, October 30, 2023
Breit's Stein & Deli
412 North 5th Street
Kansas City, KS 66101

Please join the owner Bob Breitenstein, John, Stephenie, and me if you have any questions or comments regarding this matter. If you would rather call or email me, please do so. I look forward to seeing you and I thank you in advance for your courtesies and cooperation.

With kindest personal regards, I remain sincerely,



John L. Peterson

JLP/cp

Neighborhood Meeting Sign-in

Date 10/30/23 Page 2

NameStreet AddressPhone

John & Allison 748 annaue kex 913-371-1930

Robert E. Brackman 412 N 5425T KCK 913 209-8084

Victoria McCalland 1340 E 22nd TERACE KCMO 64108 (724) 420-4844

Johnston Laffon 2234 LYDIA AVE, KCMO 64108 412-996-6082

RK Gits 506 N. 4th St. KCK 666101 913-269-7886

Steph Stewart 2900 W. 53rd St. Fairway KS 66205 (913) 461-8207

JOHN L. PETERSON, P.A.
Attorney at Law
748 Ann Avenue Kansas City, KS 66101
(913) 371-1930, Ext. 118 Fax (913) 371-0147
pete@jlpetersonlaw.com

October 30, 2023

Janet Parker
c/o Urban Planning & Land Use
Unified Government of WyCo/KCK
701 North 7th St., Ste. 423
Kansas City, KS 66101

Re: #SP-2023-083 MINUTES

Dear Janet:

I am writing as a follow-up to the Neighborhood Meeting that was held Monday, October 30, 2023 in the above-captioned matter. Sixty-two notices were mailed on October 19, 2023 to the adjoining property owners. I have attached hereto the sign-in sheet and will explain each individual by number:

1. Attorney for Applicant
2. Owner of property
3. Spouse of Petitioner John McClelland
4. A business associate of Petitioner John McClelland
5. Chairperson of the Strawberry Hill Committee
6. Manager of Breit's Stein and Deli

R.K. Eilts, #5 listed above, questioned if there were to be any improvements made to the building. The response: The bathrooms will be renovated and other cosmetic work implemented as this matter progresses. She also questioned the applicants' experience concerning this type of operation. The response: The applicant John McClelland, his wife Katrina (#3 above), and business associate Johnathan Griffiths (#4 above) all have knowledge related to working in this industry. In addition to the bar/restaurant business, John and Johnathan have an ongoing relationship with the food industry, both as executives of Liberty Fruit in Kansas City, KS. Katrina stated that they are very interested in continuing the ongoing relationship of Breit's with the neighborhood, its inhabitants, and the Strawberry Hill business community.

Janet Parker, et. al.
October 30, 2023
Page 2 of 2

There were no individuals appearing in opposition to the proposed SUP; #5 referenced above, R.K. Eilts, naturally made no commitment, being a member of the KCK Planning Commission. Also, I have attached herewith a list of individuals who have signed a petition in support of this SUP. If you have further questions or comments, please contact me.

With kindest personal regards,

I remain sincerely,



John L. Peterson

JLP/cp

Attachments:

Minutes
Notice
Sign-in Sheet
Affidavit
Petition in Support

cc: Byron Toy via email only: btoy@wycokck.org
Janet Parker via email only: jparker@wycokck.org
EDR@wycokck.org
John McClelland via email only: jmcclelland@libertyfruit.com
Bob Breitenstein via email only: bobbybreit24@gmail.com

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)) SS:
County of Wyandotte)

Comes now John L. Peterson, of lawful age, sound mind and upon his oath states as follows:

1. That I am the attorney for the petitioner for Petition #2023-SP-083.
2. That I conducted a neighborhood meeting on October 30, 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.

John L. Peterson
Affiant - JOHN L. PETERSON

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

My commission expires 1-31-25.




Notary Public

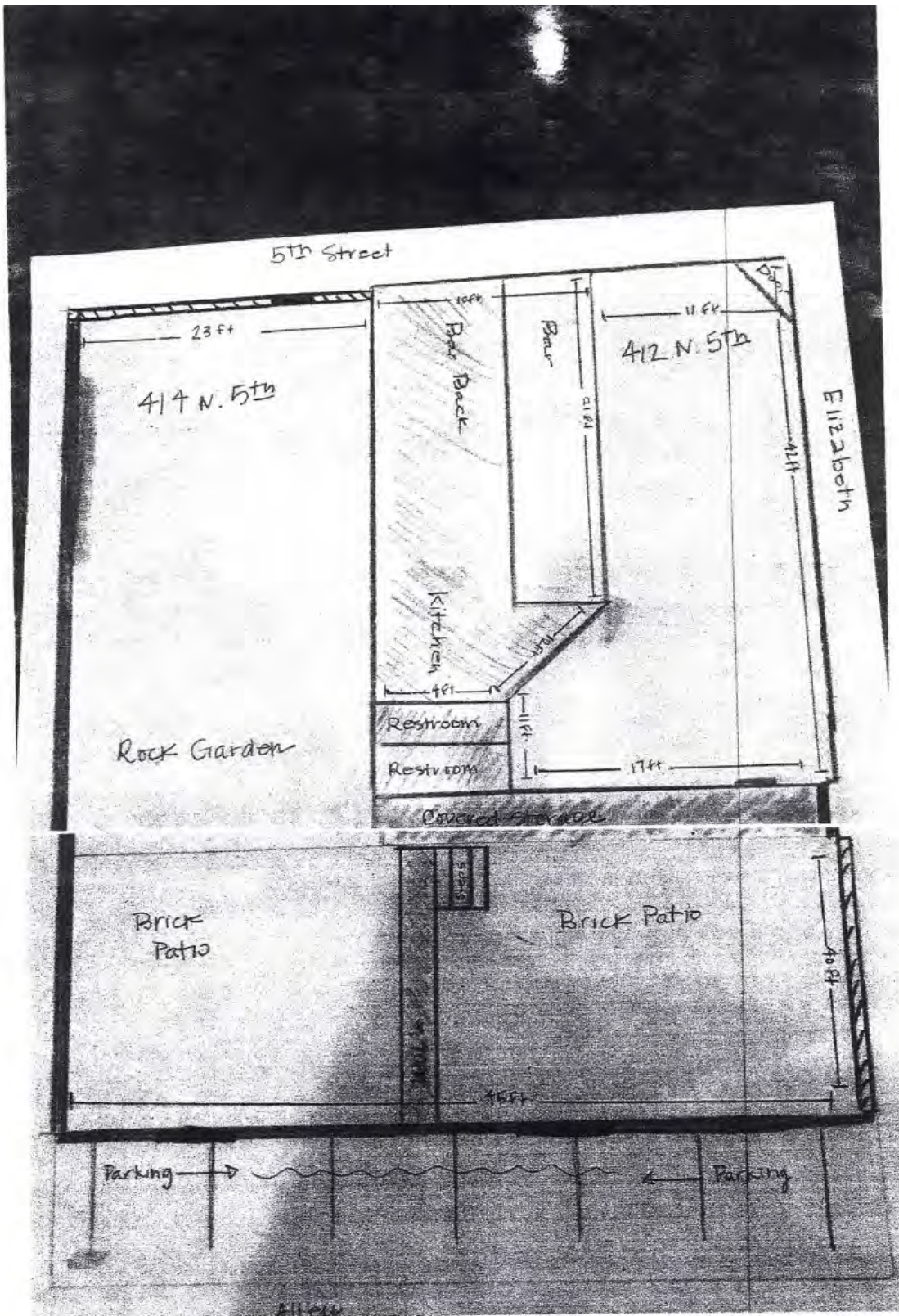




Figure 4. Site Photograph of 412 North 5th Street looking west from North 5th Street (provided by the Applicant).



Figure 5. Site Photograph of 412 North 5th Street looking north from Elizabeth Avenue (provided by the Applicant).



Figure 6. Site Photograph of 412 North 5th Street looking northeast from Elizabeth Avenue (provided by the Applicant).

I hereby support the TRANSFER application of L&B Breit. I have not noticed any problems in the past TWENTY years of the business operation.

Name Jerome Tucker Address 9348 Minnesota Ave KCKS
 Name Wes Griffin Address 4132 N 110th St KCK
 Name Paul Schepers Address 209A S Mill St KCK 66101
 Name Richard Barker Munkit Address 12801 Senell Ave KCK 66109
 Name JIM CORNISH Address 513 NORTHROP AVE K.C.K 66101
 Name TONY DAVIS Address 510 ELIZABETH KCK 66101
 Name Tony Giblin Address 4336 Fairmount Avenue KCM. 64111
 Name KEN VERBECK Address 602 N 5 ST KCKS 66101
 Name Terese Kovec Address 4110 N. Thompson KCKS 66101
 Name Justine Robles Address 576 Taurorea Ave KCKS 66101
 Name MIKE TOBIN Address 513 NORTHROP KCKS 66109
 Name LOUISE SACHEN Address 11110 WINCHESTER DR KCK 66109
 Name Linda Verbeck Address 10105 W. 50th Terrace, Merriam, KS. 66203
 Name Nick Tomasz Address 518 N. Thompson KCK 66101
 Name ALEX PACHECO Address 1533 N 89TH PI KCK 66112
 Name Antonio Subasic Address 6740 Danube Road KCK 66109
 Name KEVIN O'Brien Address 528 Ann Ave KCK 66101
 Name Kevin Waltherbach Address 611 NE 41st St, KC, MO, 64116
 Name Ryan McVally Address 7115 Summit Ct Shawnee KS 66211
 Name Geoffrey Colvent Address 11521 Martin, OP, KS 66210

I hereby support the TRANSFER application of L&B Breit. I have not noticed any problems in the past TWENTY years of the business operation.

Name Joan Solis Address 54 Viewcrest Dr., Kansas City, KS 66101
Name Priscilla Solis-Aguilar Address 54 Viewcrest Dr., Kansas City, KS 66101
Name Tyler Reynolds Address 536 Tawomee Ave, Kansas City, KS 66101
Name Robert Podrebnik Address 516 Tawomee " " " " " "
Name Tanya Estrada Address 311 Prehard St KC, KS 66101
Name Julie Sachen Address 517 Northrup Ave KC KS 66101
Name Ruth Benien Address 334 N 17th St., KCKS 66102
Name JIM BERARD Address 11604 CARTER, Overland Park KS 66200
Name SARAH BREITENBERG Address 274 N 16th Apt A KCKS 66101
Name Joe Faulk Address 274 N 16th St Apt B KCKS 66101
Name Bob Dany Address 2105 N 13th St KCK 66104
Name Eric Gentilcore Address 3811 Springfield St Apt B KCK 66103
Name ELISHA CATAC Address 530 SANDUSKY AVE, 66101
Name Kylie Bassett Address 1513 NW 78th Street KCMO
Name ADRIAN BERMUDEZ Address 407 N. 10th St, KCK, 66102
Name Mary Delich Address 11220 Bent Tree Dr. KCK 66109
Name Jason Stewart Address 11220 Bent Tree Dr. KCK 66109
Name _____ Address _____
Name _____ Address _____
Name _____ Address _____



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: November 30, 2023

Re: **Petition SP2023-084**

GENERAL INFORMATION

Applicant:

John Overton

Status of Applicant:

1803 North 150th Street
Basehor, KS 66007

Requested Action:

Approval of a Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

To operate a drinking establishment with
sales and consumption.

Property Location:

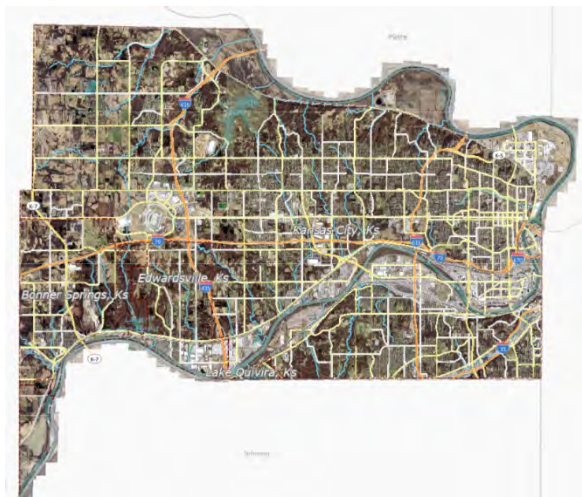
1200 Osage Avenue
Kansas City, KS 66105

Commission Districts:

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

Existing Zoning:

C-3 Commercial District



Adjacent Zoning:	North: R-2(B) Two Family District South: C-3 Commercial District East: C-3 Commercial District West: R-2(B) Two Family District
Adjacent Uses:	North: Single-family residence South: Vacant commercial building East: Single-family residence and vacant parcel (former commercial storefront) West: Single-family residences
Total Tract Size:	0.19 Acre
Master Plan Area:	Armourdale Area Plan
Master Plan Designation:	The Armourdale Area Plan designates this property as Employment, which allows manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, limited related commercial and service uses such as truck stores, service stations, convenience stores, etc.
Major Street Plan:	The Major Street Plan classifies 12 th Street as a Collector Street and Osage Avenue as a Local 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. 16 parking spaces are required per previous Special Use Permit entitlements. The applicant is providing 16 parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owner – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, John Overton, seeks to continue to operate a drinking establishment. The building was formerly used as a bar/tavern (Bar None) with a Special Use Permit expiring in 2019.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. None

Building, Zoning, or Code Enforcement Complaints:

1. Between 2005 – 2012, there were multiple violations for graffiti and one (1) violation for a structure without address numbers.

Outstanding or Related Permits and Cases:

1. SP-2009-13 – drinking establishment (Class B private club) approved for 10 years on April 30, 2009.
2. SP-2004-21 – drinking establishment (Class B private club) approved for five (5) years on May 27, 2004.
3. SP-2000-15 – drinking establishment approved for two (2) years on May 25, 2000.
4. SP-1996-35 – drinking establishment approved.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The character of the neighborhood is mixture of single-family residences and corner commercial buildings at the ends of neighborhood blocks. The parcel is two (2) blocks east of the industrial corridor in Armourdale, which ranges from 14th Street to 18th Street Expressway from the Kansas River to the south and Burlington Northern Santa Fe railway to the north. There are commercial buildings on three (3) corners of the intersection at 12th & Osage Avenue. Internal to the block are single-family and two-family residences. The residence at 1204 Osage Avenue is only about 10 feet from the building.

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 vacant retail businesses, single-family and two-family residences. The continuation of a drinking establishment is not necessarily compatible, but the previous use has not created adverse conditions for surrounding properties.

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

The property is suitable for a small drinking establishment because it is an urban, mixed-use area. Removal of the restrictions could have a detrimental effect on nearby property if not properly managed. There is a possibility for increased parking demand with the continuation of this use, although philosophically, the parking code should evaluate alternate modes of transportation to reduce drinking and driving.

The neighborhood will provide an indication of whether or not the drinking establishment would be detrimental to neighboring properties.

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

The property is not vacant. Bar None Lounge LLC's Special Use Permit expired in 2019, however, operating has continued through 2022.

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

Special Use Permits are not addressed in the Master Plan. The Armourdale Area Plan designates this property as Employment, which allows manufacturing, processing, warehouse, distribution, outdoor storage, salvage, industrial-related office, limited related commercial and service uses such as truck stores, service stations, convenience stores, etc., so the corner commercial building built in 1930 does not comply with the Armourdale Area Plan without 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 current design of the neighborhood provides most of the off-street parking in the rear accessible by alleys. There are 16 off-street parking spaces in the parking lot although it may be considered insufficient if on-street parking reduces the capacity for neighboring residents. 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. In the 27 years that the drinking establishment has been open, the presence of a drinking establishment at this space has 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.*

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 in the C-3 Commercial District.

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

- SP-2009-13 – drinking establishment approved for 10 years on April 30, 2009.
- SP-2004-21 – drinking establishment approved for five (5) years on May 27, 2004.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 711 Osage Avenue on October 20, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Illumination
Parking
Security
Screening and buffering from abutting residential uses

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-084, **for two (2) years**, subject to:

1. The parking area should be paved with asphalt or concrete and curbs and/or concrete wheel stops be provided around the perimeter with a six (6) foot paving setback along the west. There should also be ADA compliance and 16 spaces must be available;
2. A six (6) wood screening fence shall be maintained along the west line of the property;
3. If a trash dumpster is proposed, it must be completely enclosed by an architectural screen;
4. Remove the shipping container from the parking lot located on the north side of the building;
5. Due to the proximity of residences to the west, north and east, the business shall close by 1:00 AM;
6. Outdoor lighting, if any, must be installed so as not to cast light onto neighboring properties. Lighting may not exceed one (1) footcandle at the property line;
7. Resurface (new sealant) and restriped the parking lot;
8. Sidewalks shall remain clean and clear of trash and debris;
9. Alcohol can only be provided by licensed vendors;
10. 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;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

12. The Special Use Permit 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. Subject to approval, 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;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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 **SP2023-084** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Floor Plan
Site Photographs Provided by the Applicant – September 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-084** 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 **SP2023-084** 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 5:22:18:

SPECIAL USE PERMIT APPLICATION SP2023-084 – JOHN OVERTON -

SYNOPSIS: Special Use Permit to operate a drinking establishment at 1200 Osage Avenue. *Detailed Outline of Requested Action:* The applicant, John Overton, seeks to continue to operate a drinking establishment. The building was formerly used as a bar/tavern (Bar None) with a Special Use Permit expiring in 2019.

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 November 13, 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 5:22:32: Planning Director Hand stated that the request is for a Special Use Permit for a drinking establishment. There is a history of this use at this site and the last permit expired in 2019, which was known as Bar None. This property is in the Armourdale Area Plan. Staff has received no letters in support nor opposition. There are some older Notices of Violation that have all been rectified. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Planning Commissioner Eilts directed questions to Director Hand regarding the hours of operation.

Motion starts at 5:26:02:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-084 for two (2) years:**

Carson	Chairman
Miller	Aye

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. The parking area should be paved with asphalt or concrete and curbs and/or concrete wheel stops be provided around the perimeter with a six (6) foot paving setback along the west. There should also be ADA compliance and 16 spaces must be available;
2. A six (6) wood screening fence shall be maintained along the west line of the property;
3. If a trash dumpster is proposed, it must be completely enclosed by an architectural screen;
4. Remove the shipping container from the parking lot located on the north side of the building;
5. Due to the proximity of residences to the west, north and east, the business shall close by 1:00 AM;
6. Outdoor lighting, if any, must be installed so as not to cast light onto neighboring properties. Lighting may not exceed one (1) footcandle at the property line;
7. Resurface (new sealant) and restriped the parking lot;
8. Sidewalks shall remain clean and clear of trash and debris;
9. Alcohol can only be provided by licensed vendors;
10. 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;
11. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
12. The Special Use Permit 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. Subject to approval, 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;
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
15. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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.

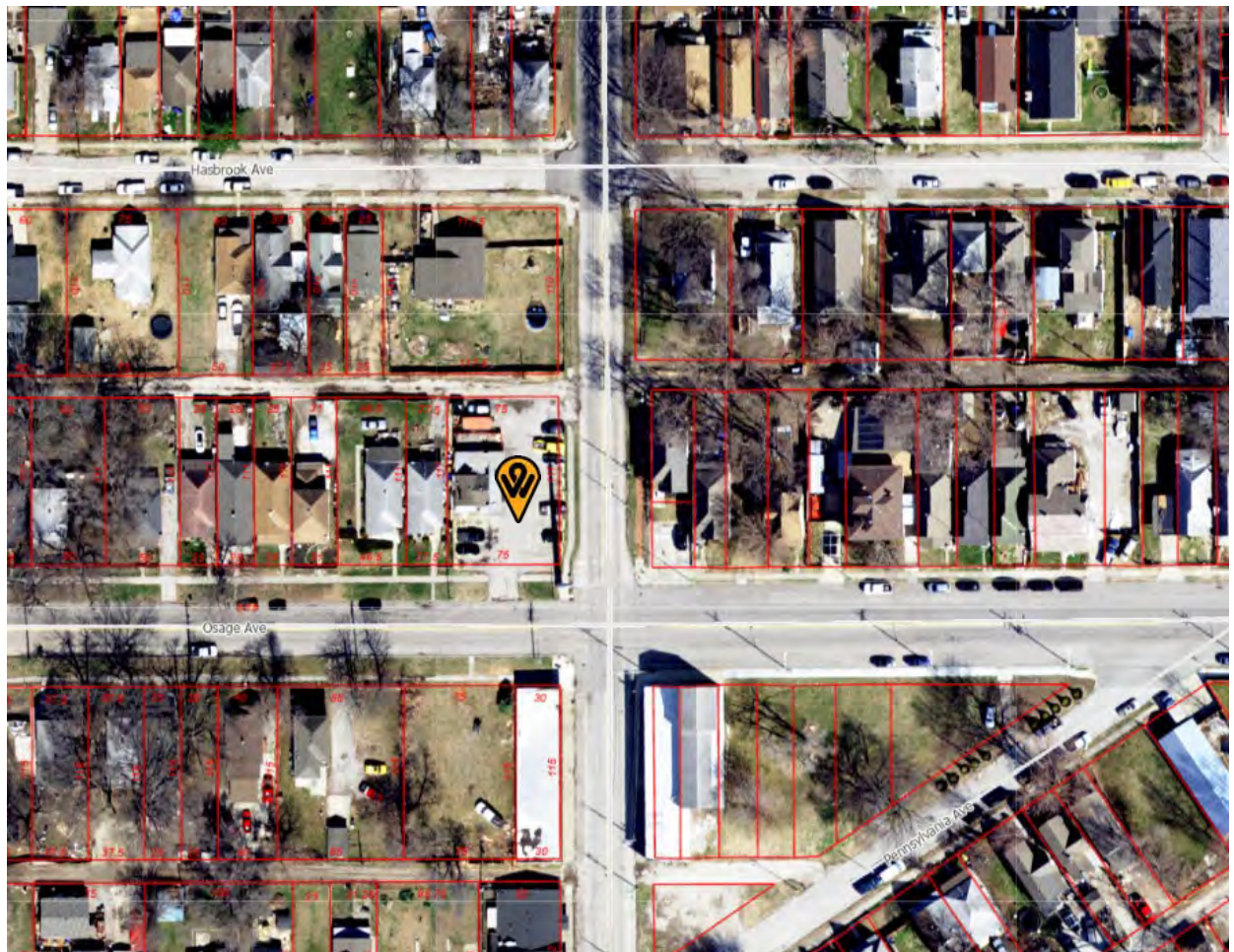


Figure 1. Aerial photograph of 1200 Osage Avenue (provided by UG Maps).



Figure 2. Zoning Map of 1200 Osage Avenue (provided by UG Maps).

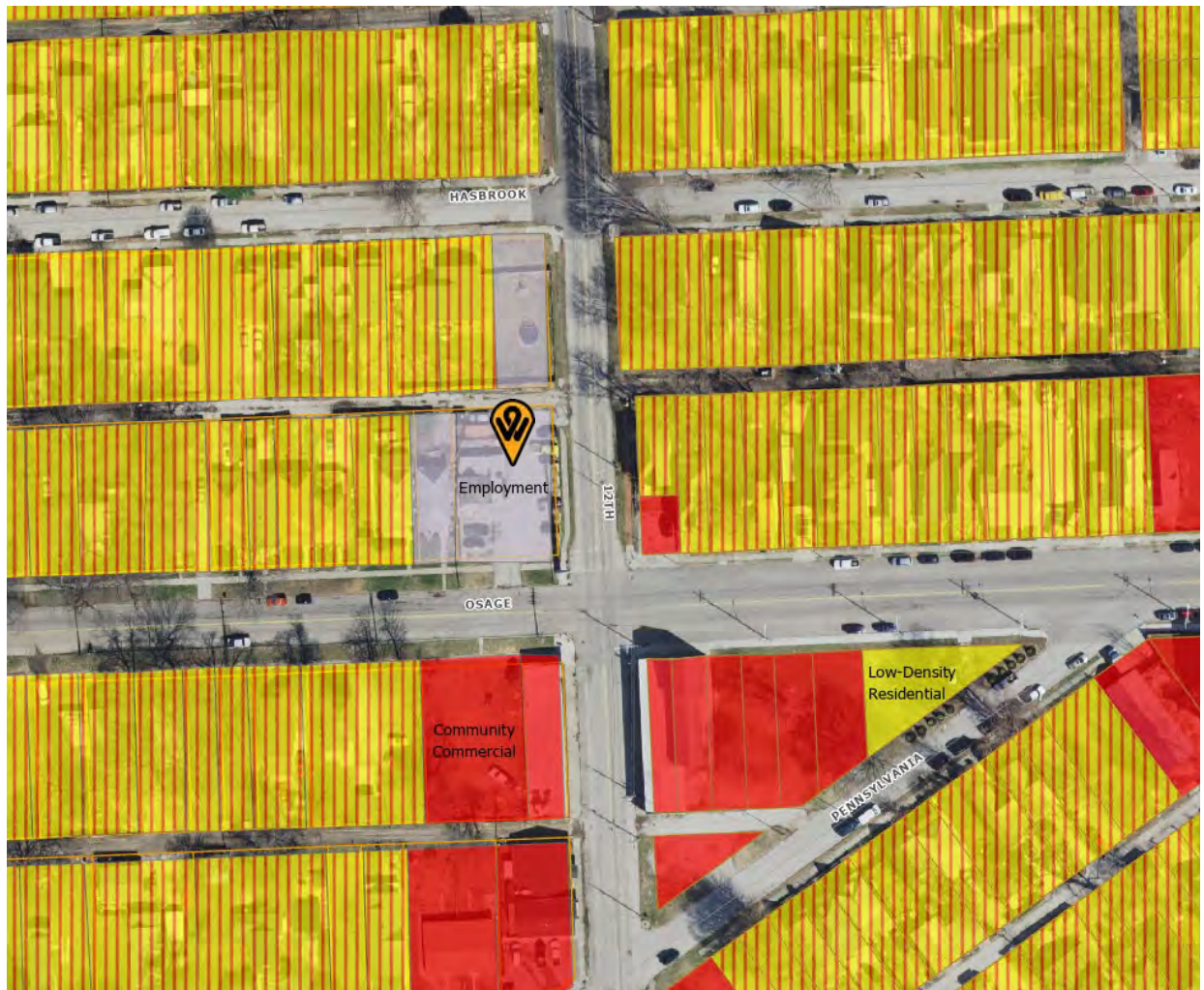


Figure 3. Armourdale Area Plan Land Use Designation Map of 1200 Central Avenue (provided by ArcGIS Pro).

1200 OSAGE - SP2023-084 - BYRON TOY, AICP

- ① SHIPPING CONTAINER HAS BEEN REMOVED
- ② HAVE PROVIDED S&L LAYOUT
- ③ NOT SURE OF PREVIOUS OPERATION BUT BELIEVE NONE
- ④ HOURS OF OPERATION: 10:00AM TO 2:00AM - 7 days a week
- ⑤ HAVE INSTALLED SIX OUTDOOR LIGHTS LOCATED ON FRONT & SIDE OVERHANGS
- ⑥ ASPHALT PATCHING DONE - SCHEDULED SEAL & STRIP WHEN WEATHER PERMITS
- ⑦ TO BE CLEANED DAILY
- ⑧ AGREED
- ⑨ JUKE BOX ONLY -
- ⑩ WILL POST NUMBERS FOR ~~BY~~ TRANSPORTATION
- ⑪ PROPERTY PARKING LOT SHOULD HANDLE CUSTOMERS
- ⑫

TRASH DUMPSTER AREA - PRIVACY FENCE (3 SIDES)

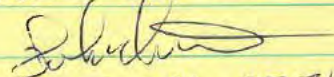
CONCRETE BUMPERS IN PLACE

AM INSTALLING (12) CAMERAS INSIDE AND OUTSIDE

ALARM SYSTEM TO BE INSTALLED

WILL BE WORKING ON SIGN PERMIT ON 11/02/2023

JOHN OVERTON


(913) 226-7754

HAVE RETURNED ALL INFO & AFFIDAVIT ON MEETING
ON 10/23/2023

PEOPLE IN ATTENDANCE :

ADDRESS

Monica Mender 119 Osage Ave. KCKS 66105
Wilma L. Allen 1241 Osage KCKS 66105
Linda M. Edliff 621 Ks. Ave KCKS 66105

Application Number SP2023-084

Date and Location: OCT. 20, 2023, - 711 OSAGE AVE.

Meeting called to order at: 5:00 PM

Names of people in attendance: WILLIAM ALLEN
MONICA, MENDEZ

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: 5:35 PM

Minutes taken by: JOHAN OVERTON

NO QUESTIONS, JUST CURIOSITY

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
) SS:
COUNTY OF WYANDOTTE)

Comes now JOHN OVERTON, JR., of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-084
2. That I conducted a neighborhood meeting on OCT. 29, 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 21ST day of
OCTOBER, 2023
2023 JP

My commission expires 7TH of OCTOBER, 2025
2025 JP



Notary Public



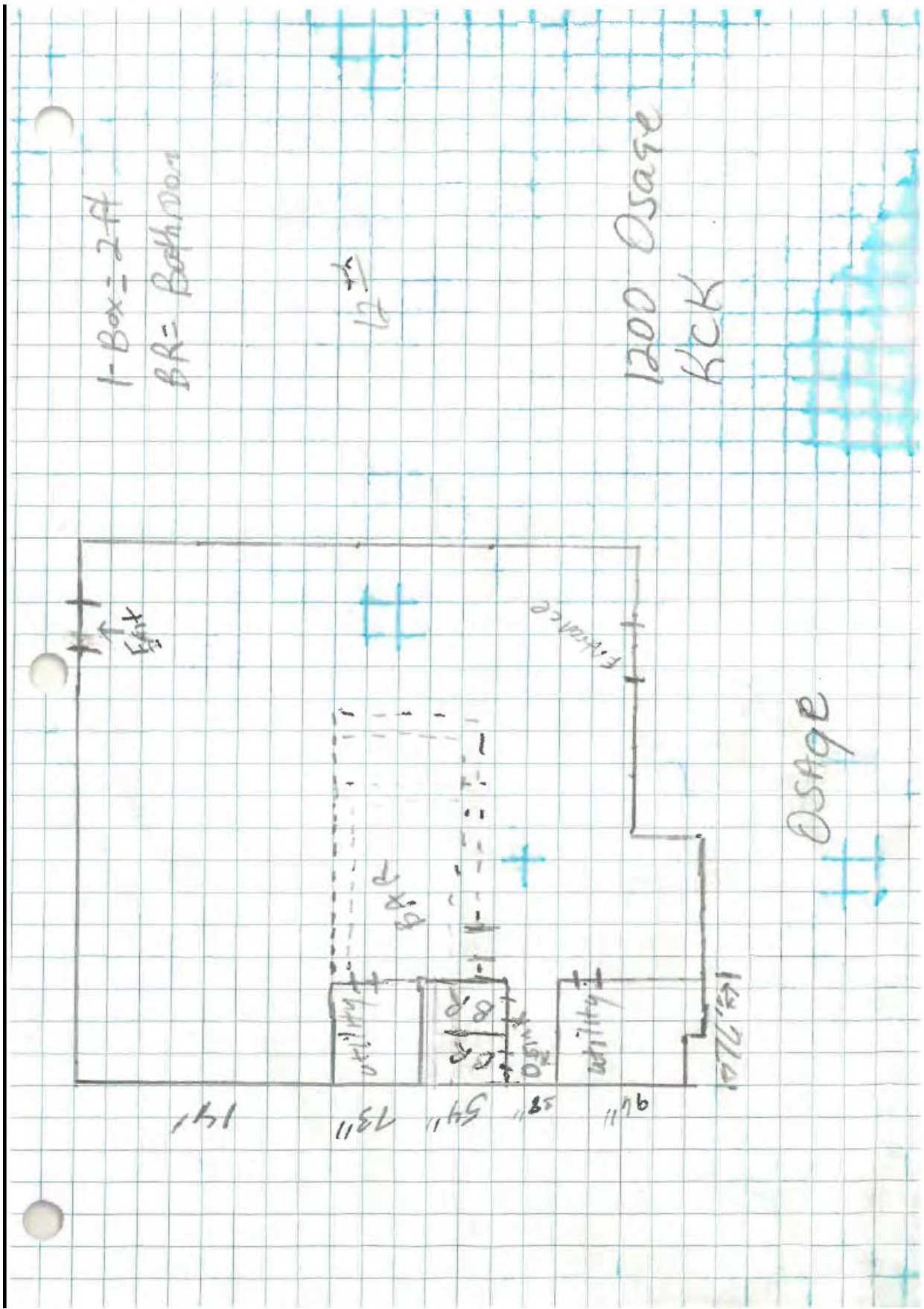




Figure 4. Site Photograph of 1200 Osage Avenue looking northwest from North 12th Street (provided by the Applicant).



Figure 5. Site Photograph of 1200 Osage Avenue looking north from Osage Avenue (provided by the Applicant).



Figure 6. Site Photograph of 1200 Osage Avenue looking southwest from Osage Avenue (provided by the Applicant).



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: November 30, 2023

Re: Petition SP2023-085

GENERAL INFORMATION

Applicant:
Jon Wondergem

Status of Applicant:
Business Owner
1108 Shawnee Road
Kansas City, Kansas 66103

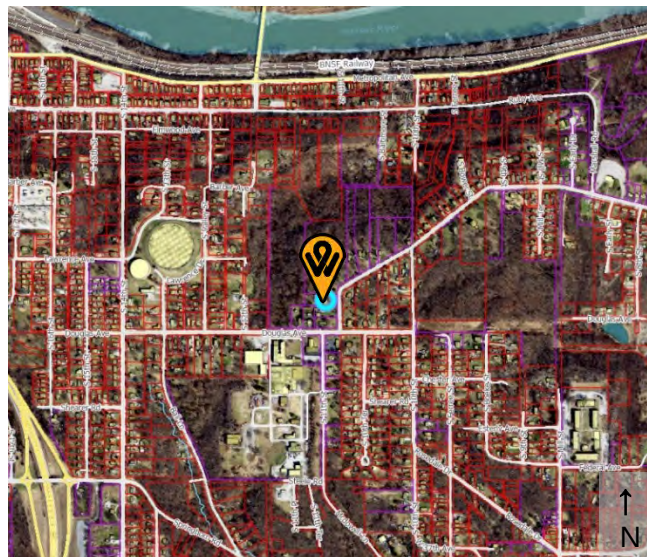
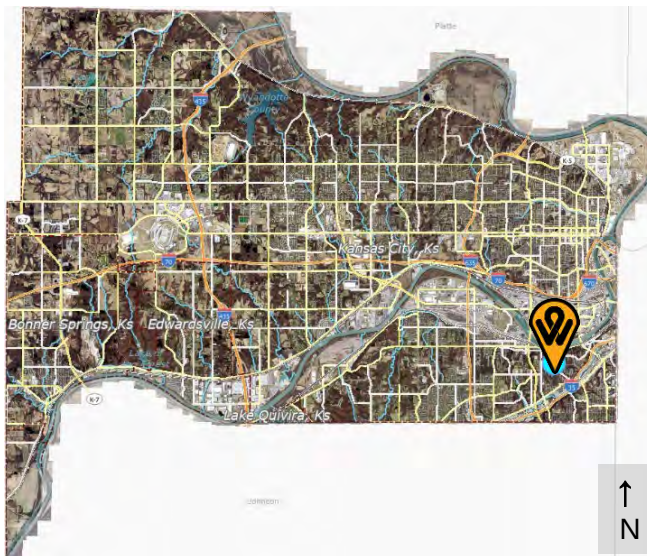
Requested Actions:
Approval of a Special Use Permit.

Date of Application:
September 29, 2023

Purpose:
Approval of a Special Use Permit (home occupation) for an instrument repair business.

Property Location:
1108 Shawnee Road
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: Undeveloped property
Total Tract Size:	0.72 Acre
Comprehensive Plan Area:	The subject property is within the City-Wide Comprehensive Plan.
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates this property as Low-Density Residential. The Low-Density Residential Land Use District allows for single-family detached residential development, which is intended to meet a majority of the housing needs within the city. Such uses include: single-family detached residences; institutional uses such as elementary and middle schools, small churches (less than 50,000 square feet), libraries, etc.; and parks, open space, etc.
Major Street Plan:	The Major Street Plan classifies Shawnee Road as a Collector Street, per Section 27-763(f)(32).
Required Parking:	Section 27-454(e) requires two (2) off-street parking spaces for each single-family dwelling, at least one (1) of which shall be in a garage or a carport. A site plan demonstrating such compliance with the paved parking requirement has been provided. The subject property has a two (2)-car garage attached to the north side of the primary residence, accessible by the paved driveway.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.

PROPOSAL

Detailed Outline of Requested Action: Applicant, Jon Wondergem, is requesting a home occupation Special Use Permit to operate an instrument repair business. Applicant will serve customers who come to the subject property to drop off instruments for repair and to pick up repaired instruments.

City Ordinance Requirements: Article VI, Sections 27-196 to -209, and -214; Article VIII Sections 27-454 and -609

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. The previous property owners had received the following noise or disturbance complaints:
 - a. One (1) police case in 2018;
 - b. Two (2) calls for police service, one (1) service call, and one (1) police case in 2019;
 - c. One (1) police case in 2020.
2. The current property owner has received no noise or disturbance complaints.

Building or Code Enforcement Complaints:

1. The previous property owners received the following Property Maintenance Compliance citations:
 - a. Environment (appliances and debris in the driveway), 02/11/2003 (03200-00000-00431);
 - b. Other Multiple Violations (living in uninhabitable residence), 07/16/2003 (03200-00000-02562).
2. The current property owner has not received any Building Inspection or Property Maintenance Compliance complaints.

Outstanding or Related Permits and Cases:

1. The previous property owners have no outstanding or related permits and cases.
2. The current property owner has the following related building permits:
 - a. Electrical (update service from 200 amps), 08/20/2022 (ELE22-0821);
 - b. Solar (roof-mounted solar panels), 01/27/2023 (SOL23-0011);
 - c. Electrical (work related to solar panels installation), 09/29/2023 (ELE23-0085).

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

The subject property is within the Shawnee Heights Statistical Neighborhood and is within the Shawnee Road Neighborhood Group boundaries. The subject property lies within a portion of Shawnee Road that is predominately single-family residential, west of the neighborhood's transition to mixed single-family residential and duplexes and light commercially zoned parcels. Although Shawnee Road is the primary road in the local neighborhood, it is only designated as a Collector Street by the Major Streets Plan; therefore, the area has a meandering, residential aesthetic rather than a busier, commercial aesthetic.

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

The zoning and uses of surrounding properties are single-family residential. An instrument repair workshop in the back of a single-family residence on a 0.7-acre parcel within the residential area of Shawnee Road is expected to be compatible with the surrounding properties.

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

Although the exact size of the workshop where the home occupation will take place is unknown, a hand-drawn site plan and photos provided by Applicant (see "Dimensioned Plans of 1108 Shawnee Road" and "Photos of 1108 Shawnee Road Submitted by Applicant" within the *Attachments* section of this report, respectively) shows that the workshop is clearly an accessory use to the primary residential use, both in function and size. The subject property is suitable for a home occupation of instrument repair and removal of the restrictions on home occupations granted by this Special Use Permit will not detrimentally affect nearby properties.

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

The subject property is currently occupied, as demonstrated by photos submitted by Applicant (see "Photos of 1108 Shawnee Road Submitted by Applicant" within the *Attachments* section of this report).

5. The degree of conformance with the proposed use to the Comprehensive Plan.

The City-Wide Comprehensive Plan classifies the subject property as Low-Density Residential. The Low-Density Residential Land Use District allows for single-family residential uses, as well as institutional uses such as libraries and places of worship. As these institutional uses feature buildings, site design, and

traffic frequency different than that of single-family residences and yet are still anticipated by the Low-Density Residential Land Use District, this home occupation—which allows Applicant flexibility in their business and can have positive externalities for the local neighborhood—is also anticipated and can conform with the City-Wide Comprehensive Plan. Such conformance assumes, of course, approval of a valid 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.*

Applicant anticipates approximately five (5) to 10 customers per month. The existing driveway is long enough to accommodate an additional vehicle parked for a drop-off or pick-up. It is important that sufficient on-site parking be available to customers because there is not proper on-street parking available along this portion of Shawnee Road.

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 needed, albeit niche, service to Kansas City's music and arts community. The location of the workshop attached behind the primary residence, the small size of the workshop relative to the primary residence and the subject property, and the perceived lack of negative externalities caused by instrument repair all contribute to Staff's assessment that the home occupation 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.*

Applicant has provided details into luthiery, the specific craft of instrument repair in which they engage (see "Planning & Urban Design Comments: General #3 Applicant Response" within the *Staff Comments and Suggestions* section of this report). This process does not generate intense levels of dust or illumination. While noise and vibration may be associated with instrument repair, Applicant has further stated that most work does not involve power tools or other noisy equipment, and that any sound produce by a guitar amp would not be keep low and not audible past the property line.

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 single-family residence. All waste materials produced as a result of the instrument repair must be properly disposed.

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.

There is a relative gain to the public health, safety, and welfare as compared to the hardship that may imposed on the individual landowner or landowners. An instrument repair home occupation presents several benefits—promotion of a skilled profession, support of the local arts, and low overhead costs—that are countered by very few hardships caused to other properties or landowners. The operation of the home occupation likely will not generate any amounts of traffic, noise, or dust that would be perceptible to the neighbors.

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

Applicant has stated that five (5) to 10 customers are expected on site over the course of one (1) month. There is no concern about the overcrowding of land or undue concentrations of population for a home occupation operating within a single-family residence on a 0.7-acre parcel within a low-density residential neighborhood.

PREVIOUS ACTIONS

- N/A

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1108 Shawnee Road on October 27, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Accessory Buildings
Driveway
Paving
Residential Neighborhood

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-085, **for two (2) years**, subject to:

1. No signs that advertise for or give directions to the business shall be posted on the subject property;
2. No employees other than family members may work at the subject property;
3. There shall not be any equipment that creates excessive amounts of dust, noise, or light, or otherwise interfere with radio or television reception;
4. No trucks with a gross vehicle weight rating over 10,000 pounds or other heavy equipment shall be parked on the subject property;
5. Approximately 10 customers are anticipated to come to the subject property per month to drop off and/or pick up products;
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 tax application with this office;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances (Section 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 parking shared with another property is only allowed by a properly executed legal document that has been filed with the

- Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 14. The Special Use Permit shall be valid for two (2) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
 15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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 makes the findings contained within the staff report related to *Factors to be Considered* and *Key Issues*, and recommends **APPROVAL** of Petition **SP2023-085** subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Minutes
Dimensioned Plans of 1108 Shawnee Road
Photos of 1108 Shawnee Road Submitted by Applicant
Staff Site Visit Photos, Dated October 23, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Special Use Permit	November 13, 2023 Approval	November 30, 2023

STAFF CONTACT: **Michael Farley**
 mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-085** 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 **SP2023-085**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 5:27:00:

SPECIAL USE PERMIT APPLICATION SP2023-085 – JON WONDERGEM -

SYNOPSIS: Home Occupation Special Use Permit to repair musical instruments at 1108 Shawnee Road. Detailed Outline of Requested Action: Applicant, Jon Wondergem, is requesting a home occupation Special Use Permit to operate an instrument repair business. Applicant will serve customers who come to the subject property to drop off instruments for repair and to pick up repaired instruments.

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 November 13, 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. Commissioner Miller stated that he notarized this application for the applicant, and he is the son-in-law of Mr. Miller's law partner.

Present in Support:

- Jon Wondergem, applicant, 1108 Shawnee Road, Kansas City, Kansas 66103

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:31:16: Planning Director Hand stated that the request is for a Home Occupation Special Use Permit for a luthier business (repair of stringed instruments). This property is in the Citywide Comprehensive Plan in the Shawnee Heights area. Staff received no letters in support nor opposition. There are some old Notices of Violation that have been rectified and are germane to this case. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 5:31:58:

On motion by Mrs. Eilts, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-085 for two (2) years:**

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

Motion to recommend APPROVAL Passed: 8 to 0

Subject to:

1. No signs that advertise for or give directions to the business shall be posted on the subject property;
2. No employees other than family members may work at the subject property;
3. There shall not be any equipment that creates excessive amounts of dust, noise, or light, or otherwise interfere with radio or television reception;
4. No trucks with a gross vehicle weight rating over 10,000 pounds or other heavy equipment shall be parked on the subject property;
5. Approximately 10 customers are anticipated to come to the subject property per month to drop off and/or pick up products;
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 tax application with this office;
9. All existing and future driveways must feature curb cuts that are constructed to UG standards;
10. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

property may also be subject to enforcement actions and administrative citations;

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

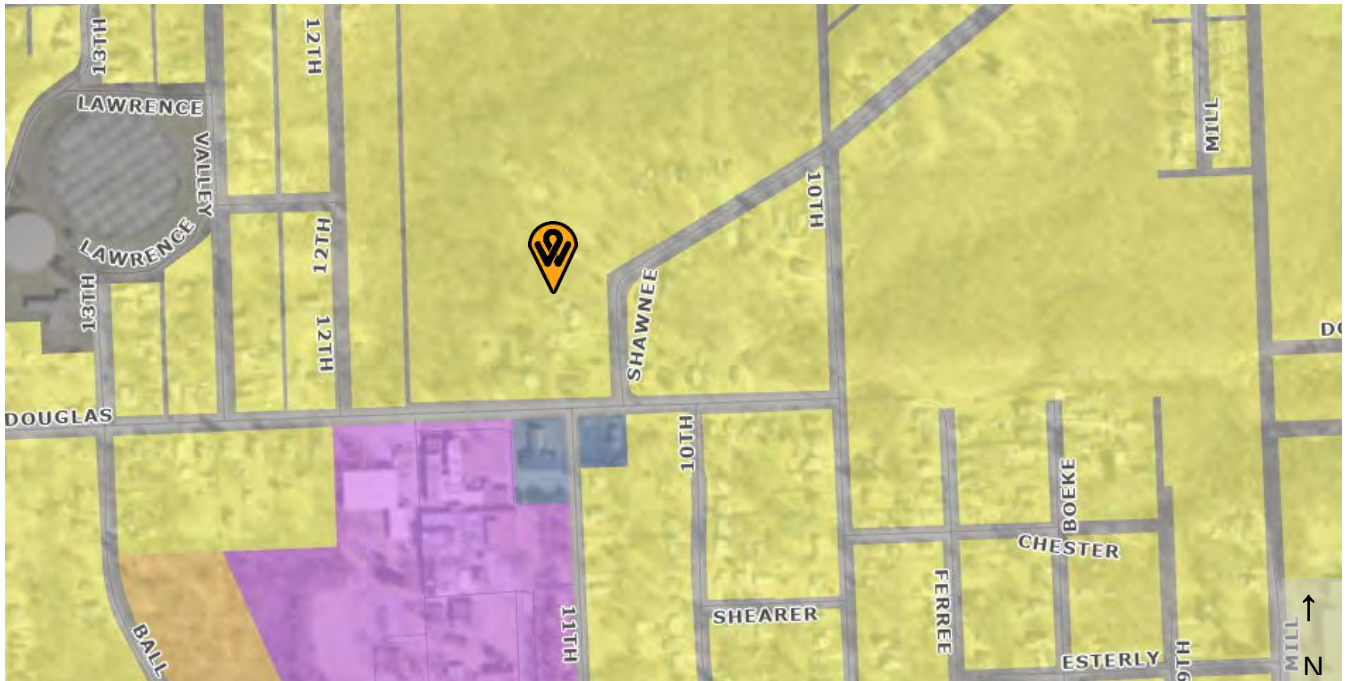
AERIAL MAP



ZONING MAP



LAND USE MAP



City-Wide Comprehensive Plan Land Uses

	Utilities
	Right-of-Way
	Urban Density
	Agricultural
	Neighborhood Commercial
	Community Commercial
	Business Park
	Floodway
	Regional Commercial
	Future Residential
	Rural-Density Residential
	Employment
	High-Density Residential
	Medium Density Residential
	Low-Density Residential
	Mixed-Use
	Parks/Open Space
	Public/Semi-Public

NEIGHBORHOOD MEETING MINUTES

Date: 10/9/23

Jon Wondergem and Ann Simmermon
1108 Shawnee Rd
Kansas City, KS 66103

SUBJECT: Neighborhood Meeting

We have filed an application with the Department of Urban Planning and Land Use # SP2023-085. The purpose of this:

➤ special use permit

is for a Home Occupation Special Use Permit to repair and restore stringed musical instruments at the following address: 1108 Shawnee Rd. Kansas City, KS 66103.

We are having a neighborhood meeting on October 27th, 2023 at 5 p.m. at the following address 1108 Shawnee Rd. Kansas City, KS 66103.

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,

Jon Wondergem and Ann Simmermon
1108 Shawnee Rd
Kansas City, KS 66103

(530) 798-6609

Sign In Sheet :

Petition # SP2023-085

Neighborhood Meeting 10/27/2023 @ 5:30 PM

Petitioner: Jon Wondergem

Meeting Location: 1108 Shawnee Rd KCK 666103

Date	Name	Address:	Phone #
10/27/2023	Sharon Gaither	2000 S. 10th Terrace	913 281 6776
10/27/23	SAM COULSON	1895 S 7th Street	816 803 2336
10/27	Patrick Doyle	1100 Shawnee	913 548 3026
10/27	Nathaniel Stonifer	1116 Shawnee Rd	816-651 5730

NEIGHBORHOOD MEETING MINUTES, CONT.

Name and Contact Information:

Jon Wondergem and Ann Simmermon
1108 Shawnee Rd
Kansas City, KS 66103
(530) 798-6609

MINUTES:

Application Number: SP2023-085
Date and Location: 10/27/2023 at 5:30 PM
Meeting called to order at: 1108 Shawnee Rd Kansas City, KS 66103

Names of people in attendance:

Jon Wondergem (Petitioner)
Ann Simmermon (Homeowner)
Sharon Gaither - Neighbor
Sam Coulson - Neighbor
Patrick Doyle - Neighbor
Nathaniel Sloniker - Neighbor

Introductions:

Applicant, Jon Wondergem welcomed everyone to the residence and began his presentation. Mr. Wondergem explained to the group what the term "Luthier" means and detailed his work history, explaining that he had apprenticed with a master Luthier for 10 years before venturing out on his own in California. Mr. Wondergem explained how he met his wife and they decided to get married and settle in Kansas where she grew up. Mr. Wondergem expressed his affinity for Kansas City, Kansas and the neighborhood where his residence is located. He then went into detail about where the proposed "Luthier Shop" would be located on the property (referencing a hand drawn diagram and photos he had available for attendees to look at) and how he would receive customers. He showed that there is ample parking on the driveway of the premises to accommodate the customers who are coming to drop-off and pick-up instruments for repair. He explained that visitors are only allowed to come to the shop if they have a prearranged appointment and that he only

NEIGHBORHOOD MEETING MINUTES, CONT.

schedules one visitor at time to come to the shop. Mr. Wondergem explained that traffic from customers coming two and from the shop would be limited around 3-5 people a week once he gets a loyal clientele established and until then the number of visitors could be as small as 1-2 customers per week. He explained that the craft of Luthiery is very precise and minute, the amount of noise being generated from this work would be very minimal as most repairs are done with hand tools rather than power tools. Mr. Wondergem explained that at times he will need to test electronic instruments using an amp. He went on to explain that the noise from that would sound only as if someone was practicing an instrument from home, and that it would not be audible from beyond the property line. At this point, Mr. Wondergem offered to show the shop to any one of the attendees who was interested in touring it. After the tour concluded, the meeting was adjourned.

Questions and answers (include the following):

-Who asked question or gave comment

Sharon Gaither, Sam Coulson

-What was the question or comment

- *Sharon Gaither commented that there is a music teacher that lives nearby and that she would try connect Jon with him.*
- *Sam Coulson commented that sometimes on the weekends there is a garage band that plays down the street from our house.*
- *Sharon Gaither neighbor commented that she thought Jon should get an alarm system for his shop.*
- *Sharon Gaither mentioned that at the last neighborhood meeting there had been reports of some break-ins*
- *Sam Coulson mentioned that they work with the organization called RDA, and that we should get in touch with them regarding our sidewalk/ gutter issue at the base of the driveway.*
- *Sam Coulson mentioned that he had a flute and was curious if Jon could repair it.*
- *Sharon Gaither commented that the neighborhood meeting group is held at New City Church.*

-Who answered the question/comment

-Jon Wondergem answered Sam Coulson's question about his flute.

-What was the answer given

-Jon Wondergem explained to Sam Coulson that he only works on stringed instruments not woodwind instruments.

Meeting adjourned at: 6:30 pm

Minutes taken by:

Ann Simmermon (Property Owner and Wife of Petitioner)

NEIGHBORHOOD MEETING MINUTES, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF Jackson) SS:

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

1. That I am the petitioner for Petition # SP2023-085
2. That I conducted a neighborhood meeting on 10/27/2023
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.

Jon Wondergem
Affiant

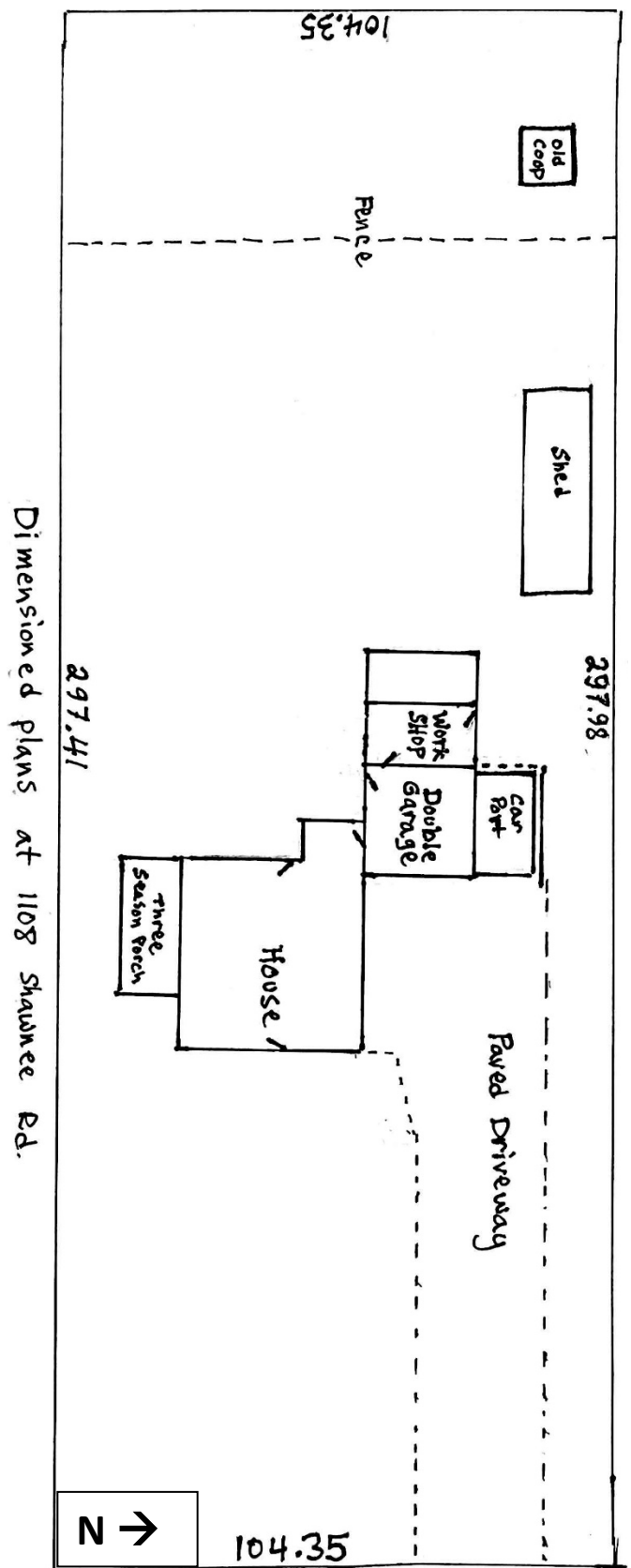
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of October, 2023

My commission expires 14 of JUNE, 2025



Salina May Sawyer
Notary Public

DIMENSIONED PLANS OF 1108 SHAWNEE ROAD



PHOTOS OF 1108 SHAWNEE ROAD SUBMITTED BY APPLICANT



Front of House



Northeast Corner of yard



Southeast Corner of Yard



Back of House

PHOTOS OF 1108 SHAWNEE ROAD SUBMITTED BY APPLICANT, CONT.



Southwest Corner of Yard



North Side of House with Door to Workshop



Northwest Corner of Yard



South Side of House with Door to Garage



Left: Workshop Interior

STAFF SITE VISIT PHOTOS, DATED OCTOBER 23, 2023



Left and Below:
Views of the front
of the subject
property from the
Shawnee Road
right-of-way.



Left: View of the
rear room of the
residence, where
the instrument
repair will take
place.

STAFF SITE VISIT PHOTOS, DATED OCTOBER 23, 2023, CONT.



Left: View of Shawnee Road public right-of-way from the subject property, facing west.

Right: View of the Shawnee Road public right-of-way from the subject property, facing east-northeast.



Left: The subject driveway was paved with asphalt improperly, and in doing so has covered the curb-gutter stormwater system that serves Shawnee Road. Applicant stated that neither they nor the property owner paved the driveway—rather, that it had been paved by the previous property owner—but that they are willing to repair the curb, as the backed-up surface water has had a negative effect on the subject property's front lawn.



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: November 30, 2023

Re: Special Use Petition SP2023-086

GENERAL INFORMATION

Applicant:

Maksim “Max” Kunakhovich

Status of Applicant:

Property Owner
4211 South Thompson Street
Kansas City, Kansas 66103

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

September 26, 2023

Purpose:

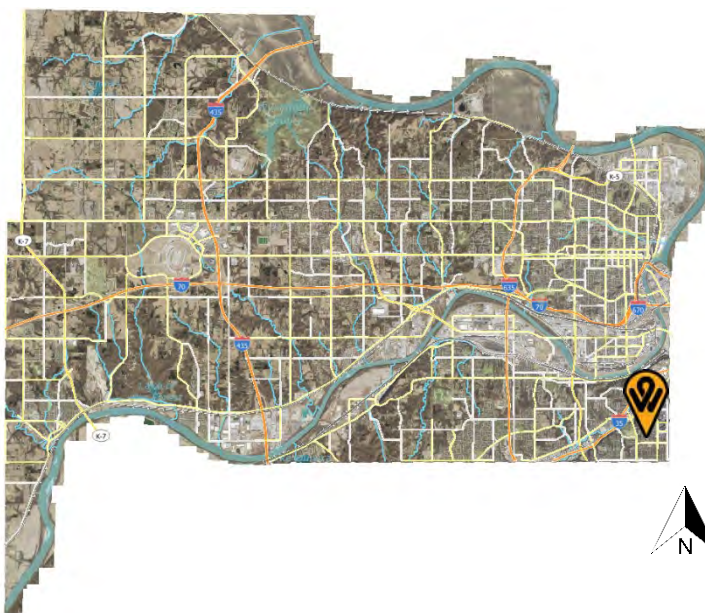
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant’s primary residence.

Property Location:

4211 South Thompson Street
Kansas City, Kansas 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: Duplex South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.23 Acre
Comprehensive Plan Designation:	The Rosedale Area Plan designates the subject property as General Urban, which allows rowhouses, townhomes, and single-family houses.
Major Street Plan:	The goDotte Mobility Plan designates South Thompson 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> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Maksim Kunakhovich, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4211 South Thompson Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4200 block of South Thompson 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.

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 Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of residential uses, including single-family residences, duplexes, fourplexes, and garden style apartments.

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

The zoning and uses are set out above. The subject property is surrounded primarily by 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.

It is unclear whether the subject property is vacant or how long it has been vacant.

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 the subject property as General Urban, which

allows for rowhouses, townhouses, with single-family residences. 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 South Thompson 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 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 are no planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 30, 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
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-086, **for one (1) year**, subject to:

- 1. The paved front-yard sidewalk should have the grass removed from it and maintained otherwise to prevent any tripping hazards;**
- 2. Maximum number of guests shall be six (6);**
- 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.

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 **SP2023-086** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Rosedale Area Plan
Host Compliance Map – October 17, 2023
Neighborhood Meeting Minutes
Floor Plan
Home Inspection Report
Summary of Completed Repairs
Site Photos, Taken by Staff, Dated October 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-086** 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 **SP2023-086**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 5:33:15:

SPECIAL USE PERMIT APPLICATION SP2023-086 – MAKSIM KUNAKHOVICH -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 4211 South Thompson Street. *Detailed Outline of Requested Action:* The applicant, Maksim Kunakhovich, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4211 South Thompson Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4200 block of South Thompson 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 November 13, 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:

- Maksim Kunakhovich, applicant, 4216 South Minnie Street, Kansas City, Kansas 66103

Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 5:37:28: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental Special Use Permit. The property is in the Rosedale Area Plan. Staff received no letters in support nor

opposition. There are no Notices of Violation. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 5:38:23:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-086 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0
Subject to:

1. The paved front-yard sidewalk should have the grass removed from it and maintained otherwise to prevent any tripping hazards;
2. Maximum number of guests shall be six (6);
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

AERIAL IMAGERY



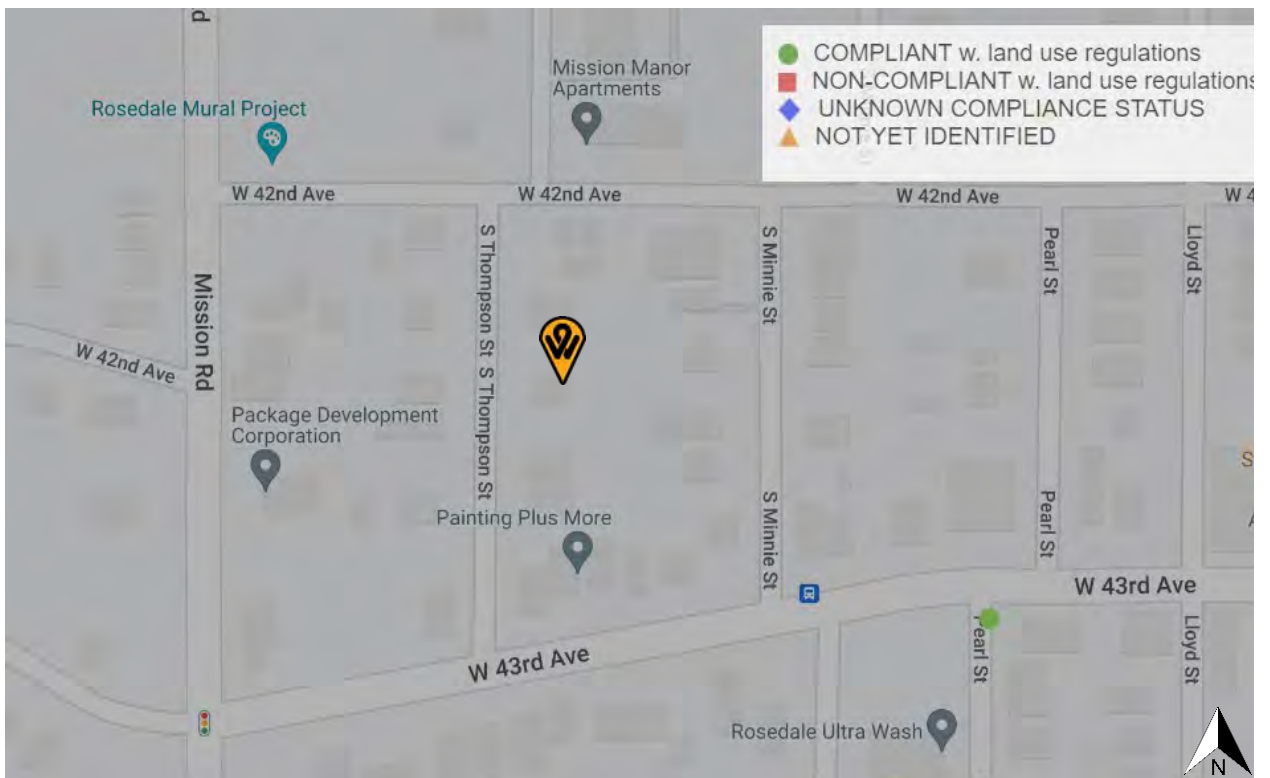
ZONING MAP



LAND USE MAP – ROSEDALE AREA PLAN



HOST COMPLIANCE MAP – OCTOBER 18, 2023



FLOOR PLAN



HOME INSPECTION REPORT

4211 S Thompson St

Max Kunakhovich



Limitations

Sump Pump

DRY PIT

The sump pit was dry at the time of the inspection and was not tested. Recommend verifying operation prior to closing.



Deficiencies

10.2.1 Water Supply, Distribution Systems & Fixtures

 Recommendation

ACTIVE LEAKS

Leaks were observed at one or more supply lines. Recommend a qualified plumber evaluate and repair to prevent water damage to underlying areas.



Closer Near Main Valve

10.2.2 Water Supply, Distribution Systems & Fixtures

 Monitor/Maintain/Minor Repair

LOOSE HOSE BIBB

One or more exterior hose bibs were loose at the time of the inspection. Recommend properly securing to prevent leaks from occurring.



11: HEATING

		IN	MM	RR	NA
11.1	Heating Equipment			X	
11.2	Normal Operating Controls	X			
11.3	Distribution Systems	X			

IN = Inspected MM = Marginal/Maintain RR = Repair/Replace NA = Not Applicable

Information

Heating Equipment: Heat Type

Forced Air

Heating Equipment: Energy Source

Natural Gas

Heating Equipment: Location

Attic

Heating Equipment: Brand

Amana

Heating Equipment: Age

14 Yrs

Heating Equipment: Capacity

Mid Efficiency, 70,000 BTUs

Heating Equipment: Air Filter Size

20x20x1

Heating Equipment: Combustion Air

Present

Normal Operating Controls:

Thermostat Location
Living Room

Distribution Systems: Ductwork

Insulated

Distribution Systems: Heat Source

Habitable Locations
Present

Deficiencies

11.1.1 Heating Equipment

IMPROPER SINGLE WALL PIPING IN ATTIC

The flue pipe had one or more sections of single wall piping in the attic. Additional review with necessary correction is recommended by a qualified contractor for safety.

 Safety Hazard


13: ELECTRICAL

		IN	MM	RR	NA
13.1	Service Entrance Conductors			X	
13.2	Service, Panels, & Grounding	X			
13.3	Branch Wiring Circuits, Breakers & Fuses			X	
13.4	Lighting Fixtures, Switches & Receptacles		X		
13.5	GFCI's			X	
13.6	Smoke & CO Detectors	X			

IN = Inspected MM = Marginal/Maintain RR = Repair/Replace NA = Not Applicable

Information

**Service Entrance Conductors:
Electrical Service Conductors**

Overhead, Aluminum, 220 Volts

**Service, Panels, & Grounding:
Main Panel Location**

Basement

**Service, Panels, & Grounding:
Panel Capacity**

100 AMP



Main Power Shut Off

**Service, Panels, & Grounding: Sub
Panel Location**

None

**Branch Wiring Circuits, Breakers
& Fuses: Branch Wire 15 and 20
AMP**

Copper, Romex

Deficiencies

13.1.1 Service Entrance Conductors

CABLE THROUGH TREES

The service entrance cables traveled through trees. Proper trimming of the trees is recommended to prevent damage to the service cables.



13.1.2 Service Entrance Conductors

 Recommendation**NOT ENOUGH CLEARANCE**

Service drop overhead wires are too low, not giving enough clearance above roof. Recommend contacting your local electric utility company or qualified electrician to see if they can correct.



3 Feet Clearance Recommended

13.3.1 Branch Wiring Circuits, Breakers & Fuses

 Monitor/Maintain/Minor Repair**ABANDONED WIRING**

Abandoned wiring was observed at one or more areas. Recommend properly landing wire inside a covered box or removal by a qualified electrician for safety.



Furnace/Attic/Tested Inactive

13.4.1 Lighting Fixtures, Switches & Receptacles

 Monitor/Maintain/Minor Repair**MISSING ENCLOSURE**

Missing covers or enclosures were observed at one more light fixtures. Installation is recommended for safety and to protect the bulb.



Exterior Left

13.5.1 GFCI's

 Safety Hazard**GFCI MISSING**

Ground fault circuit interrupters(GFCI) are safety devices recommended exterior, garage, bathrooms and kitchen outlets. There are areas in the home that these outlets are not present. Proper installation as recommended by qualified electrician for safety.



Exterior

13.6.1 Smoke & CO Detectors

MISSING CARBON MONOXIDE DETECTORS

There were no carbon monoxide detectors installed in the appropriate locations. For safety considerations, you should install a battery operated or hardwired carbon monoxide detector on every level of the home and outside bedrooms AND NEAR THE FURNACE.

SUMMARY OF COMPLETED REPAIRS

Summary of completed repairs.

Planning and Urban Design Comments:

1. The following items identified in the home inspection report shall be repaired prior to the case being heard by the Planning Commission:
 - a. Damaged and loose siding shall be repaired and/or replaced (Page 9);
 - b. Repair active leaks that were identified (Page 26);
 - c. The flue piping shall be repaired in accordance to the recommendations of a licensed contractor (Page 28);
 - d. Have a licensed contractor trim the trees around the cable and or electrical poles (Page 31);
 - e. GFCI outlets shall be placed on all identified outlets (Page 32);
 - f. Install carbon monoxide detectors (Page 33).

A. Damaged and loose siding

Before:

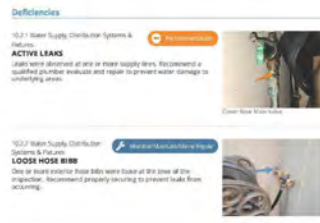


After:

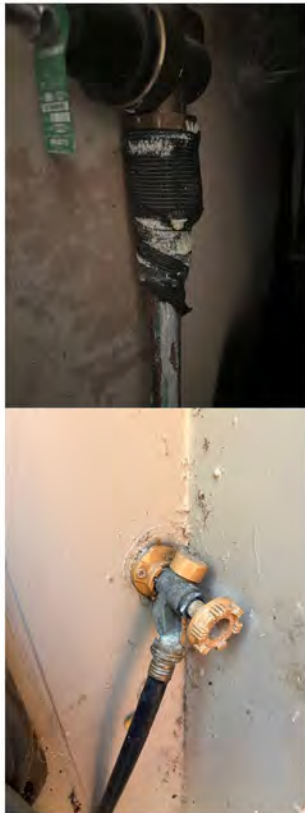


B. Active leak (+ loose house bib)

Before:



After:



Before:

Deficiencies

11.1.1 Heating Equipment

IMPROPER SINGLE WALL PIPING IN ATTIC

The flue pipe had one or more sections of single wall piping in the attic. Additional review with necessary correction is recommended by a qualified contractor for safety.



After:

[illegible]

D. Trim tree around cables

Before:

Deficiencies

13.1.1 Service Entrance Conductors

CABLE THROUGH TREES

UNDER THROUGH TREES
The service entrance cables traveled through trees. Proper trimming of the trees is recommended to prevent damage to the service cables.



Champion Inspection Services

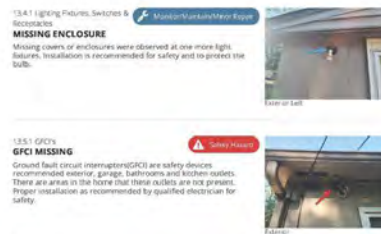
Page 31 of 37

After:



E. GFCI Outlets (+ missing enclosure)

Before:



After:



F. Carbon monoxide detectors



SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 14, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

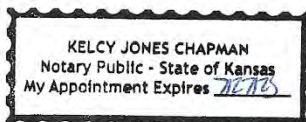
1. That I am the petitioner for Petition # SP 2023-086
2. That I conducted a neighborhood meeting on 10/30/2023.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

[Signature] n/a
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of October, 2003 gc

My commission expires 27th of July, 2005 gc



[Signature]
Notary Public

SP2023-086 meeting

10-30-23

Name	Phone	Email
Tracy McCarly	913 238 3182	theKedAKAR@gmail
Bucky Bouchey	913 229-5053	

- Application Number: SP2023-086
- October 30, 2023 @ 6pm - 7pm
- 1401 SW Blvd, Kansas City, KS 66103

In attendance:

Max & Ruth Kunakhovich

Tracy McCarty

Becky Bouchey

Becky mentioned concerns if there would be noise and loud parties. Max explained this is on our property and with constant oversight, that ~~they~~ would not allow that. Tracy asked about how long ~~they~~ are thinking of doing this, Ruth explained that ~~they~~ have lived here in Rosedale for 15 years, ~~and~~ intend on staying in the neighborhood and will make that decision from year to year.

-Ruth Kunakhovich



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: November 30, 2023

Re: **Special Use Petition SP2023-087**

GENERAL INFORMATION

Applicant:

Patricia Zanquetin

Status of Applicant:

Property Owner
12743 South Gallery Street
Olathe, Kansas 66062

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

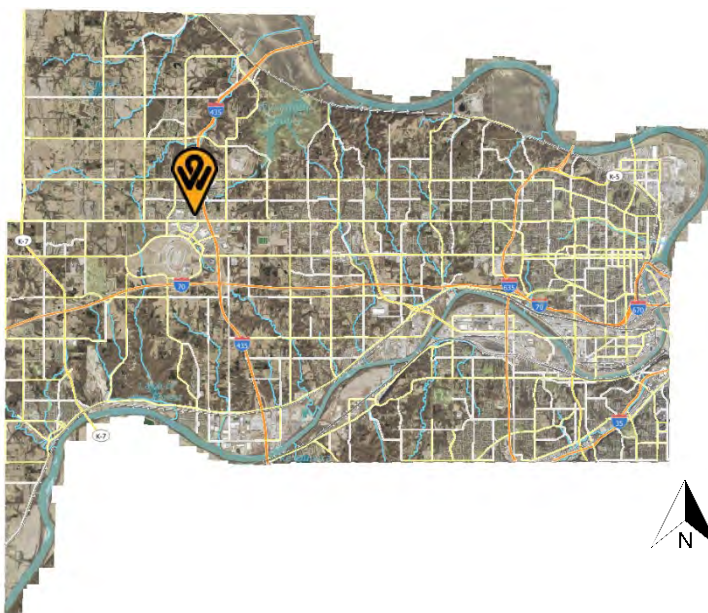
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

2110 North 104th Terrace
Kansas City, Kansas 66109

Commission Districts:

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



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: CP-2 Planned General Business District
Adjacent Uses:	North: Single Family Residence South: Single Family Residence East: Single Family Residence West: Sam's Club
Total Tract Size:	0.35 Acre
Comprehensive Plan Designation:	The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Regional Commercial District, which allows for major retail uses, including restaurants and hotels. This would include centers for large discount stores currently called big box centers and have stores that serve large populations.
Major Street Plan:	The goDotte Mobility Plan designates North 104 th Terrace 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 should be ". The property provides two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	There was one (1) person present in opposition at the November 13, 2023 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Patricia Zanquetin, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2110 North 104th Terrace. This is not the owner's primary residence. This would be the first and only permitted short-term rental on North 104th Terrace. There is another application for

a short-term rental on this block, however, that application must wait until this application has been resolved.

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 several Notices of Violation on the subject property.
 - a. 2023 – BSR23-0111 – Stop Work Order – Construction without permits
 - b. 2023 – STR23-0648 – Structural – Structural Violations
 - c. 2023 – ENV23-1513 – Trailers on grass, taller than allowed fence
 - d. 2019 – 19200-04411- Structural – Roof in disrepair

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 I-435 West Statistical Neighborhood. The neighborhood is a single-family subdivision which is surrounded by the Village West development to the South and West and I-435 to the east. The neighborhood consists of single-family residences, while the surrounding district consists of big-box retail and a commercial shopping 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 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 began operating as an unpermitted short-term rental in July 2023. It is unclear if the property was vacant prior to this.

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 designates the subject property as Planned Regional Commercial, which allows for major retail uses, including restaurants and hotels. This would include centers for large discount stores currently called big box centers and have stores that serve large populations. The use as a short-term rental conforms to the Area Plan with a Special Use Permit, however, the property overall does not.

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 104th 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, however, staff noted that the property owner has already had more guests on the property than would be allowed, which has the potential to create issues with noise. 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 7. The maximum number of vehicles off-street is three (3). There shall be no on-street parking for STR renters or guests. The applicant has shown to already be in violation of these standards, while also operating without the proper permits. Upon a site visit on October 13, 2023, staff noted more than 7 guests on the site and more than three (3) cars on the site.

PREVIOUS ACTIONS

There have been no previous Planning Entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting October 30, 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
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **DENIAL** of Special Use Permit Application SP2023-087, **for the reasons listed in the staff report and the following:**

1. The Petitioner has operated the Short-Term Rental out of conformity; They have had more guests and cars than allowed; This may create issues with noise and illumination; and,
2. The Petitioner has been operating the Short-Term Rental out of conformity with Factor #12. Upon a site visit, Staff noted that the applicant had more than seven (7) guests and more than three (3) vehicles in the driveway.

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 **SP2023-087** subject to all comments and suggestions outlined in this staff report, and the reasons of the City Planning Commission.

If the Board of Commissioners chooses to APPROVE Petition SP2023-087, Staff recommends the following conditions:

1. All debris shall be removed from the property;
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

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Prairie-Delaware-Piper Area Plan
Floor Plan
Site Photos, Taken by Staff, Dated October 13, 2023
Neighborhood Meeting Materials

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Denial	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **DENY** Petition **SP2023-087**, 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 **SP2023-087** 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. _____.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 5:47:22:

SPECIAL USE PERMIT APPLICATION SP2023-087 – PATRICIA ZANQUETIN -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 2110 North 104th Terrace. Detailed Outline of Requested Action: The applicant, Patricia Zanquetin, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 2110 North 104th Terrace. This is not the owner's primary residence. This would be the first and only permitted short-term rental on North 104th Terrace. There is another application for a short-term rental on this block, however, that application must wait until this application has been resolved.

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 November 13, 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:

- Patricia Zanquetin, 12743 South Gallery Street, Olathe, Kansas 66062

Present in Opposition:

- Carol Black, representing her mother Christine McClough, 2023 North 104th Terrace, Kansas City, Kansas

Staff Recommendation starts at 5:56:19: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental Special Use Permit. There is another application for a Short-Term Rental on this block. As this application was submitted first, Staff has not processed the other application pending the outcome of this current application. The property is in the Prairie-Delaware-Piper Area Plan. Staff received no letters in support nor opposition. There are no Notices of Violation. Director Hand stated that when Staff discussed the Special Use Permit process for a Short-Term Rental with the applicant in May of 2023, they were notified they would need to have a Special Use Permit. Staff believes that the applicant started operation in July of this year without a Special Use Permit. When Staff conducted a site visit of the property, Staff noticed 7 to 9 cars on the property and what appeared to be a party taking place during the day. For those reasons, Staff recommends denial of this application. Conditions of approval are included in the staff report if the Commission moves forward with a recommendation of approval.

Motion starts at 5:58:08:

On motion by Mrs. Eilts, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend DENIAL of Special Use Permit SP2023-087 for the reasons listed in the staff report:**

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

Eilts Aye
Ernst Aye
Jones Not Present
Motion to recommend **DENIAL** Passed: 7 to 0
For the reasons listed below:

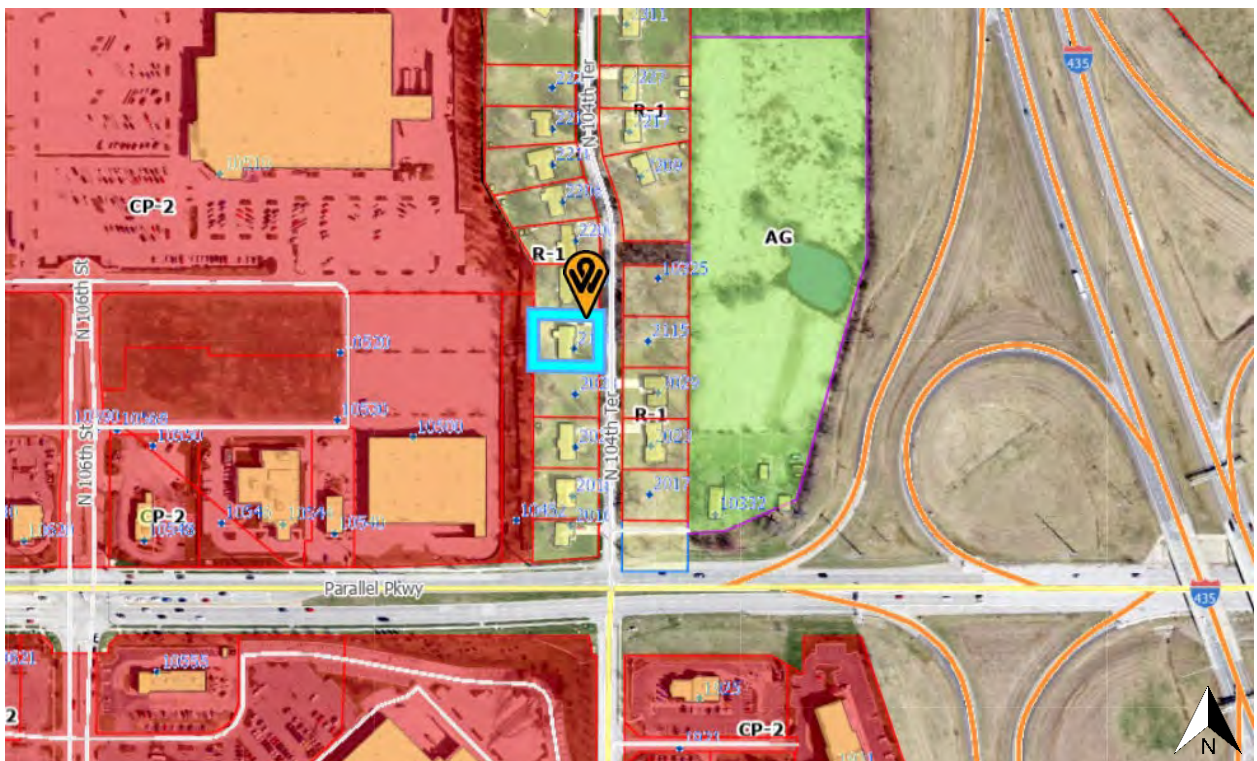
1. **The Petitioner has operated the Short-Term Rental out of conformity; They have had more guests and cars than allowed; This may create issues with noise and illumination; and,**
2. **The Petitioner has been operating the Short-Term Rental out of conformity with Factor #12. Upon a site visit, Staff noted that the applicant had more than seven (7) guests and more than three (3) vehicles in the driveway.**

ATTACHMENTS

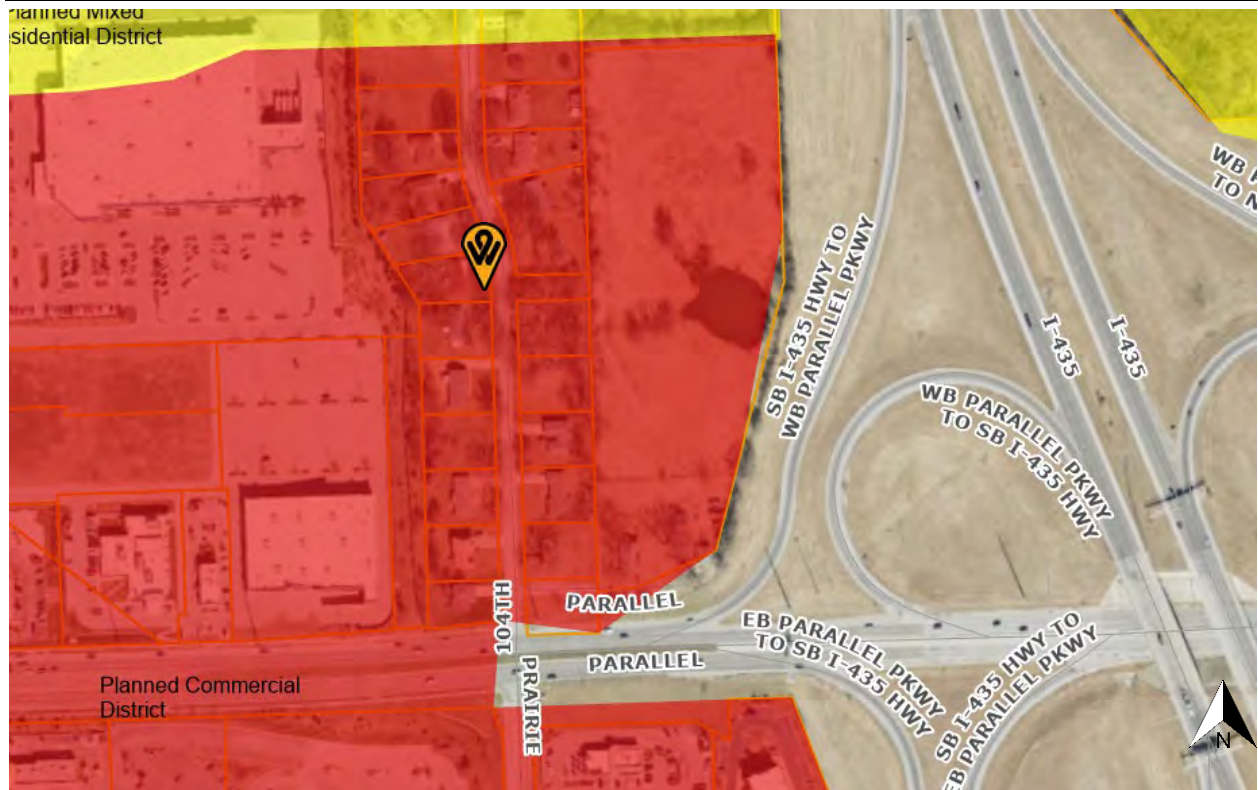
AERIAL IMAGERY



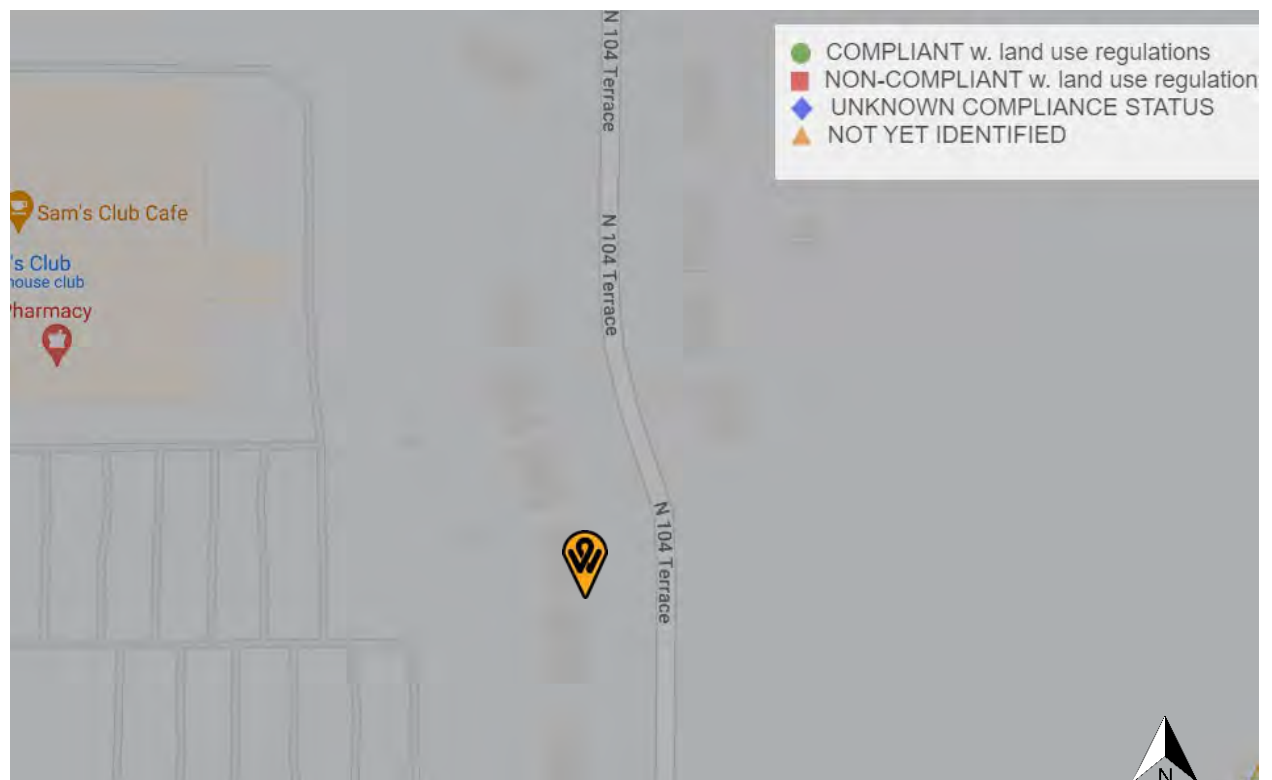
ZONING MAP



LAND USE MAP – PRAIRIE-DELAWARE-PIPER AREA PLAN



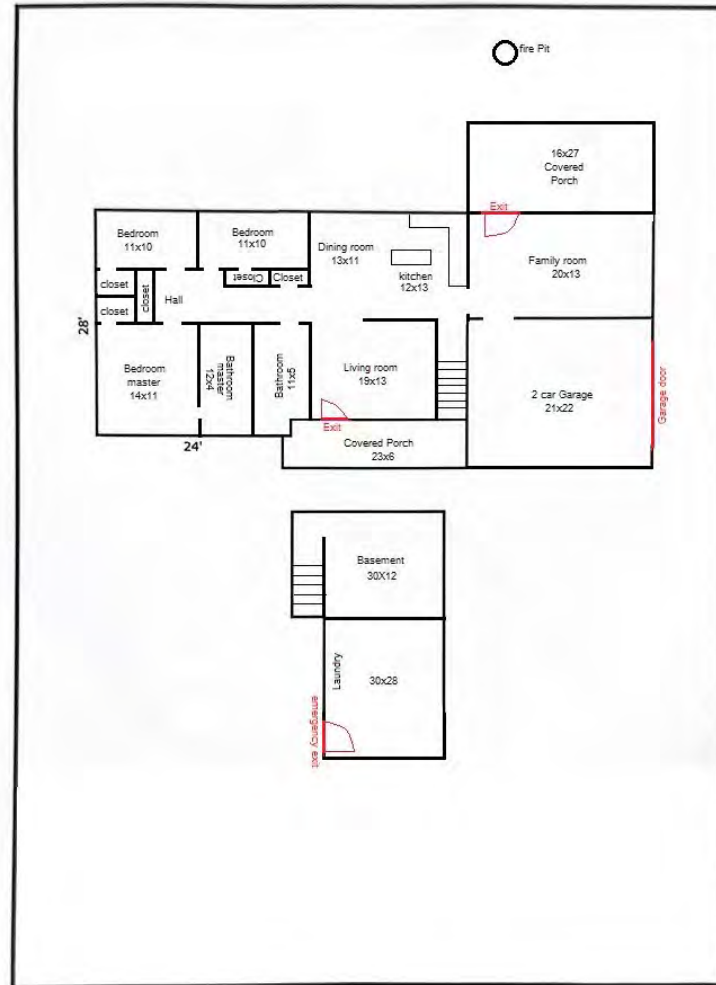
HOST COMPLIANCE MAP – OCTOBER 17, 2023



FLOOR PLAN

Building sketch

Property Address: 2110 N 104Th Ter
City: Kansas City - Ks
County: Wyandotte 66109



SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 13, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # SP2023-087.
2. That I conducted a neighborhood meeting on 10/27/23 at 5:30pm.
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.

Patricia Zonquetin
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 30th day of October, 2023
My commission expires 17th of November, 2024

Taylor K. Kranzberg
Notary Public

Taylor K Kranzberg
Notary Public - State of Kansas
My Commission Expires 11/17/24

October, 12 of 2023

Zimmer, Landon L
2120 North 104th Terrace
Kansas City, Ks, 66109

Invitation for a Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land
Case number # SP2023-087.

With the purpose of doing a Short Term Lease (Airbnb) at the property located at :
2110 North 104th Terrace, Kansas City, Kansas, 66109.

And we are having a Neighborhood meeting on October 27th at 5:30pm at the following address
2110 N 104th Terrace, Kansas City, Ks, 66109.

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 email address or phone number listed below.

Sincerely,

Patricia Zanquetin
12743 S. Gallery Street, Olathe, Ks, 66062
Email: pzanquetin@yahoo.com
Phone: (913)972-0054
Text messages welcome

MINUTES:

Application Number SP2023-087

Date and Location: _Friday October 27th at the Property located at
2110 N. 104th Terr, Kansas City, Ks, 109

Meeting called to: Presentation of project of short term lease on the
Property located on the address above.

Names of people in attendance: Please see attached sign in list.

Introductions:

Presentation by the applicant Patricia Zanquetin , we explained everything
about how we plan on making a short term lease at our property, we
shared our contact information and we give out information with our house
rules, so everyone would be aware of.

Questions and answers:

The neighbors asked no questions , they were very excited and happy for
us, and they said they wished the best , they only said they would be in the
look out for us if they see anything going on out of the normal activities
there.

Meeting adjourned at: 2110 N. 104th Terr, Kansas City, Ks, 66109

Start time: 5:30 pm to 6:45 pm

Minutes taken by: 75 minutes

Sign in sheet

Name and address:

A+J PARKHILL 2227 N 104th Terr KCKS 66109
Gina Lofton 2314 N. 104th Terr KC KS 66109
Phil Hernandez 2218 N 104th Terr KCK 66109
Ruby Jeffries 10438 Haskell Ave, KCK 66109
Jenny Ramirez 2029 N 104th Terrace, KS 66109
Samuel Ramirez 2029 N 104th Terrace, KS 66109
Jerry + Dottie Molder 2206 N 104th Terr KCKS 66109



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: November 30, 2023

Re: Petition SP2023-088

GENERAL INFORMATION

Applicant:

Vanessa Nyhus

Status of Applicant:

Business Owner
SFH KC 2020, LLC
11411 Hollingsworth Road
Kansas City, Kansas 66109

Requested Actions:

Approval of a Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

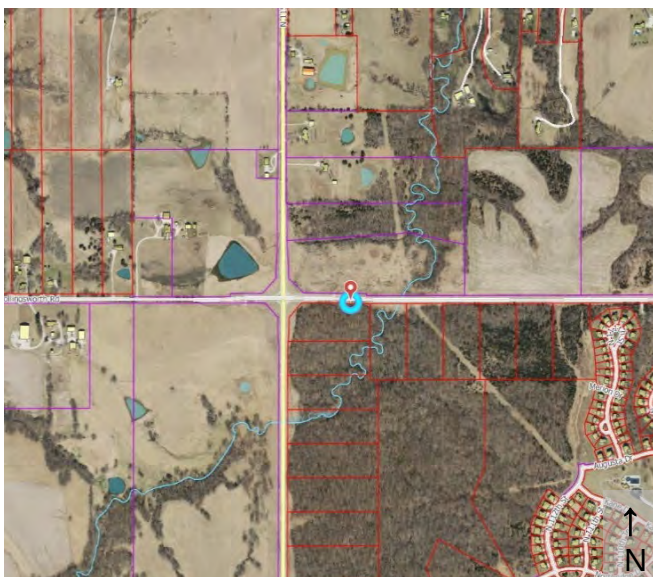
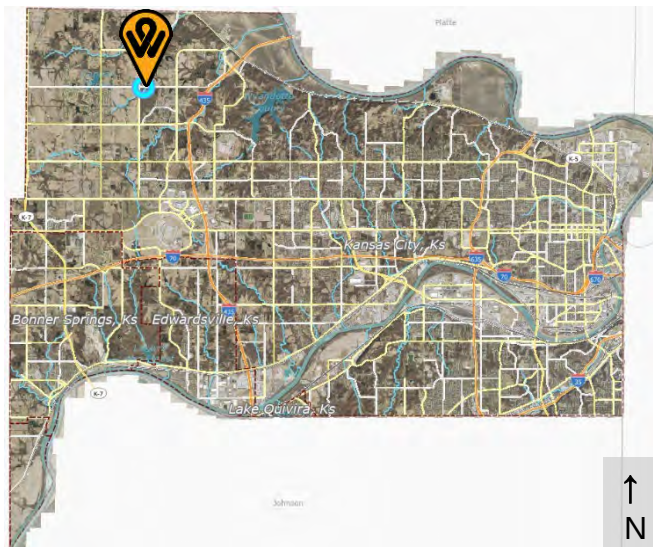
Approval of a Special Use Permit
(home occupation) for the
manufacturing and sale of gummies,
topicals, and powdered drinks.

Property Location:

11411 Hollingsworth Road
Kansas City, Kansas 66109

Commission Districts:

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



Existing Zoning:	RP-1 Planned Single Family District
Adjacent Zoning:	North: A-G Agriculture District South: RP-1 Planned Single Family District East: RP-1 Planned Single Family District West: A-G Agriculture District
Adjacent Uses:	North: Undeveloped land South: Vacant lot East: Vacant lot West: Undeveloped land
Total Tract Size:	5.36 Acres
Comprehensive Plan Area:	The subject property is within the Prairie Delaware Piper Area Plan.
Comprehensive Plan Designation:	The Prairie Delaware Piper Area Plan designates this property as Planned Low-Density Residential. The Planned Low-Density Residential Land Use District is for single family detached residential units and should appear to be less dense. Development in these areas should include significant areas for open space to maintain the rural character of the area. These areas may include lots ranging in size from three (3) acres to one-third (1/3) of an acre. Development proposals for lots that front a major arterial, typically described as piano key lots, are not recommended nor encouraged. Clustering units and dedicating large areas for open space are encouraged.
Major Street Plan:	The Major Street Plan classifies North 115 th Street as a Class C Thoroughfare. The Major Street Plan classifies Hollingsworth Road as a Collector Street.
Required Parking:	Section 27-454(e) requires two (2) off-street parking spaces for each single-family dwelling, at least one (1) of which shall be in a garage or carport. The primary residence features a detached garage that can accommodate at least one (1) vehicle, and a paved driveway that can accommodate more than one (1) vehicle. Therefore, the subject property meets Section 27-454(e).

Advertisement:	The Wyandotte Echo – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Vanessa Nyhus, is requesting a home occupation Special Use Permit at 11411 Hollingsworth Road to operate a business that manufactures and sells gummies, topicals, and powdered drinks in a commercial kitchen within the basement of the applicant's primary residence.

City Ordinance Requirements: Article VI, Sections 27-196 – 27-216; Article VIII, Sections 27-454 and -609.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

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

Building or Code Enforcement Complaints:

1. The property owner has not received any Building Inspection or Property Maintenance Compliance citations.

Outstanding or Related Permits and Cases:

1. Primary Building (new single-family residence), 05/31/2022 (NSF22-0074)
2. Accessory Building (new garage), 06/07/2022 (RES22-0269)

FACTORS TO BE CONSIDERED

1. The character of the neighborhood.

The subject property is within the Prairie-Piper Statistical Neighborhood and is not within a neighborhood group. The neighborhood is a mix of large single-family residential and agricultural lots, with some pockets of small-lot single-family subdivisions. The distance between the through streets—the collector streets or thoroughfares—are approximately every mile, thus creating large blocks of one (1) square mile. Parcels of the neighborhood regularly exceed five (5) acres; these parcels are a mix of agriculture and single-family zoning.

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

The zoning and uses of surrounding properties are single-family residential. A gummy, topical, and powdered drink manufacturing kitchen in the basement of a single-family residence on a five (5)-acre parcel within the Piper area of Wyandotte County is expected to be compatible with the surrounding properties.

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

Applicant has stated that the manufacturing of all products will take place in their basement, within a commercial-grade kitchen setup (see "Site Plan of Basement at 11411 Hollingsworth Road" and "Photos of 11411 Hollingsworth Road Provided by the Applicant" within the *Attachments* section of this report). This arrangement is suitable for the single-family residence on a parcel of five (5) acres and will not detrimentally affect nearby properties.

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

The subject property is currently occupied by Applicant.

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

The Prairie Delaware Piper Area Plan designates this property as Planned Low-Density Residential. The Planned Low-Density Residential Land Use District is for single family detached residential units and should appear to be less dense. Development in these areas should include significant areas for open space to maintain the rural character of the area. These areas may include lots ranging in size from three (3) acres to one-third (1/3) of an acre. The subject property has a density even less than required—one (1) residence per five (5) acres. This is suitable for a delivery-only business. Therefore, the requested use conforms with the Planned Low-Density Residential Land Use District upon approval of the requisite home occupation 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.*

In the initial application, Applicant has stated that all products are shipped or delivered. As no customers will be coming to the subject property, the proposed use will not increase the traffic or parking demand in ways that would adversely affect road capacity, safety, or create parking problems.

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 necessary for the convenience and welfare of the public. The proposed use, however, will likely not have any negative externalities on the adjoining properties, as the subject property has sufficient setbacks and proper kitchen facilities.

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.*

Applicant has stated that no intense levels of dust will be created (see “Planning and Urban Design Comments: General #3 Applicant Response” within the *Staff Comments and Suggestions* section of this report). While Applicant is silent on the potential for intense levels of noise, vibration, or illumination, it is not likely that the manufacturing of gummies, topicals, and powdered drinks will create such externalities.

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 single-family residence. All waste materials produced as a result of gummy, topicals, and powdered drinks must be properly disposed.

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.*

There is a relative gain to the public health, safety, and welfare as compared to the hardship that may be imposed on the individual landowner or landowners. Manufacturing gummies, topicals, and powdered drinks as a home occupation provides a service to customers while also allowing Applicant to maintain a low overhead cost. Furthermore, the operation of the home occupation likely will not generate any amounts of traffic, noise, or dust that would be perceptible to the adjacent landowners.

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

In the initial application, Applicant has stated that all products are shipped or delivered. So long as no customers come to the subject property to place orders—which, given the variety of technologies available to remotely place order, is highly unlikely—the proposed use will not result in overcrowding of land or cause undue concentrations of population.

PREVIOUS ACTIONS

- BOZA2022-047, a variance from accessory buildings exceeding maximum floor area and being located behind the front plan of the primary residence (partially approved 11/14/2022).
- PR2022-040, a Preliminary and Final Plan Review for a detached garage (withdrawn 11/14/2022).

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 11411 Hollingsworth Road on October 30, 2023. The list of persons who attended the meeting, minutes, affidavit and/or submitted comments to Applicant can be found under “Neighborhood Meeting Materials” within the *Attachments* section of this report.

KEY ISSUES

Commercial Kitchen
Driveway and Paving
Engineered Plans
Noise and Vibrations
Signage
Use for Commercial Purposes

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-088, **for two (2) years**, subject to:

1. No signs that advertise for or give directions to the business shall be posted on the subject property;
2. No employees other than family members may work at the subject property;
3. There shall not be any equipment that creates excessive amounts of dust, noise, or light, or otherwise interfere with radio or television reception;
4. No trucks with a gross vehicle weight rating over 10,000 pounds or other heavy equipment shall be parked on the subject property;
5. No customers shall come to the subject property to place orders or pick up products;
6. Only inventory samples of food products and gummy-, topical-, and powdered drink-manufacturing supplies shall be stored on the subject property;
7. There shall be no parties at the subject property related to the Special Use Permit, including “manufacturing parties” or a “sales parties”;
8. All products must be packaged by Applicant, and all products are sold directly to third-party consumers;

9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
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 at all times be compliant with all applicable local ordinances (Section 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 parking shared 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. 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;
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. 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 makes the findings contained within the staff report related to *Factors to be Considered* and *Key Issues*, and recommends **APPROVAL** of Petition **SP2023-088** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Site Plan of Basement at 11411 Hollingsworth Road
Unknown Floor Plan Provided by Applicant
Photos of 11411 Hollingsworth Road Provided by the Applicant
Site Visit Photographs by Staff, Dated October 23, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing		
Special Use Permit	November 13, 2023	November 30, 2023
	Approval	

STAFF CONTACT: Michael Farley
mfarley@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-088** 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 **SP2023-088** as it is not in compliance with the City Code 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 5:59:35:

SPECIAL USE PERMIT APPLICATION SP2023-088 – VANESSA NYHUS -

SYNOPSIS: Special Use Permit to produce gummies, topicals and a powdered drink at 11411 Hollingsworth Road. Detailed Outline of Requested Action: The applicant, Vanessa Nyhus, is requesting a home occupation Special Use Permit at 11411 Hollingsworth Road to operate a business that manufactures and sells gummies, topicals, and powdered drinks in a commercial kitchen within the basement of the applicant's primary residence.

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 November 13, 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:

- Vanessa Nyhus, applicant, 11411 Hollingsworth Road, Kansas City, Kansas 66109

Planning Commissioner Ward directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:02:49: Planning Director Hand stated that the request is for a Home Occupation Special Use Permit. The property is located in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 6:03:20:

On motion by Ms. Armstrong, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-088 for two (2) years:**

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

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

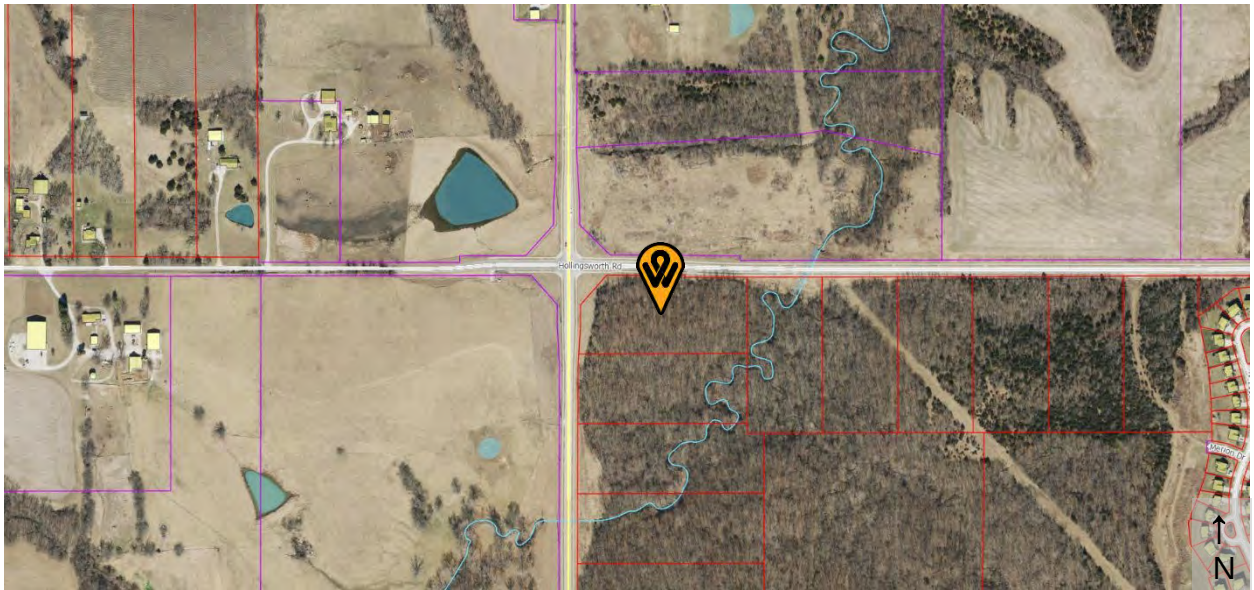
Subject to:

1. **No signs that advertise for or give directions to the business shall be posted on the subject property;**
2. **No employees other than family members may work at the subject property;**
3. **There shall not be any equipment that creates excessive amounts of dust, noise, or light, or otherwise interfere with radio or television reception;**
4. **No trucks with a gross vehicle weight rating over 10,000 pounds or other heavy equipment shall be parked on the subject property;**
5. **No customers shall come to the subject property to place orders or pick up products;**
6. **Only inventory samples of food products and gummy-, topical-, and powdered drink-manufacturing supplies shall be stored on the subject property;**

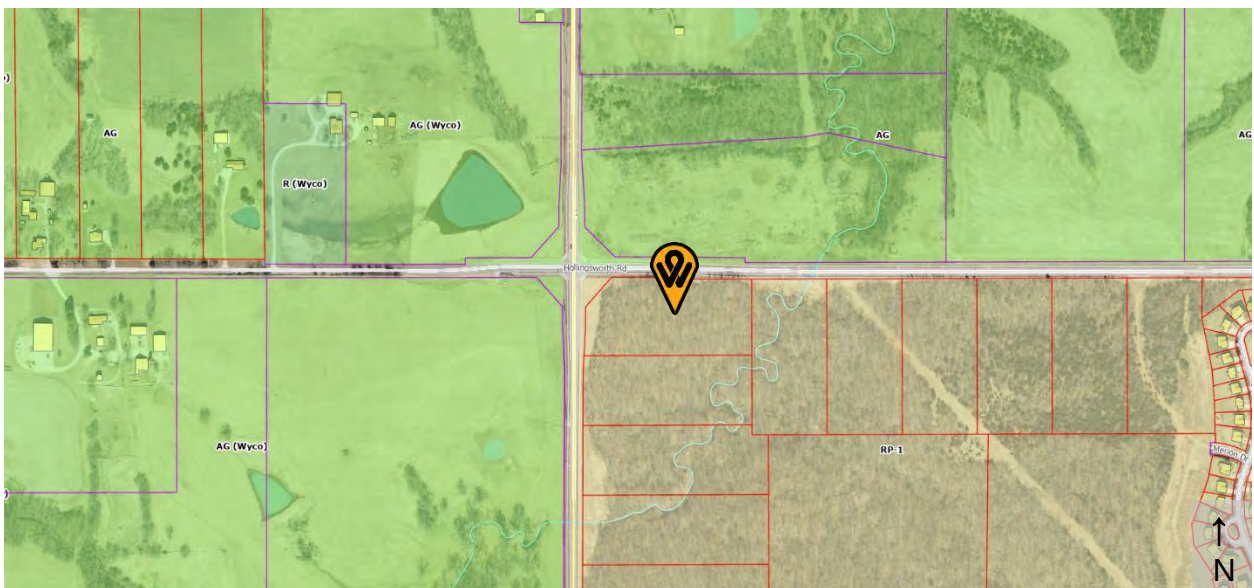
7. There shall be no parties at the subject property related to the Special Use Permit, including “manufacturing parties” or a “sales parties”;
8. All products must be packaged by Applicant, and all products are sold directly to third-party consumers;
9. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
10. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
11. If approved, the applicant must file and maintain a current business occupation tax application with this office;
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 at all times be compliant with all applicable local ordinances (Section 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 parking shared 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. 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;
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. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.

AERIAL MAP



ZONING MAP



LAND USE MAP



Prairie-Delaware-Piper Area Plan Land Uses

	Low Density Residential District
	Planned Suburban Residential District
	Planned Mixed Residential District
	Planned Office District
	Planned Commercial District
	Public / Semi-Public
	Planned Open space
	Planned Entertainment District
	Planned Mixed Business Park / Commercial District
	Planned Mixed Business Park / Office District
	Planned Mixed Entertainment / Commercial District
	Planned Small Commercial District
	Future Interchange

NEIGHBORHOOD MEETING MATERIALS

October 19th, 2023

Vanessa Nyhus
11411 Hollingsworth Rd
Kansas City, KS 66109

SUBJECT: Neighborhood Meeting

I have filed an application with the Department of Urban Planning and Land Use #SP2023-088. The purpose of this special use permit is for a Home Based Business to reside at 11411 Hollingsworth Road.

I am having a neighborhood meeting on October 30th at 4:30 p.m. at the following address 11411 Hollingsworth Rd.

The purpose of this meeting is to explain my business and answer any questions. The permitting process requires I inform neighbors. The business makes consumable nutritional products that are shipped or delivered to customers. No customers or clients will be picking products up at my house. I have no employees and production will be in my basement.

I look forward to seeing you at the neighborhood meeting. If you are unable to attend, please email or call me with questions. My mobile phone number is 816-914-3597, and my email address is vnyhus@inyhus.com.

Sincerely,

Vanessa Nyhus

MINUTES:

Application Number SP2023-088

Date and Location: Oct. 30th, 4:30pm 11411 Hollingsworth Rd Kansas City, KS 66109

Meeting called to order at: 4:30pm

Names of people in attendance: Kathy Knetter

Introductions: Kathy introduced herself and let me know where she lived.

Presentation by applicant and/or team: Applicant explained what kind of products are produced, how they are distributed, and that they will be made in the basement.

Questions and answers (include the following):

- Kathy asked how long I had been in business. Applicant answer: 3 yrs and my facility has always been on the MO side.

Meeting adjourned at: 5:05 pm

Minutes taken by: Vanessa Nyhus

NEIGHBORHOOD MEETING MATERIALS, CONT.

AFFIDAVIT - NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

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

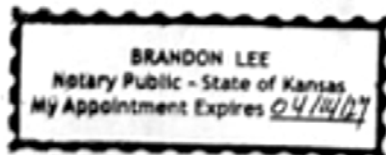
1. That I am the petitioner for Petition # SP2023-088
2. That I conducted a neighborhood meeting on Oct. 30, 2023
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Vanessa Nyhus
Affiant

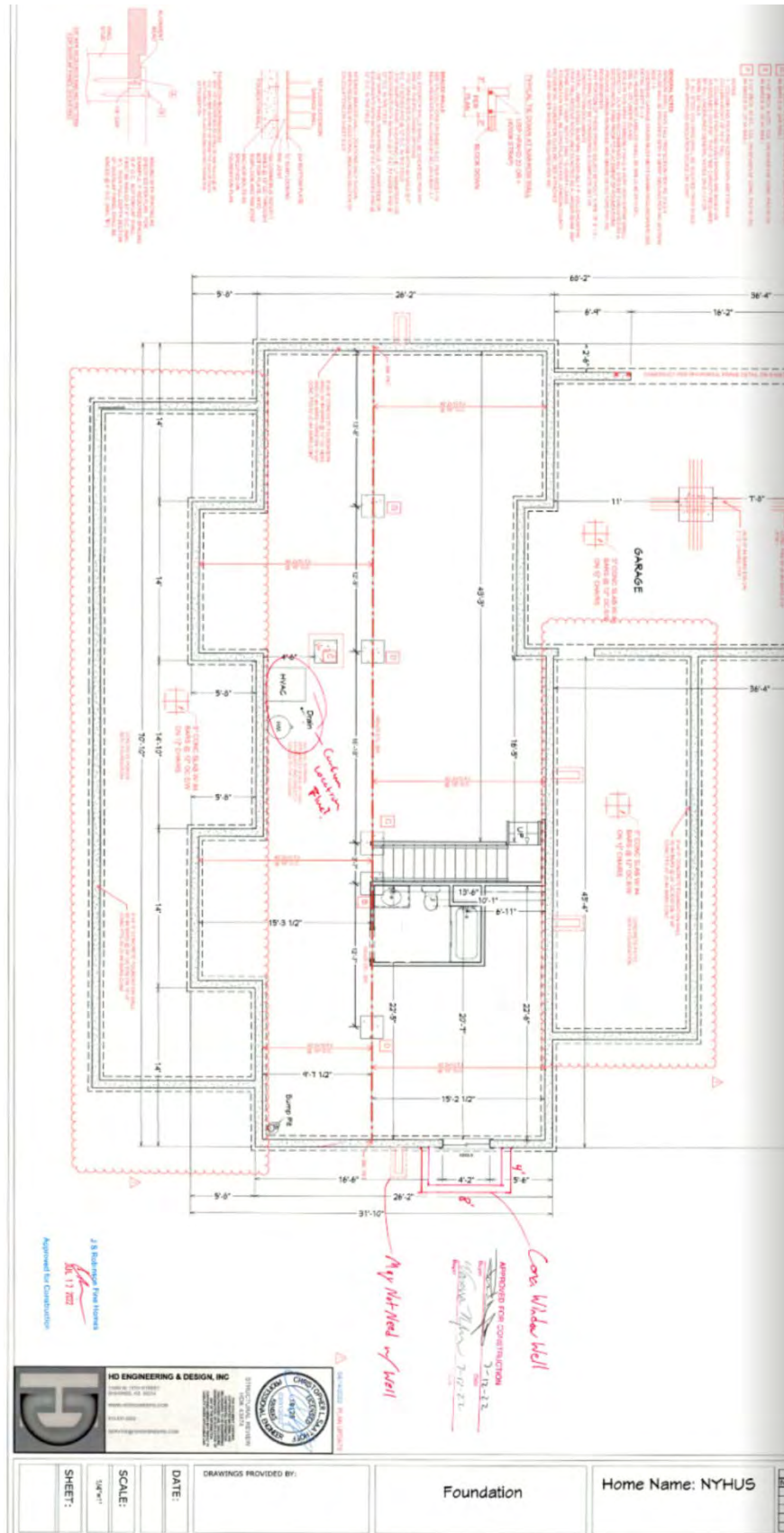
SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of
October, 200_. 2023.

My commission expires 04 of 14, 200_. 2027

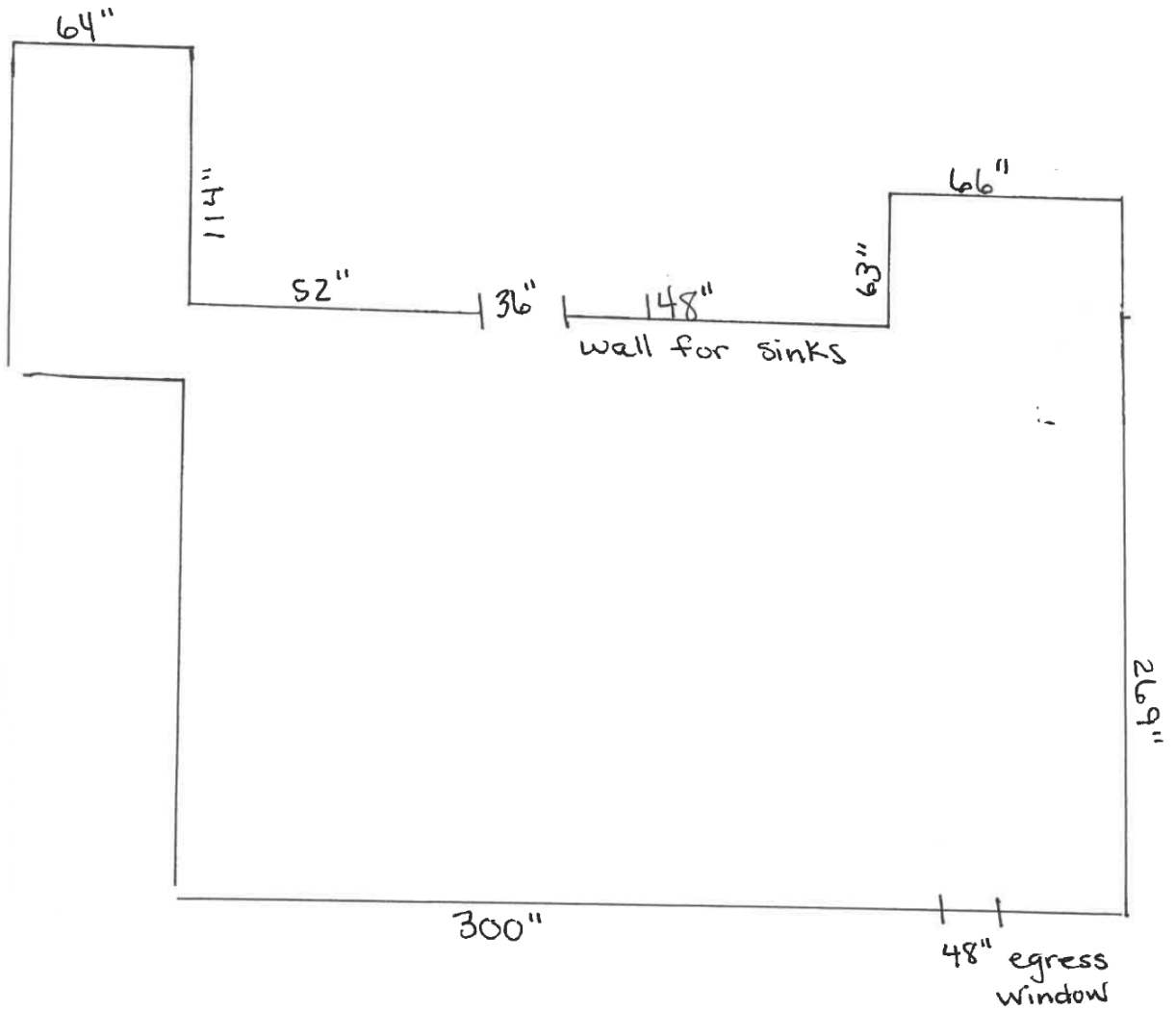


B. Lee
Notary Public

SITE PLAN OF BASEMENT AT 11411 HOLLINGSWORTH ROAD



UNKNOWN FLOOR PLAN PROVIDED BY APPLICANT



PHOTOS OF 11411 HOLLINGSWORTH ROAD PROVIDED BY THE APPLICANT



This is our sink setup that will be installed on the wall marked for sinks in sketch.



We use several of these stainless steel tables for our workspace.



SITE VISIT PHOTOGRAPHS BY STAFF, DATED OCTOBER 23, 2023



Left: View of the subject property from the Hollingsworth Road right-of-way, facing south.

Below: Additional view of the primary residence on the subject property.



Left: View of the subject property and the Hollingsworth Road right-of-way, facing west.

Right: View of the subject property and the Hollingsworth Road right-of-way, facing east (accessory building is visible).





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: November 30, 2023

Re: Special Use Petition SP2023-089

GENERAL INFORMATION

Applicant:

Amanda Tarwater

Status of Applicant:

Property Owner
10120 Hollingsworth Road
Kansas City, Kansas 66109

Requested Action:

Approval of a Home Occupation
Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

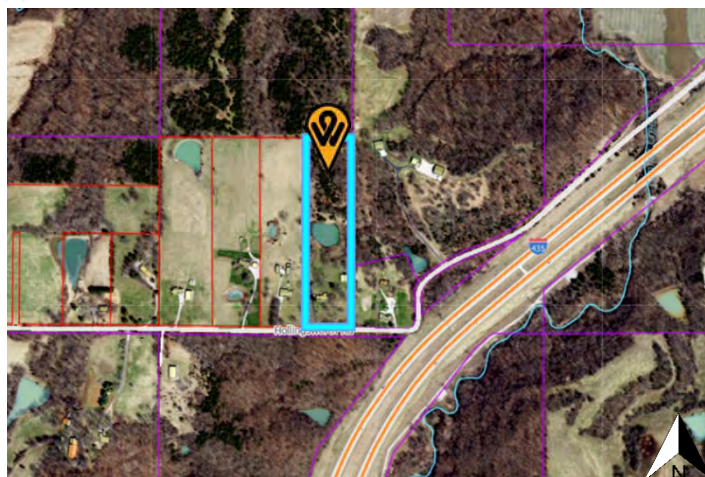
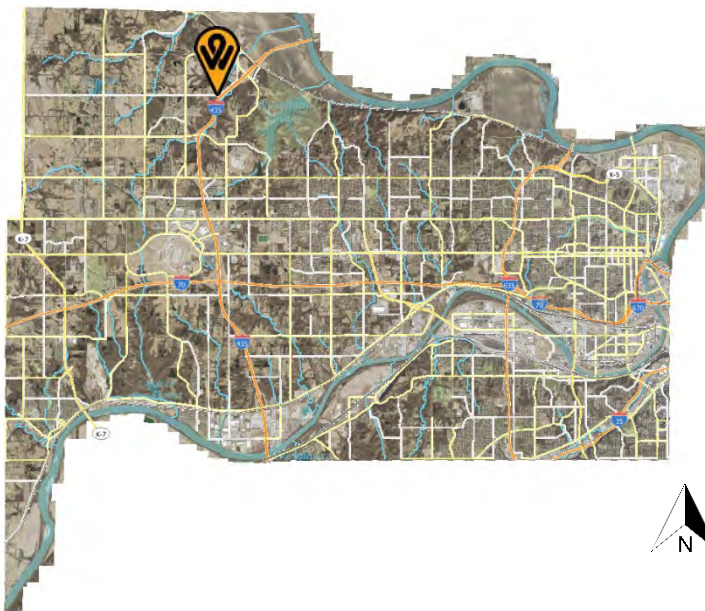
To operate a pet grooming
business at the applicant's
residence.

Property Location:

10120 Hollingsworth 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
Adjacent Uses:	North: Single-family residence South: Agricultural land East: Single-family residence West: Single-family residence
Total Tract Size:	9.38 Acres
Comprehensive Plan Designation:	The Prairie Delaware Piper Area Plan designates the subject property as Planned Low-Density Residential, which allows for large-lot single-family residences.
Major Street Plan:	The goDotte Mobility Plan designates Hollingsworth Road as a Minor Collector.
Parking Requirement:	Section 454(e) states “Two (2) off-street parking spaces shall be provided on the premises for each single-family dwelling. The property provides more than two (2) parking spaces.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Amanda Tarwater, has applied for a Home Occupation Special Use Permit for the operation of a pet grooming business at the address of 10120 Hollingsworth Road.

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 at the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There have been no Notice of Violation on the property.

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is located within the I-435 West Statistical Neighborhood. The neighborhood consists primarily of large-lot single-family residences and a variety of 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 proposed use should be compatible with nearby uses if operated 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 proposed use is suitable as the removal of restrictions will not detrimentally affect nearby properties. The operation will operate entirely within the residence. Customers will come to the residence to drop their animals off.

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

The property is not vacant and is currently a habited single-family residence.

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

Special Use Permits nor home occupations are discussed in the Area Plan. The Prairie-Delaware-Piper Area Plan designates the subject property as Planned Low Density Residential, which allows for large-lot single-family residences. The proposed use does not necessarily conform to the area plan, however, due to its temporary nature, a Master Plan Amendment would not be appropriate. The subject property itself does 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 increase traffic to the home, typically at peak times as specified by the hours of operation. The applicant has a driveway for customer parking that is directly accessible to the basement of the home. No issues related to parking are expected.

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. The proposed use should not permanently injure the appropriate use, visual quality, or marketability of adjoining properties because it is wholly contained within the home and the business is operated out of the basement. Parking is not an issue as it is short-term and accommodated off-street at the entrance to the basement.

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

Noise is a possible source of problems; however, the applicant has previously stated that they do not believe issues will arise due to their relative distance from neighboring properties. No issues have been reported.

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 located in an existing, permitted structure, and waste is disposed of properly.

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

The proposed use will not destroy an irreplaceable natural resource as it is located in an existing, built-out, residential neighborhood and waste is disposed of properly.

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 offers a service to the public and if denied the applicant will have to find an off-site location to run their business.

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

The proposed use will not result in the overcrowding of land or concentrations of population as long as the conditions of approval are adhered to. Parking and drop off could be an issue if pick-ups occurred on the street near the entry gate.

PREVIOUS ACTIONS

There have been no planning entitlements on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 10120 Hollingsworth Road on October 23, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Parking
Waste Disposal
Screening and Buffering
Signage
Pick-up and Drop-off

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-089, **for two (2) years**, subject to:

1. **All cleaning products shall be disposed of in accordance with the products directions;**
2. **Hours of operation should be limited to Weekdays between 7:00 AM and 6:00 PM;**
3. **No dogs shall be boarded on the property. If the applicant seeks to expand to boarding, they will be required to amend their Special Use Permit;**
4. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
5. **Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked**

- or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 7. The Applicant 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. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;
 9. 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;
 10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
 12. The Special Use Permit 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.

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 **SP2023-089** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Prairie Delaware Piper Area Plan
Neighborhood Meeting Materials
Site Photos, Taken by Staff, Dated October 13, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy, jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-089** 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 **SP2023-089**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 6:04:20:

SPECIAL USE PERMIT APPLICATION SP2023-089 – AMANDA TARWATER -

SYNOPSIS: Home Occupation Special Use Permit for a dog grooming operation at 10120 Hollingsworth Road. Detailed Outline of Requested Action: The applicant, Amanda Tarwater, has applied for a Home Occupation Special Use Permit for the operation of a pet grooming business at the address of 10120 Hollingsworth Road.

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 November 13, 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:

- Jeremy Tarwater, representing the applicant, 10120 Hollingsworth Road, Kansas City, Kansas 66109

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:07:30: Planning Director Hand stated that the request is for a Home Occupation Special Use Permit for a pet grooming business. This property is in the Prairie-Delaware-Piper Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 6:08:00:

On motion by Ms. Armstrong, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL** of Special Use Permit **SP2023-089 for two (2) years:**

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

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

Subject to:

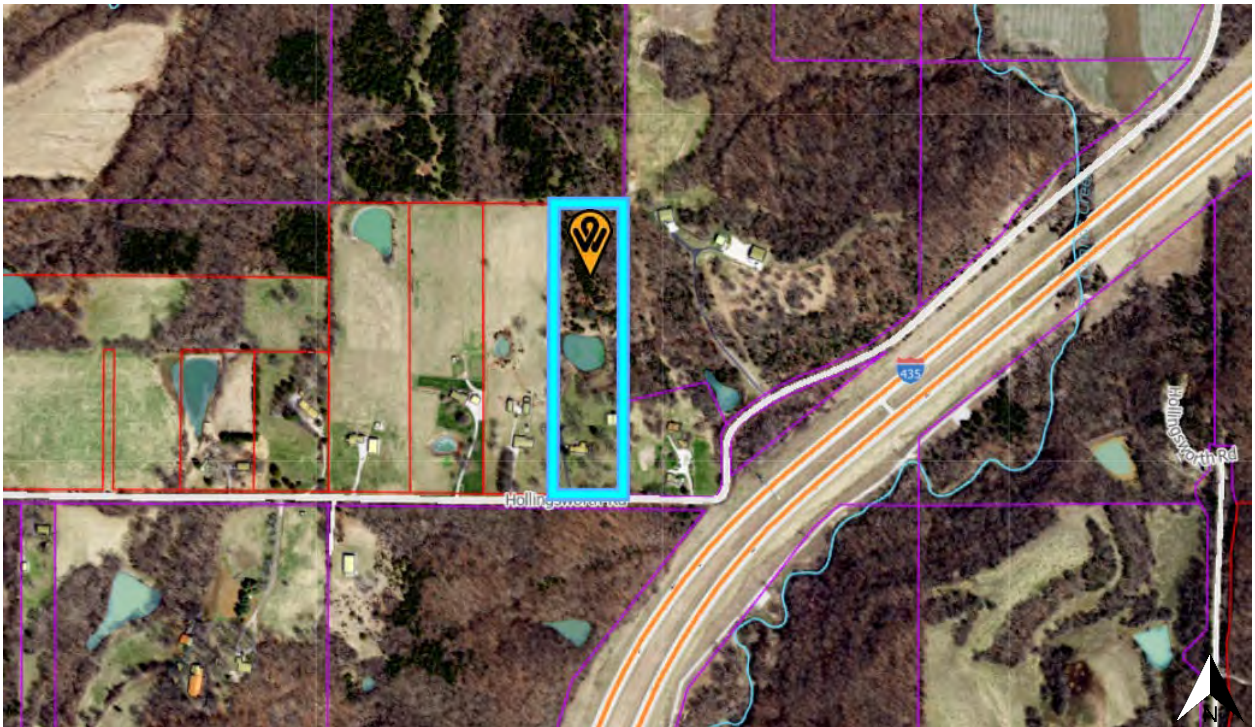
1. **All cleaning products shall be disposed of in accordance with the products directions;**
2. **Hours of operation should be limited to Weekdays between 7:00 AM and 6:00 PM;**
3. **No dogs shall be boarded on the property. If the applicant seeks to expand boarding, they will be required to amend their Special Use Permit;**
4. **All existing and future driveways must feature curb cuts that are constructed to UG standards;**
5. **Any business or land use in Kansas City, Kansas that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building.**

- Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
6. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
 7. The Applicant 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. If approved, the applicant or any occupying businesses must file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office. Any contractor associated with the project shall file and maintain a current business occupation tax application with the Kansas City, Kansas business licensing office and with the building inspection office;
 9. 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;
 10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
 11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

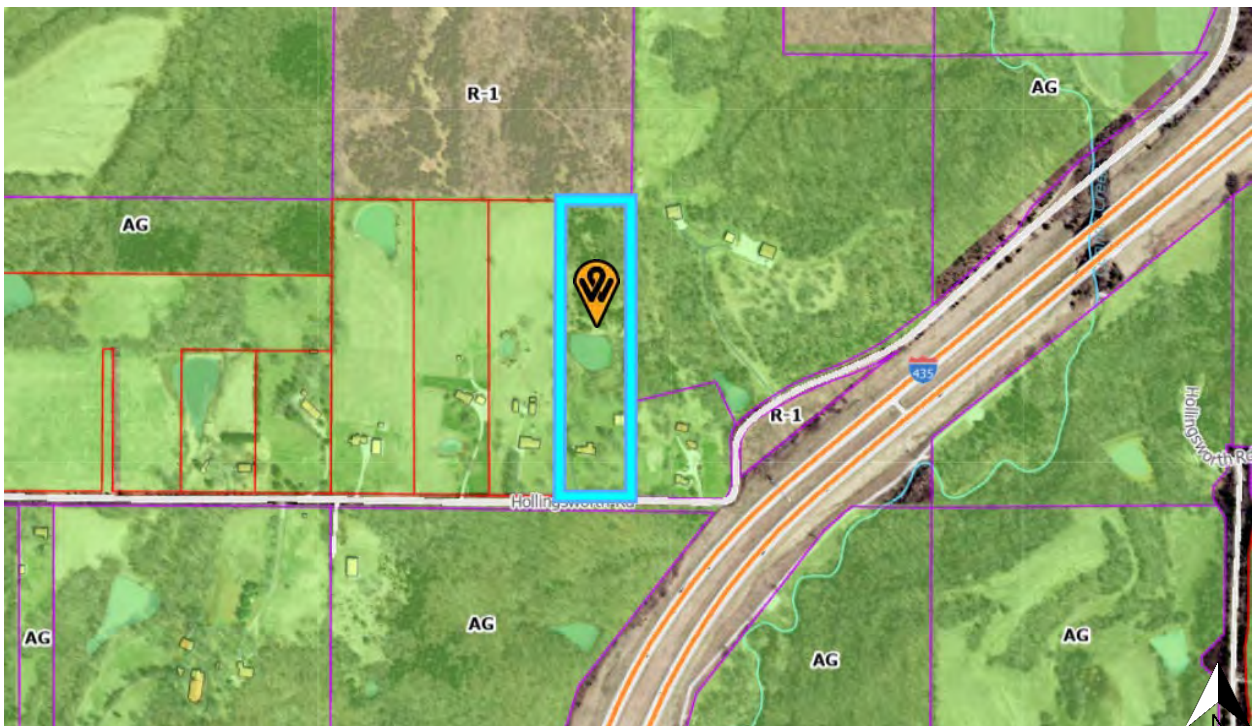
- 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration 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.**

ATTACHMENTS

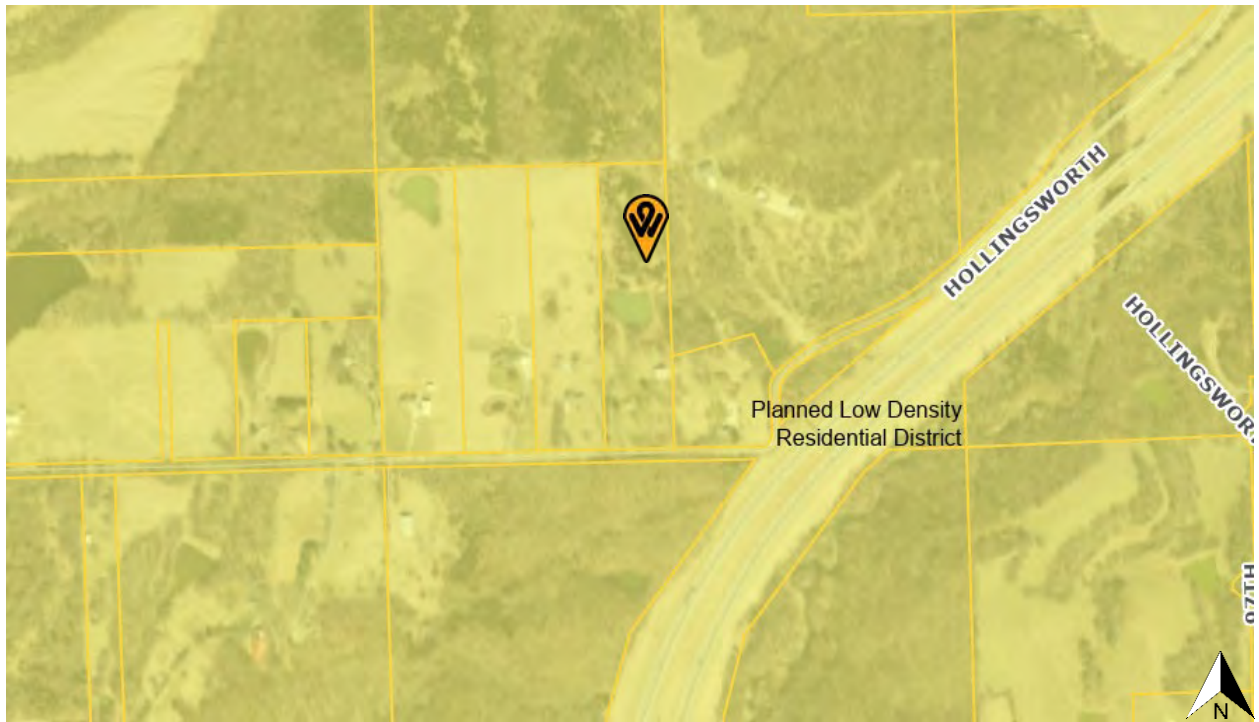
AERIAL IMAGERY



ZONING MAP



LAND USE MAP – PRAIRIE-DELAWARE-PIPER AREA PLAN



NEIGHBORHOOD MEETING MINUTES

Neighborhood Meeting Minutes

Application Number SP2023-089

10/23/2023 At 10120 hollingsworth rd Kansas City Ks

Meeting was held for 6pm

No one showed up for the meeting.

We had waited till 6:30 PM to see if anyone was going to show up but no one attended the meeting. Saw neighbors outside that evening during the meeting time but no one showed up or contacted us with and questions or concerns.

Sign In

Neighborhood meeting SUP 2023-089
10/23/2023
10120 Hollingsworth Rd
6:00 P.M.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KS)
COUNTY OF Wyandotte) SS:

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

1. That I am the petitioner for Petition # SP2023-089
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.

Jeremy Turner
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of October, 2023

My commission expires 22 of August, 2025

Bryan Leigh Hendin
Notary Public



SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 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: November 30, 2023

Re: **Petition SP2023-092**

GENERAL INFORMATION

Applicant:

Brett Jacobson

Status of Applicant:

Used Truck Pros
6404 Beverly Drive
Mission, KS 66202

Requested Action:

Approval of a Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

To operate a used truck dealership business.

Property Location:

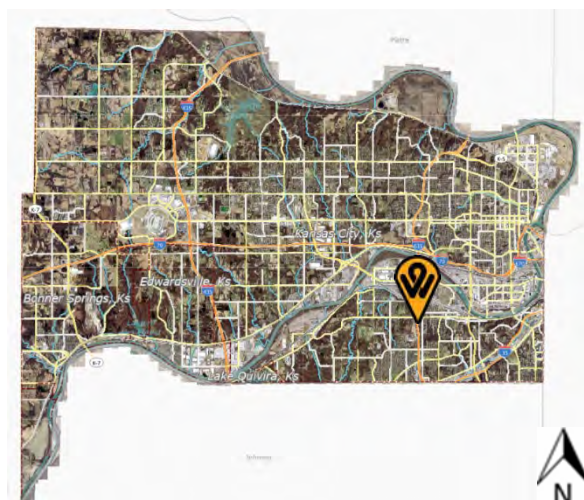
1701 South 45th Street
Kansas City, KS 66106

Commission Districts:

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

Existing Zoning:

M-2 General Industrial District



Adjacent Zoning:	North: M-2 General Industrial District South: M-2 General Industrial District East: M-2 General Industrial District West: M-2 General Industrial District
Adjacent Uses:	North: Industrial business South: Undeveloped land East: Undeveloped land West: Industrial business
Total Tract Size:	0.869 Acre
Master Plan Area:	City-Wide Comprehensive Plan
Master Plan Designation:	The City-Wide Comprehensive Plan designates this property as Business Park, which allows warehouse (nonhazardous materials), distribution (nonhazardous materials), business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc.
Major Street Plan:	The Major Street Plan classifies 45 th Street as a Class C Thoroughfare.
Required Parking:	Sec. 27-470(a)(12) states the ratio will vary among occupants and will be determined by the director of planning after receipt of a summary of parking needs and characteristics prepared by the owner or initial occupant. In no case, however, shall less than one (1) space for each 500 square feet of building area be provided. For buildings larger than 20,000 square feet, only one (1) space for each 1,000 square feet needs to be provided for increments between 20,000 and 50,000 square feet. Four (4) parking spaces are required. Four (4) parking spaces are provided.
Advertisement:	<u>The Wyandotte Echo</u> – October 20, 2023 Letters to Property Owner – October 19, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brett Jacobson with Used Truck Pros, seeks to operate a used truck dealership at 1701 South 45th 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. ENV23-3097 – Cut weeds and grass – October 3, 2023.
2. PMZ23-0130 – Missing gate on trash enclosure – October 3, 2023.
3. 13395-00069 – Commercial garage built without permits – June 26, 2013 (previous owner).

Outstanding or Related Permits and Cases:

1. 13430-00006 – Sign permit for wall sign on east façade – January 14, 2013.
2. 04300-00925 – Building permit for an adult daycare – March 10, 2005.
 - a. Mechanical, Electrical and Plumbing Permits issued associated with the building permit.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The neighborhood is industrial in nature and the subject property is surrounded by uses that are of similar industrial nature. Lots are generally large to accommodate warehouses, distribution, and similar activities. South 45th Street is improved and is heavily trafficked by trucks.

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

The zoning and uses of nearby property are set out above. Other uses in the area include industrial warehouses, manufacturing and distribution. The sale of used truck cabs (uncoupled from trailers) is not prohibited, although it requires a Special Use Permit to operate.

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

The property is suitable for an industrial purpose including heavy truck sales if the business is properly managed. Nearby properties engage in uses that are similar with outside storage of materials and equipment, and the operation of a used truck dealership will not affect nearby property.

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

This property has been vacant as zoned since 2022, which was a medical supply company.

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 Business Park designation allows warehouse (nonhazardous materials), distribution (nonhazardous materials), business/research parks, related commercial and service uses such as wholesale stores, outlet stores, office supply stores, service stations, convenience stores, hotels, motels, supporting restaurants, etc. The subject property is currently a general industrial use, and its land use is not changing with the Special Use Permit, therefore the subject property maintains conformance to the Comprehensive Plan.

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

The proposed use will not result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of South 45th Street, Local Street, as it is designed to handle heavy industrial traffic.

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

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

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

Noise issues related to heavy trucks backing into a parking stall to be displayed and air brakes releasing to engage/disengage the transmission will not cause problems for near-by property because the subject property is surrounded by uses of a similar nature as this district is designed for such intense uses.

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

The proposed use will not pollute the air, land, or water as trucks are being sold on site. There is no repair, therefore fluids normally associated with that use will not be on site. There are some concerns about increased air quality issues, although if the trucks are maintaining their air quality equipment as required by EPA or other standards, this should not be an issue.

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

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

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

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

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

Overcrowding of trucks should not be a problem if the use is managed appropriately. There is adequate parking to accommodate desired vehicles for sale, employees and customers as this is a small office and building.

PREVIOUS ACTIONS

- None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting in-person at 1701 South 45th Street on October 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Commercial Design Guidelines
Parking
Fencing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-092, **for two (2) years**, subject to:

1. Hours of operation shall be Monday through Friday from 8:00 AM to 5:00 PM;
2. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;
3. No parking or idling shall be allowed along the driveway stretch from South 45th Street onto the property;
4. Patch the parking lot;
5. Stripe the parking lot for customers, employees and trucks that are on display for sale;
6. If the curb is damaged from trucks rolling onto it, the curb and abutting fence shall be repaired in a timely manner;
7. Install an opaque gate door on the trash enclosure;
8. Replace dead trees along South 45th Street. Trim overgrown and newer volunteer trees. Replant to meet the landscaping code;
9. Landscaping shall be irrigated, or a watering plan shall be provided specifically specifying how the vegetation will be maintained to establish and sustain growth;
10. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. 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;

13. 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;
14. 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;
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. A Right-of-Way Permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
17. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
18. 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;
19. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State 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;
20. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely

- screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;
21. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 22. Subject to approval, 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;
 23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
 24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.

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 **SP2023-092** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Site Plan
Building Elevations
Trash Enclosure Detail
Site Photographs Provided by Staff on October 11, 2023.

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-092** 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 **SP2023-092** 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 6:09:10:

SPECIAL USE PERMIT APPLICATION SP2023-092 – BRETT JACOBSON -

SYNOPSIS: Special Use Permit for semi-truck sales at 1701 South 45th Street.

Detailed Outline of Requested Action: The applicant, Brett Jacobson with Used Truck Pros, seeks to operate a used truck dealership at 1701 South 45th 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 November 13, 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:

- Brett Jacobson, applicant, 6404 Beverly Drive, Mission, Kansas 66202

Planning Commissioner Eilts asked the applicant about the neighborhood meeting as the notes were not provided in the staff report.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 6:13:06: Planning Director Hand stated that the request is for a Special Use Permit for a used truck dealership. The property is in the Citywide Comprehensive Plan. Staff received no letters in support nor opposition. There are some Notices of Violation on the property, which would be addressed by the redevelopment of the project as described by the applicant. Staff recommends approval for two (2) years subject to the conditions in the staff report.

Motion starts at 6:13:45:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-092 for two (2) years:**

Carson	Not Present
Miller	Chairman

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

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

Subject to:

1. Hours of operation shall be Monday through Friday from 8:00 AM to 5:00 PM;
2. Fencing must comply with all UG ordinances as specified in Chapter 8 of the Unified Government Code of Ordinances;
3. No parking or idling shall be allowed along the driveway stretch from South 45th Street onto the property;
4. Patch the parking lot;
5. Stripe the parking lot for customers, employees and trucks that are on display for sale;
6. If the curb is damaged from trucks rolling onto it, the curb and abutting fence shall be repaired in a timely manner;
7. Install an opaque gate door on the trash enclosure;
8. Replace dead trees along South 45th Street. Trim overgrown and newer volunteer trees. Replant to meet the landscaping code;
9. Landscaping shall be irrigated, or a watering plan shall be provided specifically specifying how the vegetation will be maintained to establish and sustain growth;
10. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures;
11. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
12. 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;
13. 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;
 14. 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;
 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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 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. 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;
 19. Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State 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;

- 20. Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27-470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;**
- 21. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 22. Subject to approval, 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;**
- 23. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,**
- 24. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee.**



Figure 1. Aerial photograph of 1701 South 45th Street (provided by UG Maps).

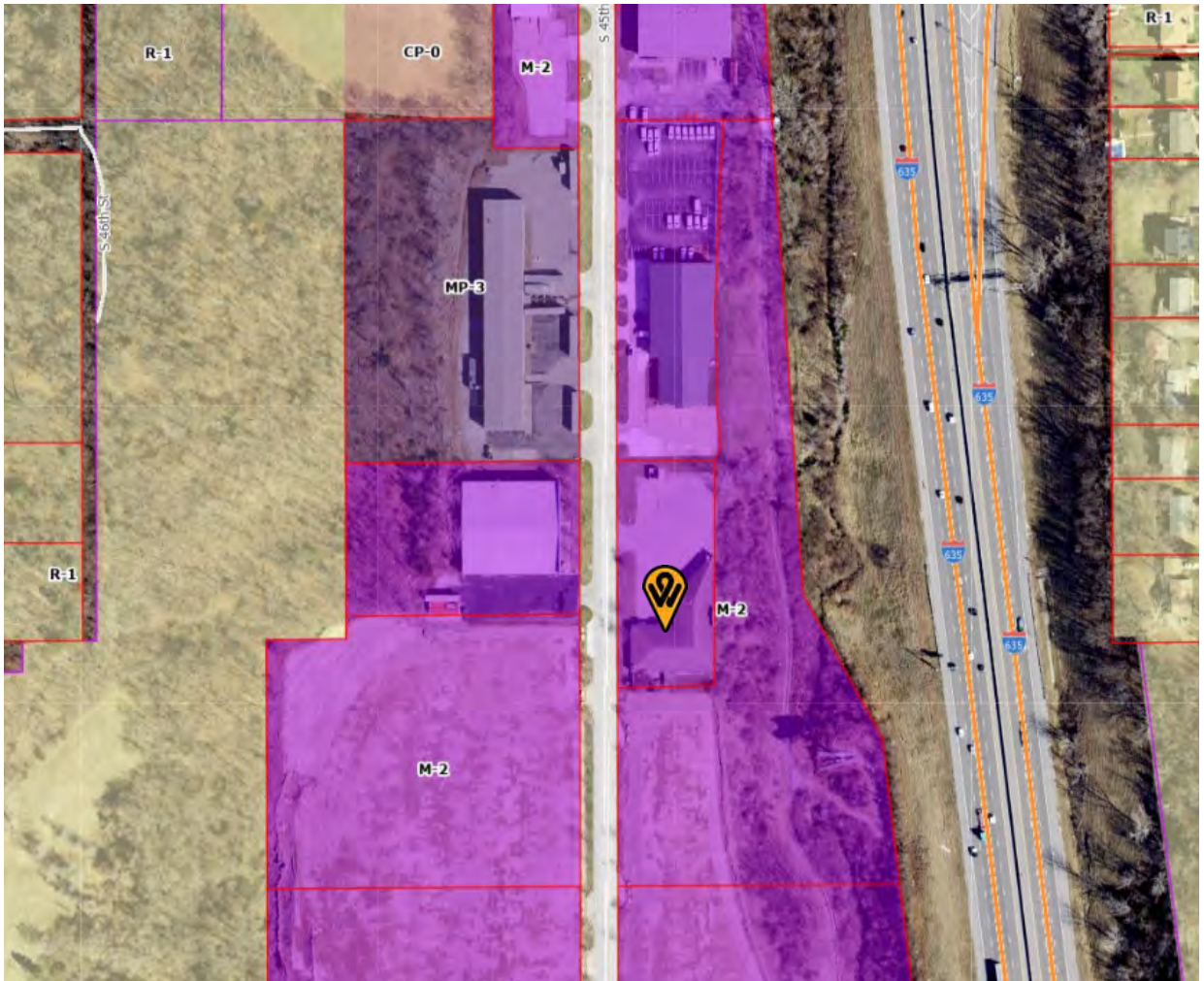


Figure 2. Zoning Map of 1701 South 45th Street (provided by UG Maps).

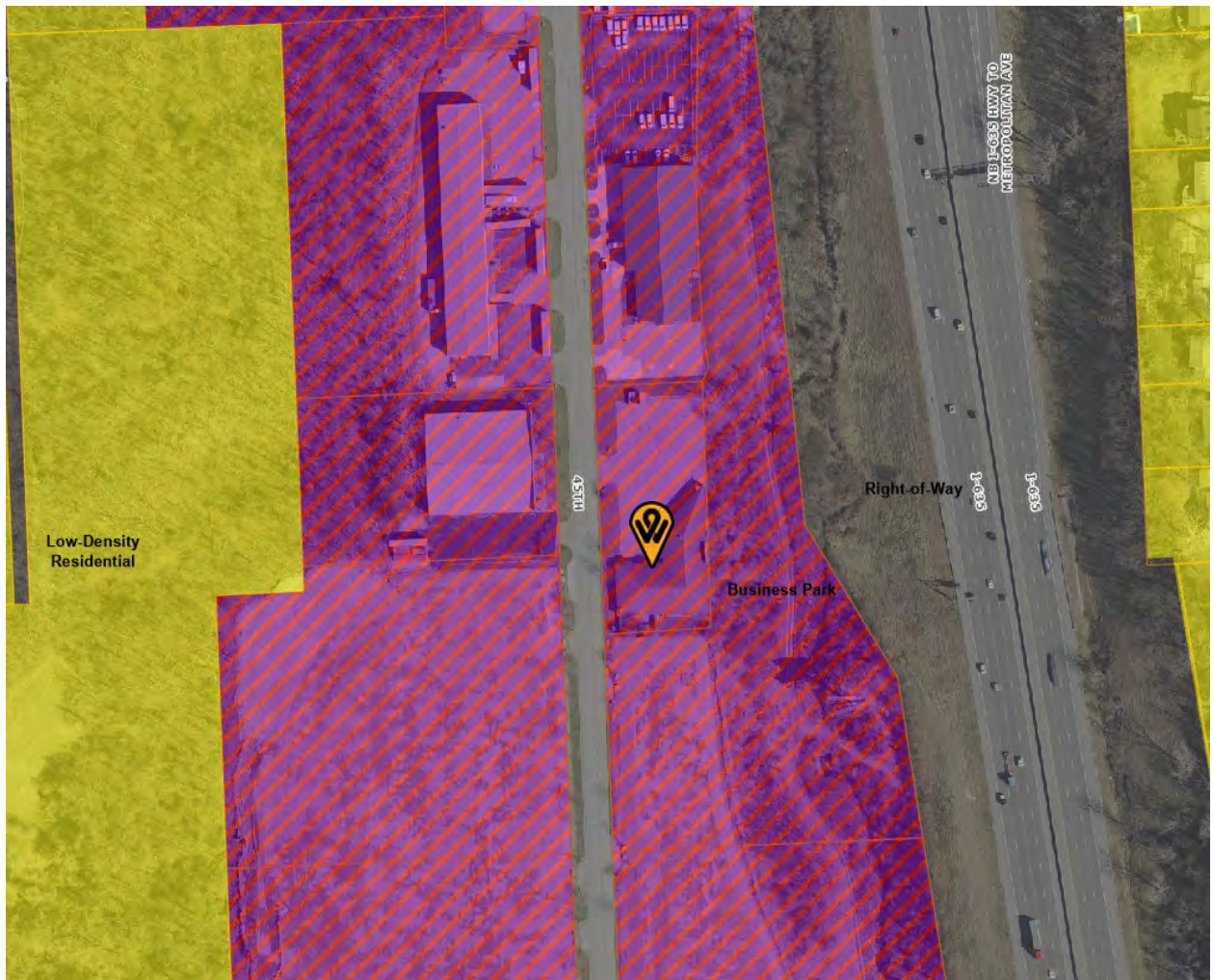


Figure 3. City-Wide Comprehensive Plan Land Use Designation Map of 1701 South 45th Street (provided by ArcGIS Pro).

1. Provide a dimensioned site plan that shows the whole parcel, building footprint and parking for truck and customers. **Dimensioned site plans are attached with the application.**
2. What are the proposed hours of operation? **8am to 5pm Monday to Friday**
3. Fencing must comply withal UG ordinances as specified in Chapter8 of the Unified Government Code of Ordinances. **Fence will comply with all ordinances.**
4. No parking or idling shall be allowed along the driveway stretch from South45th Street onto the property. **No parking or idling will take place on the driveway of the property.**
5. Patch the parking lot. **We plan to patch and possibly resurface the entire parking lot prior to striping the parking lot per the plan.**
6. Stripe the parking lot for customers, employees and trucks that are on display for sale. **We plan to stripe the parking lot after it has been repaired and updated.**
7. Install wheel stops in the customer parking lot and truck parking lot so vehicles do not roll into the grass or damage the fence. **There is a concrete curb surrounding the entire parking lot that will keep vehicles from rolling into the grass or damaging the fence. If the fence is somehow damaged it will be repaired in a timely manner to ensure the property looks presentable and complies with all ordinances.**
8. Install an opaque gate door on the trash enclosure. **We plan to build a privacy fence gate to cover the trash encloser per the original build plans. I have attached those build plans in the application.**
9. 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. **Once the SPU permit is approved we will be filing for all required tax and business licenses.**

10.If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only. **Once the SPU permit is approved we will be filing for all required tax and business licenses.**

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. **We have no plans for building or adding on to the building at this time. If we do I will make sure to work with my General contractor and the building inspections division to ensure all required permits are in place.**

SP2023-092 November 13, 2023 6

12.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. I spoke with Andy Roddy with the Public works department and he informed me that we do not need a Right of way permit for this property.

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. We plan to comply with all requirements.

14.Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking 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. All parking will take place inside the parking lot of the property.

15.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. We will ensure that our business operations will comply with all local ordinances, state statutes, and regulations at all times.

16.Any business or land use in Wyandotte County that is required to provide off- street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-466 through 27- 470; 27-592 through 27-616; 27-667 through 27-676]. Inoperable vehicles shall be stored inside an enclosed building. Inoperable vehicles may not be stored outside unless they are completely screened from view in accordance with all applicable ordinances. Outside storage shall not include wrecked or salvage vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance. All vehicles will be fully operational and parked inside the designated parking lot of the property.

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

18. Subject to approval, the Special Use Permit shall be valid for [REDACTED] 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. **We will ensure that all renewal applications are in 2 months prior to the expiration of the permit.**

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. **We will pay the fee within 48hrs of the special use permit approval.**

20. All conditions of approval herein must be constructed, executed, implemented, or otherwise completed within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. **We will meet all conditions of the approval within the agreed upon timeline.**

Landscaping and Screening:

1. Replace dead trees along South 45th Street. Trim overgrown and newer volunteer trees. Replant to meet the landscaping code. **We will be removing the dead trees and cleaning up the overall landscape of the property.**
2. Sec.27-700(b)(4) Trees may be required depending on the particular location and surroundings of the project up to a maximum of one (1) tree per 15,000 square feet of site area.

Sec. 27-593(b)(20)a.2. Landscaping, screening and facade improvements to meet the Commercial Design Guidelines. **We will not be doing any service repair on this property. We will be repairing and improving the brick façade to meet all ordinances.**

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

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

The site is 0.869 acres, therefore four (4) trees are required to be planted. Please indicate the approximate location of these trees. **Trees will be maintained and planted per required zoning ordinances.**

3. Landscaping shall be irrigated or a watering plan shall be provided specifically specifying how the vegetation will be maintained to establish and sustain growth.

I will be onsite no less than 2 days a week to water so that trees and landscaping are alive and healthy.

4. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. **Current lighting has 90 degree cutoff fixtures and no additional lighting is planned at this time.**
5. 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.

Signage: 1. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.

No signage requiring a sign permit is planned at this time. Once we have a plan for additional signage I will request a sign permit and comply with all sign ordinances.

10/19/2023

Name

Address

City/State/Zip

Good Afternoon,

My name is Brett Jacobson and I am the owner of a semi-truck dealership called Used Truck Pros. I have filed an application with the Department of Urban Planning and Land Use #SP2023-092. The purpose of this special use permit is for a Dealer's License at the following address: 1701 S 45th St D, Kansas City, KS 66106. This step is not only a significant milestone for our business, but also an exciting development for the local economy and business community.

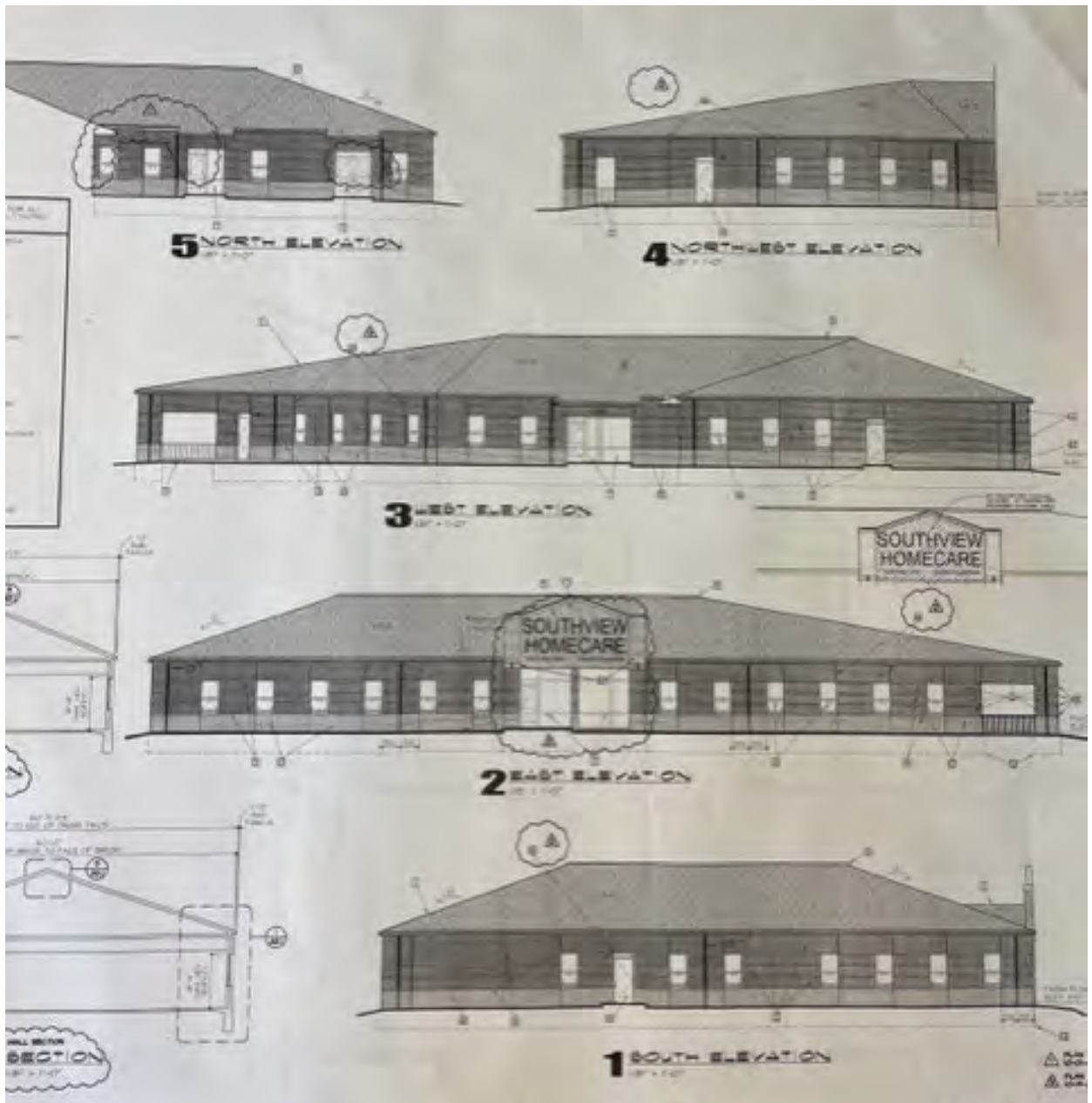
I am having a neighborhood meeting on October 30th at 4:00 p.m. at the following address - 1701 S 45th St, Kansas City, KS 66106.

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. We understand that the decision may have an impact on our neighboring businesses, and we are committed to ensuring a smooth and collaborative process.

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,

Brett Jacobson
Used Truck Pros
816-835-1490
brett@usedtruckpros.com



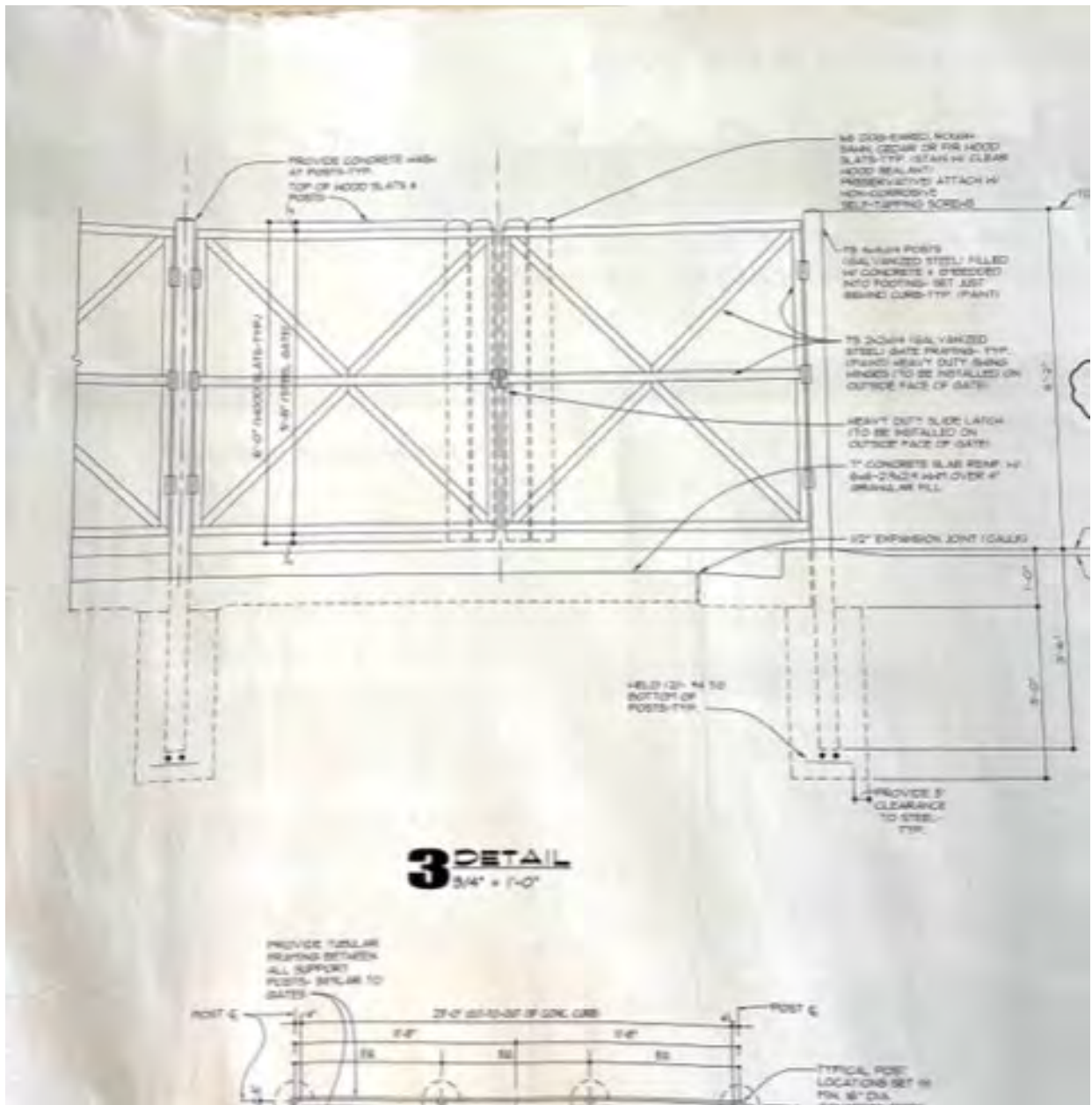




Figure 4. Site Photograph of 1701 South 45th Street looking southeast from South 45th Street (provided by Planning Staff).



Figure 5. Site Photograph of 1701 South 45th Street looking northeast from South 45th Street (provided by Planning Staff).



Figure 6. Site Photograph of 1701 South 45th Street looking northeast from South 45th 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: November 30, 2023

Re: Special Use Petition SP2023-093

GENERAL INFORMATION

Applicant:

Alison Schwartz and Frederick
Hutchison

Status of Applicant:

Tenants
625 Northrup Avenue
Kansas City, Kansas 66101

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

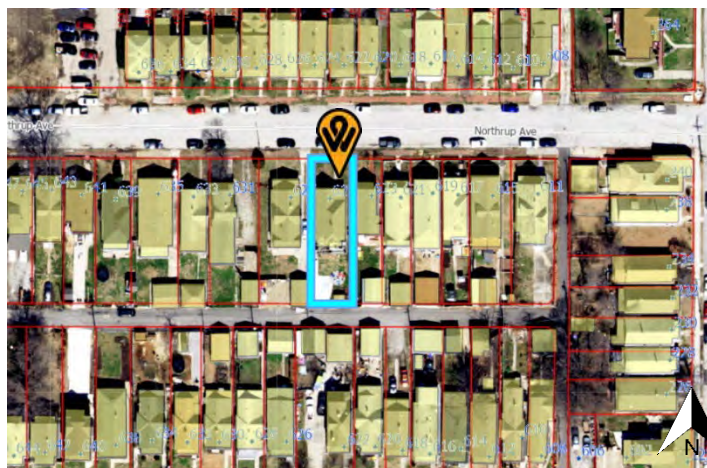
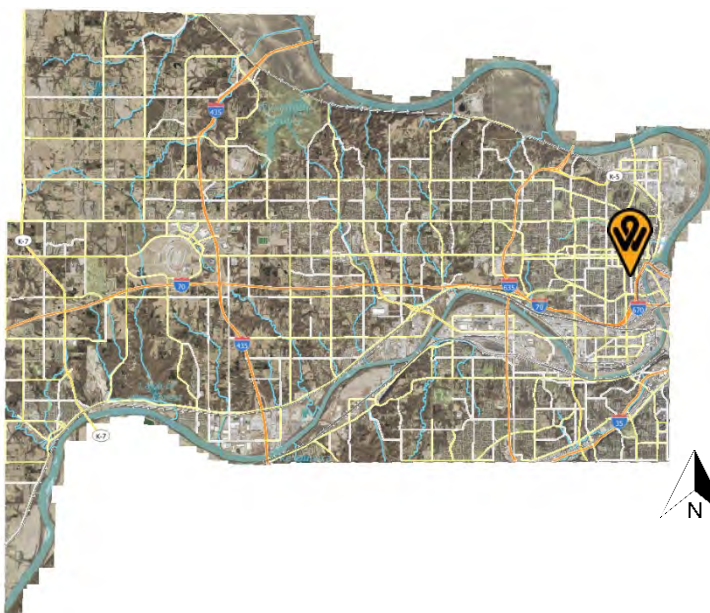
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

625 Northrup Avenue
Kansas City, Kansas 66101

Commission Districts:

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



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: R-1(B) Single Family District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residences South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.10 Acres
Comprehensive Plan Designation:	The Central Area Plan designates the subject property as Urban Density, which allows attached and detached residences.
Major Street Plan:	The goDotte Mobility Plan designates Northrup Avenue 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> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicants, Alison Schwartz and Frederick Hutchison, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 625 Northrup Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 600 block of Northrup Avenue.

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 within the Riverview Statistical Neighborhood, the Strawberry Hill Neighborhood group, and the Central Area Betterment Association (CABA) group. The neighborhood consists of a mix of single-family residences as well as duplexes and fourplexes and small-scale commercial 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 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 subject property has been a short-term rental since 2016 and a long-term rental since at least 2007. The short-term rental was unpermitted between 2016 and 2017 and then again between 2021 and present.

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 designates the subject property as Urban Density, which allows for attached and detached residences. The use as a short-term rental 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 Northrup Avenue, 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 three (3). The maximum number of vehicles off-street is one (1). 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 (SP-2019-34) for a short-term rental for two (2) years in 2019.
- Approval of a Special Use Permit (SP-2018-33) for a short-term rental for one (1) year in 2018.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 30, 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
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-093, **for one (1) year**, subject to:

1. Pull the weeds and other grass from the brick sidewalk;
2. Maximum number of guests shall be three (3);
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.

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 **SP2023-093** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 30, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated October 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-093** 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 **SP2023-093**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 6:14:44:

SPECIAL USE PERMIT APPLICATION SP2023-093 – ALISON SCHWARTZ -

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 625 Northrup Avenue. *Detailed Outline of Requested Action:* The applicants, Alison Schwartz and Frederick Hutchison, are requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 625 Northrup Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 600 block of Northrup 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 November 13, 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:

- Alison Schwartz, applicant, 625 Northrup Avenue, Kansas City, Kansas 66101

Commissioner Eilts directed questions to the applicant. The first recording stopped and started a second recording.

Present in Opposition:

- No one appeared

Staff Recommendation starts at Recording 2 - :39: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental Special Use Permit. There is a history of Short-Term Rentals at this property, but this is a new application.

The property is in the Central Area Plan. Staff has received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report.

Motion starts at Recording 2 - 1:56:

On motion by Mr. Straws, seconded by Mrs. Eilts, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-093 for one (1) year:**

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

Motion to recommend APPROVAL Passed: 7 to 0

Subject to:

1. Pull the weeds and other grass from the brick sidewalk;
2. Maximum number of guests shall be three (3);
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

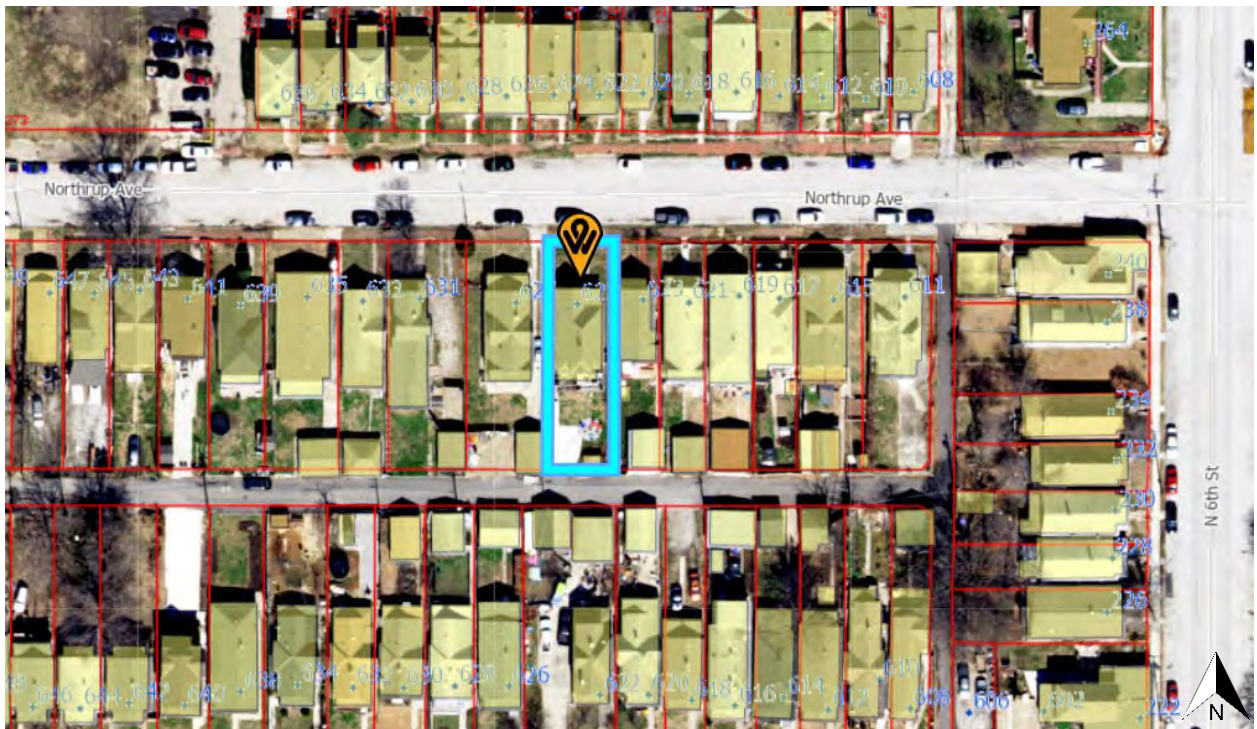
Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

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

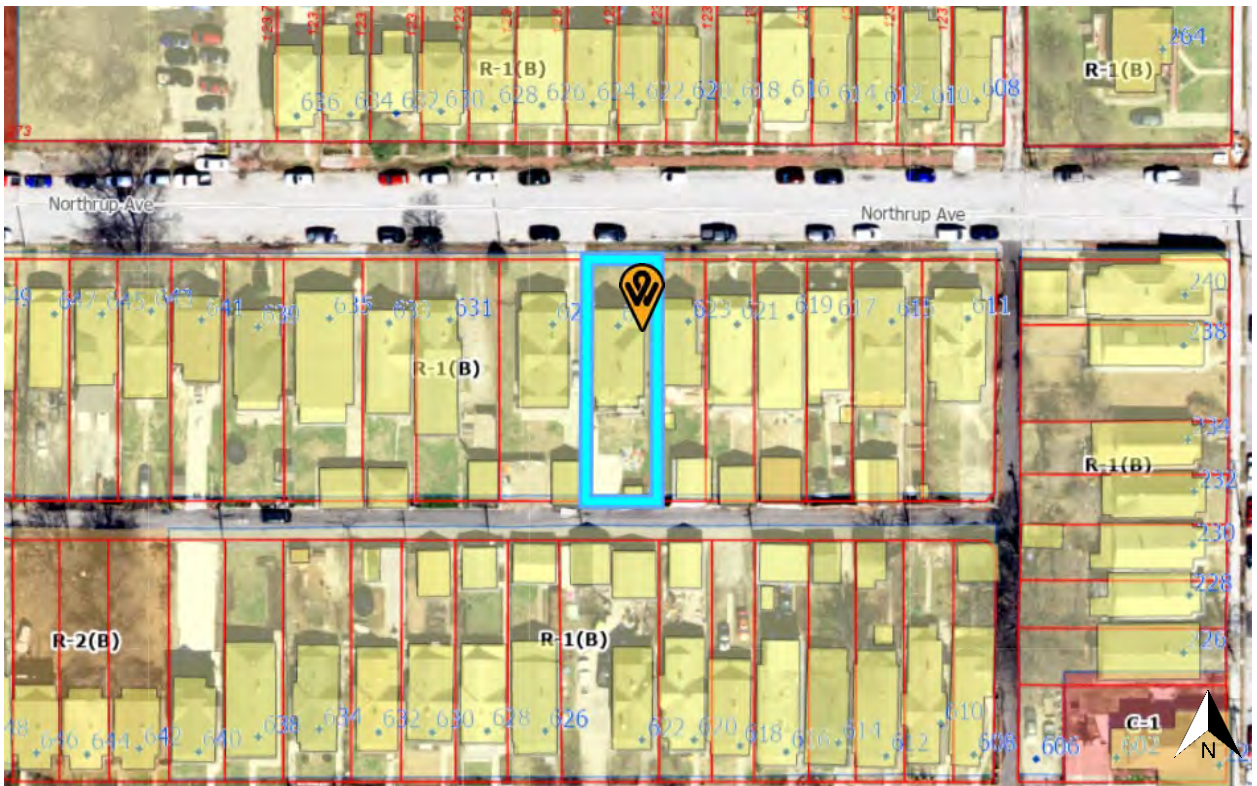
- renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application 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.

ATTACHMENTS

AERIAL IMAGERY



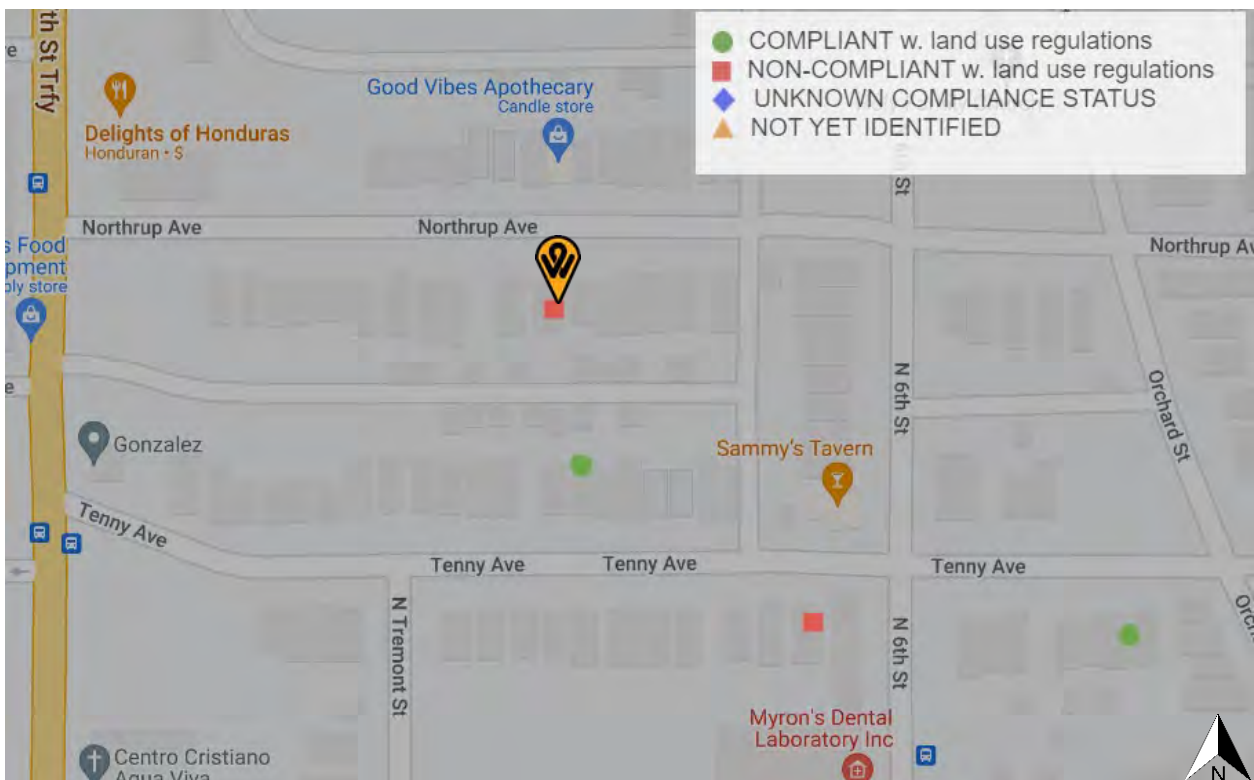
ZONING MAP



LAND USE MAP



HOST COMPLIANCE MAP – JUNE 12, 2023



HOME INSPECTION REPORT

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
) SS:
COUNTY OF Clay)

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

1. That I am the petitioner for Petition # SP2023-093
2. That I conducted a neighborhood meeting on 10/30/23.
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.

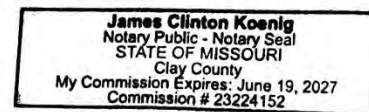
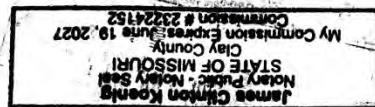
Further affiant saith not.

Alison Schwartz
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31 day of October, 20023

My commission expires 19 of June, 20027

James Clinton Koenig
Notary Public



Date : October 20, 2023

Name : Alison Schwartz
Address : 625 Northrup Ave
City/State/Zip : KCKS 66101

SUBJECT: Neighborhood Meeting

I/We have filed an application with the Department of Urban Planning and Land Use # SP2023-093. The purpose of this: special use permit is for a short term rental at the following address: 625 Northrup Avenue.

We are having a neighborhood meeting on 10/30/23 at 2:00 p.m. at the following address 510 N 6th St, KCKS.

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,

Alison Schwartz
(816) 588-5497
schwartz@gmail.com

Application # SP2023-093

Monday, Oct. 30, 2023

Meeting called to order at Flagship Books
at 2:00pm 510 N. 6th KCK 66101

People in attendance:

Alison Schwartz

Fritz Hutchison

Jessica Zieg

Katana Zieg

Jennifer (629 Northrup)

Introductions: Presentation by Alison/Fritz that ~~they~~ are
applying for a Special Use Permit to function
as an Airbnb.

Questions/Answers: Jennifer asked if Jessica was still involved
in this property/permit. Jessica answered
that yes, she is the property owner.

Meeting adjourned at 2:40 pm.

Minutes taken by Alison Schwartz.

Summary

Herrera Home Inspections, Inc.,

816-803-8060

Customer

Frederick Hutchison & Alston Schwartz

Address

**625 Northrup Ave
Kansas City KS 66101**

The following items or discoveries indicate that these systems or components **do not function as intended or adversely affects the habitability of the dwelling; or warrants further investigation by a specialist, or requires subsequent observation.** This summary shall not contain recommendations for routine upkeep of a system or component to keep it in proper functioning condition or recommendations to upgrade or enhance the function or efficiency of the home. This Summary is not the entire report. The complete report may include additional information of concern to the customer. It is recommended that the customer read the complete report.

1. Structural Systems

1.7 Roof Drainage Systems

Repair or Replace

1. recommend to seal fascia board seam at NW corner

1.10 Doors (Exterior and Interior)

Repair or Replace

1. missing fasteners - basement hatch door hinge.

1.16 Interior Staircases

Repair or Replace

1. narrow staircase typical with age of home, recommend to re fasten loose tread.

2. Electrical System

2.7 Smoke Detectors

Repair or Replace

The smoke detector should be tested at common hallway to bedrooms upon moving in to home.

1. missing smoke detectors on main floor.

2.8 Carbon Monoxide Detectors

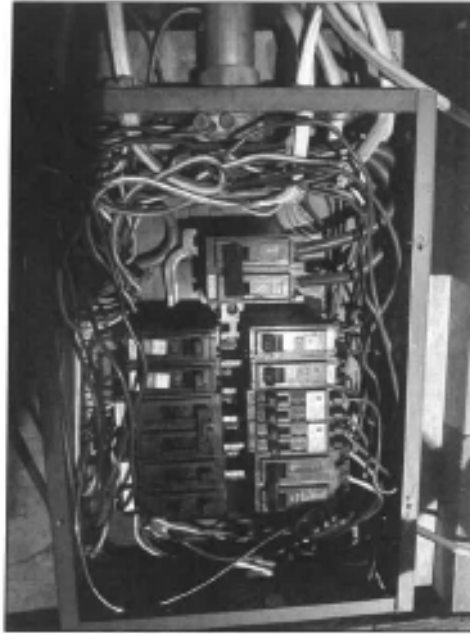
Repair or Replace

There is no carbon monoxide detector found in home. It is recommended that one be installed according to the manufacturer's instructions.

4. Plumbing System

4.1 Plumbing Water Supply, Distribution System and Fixtures

2. Electrical System



electrical panel

		IN	NI	NP	RR	Styles & Materials
2.0	Service Entrance Conductors	*				Electrical Service
2.1	Service and Grounding Equipment, Main Overcurrent Device, Main and Distribution Panels	*				Conductors: Overhead service
2.2	Branch Circuit Conductors, Overcurrent Devices and Compatibility of their Amperage and Voltage	*				Panel Capacity: 100 AMP
2.3	Connected Devices and Fixtures (Observed from a representative number operation of ceiling fans, lighting fixtures, switches and receptacles located inside the house, garage, and on the dwelling's exterior walls)	*				Panel Type: Circuit breakers
2.4	Polarity and Grounding of Receptacles within 6 feet of interior plumbing fixtures, all receptacles in garage, carport and exterior walls of inspected structure	*				Electric Panel Manufacturer: ITE
2.5	Operation of GFCI (Ground Fault Circuit Interrupters)	*				Branch wire 15 and 20 AMP:
2.6	Location of Main and Distribution Panels	*				Copper
2.7	Smoke Detectors				*	Wiring Methods: Romex
2.8	Carbon Monoxide Detectors				*	

IN= Inspected, NI= Not Inspected, NP= Not Present, RR= Repair or Replace

IN NI NP RR

Comments:

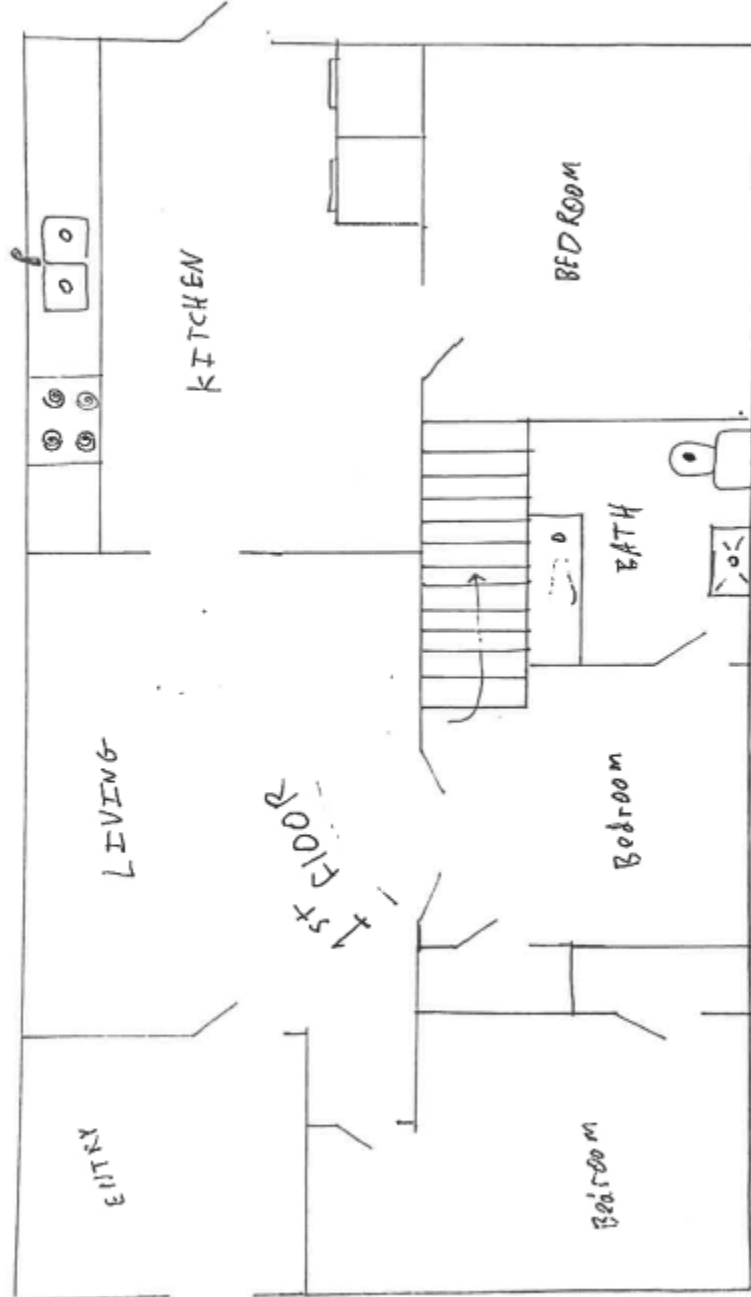
2.6 basement

2.7 The smoke detector should be tested at common hallway to bedrooms upon moving in to home.

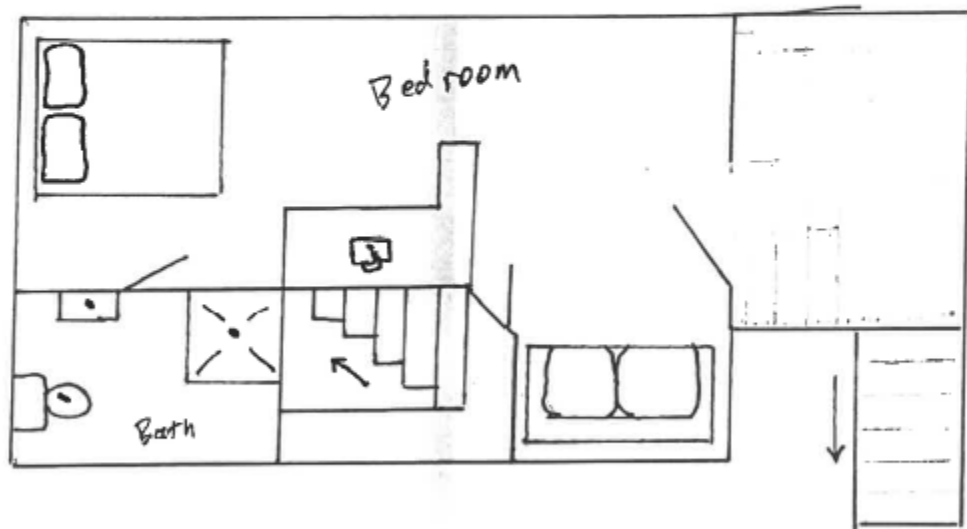
1. missing smoke detectors on main floor.

2.8 There is no carbon monoxide detector found in home. It is recommended that one be installed according to the manufacturer's instructions.

FLOOR PLAN



2nd floor



SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 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: November 30, 2023

Re: **Special Use Petition SP2023-095**

GENERAL INFORMATION

Applicant:

Rhiannon Caballero DBA Nest
Luxury

Status of Applicant:

Property Manager
3542 North 51st Street
Kansas City, Kansas 66217

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

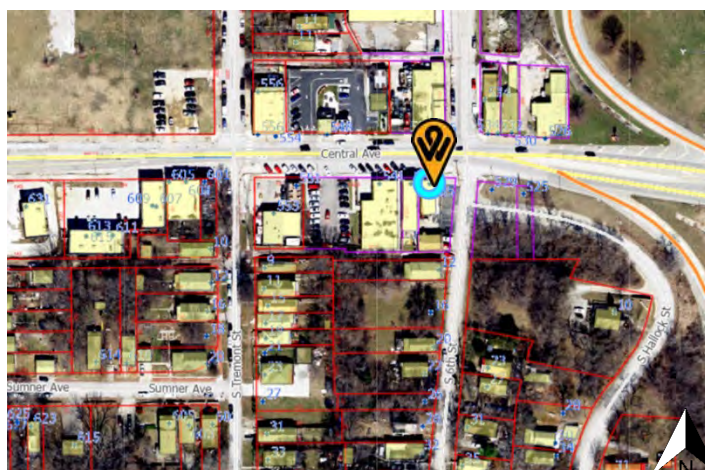
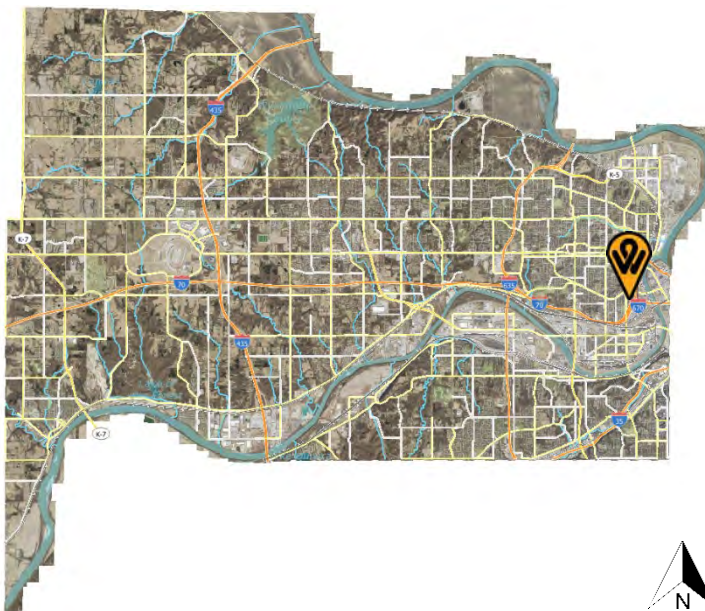
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

535 Central Avenue
Kansas City, Kansas 66104

Commission Districts:

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



Existing Zoning:	C-3 Commercial District
Adjacent Zoning:	North: C-3 Commercial District South: R-1(B) Single Family District East: RP-6 Planned High Rise District West: C-3 Commercial District
Adjacent Uses:	North: Mixed-use building South: Single-family residence East: Vacant Property (to be developed into apartments) West: Mixed-use building
Total Tract Size:	0.13 Acre
Comprehensive Plan Designation:	The Central Area Plan designates the property as Community Commercial, which is 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.
Major Street Plan:	The goDotte Mobility Plan designates Central Avenue as a Major Collector.
Parking Requirement:	Section 27-463(e) states “Uses in this district, except those situated in the area herein described as the central business district, require paved off-street parking at a ratio of not less than four spaces per 1,000 square feet of floor area in the building. As this is a residence within a mixed-use building, the parking requirement is subject to Section 27-460(d), which states “One (1) and one-half (1.5) parking spaces shall be provided for each dwelling unit that has one bedroom or less. Two (2) parking spaces shall be provided for each dwelling unit that has two bedrooms or more. The property provides 1,400 square feet in commercial space and two (2) bedrooms in the residential unit, which requires eight (8) spaces. The property provides eight (8) spaces.

Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Rhiannon Caballero, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 535 Central Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 500 block of Central Avenue.

City Ordinance Requirements: 27-592 through 27-606, 27-214, and 27-623.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There had been two (2) calls for police service on the subject property.
 - a. 2019 – 2019-111544 – Theft
 - b. 2017 – 2017-134939 – Theft

Building, Zoning, or Code Enforcement Complaints:

1. There have been Notices of Violation on the subject property previously.
 - a. 2016 – 16200-02804 – Environment – Grass and Weeds
 - b. 2004 – 04212-00943 – Environment – Grass and Weeds
 - c. 2000 – 00200-00871 – Environment – Debris and Trash

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 within the Riverview Statistical Neighborhood, the St. Joseph's Watchdogs neighborhood group and the Central Area Better Association (CABA) group. The neighborhood consists of a variety of uses, including single-family residences, duplexes, mixed-use residences, and small-scale commercial 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 R-1(B) Single Family District and C-3 Commercial 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 mixed-use building. The property could be suitable for use as a short-term rental if properly managed. Removal of the restrictions that require a Special Use Permit for such activities has the potential to create issues such as parking, excessive noise and overcrowding.

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

The property is not vacant and is occupied by a law firm, however, it is unclear if the 2nd story is vacant.

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 designates the subject property as Community Commercial, which is 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. The use as a short-term rental conforms to the Area Plan with a Special Use Permit and the use of the property as a mixed-use building does as well via the C-3 Commercial District.

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, a Major Collector, 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 mixed-use building.

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 mixed-use building 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 actions on the subject property.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 23, 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
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-095, **for one (1) year**, subject to:

1. The following items from the home inspection report shall be repaired prior to renewal of this Special Use Permit. Proof of repair shall be provided upon renewal of this Special Use Permit.
 - o The garbage disposal shall be repaired or replaced;
 - o The loose toilet shall be tightened and reattached to its base;
 - o Replace all smoke detectors that are non-functional;
 - o Make all identified electrical repairs, including:
 - Reverse polarity identified in the west wall of the east bedroom in an outlet;
 - The outlet in the southeast corner of the laundry room is ungrounded;
 - The outlet under the windows in the east bedroom is loose;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). 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;
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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.

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 **SP2023-095** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Central Area Plan
Neighborhood Meeting Documents
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated October 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-095** 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 **SP2023-095**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at Recording 2 – 2:51:

SPECIAL USE PERMIT APPLICATION SP2023-095 – RHIANNON CABELLERO WITH NEST LUXURY - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 535 Central Avenue. *Detailed Outline of Requested Action:* The applicant, Rhiannon Caballero, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 535 Central Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 500 block of Central 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 November 13, 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:

- Rhiannon Caballero, applicant, 3542 North 51st Street, Kansas City, Kansas 66217

Present in Opposition:

- No one appeared

Staff Recommendation starts at Recording 2 – 5:27: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental Special Use Permit. The property is in the Central Area Plan. Staff has received no letters in support nor opposition. There are some old Notices of Violation that have been rectified. Staff recommends approval subject to the conditions in the staff report.

Motion starts at Recording 2 – 6:00:

On motion by Ms. Armstrong, seconded by Mr. Straws, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-095 for one (1) year:**

Carson Not Present

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

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

Subject to:

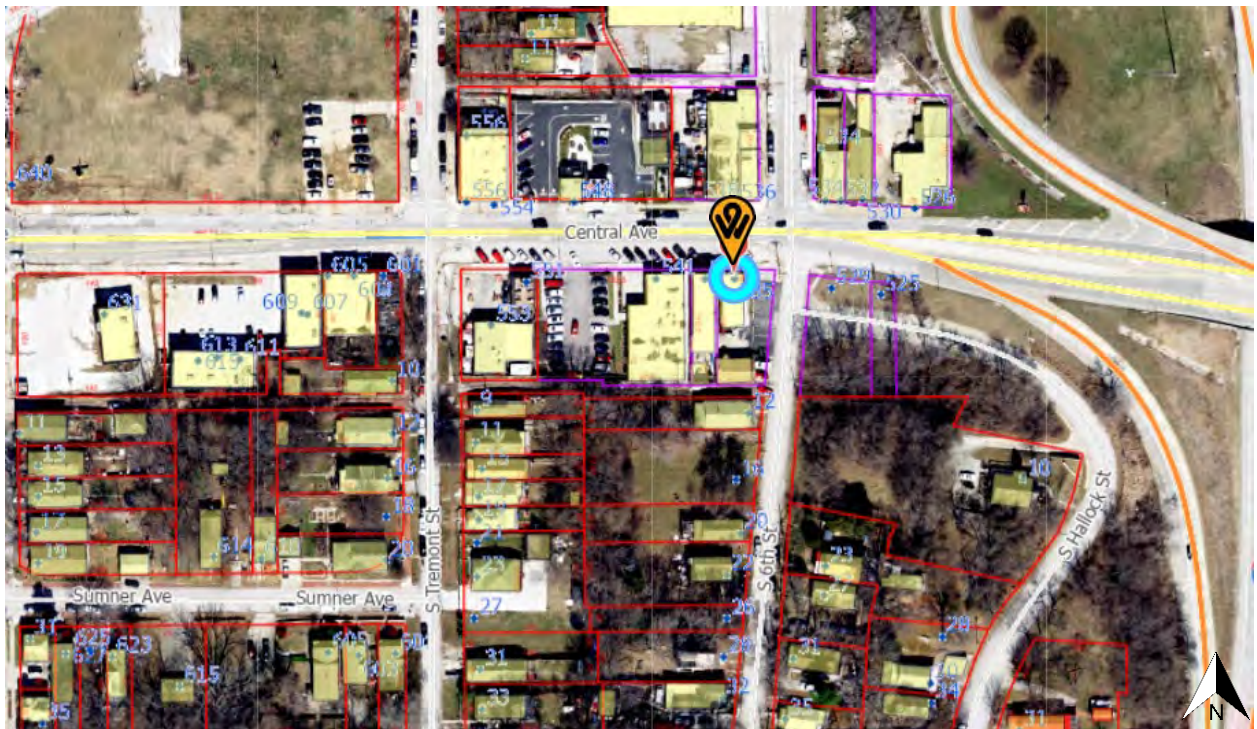
1. The following items from the home inspection report shall be repaired prior to renewal of this Special Use Permit. Proof of repair shall be provided upon renewal of this Special Use Permit.
 - o The garbage disposal shall be repaired or replaced;
 - o The loose toilet shall be tightened and reattached to its base;
 - o Replace all smoke detectors that are non-functional;
 - o Make all identified electrical repairs, including:
 - Reverse polarity identified in the west wall of the east bedroom in an outlet;
 - The outlet in the southeast corner of the laundry room is ungrounded;
 - The outlet under the windows in the east bedroom is loose;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). 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;

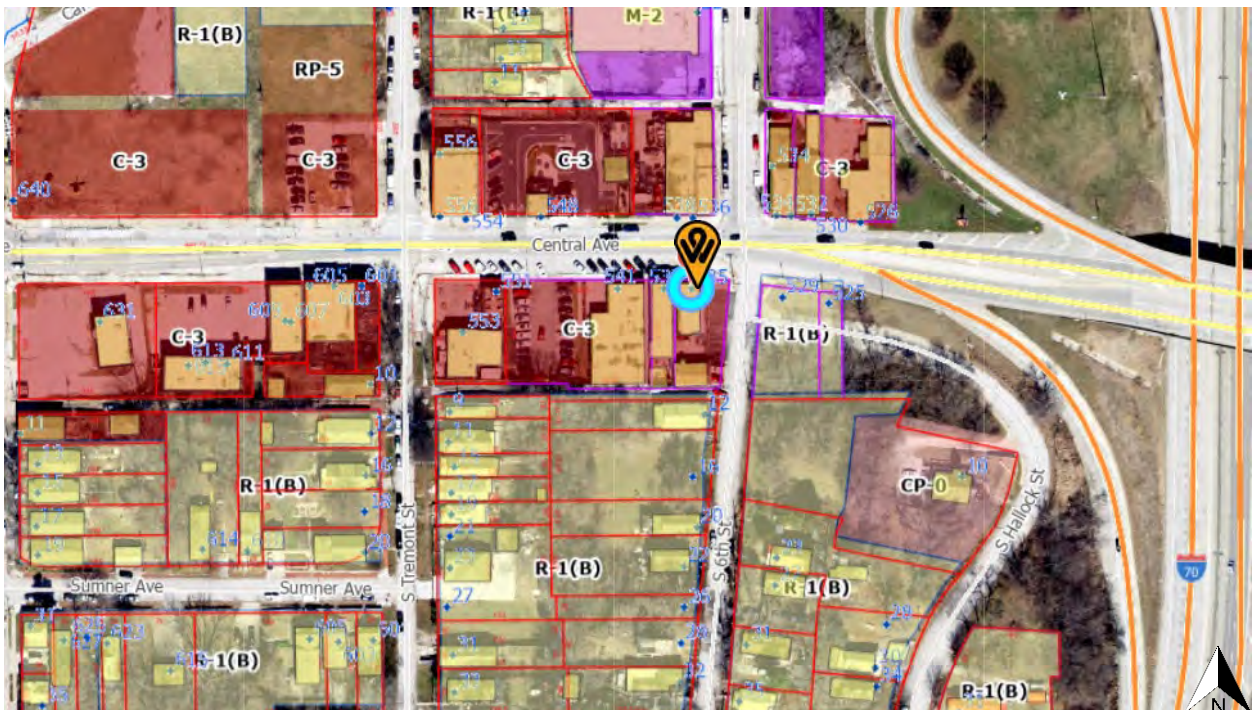
11. If approved, occupying businesses must file and maintain a current business occupation tax application with this office;
12. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or 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.**

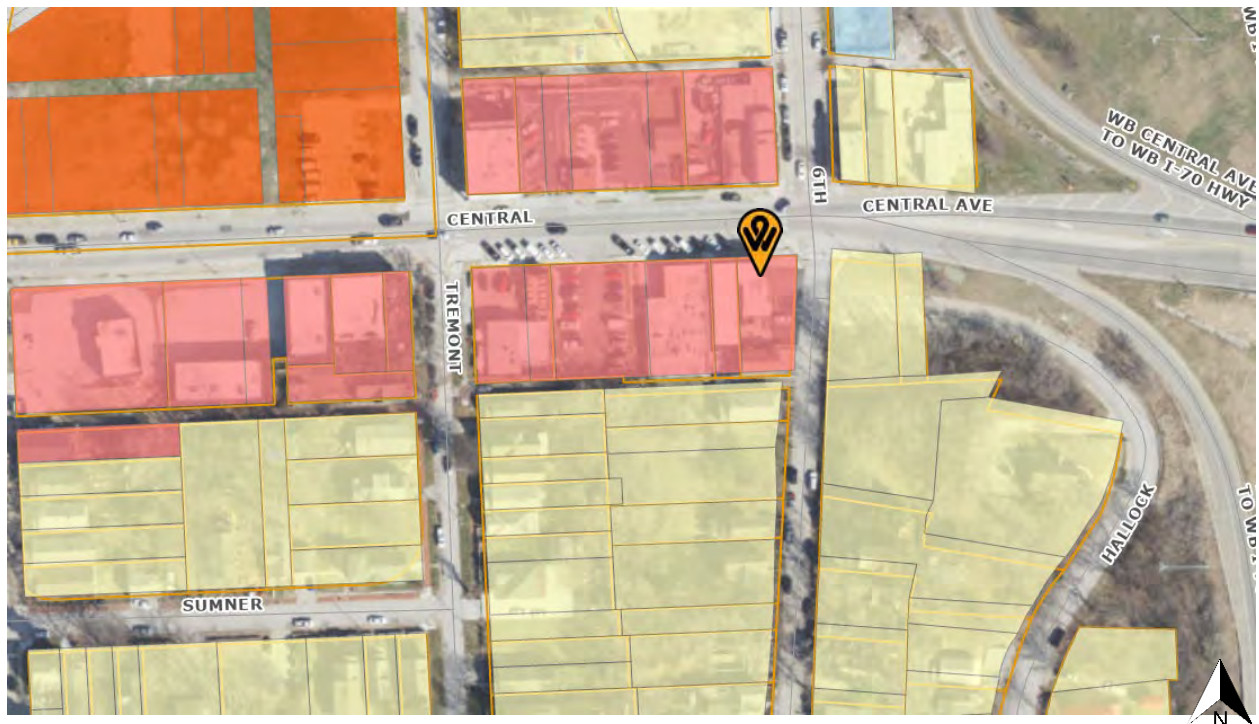
AERIAL IMAGERY



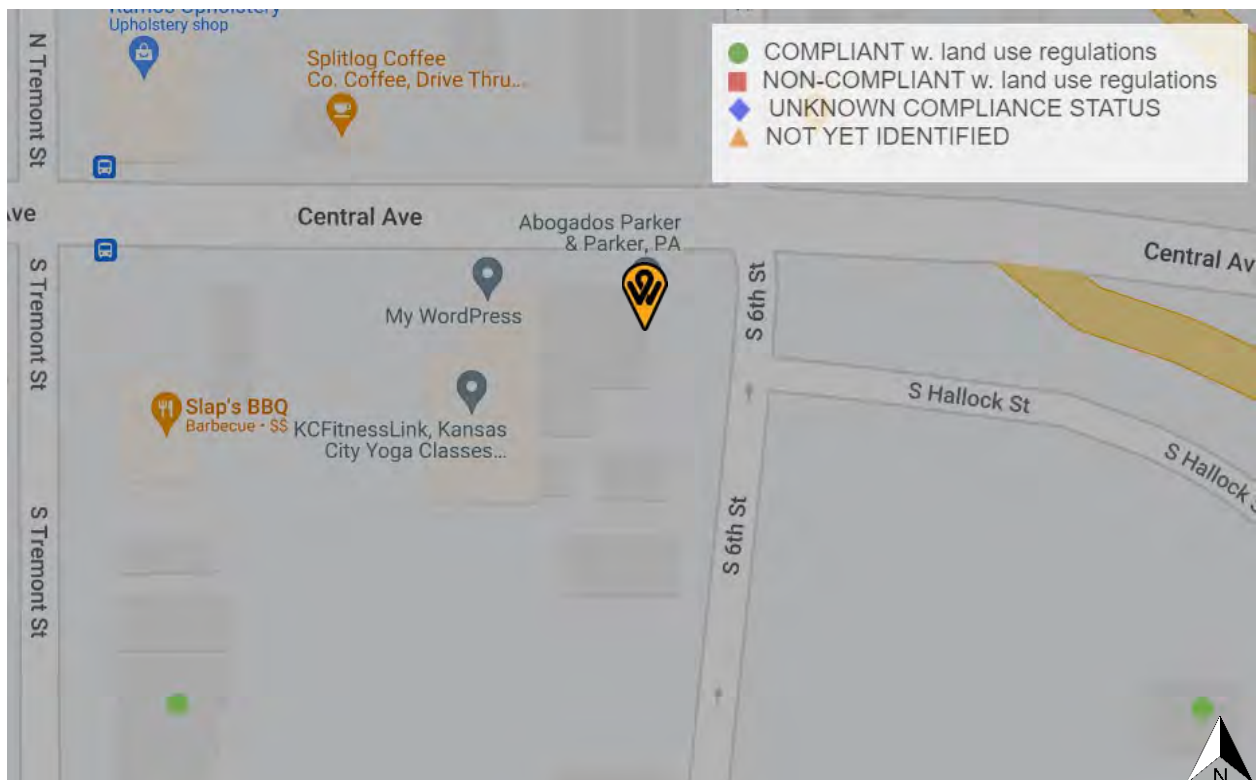
ZONING MAP



LAND USE MAP – CENTRAL AREA PLAN



HOST COMPLIANCE MAP – OCTOBER 18, 2023



NEIGHBORHOOD MEETING MATERIALS

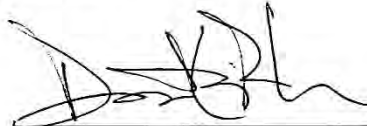
AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Missouri)
COUNTY OF CLAY) SS:

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

1. That I am the petitioner for Petition # SP2023-95
2. That I conducted a neighborhood meeting on 10/23/2023.
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.

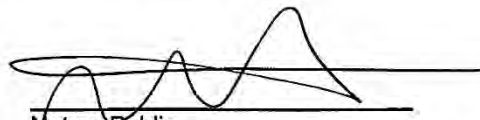
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 28 day of October, 2023

My commission expires 08 of 21, 2026



Notary Public



MINUTES
And
CONTACTS

Application Number: SP2023-095
October 23, 2023

535A Central Ave (upstairs)
Meeting 5:30 PM

Presentation included a tour of the apartment and an explanation of our intent to rent it as a short term rental.

Attendees:

Only Tom Proebstle and Jen Sulvik presented that evening.

Tour of apartment and property. Both were in favor of the project.

Tom suggested we maximize the use of the back patio due to the view.

Tom asked what platform we would use to rent apartment.

Tom asked about parking.

I thanked him for his input on the patio and told him I would be considering his suggestion.

I indicated we will most likely use the online Airbnb platform.

I explained there is plenty of space for parking right behind the building. Parking spots would be reserved and assigned for guests.

One other neighbor (John Pauley-next door) texted and shared his support of the Airbnb earlier in the day. He apologized he couldn't make it due to previous commitments. He offered to help however he could.

There was no neighbor with negative feedback. The above are the only neighbors who responded.

Meeting ended at 6:00 pm.

I took the meeting minutes.

Abogados
Parker & Parker, P.A.
Kansas and Missouri
ATTORNEYS AT LAW
Est. 2003

Stephen L. Parker - Founder
(1995-2016)

535 CENTRAL AVENUE
KANSAS CITY, KANSAS 66101

TELEPHONE: (913) 381-1610
ESPAÑOL: (816) 509-8959
FAX: (913) 403-8749

Daniel L. Parker
Brian P. Hill

October 8, 2023

Abogados KC, LLC
Daniel L. Parker
535A Central Avenue
Kansas City, KS 66101

Re.: Neighborhood Meeting

Dear Neighbor,

Hope you are doing well.

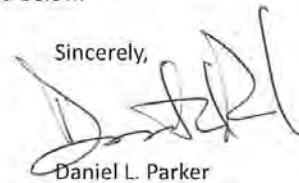
We have filed an application with the Department of Urban Planning and Land Use #SP2023-095. The purpose of this is for a special use permit for an Airbnb at 535A Central Avenue, Kansas City, KS 66101 (upstairs).

We have a neighborhood meeting on October 23, 2023 at 5:30 pm at 535A Central Avenue, Kansas City, KS 66101. (Please enter through the back entrance).

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

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

Sincerely,

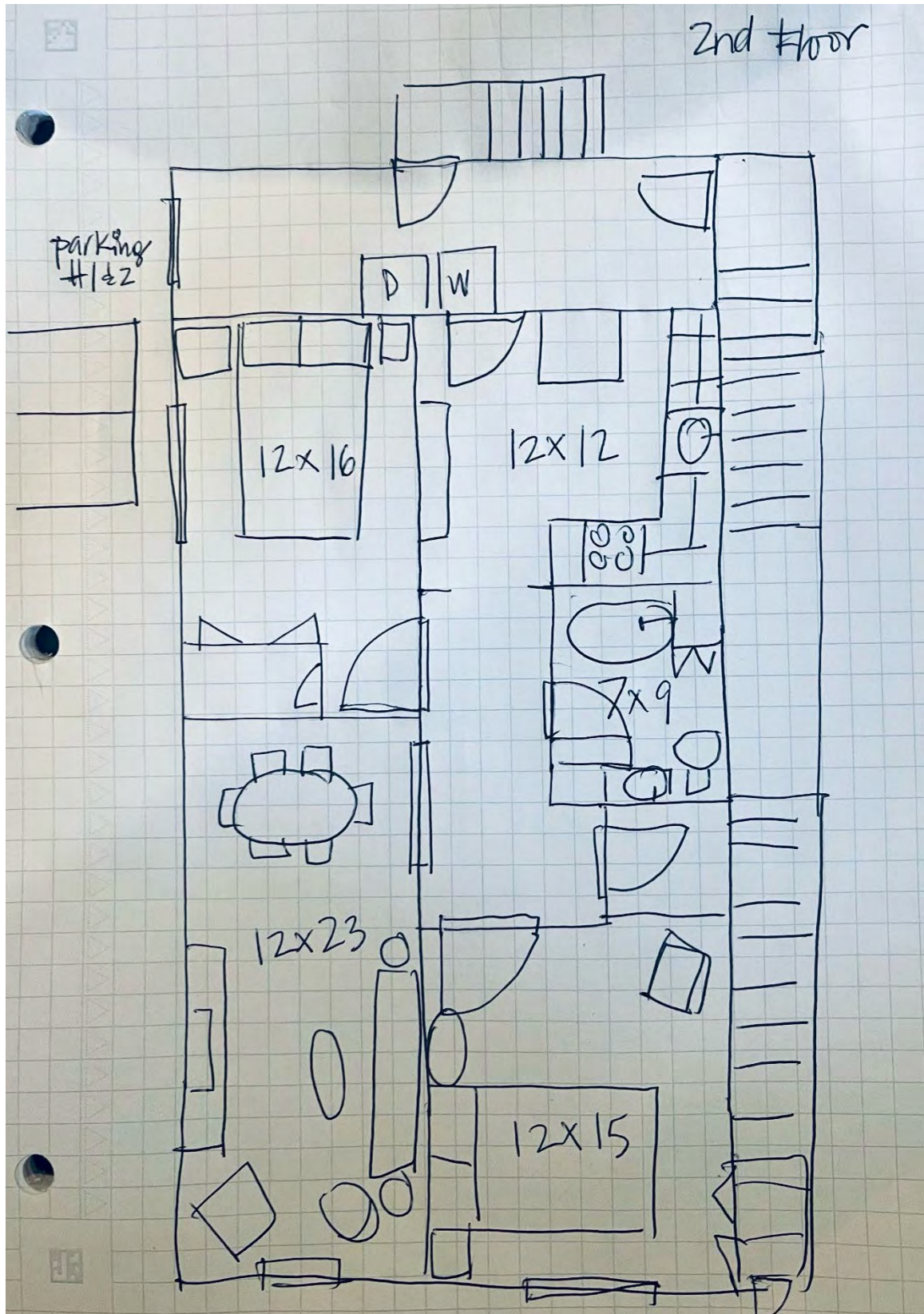


Daniel L. Parker
(913) 620-2021

Sign-In Sheet

- ① Tom ~~PREBSTLE~~
10 S. HALLOCK KEX
- ② JEW GULVIX
10 S. HALLOCK KEX

FLOOR PLAN



Bathrooms

Bathroom #1

Location:	Off Hall	Tile / Surrounds:	Satisfactory
Bath Size:	Full	Toilet:	Comment
Tub:	Satisfactory	Basins:	Satisfactory
Shower:	Satisfactory	Exhaust Fan:	Not-Applicable

(DESCRIPTION OF ITEMS MARKED "COMMENT")

1. The toilet is functional, but the tank is loose where attached to the base. Recommend repair as needed.

Kitchen

Sink:	Satisfactory	Exhaust Fan:	Not-Applicable
Plumbing / Fixtures:	Satisfactory	Microwave:	Not-Applicable
Disposer:	<i>Unsatisfactory</i>	Compactor:	Not-Applicable
Dishwasher:	Satisfactory	Cabinets / Countertops	Satisfactory
Range/Oven:	Satisfactory		

(DESCRIPTION OF ITEMS MARKED "UNSATISFACTORY")

1. The disposal is seized and rusted inside the grinding chamber. Recommend repair or replacement of this disposal as needed.

Electrical

Service Entry Type:	Overhead	Panel Wiring:	Satisfactory
Service Entry Condition:	Satisfactory	Branch Wiring:	Satisfactory
Main Location:	Utility Room	Lights:	Satisfactory
Amperage:	100 Amp	Switches:	Satisfactory
Voltage:	120 / 240 Volts	Electrical Outlets:	<i>Unsatisfactory</i>
Service Ground:	Satisfactory	GFCI Outlets:	Satisfactory
Overcurrent Protection:	Breakers	Smoke Detectors:	<i>Unsatisfactory</i>

(DESCRIPTION OF ITEMS MARKED "UNSATISFACTORY")

1. Reversed polarity was detected at the electrical outlets in the west wall of the east bedroom, under the front windows in the north bedroom and in the southeast corner of the living room. Recommend repair by a qualified electrician.
2. The outlet in the southeast corner of the laundry room is ungrounded. Recommend repair.
3. The outlet under the windows in the east bedroom is loose. Recommend repair.
4. The smoke detector in the front (north) bedroom is not working. Recommend replacement.

SITE PHOTOS, TAKEN BY STAFF, OCTOBER 18, 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: November 30, 2023

Re: **Special Use Petition SP2023-097**

GENERAL INFORMATION

Applicant:

Wingfu Aaron Lau DBA Eternal
Investing LLC

Status of Applicant:

Property Owner
4110 South Minnie Street
Kansas City, Kansas 66103

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

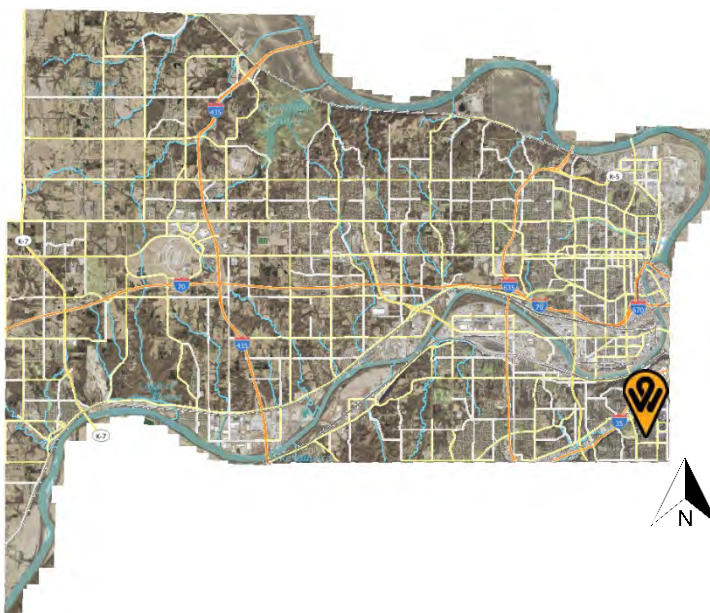
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

September 29, 2023

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: RP-5 Planned Apartment District
Adjacent Uses:	North: Vacant lot South: Single-family residence East: Single-family residence West: Multi-family apartments
Total Tract Size:	0.16 Acre
Comprehensive Plan Designation:	The Rosedale Area Plan designates the subject property as General Urban, which allows rowhouses, townhomes, and single-family houses.
Major Street Plan:	The goDotte Mobility Plan designates South Thompson 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> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Aaron Lau, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4110 South Minnie Street. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 4100 block of South Minnie 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.

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 Rosedale Statistical Neighborhood, the Hilltop Neighborhood Group and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of residential uses, including single-family residences, duplexes, fourplexes, and garden style apartments.

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

The zoning and uses are set out above. The subject property is surrounded primarily by the R-1(B) Single Family District and 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 currently not suitable to be used as a single-family residence as the applicant's home inspection demonstrated that the property is unfit to live in. The property could be suitable for use as a short-term rental if properly managed and rehabilitated properly. 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.

It is unclear how long the property has been vacant.

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 designates the subject property as General Urban, which allows for rowhouses, townhouses, with single-family residences. 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 South Minnie 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 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 on October 30, 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
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Special Use Permit Application SP2023-095, **for six (6) months**, subject to:

- 1. The applicant has six (6) months to pull a building permit for a residential remodel. The applicant shall contact Building Inspections at BuildingInspection@wycokck.org or (913) 573-8620 to begin this process;**
- 2. Maximum number of guests shall be six (6);**

3. All parking must be off-street, maximum number of vehicles is two (2). 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;
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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 six (6) months 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.

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 **SP2023-097** subject to all comments and suggestions outlined in this report and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Rosedale Area Plan
Neighborhood Meeting Documents
Home Inspection Report
Floor Plan
Site Photos, Taken by Staff, Dated October 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-097** 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 **SP2023-097**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at Recording 2 - 6:55:

SPECIAL USE PERMIT APPLICATION SP2023-097 – AARON LAU - SYNOPSIS:

Special Use Permit to operate a Short-Term Rental at 4110 South Minnie Street.

Detailed Outline of Requested Action: The applicant, Aaron Lau, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 4110 South Minnie Street. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 4100 block of South Minnie 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 November 13, 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:

- Aaron Lau, applicant, 12230 Goodman Street, Overland Park, Kansas 66213

Present in Opposition:

- No one appeared

Staff Recommendation starts at Recording 2 – 11:05: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental Special Use Permit. The property is in the Rosedale Area Plan. Staff has received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval for six (6) months, subject to the conditions in the staff report. He stated that the applicant has been renovating his property and came to Staff when he first purchased the property, so this approval term allows construction to be completed before the Special Use Permit renewal.

Planning Commissioner Eilts directed questions to Director Hand and the applicant.

Motion starts at Recording 2 – 13:15:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-097 for six (6) months:**

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

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

1. The applicant has six (6) months to pull a building permit for a residential remodel. The applicant shall contact Building Inspections at BuildingInspection@wycokck.org or (913) 573-8620 to begin this process;
2. Maximum number of guests shall be six (6);
3. All parking must be off-street, maximum number of vehicles is two (2). 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 six (6) months 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

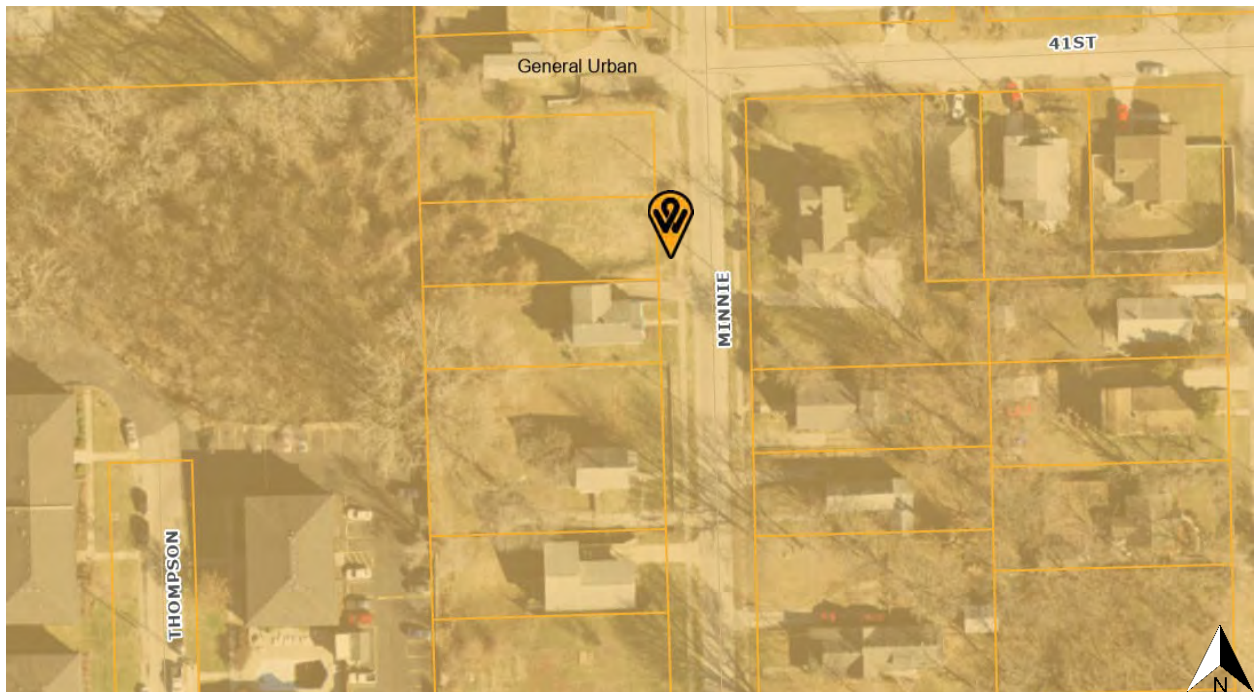
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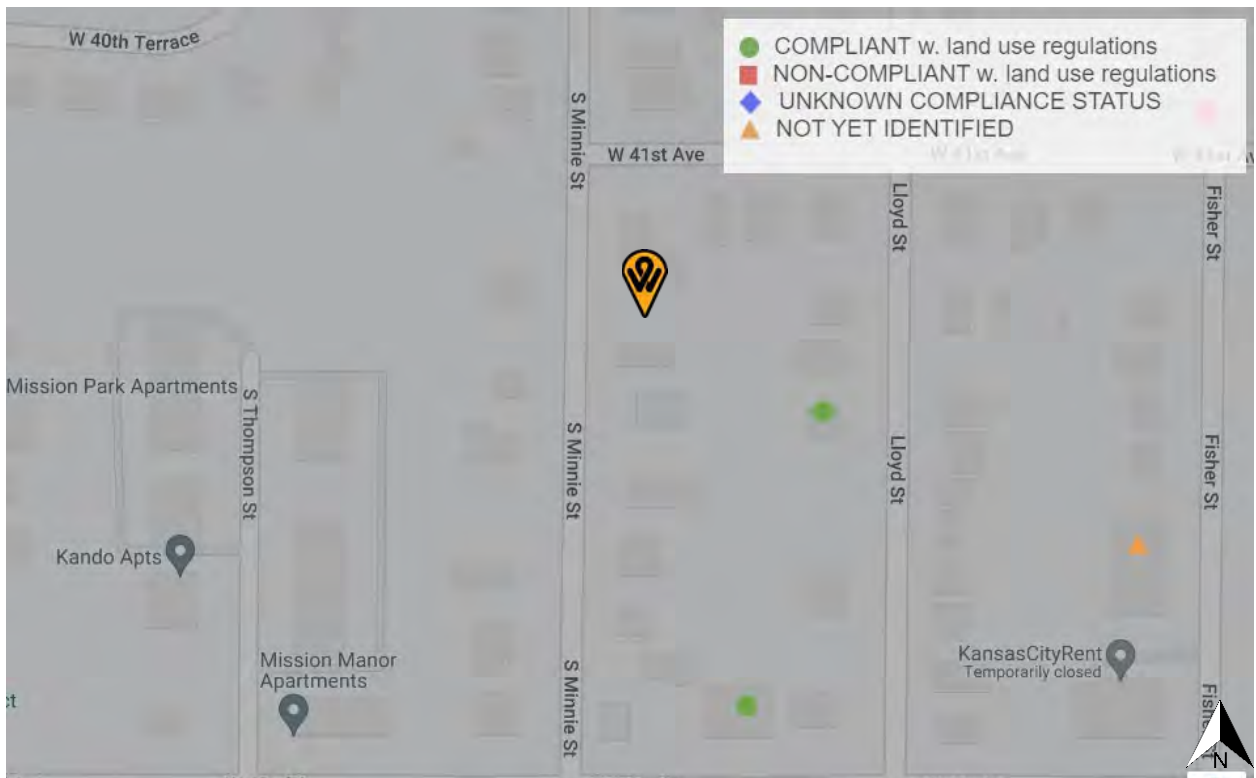
ZONING MAP



LAND USE MAP – ROSEDALE AREA PLAN



HOST COMPLIANCE MAP – OCTOBER 18, 2023



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS)
COUNTY OF Johnson) SS:

Comes now Winfu Aaron Lan, of lawful age, sound mind and upon his/her oath states as follows:

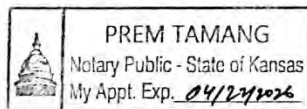
1. That I am the petitioner for Petition # SP2023-097
2. That I conducted a neighborhood meeting on 10/30/23 Buckeye
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Winfu Aaron Lan
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of OCTOBER, 2023.

My commission expires 22nd of APRIL, 2026



P
Notary Public

Date: 10/17/2023

Name: Wingfu Aaron Lau
Address: 4110 S minnie st, kansas city, KS 66103
Subject: Neighborhood meeting

I/We have filed an application with the department of Urban Planning and land use # SP2023-097 . The purpose of this is

Special Use Permit to operate a short-term rental at 4110 South Minnie Street.

I/We have neighborhood meeting on 10/30/2023 at 5pm at the following address
4004 Rainbow Blvd, Kansas City, KS 66103, Burger King

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 email address/phone number listed below.

alau.buildwealth@gmail.com
650 504 2992

Sincerely,

Wingfu Aaron Lau

4110 S
Minute St.
KC KS 66103

Name and Contact Information

~~SAMPLE~~ MINUTES:

Application Number SP 2023-097

Date and Location: 10/30/23. Burking. 4004 Rainbow Blvd

Meeting called to order at: 5 pm

Names of people in attendance: Ø

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: 5:40 pm

Minutes taken by: Aaron Lou

No one contact me thru email / phone call.

No one come to the meeting.

Thank you.

Priority 1 Home Inspections, LLC



September 20th 2023, 6:35 am

Inspection performed by:

Cait Kinman

6602150837

cait.priority1homeinspections@gmail.com

General Information

BUILDING ADDRESS: 4110 Minnie Street

CITY: Kansas City

STATE: Kansas

ZIP CODE:

INSPECTION DESCRIPTION: Safety Inspection for short term rental application.

SQUARE FOOTAGE:

Picture:

Has the PRE-INSPECTION AGREEMENT been signed by the client?

Is the client present for the inspection?

Is the real estate agent present for the inspection?

Priority 1 Home Inspections, LLC Confidential -for client use only. Use by any unauthorized persons is prohibited

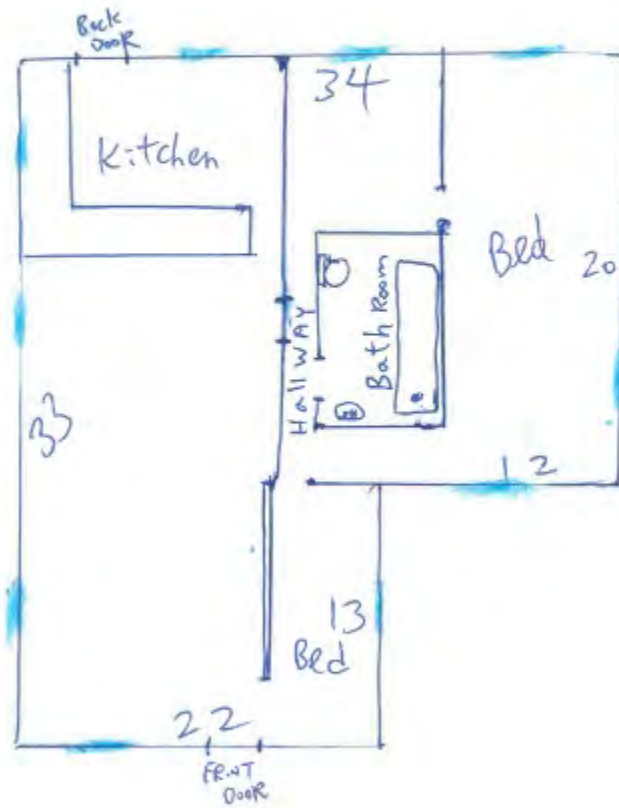
1

SUMMARY:

The safety inspection for this property resulted in a failing status at this time. There is an outdated electrical panel in the basement. The wiring is not up to safety standards. There is a water source in the basement level, but there is not plumbing that runs through the home. Most of the pipes are extremely old or missing sections and they are not to a satisfactory grade for safety standards. The water heater has an extreme amount of rust at all of the connections and piping is not up to safety standards. The floorboards in the kitchen have an extreme amount of water damage from the underside and display signs of mold. The back porch was inaccessible to inspect closely, but there were signs of structural damage. The stairway to the basement is extremely narrow and not up to safety standards. The overall state of the property at this time is not up to safety standards. The owner has advised they are doing extensive repairs and remodeling to bring the property up to standards.

FLOOR PLAN

Dimensioned PLAN



T.t. Living Area:
966

— window

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 18, 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: November 30, 2023

Re: **Change of Zone Petition COZ2023-028 and SP2023-099**

GENERAL INFORMATION

Applicant:

Curtis Petersen

Status of Applicant:

Polsinelli PC
900 West 48th Place, Suite 900
Kansas City, MO 64112

Requested Actions:

Change of Zone from A-G Agriculture District
to CP-2 Planned General Business District.

Special Use Permit for off-site grading.

Date of Application:

September 29, 2023

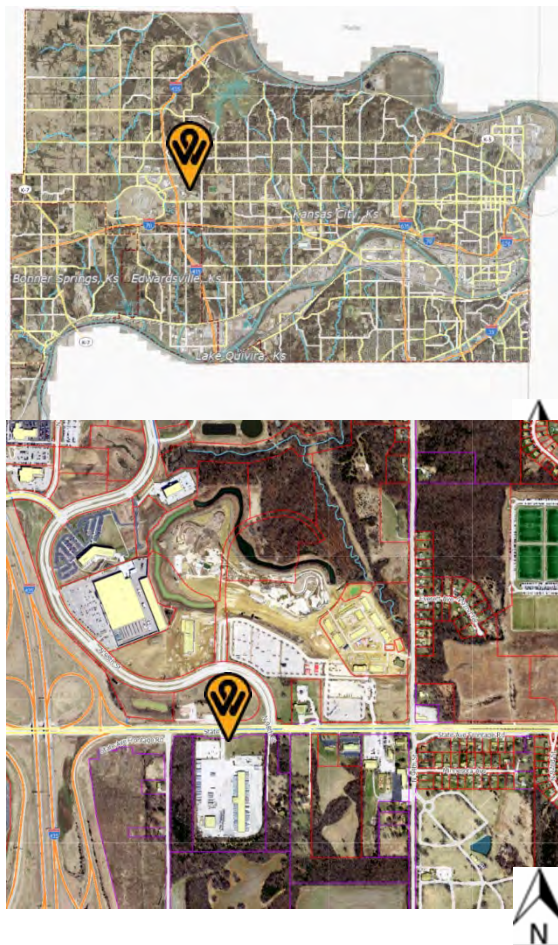
Purpose:

To rezone and create one (1) commercial lot
to build a 53,267 square foot immersive art
museum and a Special Use Permit for off-site
grading.

Property Location:

9700 State Avenue
Kansas City, KS 66111

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



Existing Zoning:	A-G Agriculture District		
Adjacent Zoning:	North:	A-G Agriculture District	
	South:	A-G Agriculture and MP-2 Planned General Industrial District	
	East:	A-G Agriculture District	
	West:	A-G Agriculture District	
Adjacent Uses:	North:	Camping World	
	South:	Trucking company	
	East:	Vacant parking and KCKFD Station #6	
	West:	Detention basin	
Total Tract Size:	4.62 Acres		
Master Plan Area:	Prairie Delaware Piper Area Plan		
Master Plan Designation:	The Prairie Delaware Piper Area Plan designates this property as Planned Mixed Entertainment / Commercial District, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.		
Major Street Plan:	The Major Street Plan classifies State Avenue as a Class A Thoroughfare and North 98 th Street as a Class C Thoroughfare.		
Required Parking:	Sec. 27-466(e) requires paved off-street parking at a ratio of not less than four (4) spaces per 1,000 square feet of floor area in the building, however, there are specific parking ratios for places of assembly, auditoriums, and theatres.		
	Sec. 27-668(a)(11) One (1) space for each four (4) seats. 100 spaces are required.		
	Theater space is 200 seats, and the non-theater space is 47,000 square feet.		
	50 parking spaces are required for the theater and 188 parking spaces are required for the non-theater space. 238 parking spaces are required. Applicant is providing 240 parking spaces.		
Advertisement:	<u>The Wyandotte Echo</u> – Change of Zone – October 19, 2023; Special Use Permit – October 19, 2023		

Letters to Property Owners – Change of Zone – October 20, 2023; Plat – October 20, 2023; Special Use Permit – October 20, 2023

Public Hearings: November 13, 2023 and November 30, 2023

Public Support: None to date.

Public Opposition: One (1) person appeared at the November 13, 2023 meeting

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

PROPOSAL

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9700 State Avenue from A-G Agriculture District to CP-2 Planned General Business and create one (1) commercial lot to build a 53,267 square foot interactive art museum on 4.62 acres and a Special Use Permit for off-site grading to the west when this parcel is subdivided.

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

FACTORS TO BE CONSIDERED

1. Neighborhood character

The subject property is within the I-435 West Statistical Neighborhood and is not within any Neighborhood Group Boundary. The subject property is, however, considered within the Legends/Kansas Speedway area. This site is formerly the KDOT road maintenance garage. The neighborhood is defined by large commercial buildings, business campuses, sports and entertainment facilities and multi-family apartments with close proximity to two (2) interstates (I-70 and I-435) and two (2) major roadways (State Avenue and Parallel Parkway).

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

As presently zoned, the subject property is incompatible with the uses and proposed uses of neighboring parcels. By rezoning to CP-2 Planned General Business District and by operating out of the large building on a large lot, the subject property will be compatible with the retail businesses to the north and the commercial office buildings to the northwest. Proper screening, accomplished through both landscaping and berming, will continue to ensure the continued compatibility between the uses on the neighboring parcels, in particular parking lots adjacent to State Avenue and North 98th Street.

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 4.62 acres and will site a building that is approximately 53,267 square feet resort hotel. The building is sited in the rear of the property, adjacent to the curve along North 98th Street. Removal of the restrictions will not detrimentally affect nearby property, but will continue the trend of not complying with the Commercial Design Guidelines by placing the parking in the rear or on the side of the building and orienting the building towards the street, in this case, 98th & State Avenue intersection.

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

The property has been vacant as zoned without a building on site since 2020.

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 does not fulfill any basic necessities or services to the community, and therefore is not reasonably necessary for the convenience and welfare of the public. The extent of the development proposed on site will greatly increase the amount of impervious surfaces, traffic, and visuals, given its setback along North 98th Street and State Avenue. If all site design requirements – including Commercial District zoning requirements and Commercial Design Guidelines requirements are met, then the proposed use may not substantially or permanently injure the appropriate use, visual quality, or marketability of nearby property.

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

There will be additional traffic due to the on-site redevelopment. The entry-exit access point to the property from the public right-of-way may be redesigned after

being reviewed by Planning Engineering and Public Works in a manner that reduces potential traffic issues such as backups and crashes, as well as minimize pedestrian conflicts due to the fact that 98th & State Avenue is the only controlled intersection.

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

The proposed use conforms to the Prairie Delaware Piper Area Plan's Planned Commercial / Entertainment designation, which major retail uses, including restaurants and hotels, as well as centers for large discount stores currently called big box centers and have stores that serve large populations.

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

Redevelopment of the property will lead to an increase of impermeable surfaces, parking needs, traffic at peak times and stormwater runoff. Best practices must be employed for stormwater runoff retention and more trees need to be planted around the detention basins and within the parking lot islands.

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 West Patrol, District #226.

e. *Fire*

Fire service is provided by Fire Station #6.

f. *Transit*

Kansas City ATA does provide transit service along State Avenue, Route #101. The nearest transit stop is in front of this property.

g. Schools

Public education service 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 economic impact of a commercial development is contingent on several factors, including sales tax increases due to the development of a commercial property. The interactive art museum will include full- and part-time jobs, so there will be a positive impact.

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

With revisions to site design, landscaping, and berming, the proposed use is capable of meeting applicable ordinance requirements.

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

If properly constructed and managed, the proposed use will not pollute the land or water because trash/litter will be picked up and disposed of appropriately, and the regional detention basin requires annual maintenance.

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

The property is currently vacant and pervious. The proposed development will reduce the natural vegetation and terrain, even though the former KDOT maintenance garage and county building accelerated these issues. Proper mitigation measures and best practices must be employed to ensure development does not unduly disrupt the local environment and surrounding properties. These measures include, but are not limited to, stormwater runoff retention, native tree and vegetation landscaping, screening, and shading.

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

The proposed use should not result in overcrowding of land or cause undue concentrations of population because there is ample space for maneuvering through the site, however, if there is a large event overflow parking may occur on the former Schlitterbahn parking lot to the northeast, across to North 98th Street.

Staff must have an updated master plan of the entire Homefield redevelopment to address potential parking and infrastructure issues.

Sidewalk needs to be installed around the super block. There is a previous agreement/condition in Camping World and Margaritaville that deferred said public improvements to those projects. Seeing as this development is across the street from both of those uses, Staff wants to ensure the public improvements are fulfilled.

15. 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.

Future development will need an erosion control plan and should follow Best Management Practices for erosion control. The applicant has provided documentation regarding grading, erosion control, and stormwater runoff management.

16. 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.

There will be additional traffic due to the on-site development. The entry/exit access point(s) to the property from the public right-of-way must be designed in a manner that reduces potential traffic issues such as backups and crashes. Additionally, the entry/exit access points, parking lots, and drive aisles must be designed in a manner that takes into account pedestrian traffic. Vehicle-pedestrian conflict points should be strictly minimized.

17. 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, lots, blocks, parcels, and streets will be arranged so as to afford adequate light, open space, or air to facilitate protection, and to provide for long-term sustained real estate values provided proper berming, fencing and screening is constructed and continuously maintained.

Staff requests a revised master plan for the entire Homefield redevelopment to help with site design, infrastructure, sidewalk and trail connectivity per the goDotte Mobility Plan.

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

Development patterns have been designed with minimal regard to topography in the center of the development site, whereas most of grades around the perimeter of the site should be retained.

19. 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 is an interactive art museum, and there will not be public amenities for residents. The project will provide public accommodation to their facility and sidewalks around the perimeter of the site, specifically North 98th Street and State Avenue. A transit shelter may be warranted at the 98th Street & State Avenue intersection. Further discussion with Deasiray Bush, UG Transit, (913) 573-8312 or dbush@wycokck.org is needed.

PREVIOUS ACTIONS

None

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on October 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Building Orientation
Overall Development Master Plan
Building Materials
Internal/External Pedestrian Connectivity
Access to Trails
Parking
Commercial Design Guidelines
Site Topography
Stormwater Management
goDotte Mobility Strategies
Transit Shelter

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 8 to 0 to recommend **APPROVAL** of Change of Zone Application COZ2023-028 and Special Use Permit Application SP2023-099 (**for 1 year**), subject to:

1. **The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:**
 - a. **Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block;**
 - b. **Sec. 27-575(f)(3) Buildings should be oriented primarily to the street;**

- c. **Sec. 27-576(c)(2)** In order to break up the monotonous appearance of the long façade, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Division or breaks in materials;
 - ii. Building offsets (projects, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or,
 - v. Variation in roofline.
 - d. **Sec. 27-596(e)(2)** Metal paneling may only account for 15% of the exterior building materials per façade. Incorporate various exterior building materials that comply with Sec. 27-576(e)(2);
- 2. The median along State Avenue allowing full access to the southern entrance/exit will be moved as part of the Interstate 435 interchange improvement;
- 3. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
- 4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;
- 5. Utility easements shall connect with easements established in adjoining properties;
- 6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
- 7. Trim the 8 – 9-foot sidewalk adjacent to the grass median and ADA accessible space southwest of the building as it appears to serve minimal function for pedestrians in the parking lot;
- 8. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building;
- 9. Install sidewalk in the southern and eastern medians to facilitate pedestrians through the parking lot;
- 10. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
- 11. **Sec. 27-466(g)** requires that trees are required at not less than one (1) per 7,000 square feet of site area. **Sec. 57-577(a)(5)** states that landscaping shall exceed the typical code requirements by at least 75 percent.

The subject property is 4.62 acres, requiring 50 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands;

12. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
15. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
16. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
17. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
18. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
19. All landscaping shall be irrigated;
20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
21. 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;

22. Hours of operation for grading shall be Monday through Friday, 8:00 AM – 5:00 PM;
23. Adhere to the erosion control plan and SWPPP to mitigate dust and reduce mud/dirt on the public right-of-way;
24. Following the conclusion of the site grading, the site shall be brought the finished grade and seeded until groundcover is established;
25. Future development will require its own entitlement, which may include, but is not limited to Variances, Change of Zone, Preliminary and Final Development Plan, Preliminary and Final Plat;
26. Obtain a hauling permit from the Public Works Department;
27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
28. 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;
29. 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
30. 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;
31. 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;

32. 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;
33. 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;
34. Subject to approval, a \$250.00 ordinance publication fee for the Change of Zone and Special Use Permit 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,
35. 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 **COZ2023-028** and **SP2023-099**, subject to all comments and suggestions outlined in this staff report and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Map
Zoning Map
Land Use Map
Applicant Response Letter
Neighborhood Meeting Minutes
Preliminary Plat
Site Plan as drawn by Planning Staff
Site Plan
Grading Plan
Landscape Plan
Photometric Plan
Building Elevations
Homefield Sidewalk Plan
Homefield Development Master Plan
Site Photographs taken by Staff on October 11, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	November 13, 2023	November 30, 2023
Rezoning	Approval	
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	
Public Hearing	November 13, 2023	TBD
Preliminary Plat	Approved	

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

MOTIONS

Change of Zone Petition

I move the Unified Government Board of Commissioners **APPROVE** Petition COZ2023-028 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 COZ2023-028 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 **APPROVE** Petition **SP2023-099** 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 **SP2023-099** 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 2:08:37:

CHANGE OF ZONE APPLICATION COZ2023-28 – CURTIS PETERSON WITH POLSINELLI – SYNOPSIS: Change of Zone from A-G Agriculture District to CP-2 Planned General Business District to construct the Atlas 9 interactive art gallery at 9700 State Avenue.

SPECIAL USE PERMIT APPLICATION SP2023-099 – CURTIS PETERSON WITH POLSINELLI – SYNOPSIS: Special Use Permit for grading, fill/removal of earthen fill at 9700 State Avenue.

PLAT APPLICATION PLAT2023-031 – CURTIS PETERSON WITH POLSINELLI – SYNOPSIS: Preliminary Plat to create one (1) commercial lot and vacate a portion of the 98th Street right-of-way at 9700 State Avenue.

Detailed Outline of Requested Action: The applicant, Curtis Petersen, with Polsinelli PC, wants to rezone a portion of 9700 State Avenue from A-G Agriculture District to CP-2 Planned General Business and create one (1) commercial lot to build a 53,267 square

foot interactive art museum on 4.62 acres and a Special Use Permit for off-site grading to the west when this parcel is subdivided.

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 November 13, 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:

- Richard Napper, Homefield HFS KCK LLC and Atlas9 development team
- Matt Masilionis, Perspective Architects
- Ashley Meeks

Present in Opposition:

- Bethany Snyder, 9325 Georgia Avenue, Kansas City, Kansas

The representatives addressed the comments of the public.

Staff Recommendation starts at 2:22:38: Planning Director Hand stated that there are three (3) cases before the Commission this evening: a Change of Zone, Special Use Permit for grading and a Plat to divide the existing parcel in half. The project is the Atlas9 museum proposed in the Homefield Master Plan district within the Prairie-Delaware-Piper Area Plan. Before this evening Staff received no letters in support nor opposition. There are no Notices of Violation on the property. Staff recommends approval of the applications subject to the conditions in the staff report. Director Hand showed the Commission on the map where the grading will be done and where the lot will be split. Staff worked with the applicant to better address the Commercial Design Guidelines. Staff requested that the "black box" be moved closer to State Avenue and that was not done. There is also some metal paneling not too dissimilar from other deviations that the Commission has approved for Homefield in the past. The deviations they are requesting are part of the conditions in the staff report if the Commission wishes to accept those deviations, as a part of the approval for all three (3) applications. Director Hand stated that a final development plan will be required so some of those requirements can be addressed at that time as well.

The Planning Commission asked Director Hand to explain the four (4) deviations being requested.

Motion starts at 2:27:25:

On motion by Mr. Straws, seconded by Mrs. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Change of Zone Application COZ2023-028:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to:

1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met, and from which Applicant is requesting a deviation for approval:
 - a. Per Section 27-575(e)(1), the majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block;
 - b. Sec. 27-575(f)(3) Buildings should be oriented primarily to the street;
 - c. Sec. 27-576(c)(2) In order to break up the monotonous appearance of the long façade, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - i. Division or breaks in materials;
 - ii. Building offsets (projects, recesses, niches);
 - iii. Window bays;
 - iv. Separate entrances and entry treatments; or,
 - v. Variation in roofline.
 - d. Sec. 27-596(e)(2) Metal paneling may only account for 15% of the exterior building materials per façade. Incorporate various exterior building materials that comply with Sec. 27-576(e)(2);
2. The median along State Avenue allowing full access to the southern entrance/exit will be moved as part of the Interstate 435 interchange improvement;
3. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements

- on either side of lot or parcel lines when lines do not form, in whole or in part, the outside;
5. Utility easements shall connect with easements established in adjoining properties;
 6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided;
 7. Trim the 8 – 9-foot sidewalk adjacent to the grass median and ADA accessible space southwest of the building as it appears to serve minimal function for pedestrians in the parking lot;
 8. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building;
 9. Install sidewalk in the southern and eastern medians to facilitate pedestrians through the parking lot;
 10. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated;
 11. Sec. 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. Sec. 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent.

The subject property is 4.62 acres, requiring 50 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands;

12. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
13. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
14. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
15. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
16. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or

- combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
17. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements;
 18. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
 19. All landscaping shall be irrigated;
 20. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
 21. 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;
 22. Hours of operation for grading shall be Monday through Friday, 8:00 AM – 5:00 PM;
 23. Adhere to the erosion control plan and SWPPP to mitigate dust and reduce mud/dirt on the public right-of-way;
 24. Following the conclusion of the site grading, the site shall be brought the finished grade and seeded until groundcover is established;
 25. Future development will require its own entitlement, which may include, but is not limited to Variances, Change of Zone, Preliminary and Final Development Plan, Preliminary and Final Plat;
 26. Obtain a hauling permit from the Public Works Department;
 27. All existing and future driveways must feature curb cuts that are constructed to UG standards;
 28. 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;
 29. 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
30. 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;
 31. 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;
 32. 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;
 33. 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;
 34. Subject to approval, a \$250.00 ordinance publication fee for the Change of Zone and Special Use Permit 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,

35. 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 Mr. Straws, seconded by Mrs. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2023-099 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 8 to 0

Subject to the above conditions.

On motion by Mr. Straws, seconded by Mrs. Armstrong, the Planning Commission voted as follows to **APPROVE PLAT2023-031:**

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

Motion to **APPROVE** Passed: 8 to 0

Subject to the above conditions.



Figure 1. Aerial Map of 9700 State Avenue (provided by UG Maps).

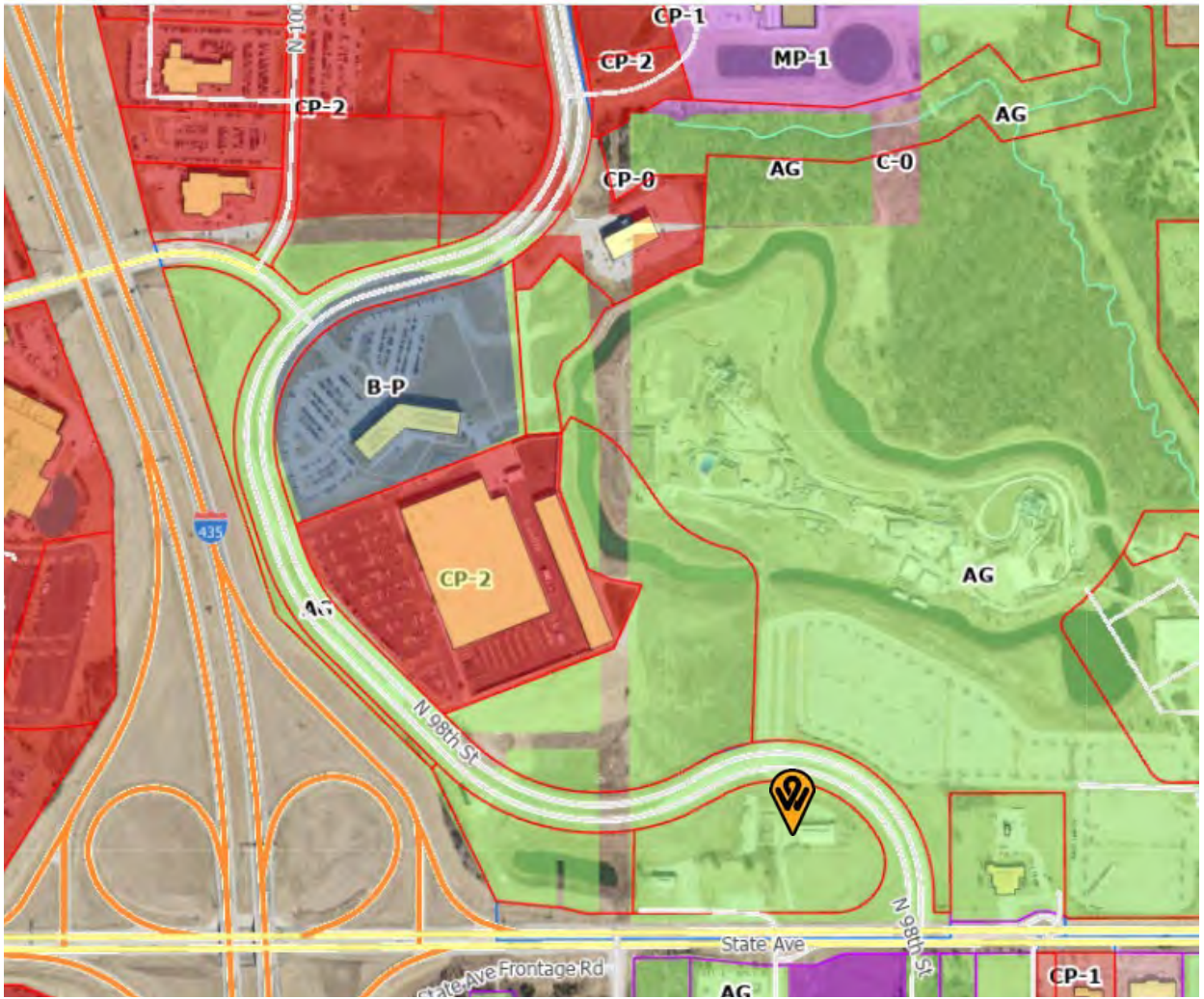


Figure 2. Zoning Map of 9700 State Avenue (provided by UG Maps).

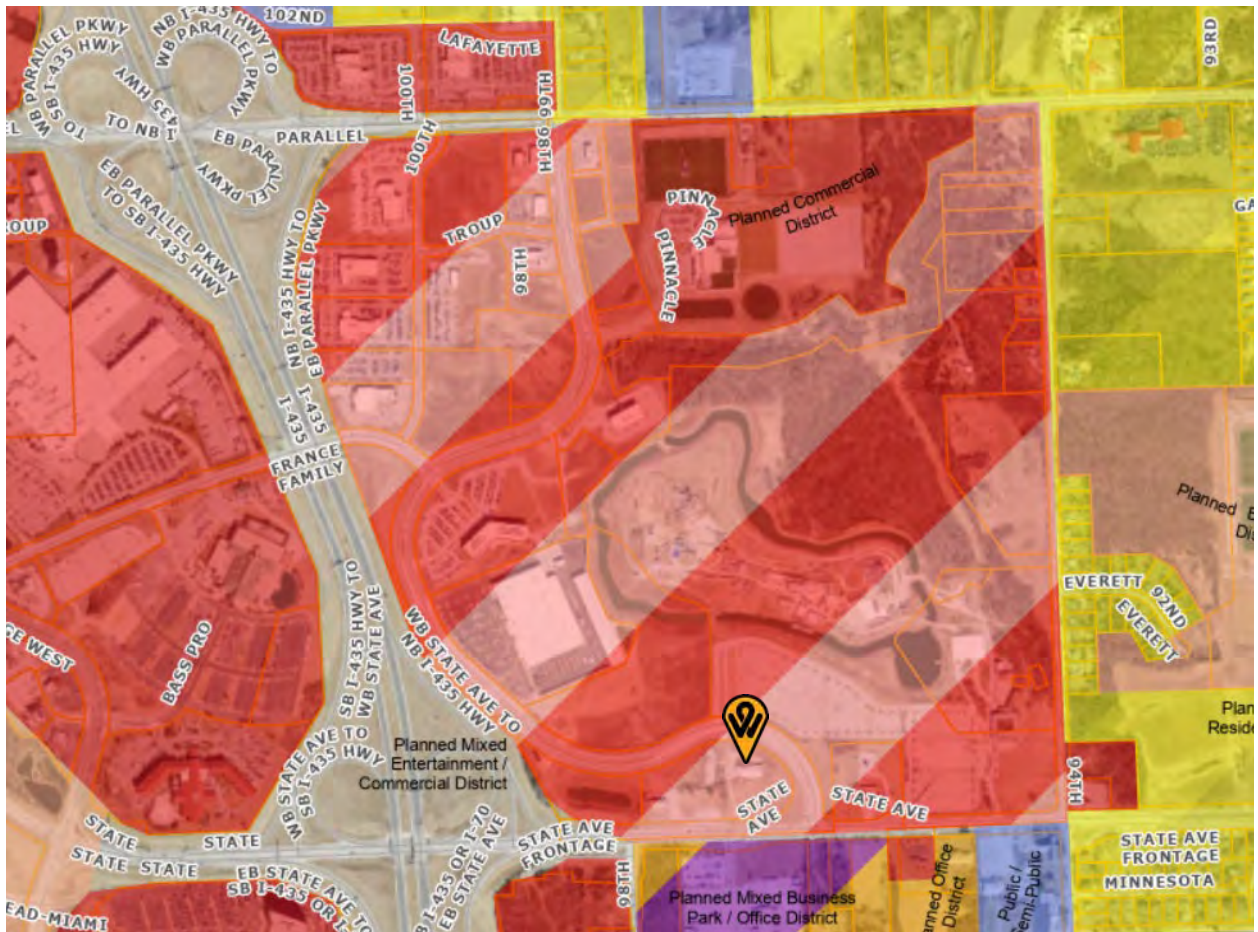


Figure 3. Prairie Delaware Plan Master Plan Land Use Designation Map of 9700 State Avenue (provided by ArcGIS Pro).

STAFF COMMENTS AND SUGGESTIONS

Planning and Urban Design Comments:

General Planning:

1. Sec. 27-576(j) If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements to accommodate the necessary public infrastructure to adequately screen the site.

Response: The proposed immersive art museum is a single-phase project.

Further conversation and collaboration with Planning Engineering and the Public Works Department is required to determine if further improvements need to be made at North 97th Terrace and North 98th Street & State Avenue intersections. All other public improvements from previous Homefield redevelopment approvals are now in play with this project effectively triggering them following:

- a. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project. **Response:** Acknowledged.
 - b. As part of approval for the Final Development Plan of Margaritaville, there are existing sidewalk gaps on State Avenue and 98th Street that were agreed upon previously to close during the entitlement. **Response:** See attached sidewalk plan. The only gap along State Avenue is to be constructed by the UG as part of the signalization project – see comment (a) above. The only gaps along 98th Street are adjacent to Commercial Lot 8 and Commercial Lot 2 and an 8-foot sidewalk will be installed adjacent to those properties at the time they are developed.
2. The median along State Avenue allowing full access to the southern entrance/exit will be moved as part of the Interstate 435 interchange improvement. **Acknowledged.**
 3. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity. **Acknowledged.**
 4. Utility easements shall be provided along each side of the lot to form a continuous utility easement. All easements shall be at least ten feet wide. The required ten-foot width may be provided through five-foot easements on either side of lot or parcel lines when lines do not form, in whole or in part, the outside.
 5. Utility easements shall connect with easements established in adjoining properties. **Acknowledged.**
 6. Per Sec. 27-317 Electrical power, telephone service, and cable television (if

- applicable) shall be provided by underground wiring for all new wiring provided.
7. Trim the 8 – 9-foot sidewalk adjacent to the grass median and ADA accessible space southwest of the building as it appears to serve minimal function for pedestrians in the parking lot. **See updated site plan for revised sidewalk.**
 8. Crosswalks shall be added to internal drive aisles, driveways, and intersections where sidewalks are connected along and across the perimeter of the building and throughout the parking lot where guests and employees walk to the building. **See updated site plan for revised sidewalk and crosswalks.**
 9. Install sidewalk in the southern and eastern medians to facilitate pedestrians through the parking lot. **See updated site plan for revised sidewalk.**
 10. The City of Kansas City, Kansas reserves to itself the right to, at any time after the effective date of this ordinance, reenter or permit a public utility to reenter that portion of said tract of land hereby vacated for the purpose of repairing installing, constructing or reconstructing any public utilities, including, but not limited to sewers, conduits, electric light pole lines, etc. that are now or may hereafter be installed in the tract of land hereby vacated. **Acknowledged, utility easements will be granted on the plat or by separate document for public utilities as well.**
 11. A Pre-Construction meeting is required for any improvements to public infrastructure upon the approval and issuance of a Development Review Committee (DRC) Permit. Any improvements to, construction or alteration of: sanitary systems, stormwater systems, public or private streets, sidewalks, or other public infrastructure will require a pre-construction meeting with the Department of Public Works. The applicant is required to contact the County Engineer at (913) 573-5400 or by info@wycokck.org prior to construction to arrange this meeting. **Acknowledged.**
 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. **Response: This comment belongs under the off-site grading section of this staff report**
 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. **Response: This comment belongs under the off-site grading section of this staff report.**
 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. **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. **Response: This comment should be replaced with the following: Per Section 27-211(j), all conditions of approval herein must be constructed, implemented, or otherwise completed within 18 months of approval unless otherwise determine by the Director of Planning or designee.**

Building Architecture:

1. Sec. 27-575(e)(1) The majority of all surface parking and all drive through facilities should be located to the maximum extent possible behind the buildings or in the interior of the block.

Sec. 27-575(f)(3) Buildings should be oriented primarily to the street.

As this building will be a focal point along State Avenue, which is one of the major commercial corridors in the city, Atlas 9 must be oriented closer to State Avenue or 98th Street, shifting the parking lot to the west of the site in accordance with the Commercial Design Guidelines because this is a commercial building.

This is a prominent corner at a major intersection and transit corridor. The building should be orientated east towards 98th Street and/or south towards State Avenue. The parking lot should not be the focal point at this intersection, which is the case, especially since the front of the building faces south towards State Avenue.

Response: The proposed design maximizes the building visibility to the site while creating maximum user impact (as it relates to the design narrative). The development team would like to discuss this further with planning staff. The applicant is seeking a deviation to the commercial design guidelines.

2. Sec. 27-576(c)(1) Commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building. **Response: The applicant believes this has been accomplished with the current, proposed design.**

3. Sec. 27-576(c)(2) In order to break up the monotonous appearance of long facades, a building wall no more than 45 feet in length should be divided into increments of no more than 45 feet through articulation of the façade. This can be achieved through combinations of at least three (3) of the following techniques:
 - a. Divisions or breaks in materials;

-
- b. Building offsets (projections, recesses, niches);
 - c. Window bays;
 - d. Separate entrances and entry treatment; or,
 - e. Variation in rooflines.

Response: The proposed design of the building (as a "containment" building concept) is critical to the user experience, which begins upon approaching the building site. The development team would like to discuss this further with planning staff. The applicant is seeking a deviation to the commercial design guidelines.

4. Per Sec. 27-596(e)(2) Metal paneling may only account for 15% of the exterior building materials per façade. Incorporate various exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. Staff will not ask for the deviation.

Response: The 'Integrally Colored Metal Panels with Textured Finish' utilized for the building facades as the primary material is correct and proper based on the design narrative for this project. The development team would like to discuss further with planning staff. The applicant is seeking a deviation to the commercial design guidelines.

5. Downspouts shall be internalized. *Response: Downspouts will be enclosed/wrapped in a painted metal shrouds that will provide the visual appearance of structural breaks to the façade, which supports the design narrative of the facility "containment" building.*

6. The loading dock doors, service entries shall be painted to match the building as the adjacent façade color of the building. *Response: Loading dock doors, service entries will be painted to blend with the adjacent façade color of the building.*

Landscaping and Screening:

1. Sec. 27-466(g) requires that trees are required at not less than one (1) per 7,000 square feet of site area. Sec. 57-577(a)(5) states that landscaping shall exceed the typical code requirements by at least 75 percent. *Acknowledged.*
The subject property is 4.62 acres, requiring 50 trees to be provided on the site plan. This does not include the street trees along the perimeter road/drive and parking lot islands. *Acknowledged, at least 50 site trees have been provided, see L100.*
2. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage. *Acknowledged, street trees with spacing and documentation provided on sheet L100.*
3. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them. *Acknowledged, street trees with spacing and*

documentation provided on sheet L100.

4. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers. **Acknowledged, see shrub layout on sheet L100.**
5. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements. **Acknowledged, berm is located along State Ave and shrubs located along 98th Street adjacent to parking.**
6. How will lighting be mitigated? **Response: See Sheet SL100, Site Lighting Photometric Plan. Lighting will comply with UG standards and does not need to be mitigated.**
7. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. **Acknowledged.**
8. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers). **Acknowledged.**
9. All landscaping shall be irrigated. **Acknowledged.**
10. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines. **Acknowledged.**

Signage:

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.

Grading:

1. What are the proposed hours of operation for grading on-site? **M-F, 8a-5p**
2. How long do you anticipate the grading project will take? **3 months.**
3. How many truck trips per day will the site generate? **No offsite haul in or haul off, so no trucks loaded with dirt should be entering or exiting the site.**
4. What dust mitigation measures are being used on site to prevent dirt and mud from tracking onto Nort 98th Street and State Avenue? **See attached erosion control plans. A full SWPPP will be submitted with FDP as well.**
5. Following the conclusion of the site grading, the site shall be brought the finished grade and seeded until groundcover is established. **Acknowledged.**
6. Future development will require its own entitlement, which may include, but is not

- limited to Variances, Change of Zone, Preliminary and Final Development Plan, Preliminary and Final Plat. **Acknowledged.**
7. Obtain a hauling permit from the Public Works Department. **Acknowledged.**
 8. All existing and future driveways must feature curb cuts that are constructed to UG standards. **Acknowledged.**
 9. 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.**
 10. 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 Inspection Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620. **Acknowledged.**
 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. **Acknowledged.**
 12. The Special Use Permit shall be valid for [REDACTED] 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. **Acknowledged, special use permit for grading will only be requested for 1 year.**
 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. **Acknowledged**
 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. **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) Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition.
- C) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
 - 1) None

October 18, 2023

UNIFIED GOVERNMENT WY CO/KCK
701 N 7TH ST, STE 421
KANSAS CITY, KS 66101

**SUBJECT: Neighborhood Meeting
 Atlas9 (Immersive Museum)**

We have filed an application with the Department of Urban Planning and Land Use #COZ2023-028. The purpose of this:

- change of zone
- preliminary plan review

is for the Atlas9 Project located at the following address: 9700 State Avenue, Kansas City, Kansas 66111.

We are having a neighborhood meeting on **Monday, October 30, 2023 at 5:30 p.m.** via Zoom Video Conferencing:

Join Zoom Meeting @:

<https://us06web.zoom.us/j/85982525828?pwd=IRmTOwFngIczuoS3GUUWtaUmifEpUa.1>

To attend via telephone, dial:
1-312-626-6799
Meeting ID: 859 8252 5828
Passcode: 154314

The purpose of this meeting is to explain the proposal and to answer any questions/concerns you may have. If you would like me to email you the Zoom Link invitation to this meeting, please email me at CDoyle@HomefieldKC.com.

I look forward to seeing you at the neighborhood meeting.

Sincerely,

Chris Doyle
Director of Design and Construction
816-985-7770, CDoyle@HomefieldKC.com



10/30/23

Atlas9

9700 State Ave, Kansas City, KS 66111

NEIGHBORHOOD MEETING MINUTES:

Application Number COZ2023-028, PLAT2023-031, SP2023-099

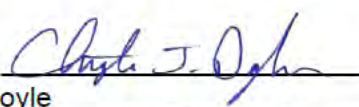
Date and Location: 10/30/23, Meeting held on Zoom Video Conference

Names of people in attendance:

1. Gabrielle Klockau – Atlas9 JV KCK, LLC
2. Richard Napper – Homefield (Atlas9 JV KCK, LLC)
3. Chris Doyle – Homefield (Atlas9 JV KCK, LLC)
4. Brian Lavery – Continental Engineering Consultants
5. Matt Masilionis – Perspective Architects
6. Tyler Moreland – Perspective Architects
7. No other attendees

The attendees above representing the applicant all gathered on the Zoom call at 5:25 PM. The Meeting was called to order at: 5:30 PM, however no other attendees joined the meeting. We stayed on the Zoom call the full 30 minutes, then officially ended the Neighborhood meeting at 6:00 PM.

Minutes taken by: Chris Doyle at Homefield

Signed 
Chris Doyle
Director of Design & Construction

HOMEFIELD

2115 E. Kansas City Road, Olathe, Kansas 66061

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)

COUNTY OF Wyandotte)

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

1. That I am the petitioner for Petition #COZ2023-028, PLAT2023-031, SP2023-099.
2. That I conducted a neighborhood meeting on 10/30/23 at 5:30-6:00 PM.
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.

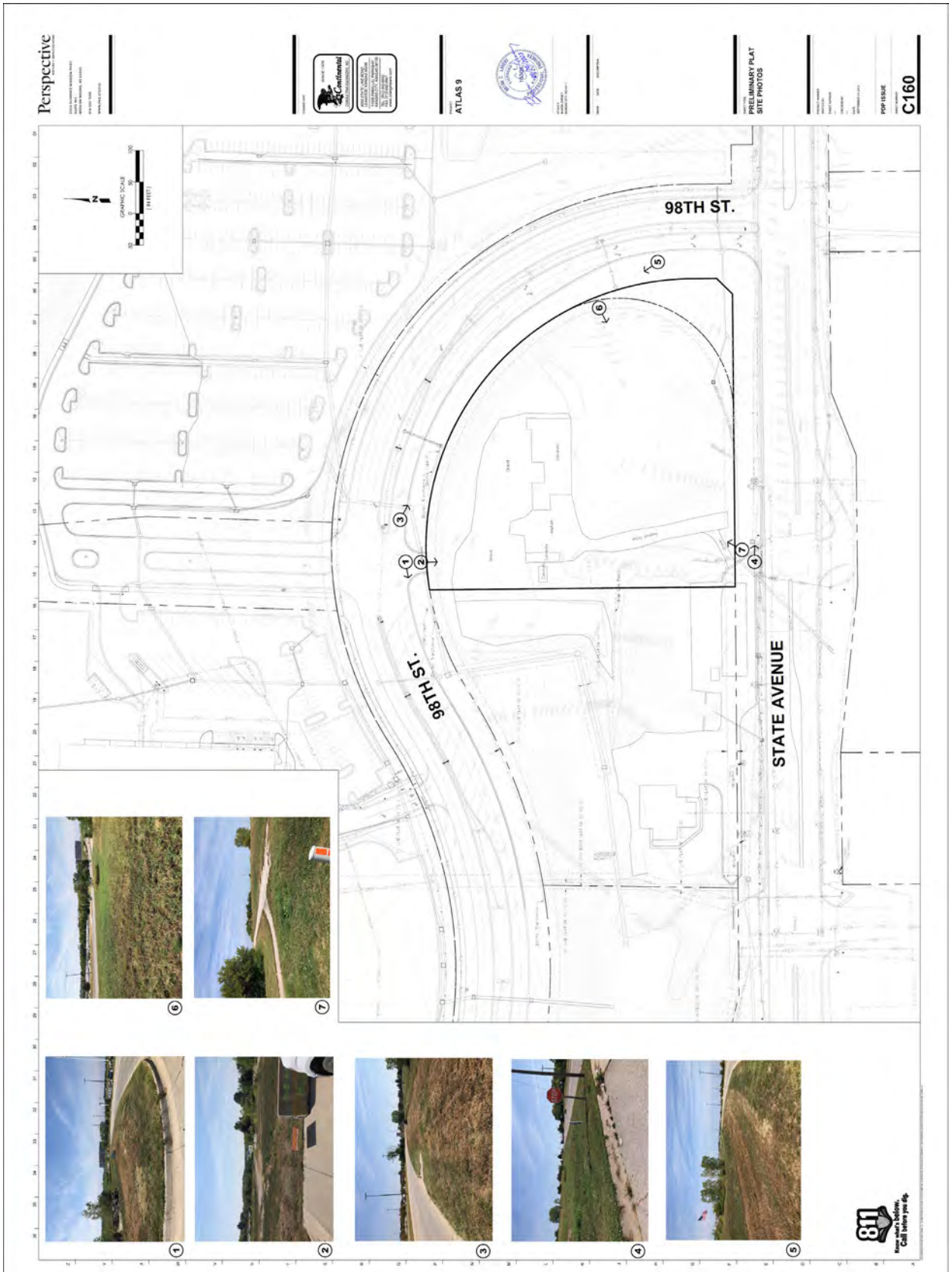
Chris J. Doyle
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 31st day of October, 2023

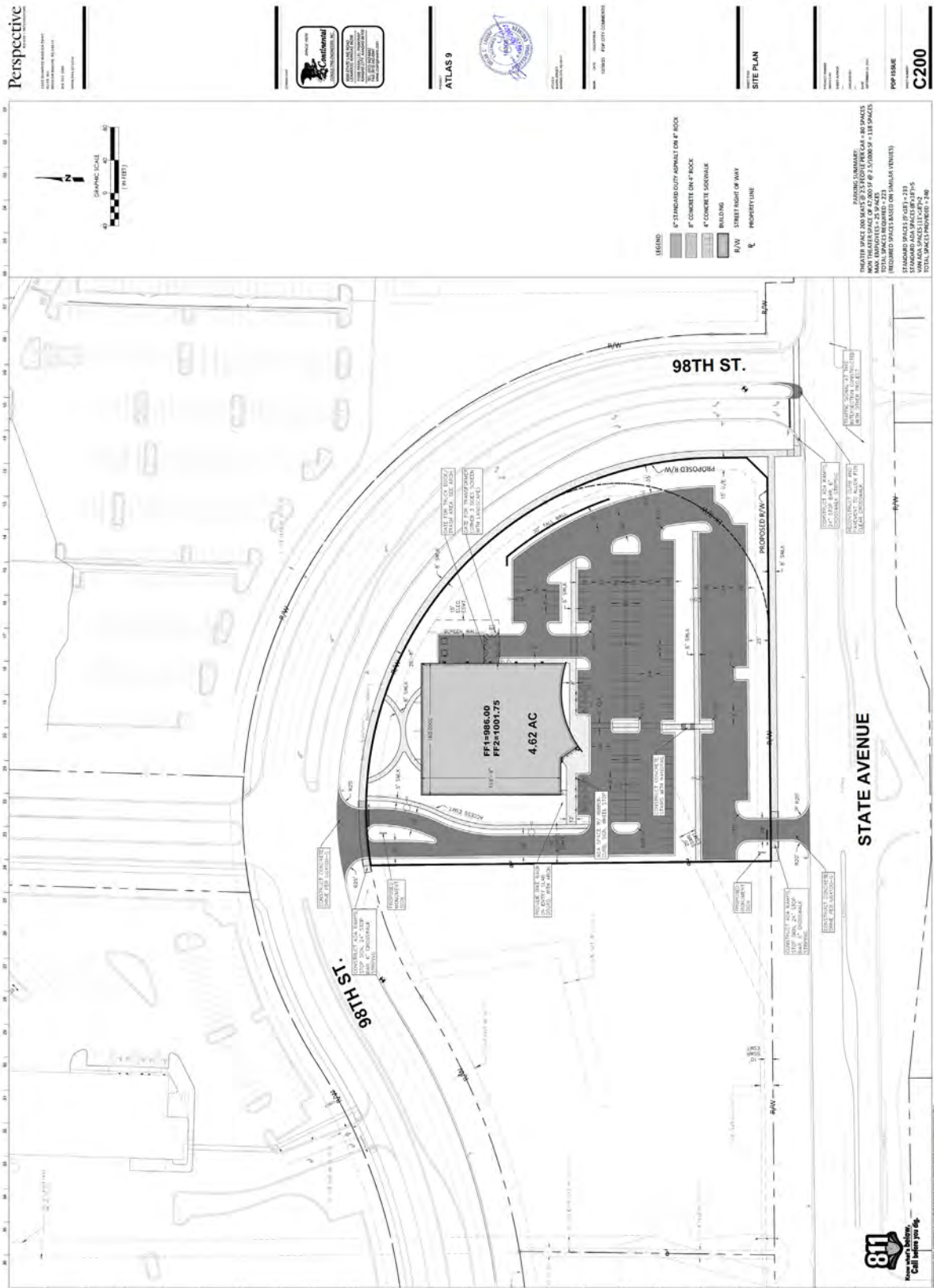
My commission expires 25th of April, 2027

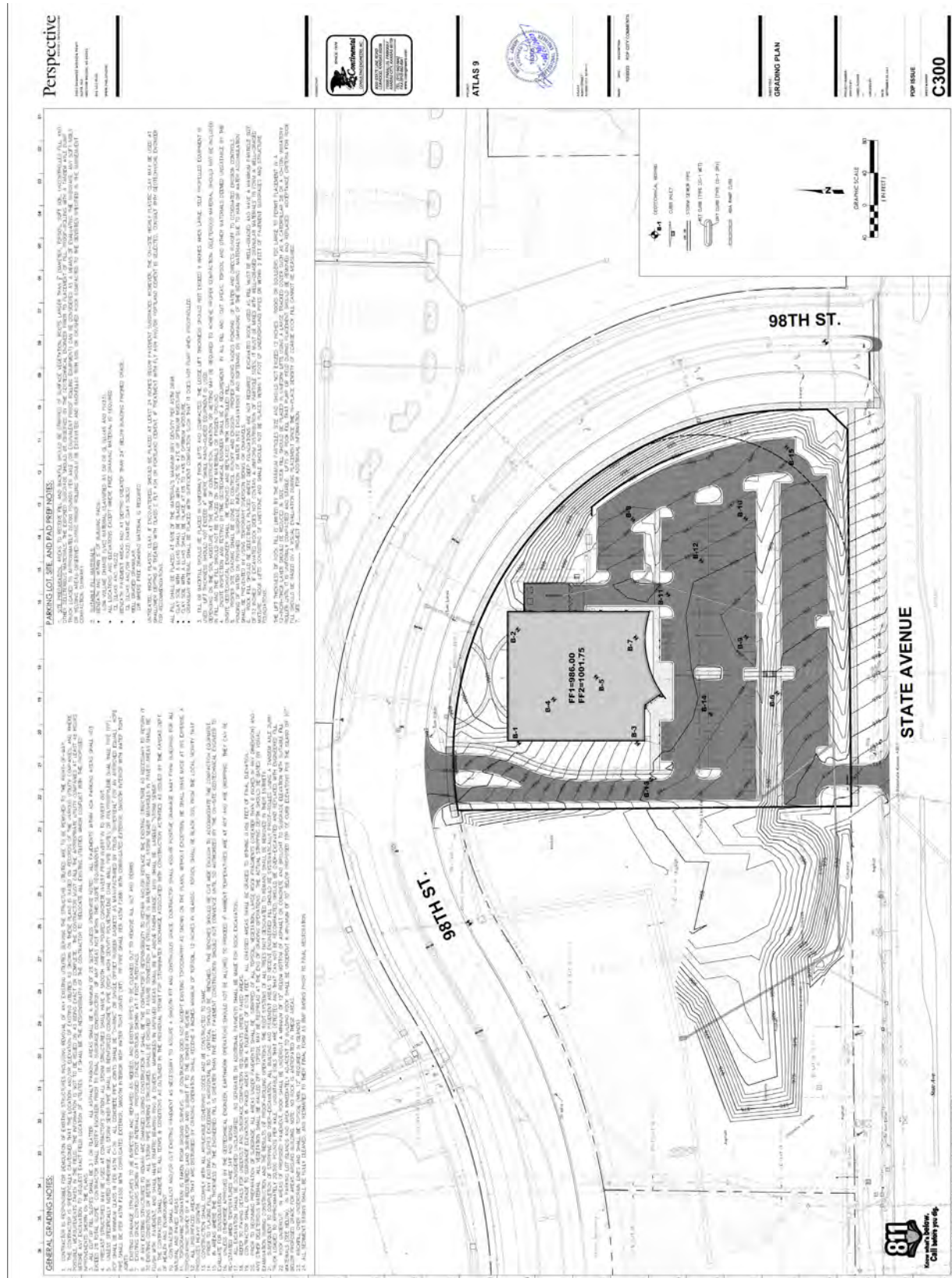


Susan K. Gibbs
Notary Public

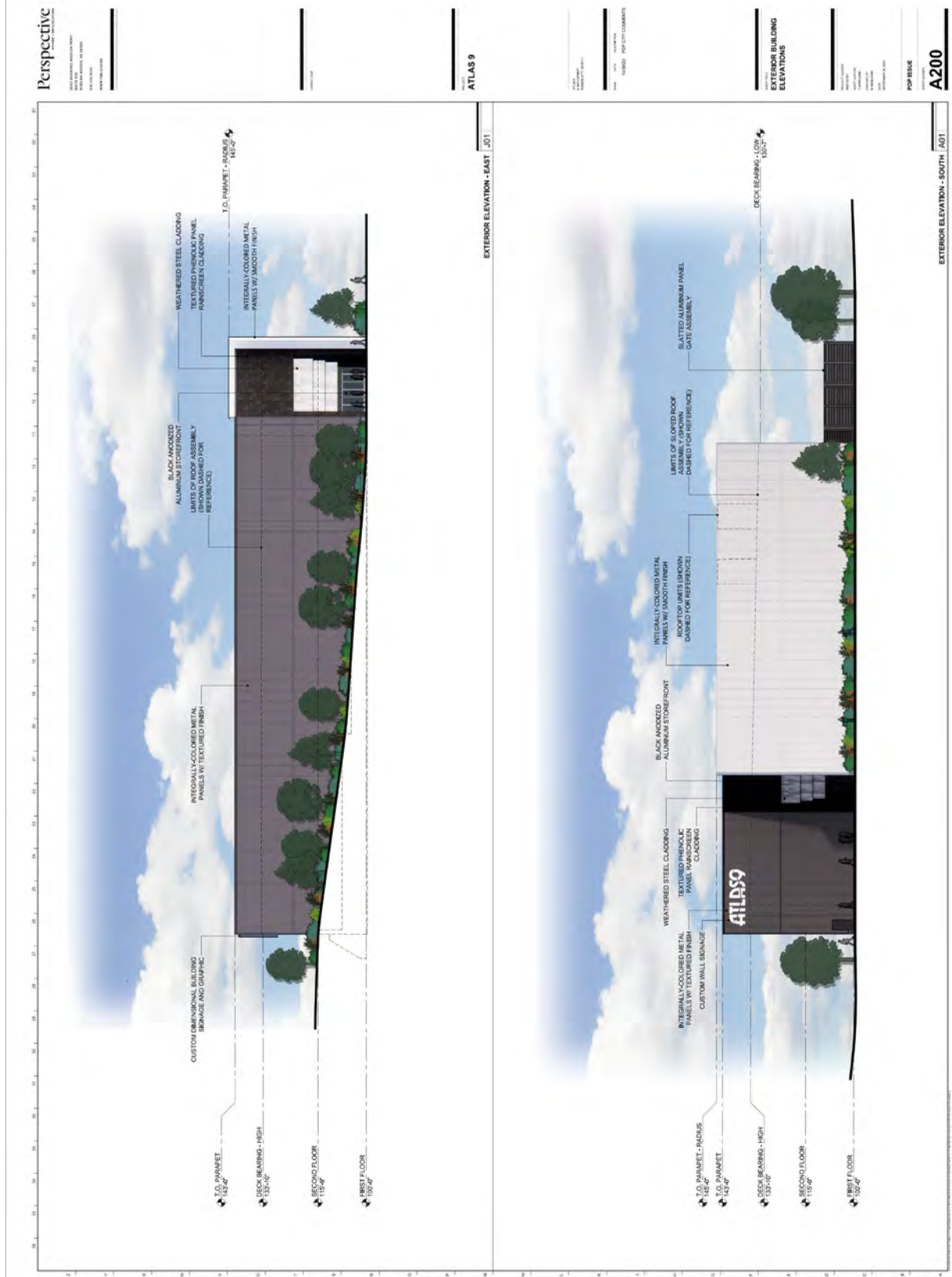




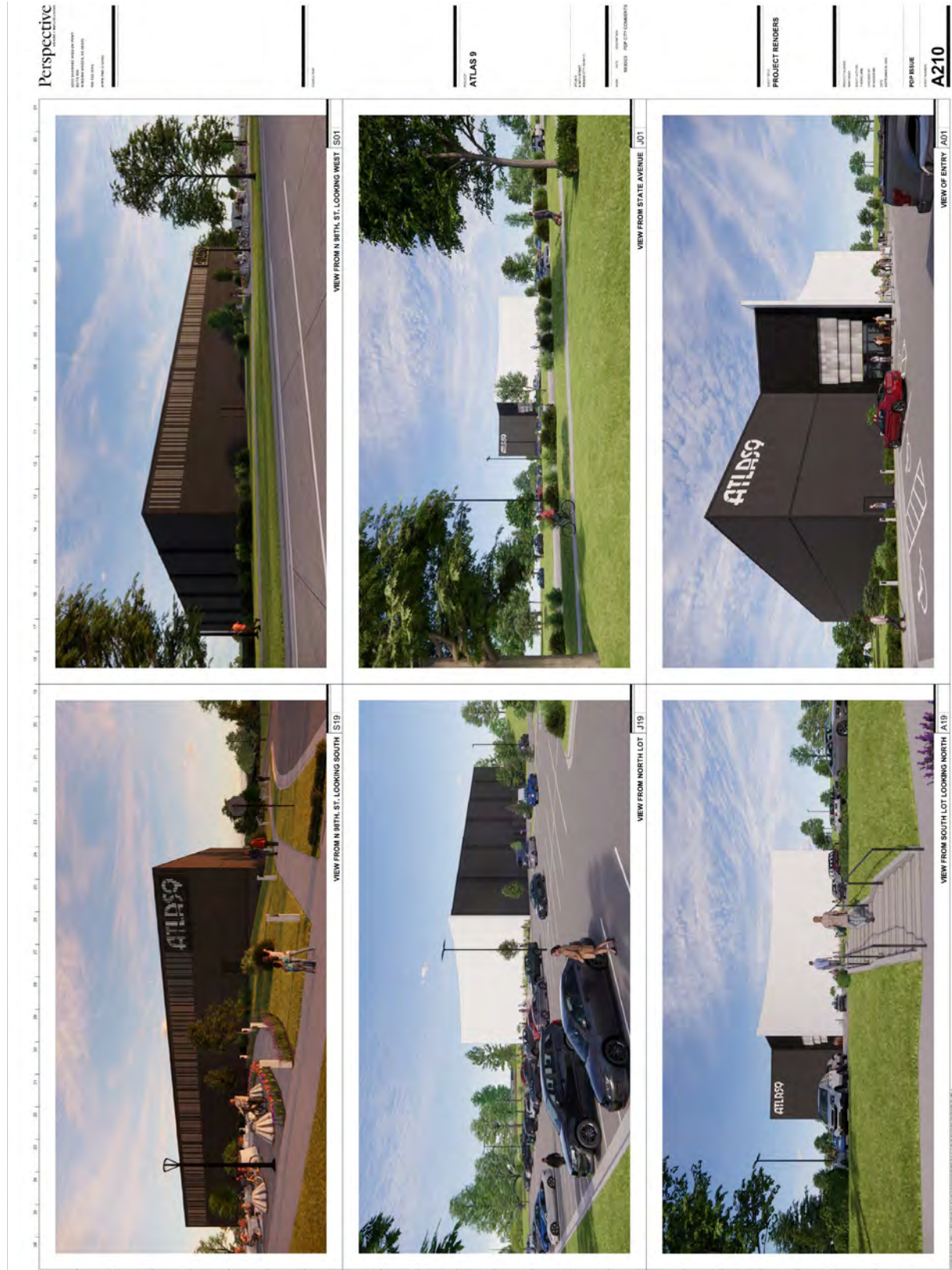












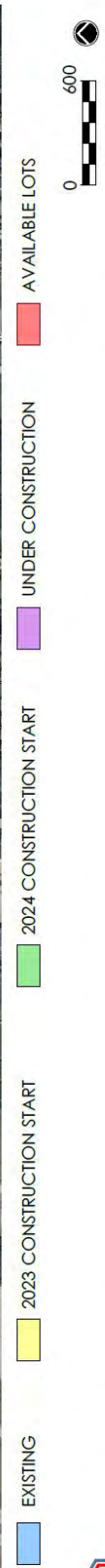
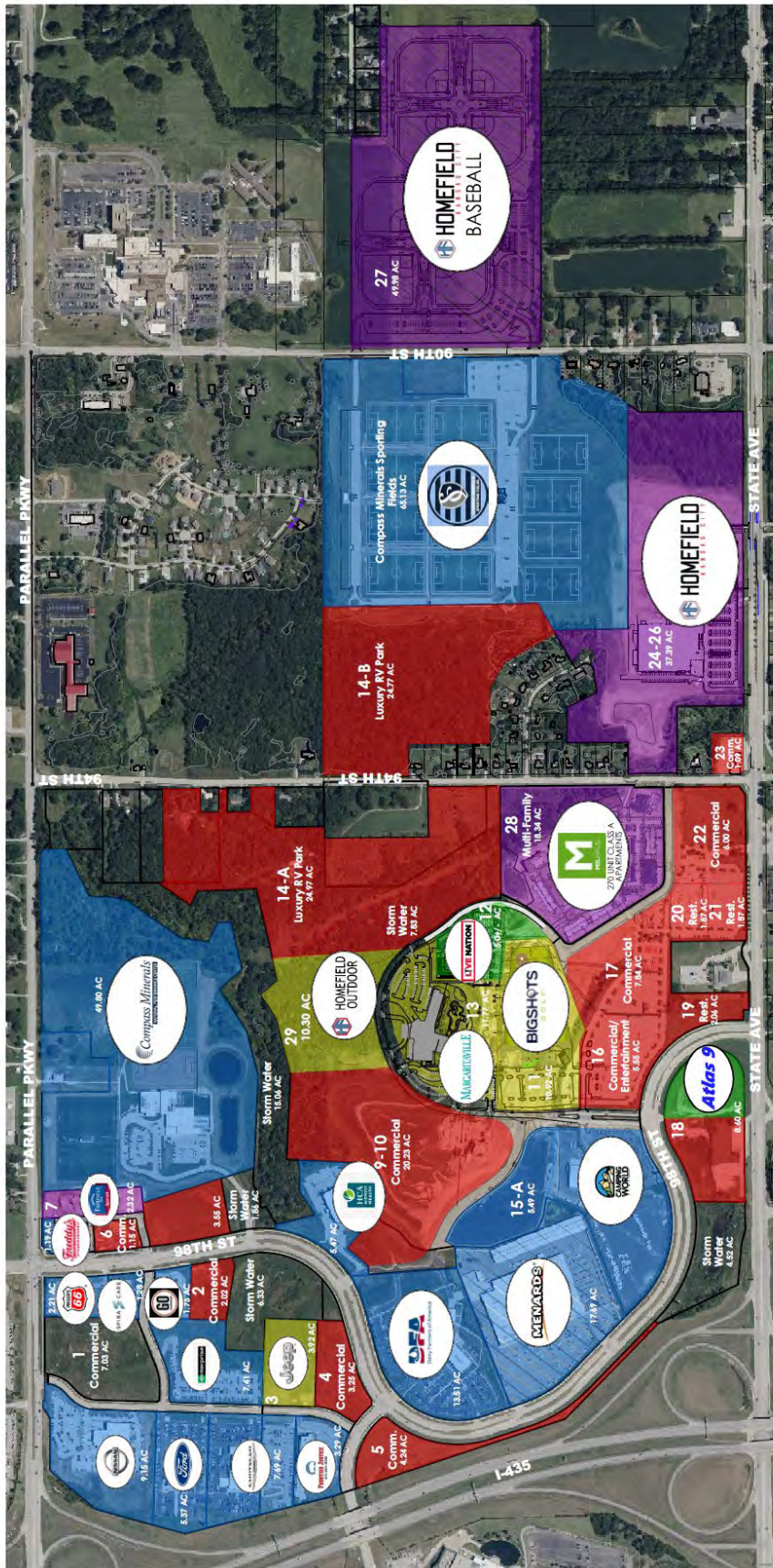




Figure 4. Site photograph of 9700 State Avenue looking north (provided by Planning Staff).



Figure 5. Site photograph of 9700 State Avenue looking northwest (provided by Planning Staff).



Figure 6. Site Photograph of 9700 State Avenue looking west (provided by Planning Staff).



Figure 7. Site Photograph of 9700 State Avenue looking south (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: November 30, 2023

Re: Master Plan Amendment MPL2023-015

GENERAL INFORMATION

Applicant:

Gunnar Hand, AICP

Status of Applicant:

Director of Planning + Urban Design
Unified Government
701 North 7th Street
Kansas City, Kansas 66101

Requested Action:

Approval of a Master Plan
Amendment.

Date of Application:

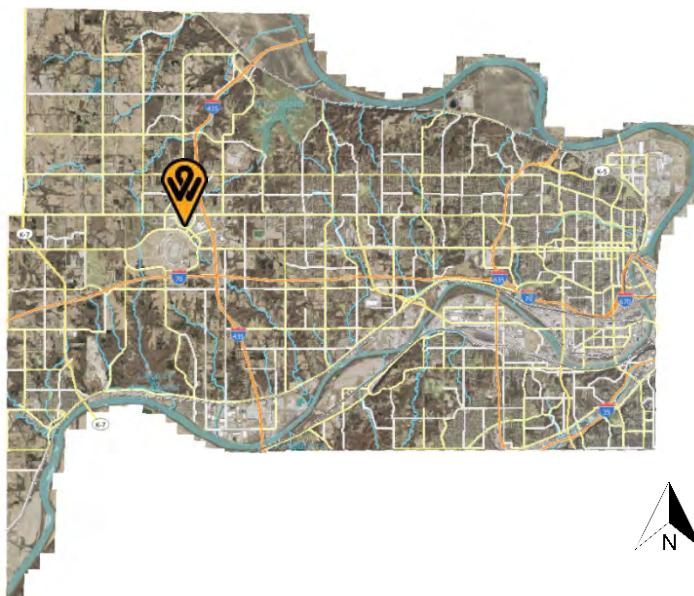
September 29, 2023

Purpose:

To approve a Master Plan
Amendment from Planned Regional
Commercial District to Planned
Entertainment District in the Prairie-
Delaware-Piper Area Plan

Property Location:

1800 Village West Parkway
Kansas City, Kansas 66109



Commission Districts:	Commissioner At-Large, District #2: Tom Burroughs District #7 Commissioner: Chuck Stites
Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: CP-2 Planned General Business District South: A-G Agriculture District East: CP-2 Planned General Business District West: CP-2 Planned General Business District
Adjacent Uses:	North: Commercial Retail Center (Target) South: Kansas Speedway East: Restaurants West: Hotel
Total Tract Size:	11.72 Acres
Comprehensive Plan Designation:	The Prairie Delaware Piper Area Plan designates the subject property as Planned Regional Commercial District, which allows major retail uses, including restaurants, big-box stores, and hotels. This Master Plan Amendment seeks to amend the Area Plan designation to Planned Entertainment District, which allows for large-scale entertainment venues.
Major Street Plan:	The goDotte Mobility Plan designates State Avenue as a Major Arterial.
Parking Requirement:	Section 27-668(a)(11), which requires one (1) space for every (4) seats. The stadium has 4,600 seats, which would require 1,150 parking spaces. Per approval of PR-2002-23, Legends Field was approved to have 1,100 parking spaces through the premises, 50 spaces short of the requirement. The City Planning Commission approved the shortage in parking.
Advertisement:	<u>The Wyandotte Echo</u> – October 20, 2023 Letters to Property Owner – October 21, 2023

Public Hearings:	November 13, 2023 and November 30, 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 a Master Plan Amendment from Planned Regional Commercial District to Planned Entertainment District in the Prairie-Delaware-Piper Area Plan to operate an event space and host live entertainment at Legends Field at 1800 Village West Parkway.

City Ordinance Requirements: 27-592 through 27-606

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 no Notices of Violation on the subject property.

Outstanding or Related Permits and Cases:

1. 2023 – SP2023-060 – Special Use Permit – Event Center, approved indefinitely.

FACTORS TO BE CONSIDERED

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 its construction in 2003, prior to the adoption of the Prairie-Delaware-Piper Area Plan.

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 Planned Regional Commercial District to Planned Entertainment District is consistent with the goals of the Prairie-Delaware-Piper Area Plan, which seeks to concentrate large-scale, regional entertainment

venues near major thoroughfares and interstates. This venue is a baseball field and is capable of hosting other large-scale events. The existing use is surrounded by similar uses, including the Kansas Speedway, Sporting Park and the Hollywood Casino, as well as the future development of the American Royal site.

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.

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, with inlets along State Avenue.

d. *Police*

Police service is provided by West Patrol, District #227.

e. *Fire*

Fire service is provided by Station 12, which is a one-half (½) mile away from the subject property.

f. *Transit*

Transit service is provided by KCATA along Route #101 – State Avenue and UG Route #116 – West Parallel, which stops in front of the subject property along Village West Parkway.

g. *Schools*

Public Education is provided by Piper Prairie Elementary School, Piper Creek Elementary School, Piper Middle School and Piper High School under Piper USD 203.

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

The proposed amendment wouldn't necessarily eliminate a regulatory conflict, as the existing zoning of CP-2 Planned General Business District allows for large-scale commercial uses that are intended for the Planned Regional Commercial

District. The amendment would, however, match the designation to the pre-existing use and would match the surrounding entertainment uses.

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 baseball field and event venue since its construction in 2003, prior to the adoption of the Prairie-Delaware-Piper Area Plan.

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

The facility is a purpose-built stadium for baseball with adaptability for soccer, which allows an opportunity for recreation and for spectators to enjoy live sports. Additionally, live entertainment is an opportunity for the arts to be performed and for the community, family, and social organizations to gather, both of which serve a public benefit. Additionally, this venue provides employment opportunities for the community, which may increase as the venue is used for a more diverse group of events.

PREVIOUS ACTIONS

Approval of an indefinite Special Use Permit (SP2023-060) for an event venue in 2023.
Approval of a Development Plan (PR-2002-23) to construct Legends Field in 2002.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting via Zoom on October 30, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Buffering
Lights
Noise
Parking
Traffic

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Master Plan Amendment MPL2023-015, subject to:

1. Public rights-of-way may not be blocked by trash enclosures or receptacles;
2. Sidewalks shall remain clean and clear of trash and debris;
3. Alcohol can only be provided by licensed vendors;
4. 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;
5. Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;
6. 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;
7. All existing and future driveways must feature curb cuts that are constructed to UG standards;
8. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;

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 **MPL2023-015** subject to all comments and suggestions outlined in this report and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Neighborhood Meeting Materials
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	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **MPL2023-015** 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 **MPL2023-015**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at Recording 2 – 53:46:

MASTER PLAN AMENDMENT APPLICATION MPL2023-015 – GUNNAR H. HAND, AICP/UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

- **SYNOPSIS:** Master Plan Amendment from Planned Mixed-Residential (Prairie-Delaware-Piper Area Plan) to Planned Entertainment District (Prairie-Delaware-Piper Area Plan) at 1800 Village West Parkway. Detailed Outline of Requested Action: The applicant and property owner, Unified Government of Wyandotte County/Kansas City, Kansas, seeks a Master Plan Amendment from Planned Regional Commercial District to Planned Entertainment District in the Prairie-Delaware-Piper Area Plan to operate an event space and host live entertainment at Legends Field at 1800 Village West Parkway.

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 November 13, 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 Recording 2 – 54:58: Planning Director Hand stated that this application is in conjunction with the permit that was approved last month for the Legends field. It was approved with a condition that a Master Plan Amendment application be filed. The request is from Planned Regional Commercial District to Planned entertainment District. 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. There is an error in the conditions of approval as they include the conditions of the Special Use Permit that was approved last month and need to be removed. Staff recommends approval subject to the revised conditions.

Motion starts at Recording 2 – 56:00:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL** of Master Plan Amendment

Application **MPL2023-015:**

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

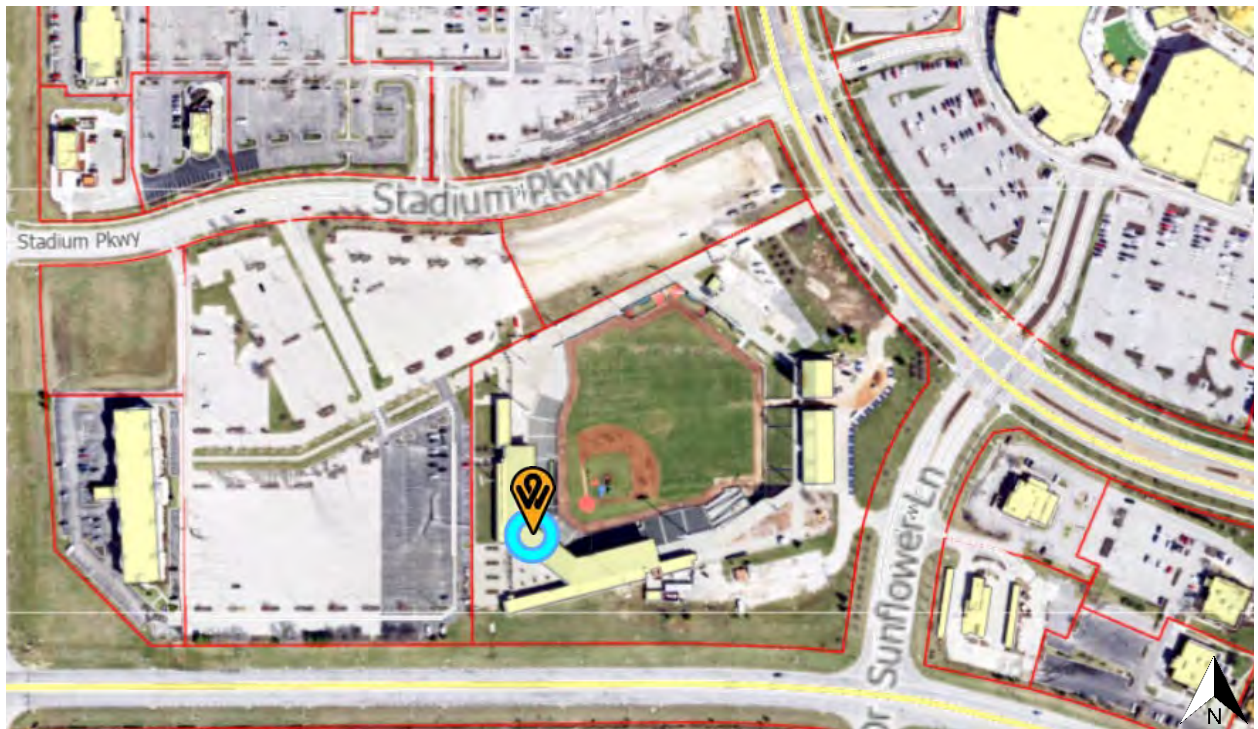
Motion to recommend **APPROVAL** Passed: 7 to 0

Subject to:

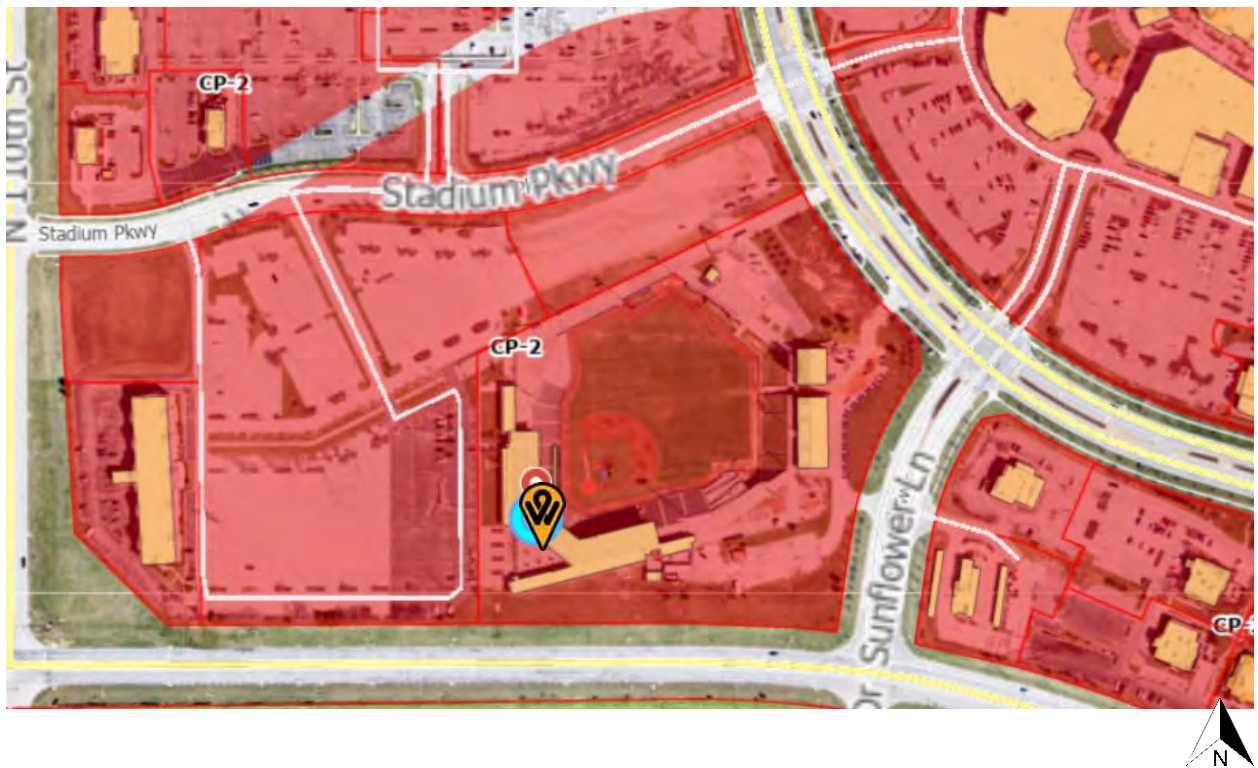
1. **Public rights-of-way may not be blocked by trash enclosures or receptacles;**
2. **Sidewalks shall remain clean and clear of trash and debris;**
3. **Alcohol can only be provided by licensed vendors;**
4. **Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, 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;**
5. **Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;**
6. **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;**
7. **All existing and future driveways must feature curb cuts that are constructed to UG standards; and,**
8. **Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.**

ATTACHMENTS

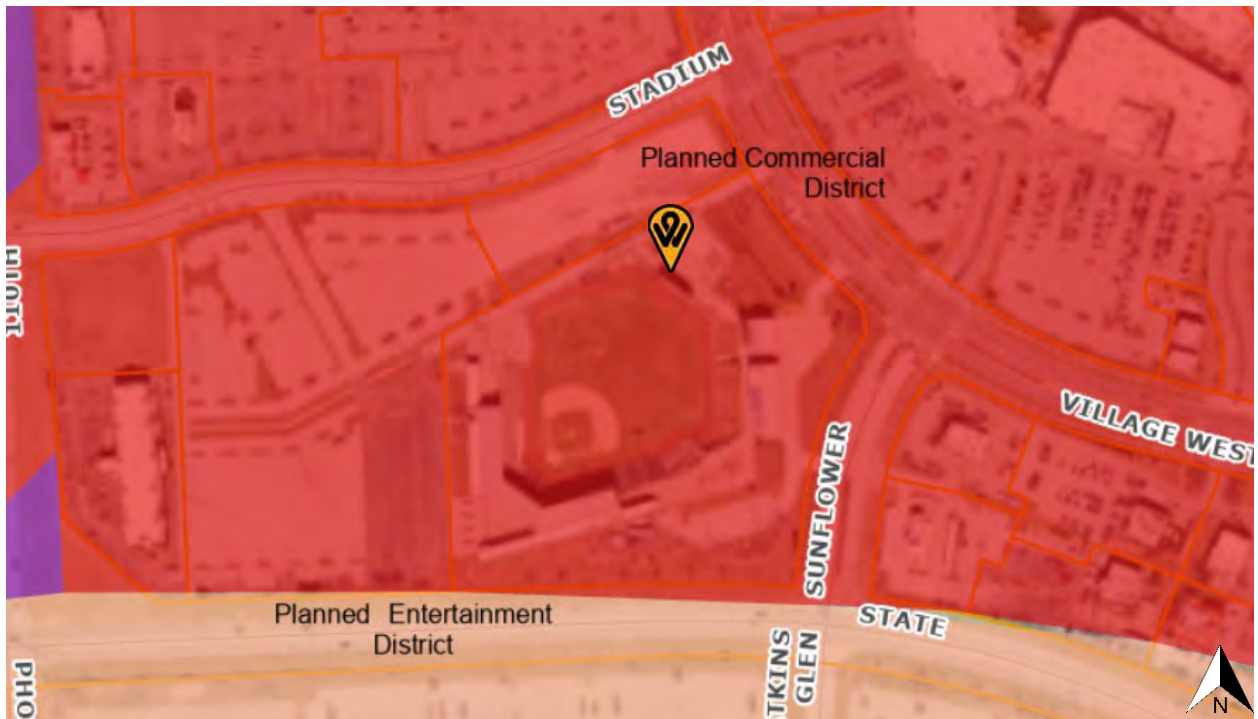
AERIAL IMAGERY



ZONING MAP



LAND USE MAP



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte

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

1. That I am the representative for the petitioner for Petition MPL2023-015.
2. That I conducted a neighborhood meeting on October 30, 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 Nov, 2023.

My commission expires 19 of Feb, 2026.





Notary Public



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

MINUTES:

Application Number: MPL2023-015
Date: October 30, 2023

Meeting called to order at: 5:00pm

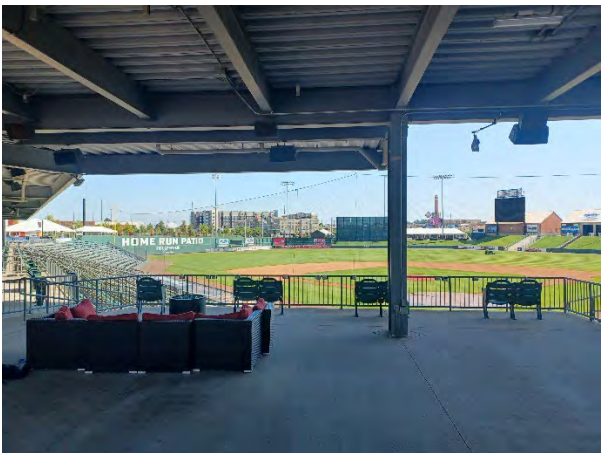
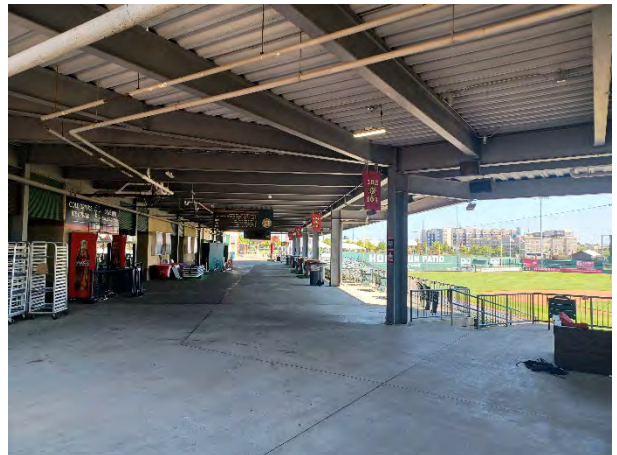
Names of people in attendance: 0

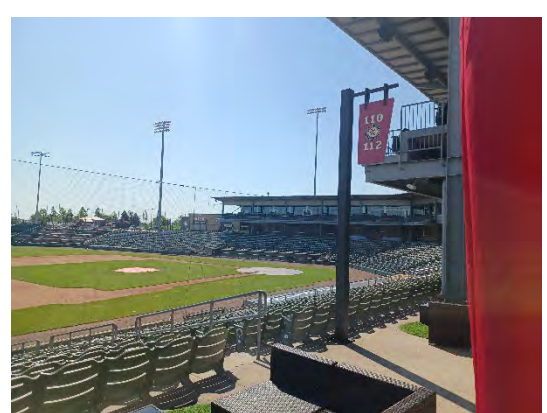
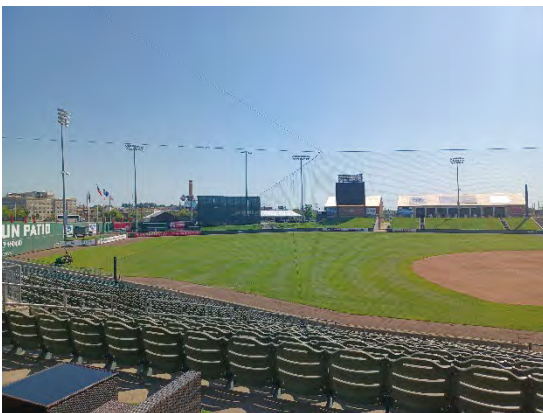
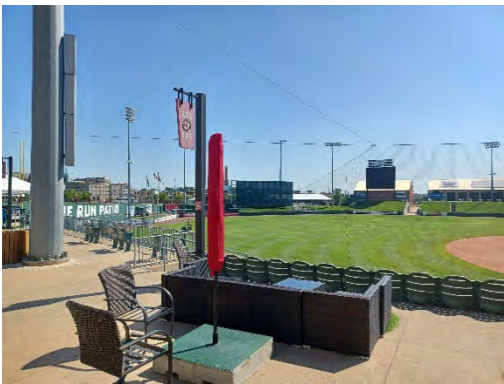
There were no attendees. No presentation was given.

Meeting adjourned at: 5:30pm

Minutes taken by: James Molloy

SITE PHOTOS, TAKEN BY STAFF, DATED AUGUST 11, 2023





NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Wyandotte)

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Application Number: MPL2023-015
Date: October 30, 2023

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Names of people in attendance: 0

There were no attendees. No presentation was given.

Meeting adjourned at: 5:30pm

Minutes taken by: James Molloy



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: November 30, 2023

Re: Preliminary and Final Plan Petition PR2023-029

GENERAL INFORMATION

Applicant:
Nick Hanaway

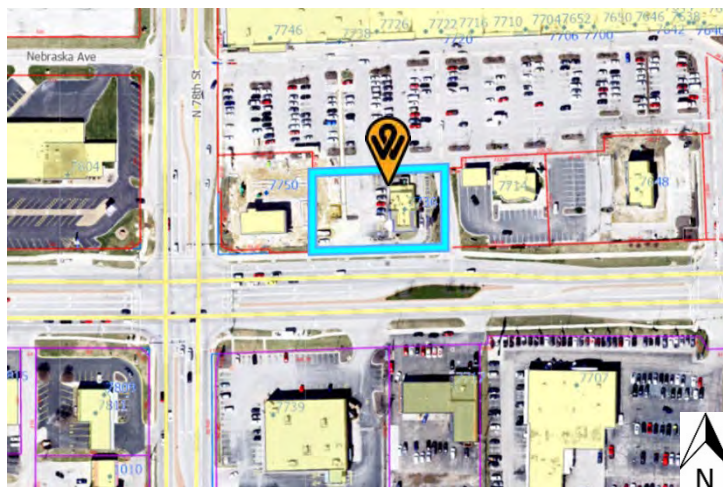
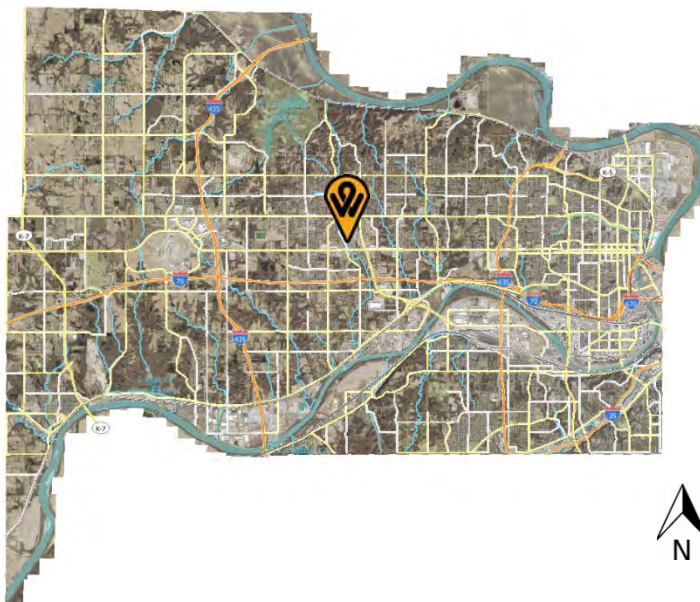
Status of Applicant:
Representative
Renaissance Infrastructure
Consulting
8653 Penrose Lane
Lenexa, Kansas

Requested Action:
Approval of a Preliminary and Final
Development Plan

Date of Application:
September 28, 2023

Purpose:
To approve a Preliminary and Final
Development Plan to construct a
new 3,024 square foot fast food
restaurant.

Property Location:
7736 State Avenue
Kansas City, Kansas 66102



Commission Districts:	Commissioner At Large #1: Melissa Bynum District #5 Commissioner: Mike Kane
Existing Zoning:	CP-2 Planned General Business District
Adjacent Zoning:	North: CP-2 Planned General Business District South: CP-2 Planned General Business District East: CP-2 Planned General Business District West: CP-2 Planned General Business District
Adjacent Uses:	North: Wyandotte Plaza Shopping Center South: Retail Strip Center East: Community America Credit Union West: Chipotle Restaurant
Total Tract Size:	0.60 Acre
Comprehensive Plan Designation:	The City-Wide Comprehensive Plan designates the subject property as Community Commercial, which allows uses that 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. Uses may also include small-scale commercial centers.
Major Street Plan:	The goDotte Mobility Plan designates State Avenue as a Major Arterial.
Parking Requirement:	Section 27-668(a)(5) states “One (1) space for each 50 square feet of seating area plus one (1) space for each remaining 300 square feet of total floor area. Such establishments with less than 500 square feet of seating area shall supply at least ten off-street parking spaces. The subject property includes approximately 1,170 square of dining room and 1,854 square feet of remaining space, which requires 29 parking spaces to be provided. The proposed plan provides 29 parking spaces.

Advertisement:	The Wyandotte Echo – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Nick Hanaway, is requesting approval of a Preliminary and Final Development Plan to construct a new 3,024 square foot Burger King restaurant at 7736 State Avenue. The property is currently utilized as a Burger King restaurant.

City Ordinance Requirements: Article VIII Sections 27-340 – 27-765.

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been several calls for police service on the subject property.
 - a. 2023 – 2023-61582 – Theft
 - b. 2022 – 2022-33014 – Disorderly Conduct
 - c. 2021 – 2021-95013 – Property Damage
 - d. 2021 – 2021-40621 – Battery
 - e. 2021 – 2021-30931 – Criminal Damage
 - f. 2020 – 2020-115689 – Theft
 - g. 2019 – 2019-102195 - Theft

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 on the subject property.

FACTORS TO BE CONSIDERED

1. Neighborhood character.

The subject property is located within the Victory Hills Statistical Neighborhood, the Leavenworth Road Association (LRA) group and the Parkway Point Neighborhood Group. The neighborhood consists of large- and small-scale retail including big-box stores, specialty stores, restaurants on pad-sites, and small-scale office uses. The neighborhood is located along the Major Arterial of State

Avenue, a mixed-use corridor which runs West to Village West and eventually Leavenworth County and East to Downtown KCK.

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 will increase traffic and parking demand that may create parking problems because the natural circulation pattern will change within the parking lot. 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.

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

The proposed use conforms to the City-Wide Comprehensive Plan Community Commercial designation which allows grocery stores, medium-sized (25,000 to 75,000 square feet) box stores, commercial centers with sit-down restaurants, drive-through restaurants, banks, drug stores, service stations, convenience stores, auto-supply stores, general services, car lots, auto body and repair shops and other auto-oriented uses are allowed but will be required to meet higher site design standards.

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*

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 #222

e. *Fire*

Fire service is provided by Station #19, located one half mile (0.5) away from the subject property.

f. Transit

KCATA provides transit service along Route #101 – State Avenue, which stops at 78th & State Avenue.

g. Schools

Public Education is provided by Claude Huyck Elementary School, Arrowhead Middle School, and Washington High School, under Kansas City, Kansas USD 500.

5. The capability of the proposed use to meet applicable ordinance and other requirements.

With revisions, such as addition of pedestrian amenities, use of different building materials, and an ADA compliant pathway to the front door, the proposed use is capable of meeting applicable ordinance and other requirements.

PREVIOUS ACTIONS

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

NEIGHBORHOOD MEETING

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

KEY ISSUES

Commercial Design Guidelines
Pedestrian Access
Building Materials
ADA Compliant Entrance

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 0 to recommend **APPROVAL** of Plan Review Application PR2023-029, subject to:

1. **The applicant is seeking the following deviations from the Commercial Design Guidelines.**
 - a. **Section 27-575(d)(9) states that there shall be pedestrian circulation from the perimeter of the site to the principal customer entrance to all buildings. Within the site, there shall be pedestrian connections provided to all pedestrian activities, including transit stops, street crossings, open space, building and store entry points, and adjacent pedestrian systems;**

- b. Section 27-575(f)(3) states that Buildings should be oriented primarily to the street;
 - c. Section 27-577(b)(1) states that new construction must provide at least a 25-foot landscape zone between structures and/or parking lots and all public streets and access easements 40 feet wide or greater;
 - d. Section 27-576(i) states that drive-up and drive-through facilities, order stations, pick-up windows, bank teller windows, money machines, etc., shall be located on the side or rear of primary structures to minimize views from public streets. Drive-up and drive-through lanes should not be located between the front of the primary structure and the adjacent streets or sidewalks. Drive up facilities including drive lanes shall not be located within 150 feet of an existing residential structure, all means available should be taken to minimize the impact on adjacent residential structures;
2. All requirements of the Commercial Development Guidelines Overlay District that the Applicant has not requested a deviation from must be met;
3. The applicant shall revise the proposed plan to add non-ADA access from State Avenue into the site prior to filing for a Building Permit.
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. 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. 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;
7. Roof access ladder shall be internalized or hidden by an enclosure of the building;
8. The applicant has filed and maintained a current business occupation tax application;
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. 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;
12. BPU ground mounted transformers shall be screened on all four (4) sides from public view. Architectural screening walls are the preferred method,

- but landscape screening is an allowable alternative. Screening shall be designed to be solid to the view, and any designs incorporating air circulation shall not be visible. Screening height must be the greater of either six (6) feet tall or the height of the utility being screened. Designs shall show two (2) possible site orientations. Designs will also incorporate all BPU Engineering specifications and largest of all the required dimensions;
13. As per the Planning Director's interpretation of the Commercial Design Guidelines, the following architectural standards have been identified as being good design practices and shall be included in the design plans:
 - a. Gutters and downspouts shall be internalized. Scuppers shall be recessed in the corners. Overflow drains (lamb's tongues, etc.) shall also be internalized;
 - b. Lighting shall be installed to have a 90-degree cutoff;
 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;
 15. Section 27-573-578 acknowledges the use of the Commercial Design Guidelines and their use in this district as established by Ordinance O-50-06. The City-Wide Master Plan establishes the uses of the Commercial Design Guidelines by their inclusion in the current land use design;
 16. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by the parapet of the building. Architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines; and,
 17. Sec. 27-211(j) In the event of a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or a section thereof and shall so notify the Unified Government in writing ,or in the event the landowner shall fail to commence, as evidenced by receipt of building buildings and start of construction, the planned development within 18 months after final approval has been granted or in the case of subsequent phases each be initiated within 24 months of the issuance of a certificate of occupancy on the entire preceding phase or the plan will be constructed abandoned, then in either event such final approval shall

terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new development plan has been approved.

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 **PR2023-029** subject to all comments and suggestions outlined in this report and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – City-Wide Comprehensive Plan
Site Plan
Landscape Plan
Floor Plan
Elevations
Site Photos, Taken by Staff, Dated October 13, 2023

REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>City Planning Commission</u>	<u>Unified Government Board of Commissioners</u>
Public Hearing	November 13, 2023	November 30, 2023
Preliminary and	Approval	
Final Plan		

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

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **PR2023-029** 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 **PR2023-029**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at Recording 2 - 48:15:

PLAN REVIEW APPLICATION PR2023-029 – NICK HANAWAY - SYNOPSIS:

Preliminary and Final Development Plan to construct a new Burger King restaurant at 7736 State Avenue. Detailed Outline of Requested Action: The applicant, Nick Hanaway, is requesting approval of a Preliminary and Final Development Plan to construct a new 3,024 square foot Burger King restaurant at 7736 State Avenue. The property is currently utilized as a Burger King restaurant.

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 November 13, 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:

- Nick Hanaway, applicant and civil engineer, Renaissance Infrastructure Consulting, 5015 NW Canal Street, Riverside, MO 64150

Present in Opposition:

- No one appeared

Staff Recommendation starts at Recording 2 -50:59: Planning Director Hand stated that the request is for a Preliminary and Final Development Plan for a new Burger King

restaurant. The property is in the Citywide Comprehensive Plan in the Midtown Area. Staff received no letters in support nor opposition. There are no Notices of Violation. Staff recommends approval subject to the conditions in the staff report. He stated that the applicant has requested deviations from the ordinance and those deviations are included in the conditions of approval.

Motion starts at Recording 2 – 52:37:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to recommend **APPROVAL of PR2023-029:**

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

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

Subject to:

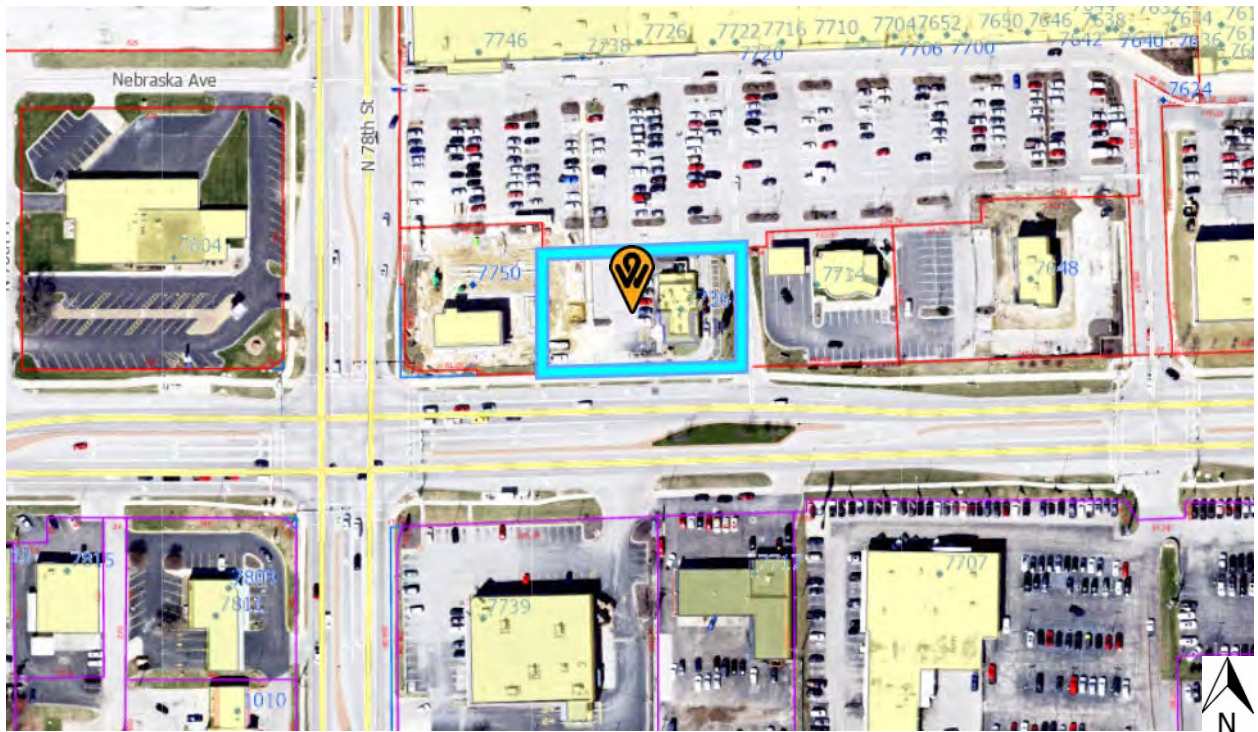
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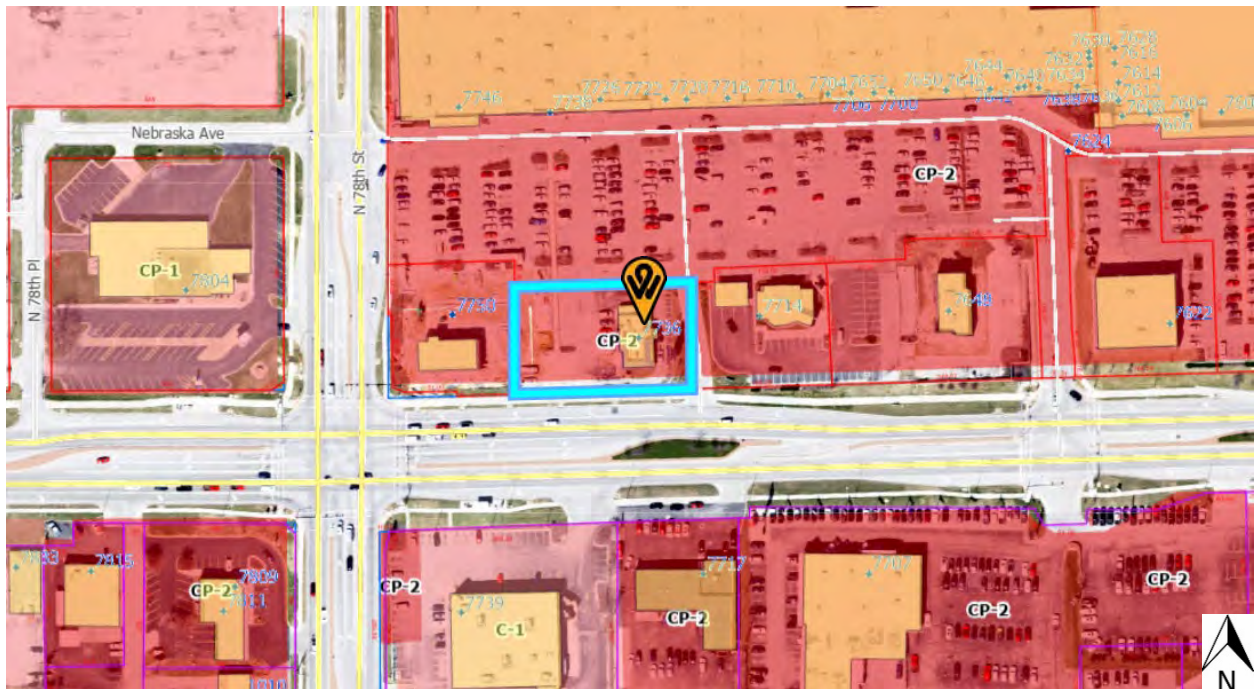
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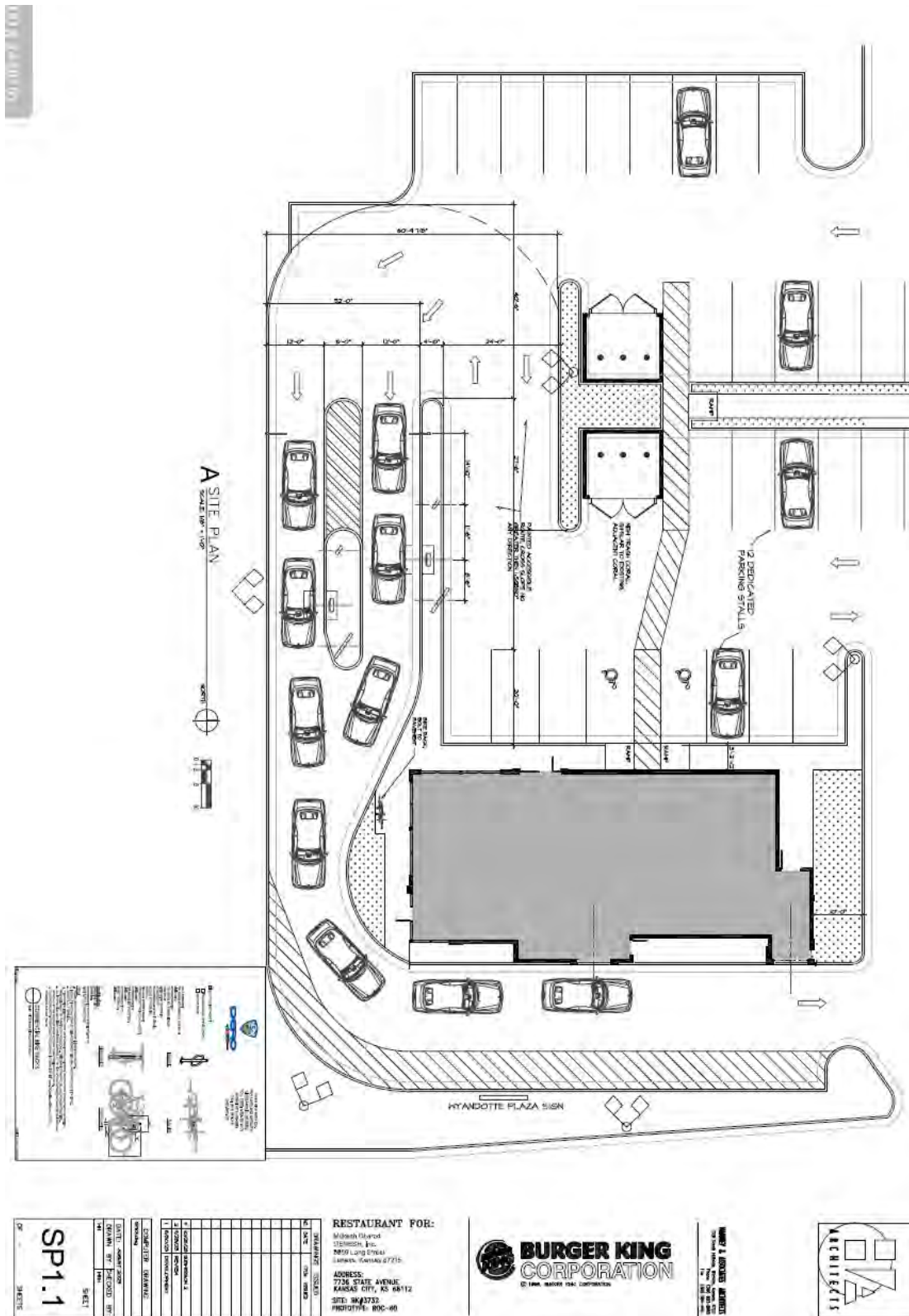


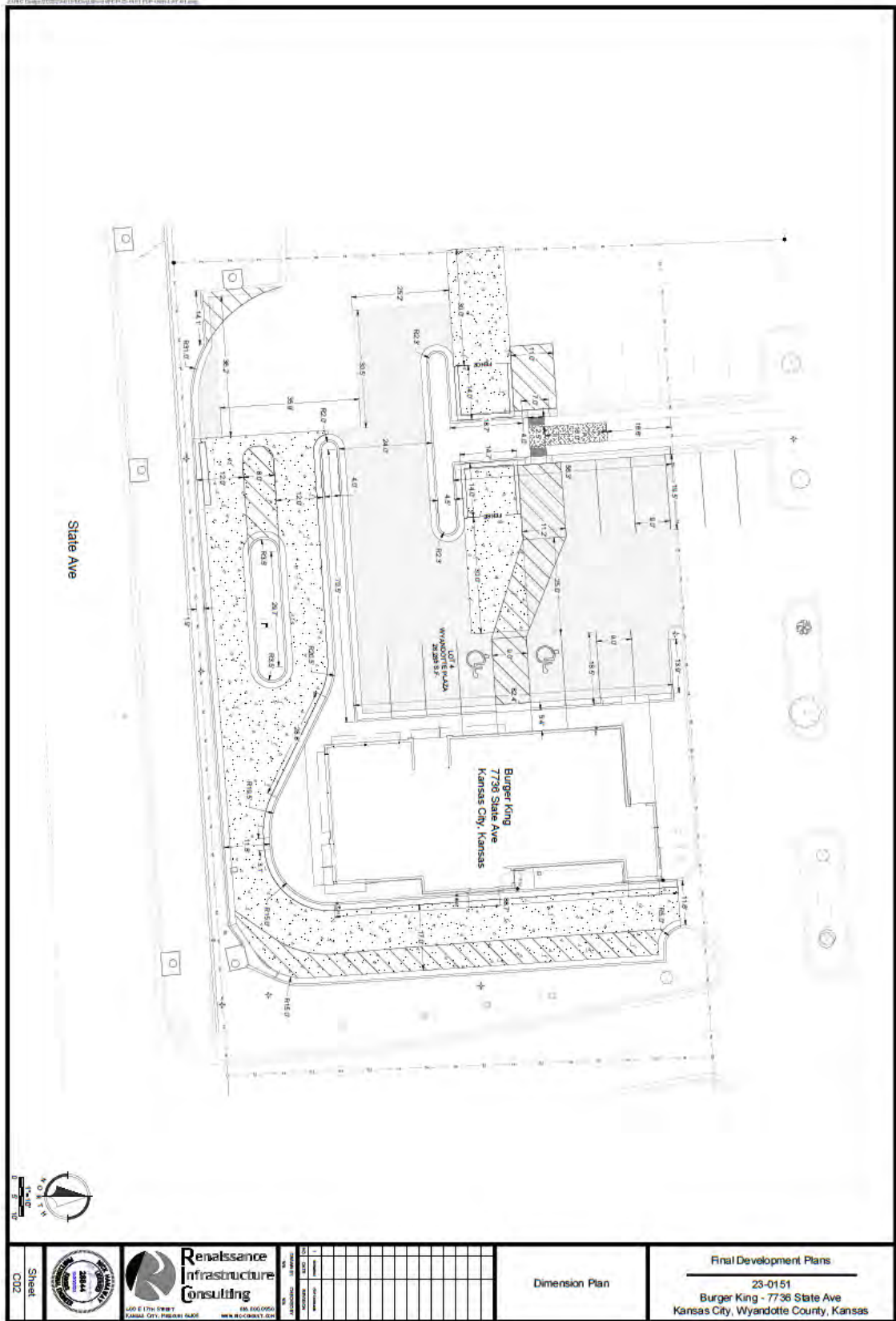
LAND USE MAP



PR2023-029

15

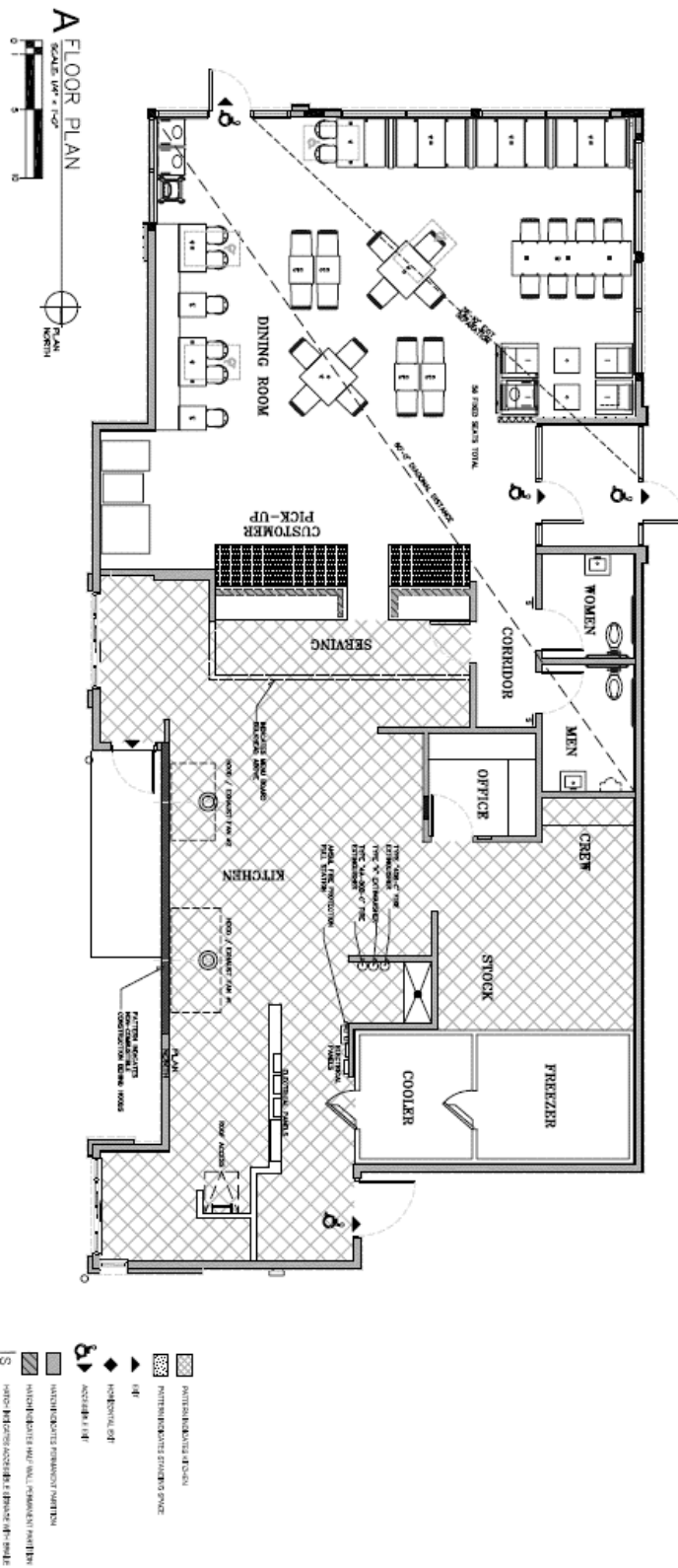




PR2023-029

November 30, 2023

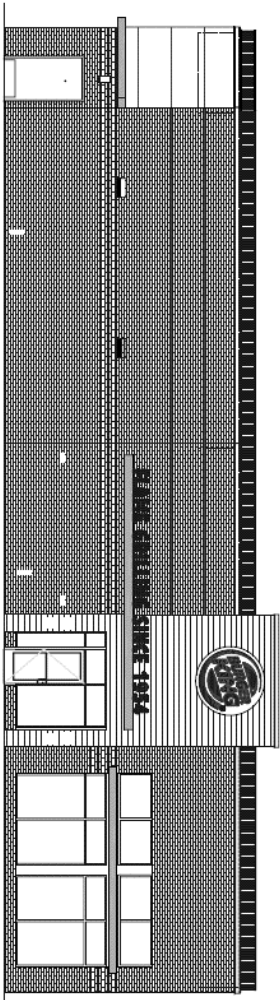
18



ELEVATIONS

1 WEST ELEVATION

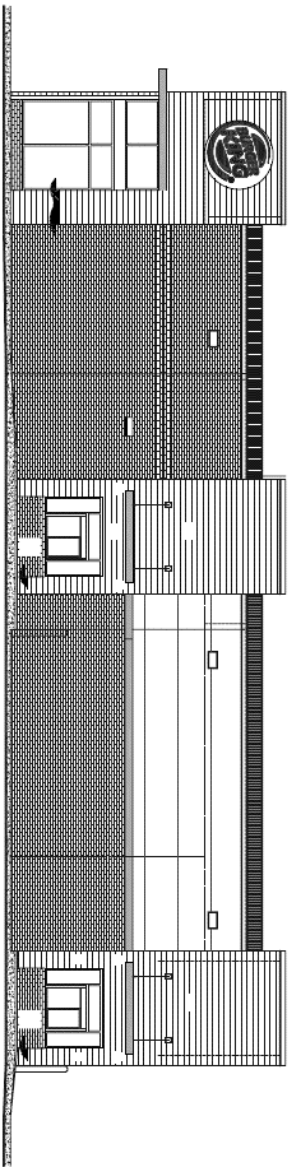
SCALE: 1/4" = 1'-0"



NO. OF PANELS	100	100	100
AREA	100	100	100
PERCENTAGE	100	100	100
TOTAL	100	100	100

2 EAST ELEVATION

SCALE: 1/4" = 1'-0"



NO. OF PANELS	100	100	100
AREA	100	100	100
PERCENTAGE	100	100	100
TOTAL	100	100	100

RESTAURANT FOR:

Mohesh Dhand
7336 State Avenue
Kansas City, MO 64112

ADDRESS:
7336 STATE AVENUE
KANSAS CITY, MO 64112
SITE: 00-03135
PROJECT: RDC-60



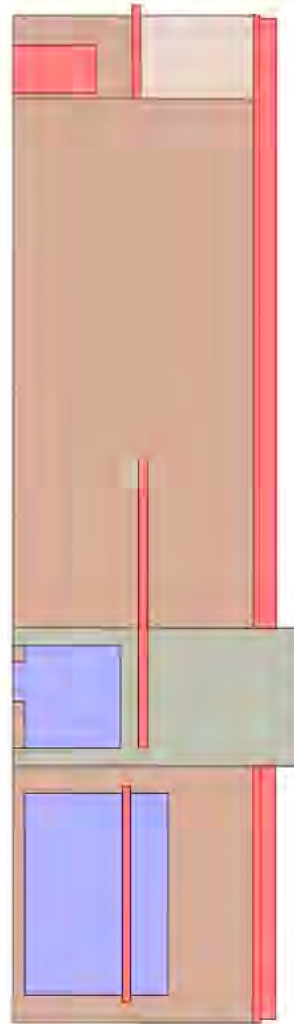
OWNER & DESIGNER
7336 State Avenue
Kansas City, MO 64112
7336 State Avenue
Kansas City, MO 64112



NO.	DATE	REVISION
1	01/10/2013	ISSUED
2	01/10/2013	ISSUED
3	01/10/2013	ISSUED
4	01/10/2013	ISSUED
5	01/10/2013	ISSUED
6	01/10/2013	ISSUED
7	01/10/2013	ISSUED
8	01/10/2013	ISSUED
9	01/10/2013	ISSUED
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96	01/10/2013	ISSUED
97	01/10/2013	ISSUED
98	01/10/2013	ISSUED
99	01/10/2013	ISSUED
100	01/10/2013	ISSUED

1 WEST ELEVATION

SCALE 1/4" = 1'-0"



DESCRIPTION	113' x 11'	113'	11'	113'	11'
113'	113'	113'	113'	113'	113'
11'	11'	11'	11'	11'	11'
113'	113'	113'	113'	113'	113'
11'	11'	11'	11'	11'	11'
TOTAL	113' x 11'	113'	11'	113'	11'

2 EAST ELEVATION

SCALE 1/4" = 1'-0"



DESCRIPTION	113' x 11'	113'	11'	113'	11'
113'	113'	113'	113'	113'	113'
11'	11'	11'	11'	11'	11'
113'	113'	113'	113'	113'	113'
11'	11'	11'	11'	11'	11'
TOTAL	113' x 11'	113'	11'	113'	11'



BURGER KING CORPORATION
© 1996, BUNGER KING CORPORATION

RESTAURANT FOR:
Munchy's Market
Pawnee, Inc.
8800 Long Street
Kansas, Kansas 67110

ADDRESS:
7738 STATE AVENUE
KANSAS CITY, KS 64113

SITE: BK1751
PROJECT: RSC-69

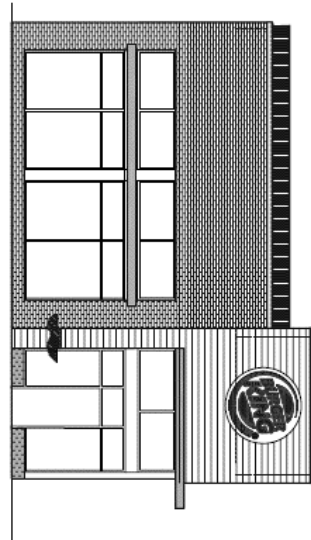
DATE: 11/30/96
BY: [Signature]

REVISIONS:

NO.	DATE	DESCRIPTION
1	11/30/96	ISSUED FOR PERMIT

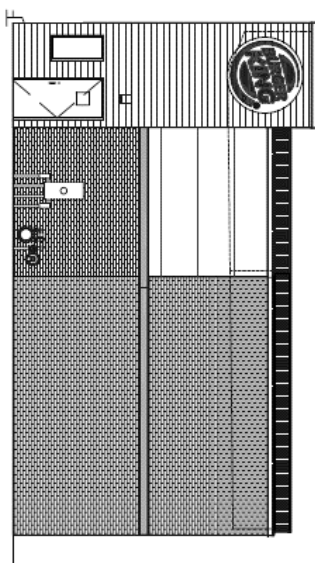
ARCHITECT:
A2.0

SCALE:
1/4" = 1'-0"



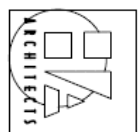
1 SOUTH ELEVATION

MECHANICAL	110' 0" x 12' 0"	120' 0"
GLASS	0' 0" x 12' 0"	0' 0"
BRICK	60' 0" x 12' 0"	720' 0"
WOOD	20' 0" x 12' 0"	240' 0"
CONCRETE	50' 0" x 12' 0"	600' 0"
TOTAL	140' 0" x 12' 0"	1680' 0"



2 NORTH ELEVATION

MECHANICAL	110' 0" x 12' 0"	120' 0"
GLASS	0' 0" x 12' 0"	0' 0"
BRICK	60' 0" x 12' 0"	720' 0"
WOOD	20' 0" x 12' 0"	240' 0"
CONCRETE	50' 0" x 12' 0"	600' 0"
TOTAL	140' 0" x 12' 0"	1680' 0"



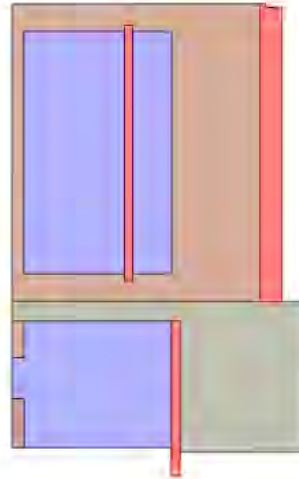
GVA ARCHITECTS
 1000 S. 10th Street, Suite 100
 Lincoln, NE 68502
 Phone: 402.441.1111
 Fax: 402.441.1112
 Email: info@gvaarchitects.com



RESTAURANT FOR:
 Mukesh Dhand
 BENERSH, Inc.
 8859 Long Street
 Leawood, Kansas 67215
 ADDRESS:
 7736 STATE AVENUE
 KANSAS CITY, KS 68112
 SITE: BK-0532
 PROJECT: RDC-60

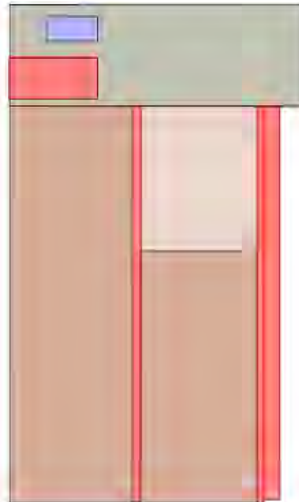
NO.	DATE	DESCRIPTION
1	11/30/23	ISSUED FOR PERMIT
2		
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DATE: 11/30/23	BY: GVA
CHECKED: GVA	DATE: 11/30/23
APPROVED: GVA	DATE: 11/30/23
PROJECT: RDC-60	SHEET: A2.1

$\text{Secant } p(p) = 1 - p^2$ 

1	MC1000C	540 A.L.	105
2	ET-3	0 A.L.	25
3	AP-AL	65 A.L.	65
4	WATERBURY	307 A.L.	215
5	Q-ALC	250 A.L.	875
ET174		622 A.L.	1500

SCIENCE 101 • 101



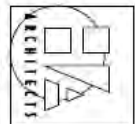
RECEIVABLES	16.7	1.0
INVENTORY	11.7	0.8
FIXED ASSETS	105	7.3
LIABILITIES	37.2	2.7
EQUITY	3.4	0.3
TOTAL	167.8	10.8

[illegible]

RESTAURANT FOR:
Mallards (Barry)
DYNASTY, Inc.
8810 Long Street
Lawrence, Kansas 66044

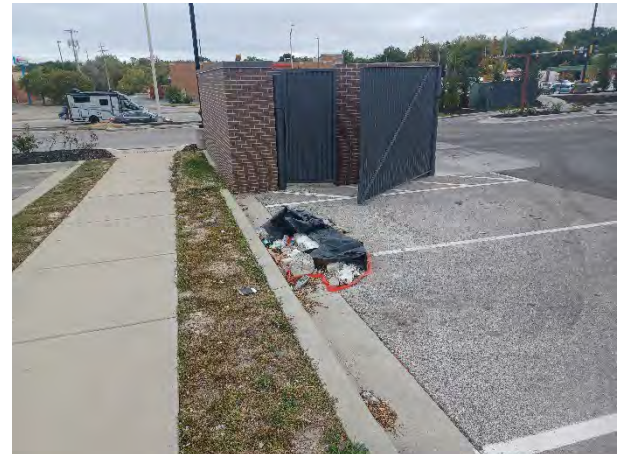
ADDRESS:
7736 STATE AVENUE
KANSAS CITY, KS 64112

SITE: DK#3731
PROTOTYPE: RDC-63



SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 13, 2023







NEIGHBORHOOD MEETING MINUTES

Meeting Minutes

Project: Burger King – 7736 State Avenue
Project Number: 23-0151
Notes By: Nick Hanaway, P.E.

Attendees:

	Name	Entity
	Nick Hanaway	RIC
	Curt Talcott	RIC
	Jenifer Cain	Hanney & Associates Architects

Meeting Notes:

The Neighborhood Meeting was held virtually via Microsoft Teams at 4:00 p.m. on Tuesday October 24th, 2023. The meeting was held to introduce the surrounding neighbors to the project of the rebuilding of the existing Burger King at 7736 State Avenue, Kansas City, KS, 66112. None of the neighbors that were contacted attended the meeting. The meeting ended at 4:30 p.m. after no one attended the meeting. Also, none of the residents that were contacted reached out with questions or comments.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition #PR2023-029.
2. That I conducted a neighborhood meeting on 10-24-2023.
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.

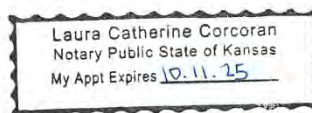
Nick Hanaway
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26th day of October, 2023.

My commission expires 11 of October, 2025.



Notary Public



Re: **Letter in regard to Neighborhood Meeting for the Proposed Rebuild of Burger King at 7736 State Ave**

Date: 10-12-2023

Dear Property Owner,

We have filed an application with the Department of Urban Planning and Land Use #PR2023-029. The purpose of this:

- Preliminary plan review
- Final plan review

is for a proposed rebuild of the existing Burger King at the following address: 7736 State Ave. Kansas City, KS, 66112.

We are having a neighborhood meeting to be held virtually via Microsoft Teams at 4:00 p.m. on Tuesday, October 24, 2023.

See the Microsoft Teams meeting link below:

<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1>

Meeting ID: 228 206 755 647
Passcode: 2o7oVF

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 have any questions, please contact me at the address/phone number listed below.

A copy of the proposed development is attached for reference.

Sincerely,



Nick Hanaway, P.E. - Project Manager

816-541-2415

nhanaway@ric-consult.com

RENAISSANCE INFRASTRUCTURE CONSULTING

(First published _____)

COZ2023-019

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 7511 Leavenworth Road, in Kansas City, Kansas, by changing the same from its present zoning of CP-2 Planned General Business and R-1 Single Family Districts to CP-3 Planned Commercial District.

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

Section 1. It is hereby found and determined that a petition was filed on June 30, 2023, by the owners of property to have the zoning of said property changed from its present zoning of CP-2 Planned General Business and R-1 Single Family Districts to CP-3 Planned Commercial District.

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

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

NE 1/4, SECTION 32 & NW 1/4, SECTION 33, TOWNSHIP 10 SOUTH,
RANGE 24 EAST, KANSAS CITY, WYANDOTTE COUNTY, KANSAS

DEED DESCRIPTION; Beginning at the Northeast corner of Section 32, Township 10, Range 24, thence West 4 rods, thence South 40 rods, thence East 4 rods, thence North 40 rods to the place of beginning. EXCEPT the South 399 feet thereof and EXCEPT that part taken or used for road purposes, all in Wyandotte County, Kansas:

Also, the following described tract of land: The West 6 poles of the East 10 poles of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 32, Township 10, Range 24 in Wyandotte County, Kansas, less that part taken or used for road purposes. Located at approximately 7511 Leavenworth Road, Kansas City, Kansas,

be changed from its present zoning of CP-2 Planned General Business and R-1 Single Family Districts to CP-3 Planned Commercial District, as defined by the Zoning Ordinances of Kansas City, Kansas.

Section 3. Pursuant to the Code of City Ordinances, Section 27-467, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-3 Planned Commercial District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-022

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 2324 Grandview Boulevard, in Kansas City, Kansas, by changing the same from its present zoning of CP-O Planned Nonretail Business District to CP-1 Planned Limited Business District.

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

Section 1. It is hereby found and determined that a petition was filed on July 28, 2023, by the owners of property to have the zoning of said property changed from its present zoning of CP-O Planned Nonretail Business District to CP-1 Planned Limited Business District.

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

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

The South 54 feet of Lot 26 and the South 54 feet of the West 13 feet of Lot 27, Block 1, CLIFTON HILLS, an addition in Kansas City, Wyandotte County, Kansas, located at approximately 2324 Grandview Boulevard, Kansas City, Kansas,

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

Section 3. Pursuant to the Code of City Ordinances, Section 27-464, the Governing Body approves the preliminary development plans, incorporated herein by reference, marked as the certified preliminary development plan, and maintained in the Planning and Urban Design Department as submitted to the Governing Body and received by the Unified Clerk.

Section 4. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein described to be now zoned for CP-1 Planned Limited Business District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-023

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3308 North 75th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

Section 1. It is hereby found and determined that a petition was filed on July 14, 2023, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

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

DESCRIPTION PER DEED (2020R-15411)

TRACT 1:

A TRACT OF LAND IN THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 29, TOWNSHIP 1 O, RANGE 24, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS 615 FEET NORTH 0 DEGREES 17 MINUTES 40 SECONDS EAST FROM THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 29, TOWNSHIP 10, RANGE 24; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 408.86 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 17 MINUTES 40 SECONDS WEST, PARALLEL WITH THE WEST LINE OF THE EAST ½ OF THE SOUTHWEST ¼ OF SAID SECTION, A

DISTANCE OF 380.00 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 253.73 FEET; THENCE NORTH 0 DEGREES 05 MINUTES 20 SECONDS EAST, A DISTANCE OF 380.00 FEET; THENCE WEST, A DISTANCE OF 253.73 FEET TO THE TRUE POINT OF BEGINNING.

TRACT 2:

BEGINNING AT A POINT 428.00 FEET NORTH OF THE SOUTHEAST CORNER OF SECTION 29., TOWNSHIP 10, RANGE 24, WYANDOTTE COUNTY, KANSAS, THENCE SOUTHWESTERLY 683.35 FEET TO A POINT 269.95 FEET NORTH OF THE SOUTHWEST CORNER OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION; THENCE NORTH 1063.05 FEET; THENCE EAST 65.00 FEET; THENCE SOUTH 904.00 FEET TO THE POINT OF BEGINNING, EXCEPT THE EAST 20 FEET THEREOF. AND COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 10 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 00 DEGREES 13 MINUTES 10 SECONDS WEST 399.71 FEET ALONG THE EAST LINE OF THE SAID SECTION 29 TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 35.04 FEET TO A POINT ON THE CENTERLINE OF THE ABANDONED K.C. LEAVENWORTH ELECTRIC RAILWAY RIGHT-OF-WAY; THENCE NORTH 74 DEGREES 11 MINUTES 02 SECONDS EAST 35.65 FEET ALONG THE SAID CENTERLINE TO A POINT ON THE EAST LINE OF SAID SECTION 29; THENCE SOUTH 00 DEGREES 13 MINUTES 10 SECONDS EAST 6.71 FEET TO THE POINT OF BEGINNING, EXCEPT THE EAST 20 FEET. EXCEPT: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 10 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 00 DEGREES 13 MINUTES 10 SECONDS WEST 399.71 FEET ALONG THE EAST LINE OF THE SAID SECTION 29; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 35.04 FEET TO A POINT ON THE CENTERLINE OF THE ABANDONED K.C. LEAVENWORTH RAILWAY RIGHT-OF-WAY SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE SOUTH 74 DEGREES 11 MINUTES 02 SECONDS WEST 311.64 FEET ALONG THE SAID CENTERLINE; THENCE NORTH 00 DEGREES 13 MINUTES 10 SECONDS WEST 2.63 FEET; THENCE NORTH 67 DEGREES 16 MINUTES 14 SECONDS EAST 221.31 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 94.96 FEET TO THE POINT OF BEGINNING. AND EXCEPT: A TRACT OF LAND LOCATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 29, TOWNSHIP 10, RANGE 24, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY

DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 428.00 FEET NORTH OF THE SOUTHEAST COMER OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 29; THENCE SOUTH 70 DEGREES, 47 MINUTES, 46 SECONDS WEST A DISTANCE OF 485.63 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE CONTINUING SOUTH 70 DEGREES, 47 MINUTES, 46 SECONDS WEST A DISTANCE OF 197.72 FEET TO A POINT 269.95 FEET NORTH OF THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 29; THENCE NORTH 00 DEGREES, 13 MINUTES, 10 SECONDS WEST A DISTANCE OF 265.12 FEET; THENCE NORTH 89 DEGREES, 46 MINUTES, 50 SECONDS EAST A DISTANCE OF 186.95 FEET; THENCE SOUTH 00 DEGREES, 13 MINUTES, 10 SECONDS EAST A DISTANCE OF 200.80 FEET TO THE POINT OF BEGINNING.

TRACT 3:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, IN TOWNSHIP 10, RANGE 24, WYANDOTTE COUNTY, KANSAS, THENCE WEST 20 FEET, THENCE SOUTH TO THE SOUTH LINE OF AFORESAID SECTION 29, THENCE EAST 20 FEET TO THE SOUTHEAST CORNER OF AFORESAID SECTION 29, THENCE NORTH TO THE BEGINNING EXCEPTING THEREFROM THE RIGHT-OF-WAY OF THE KANSAS CITY, LEAVENWORTH AND WESTERN RAILROAD, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES.

Located at approximately 3308 North 75th Street, Kansas City, Kansas,

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

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

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-015

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 3850 North 55th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

Section 1. It is hereby found and determined that a petition was filed on May 26, 2023, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

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

A tract of land in the Southwest Quarter of section 23, Township 10 South, Range 24 East of the 6th P.M., as follows: Beginning at a point 330 feet (20 poles) North of the Southeast corner of the Southwest Quarter of said Section; thence North 990 feet (60 poles); thence West 1,320 feet (80 poles); thence South 990 (60 poles); thence East 1,320 feet (80 poles) to the point of beginning; also beginning at a 342 feet North of the Southeast corner of the Southwest Quarter of said Section; thence South 120 feet; thence East 140 feet; thence North 12 feet; thence West 112 feet; thence North 4 feet; thence West 12 feet; thence North 12 feet; thence West 4 feet; thence North 92 feet; thence West 12 feet to the point of beginning; also beginning 228 feet North of the Southeast corner of the Southwest Quarter of said Section; thence North 102 feet to the Northeast corner of Hurrelbrink (Hurrelbrink) 0 acre tract; thence West 147 feet; thence South 24 degrees 50 minutes

East 108 feet; thence South 85 degrees 30 minutes East 102.3 feet to the point of beginning in Kansas City, Wyandotte County, Kansas, EXCEPT any part used or dedicated for streets, roads, or highways.

EXCEPT: A tract of land in the Southeast Quarter of the Southwest Quarter of Section 23, Township 10 South, Range 24 East, of the 6th Principal Meridian, Kansas City, Wyandotte County, Kansas, being described as follows: Beginning at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 23 Township 10 Range 24, said point being the Northeast corner of the Kincaid property as described by deed recorded in Book 3204 at page 400 in the Wyandotte County Register of Deeds Office; thence West along the North line of said Southeast Quarter of the Southwest Quarter of Section 23 Township 10 Range 24 East, 771.20 feet; thence South parallel to the East line of the Southeast Quarter of the Southwest Quarter of Section 23 Township 10 Range 24 East, 300.00 feet; thence East parallel to said North line of the Southeast Quarter of the Southwest Quarter of Section 23, Township 10, Range 24, 771.20 feet to a point on the East line of said Southeast Quarter of the Southwest Quarter; thence North along said East line of the Southeast Quarter of the Southwest Quarter of Section 23 Township 10, Range 24, 300.00 feet to the point of beginning, EXCEPT any part used or dedicated for streets, roads, or highways, located at approximately 3850 North 55th Street, Kansas City, Kansas,

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

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

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-024

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2024-024, commonly known as 3850 North 55th Street, Kansas City, Kansas, legally described as:

A tract of land in the Southwest Quarter of section 23, Township 10 South, Range 24 East of the 6th P.M., as follows: Beginning at a point 330 feet (20 poles) North of the Southeast corner of the Southwest Quarter of said Section; thence North 990 feet (60 poles); thence West 1,320 feet (80 poles); thence South 990 (60 poles); thence East 1,320 feet (80 poles) to the point of beginning; also beginning at a 342 feet North of the Southeast corner of the Southwest Quarter of said Section; thence South 120 feet; thence East 140 feet; thence North 12 feet; thence West 112 feet; thence North 4 feet; thence West 12 feet; thence North 12 feet; thence West 4 feet; thence North 92 feet; thence West 12 feet to the point of beginning; also beginning 228 feet North of the Southeast corner of the Southwest Quarter of said Section; thence North 102 feet to the Northeast corner of Hurrelbrink (Hurrelbrink) 0 acre tract; thence West 147 feet; thence South 24 degrees 50 minutes East 108 feet; thence South 85 degrees 30 minutes East 102.3 feet to the point of beginning in Kansas City, Wyandotte County, Kansas, EXCEPT any part used or dedicated for streets, roads, or highways.

EXCEPT:

A tract of land in the Southeast Quarter of the Southwest Quarter of Section 23, Township 10 South, Range 24 East, of the 6th Principal Meridian, Kansas City, Wyandotte County, Kansas, being described as follows:

Beginning at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 23 Township 10 Range 24, said point being the Northeast corner of the Kincaid property as described by deed recorded in Book 3204 at page 400 in the Wyandotte County Register of Deeds Office; thence West along the North line of said Southeast Quarter of the Southwest Quarter of Section 23 Township 10 Range 24 East, 771.20 feet; thence South parallel to the East line of the Southeast Quarter of the Southwest Quarter of Section 23 Township 10 Range 24 East, 300.00 feet; thence East parallel to said North line of the Southeast Quarter of the Southwest Quarter of Section 23, Township 10, Range 24, 771.20 feet to a point on the East line of said Southeast Quarter of the Southwest Quarter; thence North along said East line of the Southeast Quarter of the Southwest Quarter of Section 23 Township 10, Range 24, 300.00 feet to the point of beginning, EXCEPT any part used or dedicated for streets, roads, or highways, located at approximately 3850 North 55th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for grading of the property.

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

1. **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.**

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-020

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to RP-5 Planned Apartment District.

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

Section 1. It is hereby found and determined that a petition was filed on June 29, 2023, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to RP-5 Planned Apartment District.

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

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

TRACT 1 – Newton:

BEGINNING AT A POINT 1204 FEET SOUTH AND 1128.25 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 11, RANGE 24, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, THENCE EAST 212.5 FEET, THENCE SOUTH 1435.5 FEET, THENCE WEST 212.5 FEET, THENCE NORTH 1435.5 FEET TO BEGINNING, EXCEPT THAT PART TAKEN OR USED FOR ROAD PURPOSES, ALSO EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT A POINT 2639.5 FEET SOUTH AND 1128.25 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 11, RANGE 24, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE NORTH 180 FEET; THENCE EAST 140 FEET; THENCE SOUTH 180 FEET;

THENCE WEST 140 FEET TO THE POINT OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES.

TRACT 2 – Meyer:

BEGINNING AT A POINT 1412.7 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11, RANGE 24; THENCE EAST 458 FEET; THENCE SOUTH 132.5875 FEET; THENCE WEST 458 FEET, THENCE NORTH 132.5875 FEET TO THE POINT OF BEGINNING, LESS THAT PART THEREOF USED FOR ROAD PURPOSES AND EXCEPT THAT PART DEEDED TO THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS FILED IN [BOOK 5670 AT PAGE 795](#). ALSO BEGINNING AT A POINT 1727.875 FEET SOUTH AND 215 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11, RANGE 24; THENCE EAST 243 FEET; THENCE NORTH 132.5875 FEET; THENCE WEST 243 FEET; THENCE SOUTH 132.5875 FEET TO THE POINT OF BEGINNING. ALSO BEGINNING AT A POINT 1545.2875 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11, RANGE 24; THENCE EAST 458 FEET; THENCE NORTH 132.5875 FEET; THENCE EAST 457.75 FEET; THENCE SOUTH 315.175 FEET; THENCE WEST 457.75 FEET; THENCE NORTH 132.5875 FEET; THENCE WEST 458 FEET; THENCE NORTH 50 FEET TO THE POINT OF BEGINNING, LESS THAT PART THEREOF USED FOR ROAD PURPOSES AND EXCEPT THAT PART DEEDED TO THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS FILED IN [BOOK 5670 AT PAGE 795](#). ALSO BEGINNING 1204 FEET SOUTH AND 265 FEET EAST OF THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 11, RANGE 24; THENCE EAST 650.75 FEET; THENCE SOUTH 208.7 FEET; THENCE WEST 650.75 FEET; THENCE NORTH 208.7 FEET TO THE POINT OF BEGINNING, ALL IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

TRACT 3 – Masden:

BEGINNING 1204 FEET SOUTH AND 915.75 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 9, TOWNSHIP 11, RANGE 24, IN WYANDOTTE COUNTY, KANSAS; THENCE EAST 212.5 FEET, THENCE SOUTH 1435 FEET, THENCE WEST 212.5 FEET, THENCE NORTH 1435 FEET TO THE PLACE OF BEGINNING, LESS THAT PART TAKEN OR USED FOR ROAD PURPOSES.

TRACT 4 – Hillview:

TRACT 1: ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 11, RANGE 24, WYANDOTTE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1727.875 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE NORTH 89 DEGREES 57 MINUTES 18 SECONDS EAST, A DISTANCE OF 914.59 FEET (DEEDED 917.75 FEET); THENCE SOUTH 1 DEGREE 41 MINUTES 40 SECONDS WEST, A DISTANCE OF 387.75 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 18 SECONDS WEST, A DISTANCE OF 604.59 FEET (DEEDED 607.75); THENCE NORTH 1 DEGREE 41 MINUTES 40 SECONDS EAST, A DISTANCE OF 110.0 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 18 SECONDS WEST, A DISTANCE OF 310.0 FEET; THENCE NORTH 1 DEGREE 41 MINUTES 40 SECONDS EAST, A DISTANCE OF 277.75 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART IN STREETS AND ROADS. TRACT 2: BEGINNING AT A POINT 2115.625 FEET SOUTH AND 180 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 11, RANGE 24, KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE EAST 130 FEET, THENCE NORTH 110 FEET, THENCE WEST 280 FEET TO THE EAST LINE OF STONEY POINT ROAD (NOW 78TH STREET), THENCE SOUTH 10 FEET, THENCE EAST 150 FEET, THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART IN STREETS AND ROADS. TRACT 3: BEGINNING AT A POINT IN THE EAST LINE OF STONEY POINT ROAD, (NOW 78TH STREET) WHICH SAID POINT IS 2115.625 FEET SOUTH AND 30 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 11, RANGE 24, KANSAS CITY, WYANDOTTE COUNTY, KANSAS; THENCE EAST 150 FEET, THENCE NORTH 100 FEET, THENCE WEST 150 FEET, THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART IN STREETS AND ROADS.

Located at approximately 745 North 78th Street, 701 North 78th Street, 7624 Tauromee Avenue and 7610 Tauromee Avenue Kansas City, Kansas,

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

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

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

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2022-097

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 0-91-23 AND ENACTING A NEW ORDINANCE AUTHORIZING THIS SPECIAL USE PERMIT.

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-097, commonly known as 9400 State Avenue Kansas City, Kansas, legally described as:

All that part of Lot 1, Schlitterbahn Vacation Village Second Plat, recorded as Document 2016R-09097, lying easterly and northeasterly of Lot 1, Homefield Camping World – Second Plat, recorded as Document 2022R-07274 in the Register of Deeds Office for Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 26th day of September 2022, as follows:

Beginning at the Southeast Corner of said Lot 1, Homefield Camping World – Second Plat; thence N 01°46'30" E with the Easterly line of said Lot 1, Homefield Camping World – Second Plat, a distance of 532.21 feet; thence N 01°18'58" E, continuing with said Easterly line of Lot 1, a distance of 47.88 feet; thence Northerly and Northwesterly on a curve to the left, continuing with said Easterly line of Lot 1, tangent to the last described course, having a radius of 137.00 feet, a central angle of 27°16'31", an arc distance of 65.22 feet; thence N 65°06'49" E and no longer with said easterly line of Lot 1, Homefield Camping World – Second Plat, a distance of 61.38 feet; thence N 01°44'28" E, a distance of 128.37 feet; thence northerly on a curve to the right, tangent to the last described course, having a radius of 2,030.00 feet, a central angle of 01°52'15" and an arc

distance of 66.28 feet; thence N 03°36'43" E and tangent with the last described curve, a distance of 277.96 feet; thence northerly and northeasterly on a curve to the right, tangent to the last described course, having a radius of 483.00 feet, a central angle of 61°50'04" and an arc distance of 521.26 feet to a point of compound curvature; thence northeasterly on a curve to the right, tangent to the last described curve, having a radius of 1,253.00 feet, a central angle of 01°00'30" and an arc distance of 22.05 feet; thence N 02°54'16" W and not tangent with the last described curve, a distance of 595.78 feet to a corner on the north line of said Lot 1, Schlitterbahn Vacation Village Second Plat; thence N 75°36'18" E (N 73°51'51" E plat) with the Northerly line of said Lot 1, a distance of 344.51 feet; thence N 57°08'29" E (N 55°24'02" E plat) continuing with said Northerly line of Lot 1, a distance of 167.33 feet; thence S 41°04'52" E (S 42°49'19" E plat) continuing with said Northerly line of Lot 1, a distance of 129.95 feet; thence N 76°56'14" E (N 75°11'47" E plat) continuing with said Northerly line of Lot 1, a distance of 141.97 feet; thence S 04°17'54" E and no longer with said Northerly line of Lot 1, a distance of 795.57 feet; thence southeasterly on a curve to the right, having an initial tangent bearing of S 40°09'04" E, a radius of 498.00 feet, a central angle of 13°31'44" and an arc distance of 117.59 feet to a point of compound curvature; thence southeasterly on a curve to the right, tangent to the last described curve, having a radius of 942.00 feet, a central angle of 02°18'10" and an arc distance of 37.86 feet; thence S 61°04'30" W and not tangent to the last described curve, a distance of 84.78 feet; thence N 90°00'00" W, a distance of 214.05 feet; thence S 00°00'00" E, a distance of 195.64 feet; thence S 21°27'47" W, a distance of 67.87 feet; thence S 00°19'13" W, a distance of 179.50 feet; thence N 84°28'15" W, a distance of 257.27 feet; thence S 89°33'17" W, a distance of 497.18 feet; thence S 03°36'43" W, a distance of 21.53 feet; thence southerly on a curve to the left, tangent to the last described course, having a radius of 1,970.00 feet, a central angle of 01°52'15" and an arc distance of 64.33 feet; thence S 01°44'28" W and tangent to the last described curve, a distance of 74.32 feet; thence southerly on a curve to the left, tangent to the last described course, having a radius of 987.00 feet, a central angle of 06°16'08" and an arc distance of 107.99 feet; thence S 04°31'41" E and tangent to the last described curve, a distance of 311.07 feet; thence S 01°46'30" W, a distance of 295.56 feet to a point on the southerly line of said Lot 1, Schlitterbahn Vacation Village Second Plat; thence westerly and southwesterly with said southerly line of Lot 1, Schlitterbahn Vacation Village Second Plat, having an initial tangent bearing of N 86°09'46" W, a radius of 574.83 feet, a central angle of 14°02'31" and an arc distance of 140.88 feet to the Point of Beginning. The above-described tract contains 1,159,919 square feet, or 26.62 acres, more or less. Located at approximately 9400 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for **an event center at the Margaritaville Resort Hotel**.

Section 3. Conditions and Stipulations. The Special Use permit granted in

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

- 1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.**
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:**
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.**

The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.**
- 2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;**
- 3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;**
- 4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;**
- 5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;**
- 6. For future live entertainment:**
 - a. All entertainment must cease by at least 1:00AM;**
 - b. Doors and windows must stay closed during any entertainment performance;**
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**

- i. 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;
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
- d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
- e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
- 8. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
- 9. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
- 10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- 11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
- 12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;

13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;
15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
18. 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;
19. All existing and future driveways must feature curb cuts that are constructed to 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;
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;

- 22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;**
- 23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;**
- 24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;**
- 25. 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;**
- 26. The Special Use Permit shall be valid indefinitely from the publication of the associated Ordinance.**
- 27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made**

payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published 9/7/2023)

SP2022-097

ORDINANCE NO. O-91-23

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2022-097, commonly known as 9400 State Avenue Kansas City, Kansas, legally described as:

All that part of Lot 1, Schlitterbahn Vacation Village Second Plat, recorded as Document 2016R-09097, lying easterly and northeasterly of Lot 1, Homefield Camping World – Second Plat, recorded as Document 2022R-07274 in the Register of Deeds Office for Wyandotte County, Kansas, being more particularly described by John Aaron Copelin, LS-1658 on this 26th day of September 2022, as follows:

Beginning at the Southeast Corner of said Lot 1, Homefield Camping World – Second Plat; thence N 01°46'30" E with the Easterly line of said Lot 1, Homefield Camping World – Second Plat, a distance of 532.21 feet; thence N 01°18'58" E, continuing with said Easterly line of Lot 1, a distance of 47.88 feet; thence Northerly and Northwesterly on a curve to the left, continuing with said Easterly line of Lot 1, tangent to the last described course, having a radius of 137.00 feet, a central angle of 27°16'31", an arc distance of 65.22 feet; thence N 65°06'49" E and no longer with said easterly line of Lot 1, Homefield Camping World – Second Plat, a distance of 61.38 feet; thence N 01°44'28" E, a distance of 128.37 feet; thence northerly on a curve to the right, tangent to the last described course, having a radius of 2,030.00 feet, a central angle of 01°52'15" and an arc distance of 66.28 feet; thence N 03°36'43" E and tangent with the last described curve, a distance of 277.96 feet; thence northerly and northeasterly on a curve to the right, tangent to the last described course, having a radius of 483.00 feet, a central angle of 61°50'04" and an arc distance of 521.26 feet to a point of compound curvature; thence northeasterly on a curve to the right, tangent to the

last described curve, having a radius of 1,253.00 feet, a central angle of 01°00'30" and an arc distance of 22.05 feet; thence N 02°54'16" W and not tangent with the last described curve, a distance of 595.78 feet to a corner on the north line of said Lot 1, Schlitterbahn Vacation Village Second Plat; thence N 75°36'18" E (N 73°51'51" E plat) with the Northerly line of said Lot 1, a distance of 344.51 feet; thence N 57°08'29" E (N 55°24'02" E plat) continuing with said Northerly line of Lot 1, a distance of 167.33 feet; thence S 41°04'52" E (S 42°49'19" E plat) continuing with said Northerly line of Lot 1, a distance of 129.95 feet; thence N 76°56'14" E (N 75°11'47" E plat) continuing with said Northerly line of Lot 1, a distance of 141.97 feet; thence S 04°17'54" E and no longer with said Northerly line of Lot 1, a distance of 795.57 feet; thence southeasterly on a curve to the right, having an initial tangent bearing of S 40°09'04" E, a radius of 498.00 feet, a central angle of 13°31'44" and an arc distance of 117.59 feet to a point of compound curvature; thence southeasterly on a curve to the right, tangent to the last described curve, having a radius of 942.00 feet, a central angle of 02°18'10" and an arc distance of 37.86 feet; thence S 61°04'30" W and not tangent to the last described curve, a distance of 84.78 feet; thence N 90°00'00" W, a distance of 214.05 feet; thence S 00°00'00" E, a distance of 195.64 feet; thence S 21°27'47" W, a distance of 67.87 feet; thence S 00°19'13" W, a distance of 179.50 feet; thence N 84°28'15" W, a distance of 257.27 feet; thence S 89°33'17" W, a distance of 497.18 feet; thence S 03°36'43" W, a distance of 21.53 feet; thence southerly on a curve to the left, tangent to the last described course, having a radius of 1,970.00 feet, a central angle of 01°52'15" and an arc distance of 64.33 feet; thence S 01°44'28" W and tangent to the last described curve, a distance of 74.32 feet; thence southerly on a curve to the left, tangent to the last described course, having a radius of 987.00 feet, a central angle of 06°16'08" and an arc distance of 107.99 feet; thence S 04°31'41" E and tangent to the last described curve, a distance of 311.07 feet; thence S 01°46'30" W, a distance of 295.56 feet to a point on the southerly line of said Lot 1, Schlitterbahn Vacation Village Second Plat; thence westerly and southwesterly with said southerly line of Lot 1, Schlitterbahn Vacation Village Second Plat, having an initial tangent bearing of N 86°09'46" W, a radius of 574.83 feet, a central angle of 14°02'31" and an arc distance of 140.88 feet to the Point of Beginning. The above-described tract contains 1,159,919 square feet, or 26.62 acres, more or less. Located at approximately 9400 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for **an event center at the Margaritaville Resort Hotel.**

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

stipulations, conditions and restrictions, of which any violation of any hereafter enumerated will be an additional basis for revocation in addition to those factors specified in Section 27-214:

- 1. The following requirements of the Commercial Development Guidelines Overlay District *have not* been met and have been given a deviation by the City Planning Commission.**
 - a. Sec. 27-596(e)(2) Exterior buildings materials shall not include the following:**
 - i. EIFS at the ground level or comprising more than 15 percent of any façade.**

The applicant must do better than the current use of EIFS: South – 39%, West – 38%, East 32% and North 39%.
 - b. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view. An opaque metal paneling system, similar to Dairy Farmers of America (DFA), rather than the parapet of the building.**
- 2. At the time of the 2015 Star Bond issuance, Developer contributed Star Bond proceeds for signalization of 98th Street and State Avenue and associated improvements. The Unified Government will construct the sidewalk connection between the existing sidewalk in front of the fire station on State Avenue to 98th Street as part of the signalization project;**
- 3. The Developer of Commercial Lot 8, as identified on the Homefield Master Plan, will construct an 8-foot sidewalk adjacent to its property at the time it is developed;**
- 4. The Developer of Commercial Lot 2, as identified on the Homefield Master Plan, will construct a 10-foot sidewalk adjacent to its property line at the time it is developed;**
- 5. When a building permit is pulled for Lot 14-A (luxury RV Park), Developer will dedicate an easement for an 8-foot trail to the Unified Government for connectivity in the area generally shown on the Homefield Master Plan (see in Attachments) with the actual location/layout of the easement to be mutually agreed upon by the Developer and the Unified Government. The trail shall be constructed by the Developer;**
- 6. For future live entertainment:**
 - a. All entertainment must cease by at least 1:00AM;**
 - b. Doors and windows must stay closed during any entertainment performance;**
 - c. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:**
 - i. 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;**
 - ii. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;**

- iii. An I.D. scanner will be used at all times;
 - iv. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
- d. No amplified speakers or entertainment is allowed in outdoor spaces; and,
- e. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 7. Sec. 27-577(b)(3)(a) states that one tree with a minimum caliper of two inches (ornamental) evergreen trees must be at least six feet tall when planted) provided for every 30 feet of street easement or frontage;
- 8. Sec. 27-577(b)(3)(b) states that street trees should be planted no closer than 55 feet and no more than 65 feet apart with groupings or ornamental trees and shrubs placed between them;
- 9. Sec. 27-577(d)(1) states that at least 75 percent of the length of building foundations facing public streets, the exterior of the development, or common spaces must be planted with ornamental plant material such as ornamental trees, flowering shrubs, perennials, and groundcovers;
- 10. Sec. 27-575(e)(4) states that parking must be screened from adjacent streets by walls, shrubs, trees, or other design elements;
- 11. Sec. 27-700(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
- 12. All parking lot islands shall be curbed and landscaped. Painted, hatched islands are not permitted. For the parking lots that are used by passenger cars that have a paved area wider than a double-loaded aisle and more than 20,000 square feet in area, provide one (1) shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to other landscaping requirements. For design comparison, review parking islands at Amazon Fulfillment Center, located at 6925 Riverview Avenue;
- 13. All deciduous and shade trees shall be at least two (2) inch caliper when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there may be a variety of native grasses and plants (wildflowers);
- 14. All landscaping shall be either irrigated or subject to the watering plan noted on the landscaping plan;

15. All new rooftop mechanical equipment (i.e., RTUs, HVAC, vent stacks, etc.) shall be screened from public view by a single, consolidated architectural screens such as opaque, textured, or perforated panels do not meet the standards of the Commercial Design Guidelines;
16. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
17. Per Business Licensing Department: All occupying businesses will need to file and maintain the occupation tax application with our office for their business activity;
18. 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;
19. All existing and future driveways must feature curb cuts that are constructed to 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;
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;
22. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
23. Issuance of a final certificate of occupancy for any project or property associated with an entitlement from the City Planning Commission or UG Board of Commissioners, shall not be issued prior to the completion of all

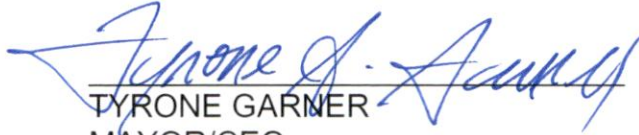
landscape elements for the project to the standards and requirements for a Final Certificate of Occupancy and the successful review by departmental inspection. As an alternative to completely meeting all standards and requirements for a Final Certificate of Occupancy, to allow for cases of weather delays, plant seasonality, or shortages of labor or materials, the applicant may request to submit a landscape performance bond or surety. Requests to submit a landscape performance bond or surety for a particular project must receive eligibility approval from the Department of Planning and Urban Design prior to submission. Submissions must meet all requirements of the Bonding Procedure Policy and pass the review process. Bond applications shall only be approved by the Zoning Enforcement Officer, Lead Planner, or Director of Planning + Urban Design. Bond applications shall receive final approval before the applicant may request any inspection or re-inspection of a project or property for a Bonded Final Certificate of Occupancy;

24. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
25. 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;
26. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and
27. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made

payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

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

PASSED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, THIS 31ST DAY OF AUGUST, 2023.


TYRONE GARNER
MAYOR/CEO

Attest:



Unified Government Clerk

APPROVED AS TO FORM:



CHIEF COUNSEL



(Published _____)

SP2023-017

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-017, commonly known as 15 South 17th Street, Apartment #2, Kansas City, Kansas, legally described as:

Lots 1 and 2, in resurvey of Lots 1 to 7 and Lot 15, Block 5, Reynolds Grandview Park, an addition in Kansas City, Wyandotte County, Kansas LESS AND EXCEPT THE FOLLOWING TRACT:

Part of Lots 1 and 2, RESURVEY OF REYNOLDS GRANDVIEW PARK, LOTS 1 TO 7, INCL. AND LOT 15, all in Block 5, a subdivision of land in Kansas City, Wyandotte County, Kansas, being more particularly described as follows: Beginning at the Northwest corner of said lot 1; thence South 64 degrees 40 minutes 49 seconds East 99.51 feet (99.3 feet by deed) to the Northeast corner of the said Lot 2; thence South 0 degrees 02 Minutes 10 seconds West 43.22 feet along the East line of the said Lot 2, to a point 70.35 feet North of the Southeast corner of the said Lot 2; thence South 89 degrees 37 minutes 06 seconds West 41.94 feet; thence South 3 degrees 35 minutes 46 seconds West 2.39 feet; thence South 87 degrees 30 minutes 08 seconds West 3.49; thence South 0 degrees 01 minutes 25 seconds West 7.31 feet; thence South 89 degrees 56 minutes 34 seconds West 44.64 feet to a point on the West line of the said Lot 1, said point being 60.18 feet North of the Southwest corner of said Lot 1, as measured along the said West Line; thence North 0 degrees 10 minutes 30 seconds East 95.95 feet to the point of Beginning, located at approximately 15 South 17th Street, #2, Kansas City, Kansas.

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

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

1. Any additional repairs not addressed prior to approval of SP2023-017 outlined within the provided home inspection report shall be performed prior to renewal of this Special Use Permit;
2. Only one (1) unit of this fourplex may be used as a short-term rental.
3. Maximum number of guests shall be five (5);
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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-036

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-036, commonly known as 600 North 7th Street, Kansas City, Kansas, legally described as:

WYANDOTTE CITY 0801-0876, S4, T11, R4, ACRES 4.63, B159 L1 TO L13, L36 TO L48, VAC ALLEY, 10FT VAC STS ADJ ON N & S; ALSO, WYANDOTTE CITY REP OF PART OF B159: L1, located at approximately 600 North 7th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for an event space with live entertainment and alcohol sales.

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

- 1. 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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-040

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-040, commonly known as 3425 North 87th Street, Kansas City, Kansas, legally described as:

SEC 30, TWP 10, RANGE 24, 344A4-2 BEG 276.31FT S & 20FT E NW COR SE1/4; E 248.72FT, S 210.395FT, W 248.72FT, N 210.395FT TO POB CONTG 1.21A, located at approximately 3425 North 87th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to keep livestock.

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

1. **Work with the Wyandotte County Conservation District to develop a conservation plan for the property. The conservation district can be contacted at wyco.conservation@gmail.com or (913) 334-6329;**

2. All miscellaneous debris shall be cleaned off of the property and stored properly;
3. The applicant shall pave the driveway apron and any parking areas;
4. The exterior walls shall be made of either horizontal clapboard, wood, or plywood siding, stone, artificial stone, brick, artificial brick, and textured finishes such as stucco. Fiberglass, plastic, and preformed, corrugated, or ribbed metals are not allowed. Metals can be used provided they have a factory applied and painted finish closely matching the color of the primary structure. Standard concrete masonry units are also not allowed unless the walls of the building are painted the exact color of the primary structure;
5. 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;
6. 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;
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
9. Lighting shall be installed to have a 90-degree cutoff;
10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an

existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

11. All existing and future driveways must feature curb cuts that are constructed to UG standards;
12. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
13. 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;
14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
15. 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;
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. The failure to satisfy all conditions of approval after one (1) year will result in automatic termination of this Special Use Permit.**

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-057

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-057, commonly known as 4436 Cambridge Street, Kansas City, Kansas, legally described as:

Lot 159 & Lot 160. Vogel Heights NO 4. A subdivision in the city of Kansas City, Wyandotte County, Kansas, located at approximately 4436 Cambridge Street, Kansas City, Kansas.

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

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

1. **Maximum number of guests shall be six (6);**
2. **All parking must be off-street, maximum number of vehicles is two (2). 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 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;
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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-059

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-059, commonly known as 4960 State Avenue, Kansas City, Kansas, legally described as:

COMBS PARK & 0476, S1, T11, R24, ACRES 1.110000, LOTS 58 & 59 & VAC HIWAY ADJ ON S & W, CONTG 1.1167AC COMBS PARK & 0476, S1, T11, R24, ACRES 1.110000, LOTS 58 & 59 & VAC HIWAY ADJ ON S & W, CONTG 1.1167AC, located at approximately 4960 State Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit for live entertainment/drinking establishment at an existing restaurant.

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

1. The applicant must work with Property Maintenance Compliance (Code Enforcement) and Building Inspections to address all active violations on the property;
2. The applicant shall plant six (6) new trees on the property along State Avenue;
3. The gas line/electrical box on the east side of the building is exposed. A bollard will need to be installed to prevent the gas line from being struck. The applicant will also need to provide screening, such as scrubs to conceal the gas line from sight;
4. The applicant shall install a walkway that leads from State Avenue to the restaurant, as well as crosswalk markings in the parking lot that connect the walkway to the front door;
5. All entertainment must cease by at least 1:00 AM;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II Division 1, Sec 4-104,f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces; and,
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
11. 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;
12. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
13. If approved, the applicant must file and maintain a current business occupation tax application with this office;

14. All existing and future driveways must feature curb cuts that are constructed to UG standards;
15. 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;
16. Section 27-699(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
17. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
18. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
19. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;

20. 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;
21. 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,
22. 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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-060

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-060, commonly known as 1800 Village West Parkway, Kansas City, Kansas, legally described as:

BALLPARK OF VILLAGE WEST, S2, T11, R23, ACRES 11.71, L3, located at approximately 1800 Village West Parkway, Kansas City, Kansas.

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

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

1. **Public rights-of-way may not be blocked by trash enclosures or receptacles;**
2. **Sidewalks shall remain clean and clear of trash and debris;**
3. **Alcohol can only be provided by licensed vendors;**

4. The Unified Government will seek a Master Plan Amendment for the property on behalf of the Monarchs;
5. 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;
6. Vendors are required to obtain a liquor license and they must be maintained with the State Department of Revenue Alcoholic Beverage Control;
7. 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;
8. All existing and future driveways must feature curb cuts that are constructed to UG standards;
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 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;
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. 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 indefinitely from the publication of the associated Ordinance;
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Urban Planning and Land Use Department (check made payable to the Unified Treasurer) immediately following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; 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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-061

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-061, commonly known as 809 Central Avenue, Kansas City, Kansas, legally described as:

RIVERVIEW B30-35, S15, T11, R25, ACRES 0.09, B35 W 1/2 L5, located at approximately 809 Central Avenue, Kansas City, Kansas.

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

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

- 1. The 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

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-062

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-062, commonly known as 612 North 5th Street, Kansas City, Kansas, legally described as:

FOWLERS ADD, S10, T11, R25, ACRES 0.14, L1 & L2, located at approximately 612 North 5th Street, Kansas City, Kansas.

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

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

1. **Hours of operation shall be:**
 - 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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-067

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-067, commonly known as 2706 Espenlaub Lane, Kansas City, Kansas, legally described as:

All of Tract 4 in Espenlaub Subdivision, Wyandotte County, Kansas, according to the recorded plan thereof, also a Tract of Land described as follows to wit: Beginning on the Southwest corner of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 32, Township 11 South, Range 25 East of the 6th P.M., thence East to the Southwesterly line of Albert C. Espenlaub Road as established; thence Northwesterly along the Southwesterly line of said county road as established to the Westerly line of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 32, Township 11 South, Range 25 East to a point due North of the Beginning; thence South to the beginning, Wyandotte County, Kansas, located at approximately 2706 Espenlaub Lane, Kansas City, Kansas.

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

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

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

1. 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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-069

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-069, commonly known as 2520 North 131st Street Kansas City, Kansas, legally described as:

SEC-31, TWP-10, RNG-23, S31, T10, R23, ACRES 051.0000, 279B
BEG 362.67 FT S OF NE COR SE ¼; S 115.65FT, W 211FT, N 115.65FT, E
211FT TO POB LS RD BAL CONTG 0.51 AC M/L, located at approximately 2520
North 131st Street, Kansas City, Kansas.

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

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

- 1. 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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-070

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-070, commonly known as 3008 South 9th Street, Kansas City, Kansas, legally described as:

Lot 79, FRIENDSHIP HEIGHTS NO. 2, a subdivision in Wyandotte County, Kansas, according to the recorded plat thereof, located at approximately 3008 South 9th Street, Kansas City, Kansas.

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

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

1. **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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(First published _____)

COZ2023-017

ORDINANCE NO. _____

AN ORDINANCE rezoning property hereinafter described located at approximately 6029 Oak Grove Road and 6019 Woodend Avenue, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

Section 1. It is hereby found and determined that a petition was filed on May 26, 2023, by the owners of property to have the zoning of said property changed from its present zoning of R-1 Single Family District to A-G Agriculture District.

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

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

SEC-35 TWP-11 RNG-24, S35, T11, R24, ACRES 15.140000, 489A,489B W15AC W1/2 NE1/4 SW1/4, located at approximately 6019 Woodend Avenue, Kansas City, Kansas and 9225, S35, T11, R24, ACRES 33.63, BEG 50FT W & 20FT N OF SE COR NW1/4; W 1281.22FT, N 1098.4FT, E 209FT, N 189FT, E 346.51FT, S 188.71FT, E 150FT, S 43.45FT, E 208.09FT, N 43FT, E 357.64FT, S 1099.88FT TO POB CONTG 33.63AC M/L, located at approximately 6029 Oak Grove Road,

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

Section 3. The Planning and Urban Design Department of Kansas City, Kansas, is hereby ordered and directed to cause such designation to be made on the official District Map of said City in its custody and to show the property herein

described to be now zoned for A-G Agriculture District. Said District Map, previously incorporated by reference by Section 27-408 of the Code of Ordinances of Kansas City, Kansas, is hereby reincorporated as part of the Zoning Ordinance as amended.

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

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

UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY,
KANSAS

BY: _____
TYRONE GARNER
MAYOR/CHIEF EXECUTIVE OFFICER

ATTEST:

UNIFIED GOVERNMENT CLERK

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-065

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-065, commonly known as 402 Osage Avenue, Kansas City, Kansas, legally described as:

ARMOURDALE B30-33,37-43,45-6 & 0737 & 0738, S22, T11, R22, ACRES 1.02, B41 L31 TO L40; ALSO, ARMOURDALE 2ND ADD: B41 L19, L20, L29 & L30; ALSO VAC ALLEYS ADJ, located at approximately 402 Osage Avenue, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Special Use Permit to operate an automotive repair/painting and used automotive dealership.

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

1. Hours of operation are:
 - Monday through Friday – 9:00 AM to 5:00 PM; and
 - Saturday – 9:00 AM to 3:00 PM;
2. Doors must stay closed when vehicles are being repaired;
3. Plant 11 trees in the ground and in larger planters around 402 and 426 Osage Avenue to comply with the Commercial Design Guidelines;
4. Stripe all parking spaces for customer, employee and vehicle repair parking. The parking stall dimension is 9 feet by 18 feet;
5. Parking shall be ADA compliant with the proper signage and access aisle;
6. Outdoor storage of materials and vehicles cannot take up required parking spaces as shown in the photos. Such items will need to be removed to be complaint with approval of this variance;
7. The northern portion of the lot is zoned M-2 General Industrial District, which does not allow salvage operation;
8. The building must have legitimate signage and addressing. It appears that the address is painted on the side of the building;
9. A salvage operation would require a change of zone for portions of the lot from M-2 to M-3;
10. Vehicles for sale, rent, or lease must not be inoperable, ruined, dismantled or wrecked;
11. All vehicles, for both auto sales and auto repair portions, must be legally registered and tagged;
12. Repair parts must be ordered from a supplier, they cannot be taken from one car to be used on another. This would be considered a salvage operation;
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, 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;
15. 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;

- 16. 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;**
- 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. 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. 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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL

(Published _____)

SP2023-073

ORDINANCE NO. _____

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

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

Section 1. Special Use Permit Granted. Pursuant to the regulations set forth in Chapter 27, Sec. 27-214 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property as set forth in SP2023-073, commonly known as 4001 North 74th Street, Kansas City, Kansas, legally described as:

PAUL'S PONDEROSA, a subdivision of land in Kansas City, Wyandotte County, Kansas, Lots 1 and 2, located at approximately 4001 North 74th Street, Kansas City, Kansas.

Section 2. That the real property hereinabove described shall hereafter be granted a Home Occupation Special Use Permit for continuation of a kennel/dog day care and boarding operation.

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

- 1. The following 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.

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

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

TYRONE GARNER
MAYOR/CEO

Attest:

Unified Government Clerk

APPROVED AS TO FORM:

CHIEF COUNSEL



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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

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

To: Unified Government Board of Commissioners

From: Planning and Urban Design Staff

Date: November 30, 2023

Re: Special Use Petition SP2023-038

GENERAL INFORMATION

Applicant:

Alicia Archambault

Status of Applicant:

Property Owner
15316 Howe Street
Overland Park, Kansas 66224

Requested Action:

Approval of a Special Use Permit.

Date of Application:

June 22, 2023

Purpose:

To operate a short-term rental.
This is not the owner's primary address.

Property Location:

2559 West 46th Avenue
Kansas City, Kansas 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: C-1 Limited Business District East: R-1(B) Single Family District West: R-1(B) Single Family District
Adjacent Uses:	North: Single-family residence South: Duplexes East: Single-family residence West: Single-family residence
Total Tract Size:	0.12 Acre
Comprehensive Plan Designation:	The Rosedale Area Plan designates this property as Single-Family, which is intended for single family, detached houses.
Major Street Plan:	The Major Street Plan designates Eaton Street as a Local 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, August 8, 2023, September 5, 2023 and October 2, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The Applicant, Alicia Archambault, is requesting a Special Use Permit to operate a short-term rental at 2559 West 46th Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of West 46th Avenue. There is one (1) other unpermitted short-term rental on the block.

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 outstanding or related permits and cases on the subject property.

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The property is located in the Rosedale Statistical Neighborhood, the Frank Rushton Neighborhood Group and the Rosedale Development Association (RDA) group. The neighborhood consists of primarily single-family residences on small to medium sized lots as well as the West 43rd Avenue commercial corridor and the Rainbow Boulevard commercial 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(B) Single Family Zoning 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.

It is unclear how long the property has been vacant.

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 is intended for single family, detached houses. 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 Eaton 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 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. It is unclear how many guests can stay as the applicant did not provide the required floor plan. 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 August 10, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Code Required Submittals
Floor Plan
Home Inspection Report Not Included
Noise
Overcrowding of Land
Parking
Proof of Insurance
Sidewalk and Driveway Repairs
Undue Concentrations of Population

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2023-038, **for one (1) year**, subject to:

1. The following items from the home inspection shall be repaired prior to renewal of the Special Use Permit.
 - o Install GFCI breakers at all 3-pronged outlets;
 - o Open junction boxes shall be repaired/replaced;
 - o The tree in the rear-yard shall be trimmed so that branches do not interfere with the electrical line;
 - o Install a grounding conductor in the main electrical panel;
2. The applicant shall repair or replace the sidewalk;
3. The applicant shall repair or replace the driveway;
4. The applicant shall plant a tree in the median between the sidewalk and curb along West 46th Avenue;
5. Maximum number of guests shall be six (6);
6. All parking must be off-street, maximum number of vehicles is two (2). 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 **SP2023-038** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023, City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Rosedale Area Plan
Host Compliance Map – July 18, 2023
Neighborhood Meeting Materials
Floor Plan
Site Photos, Taken by Staff, Dated July 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-038** 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 **SP2023-038**, 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.

NOVEMBER 13, 2023, CITY PLANNING COMMISSION MINUTES:

Hearing starts at 2:42:00:

SPECIAL USE PERMIT APPLICATION SP2023-038 – ALICIA ARCHAMBAULT-

SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 2559 West 46th Avenue. Detailed Outline of Requested Action: The Applicant, Alicia Archambault, is requesting a Special Use Permit to operate a short-term rental at 2559 West 46th Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 2500 block of West 46th Avenue. There is one (1) other unpermitted short-term rental on the block.

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 November 13, 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 Archambault, representing the applicant, 15316 Howe Street, Overland Park, Kansas

Planning Commission directed questions to the applicant.

Present in Opposition:

- No one appeared

Staff Recommendation starts at 2:45:55: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental. There is another unpermitted Short-Term Rental on this block and if this application moves forward tonight and is subsequently approved by the Board of Commissioners, Staff will follow-up with a zoning enforcement case regarding the other unpermitted Short-Term Rental. The property is in the Rosedale Area Plan. Staff received no letters in support nor in opposition. There are no Notices of Violation. Staff recommends approval for one (1) year with the conditions of approval in the staff report.

Motion starts at 2:46:55:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-038 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 7 to 1
Subject to:

1. The following items from the home inspection shall be repaired prior to renewal of the Special Use Permit.
 - o Install GFCI breakers at all 3-pronged outlets;
 - o Open junction boxes shall be repaired/replaced;
 - o The tree in the rear-yard shall be trimmed so that branches do not interfere with the electrical line;
 - o Install a grounding conductor in the main electrical panel;
2. The applicant shall repair or replace the sidewalk;
3. The applicant shall repair or replace the driveway;
4. The applicant shall plant a tree in the median between the sidewalk and curb along West 46th Avenue;
5. Maximum number of guests shall be six (6);
6. All parking must be off-street, maximum number of vehicles is two (2). 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.

ATTACHMENTS

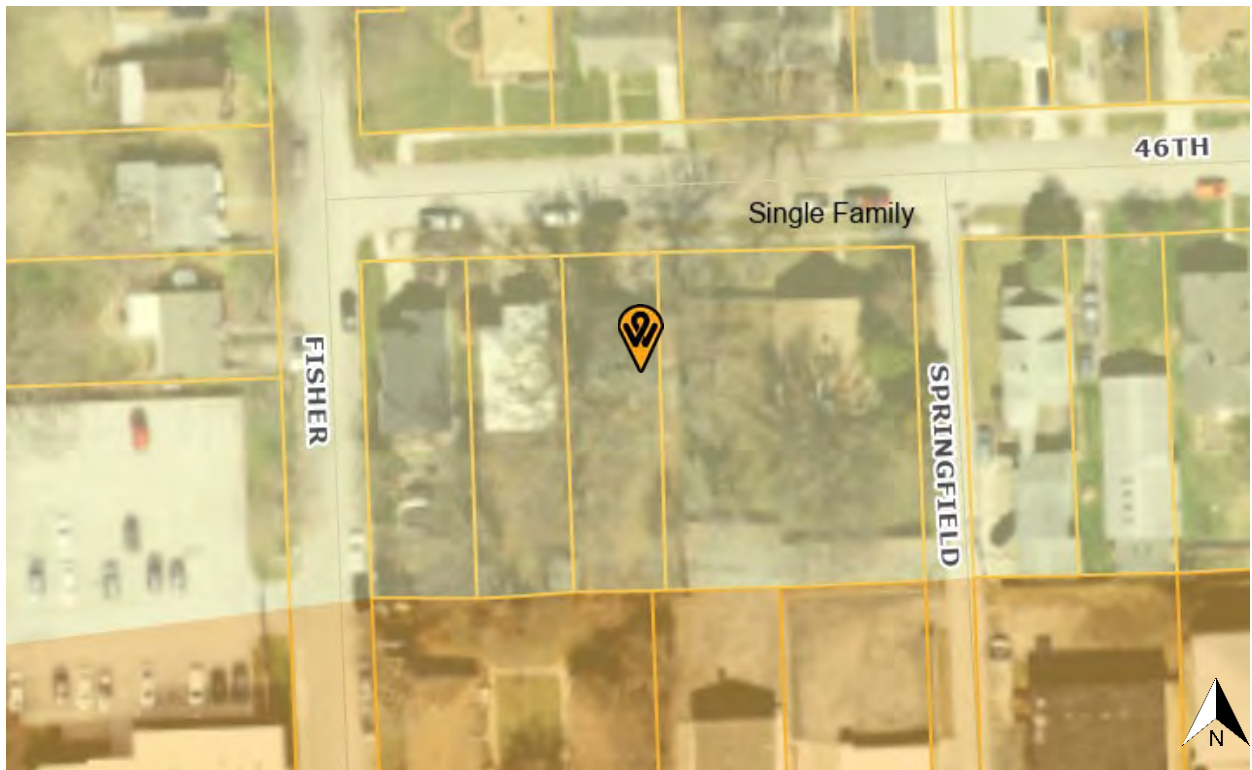
AERIAL IMAGERY



ZONING MAP



LAND USE MAP – ROSEDALE AREA PLAN



HOST COMPLIANCE MAP – JULY 18, 2023



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Agenda items

- Call to order
- Introductions
- Describe plan
- Show supporting documents
- Answer questions
- Adjournment

ACTION ITEMS	OWNER(S)	DEADLINE	STATUS
Special Use Permit			In progress

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
) SS:
COUNTY OF Johnson)

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

1. That I am the petitioner for Petition # SP2023 038.
2. That I conducted a neighborhood meeting on 8-10-2023.
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.

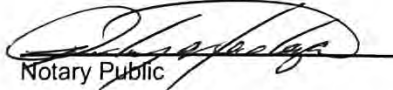
Further affiant saith not.



Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 19th day of September, 2023.

My commission expires 20th of September, 2025



Notary Public

 **Ruby Mendoza**
Notary Public
State of Kansas
My Appt. Expires 08/26/2025

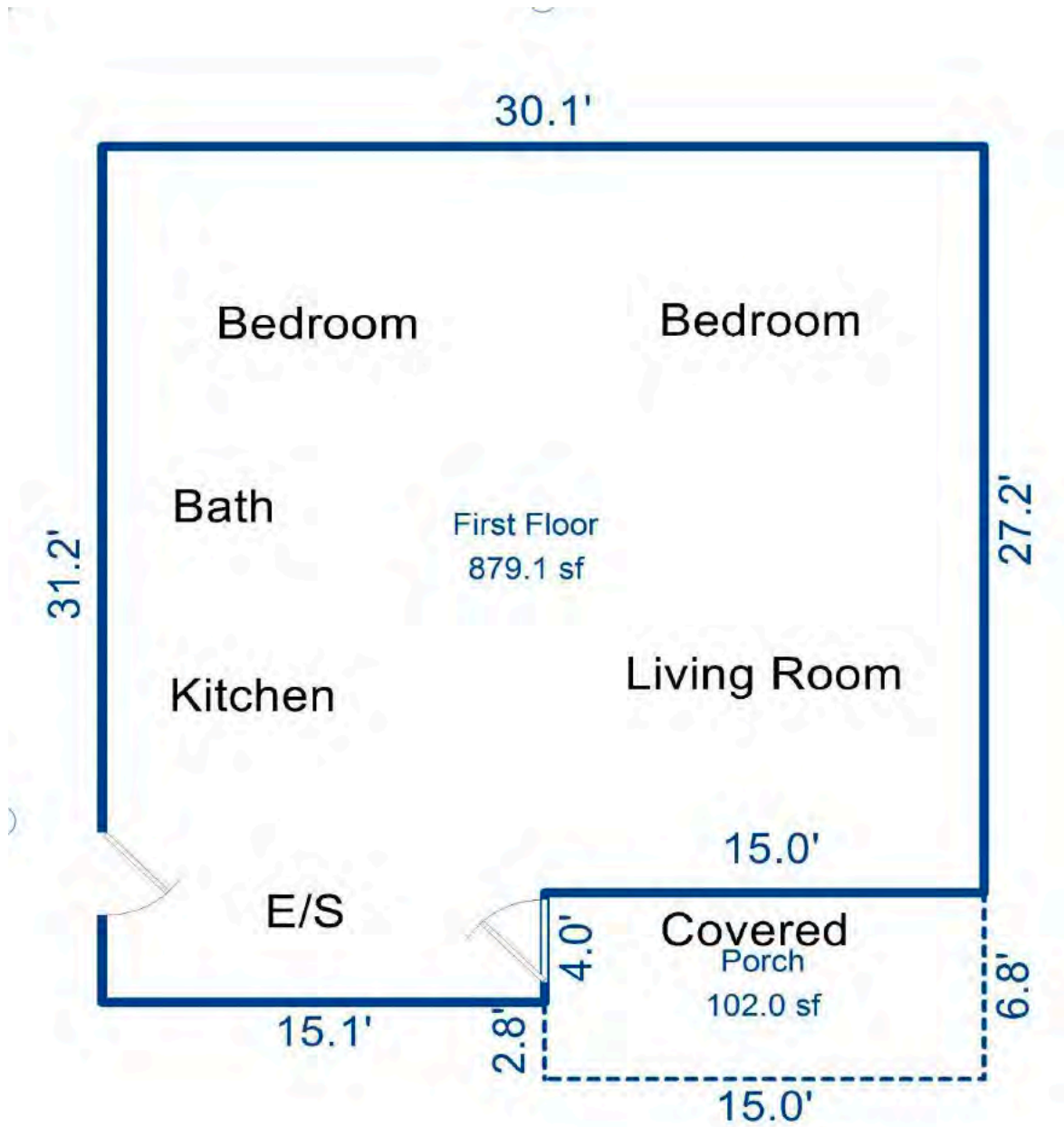
NEIGHBORHOOD MEETING SIGN-IN SHEET

PROJECT: 2559 W 46th Ave Special Use Permit **MEETING DATE:** Aug 10 2023

FACILITATOR: Alicia Archambault **LOCATION:** 1888 Pizza Napoletana

NAME	TITLE	COMPANY	PHONE	FAX	EMAIL

FLOOR PLAN



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: November 30, 2023

Re: Special Use Petition SP2023-042

GENERAL INFORMATION

Applicant:
Matt Thomas

Status of Applicant:
Representative
Firm Foundations Ministries
P.O. Box 15448
Lenexa, Kansas 66285

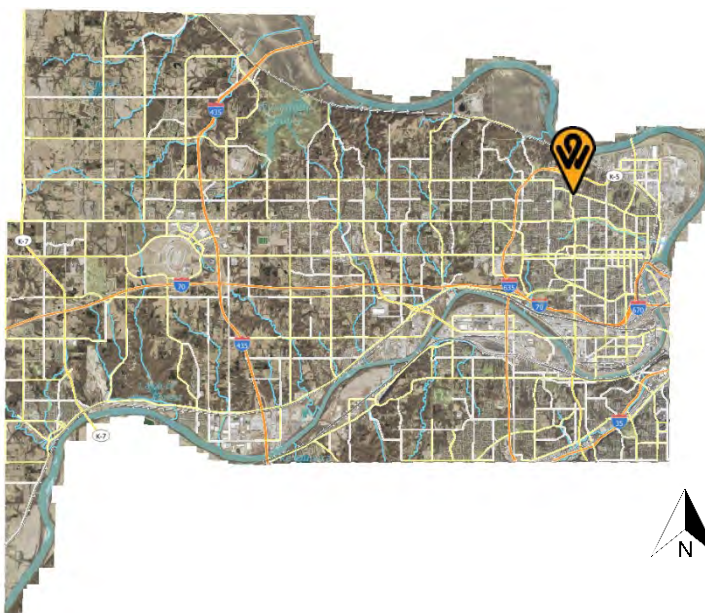
Requested Action:
Approval of a Special Use Permit.

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:
1723 Quindaro Boulevard
Kansas City, Kansas 66104

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



Existing Zoning:	C-3 Commercial District
Adjacent Zoning:	North: C-3 Commercial District South: C-3 Commercial District East: C-3 Commercial District West: C-3 Commercial District
Adjacent Uses:	North: Mixed-use building South: Single-family residence East: Vacant commercial lot West: Commercial building
Total Tract Size:	0.08 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 Quindaro Boulevard a Class C Thoroughfare.
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 property received a variance from Section 27-668(6) in 2011 for 11 spaces, when it operated as a group dwelling. Depending on how many staff members and guests are at the site, the applicant may not have to provide any off-street parking.
Advertisement:	<u>The Wyandotte Echo</u> – July 20, 2023 Letters to Property Owner – July 21, 2023, August 8, 2023, October 2, 2023 and October 25, 2023
Public Hearing:	September 11, 2023 (CPC), September 28, 2023 (BOC), October 9, 2023 (CPC), November 13, 2023 (CPC), and November 30, 2023

Public Support:

The applicant provided statements from two (2) adjoining property owners who expressed support.

Public Opposition:

The applicant provided statements from the neighborhood group (OCP) expressing concerns. There were two (2) persons present at the November 13, 2023, City Planning Commission meeting. Staff received two (2) letters in opposition the day of the meeting (attached).

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 1723 Quindaro Boulevard. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit.

City Ordinance Requirements: 27-592 through 27-606

RELATED ENFORCEMENT AND ACTION ITEMS

Noise or Disturbance Complaints:

1. There have been no calls for police service.

Building, Zoning, or Code Enforcement Complaints:

1. There have been multiple Notices of Violation on the property since 2022.
 - a. 2023 – CAC23-0596 – Administrative Citation – Trash and Debris
 - b. 2023 – CAC23-0327 – Administrative Citation – Trash and Debris
 - c. 2022 – ENV22-0250 – Environment – Trash and Debris

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 Organization for Community Preservation and Groundworks NRG neighborhood group. The neighborhood consists of a mix of commercial and mixed-use buildings, single-family residences, and multi-family residences. The

property is located along Quindaro Boulevard, a major thoroughfare which runs East to Fairfax and West to Leavenworth Road.

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 C-3 zoning district allows for higher-intensity commercial uses as well as mixed-use buildings such as the subject property. A group dwelling is not allowed without a Special Use Permit. While the subject property is located along the Quindaro Boulevard commercial corridor, there are single-family and other residential uses adjacent to the corridor, which may create compatibility issues. 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 for the community.

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

It is unclear if the property is vacant or not.

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 a mixed-use building, which seemingly has been converted to residential. 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 Quindaro Boulevard. There are, however, concerns about the parking demand. The subject property does not provide on-site parking. While it is expected that individuals staying at the property may utilize public transportation via routes #106 and #118 or other transportation options besides a private vehicle, there is still expected to be a parking demand for visitors and staff. The property was granted a variance for 11

spaces in 2011 to operate a group home. Depending on how many guests stay at the home, the applicant may not be required to provide parking.

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, quality, or marketability of adjoining property, however, the property has had multiple notices of violations within the past year for property maintenance.

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, so long as the property and use are properly managed, as it is located within a built-out, urban mixed-use 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 mixed-use neighborhood.

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

The relative gain to 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; however, a variance was granted for a similar use for 11 spaces in 2011. Without a floor plan of the property, staff cannot accurately determine the appropriate number of occupants for the property. If managed properly, and a parking arrangement figured out, these issues should cease to be a concern.

PREVIOUS ACTIONS

Approval of a Variance (BZA 2019) for parking in 2011.

Approval of a Special Use Permit (SP-2011-23) for a group home in 2011.

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

Building Inspection
Detailed Floor Plan
Noise
Occupancy
Operating without a Special Use Permit
Parking
Safety and Security
Staffing

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Special Use Permit Application SP2023-042, **for two (2) years**, subject to:

1. The property owner shall plant two (2) street trees along North 17th Street;
2. There shall be no more than seven (7) guests on site at a time;
3. There shall be one (1) staff member on-site at all times;
4. The following repairs identified in the inspection report shall be performed prior to operation:
 - a. Downspouts shall be installed to direct water away from the basement and foundation;
 - b. The basement egress door shall be unblocked, and the locked gate removed;

- c. Handrails shall be installed where identified or repaired where identified;
 - d. Outdoor outlets shall be replaced with GFCI outlets;
 - e. Any loose or exposed wiring shall be repaired by a qualified electrician;
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. If approved, the applicant must file and maintain a current business occupation tax application with this office;
 8. 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;
 9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. No flood lights are allowed;
 10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all

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

13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning and Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved;
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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 City Planning Commission make the findings contained within the staff report related to *Factors to be Considered*, and *Key Issues* and recommend **APPROVAL** of Petition **SP2023-042** subject to all comments and

suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Northeast Area Plan
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated July 14, 2023
Neighborhood Meeting Materials
Letters in Opposition

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	September 11, 2023	September 28, 2023
Special Use	Approved October 9, 2023 Held Over November 13, 2023 Approval	Referred Back November 30, 2023

STAFF CONTACT:

James Molloy
jlmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-042** 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 **SP2023-042**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 2:47:51:

SPECIAL USE PERMIT APPLICATION SP2023-042 – MATT THOMAS WITH FIRM FOUNDATION MINISTRIES, INC. - SYNOPSIS: Special Use Permit to operate a group dwelling unit at 1723 Quindaro Boulevard (former application SP2020-076 expired 12/10/2022). 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 1723 Quindaro Boulevard. This Special Use Permit is retroactive as the dwelling is currently operating without a Special Use Permit.

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

1. The City's currently adopted zoning and subdivision regulations;
2. The official zoning map for the area in question;
3. The City's currently adopted Master Plan for the area in question;
4. The staff report and attachments dated November 13, 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 referred back to the City Planning Commission for the applicant to re-engage the community and collect additional input. Testimony on this application has been heard three (3) times from those in support and in opposition. This application was held over from last month's meeting to allow additional time for the applicant to re-engage the community and collect additional input and the Commission should hear an update from the applicant.

Recording Secretary Parker stated that she received an email in opposition to this application. She also read into the record an email received from Candie Leonard-Caldwell, President, Organization for Community Preservation into the record, "Foundation Ministries has not fulfilled the direction the UG Commissioner to reach out to the Organization for Community Preservation (OCP). As of this date OCP has not heard from Foundation Ministries."

Present in Support:

- Matt Thomas, applicant, 12714 West 76th Street, Shawnee, Kansas
- Adrian Mehdirad, Firm Foundation Ministries, Inc., St. Louis, Missouri

Planning Commission addressed questions to the applicant.

Present in Opposition:

- Camille Caldwell, 1318 Cleveland Avenue, Kansas City, Kansas, and Vice President of Organization for Community Preservation
- Candie Leonard-Caldwell, President of Organization for Community Preservation

Staff Recommendation starts at 3:04: Planning Director Hand stated that the case was continued for additional communication between the applicant and the neighbors for this group home. The property is in the Northeast Area Plan. Staff has received both support and opposition. There are some old Notices of Violation that have been rectified by the applicant. Staff recommends approval for two (2) years subject to the conditions in the staff report.

The Planning Commission directed questions to Director Hand.

Motion starts at 3:05:25:

On motion by Mr. Straws, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-042 for two (2) years and encouraged the applicant to meet with the community organization present this evening:**

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

Motion to recommend APPROVAL Passed: 6 to 2

Subject to:

1. The property owner shall plant two (2) street trees along North 17th Street;
2. There shall be no more than seven (7) guests on site at a time;
3. There shall be one (1) staff member on-site at all times;
4. The following repairs identified in the inspection report shall be performed prior to operation:
 - a. Downspouts shall be installed to direct water away from the basement and foundation;
 - b. The basement egress door shall be unblocked, and the locked gate removed;
 - c. Handrails shall be installed where identified or repaired where identified;

- d. Outdoor outlets shall be replaced with GFCI outlets;
 - e. Any loose or exposed wiring shall be repaired by a qualified electrician;
- 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;
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- 8. 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;
- 9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street. No flood lights are allowed;
- 10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
- 11. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
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property may also be subject to enforcement actions and administrative citations;

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16. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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

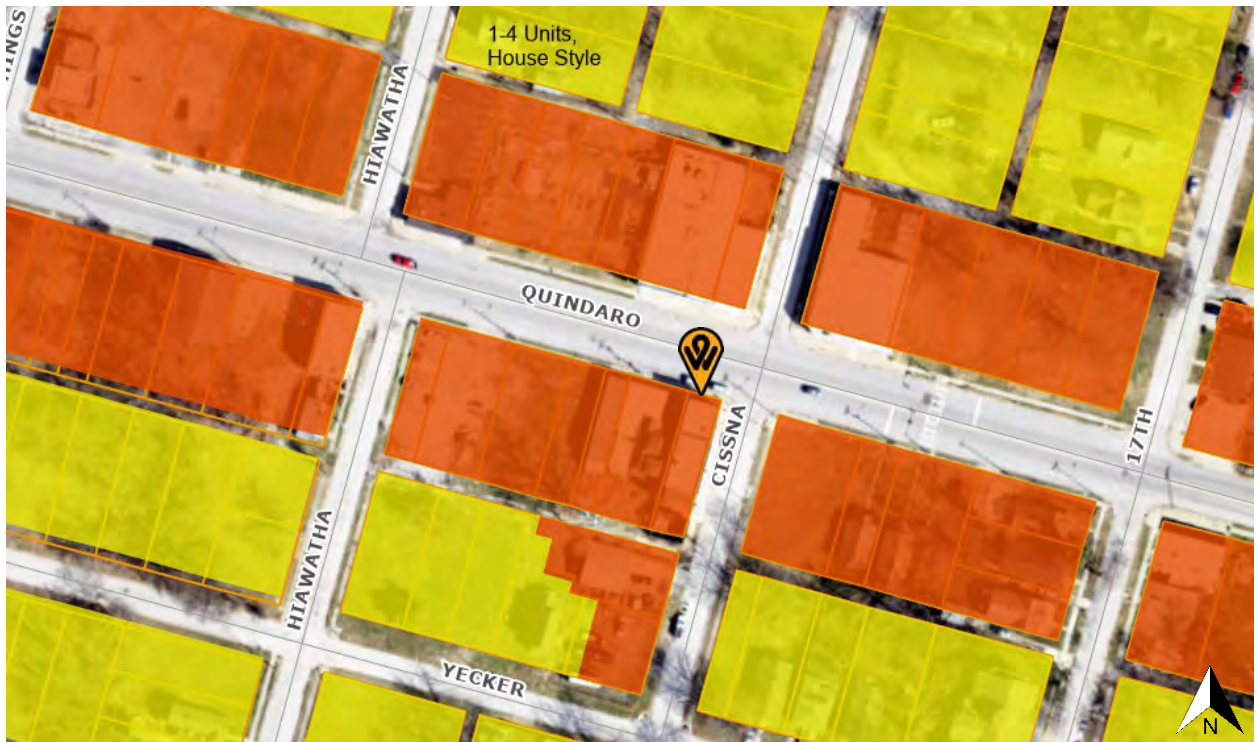
AERIAL IMAGERY



ZONING MAP

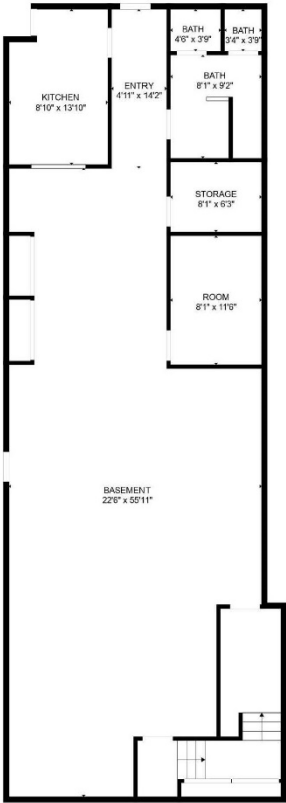


LAND USE MAP – NORTHEAST AREA PLAN



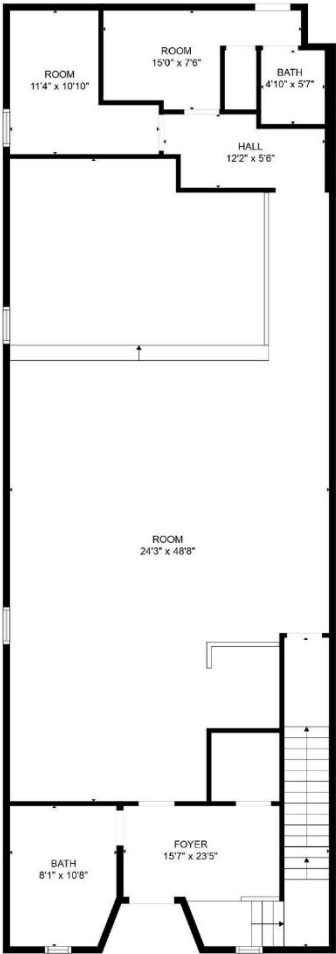
FLOOR PLAN

1723 Quindaro Boulevard
Floor Plan



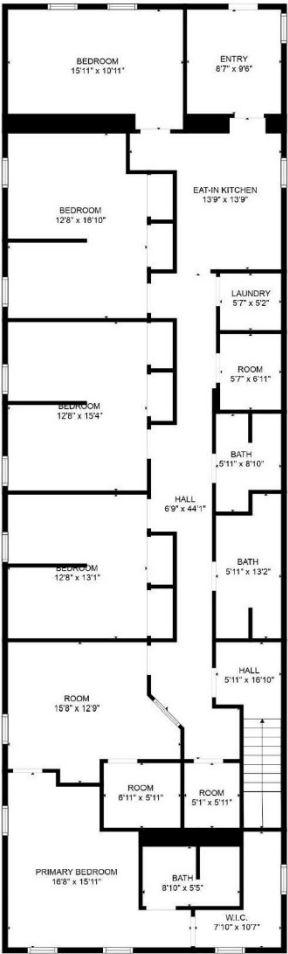
GROSS INTERNAL AREA
Below Ground: 1547 sq. ft, FLOOR 2: 1674 sq. ft, FLOOR 3: 2078 sq. ft
EXCLUDED AREAS: STORAGE: 51 sq. ft, UNDEFINED: 11 sq. ft, ROOM: 39 sq. ft
TOTAL: 5299 sq. ft
MEASUREMENTS ARE CALCULATED BY CUBICASA TECHNOLOGY, DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.

1723 Quindaro Boulevard
Floor Plan



GROSS INTERNAL AREA
Below Ground: 1547 sq. ft, FLOOR 2: 1674 sq. ft, FLOOR 3: 2078 sq. ft
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1723 Quindaro Boulevard
Floor Plan



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1723 Quindaro Boulevard Floor Plan



GROSS INTERNAL AREA
Below Ground: 1547 sq. ft, FLOOR 2: 1674 sq. ft, FLOOR 3: 2078 sq. ft
EXCLUDED AREAS: STORAGE: 51 sq. ft, UNDEFINED: 11 sq. ft, ROOM: 39 sq. ft
TOTAL: 5299 sq. ft

MEASUREMENTS ARE CALCULATED BY CUBICASA TECHNOLOGY. DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.

BUILDING INSPECTION REPORT

ACM

1723 Quindaro Blvd., 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 4	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 applicable.
Roofing		
Page 6	Flat Roofing	• Repair: Noted evidence of repair on the roof and degraded seals. While there did not appear to be any major defects or leaks, further evaluation for minor repairs is recommended.
Page 6	Downspouts	• Repair: Downspouts should discharge water away from foundation to help prevent damage and moisture intrusion. Recommend adding French drains (underground extensions that discharge water at least 10-15 ft away from the foundation.)
Exterior		
Page 8	Exterior Doors	• Repair: Noted basement egress door was blocked with a locked gate.
Page 8	Deck	• Repair: Noted a loose handrail and stairs on the back deck/access to upper floors. Recommend repair.
Page 8	Siding/Trim	• Repair: Noted areas of minor wood rot and flaking paint in various parts of the siding/trim, primarily trim around doors. Recommend repair/replacement of affected areas and paint.
Page 9	Retaining Walls	• Repair: Noted retaining wall in stairwell to basement had degraded grout. Recommend repair.

Page 1 of 26

Electrical

Page 11	Main Panel	• Repair: Noted earth ground appeared to be cut or not installed in upper and lower panels. Recommend repair. • Safety Issue: Observed a double tap inside the main electric panel. This represents an increased risk of electrical fire and/or shock. Recommend that a licensed electrician evaluate/repair.
Page 12	Outlets	• Repair: One or more outlet cover plates were missing/loose. Recommend replacement/securing to wall. • Repair: Noted one or more loose outlets. Recommend repair/tightening. • Safety Issue: Noted receptacles that were either not GFCI protected or did not trip when test for ground fault, primarily away from sink outlets. 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.
Page 12	Wiring	• Repair: Noted improperly terminated, exposed or loose wiring (j boxes not covered.) Recommend properly terminating wires in junction box and secure/repair as required.
Page 13	Switches	• Repair: Observed missing electric switch cover/covers. Recommend that they be installed.

Plumbing

Page 18	Water Heater	• Repair, Safety Issue: For safety reasons, it is recommended that a drain line be installed on the Temperature and Pressure Relief Valve that extends to within 6" of the floor. Wiring for the water heater should be in conduit.
Page 19	Waste Piping	• Repair: Noted a missing plug in the floor drain and sewer smell in area. Recommend installing plug.
Page 19	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 22	Staircase	• Safety/Repair: Noted lack of a complete handrail in one or more stairways. Recommend the installation of handrails.
Page 22	Ceiling Finishes	• Safety/Repair: Noted lack of sheetrock under the main level stair case. Recommend installation in this area for fire safety.

Appliances

Page 25	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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SITE PHOTOS, TAKEN BY STAFF, DATED JULY 14, 2023



Affidavit – Neighborhood Meeting

STATE OF KANSAS

SS:

COUNTY OF SHAWNEE

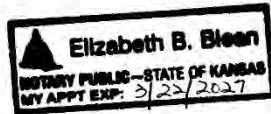
Comes now Kyler C. Wineinger of Morris Laing Law Firm, of lawful age, sound mind and upon his oath states as follows:

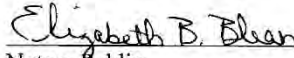
1. I am an attorney for Petitioner of Petition Nos. SP2023-041 and SP2023-042.
2. I conducted a Neighborhood Meeting on Monday, July 31, 2023, beginning at 6:00 p.m.
3. Attached are the Neighborhood Meeting Minutes and a copy of the notice mailed to the property owners on the list provide by the Department 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.



MORRIS LAING
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=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
www.morrislaing.com



MORRIS LAING
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

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
www.morrislaing.com



MORRIS LAING
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

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:

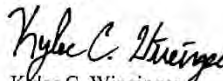
<https://us02web.zoom.us/j/86592697523?pwd=Wk1rMlc5a25kMW5GZS9XVzVQckhIZz09>

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

WICHITA • TOPEKA • WEST PALM BEACH
www.morrislaing.com

October 9, 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, November 13, 2023 5:00 PM
To: Parker, Janet
Cc: o.c.p Organization for Community Preservation
Subject: SPp 2023-042

november 13, 2023

Dear City Planning Commission:

My name is ElnoraTellis Jefferson and I am a co-ofounder of the northeast NBR, Groundwork Northeast Revitalization Group.

The irteen northeast neighborhood groups founded the NBR. NBR stands for Neighborhood Business Revitalization. We are under contract with the Unified Government to do just that--revitalization and our goals sync with the UG commission's strategic goals.

We take our marching orders from the Northeast Master Plan (2019) and the NE KCK Heritage Trail (2022). Equitable Development is an overarching theme in both. While this term, equitable development is oftentimes tossed around, in our plans, it is defined and as is found in the SUP documents that you review tonight (the staff report), , it comes with a scorecard.

The equitable scorecard for the northeast includes the four pillars, history, economic development, mobility and environment. On each of the four pillars, I suggest that Firm foundation Ministries ranking calls for strict scrutiny to ensure that its mission is actually in sync with the community desires and input.

Until this can be determined, on behalf of Groundwork NRG, I ask you to deny this application tonight.

Sincerely,

Elnora Tellis Jefferson
Kansas City, Kansas

Parker, Janet

From: o.c.p Organization for Community Preservation
<ocpcommunityorganization@gmail.com>
Sent: Monday, November 13, 2023 5:30 PM
To: Parker, Janet
Subject: SP2023-042

Ms Parker:

Foundation Ministries has not fulfilled the direction from the UG Commissioner to reachout to the Organization for Community Preservation (OCP).

As of this date OCP has not heard from Foundation Ministries.

Respectfully submitted:
Candie Leonard-Caldwell
President, Organization for Community Preservation
(913) 951-7147



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: November 30, 2023

Re: **Special Use Petition SP2023-077**

GENERAL INFORMATION

Applicant:

Brian Glasser

Status of Applicant:

Property Owner
730 Minnesota Avenue
Kansas City, Kansas 66101

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

September 25, 2023

Purpose:

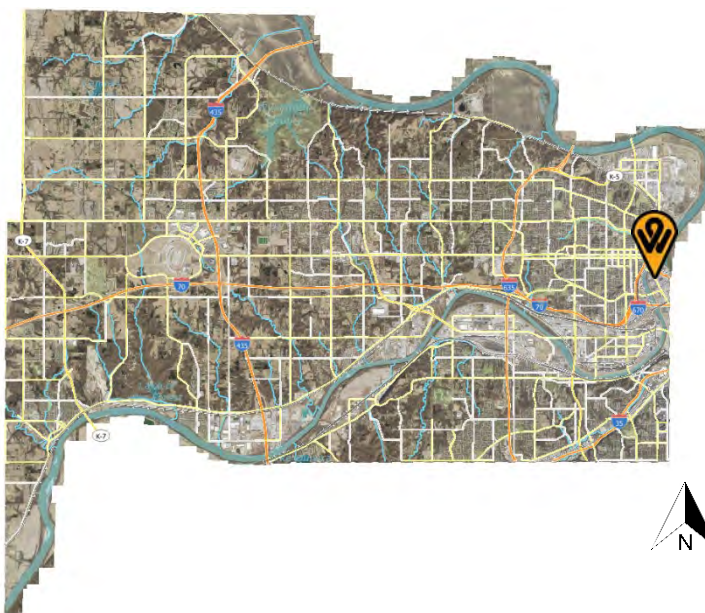
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

508 Ohio Avenue
Kansas City, Kansas 66101

Commission Districts:

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



Existing Zoning:	R-1(B) Single Family District
Adjacent Zoning:	North: R-1(B) Single Family District South: None (Right-of-way) East: None (Right-of-way) West: R-1(B) Single Family District
Adjacent Uses:	North: Single family residence South: Interstate 70 East: Interstate 70 West: Single family residence
Total Tract Size:	0.08 Acres
Comprehensive Plan Designation:	The Central Area Plan designates the property as Urban Density, which allows a mix of detached and attached residential.
Major Street Plan:	The goDotte Mobility Plan designates Ohio Avenue 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> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	None to date.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Brian Glasser, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 508 Ohio Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 500 block of Ohio Avenue.

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 is an active Notice of Violation on the subject property. The property also received two (2) citations since its previous approval.
 - a. 2023 – ENV23-3161 – Environment – Indoor furniture sitting on the deck
 - b. 2020 – 2020-01594 – Environment – Appliance sitting on the deck
 - c. 2020 – 2020-01511 – Environment – Grass and Weeds

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 Riverview Statistical Neighborhood, the Strawberry Hill Neighborhood Group and the Central Area Betterment Association (CABA) group. The neighborhood consists of a mix of single-family residences as well as duplexes and fourplexes and small-scale commercial 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 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 utilized as a short-term rental since 2019. The rental has been operating without permits since the expiration of its last permit in 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 the subject property as Urban Density, which allows for attached and detached residential. 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 Ohio Avenue, 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 (x). 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

Approval of a Special Use Permit (SP-2020-13) for short-term rental for one (1) year in 2019.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 30, 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
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2023-077, **for one (1) year**, subject to:

- 1. The parking in front of the property shall be restriped;**

2. All repair items shall be completed prior to operation. Any additional repair items not mentioned in the report shall be repaired and completed prior to renewal of SP2023-077;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is one (1);
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.

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 **SP2023-077** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Central Area Plan
Host Compliance Map – October 19, 2023
Floor Plan
Home Inspection Report
Site Photos, Taken by Staff, Dated October 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-077** 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 **SP2023-077**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 4:55:10:

SPECIAL USE PERMIT APPLICATION SP2023-077 – BRIAN GLASSER -

SYNOPSIS: Special Use Permit (SP2020-013 expired 2/27/2021) to operate a Short-Term Rental at 508 Ohio Avenue. Detailed Outline of Requested Action: The applicant, Brian Glasser, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 508 Ohio Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 500 block of Ohio 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 November 13, 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 Glasser, applicant, 730 Minnesota Avenue, Kansas City, Kansas 66101

Present in Opposition:

- No one appeared

Staff Recommendation starts at 4:58:14: Planning Director Hand stated that the request is for a non-owner-occupied Short-Term Rental. The previous Special Use Permit at this location expired a couple of years ago. Director Hand disclosed that he lives in the 200' notice area of this location and did not review, edit or look at this staff report until it was posted online for him to make his notes to present it to the Commission this evening. The property is in the Central Area Plan. Staff has received no letters in support nor opposition. There is a Notice of Violation on the property for furniture outside, which the case planner has noted to the applicant. He stated that the

applicant asked for an extension with Code Enforcement to resolve the issue. Staff recommends approval for one (1) year with the conditions in the staff report.

Motion starts at 4:59:54:

On motion by Ms. Armstrong, seconded by Mr. Ernst, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-077 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 7 to 1
Subject to:

1. The parking in front of the property shall be restriped;
2. All repair items shall be completed prior to operation. Any additional repair items not mentioned in the report shall be repaired and completed prior to renewal of SP2023-077;
3. Maximum number of guests shall be six (6);
4. All parking must be off-street, maximum number of vehicles is one (1);
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.**

ATTACHMENTS

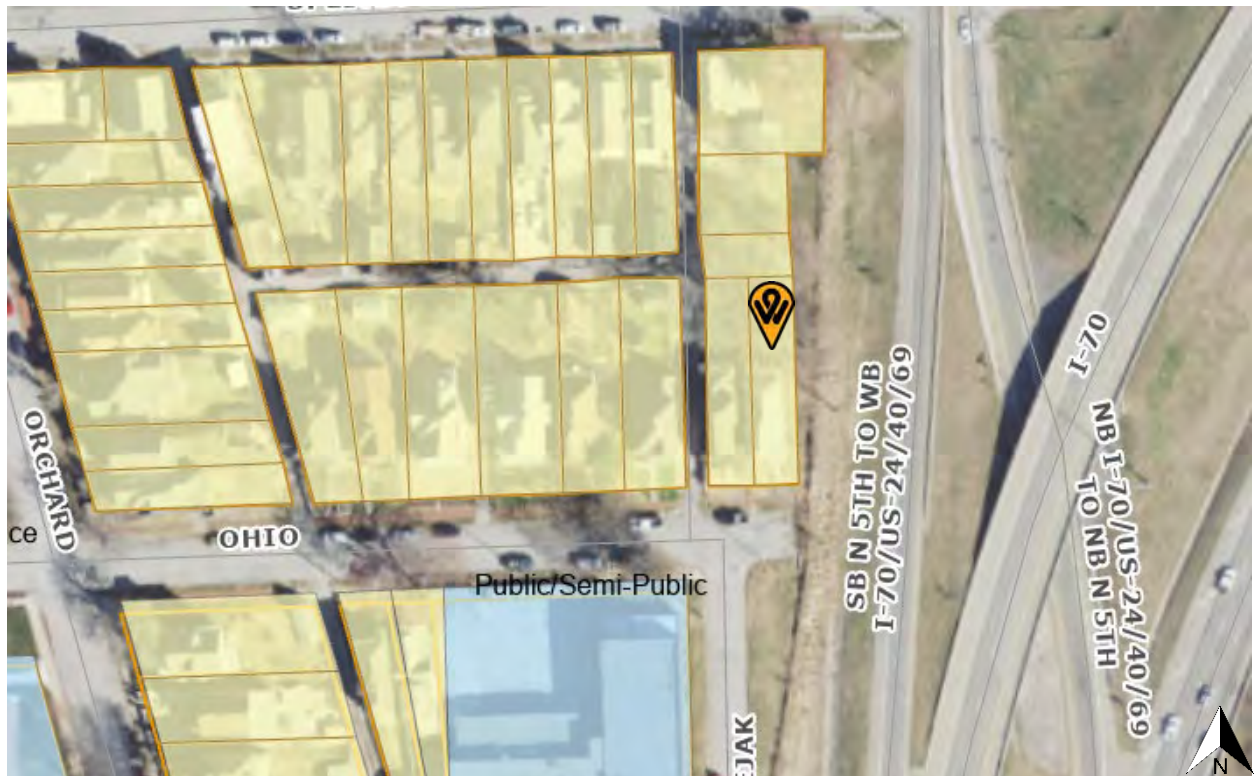
AERIAL IMAGERY



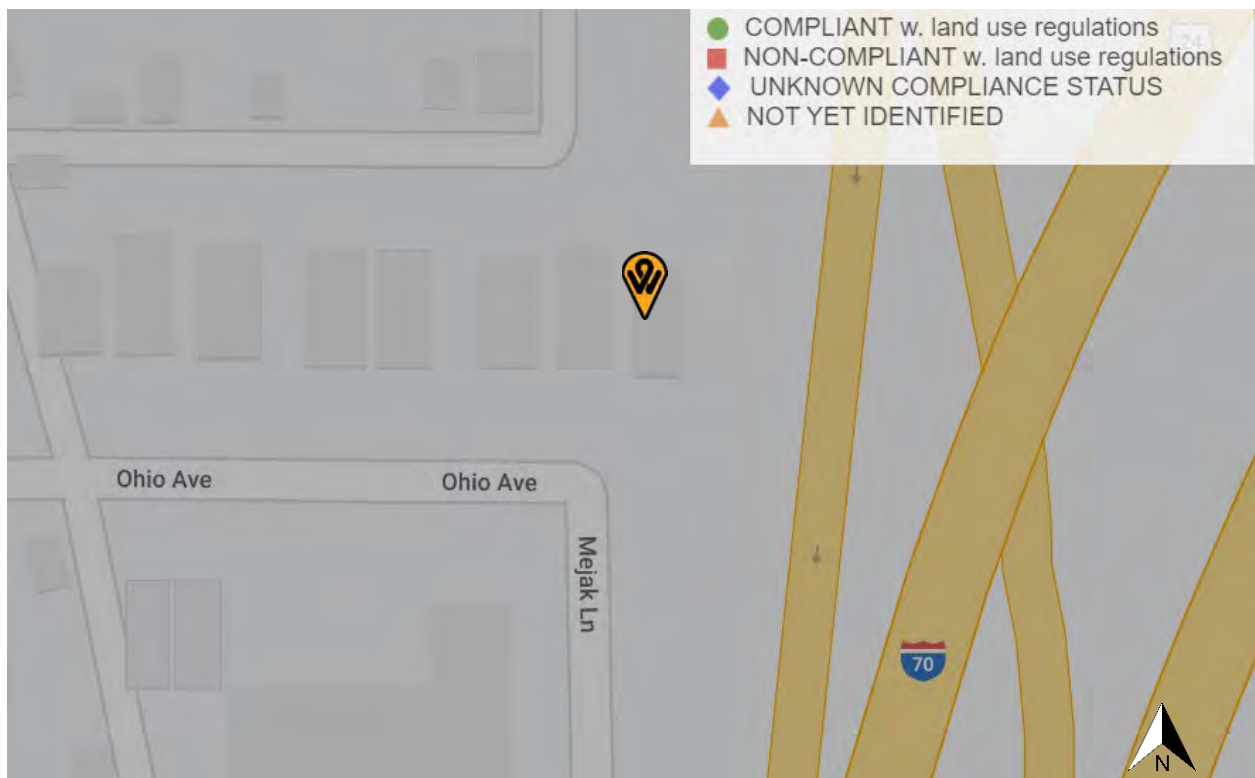
ZONING MAP



LAND USE MAP – CENTRAL AREA PLAN



HOST COMPLIANCE MAP – OCTOBER 31, 2023



NEIGHBORHOOD MEETING MATERIALS

MEETING MINUTES:

Application Number: #SP2023-077

Date and Location: 30-OCT-23 via Virtual Meeting

Meeting called to order at: 18:00 pm, CST, on 30-OCT-23

Names of people in attendance: Brian Glasser & Andrew Morgans

Overview: No attendees showed up, and no attendees called or emailed us personally.

- We concluded the meeting at 18:30 and we were available via phone call as well until 19:00 pm CST.

Meeting adjourned at: 18:30, on 30-OCT-23

Minutes taken by: Andrew Morgans

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Wyandotte) SS:

Comes now Brian Glasser (akCo Investments), of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # SP2023-077.
2. That I conducted a neighborhood meeting on 30-OCT-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.

DocuSigned by:

Brian Glasser

Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 20th day of October, 2023

My commission expires 20th of March, 2026

FALLON MICHELLE THOMPSON
NOTARY PUBLIC, NOTARY SEAL
STATE OF MISSOURI
Commissioned for Jackson County
Commission Number 18260418
My Commission Expires Mar. 20, 2026

[Signature]
Notary Public

HOME INSPECTION REPORT SUMMARY

Legacy Home Inspections

508 Ohio Ave, Kansas City, KS

Report Summary

Structure		
Page 4	Foundation	• Monitor: Observed horizontal cracking at the rear foundation wall. This is an indication that some lateral movement has occurred at the wall. Recommend that a structural engineer evaluate the foundation and structural components of the home.
Roofing		
Page 6	Sloped Roofing	• Repair: Observed tree limbs laying across the roof. Recommend that limbs be cut by a qualified contractor to prevent damage to the roof. • Repair: Observed damage to the roofing shingles. Recommend that a licensed roofing professional evaluate the roof. • Monitor: Observed some granule loss on the roofing shingles. This is an indication that the roof is showing signs of aging. A licensed roofing professional could give an estimate on the expected remaining life of the roof. • Repair: Observed exposed nails on the roof. All exposed nails should be covered with a waterproof sealant to prevent rusting and moisture intrusion. Recommend repair by a licensed roofing professional. • Repair: Observed damage to a plumbing vent boot on the roof. Recommend that a licensed roofing professional evaluate for repairs.
Page 7	Gutters	• Repair: The gutters require cleaning to avoid spilling roof runoff around the building - a potential source of water entry or water damage.
Electrical		
Page 8	Main Panel	• Safety Issue: The cover was missing for the electric panel. Recommend installing cover to prevent electrocution hazard. • Repair: Recommend replacement of missing bushings/grommets. • Repair: Recommend plugging open knockouts in the panel.
Heating		
Page 10	Furnace	• Repair: The furnace air filter was not installed at the time of inspection. Recommend installing filter.
Insulation/Ventilation		
Page 13	Attic	• Repair: There was no insulation in the attic at the time of inspection. Recommend adding insulation to the attic to achieve a minimum R-30 insulation level.

Page 2 of 17

FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 19, 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: November 30, 2023

Re: **Special Use Petition SP2023-079**

GENERAL INFORMATION

Applicant:
Corinna West

Status of Applicant:
Property Owner
1921 Nebraska Avenue
Kansas City, Kansas 66102

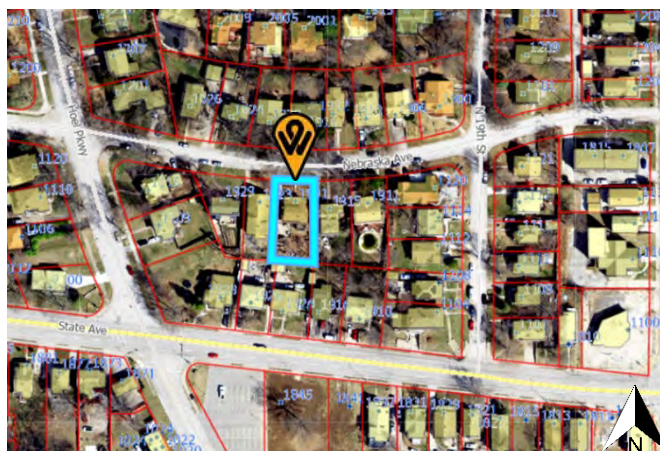
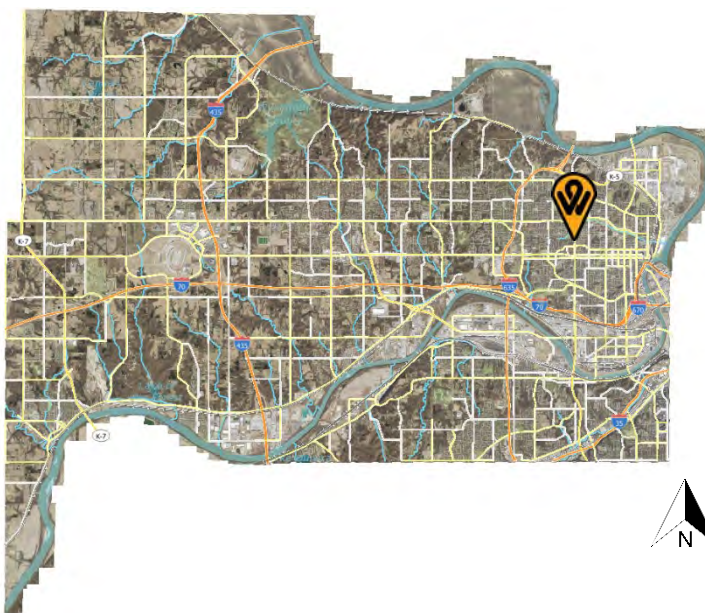
Requested Action:
Renewal of a Special Use Permit
(SP2021-052, which expires on
11/4/2023).

Date of Application:
September 29, 2023

Purpose:
To renew a Special Use Permit to keep
eight (8) fowl on a residential property.

Property Location:
1921 Nebraska Avenue
Kansas City, Kansas 66102

Commission Districts:
Commissioner At-Large, District #1:
Melissa Bynum
District #4 Commissioner: Harold
Johnson



Existing Zoning:	R-1 Single Family District
Adjacent Zoning:	North: R-1 Single Family District South: R-2 Two Family District East: R-1 Single Family District West: R-1 Single Family District
Adjacent Uses:	North: Single-family residences South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.19 Acre
Comprehensive Plan Designation:	The Northeast Area Plan designates the subject property as Single-Family, which allows single-family residences.
Major Street Plan:	The goDotte Mobility Plan classifies Nebraska Avenue as a Local/Neighborhood Street.
Required Parking:	Section 27-454(e) requires two (2) parking spaces for each single-family residence, at least one (1) of which must be in a garage or carport. The property has at least two (2) parking spaces available on the driveway but has covered parking.
Advertisement:	<u>The Wyandotte Echo</u> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	There were 45 people in support at the November 13, 2023, City Planning Commission meeting. Staff has also received letters in support (attached).
Public Opposition:	There were two (2) persons in opposition at the November 13, 2023, City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Corinna West, is requesting a renewal of a Special Use Permit to keep eight (8) fowl and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six

(6) fowl kept on a residential property. The applicant has requested to expand the number of fowl from eight (8) to 15.

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 on the subject property.

Building, Zoning, or Code Enforcement Complaints:

1. There are no active notices of violation:
 - a. 2021 – ENV21-037 – Keeping of fowl without a permit
 - b. 2019 – 19212-00533 – Environment - Weeds
 - c. 2019 – 19212-00336 – Environment - Weeds
 - d. 2019 – 19200-01275 - Other Multiple Violations
 - e. 2013 – 13203-00051 - Inoperable and/or Untagged Vehicles
 - f. 2013 – 13208-00445 – Environment – Debris

Outstanding or Related Permits and Cases:

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

FACTORS TO BE CONSIDERED

1. The Character of the Neighborhood.

The subject property is within the Kensington Statistical Neighborhood and is within the Historic Westheight Neighborhood Group boundary. The property is also within the Westheight Manor Historic District, one (1) of the County's several historic districts. The neighborhood consists of winding streets and single-family residences in several different architectural styles.

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

The surrounding properties are single-family residences, although the property to the south is allowed by right to be used as a duplex due to its R-2 zoning. The use has been approved previously under a Special Use Permit and has not had any reported issues since that approval. As long as the use continues to be managed properly, the use should be compatible with nearby property.

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

Due to its size and proximity to other parcels, the use was limited to keeping eight (8) fowl on the property. The applicant is requesting to keep more fowl (15 total). The Wyandotte County Conservation District has determined that it would not be appropriate to increase the amount of ducks, as previous recommendations from the Conservation District were not met. Additionally, if there is more than one (1) accessory structure within the parcel then the applicant will need to request a variance for a second accessory structure if they desire to keep more than one (1) accessory structure. Any coop or structure should be at least 10 feet from the property boundary line and at least 25 feet from any neighboring structure.

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

The subject property is the applicant's primary residence.

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

Special Use Permits are not addressed in the Northeast Area Plan. The Northeast Area Plan designates the property as Single Family, which allows single-family residences. The proposed use does not conform to the Area Plan with or without a Special Use Permit, however, as the use is temporary in nature, a Master Plan Amendment would not be appropriate.

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.*

There is a record of the applicant selling fowl and/or duck eggs that were raised on their property. This, however, is not expected to be an issue and the keeping of fowl with or without associated sales would not result in an increase in 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 applicant has stated that the ducks will be raised for eggs and meat in an effort to address food shortages. Mitigation measures, such as limiting the number of ducks allowed, keeping all shelters at least 10 feet from the property boundary and at least 25 feet from any neighboring habitable structure, and installing other buffering, landscaping, or screening, will continue to help keep such use from substantially or permanently injuring the appropriate use, visual quality, or marketability of adjoining properties.

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

Ducks are known for their quacking, and with each duck added to a flock the amount of noise would presumably increase. Additionally, dust and smell may be issues for nearby property is not managed properly.

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

Ducks, or rather the waste produced by ducks, have the potential to pollute the air, land, and water through smell and biological contamination. The applicant is utilizing compost as a means of managing the waste from the ducks, as well as diverting run-off away from the compost pile to avoid further contamination of run-off.

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

As mentioned previously, duck waste could be a problem if not handled correctly. The property appears to not be managed according to previous recommendations by the Wyandotte County Conservation District. With further modifications to meet recommendations, the proposed use is not expected to damage or destroy a natural resource.

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

While the applicant would personally benefit from keeping ducks, the relative gain to the public health, safety, and welfare may be outweighed by the hardships imposed on the individual landowner or landowners if the ducks proved to be loud, smelly, polluting, or kept in poor conditions. Any issues created by ducks are scaled by magnitudes when there are more and more ducks in question or if coups are kept in close proximity to property lines. The property has not been managed according to previous recommendations by the Wyandotte County Conservation District. If the applicant does not take proper steps to mitigate impact, there could be negative impacts to health, safety and welfare of nearby property owners.

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

The applicant is proposing to increase the number of ducks from the previously recommended number of eight (8) up to 15 on a parcel measuring 0.51 acre in size. Staff will rely on the recommendation of the Wyandotte County Conservation District, which has stated that they do not believe the property can support more than the currently allotted amount of ducks, which is eight (8).

PREVIOUS ACTIONS

Approval of a Special Use Permit to keep ducks (SP2021-052) for two years in 2021.

NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting on October 23, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Noise
Overcrowding of the Land
Smell
Waste Disposal Plan

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 6 to 2 to recommend **APPROVAL** of Special Use Permit Application SP2023-079, **for five (5) years for eight (8) mature ducks and ducklings not to exceed 40 at any one time**, subject to:

1. The following conditions from the previous approval of SP2021-052 shall remain in effect:
 - a. Per the conservation plan, up to 8 mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those 8 ducks;
 - b. Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest;
 - c. Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth;
 - d. Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks, it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to 8 ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard;
 - e. Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover, slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients;
 - f. Per the conservation plan, fencing the ducks out of areas allowing seed to grow will be necessary, subject to the following conditions
 - i. Fencing should be placed along the south part of the backyard to create a buffer and filter area along the property line. The area created should be three (3) to five (5) feet in width and

- seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, and Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries;
- ii. Fencing should also be added to the east side of the property with another three (3)-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two (2) feet wide and regularly maintain to prevent it from becoming to compacted and no longer slow water movement; and,
 - iii. Most to the above can be completed by repurposing materials on the property;
2. The applicant shall not increase the amount of ducks on the property;
 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 Ordinances. 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;
 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;
 6. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;

7. 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;
8. 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;
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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 **SP2023-079** subject to all comments and suggestions outlined in this report and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map
Site Plan
Neighborhood Meeting Materials
Waste Management Plan
Stormwater Management Plan
Wyandotte County Conservation District Comments
Site Photos, Taken by Staff, October 13, 2023
Letters in Supports
Communication from Applicant

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-079** 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 **SP2023-079**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

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

SPECIAL USE PERMIT APPLICATION SP2023-079 – CORINNA WEST –

SYNOPSIS: Renewal of a Special Use Permit (SP2021-052, expired 11/4/2023) to keep ducks on the property at 1921 Nebraska Avenue. Detailed Outline of Requested Action: The applicant, Corinna West, is requesting a renewal of a Special Use Permit to keep eight (8) fowl and an unknown number of ducklings on a residential property. A Special Use Permit is required for more than six (6) fowl kept on a residential property. The applicant has requested to expand the number of fowl from eight (8) to 15.

Present in Support:

- Corinna West, applicant, 1921 Nebraska Avenue, Kansas City, Kansas 66102
- Stella Flanery, 3126 Kensington, Kansas City, Missouri
- Tammy McMurray, 8307 Wilson Road, Kansas City, Missouri
- Paul Komarek, 4335 Pitts Avenue, Cincinnati, OH 45223
- Gilbert Moore, 1329 North 75th Drive, Kansas City, Kansas 66112
- Christian Wade, 2611 Oakley Avenue, Kansas City, Missouri 64127
- There were 39 people in support that did not speak

Recording Secretary Parker stated that she included all letters submitted in support in the staff report. Since the meeting packet was sent out, she has received five (5) additional letters that will be included in the report. She further stated that she forwarded Ms. West's questions/comments to the Conservation District.

Present in Opposition:

- Andrea Smith Walker, 1911 Nebraska Avenue, Kansas City, Kansas 66102
- Renee Springer, 1912 Nebraska Avenue, Kansas City, Kansas 66102

Staff Recommendation starts at 1:40:56: Planning Director Hand stated that this is a renewal of a Special Use Permit to keep ducks on the property. The property is in the Northeast Area Plan. Staff received letters in support and none in opposition prior to the testimony at the meeting tonight. There are some older Notices of Violation, none related to this case. He stated that the Staff has made site visits to the property. As per current Conservation District comments, the ground cover is more than just ground cover, but also seeding the property. Staff also noted needed improvements on the compost bin as discussed with the Conservation District, both of which should address the vermin issues brought up by those in opposition. Staff recommends approval for five (5) years for eight (8) ducks. If the Planning Commission wants to increase the number of ducks to 15, Staff would request that the number of ducklings be defined that can be kept on the property and only a two (2) year term be granted.

Planning Commissioner Ernst asked if the Special Use Permit can be revoked if the applicant does not comply with the conditions of approval. Director Hand stated yes.

Motion starts at 1:44:00:

On motion by Mrs. Eilts, seconded by Mr. Ward, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit Application SP2023-079 for eight (8) mature ducks, ducklings not to exceed 40 at any one time, for five (5) years:**

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

Motion to recommend APPROVAL Passed: 6 to 2

Subject to:

1. The following conditions from the previous approval of SP2021-052 shall remain in effect:
 - a. Per the conservation plan, up to 8 mature ducks may reside on the subject property. There may also be a revolving number of ducklings, based on the breeding and incubation patterns of those 8 ducks;
 - b. Per the conservation plan, the applicant must maintain the existing shelter for all ducks to get out of the weather and nest;
 - c. Per the conservation plan, the applicant must utilize the beds to the west side of the backyard for rotational grazing. The applicant can use the existing fencing covering over the beds to making moveable fences, which will allow grasses time for regrowth;
 - d. Per the conservation plan, the lagoon in the rear yard will need to be cleaned out on a minimum monthly, or as needed to maintain a healthy environment. With the current number of ducks, it would be suggested to be cleaned out every two (2) weeks. Once the number is brought down to 8 ducks with short-term ducklings monthly clean out should suffice. Waste from the lagoon can be composted with plant or grasses to be used as fertilizer for crop plants in front yard;
 - e. Per the conservation plan, the area around the lagoon must be fully seeded with grass in order to provide the best ground cover, slow runoff and prevent erosion of the soil across the property. A combination of straw and seeding of grasses along the manmade channels in the yard would also help prevent soil loss and filter nutrients;
 - f. Per the conservation plan, fencing the ducks out of areas allowing seed to grow will be necessary, subject to the following conditions

- i. Fencing should be placed along the south part of the backyard to create a buffer and filter area along the property line. The area created should be three (3) to five (5) feet in width and seeded with grasses and plants tolerant to stand in wet conditions and handle high nutrient levels. Native grasses such as little blue stem, western wheat grass, and Indian grass can provide vital root systems to help infiltrate runoff. Forbs can be added to mix to provide more variety and berries;
 - ii. Fencing should also be added to the east side of the property with another three (3)-foot filter strip to help protect the soil and slow runoff. Cardboard was observed on this path when visited demonstrating the need for seeding and soil protection. The area could also be mulched if it is to be used as pathway only. Mulched path would still need to be about two (2) feet wide and regularly maintain to prevent it from becoming to compacted and no longer slow water movement; and,
 - iii. Most to the above can be completed by repurposing materials on the property;
- 2. The applicant shall not increase the amount of ducks on the property;
- 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 Ordinances. 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;
- 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;
- 6. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The

property may also be subject to enforcement actions and administrative citations;

7. 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;
8. 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;
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper; and,
10. Substantive action towards the completion of all conditions of approval herein must commence within six (6) months of approval unless otherwise determined by the Director of Planning or their designee. 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

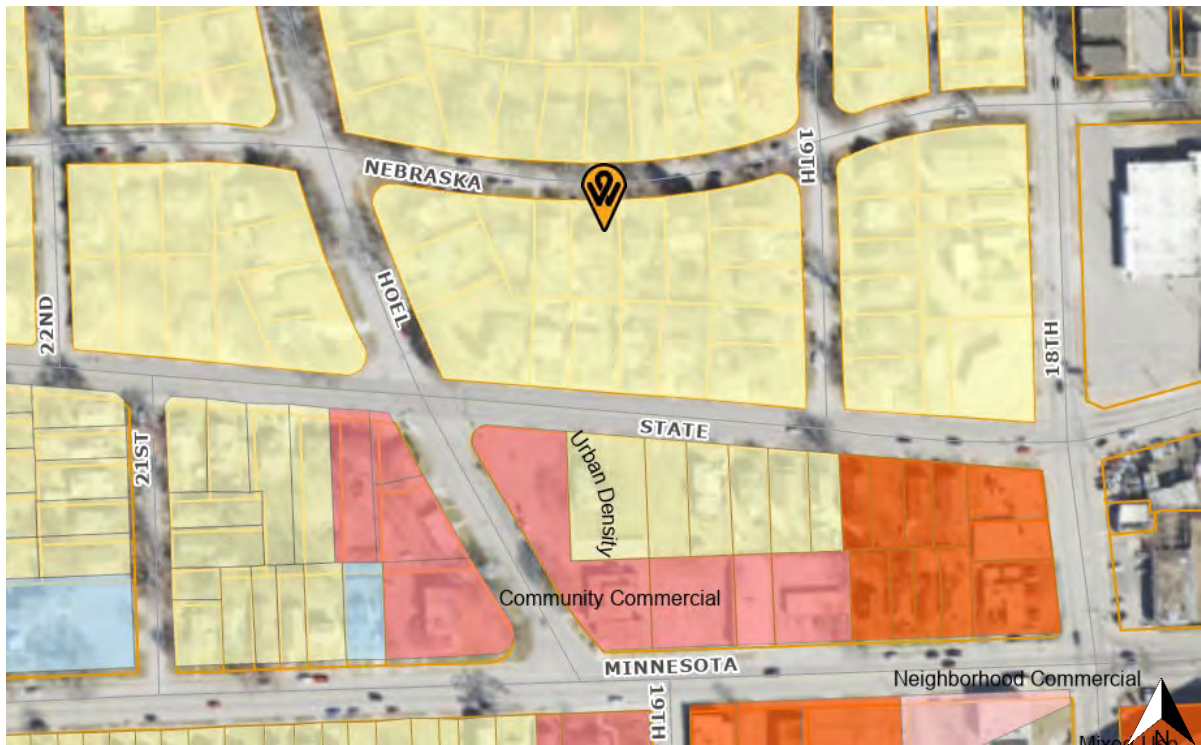
AERIAL IMAGERY



ZONING MAP



LAND USE MAP – NORTHEAST AREA PLAN



NEIGHBORHOOD MEETING MATERIALS

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF Kansas)
COUNTY OF Johnson) SS:

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

1. That I am the petitioner for Petition # 1023-079
2. That I conducted a neighborhood meeting on 23 Oct 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.

Cornelius West
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 25 day of Oct, 200-2023

My commission expires 28 of June, 200-2026

Kaitlyn Waddle
Notary Public



Meeting Sign-in
Wednesday 10-23-5:30
Westheight Park

1. Corinna West

2. Rick Yarnell

3. Renee Springer

4. Andrew Smith (oppose the increase)

5.

6.

7.

8.

SP2023-079 1921 Nebraska Avenue KCK 66102
Neighborhood Meeting Minutes
Meeting October 23, 2023 at Westheight Park 2000 New Jersey KCK 66102
5:30 – 7:00 pm

Present: Renee Springer, Rick Yarnell, Corinna West, Andrea Smith (60 minutes late) and Vince

Presentation:

- Plans and photos: We provided the city report for the site for accurate details/plans/photos. The manure management plan was address. Stormwater management was addressed.
- Who Will Be Involved: Corinna is the farmer, Urban Wildfinds is the farm, and she produces ducklings which are sold from the farm, and at farm events and farm festivals under the USA Duck Team brand. Customers are mainly other farmers and gardeners throughout the metro area. Ducklings are not mailed.
- Operational Activity: Ducklings are hatched and most of them are sold. Some of them are raised on-site for greater genetic selection or for sale as adults. Approximately 700 ducklings were hatched and sold last breeding season, with 30-50 ducklings at a time raised on-site. Noise is minimal as ducks are considerably quieter than chickens. Traffic is about 6 visitors per week in spring.

Questions and Answers:

- How many ducks do you have? 8 adults plus various numbers of juveniles.
- Why do you need 15 ducks? Because my farm is the most reliable place I can source hatching eggs. Also for greater genetic diversity, and because I can combine colors and breed blues and blacks.
- Are there a lot of people in the city doing poultry? Yes, there are at least 5 in Westheight neighborhood, and at least 89 city fowl permits, with probably 10x that many people running fowl flocks without permits.
- What have been the concerns of the neighbors? We have one complainer that has concerns about smell and rodents. The complainer came to the meeting and voiced these concerns.
- Are those legitimate concerns? Well, we have a rodent management plan in place as required by the city with 16 or more bait stations position in the yard. The city came out 3 different times and didn't notice a smell so the neighbor who complained about smell was proven inaccurate on at least 3 different occasions.
- What are you going to do if you don't get approved? Continue to work with off-site locations and partner farms.
- How does this help food security? Because when ducks are laying you can bring out two quarts of grain to the ducks and bring back one quart of eggs, every day. You can turn thirty cents of grain into two dollars of protein, every day. The first crop comes in eight weeks and each boy does three pounds of meat.
- Why do you do this? To help other farmers improve their farms and do food security.
- Do you make money off this? No, it barely breaks even, but this is my missionary work to help people learn more about farming and to enjoy having ducks as pets.

Date: 10-11-2023

Name: Corinna West
1921 Nebraska Avenue
Kansas City, Kansas 66102
816-726-9626
corinnawest816@gmail.com



Subject: Neighborhood meeting

Hi there,

We have filed an application with the KCK Department of Urban Planning and Land Use # SP 2023-079.

The purpose of the special use permit is to allow our farm to move from 8 adult ducks to 15 adult ducks as in allowed in KCMO. Many residents of KCMO, Gladstone, and Independence maintain flocks of 15 birds with no problems.

Ducks and other poultry are important in food security for people in KCK. My ducks are Cayugas, a rare breed in need of preservation and the only heritage breed native to North America. We would like to move from 8 to 15 to allow greater diversity of genetics and to include all colors of Cayuga. More hatchling eggs would mean more babies so that other people could get started on poultry.



The neighborhood meeting is October 23, 2023 at 5:30 pm in the shelter at Westheight Park, at 2000 New Jersey Ave, Kansas City, KS 66102

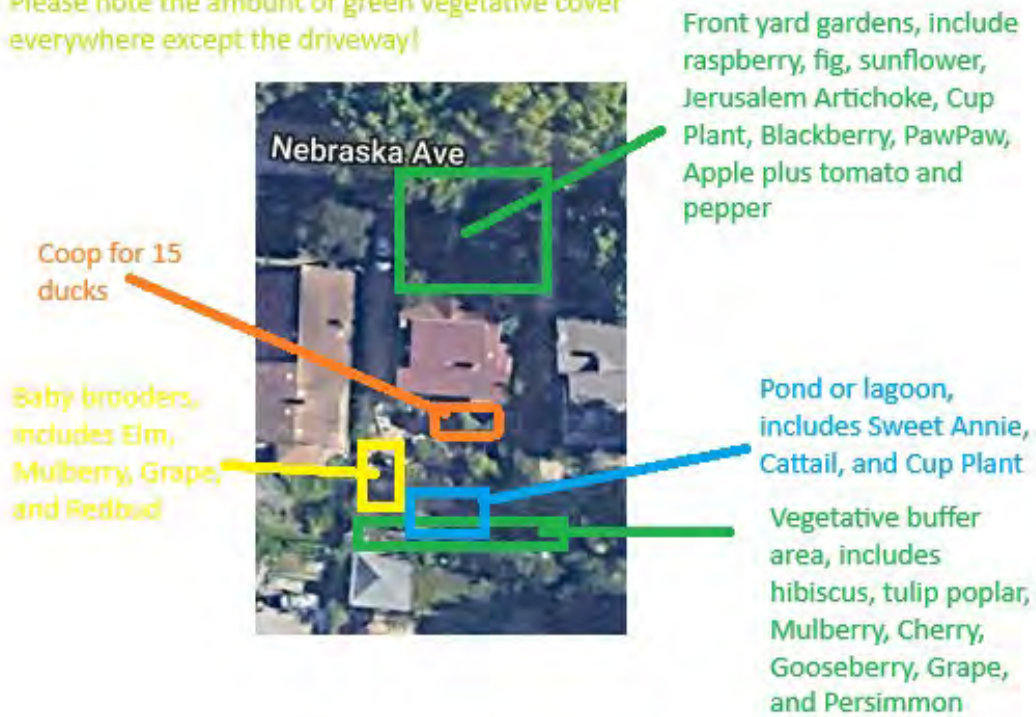
The purpose of the meeting is to explain the proposal and answer any questions you may have. I look forward to meeting you. If you are unable to attend, please contact me at the email address or phone number above, or you may visit the address weekends or evenings to get a tour.

Thank you,
-Corinna West

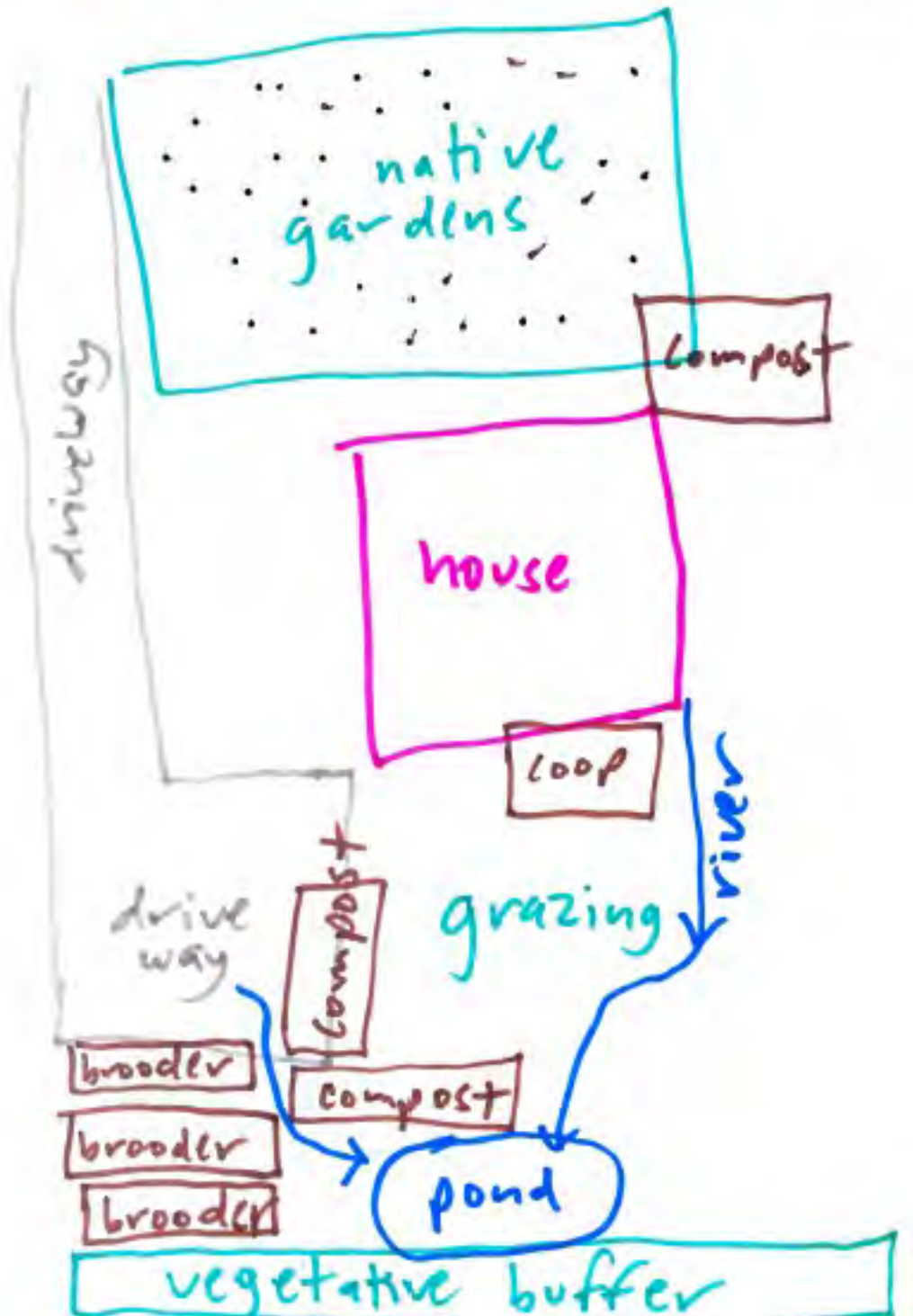
SITE PLAN

Site Map 1 - 15 duck management plan

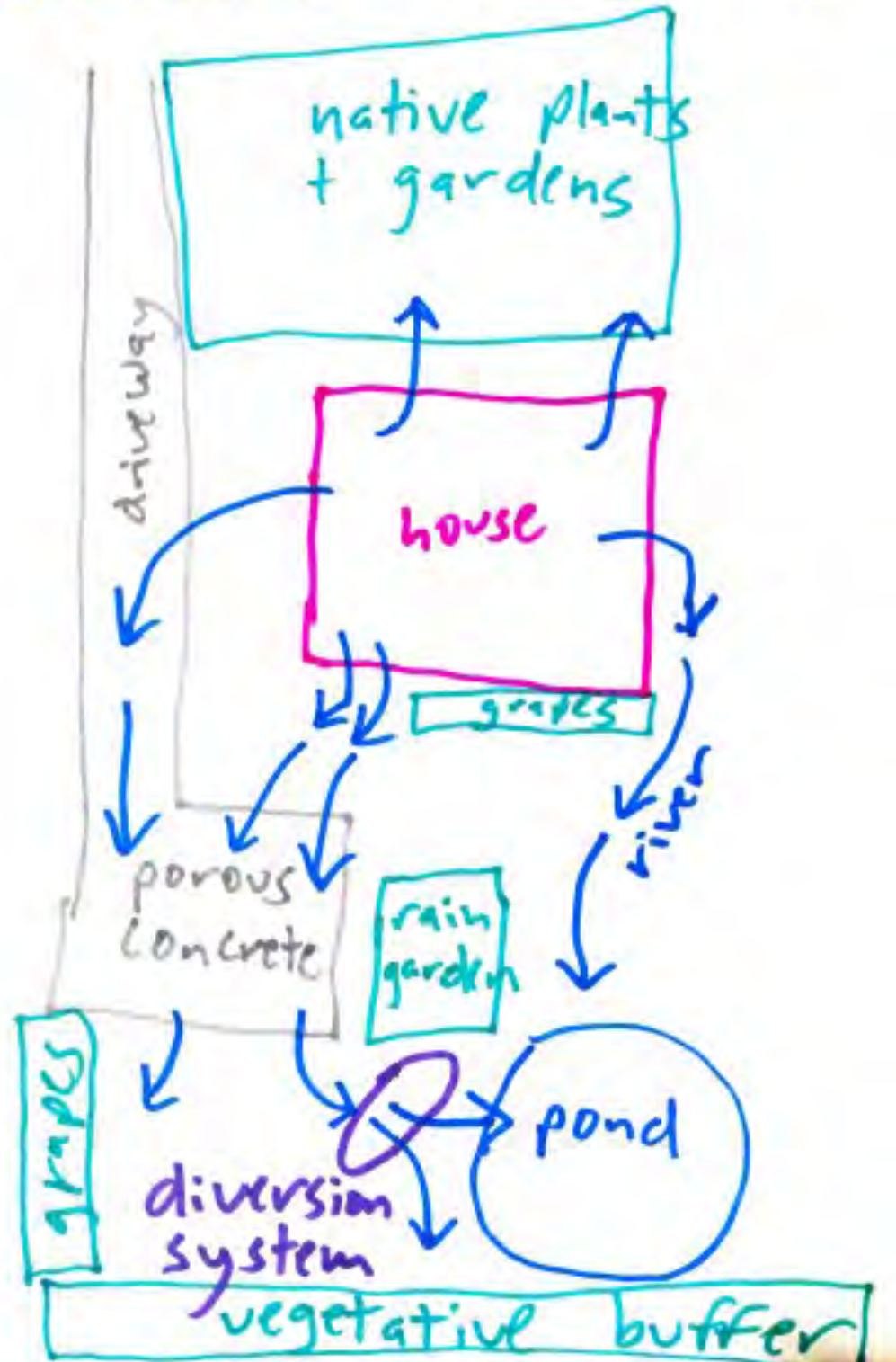
Please note the amount of green vegetative cover everywhere except the driveway!



Manure Management



Stormwater Management





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

RE: SP2023-079 1921 Nebraska Ave

The Conservation District with The Natural Resource and Conservation Service have reviewed the proposed adjustments for the existing special use permit. There was a consensus that the previously presented best management practices have not been implemented on the property.

Evident from the pictures, shelters for the ducks have been improved, however the amount of scrap materials around the yard should be cleaned up.

There still is no ground cover on the property. Properly seeded and protected soil is essential to any healthy and sustainable operation.

The minimum three-foot buffer strip of grass, along the fence line has not been established.

The waste storage should be improved to prevent runoff from leaving the area and provide a divided bin area to fully compost waste and bedding materials.

The large amount of overgrowth in the front yard should be weeded and tended. The range specialist had great difficulty trying to identify any native plants in the front yard or on the property.

Based on the materials presented and reviewed we would not recommend the requested increase of animals be approved.

Cheri Miller
District Manager

SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 13, 2023









Hello,

My name is Damon Patterson. I'm an artist, photographer, writer, and also raise ducks. This is email is to express my support and ask for yours regarding Corinna West and her ducks. Please try and understand the importance of the work she is doing with ducks. These ducks and other ones help many people with their mental health by caring for these beautiful ducks. They also help supplement many poor and homeless peoples groceries by providing free organic eggs. Corinna has been a miracle to my life and others she has helped. I'm asking from the bottom of my heart to please understand the work she is doing and support her instead of fighting her. She is a helper and harming her, harms others. She is selfless and helps so many people for free, in so many ways. Her yard has native plants. I've been there many times. Many officials may not be aware of the many benefits of the plants and their uses. Have you asked for the names of the plant species?

Thank you

Damon Lee Patterson
8166990139

Please mark this down as a comment in favor of my proposal, and when you discuss it in the meeting, please be honest that you have received multiple comments made in favor of the proposal.

On Wed, Nov 8, 2023, 2:52 PM Parker, Janet <jparker@wycokck.org> wrote:

Thank you for your comments. Staff always appreciates feedback from the community.

The comments you have addressed are the comments made by the Conservation District and not the Planning + Urban Design staff.

Ms. West will have the opportunity to address the comments at the meeting on Monday.

Janet

From: Tammy McMurray <evangeline7878@gmail.com>

Sent: Wednesday, November 8, 2023 2:42 PM

To: Parker, Janet <jparker@wycokck.org>

Subject: No Native Plants, you must be blind.

You don't often get email from evangeline7878@gmail.com. [Learn why this is important](#)

Good afternoon, I'm emailing you in regards to Corina West. Are the city officials comprehensive in identifying state local plants. Corina West yard is covered in native plants. Jerusalem artichoke, ground cherry, persimmons, pawpaws, Elderberries just to list a few. Please reconsider your decision, thank you.

Dear Committee members,

I have been on a farm visit to Ms. Corinna West's urban farm and found it to be covered in native plants which are more tolerant to rain events, drought and severe weather than most domesticated/ornamental plants. Their root systems have varying lengths(some to 20 feet) to channel nutrients to the soil surface and to their leaf structure providing nutrient dense food for the ducks. Due to the strength of the plant structure and the microbiome created in the soil around the roots, native plants are superior in their water holding capacity and provide suitable habitat for mycorrhizae to keep the soil healthy.

Ms. West is applying her strong knowledge of soil and nature to a small area on this earth and making it a great haven for pollinators, predator insects and the micro-flora and fauna we desperately need in urban areas today. I applaud her work and attitude to preserve and conserve nature in an urban setting without the use of chemicals. I know no other duck farmer who is so serious about healthy habitat and the care of her animals.

Please include me in the invitation to the next meeting on Nov 13 with a zoom link.

Regards,

Susan Jaster

jasters@lincolnu.edu

Lincoln University Cooperative Extension

Regional Farm Outreach Worker in Lafayette, Johnson & Cass Counties

Innovative Small Farmers' Outreach Program

816-589-4725

PO Box 826

Concordia, MO 64020

<http://www.lincolnu.edu/web/programs-and-projects/innovative-small-farmers-outreach-program>

<https://www.facebook.com/pages/ISFOP-Innovative-Small-Farmers-Outreach-Program/489644317781774?ref=hl>

<http://www.agrability.org/resources/frsan/> Farm and Ranch Stress Assistance Network (FRSAN)

I have 2 persimmon trees in my backyard with lots of native grass
It does a good job of containing the water.

Charles Cummings <charles.l.cummings@gmail.com>

Hi there,

I do not want to delay my project into the holiday season. I have jumped through all of your hoops for 2 years and provided plenty of evidence that I have fully met your expectations.

It does not matter what USDA/NRCS says. I have done everything you required to have an increase in ducks. I have provided many letters of support. You said two years ago that if we followed all conditions and had no verifiable complaints, then we could have an increase. All you have to do is keep your word and believe the documentation of your own staff. James Molloy said we met all conditions. Any disagreement on meeting conditions is easily remedied.

Please make a staff recommendation for 15 ducks as is common in 3 other cities. Please support, as you promised, and put it on the consent agenda with a staff recommendation for 15 ducks.

There is no reason I should have to show all your discrepancies and mis-statements to the whole planning board. You don't need me to make me do a presentation, show your false statements, bring in an angry group of poultry owners, and add time and commotion and potential media attention to your already busy meeting. There is no need continue these discussions. I have already provided extensive documentation. The media loves stories about cities persecuting farmers with false accusations.

Make your recommendation for 15 ducks and you will be done with me. We can have this finished today or tomorrow.

There is no need to drag it out and have me expose the mis-steps and inconsistencies and injustices to everyone, including the media.

The best way to promote conservation and stormwater best practices is to respect the people who are already doing it and "work with" any tiny differences in interpretation.

"Work with" a 15 duck limit because 3 cities have shown it works just fine.

Corinna

On Thu, Nov 9, 2023, 10:07 AM Parker, Janet <jparker@wycokck.org> wrote:

"I have sent and requested NRCS/USDA staff review her comments."

This is the response I received from the Conservation District in response to my email to them. I do not know if they will have a response by Monday's meeting.

Do you want to hold over your application to the December meeting for their review to come back to us and all support emails/letters to be submitted and included in your report or continue to the meeting on Monday.

Janet

From: Corinna West <corinnawest816@gmail.com>

Sent: Thursday, November 9, 2023 9:50 AM

To: Parker, Janet <jparker@wycokck.org>

Cc: Hand, Gunnar <ghand@wycokck.org>; Molloy, James <jlmolloy@wycokck.org>; WYCO Conservation District <wycoco.conservations@gmail.com>

Subject: Point by point addressing of false statements

Here is a point by point addressing of statements made by the WyCo conservation district. Please "work with me" and do not make final decisions based on false information.

1) management practices not in place. Yes, 11 of 12 recommendations are in place as proven by your own photos and your own staff testimony. An explanation point by point was already provided. The 3x20 foot strip of grass could be easily implemented in 2 hours or less.

2) scrap materials cleaned up - easily implemented in 30 min or less

3) no ground cover - there is plenty of ground cover including leaves, hay, straw, and wood chips AS RECOMMENDED by the conservation district. We cannot grow grass where ducks roam, only in exclusion areas. Barnyards and feedlots do not have grass. Asking us to grow grass is not reflective of the reality of the situation. Other ground covering is consistently in place AS RECOMMENDED by the conservation district.

4) 3 foot buffer strip - Reasons were given for not implementing this, however, if you don't care about our reasons, The 3x20 foot strip of grass could be easily implemented in 2 hours or less.

5) composting waste - There IS ALREADY a separated bin that fully composts waste, removed from runoff. It is shown in your staffs photos and in schematics provided.

6) front yard growth - The front yard was already trimmed. Your definition is "purposeful growth." The purpose of all plants present was already explained to staff. Your inability to identify plants present has already been addressed.

Do not limit my farm income for 5 years based on 2.5 hours of work.

"Work with" me and make a recommendation for 15 ducks AS Allowed in KCMO, Independence, and Gladstone. Hundreds of families have 15 poultry with no problems.

"Work with" me and return phone calls and emails. Be reasonable, I can address all your concerns in 2.5 hours or less, stop recommending against me.

Corinna

Parker, Janet

From: Megan Brownlee <megancorinbrownlee@gmail.com>
Sent: Saturday, November 11, 2023 11:42 AM
To: Molloy, James; Parker, Janet
Subject: Urban Wildfinds Farm and Forage

Some people who received this message don't often get email from megancorinbrownlee@gmail.com. [Learn why this is important](#)

I am writing to recommend Urban Wildfinds Farm and Forage (Corinna West) of 1921 Nebraska Avenue, KCKS for increased duck census. I have visited her farm and found the ducks to be well cared for and free to roam. I enjoyed sitting in the area with the ducks and found it peaceful. In addition there are many plants native to the area.

Megan Brownlee

Parker, Janet

From: Sherrie Vaughn <dr.sherrievaughn@gmail.com>
Sent: Thursday, November 9, 2023 3:11 PM
To: jlmollory@wycokck.org; Parker, Janet
Subject: Corrina West and backyard Duck farm

[You don't often get email from dr.sherrievaughn@gmail.com. [Learn why this is important at https://aka.ms/LearnAboutSenderIdentification](https://aka.ms/LearnAboutSenderIdentification)]

I am writing in support of Corrina West's backyard duck farm and the ability to have up to 15 ducks on one city lot. Corrina is an exceptional duck farmer and innovator with addressing any issues concerning noise, smell, and runoff water. These are issues that can be easily remedied while safeguarding the health and environment for the ducks and h neighbors. For example, she utilizes a diverse water runoff approach that includes rain barrels, porous concrete, diversion systems, berms, and detention ponds. It is my hope that you can offer a sincere consideration for her request to have up to 15 ducks.

Thank you, Sherrie

Sent from my iPhone

Parker, Janet

From: Amy Smith <crazydiamondusa@gmail.com>
Sent: Saturday, November 11, 2023 12:11 AM
To: Molloy, James; Parker, Janet
Cc: Corinna West
Subject: 1921 Nebraska Avenue

Some people who received this message don't often get email from crazydiamondusa@gmail.com. [Learn why this is important](#)
To whom it may concern:

I have known Corinna West and have followed her work for over ten years. She is consistently an innovator who presses her formidable intelligence and wild creativity into service for her community. Her bar is high and her vision is broad and deep. Her projects and programs are usually years ahead of their time; Ms. West has an uncanny finger on the pulse.

Additionally, she is scrupulously honest and always follows through; if she promises to build a bigger berm or spread deeper straw, she will.

In my professional opinion, Ms. West is the type of citizen any town or city is fortunate to have. You should be inviting her to your policy tables and accountability boards instead of issuing edicts with no recourse available for correction, it's super frustrating & a waste of everyone's time, when all the while she is pushing the urban duck best practices envelope for you.

Thank you for hearing me out,
Amy Smith
Olney Springs, Colorado
729.468.8702

Parker, Janet

From: janice Tufte <tuftejet@yahoo.com>
Sent: Thursday, November 9, 2023 7:13 PM
To: Parker, Janet; Molloy, James
Subject: Corinna West KCK Duck Reserve

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

Good Day

I am writing today to inquire about why longtime KC resident Corinna west is not allowed to expand her prize winning Cayuga Duck family. You might not be aware of the history of Corinna and her Ducks though it is really quite an amazing story.

Corinna has successfully recieved a number of grants over the years gathering together people with challenges and encouraging them to recognize their own talents and supporting them in a number of ways. Poetry, spoken word, writing and raising ducks. Yes raising ducks. A number of people who have been diagnosed as having serious mental illness are now raising ducks because of Corinnas ability to teach and nuture apprentices about duck raising and breeding and general care for ducks that has lead to a better sense of well being for all who participated in this grass roots problem.

Now evidently Corinna is being challenged herself because she does not have enough grass? She has native plants, adequate grass in her front yard and a pond and enough space in the back for 15 prize winning ducks. She has 8 now- she has singlehandedly planned breeding to the point of now having received a number of prizes this year at fairs for her heirloom Cayuga Ducks she has lovingly cared for and sustained.

I ask you to reconsider Corinna West's ask for her to be allowed to own 15 ducks instaed of only 8. She should be recognized for hr urban farm not punished.

Thank you for reconsidering the number of beautiful Cayuga Ducks she is allowed to have on her property. I am not sure why anyone should have more grass actually- urban farms are more appreciated and economical and better for the environment.

Have a nice day and weekend ahead

Sincerely

Friends of Corinna West
and her Cayuga Duck Family

PAUL KOMAREK

Human Intervention LLC
Consulting and Communications

4335 Pitts Avenue
Cincinnati, OH 45223
(513) 494-6280
Mobile (513) 673-4992
komarek@humanintervention.net
www.humanintervention.net

November 13, 2023

Kansas City KS
Board of Zoning Appeals
James Molloy and Janet Parker

Re Corinna West and #15ducks

Greetings:

I am writing to support Corinna West's application to expand her homebased business, one that is focused on sustainable food production in a small footprint.

I don't know a lot about ducks, but I know a lot about compliance and innovation – I have been doing business startup consulting work for over 25 years. Corinna is an innovator – and she knows how to innovate within formal boundaries. I have worked with her on and off for over a decade, mostly around her work in the field of mental health. Corinna's mental health program addressed trauma among young adults in a new, profound, effective, and essentially nonclinical way – and a big part of the work was helping people start small businesses. She built her program around federal funding and used credentialed peer support personnel. She had help from one of Kansas City's top small business incubators. She stepped aside as a founder-leader as she was recovering from a health issue following a bicycle accident. At that point, the nonprofit was launching a federally funded network of mental health supports across two states, and was poised to launch a similar network in a third.

With her new project, Corinna is building a model that public officials across the US say we need. Sustainable food options for ordinary people in tough situations are very hard to find in America. Let Corinna expand, and she will produce an exemplary working model.

Sincerely,



Paul Komarek



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: November 30, 2023

Re: Special Use Petition SP2023-081

GENERAL INFORMATION

Applicant:

Erica Schubach DBA Twopin
Homes LLC

Status of Applicant:

Property Owner
4707 Northeast Stanton Street
Portland, OR 97213

Requested Action:

Approval of a Short-Term Rental
Special Use Permit.

Date of Application:

September 29, 2023

Purpose:

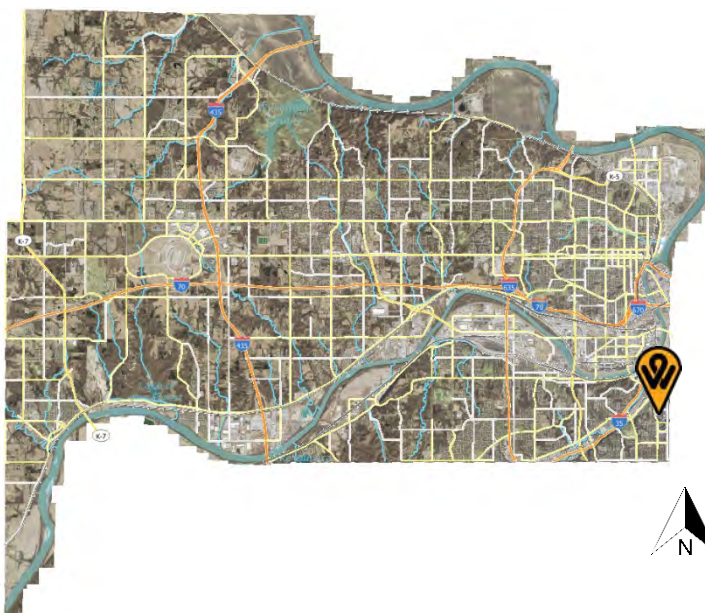
To approve a Special Use Permit
for a Short-Term Rental. This is not
the applicant's primary residence.

Property Location:

1918 Federal Avenue
Kansas City, Kansas 66103

Commission Districts:

Commissioner At-Large, District #2:
Tom Burroughs
District #3 Commissioner:
Christian Ramirez



Existing Zoning:	R-2(B) Two-Family 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: R-2(B) Two Family District
Adjacent Uses:	North: Vacant lot South: Single-family residence East: Single-family residence West: Single-family residence
Total Tract Size:	0.12 Acre
Comprehensive Plan Designation:	The Rosedale Area Plan designates the subject property as Single Family, which allows for single-family residences.
Major Street Plan:	The goDotte Mobility Plan designates the Federal Avenue 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> – October 19, 2023 Letters to Property Owners – October 20, 2023
Public Hearings:	November 13, 2023 and November 30, 2023
Public Support:	None to date.
Public Opposition:	Two (2) people appeared in opposition at the November 13, 2023 City Planning Commission meeting.

PROPOSAL

Detailed Outline of Requested Action: The applicant, Erica Schubach, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 1918 Federal Avenue. This is not the owner’s primary residence. This would be the first and only permitted short-term rental on the 1900 block of Federal Avenue.

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. The property has received the following Notices of Violation:
 - a. 2023 - CMP23-0152 – Complaint – Operating a Short-Term Rental
 - b. 2018 – 18208-01317 – Environment – Expired Tags
 - c. 2015 – 15205-00104 – Trash and Debris

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 property is located within the Rosedale Statistical Neighborhood and the Rosedale Development Association (RDA) group. The neighborhood consists of a mix of single-family residences and townhouses as well as various uses for 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-2(B) Two 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 an unpermitted short-term rental since 2023. It was previously 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 the subject property as Single Family, which allows for single family residences. The use as a short-term rental 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 Federal Avenue, 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 (x). 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 October 25, 2023. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

KEY ISSUES

Illumination
Noise
Operating without a Special Use Permit
Overcrowding
Parking
Vibration

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 7 to 1 to recommend **APPROVAL** of Special Use Permit Application SP2023-081, **for one (1) year**, subject to:

- 1. Maximum number of guests shall be six (6);**
- 2. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park the 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 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;
 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.

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 **SP2023-081** subject to all comments and suggestions outlined in this staff report, and the conditions of the City Planning Commission.

ATTACHMENTS

November 13, 2023 City Planning Commission Minutes
Aerial Imagery
Zoning Map
Land Use Map – Rosedale Area Plan
Host Compliance Map – October 19, 2023
Floor Plan
Neighborhood Meeting Documents
Site Photos, Taken by Staff, Dated October 14, 2023

REVIEW OF INFORMATION AND SCHEDULE

Action	City Planning Commission	Unified Government Board of Commissioners
Public Hearing	November 13, 2023	November 30, 2023
Special Use	Approval	

STAFF CONTACT:

James Molloy
jmolloy@wycokck.org

MOTIONS

I move the Unified Government Board of Commissioners **APPROVE** Petition **SP2023-081** 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 **SP2023-081**, 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.

NOVEMBER 13, 2023 CITY PLANNING COMMISSION MINUTES:

Hearing starts at 5:00:52:

SPECIAL USE PERMIT APPLICATION SP2023-081 – ERICA SCHUBACH WITH TWOPIN HOMES LLC - SYNOPSIS: Special Use Permit to operate a Short-Term Rental at 1918 Federal Avenue. Detailed Outline of Requested Action: The applicant, Erica Schubach, is requesting a Short-Term Rental Special Use Permit to operate a short-term rental at 1918 Federal Avenue. This is not the owner's primary residence. This would be the first and only permitted short-term rental on the 1900 block of Federal 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 November 13, 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:

- Erica Schubach, applicant, 4707 Northeast Stanton Street, Portland, OR 97213

Planning Commissioner Eilts directed questions to the applicant.

Present in Opposition:

- James Clinkenbeard, 2014 Federal Avenue, Kansas City, Kansas
- Tim O'Connell, 2015 Federal Avenue, Kansas City, Kansas

Staff Recommendation starts at 5:08:40: Planning Director Hand stated that this request is for a non-owner-occupied Short-Term Rental. The property is in the Rosedale Area Plan. Staff received no letters in support and no opposition prior to this evening. There was a Notice of Violation for operating a Short-Term Rental without a Special Use Permit, which is being addressed by the hearing this evening. Staff recommends approval for one (1) year subject to the conditions in the staff report.

Motion starts at 5:09:40:

On motion by Mr. Straws, seconded by Ms. Armstrong, the Planning Commission voted as follows to **recommend APPROVAL of Special Use Permit SP2023-081 for one (1) year:**

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

Motion to recommend **APPROVAL** Passed: 7 to 1

Subject to:

1. Maximum number of guests shall be six (6);
2. All parking must be off-street, maximum number of vehicles is two (2). No STR renters or guests may park the 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 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;
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.

ATTACHMENTS

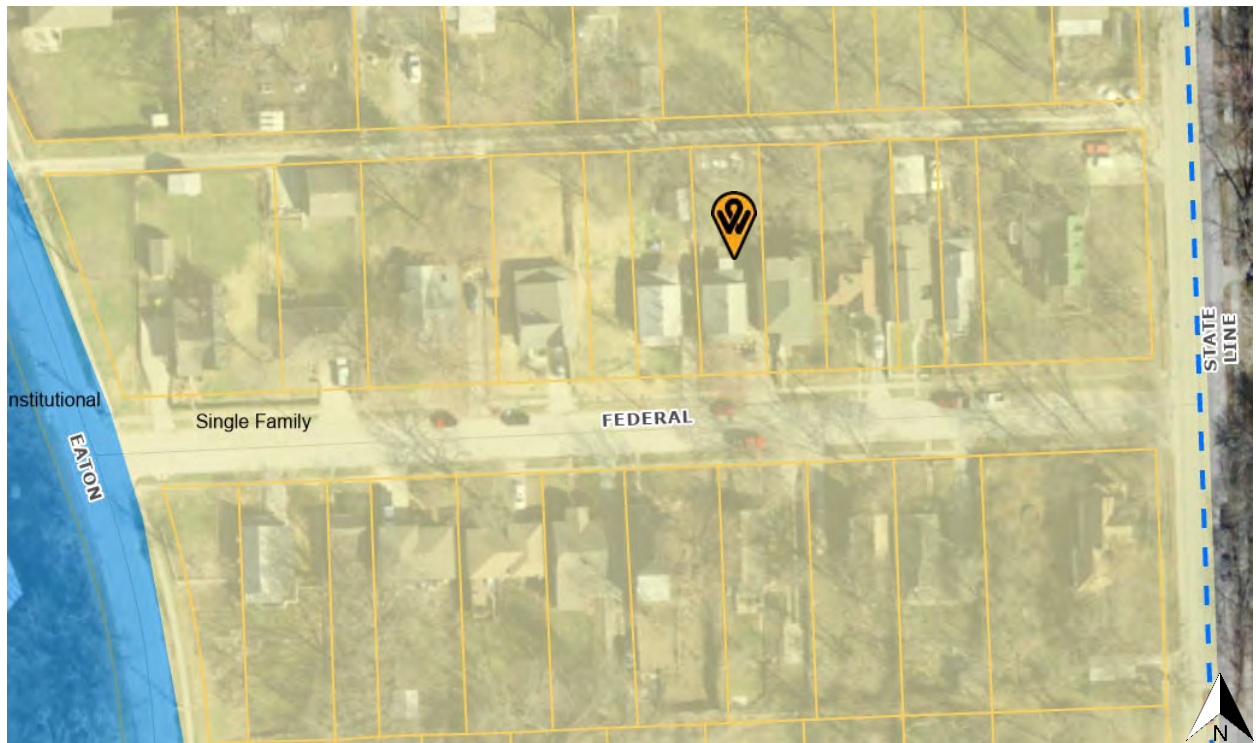
AERIAL IMAGERY



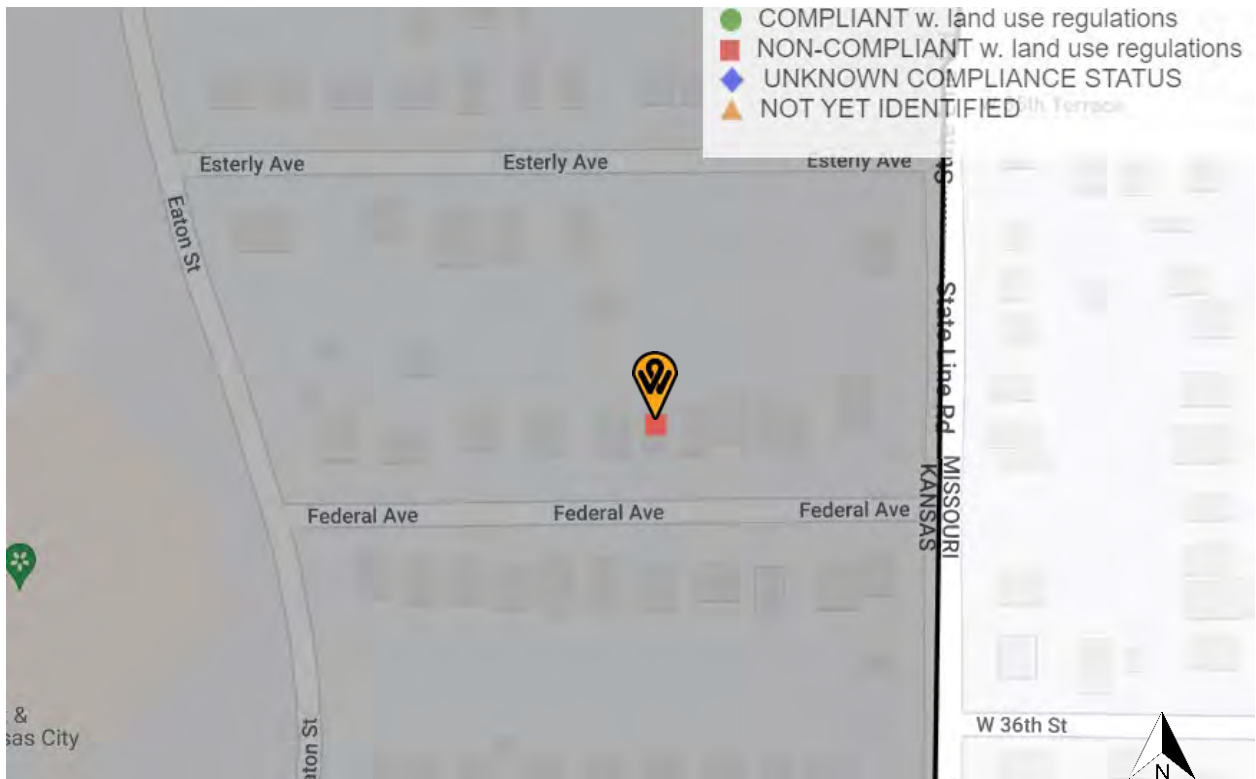
ZONING MAP



LAND USE MAP – ROSEDALE AREA PLAN



HOST COMPLIANCE MAP – OCTOBER 19, 2023



NEIGHBORHOOD MEETING MINUTES

October 12th, 2023

Dear Neighbor,

I hope this letter finds you well. I am writing to inform you of my intent to obtain a short-term rental permit for my home at 1918 Federal Ave. Given the proximity to KU Med, I plan to provide housing to traveling nurses and families receiving care at the hospital.

I will take measures to ensure that my guests do not disturb the peace and tranquility of the neighborhood. These include providing written guidelines to my guests to ensure they are reasonable, respectful neighbors and hiring a property manager to supervise operations.

Although this property has been a rental unit for years, you may have questions or concerns about a short term rental property in your neighborhood. I plan to host a Zoom meeting on Wednesday, October 25th, at 4 p.m. Please join me if you want to ask questions about my plan for this property.

Erica Schubach is inviting you to a scheduled Zoom meeting.

Topic: 1918 Federal Short term rental permit

Time: Oct 25, 2023 04:30 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us05web.zoom.us/j/86251366808?pwd=q4hZjCAI4FQ0gn2Odp5CQUSP5haUBD.1>

Meeting ID: 862 5136 6808

Passcode: 6yq0Gr

(Abbreviated meeting link: <https://tinyurl.com/3pnhavm7>)

Best regards,

Erica Schubach

1918 Federal Ave.

503-890-6146

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF TEXAS ^{AM})
Kansas)
COUNTY OF Wyandotte ^{AM}) SS:
HARRIS)

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

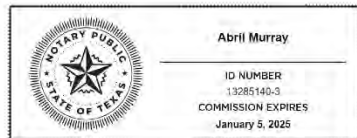
1. That I am the petitioner for Petition # SP2023-081.
2. That I conducted a neighborhood meeting on 10/25/23.
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Erica Schubach 
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 27th day of October, 2003.

My commission expires 01 of 05, 200 .



Abril Murray
Notary Public

Notarized online using audio-video communication

Erica Schubach
Twopin Homes LLC
4707 NE Stanton St
Portland OR 97213

MEETING MINUTES:

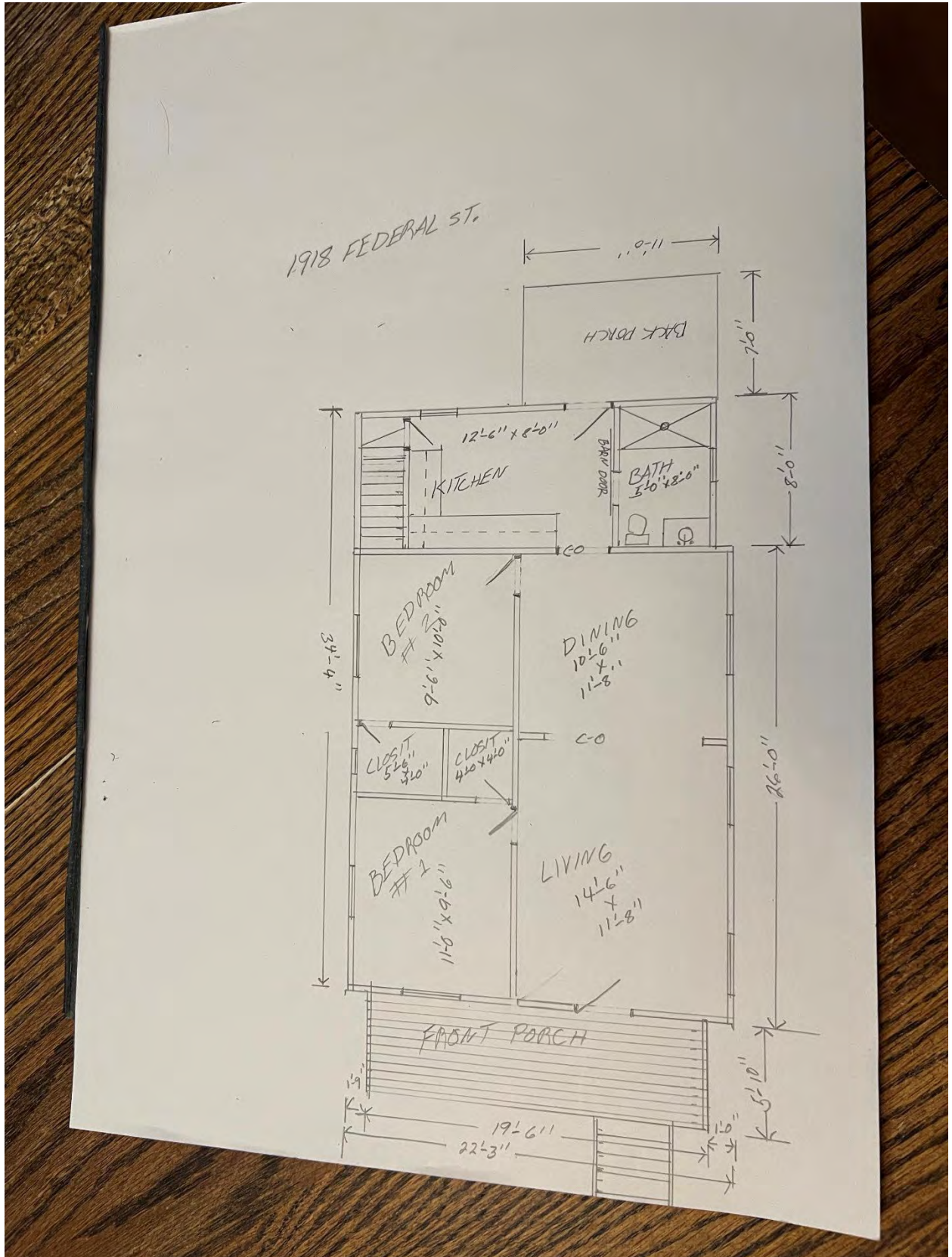
Application Number: SP2023-081
Date and Location: 10/25/23 - Zoom

Meeting called to order at: 4:00 PM CST
Names of people in attendance: 0

-Introductions: N/A
-Presentation by applicant and/or team - I prepared a short Powerpoint presentation but did not present it since no one attended.
-Questions and answers (include the following): N/A
Who asked question or gave comment: N/A
-What was the question or comment: N/A
-Who answered the question/comment: N/A
-What was the answer given: N/A

Meeting adjourned at: 5:00 PM CST
Minutes taken by: Erica Schubach

FLOOR PLAN



SITE PHOTOS, TAKEN BY STAFF, DATED OCTOBER 14, 2023





Staff Request for Commission Action

Tracking No. 212923

Full Commission Meeting Date: 11/30/2023

Committee: Full Commission

Date of Standing Committee Action:

(If none, please explain):

Publication Required: No

<u>Date:</u>	<u>Contact Name:</u>	<u>Contact Phone:</u>	<u>Contact Email:</u>	<u>Department/Division:</u>
11/21/2023	Gunnar Hand	5751	ghand@wycokck.org	Planning and Urban Design

Item Description:

Approval of an ordinance adopting the PlanKCK CityWide Master Plan, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design.

Links to connect to the documents are:

- PlanKCK: wycokck.org/files/assets/public/v/1/planning-amp-urban-design/documents/comprehensive-plan/2023.11.21-plankck_final.pdf
- Appendices: wycokck.org/files/assets/public/v/1/planning-amp-urban-design/documents/comprehensive-plan/2023.11.21-plankck-appendices_final.pdf
- Engagement Summary: plankck_engagement_summary_final.pdf (wycokck.org)

Action Requested:

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Ordinance approving PlanKCK Full Commission

Published _____

ORDINANCE NO. _____

AN ORDINANCE approving the PlanKCK Citywide Master Plan.

WHEREAS, PlanKCK is a plan for all of Kansas City, Kansas (KCK) that will shape, at a high level, decisions about the future of our infrastructure, society, environment, development, and key investments that will define our neighborhoods and quality of life for the next 25 years;

WHEREAS, the PlanKCK project team attended or hosted over 115 engagement opportunities with the community--including both events hosted by the Unified Government and events put on by community groups, and including a bilingual survey--to understand what the community desires in KCK;

WHEREAS, on November 13, 2023, the Planning Commission for the Unified Government of Wyandotte County/Kansas City, Kansas ("Planning Commission") held a public hearing and recommended approval of the PlanKCK Citywide Master Plan, a copy of which is on file with the Secretary of the Planning Commission and the Unified Government Clerk; and

WHEREAS, after the public hearing on November 13, 2023, a majority of the Planning Commission voted to recommend adoption of the PlanKCK Citywide Master Plan; and

WHEREAS, pursuant to K.S.A. 12-747(b), the Planning Commission is required to adopt the PlanKCK Citywide Master Plan by resolution, to and send notice thereof to the governing body as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/
KANSAS CITY, KANSAS, AS FOLLOWS:**

Section 1. The Board of Commissioners hereby approves the recommendation of the Planning Commission and approves the PlanKCK Citywide Master Plan, a certified copy of which is on file with the Unified Government Clerk and which is incorporated by reference herein.

Section 2. This Ordinance shall take effect and be in full force after its passage, approval, and publication.

Section 3. The Mayor/CEO, County Administrator, and any other employees or agents of the Unified Government are authorized to take such actions as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

**APPROVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS 30th DAY OF NOVEMBER, 2023.**

Tyrone Garner, Mayor/CEO

Attest:

Clerk

Approved as to form:

Chief Counsel

212842



Report to

MEETING DATE	PRESENTER	DEPARTMENT
December 29, 2023	Jeffrey Conway, Assistant Counsel	Economic Development
AGENDA ITEM #		
RESOLUTION: APPROVING AND AUTHORIZING THE MAYOR/CEO TO EXECUTE A SECOND AMENDMENT TO THE PERFORMANCE AGREEMENT (CRITERION DEVELOPMENT PARTNERS)		
BACKGROUND		
RESOLUTION—Adopt a resolution approving and authorizing the Mayor/CEO to execute a second amendment to the performance agreement with CPC Land Acquisition Company, LLC, submitted by Jeff Conway, Assistant Counsel.		
RECOMMENDATION		
Approve		
To adopt the resolution and approve the performance agreement.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
none		
IT/POLICY CONSIDERATIONS		
none		
PROCUREMENT CONSIDERATIONS		
none		
LEGAL CONSIDERATIONS		
Jeff Conway has reviewed.		
ATTACHMENTS		
Resolution - Second Am. PA - Criterion Development Partners (UG), 2nd Amendment of Performance Agreement - Criterion Development Partners (UG)		

Approved by Mayor and Administrator to add to agenda.

David Johnston, County Administrator

Dated:

11/1/2023

11/3/2023

11-6-23

RESOLUTION NO. R-__-23

**A RESOLUTION APPROVING AND AUTHORIZING THE
MAYOR/CEO TO EXECUTE A SECOND AMENDMENT OF
PERFORMANCE AGREEMENT BETWEEN THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY,
KANSAS, AND CPC LAND ACQUISITION COMPANY, LLC.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “**Unified Government**”), pursuant to Resolution No. R-32-22, previously declared the intent of the Unified Government to issue its industrial revenue bonds in an amount of not to exceed \$62,000,000 (the “**Bonds**”) for the acquisition, construction, and equipping of an approximately 232-unit commercial multifamily development (as more fully described in Resolution No. 32-22, the “**Project**”);

WHEREAS, pursuant to Resolution No. R-32-22, the Unified Government and CPC Land Acquisition Company, LLC, a Delaware limited liability company (the “**Company**”), previously entered into that certain Performance Agreement dated as of August 2, 2022 (the “**Original Agreement**”) setting forth certain terms of the Bonds and the Project;

WHEREAS, pursuant to Resolution No. R-41-23, the Unified Government and the Company previously entered into a First Amendment of the Performance Agreement dated as of June 29, 2023 (the “**First Amendment**,” and together with the Original Agreement, the “**Agreement**”), to amend certain terms of the Original Agreement;

WHEREAS, after adoption of the First Amendment, the Company requested to further amend certain terms of the Agreement; and

WHEREAS, the Unified Government and the Company now desire to enter into a Second Amendment of Performance Agreement (the “**Second Amendment**”) to amend certain terms of the Agreement.

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

Section 1. The Mayor/CEO is authorized and directed to execute and deliver the Second Amendment between the Unified Government and the Company on behalf of and as the act and deed of the Unified Government, in substantially the same form as presented to the governing body of the Unified Government on this date with such corrections or amendments thereto as the Mayor/CEO, upon recommendation of the acting Chief of Counsel of the Unified Government, may approve.

Section 2. This Resolution shall become effective upon adoption by the governing body of the Unified Government.

[Balance of page intentionally left blank]

**ADOPTED BY THE COMMISSION OF THE UNIFIED GOVERNMENT OF
WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON NOVEMBER 30, 2023.**

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

(SEAL)

By: _____
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____
Monica Sparks,
Interim Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

SECOND AMENDMENT OF PERFORMANCE AGREEMENT

Dated as of November 30, 2023

BETWEEN THE

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

AND

CPC LAND ACQUISITION COMPANY, LLC

Prepared By:

**Gilmore & Bell, P.C.
Kansas City, Missouri**

SECOND AMENDMENT OF PERFORMANCE AGREEMENT

THIS SECOND AMENDMENT OF PERFORMANCE AGREEMENT, dated as of November 30, 2023 (the “**Second Amendment**”), between the **UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**, a municipal corporation organized and existing under the laws of the State of Kansas (the “**Issuer**”), and **CPC LAND ACQUISITION COMPANY, LLC**, a Delaware limited liability company (the “**Company**”), amends that certain Performance Agreement dated as of August 2, 2022 (the “**Original Agreement**,” and, as amended and supplemented to date, including by this Second Amendment, the “**Agreement**”);

WITNESSETH:

WHEREAS, the Issuer is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “**Act**”), to acquire, construct and improve certain facilities for commercial, industrial and manufacturing purposes, to enter into leases and lease-purchase agreements with any person, firm or corporation for said projects, and to issue revenue bonds for the purpose of paying the cost of any such facilities;

WHEREAS, pursuant to such authorization, the governing body of the Issuer has adopted a Resolution (the “**Resolution**”) indicating the Issuer’s intent to issue one or more series of taxable industrial revenue bonds in the principal amount of not to exceed \$62,000,000 (the “**Bonds**”), for the purpose of acquiring, constructing, improving, installing, furnishing and equipping the Project and authorizing the Issuer to enter into the Original Agreement;

WHEREAS, the Issuer is authorized and empowered under the Act and K.S.A. 79-201a, as amended (the “**Abatement Statute**”) to exempt from ad valorem taxation all or any portion of the Project financed with the proceeds of the Bonds, subject to the limitations set forth in the Abatement Statute and the Agreement; and

WHEREAS, pursuant to Resolution No. R-41-23 adopted on June 29, 2023, the Issuer and the Company entered into the First Amendment of Performance Agreement (the “**First Amendment**”) to amend certain provisions of the Original Agreement.

WHEREAS, after adoption of the First Amendment, the Company requested to further amend certain provisions of the Agreement.

WHEREAS, pursuant to the foregoing, the Issuer and Company previously entered into the Original Agreement and the First Amendment and now desire to enter into this Second Amendment to amend certain provisions of the Original Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual representations, covenants and agreements herein contained, the Issuer and the Company hereby represent, covenant and agree as follows:

1. Defined Terms. Unless defined in this Second Amendment, all capitalized terms shall have the meaning set forth in the Agreement.

2. Amendments. The following portions of the Agreement are hereby amended as set forth below.

“Section 3.2. Completion Date.” Such Section of the Original Agreement is hereby amended to read as follows:

Section 3.2. Completion Date. Subject only to Force Majeure, the Company agrees to commence construction on or before December 31, 2024, and substantially complete construction of the Project on or before December 31, 2026. “Commence construction” shall mean that the Company has entered into a contract with a licensed contractor for the construction of the Project and the Issuer has issued a building permit therefor. “Substantially complete,” for purposes of this Section, shall mean that the Project can be occupied or utilized for its intended purpose as a multifamily development, as evidenced by receipt by the Company of one or more temporary certificates of occupancy for all of the multifamily housing structures included in the Project. The parties agree that the governing body of the Issuer will consider an ordinance authorizing the issuance of the Bonds on or about such time, but in no event will the Bonds be issued later than December 31, 2026.

3. Ratification. Except as expressly amended herein, all terms of the Original Agreement will remain in full force and effect.

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IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to be executed by their duly authorized officers, all as of the date first above written.

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

(SEAL)

By: _____
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____
Monica Sparks,
Interim Unified Government Clerk

APPROVED AS TO FORM:

Office of Chief Counsel

CPC LAND ACQUISITION COMPANY, LLC
a Delaware limited liability company

By: Criterion Property Company, L.P., a Delaware
limited partnership, its member

By: Criterion Partners, LLC, a Delaware limited liability
company, its General Partner

By: _____

Name: _____

Title: _____



County Administrator's Office
David W. Johnston County Administrator

701 North 7th St., Suite 945
Kansas City, Kansas 66101-3064

Phone: (913) 573-5030
Fax: (913) 573-5540

NOTICE OF PENDING APPOINTMENT

November 21, 2023

BOARD POSITION: Advisory Commission on Human Relations and Disability Issues

INCUMBENT REPLACED: Vacant

APPOINTING COMMISSIONER: Andrew Davis

REQUEST FOR APPOINTMENT

NAME OF NEW APPOINTMENT: Nikki Richardson

ADDRESS: [REDACTED]

PHONE AND EMAIL: [REDACTED]

TERM OF OFFICE: 11/30/2023 - 12/31/2025

SIGNATURE OF APPOINTING COMMISSION MEMBER

* NOTICE: IF THERE ARE NO CONCERNS RAISED IN THE INITIAL 7 BUSINESS DAYS REVIEW PROCESS DATE, THEN THE NOMINATION WILL BE AUTOMATICALLY PROCESSED AS AN ITEM FOR THE NEXT AGENDA REVIEW PROVIDED NO OTHER APPLICATIONS WERE SUBMITTED.

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

**REGULAR SESSION
NOVEMBER 17, 2022**

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, November 17, 2022, with ten members present on-site: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District; and Garner, Mayor/CEO, presiding. Townsend, Commissioner First District, was absent. The following officials were also in attendance: Alan Howze and Bridgette Cobbins, Assistant County Administrators; Misty Brown, Chief Counsel; Patrick Waters, Deputy Chief Counsel; Casey Meyer, Senior Assistant Counsel; Jeff Conway, Assistant Counsel; Mark Dupree, District Attorney; Stephanie Stauffer, Community Development Program Coordinator; Wesley McKain, Manager in Health Department; Debbie Jonscher, Acting Chief Financial Officer; Reginald Lindsey, Budget Director; Troy Shaw, County Engineer; LaVert Murray, Economic Development Advisor to the Mayor; Daniel Soptic, Sheriff; Brett Deichler, UG Clerk; Tiffani Portley, UG Clerk's Office.

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

During the meeting, please make sure that you announce yourself by name and title every time you're allowed to speak so the public that is observing knows who is speaking. This is critical given the number of remote participants and is current guidance from the Kansas Attorney General's Office. I will now call this meeting to order. Clerk, would you, please, conduct the roll call.

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

Mayor Garner said tonight's invocation is going to be given by Commissioner Harold Johnson, of Faith Deliverance Church of God in Christ, immediately followed by the Pledge of Allegiance.

Mayor Garner asked, Clerk, are there are revisions to tonight's agenda.

Brett Deichler, UG Clerk, said, yes, Mayor, there were two. The first was an update to our ARPA Subcommittee's recommendation. It was originally listed on the Standing Committee Agenda but it was moved to the Mayor's Agenda as Item No. 2. Then we had a new item that came in; Item No. 1 on the Mayor's Agenda this evening for requests for funding to support digitizing case files. Those are all the changes to tonight.

MAYOR'S AGENDA

Item No. 1 – 212123...REQUEST: FUNDING TO SUPPORT DIGITIZING CASE FILES

Synopsis: Request by the District Attorney for allocation of funds to support digitizing case files, submitted by Mark Dupree, District Attorney.

Mayor Garner said I'll turn it over to District Attorney Mark Dupree for additional comments.

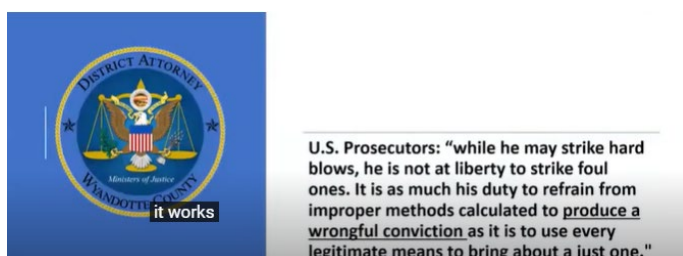
Mark Dupree, District Attorney, said I appreciate the opportunity to speak to you all today. I come, Commissioner Johnson and Reverend, with that scripture in mind of unity. It is my hope, it is in that spirit that not only do I come but that I leave unified with this body.

I'm presenting today concerning digitizing the files in the District Attorney's Office. I appreciate my staff who have stayed late with me, Ms. Brandi Wells and my Chief Deputy District Attorney Damon Mitchell, concerning this matter. I do have a PowerPoint presentation that I believe I can push the button, and I'm seeing no one shake their head no. So when I see it up, I'll push the button. In the meantime, I'll tell you that this presentation comes on the back and on the shoulders of something that sadly has gained Wyandotte County attention that we are not happy nor proud about.

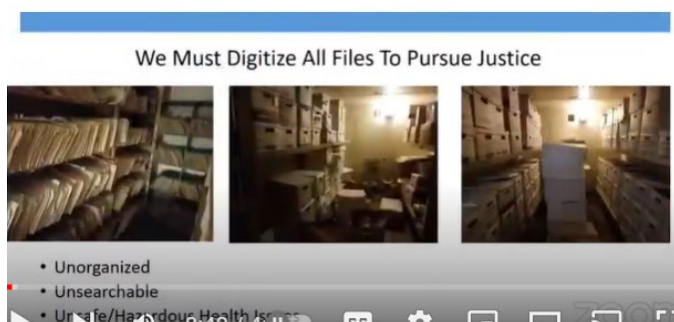
In September of 2022, a former Detective in the Kansas City, KS Police Department, Roger Golubski was indicted six counts by the federal government. Then, again, in November, he was indicted with an additional six counts. Since September and before, there have been calls for this office, meaning the District Attorney's Office, to review Detective Golubski's files.



That is the lead of why it is so urgent that I stand before you today and to try to give you a heads-up, if you will, on where we are. It's important to note that since 2018, the District Attorney's Office has been reviewing Detective Golubski's cases through our Conviction Integrity Unit; those cases that come through with his name on them. But now we are in the place where we cannot simply go and handle on a case-by-case situation, but we must deal with all of the cases. As such, it works.



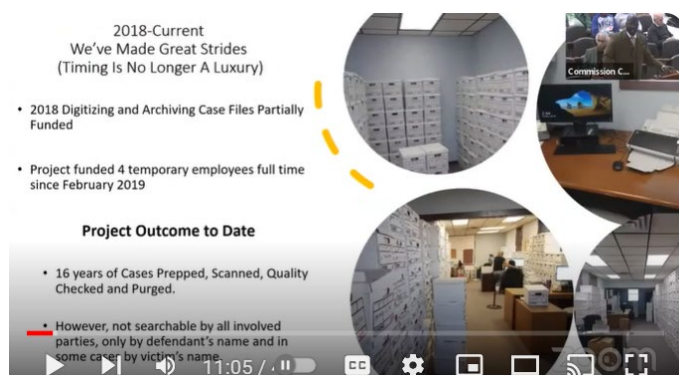
In 1935, *Berger v. U.S.*, the United States Supreme Court said that a U.S. Prosecutor, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one. Thus, meaning, that it is my job, as prosecutor, to make sure I don't try to get a wrongful conviction. But when I do, to do everything within my power to correct it, and that is where we are now.



In 2018, I came before this Commission and I asked this Commission for, I believe, about \$1.2M. We worked in collaborations with the UG Dotts project management team, as the lead, and they did a deep-dive analysis on the current state of the documents in the District Attorney's Office. The District Attorney's Office files are paper files and they have been paper files since, I would say, about 1950s, 1960s. These paper files have been stored in our old jail. In 2018, I came before this Commission asking for the funding to digitize all of the files in all of the boxes.

What's on the screen is a picture of the old jail cells, which is on the 5th floor of the Courthouse where we now house all of the last 60 to 70 years of files. Those files, as you see, are unorganized. They are unsearchable. It is unsafe and hazardous. I have pictures that Mr. Carter is going to go ahead and pass to the Commission. You all can take a closer look at those pictures of what it really looks like there. My staff has continued to go to the 5th floor to try to find those files and to try to find the information that we need to review those cases.

So, in 2018 we asked for the ability to digitize those so that we can properly serve Wyandotte Countians and to be able to find the cases and search and research those cases.



Upon asking for that in 2018, we were denied. We asked for, again, that \$1.2M and we were then partially funded for about \$155K. That \$155K was for four temporary employees to work full-time, of which began in February 2019. So from the time of February 2019 until now, we have reviewed hundreds and thousands of cases. So the project outcome to date, having spent \$145K per year from 2019, we were able to digitize 16 years' worth of cases, prepped, scanned, quality checked, and purged. That means that we pulled out staples. We disconnected molded files. We had to have some specialists review it with certain types of expert equipment because of the shape and the state that they were in. In those few years, we did accomplish 16 years of cases being scanned; however, they're not searchable. It's not able to put in a detective's name or an officer's

name. You can put in the defendant's name, and on some of these, you can put in a victim's name, but for all intent and purposes, they're not searchable.

In 2018, though we have made great strides, at that time, we had time on our side. Time is not such a luxury now.

Transparency Accountability Justice 

Goal: To acknowledge the mistakes of our past, CORRECT them and do all that we can to insure we NEVER repeat them.

The goal for us digitizing all of this is to bring more transparency, accountability, and justice. This is a quote that I have in my office. To acknowledge the mistakes of our past, correct them and to do all that we can to ensure we never repeat them. In order for us to do that, we must first be able to see every case that one, Detective Golubski was involved with and two, bring us from 1950 into 2022.

Digitizing
Project Scope

- 60 - 70 years of files
- 4000 boxes of files (approx.)
- Boxing, Moving, Prepping, Indexing, Scanning, Quality Checking, Sorting, Purging, Software
- Physical Storage
- Accessibility of Case Files During Project
- Confidentiality Security of Data
- Target Time Frame 6-18 Mo.
- Roger Golubski Years are Priority



For that to happen, there is an ask. We have 60 to 70 years' worth of files. Approximately about 4,000 boxes of files. The project that I'm requesting to be funded tonight, they would box; an outside company would come in, take all of the boxes. They would have to re-box them in their own because of the hazardous state that many of our boxes and files are in. They would then move them. They would prep them. Pull out staples. Remove hazardous things. They would then index. Quality check. They would sort, they would purge, and then they would scan everything

into a software that we also would be receiving with this purchase that would allow us to then search every case for detectives and officers' information, along with defendants' names and others. Then we would have to have physical storage of files; taking them out of the state that you're reviewing now in those pictures.

We would have access to those case files during the project, which is extremely important. It would be secured. The data would be secured. The target time that they're saying that they can have all 60 years of files done is 6 months to 18 months. That is amazing seeing that we have been scanning since 2019.

Lastly, the Roger Golubski years would be our priority.

Roger Golubski Years Priority



- Kansas City Kansas Police Department
 - 1975-2010
 - Positions Held: Detective and Captain
- Edwardsville Police Department
 - 2010-2016
 - Positions Held: Detective

Roger Golubski's years. He was with the Kansas City, KS Police Department from 1975 to 2010. He was a Detective for some time and then he was a Captain for some time. After he retired in 2010, he then was hired by Edwardsville Police Department and he was there from 2010 to 2016 as a Detective. All of these files need to be reviewed by my office. It is my intent to review every case that Detective Golubski touched and to review every conviction that he touched. Unfortunately, until we digitize, that is not possible.

Cost



- Digitizing and Software \$1.4M
 - Enterprise Content Management System (ECM)
- Moving and Storage \$70k
- Staffing (Assistant District Attorney/Victim Advocate) \$191K
- Total Project Cost. \$1.7M

As such, the software will be \$1.4M, which would give us an enterprise content management system that would allow us to research and to search by simple name. Likewise, not only could we put in the name, but as long as it is not handwritten, it would be able to format and find even on tabby notes, which I thought was quite fun.

This company, likewise, would have to install the system and on top of the software, we would then have to move those boxes and store those boxes which would cost an additional \$70K. Then to review these cases, along with talking with victims of these cases, its important to note that the statutory language for the District Attorney's Office concerning victims' Bill of Rights, Kansas Statute Annotated 74-733, which says that a victim in every ongoing case has the right, statutorily, to be talked to, to be heard, and to be aware of what is happening concerning their case.

Right now, our office has three Victims Advocates. In 2017, there were only two. We then went for a grant and was able to get an additional Sex Crime Victims Advocate. They are indeed overworked. There is no way that with the bandwidth that our office has at this point that we can speak to all of these victims in the statutorily mandated way.

Likewise, our Conviction Integrity Unit has one attorney. I'm requesting that we have an additional. I have been in contact with multiple states across the country who have found themselves in similar situations and talked about the feasibility of reviewing these cases. Many of them have done it with two to three attorneys. It is my belief with prioritizing Roger Golubski's cases, we too can do that with the two attorneys and this Victim's Advocate.

The total project cost is estimated at \$1.2M; excuse me, \$1.7M. I will tell you that I spoke with multiple other companies and I got bids as high as \$3M then \$2.5, and we were able to negotiate and get down to the \$1.7M estimated cost. That would be a one-time cost.

Annual On Going Cost

- 30k (Software)
- 12k (storage)
- 191k (ADA/Victim Advocate)

Total : \$233k

Subtitles/closed captions (c)

The ongoing cost would be the software of \$30K, which my attorneys and staff would have to pay for their licensing. Then the storage would be \$12K. For the Victim's Advocate and the Assistant District Attorney is \$191K, for a total of \$233K annually. I will tell you that the storage we expect for it to fade out because as these files are digitized, they will likewise then go away. So as they are digitized and then shredded, we would not have to deal with as much storage. So as that fades, but until that does, that's an ongoing cost that will be there.



I tried to make this short and tried to make it sweet so that we can answer any questions, but it is my request that this body votes on this tonight. The company is able to begin as early as the first week of December. We have sat down, worked with, and planned around this process. This community has been asking for something to be done for years. It is indeed my intent, as a District Attorney, to do something and I believe that justice requires it. But in order for that to happen, I need to get the funding to be able to look at these files to make a determination of what cases he touched. Let me be clear. As this investigation is still going on federally, we do not know if and when there will be other names that may end up being called. As such, we need to prepare and put in place a process so that we would not have to be in this situation again.

In 2018, I asked for \$1.2M. Here I am five years later and now I'm asking for \$1.8. If we wait, not only will justice be delayed and thereby being denied, but inflation in the cost will go higher. I'll stand for questions.

Commissioner Stites said well, it concerned me there at the end. You went from \$1.7 to \$1.8 so I was glad we didn't talk any longer to raise it up another \$100K. Of course we know this is a large ask and the \$2.5 when you said that it started out at \$2.5 and you were able to negotiate it down to \$1.7. What did we lose in that amount, that \$800K?

DA Dupree said one, I went to a different company. **Commissioner Stites** said okay. **DA Dupree** said I told them what the other company was doing and I tried to use a little bit of my lawyering skills and then I told them this is something that we need done ASAP. Many of these projects they tend to wait. They are literally four and five-year projects when you're talking about 4,000 boxes of files, looking at anywhere from 15 to 25 files in each box. This is something that takes four to five years, but they were ecstatic. The \$1.7M with getting it done now and dedicating their entire attention to it. **Commissioner Stites** said okay and I appreciate it.

Commissioner Stites said you said that there was a timeframe of the detective's employment with the Police Department, which you gave the years. Would there be a possibility that we staggered this digitizing that it's not this \$1.7 upfront cost in year one; that we're able to maybe look at it to where we could fund half of that? Were those cases that you we're saying didn't touch Mr. Golubski, right, and that those could come later, right, maybe prior to his employment? I'm just looking at a creative way to not bite the whole apple at once.

DA Dupree said no, I understand that. Well, my thoughts of this—I thought about it because I tried to make that number as small as I could because as nice as many of you all are, I don't like coming before you asking you for anything so I tried to get it as low as I could. The issue is, none of these files are searchable. So when we're talking about 40 years, really 41 years of the 60 years that we have to review, Detective Golubski worked. So here's the problem. The problem is, it costs extra for them to go in and to differentiate because I can't because there's no searchable way. There's no index of what's in those pictures. So each file, they're going to have to intentionally go through each one. By the time it takes to go through each one then pass it to look for Golubski, is going to end up being more costly. That was a question that I asked, and that was the response I got and it cost the amount of time.

Commissioner Ramirez said I will say in the forefront, I do support the project and what you're trying to do and what you're trying to do for the community, but we have not received from our budget staff where we're going to get that money from. That's the issue. That's why I could not vote for it tonight because there is no line item saying exactly where we're getting it from the budget.

We just had a very long, arduous budget cycle, and we have a lot of issues that we need to get through with our structural deficit, trying to close that gap. Also, trying to provide relief for our people. If I knew exactly where we were getting the money, how and how it affected the budget, I would; but tonight since our Budget staff didn't bring anything forward to us, I cannot, in good conscience, prematurely vote for a budget item that we have no idea where it's coming from. So, I sympathize. I do agree. I do like the project, but I just don't know where that money is coming from.

And, I will say, I wouldn't support it coming from ARPA. I would not support it coming from the ARPA Fund, the remaining ARPA funds. So I will just put that out there.

DA Dupree said, Commissioner, I appreciate your candor and allow me to be just as candid. This indictment on Roger Golubski was not something that was planned. The fact that you have many victims of a potentially corrupt police officer, those victims did not plan to become victims. I don't believe that the community, quite frankly, is concerned about your procedure or your timeframe. I think the community is focused on justice, and let me be clear. My job, as a District Attorney, is not to be concerned with your process and your procedure. My job is to make sure that I'm bringing about justice to every, up to the point that I can, which is why I'm bringing it.

I, too, was a part of that budgetary process because I, too, had to make requests. This was not a part of that budgetary request because Golubski was not indicted. At that point, we were still in the same process as we were in 2018. The fact remains that in 2018, if we would have done what I asked then, we wouldn't be in the time crunch that we are now. I know many of you were not on this Commission at that time, but that is fact. Not only is that fact, fact is, this community and those victims do not simply need our sympathy, they need our empathy and they need us to do what is in the best interest of justice for this community, not what's in the best interest of our process, our procedure, or what's going to make us feel good on our process.

I'm asking tonight for this \$1.7M because we have made national news of an officer who worked in our community for nearly 40 years, and that is undeniable despite any process, despite where we're going to get it from. I have full faith in your staff. I have full faith in this Commission's ability to find these funds, and I believe they will. But what I don't believe is acceptable is for the people to have to wait until someone else who is not up close and in person with being a victim of these kinderous, heinous crimes to come to a conclusion that this amount is

appropriate. We should fund it and then you determine where it's going to come from because it is clear, in order for justice to happen, I'm telling you, as your elected DA, this is what I need to make it happen. So either you're going to delay it thus denying it, or you're going to go and get us out of 1950 and move us to where we need to be so we can move this down the road. But thank you for being candid.

Commissioner McKiernan said, Mr. Dupree, I was here in 2018 when we talked about the need to digitize all of the files that are up on those upper floors of the Court House. I supported it then; I support it now. My disappointment is that we have not revisited and chipped away at this in the intervening years. My disappointment is that it's four years later. We haven't talked about this again and now we're back asking to make one big jump all at once. That's my frustration. I think we could have, if we had been thoughtful about it, chipped away at it, and we would be at the place today where we had accomplished all the things that you now hope to accomplish without putting an extraordinary burden in one fiscal year. So that's my only comment there is that I just wish we had continued to keep it on the radar and chipped away at it. If you did turn those requests in and we either did not consider them or we did not see them as a Commission, then that's on us. That's the only thing I have to say. Thank you for your work.

DA Dupree said I definitely want to give kudos to the UG Dotts project management team who collaborated with us throughout the years of 2017 and 2018. They worked diligently to figure out how we can best do this. They were in collaboration and of the same agreement that that is what we should have done. I will tell you that the tone and tenure of that Commission in 2018 made it clear that we should be happy with what we had. So, I am wise in concern of the realities of the Commission. As not to waste my time nor the citizens who put me in this position to do my job, I, too, wished it was done. It is my hope that we make it happen tonight.

Commissioner Markley said we have a job too and that job is to make sure that we manage the city's budget. This item came onto our agenda 10 minutes after our meeting was supposed to start tonight, so at 7:10. We would be irresponsible to spend \$2M on an agenda item that came on our agenda 10 minutes after our meeting was supposed to start.

I do support this project. I think we will find the money, but we need to identify where that money comes from and it would be irresponsible for us not to do so. I suggest we either have staff make presentation at the next full Commission meeting identifying where those funds might come from, or that this be fast tracked onto a standing committee for a standing committee to find the money and bring it back for approval.

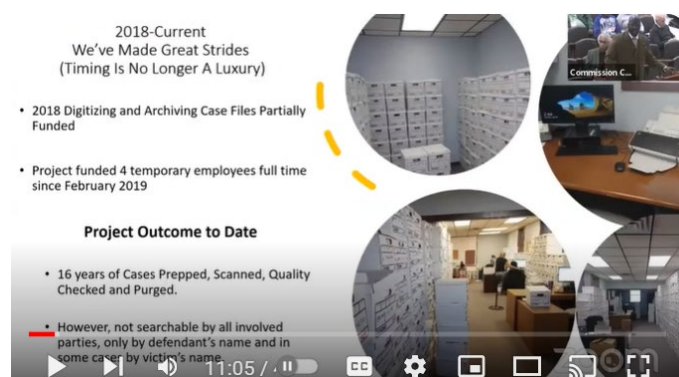
DA Dupree said if I may, Mr. Mayor, and thank you, Commissioner. I appreciate hearing your support but allow me to say this. I had conversations and requests to get on tonight's agenda nearly a month ago. My office was aware that this was happening and that I was coming on to this. It was to my surprise that I then learned this morning that I was removed and then graciously the Mayor then put me back onto the agenda.

Here's my point, right? I got enough politics in the criminal justice system to last a lifetime and I don't want to mess with yours. But with all due respect, the fact that there's miscommunication concerning who's in City Hall and who's talking and who's not talking, who's removing and who's putting should not stop what needs to be done for justice for the people in this community. What you just said says to me that something needs to be dealt with, with who's doing what and who's making these determinations. Let me say it should not hold up the funding that is necessary to move forward concerning justice.

So, it is a sad state of reality that you have to say what you said, but that should not stop what is necessary to bring about justice. Quite frankly, the people have waited a long time. If you want to be factual, they've been waiting at least openly since 2017 when Lamont McIntyre was free.

Commissioner Bynum said I just have a few questions if you don't mind. With the funding that trickled in over the last few years, what have you been doing? I'm just trying to make sure I understand. I have a series of questions to make sure I understand.

DA Dupree said if I could bring the slide back up, I'll show you what we've been doing.



So, we were able to get a space on the 5th floor where the jail is. With that, we were able to—so in 2018 after we got the funding, we hired four temporary employees full-time. Those individuals are not receiving any benefits. They're through a temp agency. But what they were able to do is pull boxes out of the old jail, which is what you see there, versus that other picture that shows that old jail, bring them into the new room and then they began to pull the staples out, scan them, purge them, review them, and get them digitized.

With that, we were able, with those four employees—and I'll tell you that we have maybe been fully employed, with all four of those positions being full, maybe six months out of the last three or four years. We've had two individuals at a time, sometimes three. Not only did COVID affect, but some folks don't like just doing this job, but we were able to do 16 years of that. Unfortunately, with those 16 years, the items are not searchable. **Commissioner Bynum** said right. **DA Dupree** said in the manner by which we need it.

Commissioner Bynum asked, so with the 16 years that are ready...**DA Dupree** said yes... **Commissioner Bynum** said so to speak, what are those years? Are any of them what you need? **DA Dupree** said yes. Those years, it's going to be a lot lighter process for them. Because it is digitized, the company will be able to download them into the software that we will be able to purchase and it would automatically make them searchable.

Commissioner Bynum asked, what years are they? Do you know? **DA Dupree** said no, I don't. They range from as early as 2007 and goes beyond.

Commissioner Bynum said so you need, I think I heard you say, 1975 to 2016, basically, of files scannable and searchable. **DA Dupree** said I need more than that. We have files going back to the '60s. **Commissioner Bynum** said for the immediate purpose that you're here for tonight...**DA Dupree** said from 1975 to 2016. **Commissioner Bynum** said okay and ideally, I understand, all

the way back to the beginning of files that you have available apparently. Is that right? **DA Dupree** said yes, ma'am.

Commissioner Bynum said so it's possible that, with the equipment, the 16 years that are what I'm calling ready, could be done quicker than some of the rest that aren't prepped and ready. **DA Dupree** said yes. **Commissioner Bynum** said and you'd have part of what you're searching for. **DA Dupree** said some of them, yes.

Commissioner Bynum said the time you think needed, based on the vendor you're speaking with, is 18 months. The vendor thinks they could do the rest of the work you require in about an 18-month time period. Did I hear that?

DA Dupree said yes, at most. What I didn't state, so thank you, Commissioner, for bringing that out. What is and one of the major reasons why we went with this company is their software gives us immediate access. So with every file that they scan in, other folks say listen, it's going to be this 12 months or this 2 years and then when it's done, you then get it on a thumb drive or something. With this, the moment that they scan it in, we immediately have access, which gives us access to immediately start reviewing these cases as the project goes on and doesn't slow us down.

Commissioner Bynum asked, once that's done, how long then do you anticipate needing to review all of that and find what you think you need? **DA Dupree** said well, I think that's going to be a process. Each case is different and then you're getting into the legality and then, quite frankly, what we find. Each case is going to be different depending on what type of information we find in there and depending on how good, right?

As you go back further, I want to be careful here, depending on how far you go back, it may look a little different so we have to be mindful of that. So, some of these cases, I think, reviewing them would be pretty quick. I think some of these cases, however, may take time especially depending on how long. Say that there was a conviction that was a jury trial and it may have been a two-week jury trial. There are transcripts, there are hearings, there are all kinds of things that we have to review. So, I want to be sure to state that this is not going to determine how long it's going to take for us to do our legal aspect of it, but it is indeed stopping us from doing it now.

Commissioner Bynum said my next question was, what will you do with the things that you find? I feel like those two questions kind of merge together now because if you start and immediately find something, I'm assuming that some action will be taken while this other digitizing work would continue.

DA Dupree said absolutely. **Commissioner Bynum** asked, is that fair? **DA Dupree** said absolutely. That is fair and that falls under, right, our statutory requirements concerning post-convictions and whether or not motions should be filed, so on and so forth. All of that is dependent upon what is found in the file.

Commissioner Bynum said and just for my need to understand, what is a potential outcome that could come from your office based on a finding in these files?

DA Dupree said I think an outcome could be that the conviction was good and that there was no wrongdoing in these cases. But I preface that with the outcome is solely focused on justice. Sometimes justice requires that a motion be filed, that this case be dismissed based off of manifest injustice. But, also, justice may require that that conviction is upheld because despite this detective or anyone else being on the scene, that doesn't negate the witness or the video footage or the fingerprint or the DNA. So it could be many ways. What we can't say right now is either of them because we haven't had the ability to review all of them.

Commissioner Bynum said so there could be a variety of outcomes...**DA Dupree** said yes, ma'am...**Commissioner Bynum** said based on the work ahead of you.

Commissioner Bynum asked, by Kansas Open Records laws, are these case files public record?

DA Dupree said no, ma'am. **Commissioner Bynum** said so you wouldn't have to go right now into the depths of hades to find something because it was requested because it's not an open record.

DA Dupree said that is correct. The only time that we go into hades is when we have motions on appeals, and we do have them, and so my staff has continuously gone up there. What I didn't take pictures of, you may have seen in some of those, are the step ladders that my staff climbs on to get up there. The flashlights that's in the corner to hold to try to find because the Court of Appeals is saying we have to file a motion. So, they do go up there now to search out and find.

Commissioner Bynum said the project specs that you've given us, with the technology and the work, does any of that allow for you to, from here on out, fully digitize everything including basically having your office go paperless with filings and whatnot? Does it build out the whole structure of what I think you'd like to see in your office in general?

DA Dupree said yes, ma'am, it does. I will tell you that since 2017 when I took office, we have been trying to move into that direction so we will not have to digitize, if you will, cases from the last five years since this administration. That is a good thing. But moving forward, dealing with all of those, it's still a necessity. **Commissioner Bynum** said okay.

Commissioner Bynum said the annual fee, that you showed us, would encompass the ongoing ability to be digital and paperless in your office. **DA Dupree** said yes, ma'am.

Commissioner Bynum said the last question is not for you. It's for, hopefully, someone in this room that can answer it. This would be a county side expenditure. I'm curious, what is the current fund balance for our County Fund and I don't know.

Reginald Lindsey, Budget Director, said it would be a County Fund expense. You're wanting to know what the fund balance is in the County General? **Commissioner Bynum** said well, let me ask it this way. We have an amended—this would be an amendment for 2022 county side budget.

Mr. Lindsey said well, it kind of depends on exactly when DA Dupree would start spending the money. **Commissioner Bynum** said it sounds like he wants to start tomorrow. **Mr. Lindsey** said so it would probably be kind of hard to start it tomorrow. I'm thinking it would probably happen in '23, so we would have to do a 2023 amended budget.

Commissioner Bynum said okay. Let's say if we do that, what do you then project '23 County Fund balance to be at the moment? **Mr. Lindsey** said \$13M. It has an \$80M budget.

Commissioner Bynum said so the county side budget wasn't quite as devastating, if you will. All that budget work we spent all summer on the county side wasn't as painful. **Mr. Lindsey** said at the time we approved it, it was not, but we have started to make some other commitments where it is looking a little bit painful. **Commissioner Bynum** said I know it's all painful.

Fund balance county side right now, \$13M. **Mr. Lindsey** said yes. **Commissioner Bynum** said basically. **Mr. Lindsey** said yes, but we have some other commitments that are open

also from when we approved it, so it would take it down with those other commitments. But when we approved it, it was at \$13M.

Commissioner Bynum asked, do you happen to know off hand the \$13M, what kind of a percentage of fund balance does it represent? **Mr. Lindsey** said 16%. **Commissioner Bynum** said right now. **Mr. Lindsey** said yes.

Also, I will add—I'm just kind of getting some of the information myself, but I have been able to look into the County General Fund. Right now, DA Dupree, he does have \$145K for digitizing. It looks like he's going to have some occurring expenses that are like \$233K. There's options, but we could just take it straight from fund balance, but there's also possibly an option where we could debt finance the portion that is not recurring. So, the \$145K that he has...**Commissioner Bynum** said so the technology pieces could possibly be debt financed? **Mr. Lindsey** said yes, possibly.

Commissioner Bynum asked, and then the ongoing? **Mr. Lindsey** said from the details we have right now, we're thinking there's a possibility, but I mean after we get into it, we could find out that it's not. Right now, we're thinking it is. Also, Debbie Jonscher, our CFO, she's here with me also. She can answer some questions more than I can about debt financing/lease financing, but that is an option.

There's two different things we can do. We can definitely take it from fund balance. We could lease finance it. But out of all the ways, with some of the commitments that we have made outside of the budget, when we get into the 2023 amended budget, we'll have to re-look at some of the commitments we've made in this last budget cycle. **Commissioner Bynum** said we'll have to be very diligent with the other commitments that have been made.

Commissioner Bynum said so, Mr. DA, that kind of brings another question to mind. With your vendor, he mentioned a lease finance. Now with your vendor, is there any opportunity for leasing any of this? Now I know what you're saying is different, but we do have some major heavy equipment here within the Unified Government that we have found that it's more affordable to be in a lease rather than a purchase. So, I don't know if that applies.

DA Dupree said no, ma'am. Leasing is not an option. We did take a look at that concerning our upstairs project back in 2018, so that is something we considered and tried to do for a while before we end up having all of our own scanning machine.

Mr. Lindsey is correct that those individuals who are temporary will, again, fade away. As this is done, then those individuals then go away and so that \$145K, likewise, can be used once those files are digitized.

Commissioner Bynum asked, we can't include your \$145K that's budgeted now in your \$233K? Did I understand that right? Those are going to come together for a total of \$380K, correct? **DA Dupree** said ongoing. **Commissioner Bynum** said \$145K...**DA Dupree** said yes, correct. **Commissioner Bynum** said you need \$233K and the \$145K isn't counted in any of the \$230K.

DA Dupree said the \$145K is not counted. The \$145K is not on the screen at all, but I just wanted to clarify since you brought it up. That would end up going away. So, that budgetary ask that's in the budget will go away once these files are all digitized because the project would be done so there's no need. **Commissioner Bynum** said the project will never be done. **DA Dupree** said well, the project will be done once we digitize everything that's there. Our process since 2017 is digitizing already. We're not moving backwards; we're just trying to deal with those backlogs. Once the backlog is done, then the project is done, and everyone in the office since 2017 has been digitizing. **Commissioner Bynum** said okay. Thank you so much. I really appreciate it. **DA Dupree** said thank you for the question.

Commissioner Johnson said thank you, District Attorney, for your presentation. First, as I stated when we talked about a month ago, I'll state that tonight, I support your request. I don't know how we cannot support the request for justice to be done. But as I ranted in our prior conversation, I'll share at least a portion of that for the record and I'll try to stay top level with my commentary. I don't have a whole lot of questions. I think it's disheartening. I think it's frustrating and yet it is our reality and it's our duty that we deal with an issue that took place decades ago before any of us were even on this Commission, but that's what we've been called to do.

I think when I did the tour of your department and with that filing system, walking in a jail cell, a former jail cell, seeing boxes of files piled on top of each other, that's what you inherited.

That's not what you've done. That's what you walked in on the first day in the office and that's what you inherited.

I see the Sheriff here and just this week, we met with him and he asked, and I support it then, the need for more money to make sure that our deputies are paid on par with our KCK Police Department officers. That's something that's an addition to our budget and now this is added on top of that request. This is to us, as commissioners. This is the kind of thing that we have to consider when we approve a structurally unbalanced budget. Back in my day, we called them, in my banking industry days, they called them contingencies. There would always be contingencies that come about.

We approved in open, in front of the community, a budget with a \$13M deficit. I said the same way before we voted a few months ago. A \$13M deficit. That's what we approved. I did not support it but these are the kind of things that are bound to happen in any budget cycle when we come into it. Here we are.

As I stated to you before, I support you. Something will have to be adjusted, modified, but I don't know. I think that this is something that's before us. We'll have to get with Reggie. Reggie, I told you I don't know how you pulled rabbits out of your hat a few days ago, but here we go again. We'll have to try to figure out what's not going to be funded. I want to make sure we support this though.

Commissioner Stites said I know this kind of popped up on you, like you said, rapidly, and it was not anything that we could plan for, right, and I get that. Is there any opportunity that we could seek out some, and I'm not saying outside of tonight, is there a way that we could maybe look at some outside funding or help from federal, from anybody else? Is there, I don't know, is there grant money? Is there something that we could seek to maybe get reimbursed for this with the upgrade in technology and moving forward and digitizing? Is there some way that we could potentially get some of our dollars back?

DA Dupree said I'm not sure. I think it's important that I note that once I was turned down in 2018, my office has continued to file for grants for both victims advocates as well as for digitizing. Right before I got up here, I just got word that we were denied one of those grants. I will tell you that for the last five plus years, this administration has constantly looked for grants,

received grants, and we will continue to do that, post this passing and still looking to see if there's a way we can get some of those funds back as we have been for the last five and a half years.

But do I think they're out there? Yes. But I will tell you that we have applied for multiple grants throughout this year where funding was lacking, we applied for grants. Some we were successful. We were able to get full-time sex crimes prosecutor and, as I stated, a domestic violence and sex crime victims advocate, as well as paid interns. These are all because I respect your hard jobs and I try not to make it harder. I try to stay across the street even if that means I'm getting denied constantly with grants. So, you do have my word that I will continue to search out those grants to assist as we move forward and potentially reimburse.

Commissioner Stites said yeah, and I know that is not a fix for today. That's not an immediate fix. It was just me thinking of a way we could be creative and maybe try to get some of the dollars back. I appreciate your answer.

DA Dupree said absolutely. I'll tell you, I'm not connected, but I don't know. Roc Nation has been in our county. Hopefully or maybe he could give us some funds, but he hasn't reached out; I'll try though indeed.

Commissioner Markley said similarly, our Clerk's Office has an annual contract with a vendor that provides this kind of service and has the metadata searching capability and all that. I'm curious if you had any discussion with the Clerk's Office as to whether we could piggyback on that to maybe get a deal for the initial project. Obviously, you have a lot of upfront scanning to do or for that annual maintenance down the line to piggyback on the existing agreement that the Clerk's Office has.

DA Dupree said no, I haven't had any contact with your Clerk's Office concerning that. What I did is I had to do a deep dive and I spoke with many prosecutors across the state of Kansas and the country who have dealt with this and received referrals from those district attorney's offices because there are certain laws and federal guidance that has to come with the type of security and data walls around that. The folks that we specifically spoke with were from that list of folks so, no.

Commissioner Burroughs said, DA Dupree, I just can't tell you how much I respect and appreciate your passion for the community and ensuring that those that have been wrong seek and find justice through you and your work.

I have a few questions listening to your testimony that I found quite compelling, and it was brought up about grants and federal partnerships. Help us understand. Will you be prosecuting these crimes through your office or will they be prosecuted through the federal government?

DA Dupree said any crime that is shown to show up in our files, they would be prosecuted through our office. The only way that a crime would be prosecuted through a federal indictment is if the US Attorney's Office or the FBI, through a different and, if you will, an independent investigation, finds that there has been a federal violation of laws. As such, all of the research and information that we find and if there's crimes that are there, they would be prosecuted to the extent that they can be in our office.

One of the things that's important to note is that state law differs from federal law because federal law has a longer reach back than we do. So there are certain cases that those statute of limitations are cut off. On state law, the only thing that really can be reached back on is murder. I'm just giving a synopsis here, but everything else, there are different number of years that we can't go back on. So, no. No federal agency would be prosecuting those unless they did their own investigation.

Commissioner Burroughs said the purpose for asking that is trying to determine, as it was stated earlier, the stair-step funding to get you to the \$1.7M rather it take one year, two years, whatever, but at least get started on the program.

Commissioner Burroughs asked, will the \$1.7M that you brought forward, will it include the ongoing maintenance contract and additional digitization as this should come forward and support, etc., for the personnel that will monitor the system, or will it become an in-house system specifically to your organization?

DA Dupree said it would be an on-going cost concerning the system for licensing purposes. For instance, we have in our office what's called LexisNexis. It's a legal software that we're able to look up law. I'm sure you're keenly aware of. But having said that, it cost our office, per individual, to be able to sign on to that software and review it. It would be that type of a

process. Now having said that, we would quote/unquote own the system, but it would cost us yearly to be able to access it just like LexisNexis.

Commissioner Burroughs said thank you for those answers. Will the records that will be digitized, be utilized for additional crimes, not just the Golubski case, but additional usage for any other issues that may come forward between now and when the good Lord knows when?

DA Dupree said yes, sir. This will give us the foundation and the ability to research, to search up, and to review any future issues and we would be able to pull them right up digitally and not find ourselves in this situation. That's why it's so important to have all of the files because we don't know what's coming and we don't know who was in what year or when. I would hate to only have half of this, for lack of better terms, and then I'm back here having to look at your wonderful faces again.

Commissioner Burroughs said thank you for those answers. I would say to my colleagues, \$1.7M I think we heard during budget testimony, that that's a mill, equivalent to a full mill. I don't think it's all the county mill. I don't believe it's all city mill, but this is going to come out of the county's ending balance or through the county's budget process. I would just state that as a mill, I believe we're going to make—the fact that we didn't cut the mills to the extent we have and could have, I believe the money is there.

DA Dupree, I just want you to know that, again, I sincerely appreciate your passion and your commitment to justice in the community. I'll do my part to assist in finding whatever money is necessary to address this situation our community deserves. The victims deserve it.

Commissioner Kane said obviously you haven't heard anybody say no. I did walk up and saw all the stuff that you guys showed me. We need to get you the money. There's no doubt about it, but I don't know why we couldn't give you half now and then let us make the adjustments as we can in the next year's budget. It would be easier to swallow for all of us. We need to make the commitment that we're going to fully fund what you're asking for. I think if you went to those guys and say hey, I can only give you \$850K now and I'll give you the other as soon as they identify the budget.

You say you're not worried about the issues that we have to go through, well, I am. I'm going to have to explain yes, I agree with what I—and it's a mess out there. We're strapped right now and I think \$850K is a pretty good start. I wish you wouldn't buck at it because we all said we want to get you the money. Just let us get it ironed out amongst ourselves. Sit down and talk to Reggie and everyone else and say okay. How do we do this? If we can get the money as fast as we can, but I'm struggling here knowing that you need the money. I'm also struggling how do we pay for it. I want to talk to them. Are we going to get a loan on this? Are we going to do this? Are we going to do that?

We were notified 10 minutes prior to, but these guys were notified long before that, the gamers. So somebody knew something was up. None of us knew anything until we sat down. If you were sitting here, and you live in my district, if you were sitting here and I'm there and you're saying Kane, I want this and you'd be looking back at me. So I want to give it to you but I can only give half to you right now. You have to put yourself in our shoes too.

DA Dupree said, Commissioner, you drive a very hard bargain. You're right; I live in your district so I want to be careful with what I say to the one who represents me on this Commission. What I will say is this. I think what has to happen tonight is that the funds are made available. I am not saying, Commissioner, that I am opposed to having conversation with Mr. Lindsey as well as with the company that we're utilizing to try to work out some type of arrangement. What I cannot go back to them is saying this is all I can find is half and I need you to have faith that the Commission is going to give us the other half next year.

Commissioner Kane said I think you heard that the Commission wants to give you the money. You can tell them, watch the video. I really like to see those guys tell us—we want to give you the money but, man, just don't take this big chunk all at once.

DA Dupree said I understand your words and it is my hope, it is my hope that you do not take this personally, but I can't leave here tonight without a vote assuring that this injustice is going to be paid for. What and how you all make that vote, that's totally up to you, but as long as there is an agreement by this Commission to fund the \$1.7K, I think the citizens of this community can deal with that. What I don't think is acceptable is a let's go and talk more about it and then come back with a process.

Commissioner Kane said no, sir. What I'm saying is start with \$850K and we'll give you the other \$850K as soon as we figure out how we're going to finance it and stuff like that. It won't even have to wait until the budget. We just want to know how this is going to come out.

DA Dupree asked, how long would we have to wait, Mr. Commissioner? **Commissioner Kane** asked, Reggie, how long before you could sit down on 3s? **DA Dupree** said so here's what I'm willing to do. I'm willing to, if the Commission votes to agree to half now and then I'll sit down with Reggie. Quite frankly, Reggie will probably sit down with me and tell me what it's going to be to find that other half, but getting assurance tonight that that \$1.7K is going to be offered and that half was going to be guaranteed ASAP. And if we're saying the same thing, Mr. Commissioner, I'm sure you said it better.

Commissioner Kane said you're killing me. If we could, I guess we can make that part of the motion. Give them half now and then when Finance sits down and talks to us, then we'll give them the other half as soon as we get clarity on how we're going to pay for it. Does anybody have a problem with that?

Commissioner Stites said I don't see this unlike what we just did for the Sheriff's Department when we passed a resolution for future funding on some of it now; passing the resolution tonight that guarantees the \$1.7M with future disbursement when it becomes available, when we find the dollars. It's the same thing.

DA Dupree asked, can someone give me clarification on what that means? **Misty Brown, Chief Counsel**, said I'm just going to go back in time a little bit to revisit what we did with the Sheriff's Department. When the request came in from the Sheriff, Commission, what you did is you passed a resolution of support to fund the project. It was understood, and this is where it gets a little bit tricky because budget laws says you cannot expend funds that have not been budgeted for, and that's why you did a resolution of support because then you were going to come back with the budget adjustments to fund the project.

So what's an option that you could do today, and I don't know, DA, that this is—I'm not sure what your contractual obligations are with your vendor. That's something for you to talk about and worry about since that's your contract. But, Commission, you could have a resolution of support to fund it, and then you work with Finance staff to come up with the funding and then the allocation would have to be made per a budget amendment or how the line items would shift.

This all, again, that's what we did with the Sheriff's Department; but then, again, it depends on if this is feasible of what type of fiscal obligations that you need to commit to and when.

Commissioner Davis said I want to first say, although I was not on the 2018 Commission, the way that your office was treated by prior executive administration was completely unacceptable, and I will go on record saying that because that created a very, very difficult time that we were in. You should have been brought back. There should have been some compromises. At the very least, take that apology from me because Roger Golubski or not, this is worthy of our investment, and us waiting, and waiting and playing political games now is costing us and so that was completely not acceptable.

I absolutely support this, absolutely. What we have seen transpired with Officer Golubski and what has been alleged and now indicted is deplorable in every way and there absolutely needs to be justice and I want to play my role in that. At the same time, the same constituents that want justice also are very much concerned with the financial health of the Unified Government and there is no distinction, right? It's are we going bankrupt or not and then it's whether or not we're going to spend this money and how this money is spent.

So where I am on supporting this is absolutely to the resolution. I will even entertain half now and half later just to put some skin in the game. But I do want to, at the very least, show you where our efforts of faith have been.

Your colleague, who's also a representative within the state for Wyandotte County, Sheriff Soptic, had made a request to bring pay parity for the Sheriff's Department and for KCKPD. Those efforts have led to this, right, an actual breakdown so that we can be transparent with the community how those expenses are made.

This is not on you, DA Dupree. It isn't on staff. We have to take full responsibility for the games that are being played, for the politics that have been played with the agenda and everything else which has resulted in this, but it's not on you. You're doing your job. You're doing your job. It's up here that is the issue.

So, I will make a motion, in a sense, \$850K, we have a deal, right, and you said December was when you needed it. I'm okay with a special session before December 1st, Mayor, if you're amenable to putting it on the agenda. So, staff, you have maybe 10 days to put this together and we vote and we give you the rest of that \$850K before December 1st. That is my plan. You still

get what you want. We still get the information that we want, and then we can go ahead and get justice for these victims.

So I'm going to make a motion, it may be sloppy, to approve \$850K for the item requested from DA Dupree.

Action: Commissioner Davis made a motion to approve \$850K for the item requested by DA Dupree.

Commissioner Markley said I was going to make the motion. My question is so we go as to whether that works for the legalities of our budget situation if we don't know what line item that \$850K is coming out of or whether it should just be a resolution of support for the full amount and then we figure out how to get them the \$850K? I don't know if I'm making sense.

Ms. Brown said, Commissioner, my recommendation, to make sure we're following budget laws, would be to do a motion resolving that the Commission is in support of funding the project and directing staff to come forward at the December 1st meeting with a budget adjustment that the Commission could approve.

DA Dupree said I want to be clear. I'll compromise and be okay with your motion. That gives me the ability, and pardon the finger, Commissioner Davis, it gives me the ability to deal with my contractual obligations with these companies to begin this work and then figuring out where the remainder is going to come. But to not have those funds available immediately, and I will say that I have been in negotiations with them for the last month, will put us in a very bad situation that would cause us further harm. So I want to be clear, Council, not to put you on the carpet but everyone else is doing it, is it your position that it is illegal for you to allow them to approve that motion or is it your opinion that you would feel more comfortable with the resolution, because if it is legal, then my hope is that we can make that happen.

Ms. Brown said I appreciate the acknowledgement of putting me on the spot, but that is my job. It gets tricky, DA. They can make the motion, but when staff goes and expends that money out of a fund where it hasn't been budgeted for and no budget has been approved, then that is an illegal—that is contrary to budget law.

So one suggestion, as I'm curious if the contract that you have has cash basis language provisions in there which allows you to proceed with the understanding that the government—you know most contractors understand that the Commission can always give and take it away, so you have the cash basis language in there which allows you to proceed and then they understand there's always that eventuality that it wouldn't be there in the next budget cycle.

I think that's probably going deeper into the weeds than we want to go right here, but I feel if we are going to expend these funds and actually write a check that's available for you tomorrow or transfer it over, I would recommend that someone from Finance identify some area where the funds are going to come from so that there's no one saying that by processing that payment, they're doing so contrary to budget law.

Commissioner Bynum said I was going to try to make a motion that was similar to Item 11 under our Commissioners' Agenda, but I think there's a motion on the floor so I don't want to stand in the way of that. What would be the procedure for that at the moment, Chief Counsel, if there's a motion that has no second? What's the next action?

Ms. Brown said if there's no second to it, I guess you could make a substitute motion at this point.

Action: **Commissioner Bynum made a substitute motion to allocate, per the direction of our Commission at a special session or full Commission meeting, a resolution of support to be held on Thursday, December 1, if I have my dates correct; that we provide a resolution of support to fund the requested dollar amount of \$1.7M for the District Attorney's needs and digitizing files.**

Commissioner Bynum said I don't know if I need to include this legally at a future budget workshop we would discuss operationalizing and identifying exactly where funding would be. Is that an appropriate motion?

Action: **Commissioner Markley seconded Commissioner Bynum's motion.**

Commissioner Bynum asked, your annual budget is what dollar amount? **DA Dupree** said that's a great question. I'm sure Reggie can find that out and let you know. I don't know. **Commissioner Bynum** said I'm sorry. **DA Dupree** asked, you're talking about my full yearly budget or whatever I was just approved? **Commissioner Bynum** said yeah. **DA Dupree** said it's about \$6.1M, I believe.

Commissioner Bynum said I was trying to identify, based on your annual budget, do you have the funding to proceed with what you need from your own funds while we identify? Does that make sense? **DA Dupree** said yes, ma'am. It does make sense. And no, we do not. We did look. We don't have that funding available which kind of goes to my question to you on your motion.

Is it possible, because my contractual obligation begins where you all are trying to meet on December 1st, can we move that special meeting up to next week so that by the time my contractual obligations occur on the 1st of December, then we'll be good to go? That gives your folks seven days...

Commissioner Bynum said I'm not opposed to coming in on Monday, Tuesday, or Wednesday next week, but on Thursday, I'm going to have Thanksgiving with...**DA Dupree** said that is a great point, and I think my wife would say I'm supposed to be there as well; meaning with my wife and family, of course. But if you're not opposed then to Monday or Tuesday or, I want to give the staff as much time as possible. **Commissioner Bynum** said I'm open to any of that. **DA Dupree** said yes. **Commissioner Bynum** said that would be the Mayor's decision. **DA Dupree** said well, I know that you made the motion so you would have to make that friendly amendment to it.

Commissioner Bynum said I would say at the next scheduled session. That is out of my purview. I thought I heard a second, but I'd like to make sure the motion's actually legitimate and appropriate. Someone seconded. **Mayor Garner** said Markley.

Commissioner Burroughs said before I'm able to vote on that motion, I want to make sure we have an understanding of just exactly is in that motion. If it's up to the amount requested, up to \$1.7 and not in excess.

But my comment is, during the last budget cycle, there was some money set aside for commissioners to hold events in their districts. Mr. Dupree, I will be the first to surrender those dollars that were put into my district. They were not my requests. I know it's a small amount but it's money, just the same, to address some of the concerns and maybe that'll start the budget process as to where those dollars can come from.

DA Dupree said thank you, Commissioner. I appreciate it. The victims of this community appreciate it.

Commissioner McKiernan said I'm gonna just reference back to a couple of comments that my colleagues have already made tonight. Commissioner Kane pointed out that somebody knew about this before we showed up tonight. Anybody who has known me for any time at all in my role as a commissioner, knows that I do not like to be surprised. I do not like to get information at the last minute, and I do not like to be put in a position where I have to make a decision without that information. Somebody knew about this but I, who am charged with making the decision on behalf of the Unified Government and the citizens of Wyandotte County, did not see it on the agenda nor did I get any information prior to sitting down tonight.

I'm disappointed because I am once again put in a situation where I am put on the spot and I'm not allowed to be thoughtful and make what I consider a considered decision. So I will just say I'm disappointed. However it happened, don't care. I'm just disappointed.

Commissioner McKiernan said you did identify a third-party vendor to complete this work. Is that correct? **DA Dupree** said yes. **Commissioner McKiernan** asked, are there other third-party vendors, other than the one you chose, who can complete the same work? **DA Dupree** said yes, and I met with four altogether. **Commissioner McKiernan** said so we got competitive bids for a common standard of deliverables and this was the best bid. **DA Dupree** said yes, and could get it done fastest and with the software that would give us immediate access rather than waiting until the project is done.

Commissioner McKiernan said then finally, I would just make the observation that we continually hear from the public that the residents of Wyandotte County want taxes to be lower and fees to be lower. I would simply point out that it is impossible to lower taxes and fees while

at the same time adding expenses without cutting somewhere else in the services that we deliver to the citizens. If anybody knows how to do that, my goodness, I've been looking for you for the last 10 years because I have not figured out how to lower revenue but increase expenses and make the budget balance. I'm all ears for figuring out how to do that.

Commissioner Ramirez said I was going to support Commissioner Davis's motion but legally, I don't think we can do that unless we were able to find a specific line item tonight where it was going to come from. I would have supported that. But I do support. I want to get you that money because the community needs it. As you said, community wants justice. I will support it and I've supported it from the beginning. I was just worried about where it was coming from. So if we can get that done by next week, early, preferably as you said, so that you can get all your contracts done, I'm all on board. You have my full support.

DA Dupree said thank you, Commissioner. I truly appreciate it.

Commissioner Davis said I first wanted to echo what Commissioner McKiernan said. Just so you all know, right, you all probably had more information than we did where the cameras at, okay. You all had more information than we did, okay. So I know there are some folks that want to put stuff out in social media. They want to create these narratives and create division, but if we are serious about justice, we're not going to play those games with the agenda. You need to ask who controls that and what is the process by which things are being put on the agenda so that we could vote on them. So I wanted to say that.

Commissioner Davis said the other thing I will say is within that special session, I would also like to explore, because I'm getting some information that the Clerk's Office and who they contract with may have some other capabilities. That's not to say that your contractor or everything, DA Dupree, is not adequate for the job, but I think it would be prudent upon us to get, especially if it's more cost efficient for the taxpayers, amen. We want to lower taxes and keep them low so that we can look at a variety of options, right? I am fully committed to supporting you.

What happened tonight was a travesty to you all. This is not the way that things should be done in the Unified Government and it is a shame.

DA Dupree said thank you, Commissioner Davis, and let me be clear. I do not mind speaking with the Clerks and concern of what they do and how they do it, but statutorily speaking, once the Commission approves the \$1.7M, then it is within my purview to decide what I do with it. But because we are elected by the same people, they too will ask me the same hard questions that you are, so I don't mind having that conversation so I will as long as Commissioner Markley gets me that information.

Commissioner Kane asked, DA, why would you make a decision to go forward with someone you haven't had the approval? You made a decision with these guys to start December 1, correct?

DA Dupree said no, no. I told them that I want to start December 1 and so they are prepared to move forward with December 1 with the caveat being I go before this Board tonight to get the funds.

Commissioner Kane said I think it's important. You've been extremely pushy. We are all supporting what you're saying, but if you'd agree to this when Commissioner Stites said this, we would be gone by now. **DA Dupree** asked, if I would have agreed to what? I'm sorry. **Commissioner Kane** said we talked about doing the half right out of the gate, Commissioner Stites did. **DA Dupree** said, Commissioner, with all due respect, it wasn't right out of the gate; moreover, once the attorney spoke up and said that that's not something...**Commissioner Kane** said that's not—something very first got started.

Anyway, I support what you're doing, but next time, I would rather you, once you—next time you're going to do something, call me. We'll go to lunch and we'll talk about it because I'm going to support you no matter what, but I did not like the way this went down tonight. I think it's important that you know that.

DA Dupree said, Commissioner, I appreciate your candor and normally I don't say this but I, again, I don't know the politics of how you all got to wherever you are at this point, but let me be clear. A month ago, I spoke with every commissioner up here, including you, and I let you know that this is going to happen but I don't know the number and I knew that it was going to be more than the \$1.2 that I asked for back in 2018. So despite your feelings, what I've done tonight, I believe, has simply tried to lay out the smoothest process, which is why I spoke to you a month ago and not surprise you despite whatever is happening with y'all's agenda. I gave you a month's notice that I was coming to talk about this because you serve the same people that I serve. I respect

your opinion. I respectfully disagree with your labeling of how pushy I've been because, quite frankly, you're getting the reverend side. You're not getting the lawyer side.

Commissioner Kane said and trust me, brother. You're not getting the union side of any way, shape, or form. **DA Dupree** said I believe it. **Commissioner Kane** said call for the question.

Commissioner Stites said I want to be clear what you had mentioned at the very end when you said if you do have a conversation with our Clerk's Office, and let's just—I don't know that you do know or you don't know if who we use right now offers that same service, right? I don't know that because I don't know that they've been contacted, right? **DA Dupree** said correct. **Commissioner Stites** said but you said it would be your decision, right, once those funds are allocated. What if it does turn out that this group, our group that is currently being used, offers that same service? Are you saying that you will explore using them? **DA Dupree** said absolutely. **Commissioner Stites** said if they make sense. **DA Dupree** said if it makes sense not only for the budgetary reasons but for getting it done in an expeditious way as well as making sure that they meet all of the legal and federal requirements that my office needs, I would absolutely consider them.

Commissioner Stites asked, who would—and I guess you're going to make that commitment to us tonight that you'll reach out to the Clerk's Office and that will happen. I won't be here on the December 1st Commission meeting. I'm going on vacation, but I just want to ask that before I go. Is that—you'll reach out and you'll commit to that?

DA Dupree said no, no, no. I won't reach out. Commissioner Markley is going to give me the information and then we can go from there. But, yes, I just want to be clear since we're on the record. Once I get that information, my office will set that up and have a conversation. It is my hope that we will be meeting before the 1st meeting next week on preferably Monday or Tuesday to get this done with so you will have the opportunity of seeing me before your holiday, sir. **Commissioner Stites** said I look forward to it. **DA Dupree** said likewise.

Mayor Garner asked, any more questions from our Commission?

Commissioner Burroughs asked, Mayor, could you have the motion restated, please, for clarification?

Commissioner Bynum said I'll do my best. The motion that I made was a resolution of support for the \$1.7M allocation for the DA's request to digitize records, and that we would take steps to identify our funding budget years and sources out of the county side budget at a future meeting, whatever the next full Commission meeting says set by the Mayor.

Mayor Garner asked, does the second reflect that? **Commissioner Markley** said I sure do.

Mayor Garner said I don't know how much time staff will need to crunch those numbers, our financial team, so really I'm going to follow your lead on that. I'm committed to having a special session to address this matter for our Commission. Hopefully, you all could do that expeditiously in a manner that doesn't prolong the request of our District Attorney or our Commission. Is there a ballpark you can give this Commission?

Debbie Jonscher, Acting CFO, asked, are you looking to see if we could put together numbers by next week sometime? I think we can do that. I do just want to state that if we're talking about using funds in 2022, we will need to stay within the budget law, as Chief Legal Counsel noted. If we want to stay within the budget law, we will need to identify budget authority within 2022 and the fact that we're in the middle of November, we would have to identify something that has not already been committed or spent this year. So I just wanted to note that that is a concern we'll need to look for that.

Mayor Garner said I just ask that you all bring those options and the appropriate revenue streams, and then also revenue streams that may not be as readily apparent. I think it was brought up some options as far as taxation, so I want this Commission to be able to make an informed decision on where exactly they can garner these funds. **Ms. Jonscher** said okay.

Commissioner Bynum said just thinking about next week. Is Friday a Unified Government holiday? I'm just asking because the meeting will have to be properly noticed. Chief Counsel, is that a 24-hour notice? I think so. It couldn't be before Tuesday, the way my calendar works, unless we can actually properly notice something on a day that we're off. I don't know the details of that. Just thinking out loud.

Mayor Garner said I believe staff is committed to getting that to us expeditiously, so I'm really going to be laying on you all to get it in a manner...

Commissioner Bynum said I got way ahead of myself on my dates. That's why you're looking at me funny. **DA Dupree** said I promise I wasn't looking at you. I think I was just studying your process. It is indeed—I'm glad I don't have hair already because I think you guys would have taken it tonight.

DA Dupree said I do want to say that for this community and for all of you, I've had the conversation with you all and I've had the conversation with the Mayor and the County Administrator, and not one time, I want to be very clear, not one time has my office concerning this and finding justice concerning this matter been pushed back or turned away or talked down to or condescended by anyone on this Commission. You all have been stellar. You have been open-minded. You have been understanding. I want to make sure that the record is clear even for you, Commissioner Kane, that you did indeed take the time to have the conversation, and in no way have I felt that this Commission desired to ignore this office's request to pursue justice.

I will say and I know that some of you were here in 2018 and in 2017, but it is indeed a completely different posture than what I have experienced. I just want that to be known not simply because it's right before your vote, but it's important that you did hear it from me.

Commissioner Stites said I believe this is going to be my last time pushing that button, Mayor. I personally believe that it would be hard to believe that your vendor could not wait until 2023, which doesn't put us in this 2022 problem of finding that money. If we commit to half of it right now, like we've said, the \$850K, could that vendor be told hey, payment number two comes after we identify the funding source as soon as January? We got the holidays. We're trying to make this work. I know that '22; amending the 2022 budget in the middle of November is obviously creating an issue. So, would it be possible to reach out to that vendor to see if payment number two could happen in 2023?

DA Dupree said I will tell you that that conversation has not been had. I'm definitely willing to have a conversation, but I also want to be mindful that this is not simply about budgetary issues. I respect what you do but, again, from my perspective, this is about justice.

Look, I know what you're trying to do. I'm listening. I'm okay with the resolution. Let's try to work this out, but we need to get some money. I'm okay with trying to figure that out.

I also want you to know that there has been cause in this community for years for something to be done. Though it just may be another month or another two months, from our listen positions, you talk to the victims of these crimes and to the families, quite frankly, because we're all looking over the victims of this detective who was accused. But we're also looking at every victim of real crimes that happened that that detective touched and all of them are wondering what is about to happen with the potential person who went to jail for causing harm to their families. So, for us, our focus is to nip this in the bud right now.

So that conversation has not been had. The focus is about getting the funds so that we can move forward. Likewise, my understanding is that wouldn't even be a possibility at this point because it's outside of your budgetary ability unless I'm wrong.

Commissioner Stites said I appreciate your response there, but I don't believe that this company is going to spend \$1.7M in 45 days. I think we, as a Commission, have clearly demonstrated the willingness to fund what is needed. It is a matter of how we get there. The 45 days is what we're talking about.

Staff, is it possible what I've asked and what Mr. Dupree was alluding to that it's not even possible that we can fund this \$850K now and then in 2023 not have to make an amendment to our 2022 budget for the remainder.

Ms. Brown said so, Commissioner, you're asking me if it's possible to do the resolution of support tonight and also commit to funding the \$850K tonight in 2022. Is that correct?

Commissioner Stites said in 2023.

Ms. Brown said this Commission can pass a resolution of support to fund the project and you can direct staff to come back with the numbers. Where it's not possible is like if you pass that resolution, that's wonderful and gives some comfort to the District Attorney, but when it comes time to make this payment, we need another budgetary action and we have to identify the funds so that they are spent according to budget law under that line item. So if Reggie and Debbie were able to produce right now a line item for \$850K to take it, it would all be done tonight, otherwise, what it would be is a resolution of support committing to come back and find the funds to fund this project.

Commissioner Stites said okay. Last question. Is revenue replacement dollars available? Could they—not available, could they be used to fund this?

Ms. Jonscher said there were revenue replacement dollars within the County General Fund that were placed both in 2021 and 2022. We did not identify any—in the City Fund, we had previous discussions that we set aside some of the money for grant matching. We did not do that on the county side. The revenue replacement went to fund operations within the County General Fund.

So if you want to identify \$850K for 2022, we are going to need to find savings somewhere that's left or has not been spent or encumbered in the County General Fund in 2022. So that's what we would be looking at is what funds are still available that have not been spent. If it's capital, then we would have to stop that capital in order to fund the \$850K because the budget expenditure has been set for the county when we approved the budget, so you can't exceed that number. In order to add an additional \$850K in, you would have to find a reduction somewhere else within the County Fund.

Commissioner Johnson said we have a motion and we have a second, and we have a full agenda after this. May we call for the question?

Commissioner Bynum said I just wanted to say that because I feel like I understood what CFO and Chief Counsel said. That's why I phrased my motion the way I did to encompass the explanations that they've given us. So I agree with taking our vote now, Mayor.

Mayor Garner said I appreciate, unlike 2018, the willingness of this Commission to see the value and the cries not just from our DA, but from our community, that we invest in the recommendations from this District Attorney who has taken a historic and monumental approach to make sure that the cries of this community were met and that is seeking truth and justice based on allegations that have been received.

As many of you know, I worked 32 years in the Police Department. Worked with a lot of good police officers. I don't want that to go unnoticed that we do have good police officers on our Police Department. But working in Internal Affairs and as a Police Commander, when allegations of wrongdoings came from anyone within that organization, we were obligated to pursue truth,

justice, and accountability and that's no different than where we are at now when we're talking about allegations.

I know that we all support these investigations, which I'm picking up on tonight. We were quick to support funding the Sheriff, which we totally support and the work that they do, as well as the Police Department. Not as long as of debate when it came to that question.

I understand monetary concerns that we have. I know some talk about putting ourselves or putting/thinking about our shoes that we have but for once, I'm glad that our commissioners are looking at putting themselves in the shoes of the people of Wyandotte County that for too long have been, for decades have been saying something needs to be done when there's allegations.

I know just from my experience what the DA has outlined to you with these documents and what he wants to do. These are evidence. These documents represent evidence and the longer we wait could potentially degrade which could hinder or hamper justice being revealed through any type of investigation.

I'm glad that we're not kicking the can down the road as has been done in the past. So I applaud you all.

DA, I support you. I've always supported you from day one ever since you brought up the Conviction Integrity Unit, and there was an establishment that fought you on that. The people have stood behind you along with myself.

I ask that this Commission not just seek to support, but we make a commitment not just to this DA but to the people of Wyandotte County because I can't state it enough. I was out there today and I heard a lot of testimonials from concerned individuals far and wide. What I can say is that we've gotten to the point where Wyandotte County is not only watching; the world is watching Wyandotte County. This DA, this community needs more than support. We need a commitment to make sure that we don't renege and we don't roll back.

I hear about money. We're talking about people's lives and this is an investment in people's lives. How much more are we going to have to spend before we get it right in accusations and allegations and lawsuits?

Mayor Garner said there's a motion and a second. Any further discussion? Clerk, roll call.

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

Item No. 2 – 212026...APPROVAL: ARPA SUBCOMMITTEE RECOMMENDATION

Synopsis: Request approval of project recommendations from the ARPA Subcommittee, submitted by Commissioner Markley. On October 24, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Mayor Garner said I will turn this item over. If I could have Mayor Caiharr and Mayor Harrington come to the podium. I’m just going to ask and turn it over to you all. You all made a request and it was supported by both Commissioner Burroughs and Commissioner Stites. I honored that request. If you all could lead off the conversation on the particulars of that request and why that request was made and why it was approved.



Carolyn Caiharr, Mayor of Edwardsville, KS, said thank you for asking us in tonight. I was informed very recently that the ARPA discussion was going to come before the Council and I hurried and tried to get my thoughts together to bring those to you. I’ve been following ARPA Subcommittee for a while, as a lot of you know; got my emails and probably have seen my name pop up on the screen during the subcommittee meetings.

I know hours upon hours have gone into the allocations and I don’t take that lightly. I’m sure that the subcommittee’s recommendation even being questioned would be very frustrating to those who have invested their time. If you are feeling this way, please just take a moment and consider the feelings of the Wyandotte County residents who have felt unheard and invisible for

the last two decades. It sounds like a little bit of a repeat of what we've heard, just in a different scenario, and people just feeling maybe that they haven't been represented or haven't been heard.

The Unified Government of Wyandotte County received \$37M in CARES Act funding. I'm just going back to a little bit of history not too long ago. \$25M was set aside for direct aid to local municipalities. We heard of park improvements and trail expansions in other parts of the county, and over \$6M of that was for public safety reimbursements, but not \$1 of that came to the public safety in Edwardsville; not \$1 came to our Police Department or our Fire Department.

Of the \$25M set aside for local municipalities, less than \$450K came to the city of Edwardsville. Out of \$37M, less than \$450K to our entire city to run City Hall, Public Works, Parks & Rec, Municipal Court, Police and Fire combined. Our DA's Office said earlier that his budget was about \$6.1M. Our budget's not much above that to run our entire city. When COVID hit and we had to make all of those adjustments quickly, we're really working in just a very small amount of margin. So when the \$25M was sent to the county to aid in local municipalities, we really felt overlooked during that time.

The CARES Act process revealed that we were less than in the eyes of our county commissioners. Not only were we thought less than Kansas City, KS, but less than UG departments, less than the community college, less than private organizations, and 501(c)(3)s. That was made loud and clear in dollars and cents.

Regardless of our request during the CARES Act funding, to include Edwardsville and Bonner as a voice at the table when county-wide decisions are being made, not one person representing our governments was asked to be included on the ARPA Subcommittee. Not even one of our commissioners is on the ARPA Board. Only commissioners with KCK districts were included in the ARPA Subcommittee, so I'm sure you can understand why we would feel that once again our voice wasn't at the table.

The Unified Government of Wyandotte County was given \$87.5M in ARPA funds; \$55.4M directed to Kansas City, KS, and \$32.1M to Wyandotte County. Yes, Edwardsville did receive \$678K for our city in ARPA funding, as Kansas City, KS, received \$55M. I'm not asking that any of the \$55M be spent outside of Kansas City, KS, but I am asking that the county funds be dispersed equitably in all parts of Wyandotte County.

Please consider the entire county when making the final decisions for county-wide ARPA funds ensuring that the money meant to benefit the entire county is not allocated only to

organizations that are accessible to only KCK residents. Funds allocated to 501(c)(3)s or programs primarily benefiting KCK residents, such as housing or health programs located in KCK, should come from the \$55.4M.

We have Wyandotte County residents that were impacted negatively by COVID in all parts of the county. The programs that serve those in need in KCK are not accessible to those in need in Edwardsville.

Edwardsville and Bonner Springs have submitted great applications for projects that would benefit those most in need in the south and western areas of Wyandotte County. Some ARPA funds are being used in Turner which have nearly identical census demographics as Edwardsville and Bonner. If this Commission has the desire to serve all the people in all areas of Wyandotte County, you can. These projects benefit Wyandotte County residents who are often unseen, unheard, and forgotten in the meetings held downtown in Kansas City, KS.

Once again, as last time, I'm not going to come before you with only complaints, but I'll bring some solutions. There should be a handout in front of you as one of the ARPA slides that'll probably be brought up again with the presentation.

AMERICAN RESCUE PLAN

ARPA Local Recovery Funds

JURISDICTION	ARPA Funds	JURISDICTION	ARPA Funds
City of Bonner Springs KS*	\$1.2M	Johnson County KS	\$117.01M
City of Edwardsville KS*	\$0.68M	Jackson County MO	\$136.55M
City of Kansas City KS	\$55.4M	Lawrence	\$19.30M
City of Lake Quivira KS	\$0.14M	Leavenworth	\$8.55M
Donnelly College	\$1.1M	Lenexa	\$5.13M
Kansas City KS Community College	\$11.8M	Manhattan	\$12.76M
Wyandotte County	\$32.1M	Olathe	\$14.92M
		Overland Park	\$18.58M
		Shawnee	\$7.56M
		Topeka	\$45.68M
		Wichita	\$72.42M

SCHOOL JURISDICTION	ESSER III Funds
Bonner Springs- USD #204	\$3.88M
KCK Public Schools- USD #500	\$82.44M
Piper- USD #203	\$0.94M
Turner- USD #202	\$9.46M

*Until LEAFES Act, when the University of Kansas had funds transferred from Bonner and Edwardsville ARPA funds have been allocated directly to each city by the State of Kansas.

www.kck.org/ARPA

You'll see at the bottom there's \$2.6M left in county ARPA funds. Again, that's not the KCK funds, but the county funds. Above that you'll see \$1.850M allocated for housing from county ARPA funds.

AMERICAN RESCUE PLAN

Vision FOR OUR PANDEMIC RECOVERY

Wyandotte County and Kansas City KS is a community that enjoys a high quality of life. Our diverse residents are healthy, safe, and share the benefits of our growth as a community.

We fully understand our infrastructure needs and quickly address problems. We support more diverse quality housing, our neighborhoods small business growth, and equitable economic development.

The Unified Government and its partners work together to build on the success of our past while preparing for an uncertain future. Together we develop bold, systemic solutions with multiple benefits, leveraging our investment efficiently and effectively.

PROPOSED VISION STATEMENT

Through our recovery from the pandemic, Wyandotte County/KCK will be ready for the future as we grow our community and address critical neighborhood needs.

 wyockck.org/ARPA

AMERICAN RESCUE PLAN

Our Focus

VALUES FOR OUR RECOVERY
Equitable, Collaborative, Innovative & Resilient



COMMUNITY HEALTH AND WELL-BEING



INFRASTRUCTURE AND BUILT ENVIRONMENT



ORGANIZATIONAL AND COMMUNITY RESILIENCE

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AMERICAN RESCUE PLAN

Goals

COMMUNITY HEALTH AND WELL-BEING

- Address the needs of our community, particularly the most vulnerable, in response to the ongoing pandemic and its anticipated second wave, by working with our community partners and neighborhood immediately direct aid and coordinated support where it is needed most.
- Establish comprehensive response to address the needs of the residents with local and regional partners, building our respective strength through collaboration.
- Fully implement the Community Health Improvement Plan (CHIP) to strengthen our overall health and well-being as a community.

INFRASTRUCTURE AND BUILT ENVIRONMENT

- Understand current and future infrastructure needs to guide equitable prioritization of investments, maintenance, and planning.
- Develop a comprehensive plan to mitigate the impact of the aging infrastructure and driving cost for our community through 2035.
- Enhance availability and access to neighborhood amenities and infrastructure that support vibrant communities through rapid, intentional, and inclusive investment.
- Adopt a comprehensive strategy to develop sustainable, affordable, and diverse housing options to catalyze neighborhood regeneration and additional private investment, eliminating friction barriers to development as applicable.
- Balance new development by uplifting existing community and identify equitable approaches to improving quality of life for disadvantaged communities.

ORGANIZATIONAL AND COMMUNITY RESILIENCE

- Prepare our organization, workforce, and community for future disaster and disruptions.
- Foster and enhance our capacity for response at the neighborhood level to maximize impact on social, economic, and environmental outcomes.
- Build robust accountability with our inclusive investment.
- Establish fiscal sustainability and operational excellence as a organization.

KEY: Yellow indicates the strategic goal based on straw poll during Special Session 2/6/2021.

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I would suggest taking the \$1.850M and fund that from the KCK's \$55M. Take the remaining \$2.6M that's left over, that frees up \$4.4M, split these county funds between Edwardsville and Bonner projects. This will invest in all parts of the county and it'll still keep all of the allocated projects covered.

If eligibility is a concern, the same amount could come from the \$11M in county revenue replacement as these funds do not have the same eligibility requirements and that would remove any obstacles that might come up. If this is not a reasonable solution to all, please consider sending this recommendation, along with the ARPA Subcommittee recommendations, to a Finance Subcommittee. Please at least include county commissioners that represent Bonner and Edwardsville to ensure that our needs are heard and our residents are represented.

When speaking with Wyandotte County residents who live in Edwardsville, they ask where are our tax dollars going? How are we served by the Unified Government? I've told them in years past we haven't seen much but give them a bit of time. They have a great opportunity to invest in our part of the county with ARPA funds and great things could be coming really soon.

After decades of not being heard, after being forgotten during CARES allocation, after bringing our needs before this Commission, going to meetings, having conversations, sending multiple emails, to have a recommendation of zero dollars of the \$32M in county ARPA funds leaving KCK, any sliver of hope that was left is fading. If this passes as recommended, the Unified Government seems to have failed us again.

When allocating funds, you are our County Board; not KCK commissioners, respectively. Specifically regarding the county portion, I'm asking for equity and accountability. I'm asking you to represent all of Wyandotte County and not only Kansas City, KS.

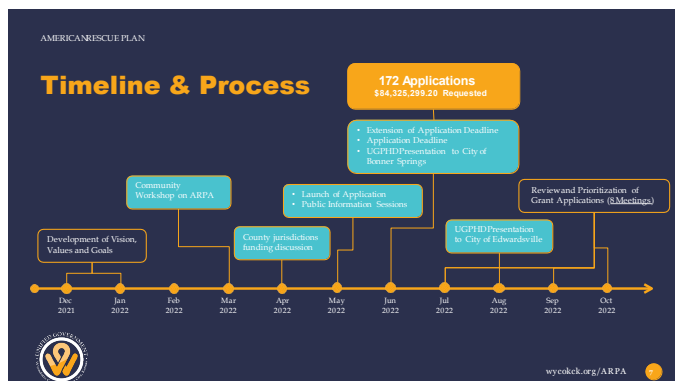
Thank you so much for your time and your consideration. I'll stand for any questions.

AMERICAN RESCUE PLAN

ARPA ALLOCATIONS TO DATE

Board of Commission Actions Date	KCK	WYCO	TOTAL
US Treasury ARPAA Allocation	\$ 55,383,872	\$ 32,132,644	\$ 87,516,516
Immediate Needs 08.26.2021	(1,516,634)	(8,298,342)	(9,814,976)
Housing Assistance 08.26.2021	--	(1,850,000)	(1,850,000)
Revenue Replacement 08.26.2021	(31,085,244)	(11,020,975)	(42,106,219)
Employee Vaccine Incentive 09.30.2021	(660,000)	(340,000)	(1,000,000)
Additional Public Health Needs 02.10.2022	--	(3,435,934)	(3,435,934)
ARP/Capital Needs 05.26.2022	(17,474,528)	(6,378,308)	(23,852,836)
Municipal Court Fees shift 05.26.2022	(150,000)	150,000	0
Revenue Replacement Calculation Adjustment 06.02.2022	9,295,348	1,654,473	10,949,821
Kansas Avenue Bridge Emergency Repairs (from Revenue Replacement)	(3,500,000)		
Subtotal - ARPAA Allocation Remaining	\$ 17,292,814	\$ 2,613,558	\$ 19,906,372
Revenue Replacement Left in City General Fund Dedicated for Grant Matching	3,500,000	--	3,500,000
TOTAL ARPAA AVAILABLE	\$ 20,792,814	\$ 2,613,558	\$ 23,406,372

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Jeff Harrington, Mayor of Bonner Springs, KS, said I echo what Mayor Caiharr said and what our commissioners, Commissioner Stites and Commissioner Burroughs, have stepped forward



We had half a dozen different applications made and none of which were even addressed.

[illegible]

AMERICAN RESCUE PLAN	
PROPOSED AWARDS (requested funds)	
Administration	
Unified Government	Unified Government
\$1,047,060.00	\$240,773.18
ARPA Consultants	ARPA Coordinator
Due to COVID19 Wyoming needs continued assistance with recovery. Parameters understand the challenges in recovery and the community support Wyoming citizens recovery from COVID19 pandemic recovery and grant efforts Wyoming assist the whole community. Under 1.1 Administration responses - direct and indirect administration.	Unified Government looking for a solution oriented, dynamic, collaborative and passionate professional to come work as an American Rescue Plan Act (ARPA) Coordinator. The coordinator will serve as staff liaison to a committee sub-committee while providing project management strategic leadership, working with UG staff, grant consultant, community service providers and other organizations in support of the UG achieve rapid and effective recovery from the economic challenges precipitated by the COVID19 pandemic by meeting the objectives of the UG Board of Commissioners through the ARPA funding allocation and expenditure process.
	
wycokck.org/ARPA	

We have a full professional staff in both our communities that are working diligently and we don't even hear back concerning the applications.

AMERICAN RESCUE PLAN	
PROPOSED AWARDS (requested funds)	
Facilities Remediation	
Unified Government	KCKPD
\$100,000.00	\$157,335.09
Bus Shelter Improvement	Bus-Term Center Center
This project will improve and upgrade the 7th Street Transit Center and the 7th and Minnesota Transit Center. The shelters will be made fully accessible and heated, thus improving the rider experience and creating a safer place for citizens to wait for their preferred mode of transit. Additionally, we are installing solar panels to power the dedicated shelter bus stop signs.	The RTCC has been allocated space for its office but the space is not suitable in its current state. The space needs to be rehabilitated by replacing the aged HVAC system, installing new wall and electrical infrastructure, installing new ceiling, and removing the floor.
	
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AMERICAN RESCUE PLAN	
PROPOSED AWARDS (requested funds)	
Workforce Development	
Local Workforce Investment Area III, Inc.	KCK Construction Incubator
\$1,182,569.00	\$22,360.00
SKILLUP Wycof - Short-Term Skills Training and Support Project	The Toolbox Small Business Resource Center
Providing training, skill development and employment opportunities for individuals in the workforce, manufacturing, transportation and logistics, construction, and other skilled trades.	The KCK Construction Incubator and accelerator program is set up to be an incubator for small businesses. The incubator is a place where entrepreneurs can develop their business by developing strong financial and marketing skills. During the 6-week program incubator participants will develop business plan, financials, marketing, and other skills. The incubator is a place where entrepreneurs can develop their business by developing strong financial and marketing skills. During the 6-week program incubator participants will develop business plan, financials, marketing, and other skills.
	
wycokck.org/ARPA	

So speaking two and a half hours about justice, fairness, quality, this is where this can happen.

AMERICAN RESCUE PLAN

PROPOSED AWARDS
(requested funds)

Health & Wellness				
Kansas City Metropolitan Lutheran Ministry	Cross-Lines Community Outreach	The Family Conservancy	WyCo Sheriff	Hillcrest Ministries of MidAmerica, Inc.
\$100,000.00	\$250,000.00	\$2,000,000.00	\$40,500.00	\$645,000.00
Emergent Needs for Homeless and At-Risk Households	Cross-Lines Community Market	Start Young Program	Air Quality Filtration Equipment	Mitigation of Homelessness
The Emergent Need for Homeless and At-Risk Households project is comprised of three primary program components: address housing instability, food insecurity, and personal well-being. Client Services Case Management, and Financial Opportunity Center (AFOP) branches allow MLMin to continue to meet the growing needs of those in poverty. Wyandotte County, providing mental services and assistance to homeless and at-risk households.	Cross-Lines requests \$250,000 in ARP funding to support the expansion of the Community Market program to serve residents of Wyandotte County's health food stores. Funds will be used to expand capacity and increase the amount of healthy food distributed to the community to meet the current increased demands for food access during the pandemic that is now compounded by increasing inflation.	The overall goal of The Family Conservancy (TFC) is to create a system approach for early childhood education that improves the access and quality of childcare in Wyandotte County and beyond. TFC provides educational and family support services to ensure that all children have the opportunity to succeed in a quality early education setting that increases the child's chances of entering kindergarten prepared to succeed.	We are requesting funding to support the purchase of commercial air filtration units for the detention center and other social workspaces. Total cost will be \$40,500.00.	Hillcrest respectfully requests funding to support an intervention effort to improve the physical and mental health of homeless households in Wyandotte County through increased access to transitional housing programs and services.

www.kck.org/ARPA

Now I do not have anything but the most respect for all of you making these tough decisions, but this is a decision that can make equity across the whole community by re-evaluating these.

Mayor Garner said before questions, I'll let Commissioner Burroughs and Commissioner Stites make comments.

Commissioner Burroughs said, Mayor Garner, first I want to thank you for allowing us the opportunity to advocate for our communities that have been denied application process and not considered in the funding mechanism that was put in place for the ARPA funding.

This goes back prior to your administration, Mayor, that it had been requested by myself initially to have an elected body from either Bonner Springs or Edwardsville to be included in the ARPA funding. That request was not only ignored; it was denied. I had to appear before the commissions and the city councils in Bonner and Edwardsville and it was not a pleasant thing to do, colleagues, when you are being held accountable for decisions made by others without being consulted as to how the money was going to be spent. In light of that, I committed to doing what I could to come back and request when the initial issue vanished and the new issue was coming forward.

I, again, approached and asked to be part of that process, either myself or the newly elected commissioner, to have a voice for a part of the community that was denied that opportunity at the first allocation process. Again, it was denied. I believe, and I will state this clearly, that had it happened to any of you in your particular districts, if there was not one organization that had been funded in any of your districts, you would be wanting to have advocacy time for your constituents.

We are a unified government. I think Mayor Caiharr said it explicitly when she said we work in unison, a city and a county. Just because they are a city in and of themselves doesn't mean

that we should deny the fact that they don't have county responsibilities and that we don't have county responsibilities to them.

I'm advocating and doing my best to champion those issues in Bonner Springs and Edwardsville as commissioner at-large. They were not represented at the table by either elected body, myself, or Commissioner Stites and I think that we can remedy that. With that all, I've made my statement.

I do appreciate the work of the ARPA Committee. I know it hasn't been easy, but if we're not going to be heard and among ourselves, then I think we need to be out in public and advocating to let the people back home know that their mayors are here asking for assistance and your elected members are here to offer that assistance.

Commissioner Stites said the first thing I want to say is thank you guys both for showing up and waiting for several hours to get to speak. I think it goes to show how important this is to you, as mayors of your cities, to make sure that we get to—

Back in about mid-October, Mayor Garner reached out to Mayor Harrington, Mayor Caiharr, myself, and Tom Burroughs and said we'd like to have a meeting. There was not any agenda, but we got it on the books and it was set up for November 1st. November 1st came and Mayor showed up, Mayor Garner, myself, Tom Burroughs and we spent the entire time talking about ARPA. That was the main agenda. That was it. That's what they brought to us to talk about. That was their biggest concern right now in Bonner and Edwardsville. We told them that day that we'd get them some answers back. As a matter of fact, November 2nd, Mayor Caiharr sends an email to the Mayor, to myself, Mayor Harrington, and to Mr. Burroughs; here's a solution. Here's a possible solution so that we don't upset the work that has been done on the ARPA Committee. There's other dollars that are available to fix this. Guess what? They never got an answer. No one ever responded to them.

Again, they had this meeting. They were told they were going to be reached out to. They were going to be contacted and they didn't. No one contacted. Nobody spoke to him. Nobody. They were out of sight, out of mind. Gone again until another day. Well, that day's here. That day's here right now.

I was on the Edwardsville City Council when CARES Act came around. We asked, and asked, and asked could someone from either our elected District 7 commissioner at the time or our

at-large be on that committee. We were told no. Why? Why? If we're truly representing all of Wyandotte County, why would we not want somebody that can represent Bonner Springs or Edwardsville on that committee? Don't know. We didn't get it.

Fast forward. Now we're at ARPA dollars. Guess what happened? It happened again. I wasn't asked to be on that committee to represent District 7, newly-elected commissioner for that district. Commissioner Burroughs wasn't asked to be on it. Again, Bonner Springs, Edwardsville left out of the mix. \$55M to the city of Kansas City, KS. Tell me if I'm right again, Ms. Caiharr, \$600K and some to Edwardsville. \$600K. Not one penny to Bonner Springs or Edwardsville out of county. Not one penny.

Mayor Harrington, I'm not sure if you know right off the top of your head what the dollars were for...**Mayor Harrington** said \$800K. **Commissioner Stites** said so \$800K. So between two cities that are left to run police, fire, ambulance, water pollution, street maintenance, they were given, two cities, \$1.4M to run two cities out of the city. That's what they were allowed out of the city's ARPA dollars.

Mayor Harrington said I believe those are actually out of CARES funds, CARES Act funds. These are ARPA funds; quite different bucket those are coming out of. So \$55M; \$37M are ARPA funds.

Mayor Caiharr said right. So CARES Act, it doesn't get better. CARES Act, there was \$25M that went to local municipalities. Of that, we only got \$450K, not \$678K. The \$678K came directly from the federal government, ARPA. That didn't come from the UG.

Mayor Harrington said and not to labor, we did make applications to the ARPA task force and those applications went unanswered. We had applications for our senior center for a van for transportation, youth activities, small business programs in our economic development for retail after COVID. We had requests for small business assistance programs. The expansion of the small business assistance program in KCK into Bonner Springs. Drinking water plant funding assistance as well as the expansion of the UG fiber system into Bonner Springs for public service safety activity. That's something that we're trying to investigate through federal or state funds.

We submitted those applications and there were basically two options that those applications fell under; non-profit or UG departments. We didn't receive any notification or communication concerning our applications. We also don't recall or our professional staff doesn't

recall reviewing or being discussed in the ARPA Subcommittee. We did offer to provide presentations, but we never heard from them.

So, this is a way to correct some of those injustices, be fair and transparent and appropriate.

Commissioner Stites said thank you. So, I'm not finished. I'm going to go back to—I don't want to diminish the other 501(c)(3)s that have, or take away from them at all that are potentially getting funded out of this. They all serve a great function. They need their money. I get it. I want them to have their money. I don't want to take away one penny from them, but there are also good 501(c)(3)s out in Bonner Springs and Edwardsville that need those dollars. A lot of them that didn't even know they could apply for it.

Our outreach to—I'm just—Ms. Alia Jared, Pantry of Hope. She had no idea. She had no idea that she could apply for a grant. That was the Hollywood Casino grant. She had no idea. Our outreach to them is terrible. We were told here not too long ago in a meeting that we were going to reach out to—and I'm going to say what department does reach—we're going to reach out to our neighbors, our neighbors. Really? Bonner Springs and Edwardsville, they are now our neighbors? No. We're a unified government and we should be treated as such.

So, right now, this can be fixed and we don't have to upset the work that you guys have already done; the allocations that are already committed to those people that need them and that are, quite honestly, they're counting on those dollars, those 501(c)(3)s.

There's \$1.85M in housing. I totally agree that ought to come out of KCK's ARPA dollars, not the county because it's not going anywhere near Bonner Springs or Edwardsville. The \$2.6M left in the unallocated ARPA dollars, which is a total of about \$4.4M, we can fix this tonight and allocate that \$4.4M to the other two cities and right this as we go forward.

Commissioner Burroughs said thank you for helping us get this message across. I do want to echo the work of the ARPA Committee. I know it couldn't have been easy. It was quite burdensome having heard from some of the directors of the 501(c)(3)s. They are advocating for their constituency. Commissioner Stites and I, and you two mayors are here advocating for yours. It's a fairness and equity issue, and this could have easily been resolved if there would have been consideration of engaging the two electives, either one of us, to serve on that ARPA Committee.

The optics of it are not fair to either one of us when it comes to ARPA funding that was to be shared countywide. That is the concern that I've had all along.

I want to be a good team player. I respect the work that other commissioners do, but when you disrespect commissioners and not allow them to advocate for their communities and be part of the team, there's something broken in the system. We need to identify why we are considering Wyandotte County residents as neighbors and not as partners.

So, I would hope that we can come to a resolution. I think, Mayor Caiharr, you offered a very equitable resolution. I don't know, it's never been; I know I requested that the ARPA funding be held up until we have an opportunity to address it. I don't know what process was put in place, not being included on the committee, but I trust good judgement was utilized for the other 501(c)(3)s. However, I would like to have an opportunity for Commissioner Stites and myself to understand why you were excluded.

Mayor Garner said thank you for those presentations. We're now going to take questions.

Commissioner Markley said well, I didn't decide who was appointed to this committee. That may come as a shock to some of you. I didn't pick. Mayor Alvey picked and then Mayor Garner made the appointment of Commissioner Davis when he was elected to fill the empty spot. Not my choice. I mean, my choice and that I was glad to have him, but I didn't choose my appointees.

I also didn't choose how the state allocated city funds to the cities. It's allocated based on population. Bonner Springs and Edwardsville have a much smaller population than Kansas City, KS, so they got a lot less funds. In fact, their population combined is about half of one of our commission districts. It's a much smaller area. But, again, I didn't make that decision.

What I did do was chair the ARPA Committee based on their marching orders given forth by this Commission. The health and wellness items and housing items that Mayor Caiharr indicated we're spending most of our funds on are the exact items this full Commission asked us to spend the majority of those funds on. They gave us three buckets, made a ranking system based on those three buckets, and we allocated the funds based on who ranked highest up against those three buckets.

Those priorities this Commission gave, along with federal requirements, led us to propose using these funds in ways that, for the most part, support our most vulnerable people and our most vulnerable neighborhoods.

The allocations that were supposed to move forward tonight have already been supported by a super majority of this Commission. The five ARPA Committee members and three additional Commission members who sit on the Administration and Human Services Standing Committee, but did not sit on the ARPA Committee. So, it's eight commissioners who have already supported this set of allocations.

Delaying the will of the majority of the Commission is also delaying services and support to those in our community who need it most. Those people who need the housing, who need the support, and who need the services. I think that's disrespectful to the majority of this Commission, to our applicants who weathered a long process with us, and to the community members who need those services the applicants provide.

There are \$3M of ARPA funds still available, a little less than that, give or take. I'm fine with having the ED&F Standing Committee haggle over those funds. Our committee had been moving forward with plans to allocate that additional money, but I think these items should move forward tonight as they were intended, as we advertised to the community because, by the way, I didn't get a single phone call from the Mayor's Office about the fact that this wasn't going to be on the agenda this evening. So I found out, again, like with DA Dupree's item, when I sat down tonight that was blue sheeted off. It was advertised in our E-News today that we were going to be adopting this list of applicants, but apparently we're not.

I'm frustrated because this committee is one of the hardest working committees I have ever served on. I gave them more homework than your average fifth grade teacher. Seriously. Hours and hours and hours of homework because they read 170 applications and they ranked individually the top half of them one by one. They did a ton of work. It wasn't easy work because every application was good. We didn't get any applications that were terrible. We got some that were determined to be ineligible. We got some that didn't meet the Commission's priorities. We got some that met the Commission's priorities, but weren't as high a priority as others.

These five people, four plus myself, had to haggle through figuring out how to allocate those monies. I'm proud of them. I'm proud of the work they did. I think they did what this Commission asked based on the goals we were given. I'm frustrated that we're not moving

forward tonight with the slate of applicants that were proposed, especially since it came through standing committee unanimously and has the support of eight commissioners.

Mayor Caiharr said if I could follow up just really quickly. I, also, watched the standing committee meeting. I would also like to mention that not one person on the standing committee represents Bonner or Edwardsville. It, again, was a committee made entirely of Kansas City, KS, districts. So we feel like we were not represented there either. It's no surprise. I understand, Commissioner Markley didn't assign her committee. That was inherited from a prior administration. I'm not here to point fingers.

Again, I'm hoping to bring solutions. I am not advocating for taking \$1 away from any of the 501(c)(3)s. I've given you a solution that keeps all of that funding exactly where it is, only moving housing because that's not going to help people in the entire county. You had money left over of the \$55M that could come from. It was only \$1.85M. That can come from KCK still. There's still money in the KCK ARPA funds to fund the housing, but I can guarantee you, none of it's coming to the southwestern part of Wyandotte County.

My suggestion is fully respecting the decisions and the work that's been put forth by that subcommittee. I know. I've watched it. I've seen how much work they put into it and I can appreciate that. It's just that we didn't have a voice there. So this is me trying to bring a solution and say all of those are funded. It doesn't take any of that funding away. It's not taking away from that work. There's money that's available that can bring some equity and accountability to that situation and show that the UG Commission is interested in the quality of life of those in Edwardsville and Bonner Springs as well. While we might be different cities, we're still Wyandotte County residents; and there are still people who are hurting in our parts of the county that cannot access the projects that are funded in downtown KCK.

I don't know if you've been to the gas pumps lately. I don't know if you've been to the grocery store lately. Everybody's hurting, but those especially most in need don't have the extra money to drive 20 minutes downtown and take off of work to access those programs.

Commissioner Bynum said just a couple of questions and comments. I will start by saying that I am an at-large commissioner and I am elected county-wide, as is Commissioner Burroughs, so I do represent all of Wyandotte County just like Commissioner Burroughs does. I served on the

ARPA Subcommittee and I serve on Administration and Human Services. I don't live in Edwardsville or Bonner, but I do represent all of Wyandotte County and I'm elected to do that.

Commissioner Bynum said I want to go back to CARES. Mayor Caiharr, I heard you say you were ignored during the CARES process. The CARES process indicated funding priorities for those dollars back in 2020. Item one, reimburse the Unified Government, Bonner Springs, and Edwardsville for allowable expenses. Are you saying that did not occur?

Mayor Caiharr said I'm saying that we received less than \$450K from the CARES Act Committee while over \$6M went to help emergency response/first responders. So Kansas City, KS, got an allocation. Those were based, if I remember it and it's been a while, I wasn't even there, based on population. So when it comes to the hands of our county, so it was based on population, but when it came to extra funds being dispersed for first responders, for example, millions more were sent to Kansas City, KS Fire Department, while not \$1 more was sent to the Edwardsville Fire Department or the Bonner Fire Department.

Commissioner Bynum said but it wouldn't be fair to say you didn't get funded. That wouldn't be fair. **Mayor Caiharr** said well, I said we got \$450K. **Commissioner Bynum** said okay. Just wanted to clarify for the record. **Mayor Caiharr** said of the \$25M. **Commissioner Bynum** said I think it was, and I can't remember the exact amount, maybe \$37M total, it was all allocated to Wyandotte County. And you're right. And then we had to sit, as the body that identified where those, and again, we took those non-profit applications in that process as well.

Commissioner Bynum said in the current ARPA allocation round, the dollars that went to the state were then allocated by population size to cities like both of yours, under 50K, and Bonner got \$1.2M and Edwardsville got \$689K. **Mayor Caiharr** said \$670K. **Commissioner Bynum** said \$670K. So I want to start there. **Mayor Caiharr** said and KCK got \$55M. **Commissioner Bynum** said KCK got \$55M. I think we were in a different category than you because KCK is not an under 50K population city. So your funding mechanism was different than KCK. **Mayor Caiharr** said right, and that's why I was really focused in on the \$32M that was supposed to be allocated for our county, not Kansas City, KS, entirely.

Commissioner Bynum said I think part of the difficulty that the KCK commissioners who sat on this committee faced was, and you probably know it as well as we do because you've tracked

this process, all of the restrictions if you will, all of the things that were required in order to qualify. So looking at the spreadsheet of the 172 applications, I have—and, Mayor Harrington, correct me if I'm wrong because I've gone through these. The Edwardsville application for facility remediation, a \$1M request, an infrastructure request for \$556K. Our ARPA consultant deemed those not allowable under the ARPA guidelines.

City of Bonner for a transit van for \$52K—I'm sorry. I have to go back. I'll go back real quick and look. That one may have been allowable. I can't remember off the top of my head. Not allowable. I'm reading from what our ARPA consultant identified. **Mayor Harrington** said we don't have any access and haven't received any of that information back, which our best information, it is for the county. **Commissioner Bynum** said which I do think is a problem and I agree with you on that.

Edwardsville Police, \$99K for crime reduction; partially allowable. Bonner Springs' water for \$603K; not allowable. Edwardsville Community Fund, I do not know if that's the city of Edwardsville or some separate non-profit. Do you? **Mayor Caiharr** said technically, it's a non-profit. **Commissioner Bynum** said okay. Actually that was \$677K for a spray park. Not allowable.

There were several economic development applications that were actually made through the Unified Government departments, Economic Development Department, that included what you referenced earlier, Mayor, the expansion of economic development support into Bonner. I believe that one was allowable.

There was also your fiber project which was also an application that was made by a Unified Government department, our Knowledge Department. That was fiber into Bonner Springs. That one may have also been allowable. The reason I bring it up is...**Mayor Harrington** said it was not funded. **Commissioner Bynum** said that's correct. None of what I've just listed here was funded in what we called our top half. **Mayor Harrington** said the fiber project was funded across other parts of the county with the beginning CARES Act. **Commissioner Bynum** said right. Very well. The reason why I'm walking through it is because—and I have some other questions because I want to make sure I'm understanding, so I'll hold that for a minute.

You are referencing the spending of city dollars on these things and county dollars on these things. I don't see that. Where is that? **Mayor Harrington** said no. We don't want anything...**Commissioner Bynum** said no, no, no, no. Mayor Caiharr has identified, through

something you've looked at that's got to be on my website that I just can't find, that you know that we have spent city dollars on this and county dollars on that. Where did you find that? **Mayor Caiharr** asked, housing? **Commissioner Bynum** said you stated multiple times here tonight that you have identified city dollars, KCK dollars were spent on item A and county dollars were spent on item B, and that if we would just fix that and move those things we spent county dollars on over to the city, all would be well. Where did you find the list?

Mayor Caiharr said this was presented—you've probably seen it twice now because it was presented at the ARPA Subcommittee meeting. **Commissioner Bynum** said okay. Gotcha. **Mayor Caiharr** it was also accessible on the agenda on the website for tonight's meeting so that's where... **Commissioner Bynum** said I see. So you're, for example, this little highlighted one, you are saying that under WyCo housing and then WyCo \$1.85M that that's where you're drawing that from? **Mayor Caiharr** said absolutely. **Commissioner Bynum** said gotcha. **Mayor Caiharr** said yes because the housing—and if it brings any peace to anybody here, I've talked to state representatives, people at the Kansas level, and Commissioner Burroughs would probably have some insight into this as well. There are millions and millions of dollars at the state level for housing. So ARPA is not our one shot at housing. There are millions ready for that. But what I can do, I'll assure you, is that \$1.5M, just like all of the other things, none of it would be coming to the western or southern part of Wyandotte County.

So what Mayor Harrington and I are asking is that we would at least care about those in need in the southwestern part of Wyandotte County. It's a little—I can't find the right word. I would say maybe disparaging is that commissioners in our county aren't aware outside when you're on the county board. I know that there's a lot of things for KCK but we have needs in Edwardsville. We have people in need in our community. There are people in need in Bonner Springs. So when you're saying yeah, we need the projects for those in need in our county, yeah, there's a lot of meetings in KCK, but our people can't get there.

Commissioner Bynum said, Mayor, I have an appreciation for what you are saying. The applications that were made by the city of Edwardsville were facility remediation, crime reduction, a spray park. I'm struggling with if we go back to this and we drill down to where what applications we funded make up the \$1.85M, we may very well find that the non-profits providing

housing assistance may not touch an Edwardsville resident, and I would concede that. I don't know it to be true yet because I can't see what applications we funded total \$1.85M.

Mayor Harrington said these were the only applications that we were even able to make application for. There weren't even any areas other than UG departments or non-profits for us to make applications. So I'm sure there is more than this much need in the southwest portion of Wyandotte County.

Commissioner Bynum said but I'm trying to...**Mayor Harrington** said that would meet all of your requests. **Commissioner Bynum** said I'm trying to get there with you just by understanding. Here's where I am, and I've been sort of all over the board. You're standing in front of us making a request for a couple of things that I think I can hear, reallocate monies across from a city to a county line item. I'm more than willing to take the pencil to the paper and try to figure out how to make that happen; but there is no applicant out of the 172 received, not even within the UG departments, who have been given the podium as you have tonight to be able to come forward, as elected officials, and say fairness, equity, etc. You've both been allocated ARPA monies directly from Topeka. You made application through the same portal everyone else did, UG departments and non-profits. We have many, many UG departments not funded.

Mayor Harrington said I think we really consider ourselves a separate entity than a UG department. **Commissioner Bynum** said I agree. **Mayor Harrington** said and a non-profit. **Commissioner Bynum** said I think that's true as well. **Mayor Harrington** said we also had no representation on that subject. Although none of them are out here standing here right now, they all had representation.

Commissioner Bynum asked, can you give me an example, again, I'm looking for finding a way to the middle as well. Is there an example of a non-profit in either or both cities that would deal with housing? **Mayor Harrington** said yes. **Commissioner Bynum** asked, they didn't apply because they didn't know to apply? **Mayor Harrington** said yes. **Commissioner Bynum** said okay. Fair enough. It's difficult...**Mayor Harrington** said there's several. **Commissioner Bynum** said I'm glad because if it's true what you say, then definitely the non-profits are very much a big part of the solution.

It's very difficult for me to have asked all of these agencies, UG departments, cities, our County Parks Department, all of the non-profits to follow a set of guidelines and then someone

who's been working on this for a year and then go back, but you guys can do something different. **Mayor Harrington** said I appreciate that. One of the applicants or one of the departments was the Kansas City, KS Fire Department...**Commissioner Bynum** said Police Department...**Mayor Harrington** said Police Department. Both of us...**Commissioner Bynum** said right. **Mayor Harrington** said we're not asking from the city funds. We're asking for it to be addressed from the county funds. That's where I guess those funds went to the KCK Police Department. I'm sure our application would have worthy needs just the same.

Mayor Caiharr said I wanted to also mention that some of the spreadsheets that you're referencing, we've never had access to those. **Commissioner Bynum** said okay. **Commissioner Caiharr** said we haven't and the fact that we were thought of at the bottom of the list. We weren't at the conversations to begin with. We weren't at the table to begin with. We were told, oh yeah, you're there. You can apply with the 501(c)(3)s. We're representing, while it may be small to some of the commissioners, we're representing huge portions of the county that has needs.

We were asked to fill out an application...**Commissioner Bynum** said right...**Mayor Caiharr** said...instead of being at the table to begin with. While the UG has grant writers to make sure the words are all right on their applications, we don't have that luxury. Our county dollars may be paying for it, but (inaudible) applications...**Commissioner Bynum** said so I'm going to say...**Mayor Caiharr** said...they're saying it's not eligible. I don't know how—I'm pretty familiar with ARPA. I don't know how a water plant is not eligible. But we don't have the resources, the words in the way that you can write them.

Commissioner Bynum said I'm going to say that I've said this many times, communication is a two-way street. It requires a sender and a receiver. You did email and you and I did correspond. I would say that's the extent of any communication throughout this process from anyone affiliated with representing Bonner and Edwardsville period. **Mayor Harrington** said (inaudible). **Commissioner Bynum** said I don't know. I never heard from (inaudible). **Mayor Caiharr** said (inaudible). **Commissioner Bynum** said I'm sorry. I can't hear. **Mayor Caiharr** said if either Commissioner Stites or Burroughs were included or at the table at the subcommittees, then you would have heard from us more. It's frustrating watching those subcommittee meetings and then

the list gets narrower and narrower and narrower and we don't ever know where we are on the list; why we're not eligible.

Commissioner Bynum said I'm so sorry. I appreciate the conversation. At the same time, I feel bad for taking up so much time but I have one more question. **Commissioner Stites** said that on November 2nd, you emailed, you, Mayor Caiharr, emailed, you said Stites, Burroughs, Mayor Garner, and Mayor Harrington. Who were you hoping she would get an answer from those folks that she emailed?

Commissioner Stites said she got a call back. We were told on that November 1st, the day prior to, that somebody would be getting back; somebody. **Commissioner Bynum** said yeah. I'm just lost because I don't know who you're referencing. In the November 1 meeting, somebody's going to get back to you. **Commissioner Stites** (inaudible) everybody. **Commissioner Bynum** said I just don't know what you're talking about.

Commissioner Stites said staff. There were staff that were there...**Commissioner Bynum** said okay. That's all I was looking for. **Commissioner Stites** said...that was told because then the second item that was brought up was the PILOT. The PILOT was brought up and it was said after we got through with—after we got through with the CARES or the ARPA, right, we wrapped that conversation up and then it was—well, we got two or three, five, ten more minutes, what else is on you guys' plate? What else you guys want to talk about and it was the PILOT. Then it was well, we are not prepared to talk about PILOT. Somebody will be getting back with you on both fronts. That was November 1st and no one ever did.

Commissioner Bynum said and no staff was in that meeting. **Commissioner Stites** said yes, they were. **Commissioner Bynum** said so there was staff at the November 1 meeting. **Commissioner Stites** said yes, there were. **Commissioner Bynum** said I wasn't in the November 1 meeting. I wasn't included in the November 2nd email, so you had me lost throughout that whole thing.

Commissioner Bynum said I question now you're asking to use county side ARPA monies for a city Police Department request, but yet you don't think we should do that. I want to be very clear about what you're asking for. **Mayor Caiharr** said no. That's not what I'm saying at all. In fact, the ARPA funds have already allocated some to the Kansas City, KS Police Department.

Commissioner Bynum said correct. **Mayor Caiharr** said we would like the same treatment. We would like to be considered at this table.

Again, it was a little disheartening that we weren't included in the county-wide discussions to begin with when ARPA was released, when ARPA came. So it felt like an afterthought. Oh, yeah, you can fill out an application. Then we didn't have anyone on the committee that would champion our cause to put us in the top 45 because, I mean, you all are there to represent your area and I appreciate that and understand that, but when you're hearing a part, for instance, isn't eligible in Edwardsville but we're funding \$700K in Pierson Park...**Commissioner Bynum** said correct...**Mayor Caiharr** said that doesn't make sense.

Commissioner Bynum said so I'm going to give up the floor that I have right now because I feel like some of my fellow commissioners may want to continue this discussion. But the point I'm trying to make is the applications that were made by the cities of Bonner and Edwardsville, and this is, Commissioner Markley, where we need our ARPA consultant. I hope she's online because we have serious questions to answer. Within the parameters of how the funding is allowed to be used, that is how the applications from Bonner and Edwardsville were deemed. For example, one of them is partially allowable and most all of them are not allowable, and that is within the ARPA regulations that we did not write.

Mayor Harrington said that wasn't our understanding. **Commissioner Bynum** said no, no and I just think that's the meat and potatoes. **Mayor Harrington** said I'm certainly—I'm not saying that the Kansas City, KS Police Department is not worthy of the county funds, I'm just saying the Bonner Springs and Edwardsville Police Departments are just as worthy. **Commissioner Bynum** said and all the police departments are worthy. **Mayor Harrington** said aren't recognized. **Commissioner Bynum** said the question is, are they allowable? And I apologize.

Mayor Caiharr said I think part of the concern too is while some of them were not considered allowable, we were never given those guidelines or that communicated with us for the applicants so that the communication, again, like you said. Our understanding, our administrative staff didn't make one application that they felt didn't line up exactly with ARPA guidelines. They were pretty careful before they submitted those to make sure they fell within ARPA guidelines. But then it

was never communicated back. We weren't given the same information. Our commissioners weren't given the same information. Even the ones that were eligible, not \$1 is slated to come to either part.

Commissioner Bynum said I will stop after I say this. I swear to God I will. If we can vote tonight to approve the allocations that have already, again, been approved at one standing committee and our folks are desperately waiting for those monies, and I hope that we can—I'm so sorry—I wouldn't stand in the way of looking at the county side dollars remaining, especially to be inclusive of something in Bonner and something in Edwardsville.

I will apologize for lack of communication. I think a lot of this was spelled out within the process, but I won't say that I 100% know that.

Again, communication, I think throughout the process could have been really helpful on both sides. I'm going to have a difficult time supporting something that is primarily for the city of Bonner or the city of Edwardsville only out of county ARPA dollars. We tried very hard not to do that. **Mayor Caiharr** said I can see that. **Commissioner Bynum** said okay. **Mayor Caiharr** said all of this funded to KCK. **Commissioner Bynum** said I'm gonna stop talking and allow the Mayor to move to the next commissioner.

Mayor Caiharr said one thing I wanted to mention, and I didn't want to get lost in that and I know we get into the weeds a little bit here in eligibility, because we have \$11M in revenue replacement funds that you do not have to jump through the hoops of eligibility that the rest of the ARPA funds do, and so you could absolutely fund Bonner and Edwardsville projects out of our replacement and not have to worry about any of those.

Commissioner Ramirez said thank you, Mayor Caiharr and Mayor Harrington, for coming before us. I will also say along with our standing committee structure, that's set by the Mayor, I did not realize until you did mention it that there is no Bonner and Edwardsville representation on AHS and our other Public Works and Safety. So maybe a suggestion to Mayor, maybe provide that representation for those two committees for Commissioner Stites to sit on those two standing committees to make it fair. So, thank you. I did not realize that. So that was something that you opened my eyes to.

Commissioner Ramirez said I've said before, I believe the last time you were before us, we don't, we, as a Unified Government, staff wise, what have you, it's all jumbled between county and city of what we do. It's kind of hard for me, even I've been in for three years now, I still have trouble figuring out what's a county function, what's a city function. So that's a process that we, ourselves, have to get through and figure out.

Commissioner Ramirez said I would say that—I don't know what my fellow commissioners will agree with—I would prefer we move forward with the allocations already made tonight. They went through the process. What's remaining and what can be found within county funds that you and your cities work with ED&F, that standing committee, and the ARPA to make sure all of the eligibility requirements are met for the remaining funds. I would hate for us to go backwards and the allocations that are already made. Both of you already said these are—all of the 501(c)(3)s are well deserving as well, but there's also other ones as well. I'm trying my best to find a middle.

Mayor Caiharr said I would just want to encourage you all that while people might be in a hurry, the timeline's still quite a ways a way. There's no rush to get it done. The second time you mentioned that you're concerned as well with the disparity and representative on those committees. This is a one-time shot. This isn't something that if we have someone on that committee in a month can be undone. So with \$32M, I mean, take a second, pump the brakes just a little bit and make sure that we're spending that money as (inaudible) as possible and (inaudible).

Commissioner Ramirez said I agree.

Commissioner Ramirez said, again, as Commissioner Markley said, the makeup of that committee was set by Mayor Alvey. Of course, Mayor Garner didn't get a chance to remake that. He appointed Commissioner Davis to fill that remaining spot.

Commissioner Ramirez said I don't want the organizations that worked hard, and I'm saying your organizations and your governments didn't work as hard, but I would like the allocations that were set, move forward and then look into what's remaining and find, not even find, but look at the remaining funds and see what is for Bonner and Edwardsville.

Mayor Caiharr said excuse me. If I understand right, of the \$32M that was for the county, you're saying you want everything to go out other than \$2.6M and then maybe we might get some funding of the remainder. I just wanted (inaudible). **Commissioner Ramirez** said yes, that's why I said that's where I'm trying to find middle for even within myself, not even just the condition as a general, to give a suggestion. But with it even to myself because it's—these organizations, they've already been notified of their award. I don't want us to go back on those awards. I understand your frustration with what I said. I understand that.

Mayor Caiharr said so we missed the opportunity to come before money was awarded. That's a concern to me as well to hear that this has already been awarded. You guys are a day late and a dollar short. It just, again, brings that feeling of hey, fight for the scraps. Our priorities are set. I don't want to be the negative person. I try to bring solutions and that's what I felt like I did. I know the housing assistance is very important and it's a huge priority in Kansas City, KS. I don't want to take away from that, but there's \$17,292,814 left over in KCK. If we were able to move the \$1.85M over to KCK and relieve that in the county side, that doesn't even fund all of our projects, but it funds some of them.

Commissioner McKiernan said thank you for being here. I will say that, like everybody else on the committee, I was asked to be on it. I didn't raise my hand and say please pick me for all this stuff. If anybody had come to me and said oh, Brian, I would just love to take your place on that committee, I'd have accepted so fast that they would have broken their neck going what did he just do. Trust me on that.

Commissioner McKiernan said now I have, unfortunately—and we'll go back to Commissioner Bynum's comment about communication—I have heard from more than one source, more than one applicant, that our collective communication to applicants regarding the process, the requirements, the status, questions, it's not timely and complete. That is on us. That's on our consultant. That needs to be fixed. There is absolutely no doubt about that.

Commissioner McKiernan said I'm going to say a couple of things out loud here. If I find out that I am accurate in what I say out loud, it's going to be a motion to move forward. So, I would like to move forward all of the applications that have already been voted on, funded, and scored,

and follow up on Mayor Caiharr's suggestion. Take the \$2.6M that is remaining, divide it between Bonner Springs and Edwardsville, however, it is deemed to be divided; and as long as all federal requirements for disbursing that money are followed, that the cities of Bonner and Edwardsville direct the disposition of those funds. So all funded projects from the committee move forward. Bonner and Edwardsville get the, which I believe is what you said, the \$2.6M; and that you can direct the disposition of that as long as requirements are followed.

Action: Commissioner McKiernan made a motion, seconded by Commissioner Stites, that all funded projects from the committee move forward, and that Bonner Springs and Edwardsville get the remaining \$2.6M and direct the disposition of those funds as long as requirements are followed.

Mayor Garner said there's no action on this item tonight. It's information only, but your motions and requests will be taken into consideration by Commissioner Tom Burrough's committee at that time.

Action: Commissioner Davis said I make the same motion. Commissioner Stites said I make the same second.

Commissioner Davis said I will just read it for the record. If you've all watched the meetings, I was for you all's representation on the subcommittee from the very beginning. Why that never happened is outside of my purview. That's just a fact.

I was for some sort of direct allocation. Go and check the record, okay. I'm not making stuff up here. There was some kind of political will behind it. Now we find ourselves in a conundrum where we are having to stop everybody. I think I know you all are here advocating for it, but we have—you all can raise your hands or identify yourself by other prospect, ARPA Subcommittee awardees in the room as well.

I agree with Commissioner Bynum, their applications and ideas and what they want to propose is just as worthy. I did not think it was a good idea that we had both UG departments and cities and non-profits all competing. I advocated that we separate them. That's here nor there. We are here now at an information only item.

I would invite one of you or somebody from your staff to come and attend the next meeting. I'm perfectly fine with looking at some of these numbers and working on getting some other applications through and seeing if it's amenable to the rest of the commissioners and the governing body. However, I do want to make it very clear that we are in very different situations right now given the population over different cities. When I am in my county function, I'm not necessarily representing Bonner and Edwardsville as District 8 still stays within the boundaries of District 8, right? So I have county responsibilities to District 8. I have city responsibilities too.

Mayor Harrington said (inaudible). **Commissioner Davis** said no, no, no...**Mayor Harrington** said you're elected to be on this Commission. **Commissioner Davis** said no, no, no. Who elect's me, sir? **Mayor Harrington** said your district. **Commissioner Davis** said yeah. So if my district elects me, that's who I'm representing. Please let me finish, Mayor.

So I'm thinking of county for District 8. I'm thinking of city District 8, right? That's not to say that the needs of Bonner and Edwardsville aren't legitimate, right? Absolutely. Absolutely. But I do think that some of these things have gotten kind of lost and, quite frankly, could have been preventable. So, I welcome you all to join the subcommittee. I'm perfectly okay with us giving you all applications to go ahead and score them and for us to redo this thing so that it's equitable, so that it's fair.

Commissioner Burroughs said it's important that we've had this discussion. I know the work ethic that you all have in your subcommittees. I commend you for having to deal with the burdensome process of the allocations. I've dealt with it on the state side so I know how burdensome it can be on the local level.

I would just state that there's not anyone in this not-for-profit business or on this Commission that doesn't advocate for their specific district. I happen to be an at-large commissioner that has two elected bodies in my commission district in addition to every one of your districts. It's very disheartening when those monies aren't spent equitably across the county. That has been our comment all along. It's not my intent to take away from those monies that are proposed to be allocated to these not-for-profits. But my comment would be this. We blew through multi-millions of dollars before a lengthy timeline without putting some back for a rainy day and wait, I still have two more years to go and here we are. We spent every money. We've talked about taking the additional, I'll call it change, that's left over now to try to find a remedy here.

I appreciate the consideration of a motion to move forward to those that are on the waiting list for allocations. I've heard from them. I wasn't surprised to hear from them directly because they are advocating for their constituency. I'm doing what I need to do and advocate for mine and ours and Commissioner Stites' district. The only way to be able to do this was bring it to the public to ensure that we, as commissioners, take the responsibility of representing all of Wyandotte County and not just pick and choose where we want to delegate our authority to by elected districts.

I have at-large friends who would like to wring my neck at times, but it still doesn't mean I'm not going to help him get to this park he keeps beating me over the head with. His community deserves it, but we will collectively get there. This isn't the first time that we have been denied through this process. This is the last shot out of the canon for these two communities. So I appreciate the motion.

Commissioner Burroughs said, Mayor, I do have a question and I would ask this of Legal. If we wanted to take action on this item tonight, what would have to be done to make this an actionable item?

Misty Brown, Chief Counsel, said, Commissioner, pursuant to, I believe it's, I guess in sum, you have a rule of procedure that says you have to conduct your meeting per a written agenda; however, we have Section 308 of the Rules of Procedure that allows any procedure to be temporarily emitted. So if you wish to take action tonight, you would need a motion to amend the Rules of Procedure regarding the agenda. After that passed, then it could be amended and you can take action.

Commissioner Burroughs said thank you. If I understood you correctly, I would ask that the body consider making this an actionable item this evening, and I'll bring the amendment forward once we determine if we want to make this an actionable item. So I make a motion we make this an actionable item this evening depending on the motion I make for it coming forward from this point forward.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Stites, to make this an actionable item this evening.**

Commissioner Bynum said two things. I don't understand your motion. You said I move that we make this...**Commissioner Burroughs** said this item an actionable item. **Commissioner Bynum** said okay. This item being what? **Commissioner Burroughs** said what we're having this discussion. It was for information only. This discussion is now going to move to be an actionable item. It's amendable. **Commissioner Bynum** said so then a motion outlining what that action would be. **Commissioner Burroughs** said I will be bringing that forward here just briefly and ask for your consideration through that motion. **Commissioner Bynum** said gotcha.

Commissioner Bynum said second question. I think that I believe we have Erica Hupka online, available, and I think that it's worth taking at least a couple of minutes for her to have remarks about the allowability of the current applications that are in the pool for Bonner and Edwardsville. **Mayor Garner** said she will. **Commissioner Bynum** asked, do you think it's germane to a potential motion that might be coming? **Mayor Garner** said I'm going to let her speak. **Commissioner Bynum** asked, before we vote? Okay. Thank you very much.

Commissioner Ramirez said a question for Misty. So we're not suspending the rule, we're amending, correct? **Ms. Brown** said no, Commissioner. Section 308 of the Rules of Procedure says any rule of procedure may be suspended temporarily for a particular purpose by the committee provided such suspension is not contrary to the provisions of Kansas law or local ordinance or resolution. Kansas Open Meeting Act does not require an agenda and, therefore, the agenda, if you do have one, it could be amended at any time during the Commission meeting. So that's what Kansas law says on the topic.

We have local rule in our Rules of Procedure Section 505 that says meetings are to be conducted in accordance with the written agenda. So if there was a motion to temporarily suspend Section 505 of the Rules of Procedure and to amend the agenda, that is something the Commission could act on.

Commissioner Ramirez said okay. Thank you. I understand. So, Commissioner Burroughs, what is your motion just to get? **Commissioner Burroughs** said make it an actionable item. **Commissioner Ramirez** said okay.

Mayor Garner said, Clerk, I believe we had somebody on que. **Mr. Deichler** said, Ms. Hupka, if you're available, you can speak.

Erica Hupka, iParametric, ARPA Consultant, said thank you all for this opportunity. We have gone through each application and evaluated it based on how it was presented using the ARPA framework so that we were creating a basis for all applications to be equitably evaluated. As it relates to communication, because this is an iterative process and because there are multiple avenues for funding, the communication with applicants has not been issued because of revenue replacement dollars or other funds were identified as being used for those. We didn't want to miscommunicate or otherwise tell applicants that they weren't eligible when they would be delivered funds later.

We have been trying to offer every applicant every opportunity to receive assistance throughout the entire process. We had a phone number and an email address available to any applicant who needed assistance with writing their application so that we, again, provided equitability and justice across the board to all applicants. Again, as the commissioners have stated, we have tremendous projects and tremendous opportunities going on here in our county. They all need to be heard and they need to be evaluated as they're presented so that we have a great way to not only evaluate for this ARPA process, but also looking forward with other grant vehicles figuring out what else we can fund looking forward.

So though this singular process is a once in a lifetime opportunity and several million dollars, this also gives us an opportunity to shine a light on some of the other opportunities that we have so that we can find vehicles to fund those that maybe weren't allowable as presented in their original applications.

Commissioner Burroughs asked, Commissioner Bynum, would you share with us who that was? I'm sorry, I don't know. **Commissioner Bynum** said (no sound). **Commissioner Burroughs** said okay. Thank you. I just wanted to make sure that we knew who was speaking.

Commissioner Burroughs said well, Mayor, I know this is a slippery slope but in all fairness to those members of this body who have given of their time and talents and energy to provide funding for those organizations that have requested ARPA funding, out of respect for them, I brought the

motion to bring this forward and make it an actionable item. I would hope that they would respect the motion that will be coming from commissioner and the two commissioners that represent Bonner Springs and Edwardsville. So with that, Mayor, I close on my motion and request a vote.

Mayor Garner said restate your motion, please. **Commissioner Burroughs** said my motion was to make this issue an actionable item so that we can make a motion moving forward. **Commissioner Stites** said second.

Mayor Garner said we have a motion and a second. Roll call.

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

Commissioner Burroughs said thank you, body. My motion will be to allocate the dollars that have been brought forward, as recommended by the subcommittee, utilizing the remainder of the ARPA funding to go to issues within Bonner Springs and Edwardsville only. That’s my motion for consideration.

Action: **Commissioner Burroughs made a motion, seconded by Commissioner Stites, to allocate the dollars that have been brought forward, as recommended by the subcommittee, utilizing the remainder of the ARPA funding to go to issues within Bonner Springs and Edwardsville only.**

Commissioner Bynum said I can only support if Bonner Springs and Edwardsville bring forward projects that qualify for funding under our rules not the rules that you were under when you got your 50K and under population funding. You can only support it if it’s actually stuff that qualifies. I mean it’s \$2.9M or \$2.6M. I apologize.

Out of the total \$18M available funding—can you help me with this math—\$2.6M is what percent of \$18M. **Commissioner McKiernan** said it’s 10:30. **Commissioner Bynum** asked, \$2.6M is what percent of \$18M? **Mayor Harrington** said well, it’s out of the \$32M for

Wyandotte. **Commissioner Bynum** said well, no it's not. It's out of the amount that's eligible through the application process.

I'll stand ready to be corrected. Debbie Jonscher is here. Because what we're talking about is the funding pool that we made grant allocations out of. Some of that \$32M is revenue replacement and public health expenditures that were made a year and a half ago, etc. So out of the pool of dollars that we made grants from is what total?

Debbie Jonscher, Acting CFO, asked, you're asking for the amount minus the revenue replacement? **Commissioner Bynum** said yes, the amount. I'm showing on that...**Ms. Jonscher** said for the \$32M for Wyandotte County, we had revenue replacement of about \$9.4M, so \$23M. **Commissioner Bynum** said but some of the—we're getting ready to vote to allocate the grant applications that have been approved by the ARPA Subcommittee and the Administration and Human Services Standing Committee that totals \$13 point some odd million which leaves \$2.6M or \$2.93M available. **Ms. Jonscher** said the amount that was being—and I'm sorry. I don't have that number in front of me. I thought that was in the presentation, but was that all city or was that city and county? **Commissioner Bynum** said I guess that's part of why I'm stopping this process.

Commissioner Bynum said, Commissioner Burroughs, your motion was to allocate the remainder to Bonner and Edwardsville only. You didn't specify remainder of what? **Commissioner Burroughs** said thank you for that clarification. I'm willing to clarify that. The \$2.613M is represented in the Wyandotte County portion of the ARPA funding. **Commissioner Bynum** said \$2.6M, approximately. **Commissioner Burroughs** said yeah, \$2.613M as of the numbers here presented on this chart. **Commissioner Bynum** said okay. Thank you. I appreciate that.

Commissioner Burroughs said I'm just following the discussion. I know we've been all around this, but I'm just trying to—and I appreciate the motions that were made earlier. I think Commissioner McKiernan made a motion pretty clear. The reason why I stated to Bonner Springs and Edwardsville only, I don't want to see us come forward in a week and say okay, we're going to grab this \$2.6M and put it for infrastructure and then all this debate, all this discussion, and all this consideration has been for naught. It's not fair to the two mayors. It's not fair to these two commissioners. It's not fair to those that have already been allocated money to play these kind of games by going around the back way to get this done. We can do this in a fair and transparent

manner and just move to have the \$2.6M... **Commissioner Bynum** said okay. Got it. I'm good. I'm good especially if the \$2.6M is remaining county funds and it does represent roughly the same proportion as the two populations of Bonner and Edwardsville compared to the total. Does that make sense? So those two are kind of in ratio and, again, the only caveat I'm making is that the expenditure has to be allowable.

Commissioner Burroughs said we have a timeline until 2024, December 2024, in which to have this allocation occur. I'm just asking this body to be mindful that this \$2.6M that remains in this fund be allocated to Bonner Springs and Edwardsville, provided they meet the guidelines that's set forth, but they can't be swept for anything else. It goes to them. They'll meet the criteria, I'm sure. They have the need.

Commissioner Davis asked, is it possible, and this might be an Erica thing or a Debbie thing, to move all of the current applications to the city's allocation for ARPA, right, so we're not touching anything county related, and then move what's county related to ED&F so that you all have time to bring eligible projects to us so that we can vote that through. Is that possible? No? Well, the only reason why I'm saying this is because there has not been any description of how much of what we are about to allocate is county or city. That's the part that's confusing.

Erica, are you there? What I'm saying is the current, and we don't—none of this is before us because this was for information only, yada, yada, yada. The current list of recommendations, we do not know what is county funded and what is city funded. That is what I'm saying. I cannot tell you what percentage of the \$13.9M was county or city funded. Therefore, if we were to just fund these recommendations through the city funds, the county funds would go untouched. That would give Bonner and Edwardsville time to put together eligible applications so we know where the money is going and then we can work that out in ED&F and pass it back here. That's my idea.

Commissioner Burroughs said thank you, Commissioner Davis. I think I understand what it is you're attempting to do. My concern would be those monies that have been allocated through the process to other entities. It's not Commissioner Stites or my position to deny them their funding. It's our intent this evening, as I've clearly stated all night long, to have Edwardsville and Bonner Springs utilize some sort of funding. We have the \$2.6M remaining in the county portion. Those are dollars that can be used county-wide, provided they meet the criteria. They have two years.

They don't get it tonight. They'll come forward with their requests, just like everybody else had to, but the reason why I made it specific to Bonner Springs and Edwardsville only is so it won't get swept by something else that comes forward. They need to know, just like our not-for-profits and those organizations that are receiving funding, they need to know that this funding is there and they can go back and look at their not-for-profits and tell them this is how much money we're going to have to allocate. We need to make it work for all the organizations that are requesting funding and that's why I suggested the \$2.6M. If there's any additional language that if that's not clear enough, I'm sure my second might have input.

Commissioner Stites said after what you just said, who would they come back to? Would they come and ask if that application meets the guidelines? I don't want—I want to be done with it tonight. We divide the \$2.6M in half right now. Bonner Springs gets half, Edwardsville gets half. It's \$1,306,799 and they have to meet federal guidelines and make sure that they are ensuring that they're spending those dollars in accordance with federal guidelines.

Commissioner Markley said they will have to make report through us because...**Commissioner Stites** said because it's not a request. **Commissioner Markley** said right. So they'll have to report back through Debbie's team somehow, Erica and Debbie. **Mayor Harrington** said just like we would any otherwise...**Commissioner Markley** said right.

Mayor Harrington said with all due respect, all of our applications, we were under the impression were more than appropriate and met all the guidelines for all the ARPA funding, I grant you that. That's the best information that we have.

Going by this \$32M number at the top of the second column under WyCo, the \$2.6M represents about 8%. Wyandotte County has about 160K people in it. Between the two cities, we have 8K in Bonner Springs and another 4.5K. That's about 12.5K people. That's about 8%, right? The communities...**Commissioner Bynum** said and my only additional comment for you would be, because you thought these apps qualified and somehow they don't, you've got to work with Erica. **Mayor Harrington** said oh, we would love to. We would love to all along. **Commissioner Bynum** said thank you. Please do.

Mayor Garner said, Clerk, I believe we had a...**Mr. Deichler** said, Ms. Hupka, if you're available again.

Ms. Hupka asked, can you hear me? **Commissioner Davis** said just for clarity. The, and correct me if I'm wrong, it's \$13.9M in allocation that we're voting on tonight, correct? What is the number because I want to make sure we have it. **Ms. Hupka** said sure. I believe I saw it in the presentation if we'd like to show the room. **Commissioner Davis** asked, can we put the presentation back up? I just want to make sure before we get off we know what we're voting on. It's \$2.6M to go to the county, go to Bonner and Edwardsville. That would be split \$1.3M, \$1.3M. And then the rest, I believe it's \$13.9M. Okay. Thank you.

Mayor Garner asked, do we have a motion on the floor? And a second? Is there any further discussion? Seeing none, roll call, please.

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

Mayor Garner said I'd just like to comment that there's a great debate. We just, hopefully, moving forward we can just in any decisions we make, we've got to understand that we are a unified government. Every vote that you all make, as commissioners, does play into what occurs into the southwest portion of Wyandotte County, which is Bonner Springs and Edwardsville and a portion of Lake Quivira, sometimes we don't think about, and a little tiny portion called Loring. So, we always have to be mindful of that irrespective of what districts we run in, we do represent a unified Wyandotte County Commission.

These mayors here today, I applaud you and I hear you. I'm the one elected official here that has to run county-wide so I run along with my at-large commissioners and the sheriff and the DA, but on this Commission right here, I run county-wide. I cannot ignore any requests from you or any fellow commissioners. I do believe that you all, we expect taxation and from your residents to go on to our coffer here in our shared unified government and you do deserve and the people there deserve equitable representation from this Unified Government. So thank you so much.

Item No. 3 – 211724...UPDATE: COUNTY ADMINISTRATOR SEARCH PROCESS

Synopsis: Update regarding County Administrator's Search Process by Tyrone Garner, Mayor/CEO.

Mayor Garner said as you know, we are in the middle of a search for a County Administrator. Mayor Harrington is the chair of a task force that was appointed by this Commission and Bill Johnson is the co-chair of the task force. There's also a third member as part of this team, Mr. Daryl Winn, who was a bridge and a facilitator as part of this as well. I'll let you all give this Commission an update on that process.

Bill Johnson, BPU General Manager, serving as the Task Force Co-Chair, said just a quick update for this week. On Monday afternoon I met with the new search firm, Gov HR, for about an hour and a half, two hours, and just kind of went over the process, the tactics, strategies, and stuff that we're going to use going forward. On Tuesday, we had a meeting with the full task force and met with the search firm earlier. Came in, met with the full task force. Collected a lot of input. The entire task force had an agenda in front of them that also provided them an opportunity to provide a lot of feedback into the process and fully understand the entire process that we're undertaking now.

There's a lot that went back to the search firm. They're modifying and tightening up the schedule. I know that this week, they're going to meet with every task force member. I couldn't meet with them today so I'm in the process of rescheduling that again. I've already met with them individually. I've got another follow-up meeting with them.

I think we have a clearly laid out schedule. It looks like it's going to go into probably the first quarter, maybe in the first quarter. Hopefully by that time, we'll have candidates reduced to a point where we'll turn it over to the elected officials and you guys will start your interviewing process after we've screened it down to three candidates, I believe, what we agreed to.

Jeff Harrington, Mayor of Bonner Springs, KS, serving as the Task Force Chair, said I was out of town for the Monday and Tuesday portion of that meeting. It's just wonderful to be back and spending so much time with you. It's about the same amount of time it takes to fly from Portugal to Kansas City. We did meet with the Vice President of Gov HR, Ryan Cotton, and we

all had individual stakeholders had an opportunity to meet with him. They are sending out online comprehensive surveys today. They'll be working on that to make an advertisement that can go out later this week. So, we'll be advertising for a county administrator this week.

This process takes longer than what any of us would like, but their due diligence and the information that they're bringing to the table, I think, is going to provide a good album.

The next item that will happen is there will be a status report to the task force at the end of this month. In mid-January, we'll review the candidates and their credentials to start dwindling that number down.

Advertisement goes out, the requirements, and then the review as they come in. So this is a process and over the holidays, its going to take some consideration, but like Mr. Johnson said, we hope to have candidates before the Commission and the Mayor by March and a selection made to hopefully start in April somewhere along.

Mr. Johnson said I would like to say that I'm certainly impressed with the search firm that we've selected. Both of them have roots back to Kansas; Jayhawk graduates, University of Kansas graduates. They seem to know this area. I didn't get to know the first one as well as I had hoped but at least we're off to a good start with the search firm that's been selected now. I do think and hope that the momentum picks up. I did ask on Tuesday if we can get all the calendars updated, make sure that there's nothing missing there, and that we can make a full commitment to meeting all the dates they have outlined here.

Mayor Harrington asked, any questions?

Mayor Garner said thank you, Mayor; thank you, Mr. Johnson. Thank you to all the task force members that this Commission appointed to get us through this process. Again, the goal is to be as transparent as possible. Hopefully we get the best qualified candidate that can administratively move this organization in the direction it needs to go. So, thank you so much.

Action: **For information only.**

Mayor Garner said we're going to take a 10-minute break. We've kind of gone a little longer than anticipated. We will convene at 11:35 p.m.

Mayor Garner reconvened the meeting at 11:42 p.m.

Item No. 4 – 212115...RESOLUTION: ADOPTING THE FIRST AMENDMENT TO REVISED MEMORANDUM OF UNDERSTANDING BETWEEN THE UNIFIED GOVERNMENT AND WESTERN UNIVERSITY

Synopsis: A Resolution Adopting the First Amendment to Revised Memorandum of Understanding between the Unified Government and Western University, submitted by Tyrone A. Garner, Mayor/CEO.

Commissioner Bynum said, Mayor, on Items 4 and 5, I had reached out to Commissioner Townsend to see if she'd had an opportunity to review these items since they involve her district. She's not here but had requested a table of Items 4 and 5 so that she could at least have time to review them. So I would request that on her behalf and to not lengthen it too terribly long. I think we're going to have a meeting this week so it's very possible that they could simply be moved to the meeting that we're going to apparently schedule for some date Monday, Tuesday, or Wednesday.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Davis, to table Item No. 4 to the December 1, 2022, full commission meeting.**

Mayor Garner said I've got a motion and a second. Is Mr. Waters or Mr. Murray here? **Patrick Waters, Deputy Chief Counsel**, said yes, Mayor. **Mayor Garner** asked, were there any type of objections to that request? **Mr. Waters** said I don't think it affects anything involving the amendments.

Mayor Garner asked, Mr. Murray, do you have any comments? **LaVert Murray, Economic Development Advisor to the Mayor**, said no. I agree. **Mayor Garner** said I think Mr. Murray also had some language considerations as well that you would like considered. **Mr.**

Murray said since it's being tabled, I will work with Mr. Waters to get that language changed and inserted, if that's okay. It's minor changes that we're suggesting.

Commissioner Bynum said I just think so long as Commissioner Townsend has the ability to review. Thank you very much.

Mayor Garner said there's a motion and a second. Clerk.

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

Item No. 5 – 212116...RESOLUTION: AMENDING THE APPOINTMENT PROCESS FOR THE UNIFIED GOVERNMENT'S SELECTIONS OF BOARD MEMBERS TO THE QUINDARO RUINS PROJECT FOUNDATION

Synopsis: A Resolution amending the Appointment Process for the Unified Government's Selections of Board Members to the Quindaro Ruins Project Foundation, submitted by Tyrone A. Garner, Mayor/CEO.

Action: **Commissioner Bynum made a motion, seconded by Commissioner Davis, to table Item No. 5 to the December 1, 2022, full commission meeting.**

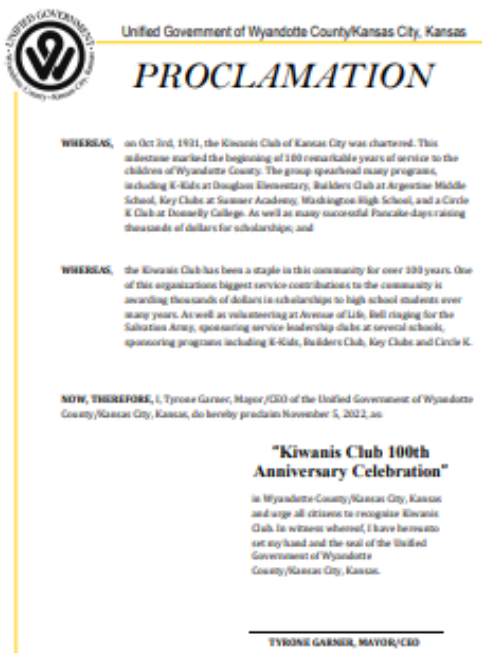
Mayor Garner said we have a motion and a second. Any discussion? Seeing none, Clerk, roll call.

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

Mayor Garner said Items 6 – 9 are proclamations. The Clerk will read abbreviated versions of those.

Item No. 6 – 212119...PROCLAMATION: KIWANIS CLUB 100TH ANNIVERSARY CELEBRATION

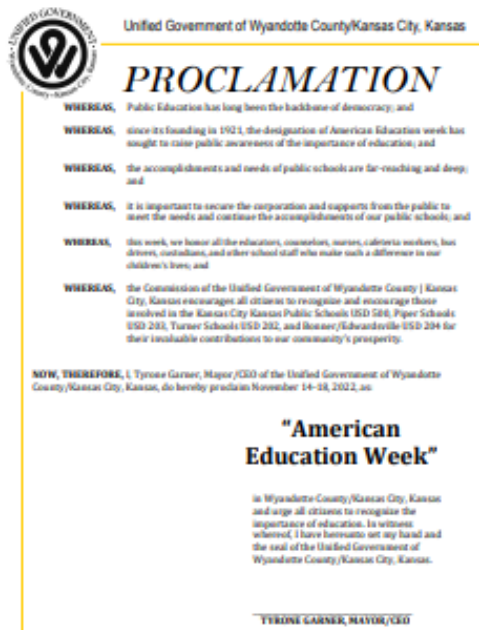
Synopsis: Proclamation proclaiming November 5, 2022, as Kiwanis Club 100th Anniversary Celebration, submitted by Tyrone A. Garner, Mayor/CEO.



Action: The proclamation was read.

Item No. 7 – 212122...PROCLAMATION: AMERICAN EDUCATION WEEK

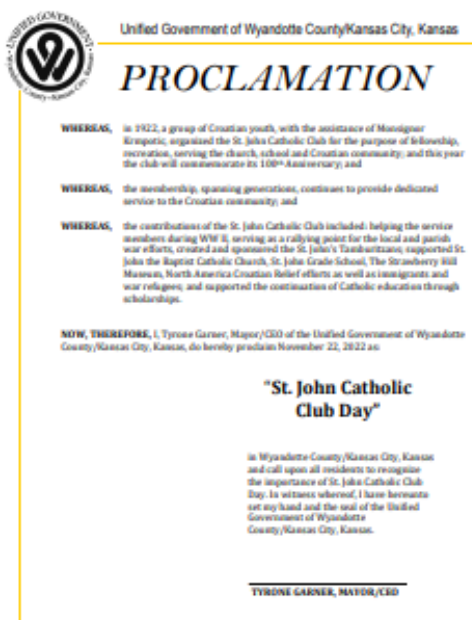
Synopsis: Proclamation proclaiming November 14-18, 2022, as American Education Week, submitted by Tyrone A. Garner, Mayor/CEO.



Action: The proclamation was read.

Item No. 8 – 212120...PROCLAMATION: ST. JOHN CATHOLIC CLUB DAY

Synopsis: Proclamation proclaiming November 22, 2022, as St. John Catholic Club Day, submitted by Tyrone A. Garner, Mayor/CEO.



Action: The proclamation was read.

November 17, 2022

Item No. 9 – 212121...PROCLAMATION: SMALL BUSINESS SATURDAY

Synopsis: Proclamation proclaiming November 26, 2022, as Small Business Saturday, submitted by Tyrone A. Garner, Mayor/CEO.



Action: The proclamation was read.

CONSENT AGENDA

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

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

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

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

Item No. 1 – 212082...RESOLUTION: AMEND THE MERC MANAGEMENT AGREEMENT

Synopsis: A resolution authorizing the adoption of the First Amendment to the Merc Grocery Store Management Agreement with Community Mercantile, Inc., submitted by Patrick Waters, Legal Counsel, Stephanie Bell, Economic Development. On November 7, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-72-22**, “A resolution authorizing the adoption of the first amendment to grocery store management agreement with the Community Mercantile, Inc.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 2 – 212081...RESOLUTION: FLAHERTY COLLINS - THE YARDS 2-IRB APPLICATION

Synopsis: A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas to issue its Industrial Revenue Bonds in the amount of not to exceed \$51,803,111 to finance the costs of acquiring, constructing, improving, and equipping a commercial project for the benefit of KC THE YARDS 2, LLC, and its successors and assigns (sales exemption only), submitted by Patrick Waters, Deputy Chief Counsel, and Stephanie Bell, Economic Development Management Analyst. On November 7, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-73-22**, “A resolution determining the intent of the Unified Government of Wyandotte County/Kansas City, Kansas, to issue its industrial revenue bonds in the amount of not to exceed \$51,803,111 to finance the costs of acquiring, constructing, improving and equipping a commercial project for the benefit of KC the Yards 2, LLC, and its successors and assigns (sales exemption

only).” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 3 – 212086...RESOLUTION: GRANTS MANAGEMENT MANUAL

Synopsis: A resolution approving the Unified Government's Grants Management Manual submitted by Debbie Jonscher, Acting Chief Financial Officer. On November 7, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

Action: **RESOLUTION NO. R-74-22**, “A resolution whereby the Unified Government Board of Commissioners hereby adopts the Grants Management Manual.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 4 – 212029...RESOLUTION: 2023-A BONDS AND 2023-I & II TEMPORARY NOTES

Synopsis: A resolution authorizing the offering for sale of municipal temporary notes and general obligation bonds of the Unified Government of Wyandotte County/Kansas City, Kansas, submitted by Debbie Jonscher, Acting Chief Financial Officer. On November 7, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 4-0 to approve and forward to full commission.

Action: **RESOLUTION NO. R-75-22**, “A resolution authorizing the offering for sale of 2023 Municipal Temporary Notes and General Obligation Bonds of the Unified Government of Wyandotte County/Kansas City, Kansas, in the amount of \$120,526,000.” **Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 5 – 212114...ORDINANCE: PUMP STATION 15 ABANDONMENT - CMIP 0520

Synopsis: An ordinance directing the Chief Counsel to commence legal proceeds to acquire property necessary for the project located at N. 106th Street and Georgia Ave., submitted by James Bain, Assistant Counsel. This item was previously approved by the commission on January 7, 2021.

Action: **ORDINANCE NO. O-162-22**, “A resolution condemning land for the construction, maintenance, operation, reconstruction, and improvements of the Pump Station 15 Abandonment – (CMIP 0520), all in Wyandotte County, Kansas; and directing the Chief Counsel to institute proceedings as provided by law to acquire said land in this ordinance described by condemnation proceedings.”
Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to approve the ordinance. Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley.

Item No. 6 – 212107...PLAT: REPLAT OF SWAN LAKE ADDITION LOT 77

Synopsis: Plat of Replat of Swan Lake Addition Lot 77, located at 4431 N. 124th Terr., and being developed by Curt & Jennifer Vogel, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 7 – 212108...PLAT: REPLAT OF ADNEY ACRES LOT 2

Synopsis: Plat of Replat of Adney Acres Lot 2, located at 19428 Clubhouse Drive, and being developed by Curt & Jennifer Vogel, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

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

Item No. 8 - MINUTES

Synopsis: Minutes from the Special Session meeting on October 27, 2022.

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

Item No. 9 - WEEKLY BUSINESS

Synopsis: Weekly business materials dated October 20, 2022.

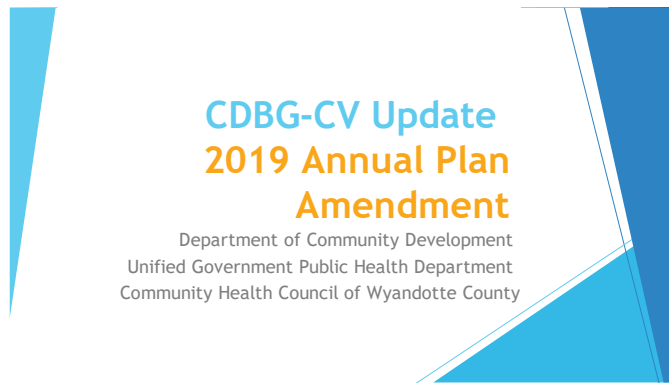
Action: Commissioner McKiernan made a motion, seconded by Commissioner Ramirez, to receive and file. Roll call was taken and there were nine “Ayes,” Stites, Davis, Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley.

PUBLIC HEARING AGENDA

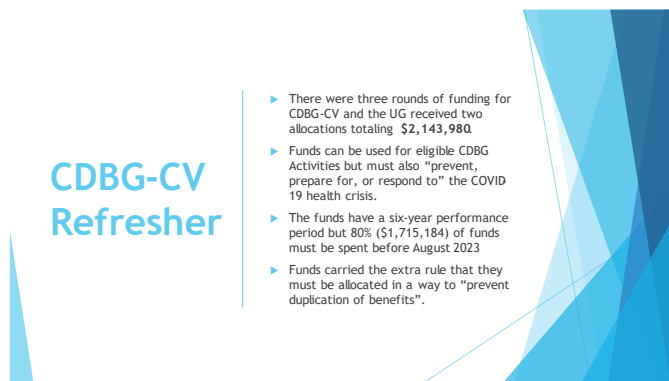
Item No. 1 – 212023...RESOLUTION: APPROVING 2019 ANNUAL ACTION PLAN AMENDMENT #3

Synopsis: An update of CDBG-CV funded activities and presentation of a 2019 Annual Action Plan Substantial Amendment, submitted by Stephanie Stauffer, Community Development. On October 24, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Mayor Garner said I’ll ask Stephanie Stauffer, from our Community Development Department, to make some opening remarks.



Stephanie Stauffer, Community Development Program Coordinator, said we're here tonight to present a substantial amendment to our 2019 Annual Action Plan which includes our allocation of CDBG from the CARES Act. I have a couple of folks here with me to present tonight. I'm going to let them introduce themselves. **Wesley McKain** said from the Public Health Department, and **Brian Matlock** said from Community Health Council.



Ms. Stauffer said I know it's been a minute since you were here talking about CDBG so I wanted to provide a really quick refresher on the funding source. There were three rounds of funding for CDBG-CV. The UG received two allocations in total of about \$2.1M. The funds could be used for any eligible CDBG activities, but they must be very specifically tied to the response to COVID-19. The funds had a six-year performance period, but 80% must be spent before next August. The funds carried an extra rule that they must be allocated in a way to prevent duplication of benefits. So, if there were programs kind of out there, and I know from the CARES Act and from ARPA, there's been a lot of funding sources. We had to look to make sure that whatever we funded wasn't being duplicated in another service.

Original CDBG-CV Budget

WyCo Connect	\$1,200,000
Rent/Mortgage Assistance*	\$750,000
Food/Meal Programs*	\$100,000
UG Admin	\$93,980

* = Funding for these programs is contingent upon the availability of funds from the Treasury, the CARES Act, and ARPA to the UG and to the state.

This was our original budget way back. We funded three activities, the WyCo Connect Program, which all of the Health Department and Community Health Council talked about. We also had rent and mortgage assistance we set aside for and the meal programs; however, because of the duplication of benefits requirement, we've not been able to spend that funding. There were a lot of funds that came from the Treasury, from the CARES Act, and ARPA to the UG and to the state. We also set aside a little bit for admin. That's staff time and administration.

So, what we're proposing for the substantial amendment is to take the \$850K that is unspent and reallocate that to the WyCo Connect Program to keep it going for another year. That would run through the end of next December.

I'm going to let the experts on that program talk about the impact of that program and why it's really important to continue that for a year.



Brian Matlock, Community Health Council, said I'm the Program Manager of the Community Health Worker Program, especially over the WyCo Connect. I'll be talking a bit about the WyCo Connect and our Community Health Worker Program, generally.

CHC was an early partner in the pandemic with the UG Public Health Department. In addressing the pandemic and WyCo Connect grew out of that partnership. To date, our

Community Health Worker Program has enrolled over 3,500 clients in case management services across Kansas City, KS, Bonner Springs, and Edwardsville. This has yielded almost 15,000 client interactions between our community health workers and those engaged in our services.



One of the things is WyCo Connect serves to expand the capacity of services available in our county, generally. Basically, recent studies have shown that community health workers improve access to services, improve health outcomes, and lower costs. As a result, community health workers have gained significant investment during the pandemic.

Community Health councils, Community Health Worker Program, of which WyCo Connect makes up about 42%, is the largest community health worker program in the region with the highest rate of employee retention. Our program has been recognized as a Regional Gold Standard and is used as a model for CHW Program and community initiatives across our county and state. We're considered a model training site in Kansas and Missouri to offer these community health worker training courses multiple times a year alongside various other health, mental health, and case management trainings.

We're helping to increase the number and quality of community health workers in agencies and clinics for the county and region. Additionally, through WyCo Connect, we've directly provided community health works to safety net clinics, non-profits, public agencies in 14 locations across the metro in Bonner Springs, Edwardsville, and then especially east of 635 in the areas of the county with the highest need and most affected by the pandemic, both health and monetarily.

At eight hours a week, this is estimated to be about 5,000 hours of work embedded in local institutions, touching every zip code in which there are residents in our county. These community health workers are an essential part of coordination of care in our county. When someone shows up for a free clinic, they might also need help applying for SNAP benefits. If they go to a food

pantry, they may need help with rent or utility assistance and that's where our community health workers come in to make sure and walk people through the coordination of care.

COVID response

Primary response for the county

- Food
- Coordination of support programs
- PPE Delivery
- Community outreach
- Testing
- Vaccination

COVID now

- Canvassing—5000+ doors knocked
- Increased WYCO Vaccine rate from 30% to 65%
- Place based community events
- CHW support at partner events
- Food and PPE support
- Hosting testing and vaccine events
- Coordinate TAP rides



The Community Health Council was an early and active part of the COVID response with the Public Health Department initially staffing vaccine sites, education, promotion, advertising of vaccines and testing, as well as connecting community members with resources. We're currently a host site and a community partner for neighborhood-based clinic locations, and have set up mobile vaccine sites at businesses, churches, organizations, and pop-up events in areas with the highest financial hardship and lowest vaccination rates in our county.

For many, financial hardship of COVID have been at the forefront of the pandemic, and we've delivered over 5,000 food boxes, provided over 6,000 hours of interpreting, have knocked over 50,000 doors, distributed over 700 tests, and coordinated over 4,000 free rides through the TAP Program to places like doctor appointments and vaccine sites.

Community outreach



- ▶ Place-based event outreach & Canvassing across KCKS, Bonner Springs & Edwardsville
- ▶ Over 7,000 WyCo doors knocked
- ▶ Diverse staff engages our diverse community in 11+ languages
- ▶ Distribute Health & Vaccine Info + connect to community resources

One of the strengths of this community-based approach is that we have extensive presence and trust in the community. We hire community health workers from diverse cultural and language groups, over 11 languages represented, who are peer educators and advocates. They also spend

most of their time out knocking on doors, at events and communities, at host site locations in the communities. They are able to build the trust and assist many of the community members who otherwise fall through the cracks. This makes WyCo Connect a useful and flexible program moving forward. An example would be a housing program as housing is a top priority. The community health workers help people of various languages and backgrounds connect to the resource in the first place, then community health workers are the best retention approach. If folks have trouble paying, property managers don't always know how to deal with that whereas community health workers can come and work with people and get them connected to resources to maintain their housing.

From here, I'll pass it to Wes from the Health Department.

Benefits to the Unified Government

- ▶ Connecting residents with highest health needs to services
 - ▶ Provide door to door connection through canvassing
 - ▶ Across the county, including Edwardsville and Bonner with people from multiple languages, races/ethnicities, cultures
- ▶ Neighborhood-based outreach for COVID testing and vaccinations
- ▶ Assist residents accessing housing
 - ▶ Integration with UG work can increase as more affordable housing developed

Wesley McKain, Manager, Health Department, said health workers are a wonderful addition to our community. The Health Council does a great job with the program. They were instrumental in helping us run our mass vaccine sites. The Health Department fully supports the allocation of CDBG dollars to continue the program.

2019 HOME Funds

This is a technical fix to reprogram the \$203,671 in unspent CHIP funds to support the rehabilitation or new construction of housing. This was adopted in the most recent UG budget.

Ms. Stauffer said this is actually unrelated to any of the CDBG-CV things. Just because I had the plan open, I was amending it, I'm resubmitting to HUD. I decided to make this technical fix. In the last budget cycle, we moved \$203K in unspent homeowner assistance funding to the development of housing, so I just formalized that.



So, tonight we just ask to hold a public hearing because that's a requirement that HUD has, and then approve a resolution to submit to HUD. That includes the updates that we're required.

Mayor Pro Tem Bynum said before I open the public hearing, I want to say that WyCo Connect is awesome. You need to familiarize yourself with that program if you're not familiar with it. I want to thank you for making sure that we all understand this is a county-wide program serving every single zip code. I really appreciate that.

Mayor Pro Tem Bynum said I will now open the public hearing and ask the Clerk if any notifications were received from the public who wanted to express comments. **Mr. Deichler** said, Mayor Pro Tem and Commissioner Bynum, yes, we did receive two comments in favor. One from Rinzin Wangmo that states:

I'm in favor of the item. First having lots of trainings and experience and being bilingual and multilingual is a feather in the cap for an organization to have it. Secondly, we work so hard to gain the trust of our community to serve them. Being bilingual and multilingual, CHW, we have helped a lot of people in which who could have landed up in the ER or in other organizations where they must use interpreters. We, at CHW, also work with some minorities who are non-English speakers and need lots of help like how to navigate the medical, school admission for kids, rental, utility payments, med review with pharmacy, and so on. The funds will help keep all of us

to continue to do our best to help our community with the resources they need and help minimize visits to our ER and calling EMT, which is more expensive. If funds get exhausted, we will not be able to continue what we are doing and also become more difficult to build trust again.

Mr. Deichler said we have a second one there. It says from Guadalupe Treadway, who is also in favor, says:

I would like the WyCo Connect Program to continue since the community health workers are bringing information to the people who are most vulnerable because they do not have access to community resources either because they do not have internet technology or because of the barrier in language, to give an example. Also, thanks to the training of the CHWs and the trust that the community has in them. They can get help navigating the health system, fill out applications, and advocate for them, among many other things. Thank you.

Mr. Deichler said that's all we received.

Mayor Pro Tem Bynum asked, is there anyone present who would like to speak on the item? **Mr. Deichler** said seeing none. **Mayor Pro Tem Bynum** asked, Clerk, anyone online? **Mr. Deichler** said seeing none as well.

Mayor Pro Tem Bynum said no further comments from the public, I'll close the public hearing and ask any members of the Commission if you have questions or comments.

Action: **RESOLUTION NO. R-76-22**, "A resolution authorizing a substantial amendment of the 2019 Annual Action Plan submitted to the U.S. Department of Housing and Urban Development." **Commissioner Davis made a motion, seconded by Commissioner Ramirez, to adopt the resolution.**

Mayor Pro Tem Bynum said we have a motion and a second. Roll call, please.

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

STANDING COMMITTEES' AGENDA

Item No. 1 – 12026...APPROVAL: ARPA SUBCOMMITTEE RECOMMENDATION

Synopsis: Request approval of project recommendations from the ARPA Subcommittee, submitted by Commissioner Markley. On October 24, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

Action: Moved to Item No. 2 under the Mayor's Agenda.

Item No. 2 – 212074...RESOLUTION: FOURTH AMENDMENT TO LEGENDS WEST LAWN DEVELOPMENT AGREEMENT

Synopsis: A resolution authorizing the fourth amendment to the Legends West Lawn Development Agreement, submitted by Patrick Waters, Deputy Chief Counsel. On November 7, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to move the item forward to the standing committee agenda.

Mayor Pro Tem Bynum asked, Patrick Waters, do you have any comments?

Patrick Waters, Deputy Chief Council, said I have a brief PowerPoint.

4th Amendment to West Lawn

- The original West Lawn Development Agreement provided for the issuance of CID bonds to help pay for improvements to the West Lawn area of the Legends.
- It also included a provision which required the developer to pave the gravel lot at 1824 Village West Parkway by December 31, 2020.
- The paving did not occur as required, so the UG held back the last of the CID proceeds.
- On September 30, 2021, the UG Commission approved the 3rd Amendment to the West Lawn DA, which provided a compromise that allowed the developer to access the remaining CID funds so long as they either (1) paved the lot by November 30, 2022, (2) had a redevelopment plan approved by the Commission for the lot, or (3) paid a \$500,000 penalty.

The original development agreement provided for the issuance of CID bonds to help pay for improvements to the West Lawn area. You may be familiar with the giant video screen and the kind of seating area around there. That's what the main point of that issuance was, however, it also included a provision which required the developer to pave the gravel lot at 1824 Village West

Parkway, which is directly across the street and just to the north of the baseball stadium. That did not occur as required so we temporarily held back the last of the CID proceeds. We eventually reached a compromise whereby we release those proceeds; however, we required the developer to pave the lot by November 30, 2022, or have a redevelopment plan that was approved by the Commission for some use for that lot or they would pay a \$500K penalty.

4th Amendment to West Lawn

- Developer is requesting an additional extension for one year while they look into options for development at the site.
- Under the proposed terms of the 4th Amendment, the \$500,000 penalty would remain if the lot remains unpaved or the Commission has not approved a redevelopment plan for the lot by November 30, 2023.
- The developer can speak to the work they are performing to bring forward a redevelopment plan for the lot.

Tonight, the developer is requesting an additional extension for one year while they look into development options for the site. Under the terms of this proposed 4th Amendment, we would keep the \$500K if the lot either remains unpaved or there's been no redevelopment plan by November 30, 2023.

I believe that a representative from the Legends is here to speak. They can talk about what work they are doing to try and redevelop that site.

Dave Claflin, Legacy Development, said I think most of you, if not all of you, are aware of the exciting plans that we kind of currently have underway there with the Monarchs. Legends is fully aware of the Monarch's plans, and we're working together to bring them to fruition. I have a letter here from both the Legends and the Kansas City Monarchs outlining this plan and explaining that they had hoped to have the transaction completed by this date, but the circumstances unforeseen to both parties have delayed it a bit. The deal is still on and the plans are still moving forward.

Mayor Pro Tem Bynum asked, Mr. Waters, anything further from you? **Mr. Waters** said no. That's all we have. Thank you.

Mayor Pro Tem Bynum said, Commissioner Burroughs, you chaired this committee. Do you want to share anything?

Commissioner Burroughs said I do. Patrick, thank you for the clarification. Committee, help remind me. We had talked about a year extension, but I thought we had moved that to a six-month extension due to the fact that the excuse was the weather was too cold to pave right now. We didn't want to run into that next year so we talked about a six-month extension.

Please, Patrick, I read the contract tonight and it has a one-year criteria in it. If I'm wrong, please correct me.

Mr. Waters said yes, Mr. Chairman. You did speak to that at the meeting. You can make an oral amendment to the agreement tonight. It was too late to make that change, but you can make an oral amendment to change the timeframe.

Commissioner Burroughs said if I may. There is a lot of energy behind this development moving forward. I don't think a year is necessary. I would hate, as we discussed in committee, we looked at a six-month extension for the purpose of keeping this expedited. My concern is if we wait a year and they come back for another thing, we're going to be in another period where we're going to have to extend it even further. So, it makes no difference if it's six months or a year. I believe the project is going to move forward, but I just understand the committee's work. I thought we had agreed on six months. Evidently, that's not in the amendment.

Mr. Claflin said I agree with you, Commissioner. There is a lot of energy and I don't think anything will slow this down. My only question would be, say they close on the land February 2023, and I don't know what six months from now would be, is that enough time? I think the amendment reads that the redevelopment plan has to be approved. I just want to make sure there's enough time administratively for you all to approve a development plan.

Commissioner Davis said if I can add some more commentary to what Commissioner Burroughs was saying. As I remember, and colleagues correct me, the reason why it might have gotten slightly convoluted was because there was no one to kind of represent you all there, so we were all hypothesizing at that point on what would come and, therefore, we could not ascertain whether or not it would be a good idea. The recommendation for six months would have put you all for the month of May, just to give you some clarity on what that would look like. That's probably a little bit more, but would that be amendable to you all? Is that possible?

Mr. Claflin asked, in the amendment language, what does redevelopment plan approval mean? Maybe that's a question for Mr. Waters. Are you able to get through your process in time?

Mr. Waters said I think it would either be a final development plan through Planning and Zoning or some type of contractual development agreement with the Unified Government.

Commissioner Davis asked, is a six-month window enough time? I guess that's probably a Planning question more than anything. Mr. Waters, do you have any thoughts on that if six months or the month of May would be available? **Mr. Waters** said no. I defer to the Commission on how long they want to give.

Commissioner Davis said I would say I'm for either or. Is there anything more you—I've missed your name, sir. **Mr. Claflin** said Dave Claflin. **Commissioner Davis** asked, Mr. Claflin, is there anything more you can share as far as what this might be or just kind of some general things just to give us an idea because these are a lot of amendments that we've been making?

Mr. Claflin said absolutely, and I'll have to be vague. I don't want to use terms although we do have LOIs or the Monarchs have LOIs with most of these partners. I apologize we missed the standing committee meeting. It was a miscommunication.

The Monarchs' plans include a large entertainment, destination entertainment attraction there on the corner, then a hotel and retail promenade that leads along the right field line of the Legends leading out into the other parking lot. So, there's a lot of different pieces that go with it, but it's significant and exciting.

Commissioner Davis said okay. Gotcha. I'm fine with a year. Given our planning process does take a while and our Planning staff is fairly overwhelmed—but that's just me. I would go with whatever my colleagues (inaudible).

Commissioner McKiernan said I have seen bits and pieces of the potential plan. Given the complexity of it, I would suggest that it would not probably make it to final plan review or development agreement status within six months. I'm fine with a one-year extension, a 4th amendment that would extend it one year if that would please the committee. I would be willing to make that motion if necessary.

Commissioner Burroughs said thank you, committee members. I appreciate it. I just didn't want to disrespect the discussion that we had in reference to the contract. In all fairness to Mr. Waters, I want to ensure that he clearly heard the direction of the committee and reported it correctly. I know you're very bullish on the project. I don't think the extra six months is really going to be necessary, but if it helps with the situation moving forward and gives you a higher comfort level, I'm just excited to see something move forward. We did miss your discussion at the meeting and that's why the six-month decision came forward.

Action: **RESOLUTION NO. R-77-22**, "A resolution adopting the fourth amendment to Legends West Lawn development agreement." **Commissioner Burroughs made a motion to adopt the resolution. Commissioner McKiernan second the motion clarifying that it is a one-year extension.**

Mayor Pro Tem Bynum said one year, and we have a motion and a second. Any further discussion? Roll call, please.

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

ADMINISTRATOR'S AGENDA

Item No. 1 – 212106...ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS AT 1700 KANSAS AVENUE (ECOVYST CATALYST TECHNOLOGIES, LLC)

Synopsis: An ordinance authorizing the issuance of Industrial Revenue Bonds in an amount not to exceed \$4,000,000 for the purpose of acquiring, constructing, improving, installing, and equipping an industrial facility at 1700 Kansas Avenue (Ecovyst Catalyst Technologies, LLC), authorized by R-68-19, submitted by Patrick Waters, Deputy Chief Counsel. The documents can be found at this link: <https://xfer.wycokck.org/public/folder/qATYSisILEaDwx3f6TXYA/FC%2011-17-22%20Links>

Administrator's Agenda Item No. 1 –

ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS AT 1700 KANSAS AVENUE

(ECOVYST CATALYST TECHNOLOGIES, LLC).

Patrick Waters, Deputy Chief Counsel, said I'll take this as well.

Ordinance Issuing IRBs for Ecovyst Technologies

Ecovyst is a catalyst technology innovator, serving the chemical and energy sectors.

Resolution of Intent to issue IRBs with the UG approved in 2019 for \$100 million, so this work was preapproved and authorized.

Each year since, Ecovyst has continued to build expansions to its plant.

Year	Item	Amount	Balance
	Resolution of Intent R-68-19	\$100,000,000	
2019	Series A (O-77-19)	\$19,498,511	\$80,501,489
2019	Series B (O-78-19)	\$211,894	\$80,289,595
2020	Series A (O-104-20)	\$14,963,549	\$65,326,046
2020	Series B (O-105-20)	\$1,144,877	\$64,181,169
2021	Series A (O-145-21)	\$2,768,504.00	\$61,412,665
2021	Series B (O-146-21)	\$5,329,544.00	\$56,083,121

The company, Ecovyst, they are known as a catalyst technology innovator. They serve both the chemical and energy sectors. Tonight's resolution of intent—I'm sorry. The original resolution of intent to issue IRBs was approved in 2019 and some of you may remember that it was a very large issuance for \$100M. Over the last few years, they have worked that down as they have expanded their plant. So each time they have an expansion to their plant, they do a new IRB issuance.

Ordinance Issuing IRBs for Ecovyst Technologies

This \$4 million expansion supported increased customer demand for the Microsphere hydrogel product.



Before with initial steel and some major equipment set.



After with building enclosed.

These are some pictures of the newest addition to their plant. It is to support the increased customer demand for this hydrogel product that they produce there.

Ordinance Issuing IRBs for Ecovyst Technologies

Tonight's request is to approve the Ordinance formally authorizing the issuance of IRBs for the \$4 million expansion.

Ecovyst team members are here if the Commission has additional questions about their operations.

Tonight's request is to approve the ordinance formally authorizing the issuance of the IRBs just for this one single \$4M expansion. I believe that we have Ecovyst team members here if the Commission has any questions about their operations, they could certainly answer that in more detail.

David Nadiya, Ecovyst, said I'm here to answer any questions you might have.

Action: **ORDINANCE NO. O-163-22**, "An ordinance authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to issue taxable industrial revenue bonds (Ecovyst Catalyst Technologies LLC project) Series 2022B, in a principal amount not to exceed \$4,000,000, for the purpose of providing funds to pay the cost of acquiring, improving, constructing, installing and equipping of an industrial facility, including land, buildings, structures, improvements and fixtures; authorizing the Unified Government to enter into certain documents and the taking of other actions in connection with the issuance of said bonds." **Commissioner Kane made a motion, seconded by Commissioner Davis, to approve the ordinance.**

Mayor Pro Tem Bynum asked, Commissioner McKiernan, was that your...**Commissioner McKiernan** said that was going to be what I did. I want to say that Ecovyst has been a phenomenal part of the Second District. They've been a phenomenal part of Armourdale, and we appreciate the extraordinary investment that they have made in Kansas City, KS, and in Armourdale.

Mayor Pro Tem Bynum said thank you, sir, for hanging in with us. **Commissioner Burroughs** said very effective testimony.

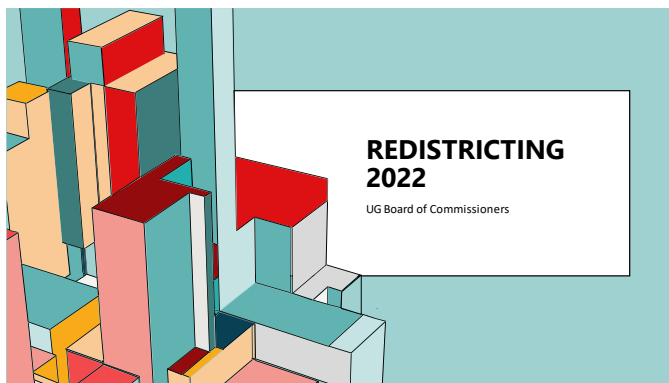
Mayor Pro Tem Bynum asked, any other discussion from the commissioners? If not, we have a motion and a second. Call for the vote, please.

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

Item No. 2 – 212117...RESOLUTION/ORDINANCE: AMENDING SECTION 2-53 OF THE CODE TO SET NEW UG COMMISSIONER DISTRICT BOUNDARIES

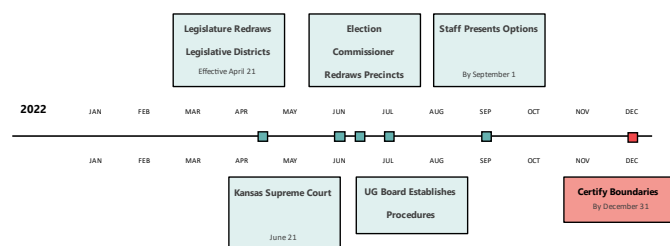
Synopsis: Adopt resolution and approve ordinance amending Section 2-53 of the UG Code to set new UG commissioner district boundaries, and to make other corrections to Section 2-53, submitted by Jeff Conway, Assistant Counsel.

Mayor Pro Tem Bynum said we have Jeff Conway here with Legal.



Jeff Conway, Assistant Counsel, said I promise I’ll be brief. Essentially what we have are three possible alternatives. There’s a map for each and a corresponding resolution.

TIMELINE



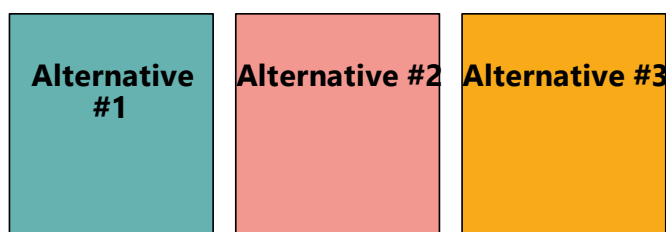
I do want to just take a couple of seconds and explain. We're doing slightly a little bit more than just a map. We always talk about maps with respect to the commissioners' districts, but in reality, in the code, it's a table of all of the wards and precincts. So, that's basically what we're adjusting.

The table here corresponds with the map. There's a couple of other things. As we looked at these, there was a conflict in the statutes, between the statutes and the code. The code provision originally said that the filing fee for commissioners was a percentage of the salary. The statutory provision that came later said that it's a \$20 filing fee. So, obviously there's a conflict and we're gonna have to clean up our code to correspond with the state statute. So that's what that piece is.

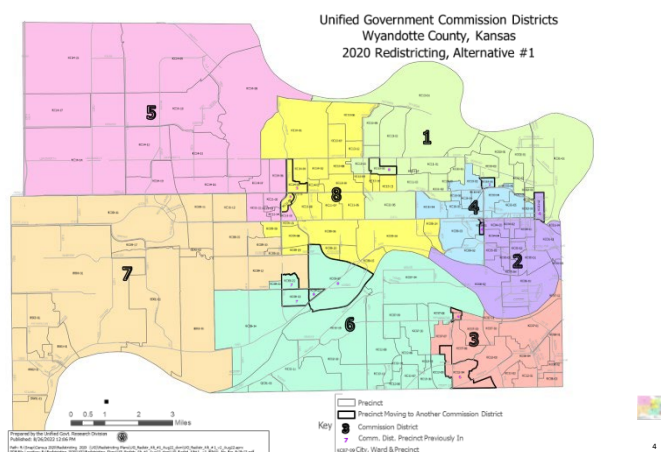
Next is the redistricting itself and the extra part on the end is where we had some odd surplus language so we had to clean that up and make sure that our code talks about the redistricting process that's done every 10 years that end in 2. I know that's really strange language, but that's what the legislature decided to use. If you think that's late, it really is. We're the 49th state to do our redistricting in the process every 10 years. So it is kind of late so that's why we have the timeline there.

As you see what happened over the course this last year, the legislature had to do the legislative lines. We had to wait and see about the litigation that came about. The Supreme Court issued the opinion on June 21st. At that point, we can redo our precinct lines because we couldn't have any precincts cut by legislative lines or congressional lines. At that point, the Election Commissioner could put together a precinct map. Once we have the precinct map nailed down, then we could start building your commissioner districts. So, that's how that unfolded. We have the deadline for December 31st to nail it down and certify your commission lines. So, that's where we're at.

ALTERNATIVES FOR BOARD OF COMMISSIONERS



We've got the three maps and we could roll through those. Each map has a corresponding table that shows the commissioner districts; three alternatives.



There's the first map.

Unified Government Commission Districts
Wyandotte County, Kansas
2020 Redistricting, Alternative #1

BEFORE REDISTRICTING		
Commission District	2020 Population*	Diff. from Optimal Population
1	21,122	-34
2	19,603	-1,553
3	18,637	-2,519
4	22,462	1,306
5	23,496	2,340
6	20,057	-1,099
7	22,463	1,307
8	21,405	249
Total Population	169,245	---

AFTER REDISTRICTING, ALT. #1		
Commission District	2020 Population*	Diff. from Optimal Population
1	21,563	407
2	20,916	-240
3	21,013	-143
4	21,500	344
5	21,216	60
6	21,104	-52
7	21,070	-86
8	20,863	-293
Total Population	169,245	---

*U.S. Census Bureau, 2020 Decennial Census

Note: Target/optimal population range after redistricting is between 20,733 and 21,579. Difference from target/optimal population is +/- 423.

R:\Snap\Census 2020\redistricting 2020\GIS\Working\Final\Precincts Comparison_PRECINCT (June 2020)\BRO-PRECINCT layer.via\ALTERNATIVE #1 v2 FINAL SUMMARY 8/25/2022

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Then the table. I'm not going to do all three of them. I'm going to show you that before redistricting, you see how they're all laid out. Some districts gained population over the last 2 years or 10 years. Some districts lost population, so you see how it's broken out. The total county

population—this is an important number because I wanted to know. A lot of statutes talk about how big the county is and if you're in or out or whatever. 169,245 is the official number for Wyandotte County. So you divide by 8 and then the real unsung here and this whole thing is Mike Grimm, with Finance, had to take this data and work with it and try to come within 2 percentage points, plus or negative. So, he did that for map 1. He did that for map 2, and he did that for map 3.

As you can see on the right side, we have the districts laid out. As long as it's within 423 people, plus or minus, it works. Each one of these maps meet that criteria. There's other, let's see, it talks about compactness and obviously it has to be 1/8 of the population. You have to follow the precinct lines, etc., etc. It's all laid out in the code.

So each one of the three maps meets those criteria so at that point, we met the timeline by September 1st and presented those to the Commission. Since that time, a couple of the commissioners have asked that a third one be presented so Mike put that together, and that's Alternative 3. So, that's briefly where we're at. Any questions? I'd be happy to answer.

Commissioner McKiernan said, Mr. Conway, thank you for your work and especially, Mr. Grimm, thank you for your work. Commissioner Johnson and I were affected by each of these three differently. We have consulted with each other and we believe that Alternative 3 represents the best redistricting as it relates to Districts 2 and 4.

Action: **ORDINANCE NO. O-164-22/RESOLUTION NO. R-78-22**, “An ordinance/resolution relating to Chapter 2, Administration, amending Sections 2-51 and 2-53 of the Unified Government Code, and repealing original Sections 2-51 and 2- 53.”
Commissioner McKiernan made a motion, seconded by Commissioner Johnson, to approve the ordinance/adopt the resolution for Alternate 3.

Mayor Garner said I believe there's a motion. I believe there's a second. Any discussion? Clerk, roll call, please.

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

COMMISSIONERS' AGENDA

Item No. 1 – 212109...PRESENTATION: RESOLUTION OF SUPPORT R-67-22 FOR INCREASING THE BASE SALARY OF SWORN SHERIFF'S OFFICE EMPLOYEES

Synopsis: Per the direction of the commission at the Special Session on Thursday, October 27, 2022, a presentation will detail the steps to operationalize Sheriff Deputies' wage increases for the Sheriff's 2023 budget. The effective date of the salary increase will be January 1, 2023. At a future budget workshop, there will be a discussion of operationalizing Sheriff Deputies' increases by amending the 2023 budget, submitted by Reginald Lindsey, Budget Manager. This item is being requested to be fast-tracked to the November 17, 2022, full commission meeting.

Mayor Garner said I'll turn it over to Mr. Reginald Lindsey for the presentation, in conjunction with our Sheriff.

Daniel Soptic, Sheriff, said I'll keep this really brief because we're standing between you and the door. Per your instructions and the standing committee, when you approved the resolution of support, you asked how this would be funded and then eventually forward to the full Commission. We did present to that committee for information. We're here again in front of the full committee to present, for information, on how this is going to move forward. I'll let Mr. Lindsey explain how we're gonna do it.

County General Fund Forecast
2022-2027

County General Fund	2022 Amended Budget	2023 Approved Budget	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$ 76,691,702	\$ 77,827,782	\$ 80,835,292	\$ 84,726,332	\$ 88,703,131	\$ 92,936,109
TOTAL EXPENSES	\$ 78,204,310	\$ 80,263,469	\$ 83,310,123	\$ 86,431,834	\$ 89,724,621	\$ 93,216,127
Net Change in Fund Balance	\$ (1,512,608)	\$ (2,435,687)	\$ (2,474,831)	\$ (1,655,502)	\$ (961,490)	\$ (290,018)
Cash Basis Ending Fund Balance	\$ 12,399,230	\$9,963,543	\$7,488,713	\$5,833,210	\$4,871,722	\$4,591,704
ACF Ending Fund Balance	\$ 15,440,254	\$13,004,567	\$10,529,707	\$8,874,234	\$7,912,744	\$7,632,728
Reserve % of Expenditures	19.74%	16.20%	12.64%	10.27%	8.82%	8.19%
Fund Balance 17% Target	\$13,294,733	\$13,644,790	\$14,162,721	\$14,693,412	\$15,253,185	\$15,846,742

Reginald Lindsey, Budget Director, said when the Sheriff initially presented, he planned to start the funding this month. Now the funding is going to start January 1, 2023, for Sheriff Soptic and his department. Some of the things that we have on the screen are basically the County General Fund when we approved it back on September 15th. This is to kind of give you a view of what the budget looked like when we approved it on September 15th. You see 2023 approved budget is an \$80M budget. Of that \$80M, our Sheriff's Office has a \$37M budget, which is 47% of that

approved 2023 budget. He has 295 FTEs, which is 45% of the FTEs in that fund, and that's like 675 FTEs in the County General Fund in total.

You can kind of see when we approved the budget in 2023, we had a 16% fund balance. As we get out into the five-year forecast, 2027, the fund balance of a little less than 9%, which we try to keep the fund balance at 17%, but it does drop below that. As we got out into 2027, you can see where the structural imbalance is \$280K.

**County General Fund Forecast
2022-2027
Including Sheriff's Office Compensation Realignment**

County General Fund	2022 Amended Budget	2023 Forecast	2024 Forecast	2025 Forecast	2026 Forecast	2027 Forecast
TOTAL REVENUES	\$ 76,691,702	\$ 77,827,782	\$ 80,835,282	\$ 84,776,532	\$ 88,763,131	\$ 92,996,189
TOTAL EXPENSES	\$ 78,204,310	\$ 81,266,080	\$ 84,654,007	\$ 87,829,389	\$ 91,269,471	\$ 94,922,772
\$1a Sheriff's Office Compensation Realignment	\$ 1,292,358	\$ 1,344,294	\$ 1,395,000	\$ 1,544,810	\$ 1,695,645	
Net Change in Fund Balance	\$ (1,512,608)	\$ (3,438,300)	\$ (3,818,725)	\$ (3,052,857)	\$ (2,496,340)	\$ (1,926,583)
Cash Basis Ending Fund Balance	\$ 12,399,233	\$ 8,960,933	\$ 5,142,208	\$ 2,089,351	\$ (578,989)	\$ (1,494,713)
ACF Ending Fund Balance	\$ 15,440,233	\$ 11,711,907	\$ 7,922,482	\$ 4,836,494	\$ 2,339,154	\$ 445,314
Reserve of Expenditures	19.74%	14.36%	9.34%	5.51%	2.65%	0.47%
Fund Balance 17% Target	\$13,284,733	\$13,864,528	\$14,391,249	\$14,931,081	\$15,515,810	\$16,119,871

With the information, Sheriff Soptic's budget, giving him his increases, put a line in this model to kind of show how it impacts. The impact is 2023's forecast the fund balance does drop to 14% from the 16% that we had when we approved the budget. As you get out to the 2027, we are in the negative. Actually, when we get into 2026, go into the negative cash fund balance. You definitely have to straighten that budget out by then. Some of the key things here is Sheriff Soptic's deputies would go from like \$45K to \$56K a year, which brings them 100% parity with the Police Department.

Estimated Budget Impact of Matching FOP 40 Positions to FOP 4 Positions*

Note: Only filled positions analyzed

Position	Annual Pay Difference (100% of Police Dept. Pay)**	# Positions
DEPUTY	\$1,237,850	107
SHERIFF SERGEANT	\$206,898	13
SHERIFF CAPTAIN	\$152,131	6
SHERIFF	\$70,616	1
SHERIFF MAJOR	\$55,786	2
SHERIFF INVESTIGATOR	\$48,027	3
SHERIFF LT. COLONEL	\$29,390	1
SHERIFF WARDEN COMMANDER	\$25,272	1
CHIEF DEPUTY	\$19,906	1
TOTAL ESTIMATED PAY DIFFERENCE	\$1,845,876	135
Additional KPERS Payments (KPERS Sheriff Rate (22.86%) Paid by UG to KPERS)	\$421,967	
TOTAL ESTIMATED BUDGET IMPACT	\$2,267,843	

*FOP 40 (Sheriff) positions were matched to comparable FOP 4 (Police Dept.) positions. Annual pay difference based on 100% of Police Dept. pay.

**Annual pay difference derived by multiplying hourly base pay difference by 2080 hours.

R:\Personnel\sheriff_ranges\2022 Analysis\FOP 40 Position Pay Adjustment_June 2022 Payroll.xlsx\PVOT SUMMARY

This here is a breakout of just the different positions in Sheriff Soptic's organization. We have 107 deputies. This is 100% pay parity. One of the questions that was asked last time we presented this on October 27th, what was the difference of going from 95% parity to 100% parity. The number, I did just a quick math in that meeting, I did say a \$200K difference; but after I got with our HR Department and looked at some of these other positions that would need like raises, (inaudible), and KPERs rate, which I didn't take into consideration, you are looking at about a \$600K increase, not a \$200K increase.

Estimated Budget Impact of Matching FOP 40 Positions to FOP 4 Positions at 100% Pay
Note: Only filled positions analyzed

Position	# Positions	2023	2024	2025	2026	2027
DEPUTY	107	1,237,850	1,287,364	1,338,859	1,392,413	1,448,109
SHERIFF SERGEANT	13	206,898	215,174	223,781	232,732	242,041
SHERIFF CAPTAIN	6	152,131	158,216	164,545	171,127	177,972
SHERIFF	1	70,616	73,441	76,378	79,433	82,611
SHERIFF MAJOR	2	55,786	58,017	60,338	62,752	65,262
SHERIFF INVESTIGATOR	3	48,027	49,948	51,946	54,024	56,185
SHERIFF LT. COLONEL	1	29,390	30,566	31,788	33,060	34,382
SHERIFF WARDEN COMMANDER	1	25,272	26,283	27,334	28,428	29,565
CHIEF DEPUTY	1	19,906	20,702	21,530	22,392	23,287
TOTAL ESTIMATED PAY DIFFERENCE	135	\$ 1,845,876	\$ 1,919,711	\$ 1,996,499	\$ 2,076,359	\$ 2,159,414
Additional KPER Payments (KPERs						
Sheriff Rate (22.86%) Paid by UG to						
KPERs)						
		421,967	438,846	456,400	474,656	493,642
TOTAL ESTIMATED BUDGET IMPACT		2,267,843	2,358,557	2,452,899	2,551,015	2,653,056

Y:\Personnel\Department\0200 - Sheriff\2022\Match FOP 40 to FOP 4\Admin-Health Standing Committee\Sheriff FOP 40 Budget Impact

This is Sheriff Soptic's position, what it looks like overtime funding it out to 2027. (inaudible) 2027, \$2.6M; 2023, \$2.2M; (inaudible) impact growth.

Sheriff Full Time Equivalents (FTEs)

POSITION	Budgeted		
	Current FTE	FTE	Variance FTE
DEPUTY	107	141	-34
SHERIFF SERGEANT	13	13	0
SHERIFF CAPTAIN	6	8	-2
SHERIFF	1	1	0
SHERIFF MAJOR	2	4	-2
SHERIFF INVESTIGATOR	3	4	-1
SHERIFF LT. COLONEL	1	1	0
SHERIFF WARDEN COMMANDER	1	1	0
CHIEF DEPUTY	1	1	0
TOTAL FTE	135	174	-39

This is a view of full-time equivalence in Sheriff Soptic's budget. This kind of just breaks down current FTEs and budgeted FTEs for his department. We can see deputy is where he's really struggling. He has 107 FTEs right now. You have 141 budgeted for. It fluctuates through the year where it's 34 to 40 FTEs where he's lacking. That's usually about a 30% variance as far as vacancies. The other positions, they don't quite run vacancies that the deputies do.

SHERIFF'S DEPARTMENT OVERTIME PAY				
Year	Amended Budget	YTD Actual Expenditures	Budget Balance	% Bud Avail
2022	\$ 1,006,794.00	\$ 1,981,341.50	\$974,547.50-	96.8-
2021	\$ 1,006,794.00	\$ 1,891,317.40	\$884,523.40-	87.9-
2020	\$ 1,006,794.00	\$ 2,027,331.84	\$1,020,537.84-	101.4-
2019	\$ 1,006,794.00	\$ 2,046,903.59	\$1,040,109.59-	103.3-
2018	\$ 956,794.00	\$ 1,803,937.54	\$847,143.54-	88.5-

This right here is just kind of giving you a view of the Sheriff's Department overtime pay over the years or a five-year history. In 2021, we went almost \$900K over budget in overtime pay. This year, we are tracking almost \$1M over budget.

So one of the things that will happen is once we start to get these positions filled, overtime pay will greatly be improved. It definitely will not be over budget (inaudible). So, the vacancy issue has been a problem since 2017 for the Sheriff's Department.

So, one of the key things that I'd like to say is that this is going to start taking place on January 1st and it will be within the budget and then there's something (inaudible) that people have to take steps (inaudible). Sheriff Soptic's budget can carry us until the fourth quarter of 2023, but the amendment that we would have to make will take us through rest of the (inaudible) Any questions?

Sheriff Soptic said if I could say one thing. Thank you to the Commission, thank you to the Mayor and all the staff that helped make this happen. I know the men and women of the Sheriff's Office are very grateful.

Mayor Garner asked, are there any questions? I believe this was for information only. **Mr. Deichler** said correct, sir.

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

Mayor Garner said it was for information only. Sorry for that confusion. Thank you, Sheriff, and thank you, staff. Thank you, Commission. I appreciate the work of our Sheriff's Department, all the men and women that work to keep our community safe.

Action: For information only.

Myor Garner said I believe that was the last item.

(Inaudible) said resolution of support. **Misty Brown, Chief Counsel**, said I believe there's an error in just how the agenda read. You've already passed the resolution of support. This was a report that detailed the operational steps to make this happen. Currently, the Sheriff's going to handle this in 2022 through the line items in his current budget. Then in 2023, the actual budget adjustment will come to you as part of the budget revision process.

Mayor Garner said thank you, Counsel.

Mayor Garner said before we adjourn, I'd just like to remind everybody and the public that 4:30 tomorrow, post-COVID, this is the first in-person downtown holiday Christmas tree lighting. I know several of our employees are excited as well as they were involved in a gingerbread contest. So we want everybody to come see the great work and the artistic value and the effort that our employees put into that. Some of your commissioners are going to be helping with deciding who the winner is, so we're excited about that. Santa will be on site so bring your kids because I know they have a huge wish list of things. We'll have entertainment. We'll have crafts. We'll have vendors. Hopefully, we'll have a really good time. Just dress warm.

ADJOURN

Mayor Garner said I will now entertain a motion to adjourn.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Davis, to adjourn.**

Mayor Garner said before I adjourn, that does start at 4:30 p.m. tomorrow on Friday. So thank you all.

Mayor Garner said there's a motion and a second to adjourn. Roll call, please.

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

Mayor Garner said we're adjourned. Thank you.

**MAYOR GARNER
ADJOURNED THE MEETING AT 11:55 P.M.
November 17, 2022**

**Brett A. Deichler, PMP|CPM
Unified Government Clerk**

am/cg

November 17, 2022



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 26, 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 19, 2023 – October 26, 2023

1. COMMUNICATION:

Tomi Francis-Ramirez, Executive Director, Downtown Shareholders, submitting the financial report for the Self-Supporting Municipal District/Downtown Improvement District (SSMID) for the month of September 2023.

Action: Received and filed.

2. COMMUNICATION:

- Monica L. Sparks, Interim UG Clerk, listing bids received on October 25, 2023, for project 2021/2022 Neighborhood ADA Ramp Project and Holiday Bridge Replacements #281 and #283.

Action: Received and filed. Copy previously forwarded to County Administrator, Public Works, and Legislative Auditor.

3. PERSONNEL ACTION COMMUNICATION, DATED October 24, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Lamika Davis	Parks/Rec	10/26/23	Program Aide
Tony Denson I	PW/Fleet	10/26/23	Fleet Maint Tech I
Jayson Franke	DOTS	10/26/23	Info Systems Analyst
Joyce Mckenzie-Lowe	Sheriff	10/26/23	Juv Detention Officer
Tiaria Union	Sheriff	10/26/23	Juv Detention Officer

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Miguel A Acosta	Police	11/1/23	Buyer	Info Systems Analyst
Darren J Bennett	Fire	10/5/23	Battalion Chief	Battalion Chief

Tamara D Jordan	Polie	10/19/23	Public Safety Dispatcher	Office Assistant III
Kevin S Uziel	Parks/Rec	10/5/23	Park Maint Tech II	Ops Supervisor

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Coleen Bosley	Fire	10/10/23	Fire Apparatus Driver
Ryan S Bowles	Health	10/25/23	Environmental Comp Supervisor
Denise Colles	Finance/Treasury	10/17/23	Fisc Supt Asst
Koleton J Krueger	Clerk	10/20/23	Admin Supt Specialist
Laura Landis	PW/B&L	10/24/23	Architect
Leslielisa Lopez	Health	11/1/23	Program Specialist
Lore E Maloney	Police	10/25/23	Public Safety Dispatcher

IV. Reclassifications

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Ntsum Her	Fire	9/28/23	Fiscal Officer	Management Analyst
Margaret Lansdown	Police	5/25/22	Office Asst III	Prof Asst
Natalie Xiong	Fire	9/28/23	Program Supervisor	Manager
Vacant	NRC	10/3/23	Inspector I	Enforcement Specialist
Vacant	NRC	10/3/23	Inspector I	Inspections Supervisor
Vacant	NRC	10/3/23	Inspector I	Sr Prop Maint Inspector

Action: Received and filed. Copy previously forwarded to Payroll.

4. PERSONNEL ACTION COMMUNICATION, DATED October 26, 2023:

Section I – Appointments

Name	Department/Division	Eff. Date	Job Title
Michael T Martin	Police	10/26/23	Info Sys Coordinator
Andrew Seay	Parks/Rec	10/26/23	Groundskeeper I

Section II – Transfers

Name	Department/Division	Eff. Date	Former Job Title	New Job Title
Ramon D Smith	Transit	10/12/23	Lead Transit Operator	Program Coordinator

Section III – Separations

Name	Department/Division	Eff. Date	Job Title
Ambur Banner	Health	11/1/23	Deputy Director
Nathan R Gumpert	Police	9/13/23	Detective
Christopher Townsend	Police	11/1/23	Security Officer
Grady Wayne	Police	11/1/23	Security Officer

Action: Received and filed. Copy previously forwarded to Payroll.

5. TRAVEL REQUESTS:

Keith Anderson, Police Department, travel to Osage Beach, MO, September 26 – 29, 2023, to attend FBI Academy, Employee Training & Travel.

Darrick Diehl, Adam Ziegler, Christian Matos, and Micah Hydeman, Fire Department, travel to St. Louis, MO, October 31 – November 3, 2023, to attend Swiftwater Class, Cost covered by MARC.

Jared McGrew and Amber Freeman, Sheriff's Department, travel to Hutchinson, KS, October 15 – 20, 2023, to attend Law Enforcement Leadership Academy Supervisor School, Employee Training & Travel.

Augustine Oropeza, Technology, travel to Jefferson City, MO, October 2 – 4, 2023, to attend KAMOUG User Group Meeting, Employee Training & Travel.

Troy W. Rice, Police Department, travel to Orlando, FL, October 22 – 28, 2023, to attend FBA Cart Moot Court Training, Paid by FBI.

Chad A. Wombie, Fire Department, travel to Manhattan, KS, November 2 – 4, 2023, to attend Kansas State Association of Fire Chiefs, FND 110.

Action: Approved by Administrator's Office and received and filed.

6. CLAIMS:

Ron and Lara Aitkens, 25200 Metn Ave., Tonganoxie, KS, 66086, alleging damage to tire due to street repair on October 18, 2023.

Peter and Angela Gosserand, 73 S. 18th St., alleging damage due to sewer back up on August 10, 2023.

Jerra Hussey, 2101 N. 7th St., alleging injuries from UG Transportation on July 26, 2023.

Dana Stokes, 2704 N. Early St., alleging damage to vehicle due to tire spikes from the KCKPD on August 7, 2023.

Action: Received and filed. Forwarded to Legal.

7. MECHANICS LIEN:

Wyandotte Landscaping, Inc.

Action: Received and filed. Forwarded to Legal.

8. MOTION TO SET ASIDE:

Unified Government vs. Adela Abigail Pablo Garcia, Case No. 2022CV000758.

Action: Received and filed. Forwarded to Legal.

9. NOTICE OF PARTIAL ASSIGNMENT OF ASSIGNMENT:

Development Agreement between HFPG KCK, LLC to HFBB KCK, LLC and from HFS KCK to HFTF KCK, LLC.

Action: Received and filed. Forwarded to Legal.

10. CERTIFICATES OF INSURANCE:

Simmons Security & Protection Services
Tidd Tree, LLC
VET Force, Inc.

Action: Referred to License.

11. BUSINESS BONDS:

Electrical Bonds:
Arrowhawk Electric LLC
BCI Electrical
Blue Sky Financial Smart Solutions, Inc. (2)
Cody Fiedler
Donald Sullivan
Kelly Electric

Mechanical/HVAC Bonds:
Casey's Cooling and Heating LLC (2)
Larry Bassett DBA Bassett HVAC
Miller Mechanical, Inc. (2)
The Fagan Company

Plumbers Bond:
IRA Johnson West Shore Home, LLC (2)
MCS Plumbing & Mechanical Piping LLC
Mr. Rooter of Kansas City (2)
Talbot Plumbing LLC
The Fagan Company

Action: Referred to License.

12. CONTINUATION CERTIFICATE:

Electrical Bond:
AMPED Electric LLC
Greenway Electric, Inc.
SJ Electric LLC

Mechanical /HVAC Bond:
Chief Heating & Cooling Inc.
Design Mechanical
United Heating & Cooling, Inc.

Plumbers Bond:
All-N-One Investments LLC
Heartland Plumbing Inc.
Hydro-Tech Plumbing Services, Inc.

Action: Referred to License.

13. NOTICE OF CANCELLATIONS:

Electrical Bonds:
Craig Lunn DBA C L Electric, LLC

Plumbers Bonds:
DW Watson Construction, Inc.

Action: Referred to License.

14. REINSTATEMENT NOTICE:

Bright Side Plumbing, LLC

Action: Referred to License.

15. BOND CHANGE RIDER

Temp-Con LLC

Action: Referred to License.

16. RIDER:

Chief Heating & Cooling, Inc.
Fiedler Electric
Tech Electric, LLC

Action: Referred to License.

17. APPLICATION FOR CMB LICENSE (PKG):

Himalayan Grocery LLC, Gita Ghimire d/b/a Himalayan Grocery, 1406 Minnesota Ave.
Speedy's Convenience Inc, William H Hutton d/b/a Speedy's Convenience, 141 S. 18th St.
Taj 1 LLC, William W Hutton, d/b/a Stop N Shop 6433 State Ave.

Action: Referred to License.

18. APPLICATION CMB LICENSE (OP):

Rosedale Drive-In Theatre Inc, Samuel Neal d/b/a Boulevard Drive-In Theatre, 1051 Merriam Ln.
The Big Q Inc, Mark Quick d/b/a The Big Q Barbecue, 2117 S. 34th St.

Action: Referred to License.

19. APPLICATION FOR DRINKING ESTABLISHMENT/PUBLIC VENUE:

Danny's North Inc, James W Hendricks d/b/a Danny's Bar & Grill, 10940 Parallel Pkwy Ste Q.
Jalisco's Inc, Jose Hernandez d/b/a Jalisco's Restaurant, 5000 State Ave.
Vickie Lowe d/b/a Dad's Hole in the Wall, 1111 N. 50th Terr.

Action: Referred to License.

20. CATERER/DRINKING ESTABLISHMENT/HOTEL:

Donnell's Kitchen & Lounge LLC, Craig Donnell Sr d/b/a Donnell's Kitchen & Lounge

Action: Referred to License.

21. APPLICATION FOR PRIVATE SECURITY BUSINESS:

VetForce Security Inc, William Hutton d/b/a VetForce Security Inc.

Action: Referred to License.

212841



Report to

MEETING DATE	PRESENTER	DEPARTMENT
December 29, 2023	Jeffrey Conway, Assistant Counsel	Economic Development
AGENDA ITEM #		
RESOLUTION: ISSUANCE OF INDUSTRIAL REVENUE BONDS AND TO ADOPT PERFORMANCE AGREEMENT (CARNATION PARTNERS, LLC)		
BACKGROUND		
RESOLUTION—Adopt a resolution of intent to issue industrial revenue bonds in the amount not to exceed \$11,500,000 to finance costs of acquiring, constructing, improving and equipping a manufacturing facility for the benefit of Carnation Partners LLC, and to adopt a performance agreement, submitted by Jeff Conway, Assistant Counsel.		
RECOMMENDATION		
Approve		
To adopt the resolution and performance agreement.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
not to exceed \$11,500.00 to finance cost of acquiring construction		
IT/POLICY CONSIDERATIONS		
none		
PROCUREMENT CONSIDERATIONS		
none		
LEGAL CONSIDERATIONS		
Jeff Conway has reviewed and is working on this item.		
ATTACHMENTS		
Resolution of Intent - Carnation Partners (UG), Notice of Public Hearing - Carnation Partners (UG), Performance Agreement - Carnation Partners (UG), CBA_Carnation_10272023_withLMW_signed, CBA_Carnation_10272023_withoutLMW_signed		

Approved by Mayor and Administrator to add to agenda.

David Johnston, County Administrator

Dated:

11/1/2023

11/3/2023

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 \$11,500,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING A MANUFACTURING FACILITY FOR THE BENEFIT OF CARNATION PARTNERS 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, Carnation Partners LLC, a Kansas limited liability company (together with permitted successors and 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, purchasing, constructing, installing and equipping an approximately 56,700 square foot manufacturing facility located generally at 4500 Dover Street in the City of Kansas City, Kansas, 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 principal amount of not to exceed \$11,500,000 (the “Bonds”), and to lease the Project to the Company 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 \$11,500,000, 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 thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas, 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 4500 Dover Street 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 \$11,500,000, 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 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 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 upon termination of the Performance Agreement. Additionally, this Resolution shall terminate upon 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. 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 set forth 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 NOVEMBER 30, 2023.**

(SEAL)

By: _____
Tyrone Garner, Mayor/CEO

ATTEST:

By: _____
Monica Sparks,
Interim Unified Government Clerk

APPROVED AS TO FORM:

By: _____
Office of Chief Counsel

EXHIBIT A

PAYMENT IN LIEU OF TAX SCHEDULE

Below is an approximate payment in lieu of tax (PILOT) schedule based on a facility square footage of 56,700, which may be adjusted as set forth in the Performance Agreement. Local, Minority, and Women Business Enterprise (L/M/W) goals will be further specified in the Performance Agreement or other separate agreement. PILOT payments do not include the school district's capital outlay levy that cannot be abated under Kansas law.

Year 1 PILOT	\$71,802.37
Facility Square Footage	56,700
Annual Increase	2.00%
Annual Increase if LMW Failure	4.00%

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$71,802.37	\$71,802.37
2	73,238.42	74,674.46
3	74,703.19	77,661.44
4	76,197.25	80,767.90
5	77,721.19	83,998.62
6	79,275.62	87,358.56
7	80,861.13	90,852.90
8	82,478.35	94,487.02
9	84,127.92	98,266.50
10	85,810.48	102,197.16

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.

(Published in *The Wyandotte Echo* on November 2, 2023)

**NOTICE OF PUBLIC HEARING ON ISSUANCE
OF INDUSTRIAL REVENUE BONDS**

Public 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, November 30, 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 \$11,500,000 (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 56,700 square foot manufacturing facility located generally at 4500 Dover Street 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 Carnation Partners 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: November 2, 2023.

Monica Sparks
Interim Unified Government Clerk
701 N. 7th Street
Kansas City, Kansas 66101
(913) 573-8039

PERFORMANCE AGREEMENT

Dated as of November 30, 2023

BETWEEN THE

**UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS**

AND

CARNATION PARTNERS LLC

Prepared By:

**Gilmore & Bell, P.C.
Kansas City, Missouri**

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT, dated as of November 30, 2023 (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 **CARNATION PARTNERS 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 \$11,500,000 (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 \$11,500,000.

“Company” means Carnation Partners LLC, a Kansas 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 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, purchasing, constructing, installing and equipping an approximately 56,700 square foot manufacturing facility, as further described in **Section 3.3**, including land, buildings, structures, improvements and fixtures, machinery, and equipment, all that will be generally located at 4500 Dover Street in the City of Kansas City, Kansas.

“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 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. Classification; Limitation on Company's Right To Protest. If the Project Site is not currently classified as commercial, the Company acknowledges that the county appraiser may reclassify the Project Site to commercial as a result of the issuance of the Bonds. During the term of this Agreement, the Company agrees that it will not, without the written consent of the Issuer, (i) seek to change the classification of all or any portion of the Project Site from commercial to another classification, or (ii) contest the reclassification of all or any portion of the Project Site to commercial.

Except as set forth in the preceding paragraph, 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, equipped, or operated 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 July 1, 2024, and substantially complete construction of the Project on or before December 31, 2025. "Commence construction" shall mean that the Company has entered into a contract with a licensed contractor for the construction of the Project and the Issuer has issued a building permit therefor. "Substantially complete," for purposes of this Section, shall mean that the Project can be occupied or utilized for its intended purpose as a manufacturing facility, as evidenced by receipt by the Company of a temporary certificates 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, 2025.

Section 3.3. Development of Project. 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 an approximately 56,700 square foot industrial and manufacturing facility 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 industrial and manufacturing 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 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, an owner-occupied housing 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 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.

(b) The Company may terminate this Agreement, and thereafter freely sell, assign, transfer or mortgage.

(c) 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 or in the Application 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 by a court of competent jurisdiction 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: msparks@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

And 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:

Vince Ismert
Carnation Partners LLC
3100 Brinkerhoff Road
Kansas City, Kansas 66115
Telephone: (913) 222-1500
Email: vince.ismert@striemco.com

with a copy to:

Curt Petersen
Polsinelli PC
900 W. 48th Place, Suite 900
Kansas City, Missouri 64112
Telephone: (913) 234-7458
Email: cpetersen@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.

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: _____
Monica Sparks,
Interim Unified Government Clerk

APPROVED AS TO FORM:

By: _____
Office of Chief Counsel

CARNATION PARTNERS LLC
a Kansas limited liability company

By:_____

Name:_____

Title:_____

EXHIBIT A

APPLICATION FOR THE ISSUANCE OF INDUSTRIAL REVENUE BONDS

EXHIBIT B

PROJECT SITE

TRACT 1:

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE NORTH 87 DEGREES 38'36" EAST 331.30 FEET (330.00 FEET BY DEED), ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30, TO A POINT ON THE EAST LINE OF A CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 3580 AT PAGE 125; THENCE NORTH 2 DEGREES 10 MINUTES 47 SECONDS WEST 638.00 FEET, ALONG SAID EAST LINE TO THE "TRUE POINT OF BEGINNING"; THENCE SOUTH 87 DEGREES 38'36" WEST 132.63 FEET, PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30, TO A POINT ON THE WEST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 3580 AT PAGE 125; THENCE NORTH 2 DEGREES 11'24" WEST 682.27 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30; THENCE NORTH 87 DEGREES 22'49" EAST 132.76 FEET (132.00 FEET BY DEED), ALONG SAID NORTH LINE, TO A POINT ON THE EAST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 3580 AT PAGE 125; THENCE SOUTH 2 DEGREES 10'47" EAST 682.88 FEET, ALONG SAID EAST LINE, TO THE "TRUE POINT OF BEGINNING" OF THE TRACT HEREIN DESCRIBED.

AND

A TRACT OF LAND IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 SAID SECTION 30; THENCE NORTH 87 DEGREES 38'36" EAST 198.78 FEET (198.00 FEET BY DEED), ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30, TO A POINT ON THE EAST LINE OF A CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4188 AT PAGE 688; THENCE NORTH 2 DEGREES 11'24" WEST 638.00 FEET ALONG SAID EAST LINE, TO THE "TRUE POINT OF BEGINNING"; THENCE SOUTH 87 DEGREES 38'36" WEST 130.63 FEET PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 30, TO A POINT ON THE WEST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4188 AT PAGE 688; THENCE NORTH 2 DEGREES 11'59" WEST 681.67 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE

SOUTHWEST 1/4 OF SAID SECTION 30; THENCE NORTH 87 DEGREES 22'49" EAST 130.75 FEET (130.00 FEET BY DEED) ALONG SAID NORTH LINE, TO A POINT ON THE EAST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4188 AT PAGE 688; THENCE SOUTH 2 DEGREES 11'24" EAST 682.27 FEET, ALONG SAID EAST LINE, TO THE "TRUE POINT OF BEGINNING" OF THE TRACT HEREIN DESCRIBED.

AND

A TRACT OF LAND IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11, RANGE 25 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(NOTE: THE BEARING SYSTEM IN THE FOLLOWING DESCRIPTION IS BASED ON GRID NORTH, KANSAS STATE PLANE COORDINATE SYSTEM NAD 83)

COMMENCING AT A POINT 32.00 FEET WEST AND 20.00 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30, SAID POINT BEING ON THE RIGHT-OF-WAY LINE OF GIBBS ROAD, AS NOW ESTABLISHED; THENCE NORTH 02 DEGREES 12 MINUTES 19 SECONDS WEST 220.00 FEET; THENCE SOUTH 87 DEGREES 38 MINUTES 36 SECONDS WEST 233.13 FEET TO A POINT ON THE WEST LINE OF A CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 3060 AT PAGE 607; THENCE NORTH 02 DEGREES 13 MINUTES 41 SECONDS WEST 398.00 FEET, ALONG SAID WEST LINE, TO THE "TRUE POINT OF BEGINNING"; THENCE NORTH 02 DEGREES 13 MINUTES 41 SECONDS WEST 681.52 FEET, ALONG SAID WEST LINE, TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 87 DEGREES 40 MINUTES 39 SECONDS EAST 265.56 FEET, ALONG SAID NORTH LINE, TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 87 DEGREES 22 MINUTES 49 SECONDS EAST 68.39 FEET, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30, TO THE EAST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 3060 AT PAGE 607; THENCE SOUTH 02 DEGREES 11 MINUTES 59 SECONDS EAST 681.67 FEET ALONG SAID EAST LINE; THENCE SOUTH 87 DEGREES 38 MINUTES 36 SECONDS WEST 333.61 FEET TO THE "TRUE POINT OF BEGINNING" OF THE TRACT HEREIN DESCRIBED.

AND

A TRACT OF LAND IN PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE

CITY OF KANSAS CITY, WYANDOTTE COUNTY, KANSAS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(NOTE: THE BEARING SYSTEM IN THE FOLLOWING DESCRIPTION IS BASED ON GRID NORTH, KANSAS STATE PLANE COORDINATE SYSTEM NAD 83.)

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 87 DEGREES 38 MINUTES 36 SECONDS EAST 662.78 FEET, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 30, TO THE SOUTHERLY PROLONGATION OF THE EAST LINE OF LOT 5, "DOMVILLE SUBDIVISION", A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 02 DEGREES 17 MINUTES 09 SECONDS WEST 638.00 FEET, ALONG SAID SOUTHERLY PROLONGATION AND ALONG SAID EAST LINE AND THE EAST LINE OF LOT 4, "DOMVILLE SUBDIVISION", A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BERRY ROAD, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE "TRUE POINT OF BEGINNING"; THENCE NORTH 02 DEGREES 19 MINUTES 24 SECONDS WEST 350.00 FEET, ALONG THE EAST LINE OF LOTS 16 AND 17, "DICKSLIGH ADDITION", A SUBDIVISION OF LAND IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DOVER STREET, AS NOW ESTABLISHED; THENCE NORTH 02 DEGREES 20 MINUTES 17 SECONDS WEST 331.76 FEET TO THE NORTHWEST CORNER OF A CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4028 AT PAGE 603, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 87 DEGREES 40 MINUTES 39 SECONDS EAST 399.24 FEET, ALONG SAID NORTH LINE, TO THE NORTHEAST CORNER OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4028 AT PAGE 603; THENCE SOUTH 02 DEGREES 13 MINUTES 41 SECONDS EAST 681.52 FEET, ALONG THE EAST LINE OF SAID CERTAIN TRACT OF LAND CONVEYED BY WARRANTY DEED RECORDED IN BOOK 4028 AT PAGE 603; THENCE SOUTH 87 DEGREES 38 MINUTES 36 SECONDS WEST 398.02 FEET, ALONG A LINE PARALLEL WITH SAID SOUTH LINE, TO THE "TRUE POINT OF BEGINNING" OF THE TRACT HEREIN DESCRIBED.

EXCEPT ANY PART USED OR DEDICATED FOR STREETS, ROADS OR PUBLIC RIGHTS OF WAY.

Tax Parcel No. 915 250

TRACT 2:

PARCEL 1:

THE EAST 2 ACRES OF THE WEST 3 ACRES OF THE SOUTH 5 ACRES OF THE WEST 11 ACRES OF THE EAST 15 ACRES OF THE WEST 25 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11, RANGE 25 EAST OF THE SIXTH PRINCIPAL MERIDIAN LESS THAT PART TAKEN OR USED FOR HIGHWAY PURPOSES, ALL IN WYANDOTTE COUNTY, KANSAS.

PARCEL II:

THE NORTH 6 ACRES OF THE EAST 11 ACRES OF THE WEST 21 ACRES OF THE SOUTHEAST ONE QUARTER OF THE SOUTHWEST ONE QUARTER OF SECTION 30, TOWNSHIP 11, RANGE 25, KANSAS CITY, WYANDOTTE COUNTY, KANSAS.

LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

A TRACT OF LAND BEGINNING AT A POINT ON THE NORTH LINE OF, AND 693 FEET WEST OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 25 EAST, WYANDOTTE COUNTY, KANSAS; THENCE WEST ON SAID NORTH LINE A DISTANCE OF 203.01 FEET; THENCE SOUTH 12 DEGREES 24 MINUTES 35 SECONDS EAST A DISTANCE OF 304.96 FEET; THENCE SOUTH 1 DEGREES 30 MINUTES 49 SECONDS WEST A DISTANCE OF 428.53 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 44 SECONDS EAST A DISTANCE OF 145.2 FEET, MORE OR LESS; THENCE NORTH 00 DEGREES 16 MINUTES 58 SECONDS EAST A DISTANCE OF 726.57 FEET TO THE POINT OF BEGINNING;

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH RANGE 25 EAST, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE, 489.99 FEET EAST OF THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER SECTION; THENCE SOUTHEASTERLY. 305.0 FEET ALONG THE WESTERLY RIGHT OF WAY LINE OF THE PROPOSED HIGHWAY, THENCE NORTHWESTERLY TO A POINT ON SAID NORTH LINE, 50.0 FEET WEST OF THE PLACE OF BEGINNING, THENCE EAST, 50.00 FEET ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING, LESS ANY OTHER PART, IF ANY, TAKEN OR USED FOR HIGHWAY OR ROAD PURPOSES.

PARCEL III:

THE WEST 1 ACRE OF THE SOUTH 5 ACRES OF THE WEST 11 ACRES OF THE EAST 15 ACRES OF THE WEST 25 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 11, RANGE 25, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, EXCEPT THAT PART THEREOF IN ROAD.

Tax Parcel No. 915229

EXHIBIT C

TAX PAYMENT SCHEDULE

Tax Payments (or “PILOTs”) shall be as set forth below. Tax Payments shown below do not include the school district’s capital outlay levy that cannot be abated under Kansas law.

Year 1 PILOT	\$71,802.37
Facility Square Footage	56,700
Annual Increase	2.00%
Annual Increase if LMW Failure	4.00%

Year^(a)	Annual PILOT^(b)	Annual PILOT if L/M/WBE Failure^(b)
1	\$71,802.37	\$71,802.37
2	73,238.42	74,674.46
3	74,703.19	77,661.44
4	76,197.25	80,767.90
5	77,721.19	83,998.62
6	79,275.62	87,358.56
7	80,861.13	90,852.90
8	82,478.35	94,487.02
9	84,127.92	98,266.50
10	85,810.48	102,197.16

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 Carnation Partners LLC (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 56,700 square foot manufacturing development 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 November 30, 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 manufacturing facility 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: _____
County Administrator

Date: _____

CARNATION PARTNERS LLC

By: _____

Name: _____

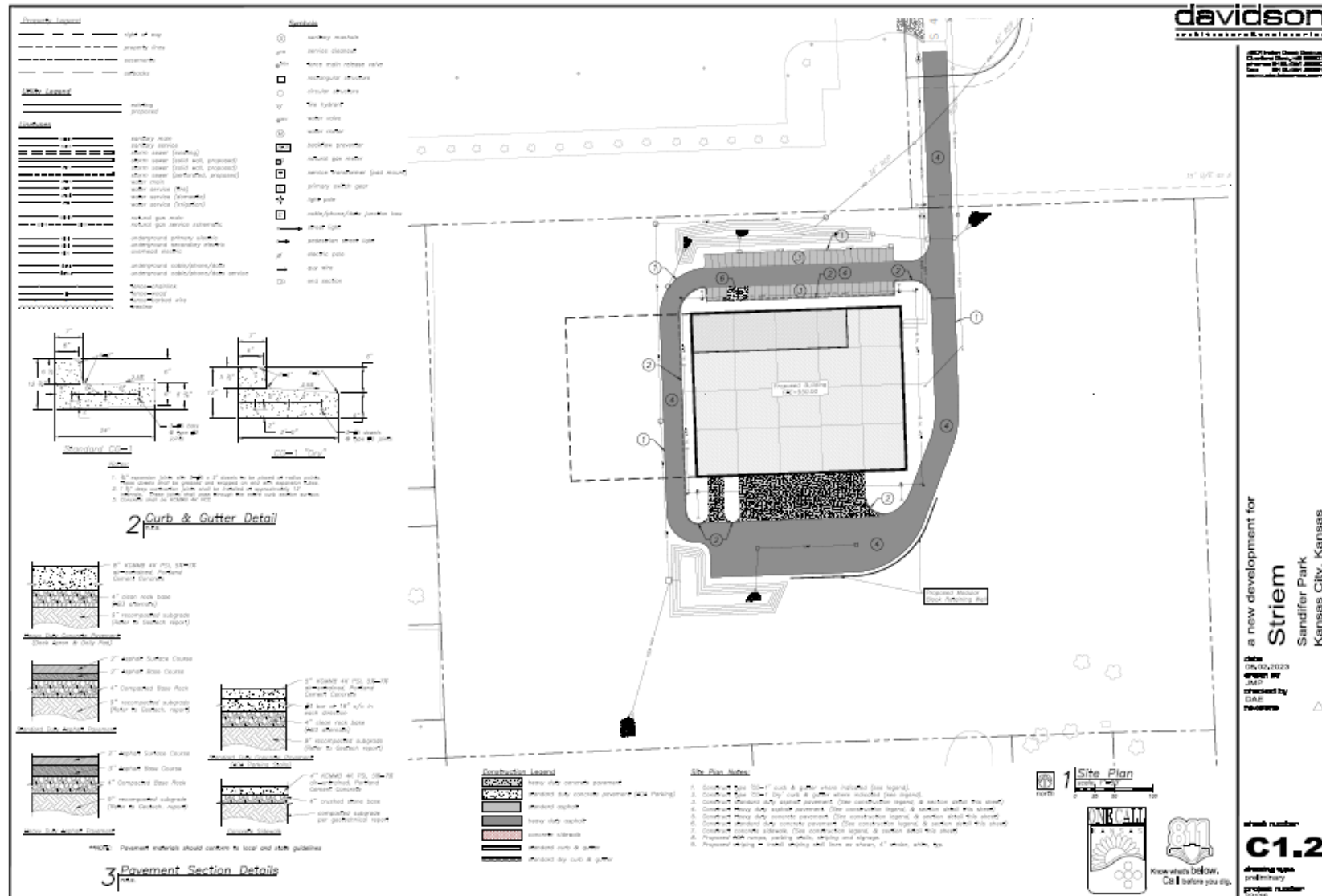
Title: _____

Date: _____

EXHIBIT 1
Legal Description – Link

EXHIBIT 2
Construction Utilization Plan

EXHIBIT E



A Tax Abatement Cost-Benefit Analysis of Carnation Partners, LLC (or assigns)(With L/M/W) for the Unified Government of Kansas City/Wyandotte County

Completed by
Municipal Consulting, LLC
10/27/2023

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.

- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.

- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future performance could be substantially different.

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	2.84	18%
Wyandotte County	2.57	16%
Turner USD 202	3.15	22%
KC Community College	2.02	10%
USD 202 Rec Comm	2.03	6.87%
State of Kansas	7.30	63%

Each of the taxing entities has a positive benefit-to-cost ratio in excess of the desired 1.3. This report assumes that the Unified Government will approve a 55% property tax abatement for 10 years and the firm will receive a sales tax exemption on construction materials and machinery and equipment. This report assumes that the existing sales tax rates for the city, county and state will remain the same. The proposed average salary of the new jobs is 117% the county average wage and we adjusted retail spending estimates accordingly. A PILOT payment which includes the existing property tax is included in this analysis.

If you have any questions or comments, you may reach me with the contact information below.

Steve Robb

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

COST-BENEFIT ANALYSIS PROJECT SUMMARY	
PROJECT NAME:	Carnation Partners, LLC (or assigns)(With L/M/W)
DATE:	10/27/2023
GOVERNMENTAL ENTITIES INVOLVED:	
CITY:	City of Kansas City
COUNTY:	Wyandotte County
SCHOOL DISTRICT:	Turner USD 202
SPECIAL TAXING DISTRICT #1	KC Community College
SPECIAL TAXING DISTRICT #2	USD 202 Rec Comm
STATE:	State of Kansas
INFLATION RATE:	2.00%
DISCOUNT RATE	7.25%

The project involves purchase of about 15 acres and construction of a 56,700 sq. ft. facility to manufacture oil separators, solid interceptors, chemical waste tanks and other accessories for commercial establishments. The project is expected to create 34 new jobs with an average salary above the county average salary. The project is to be located at 4412-4414 Gibbs Road in Kansas City, Kansas. The applicant is requesting 55% property tax abatement for 10 years with a graduated payment in lieu of taxes.

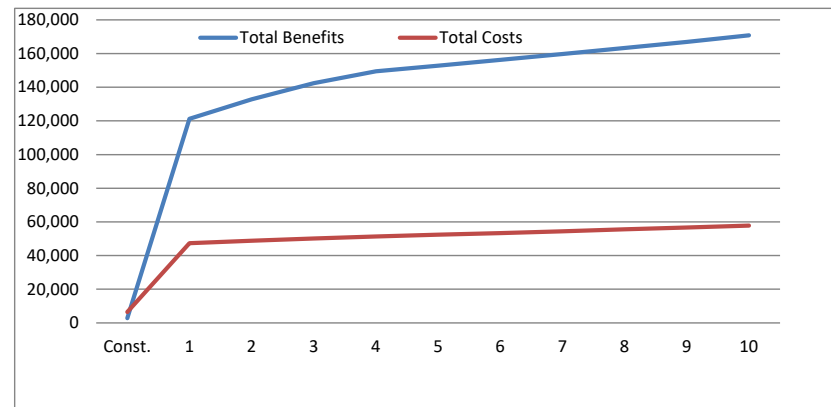
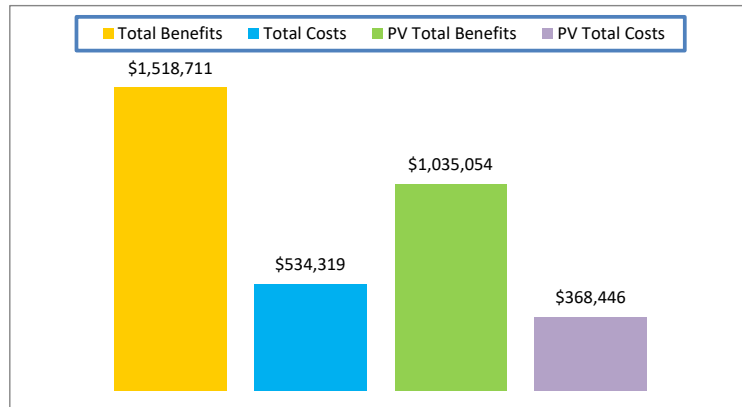
Carnation Partners, LLC 0

Column1	Column2	Column3	Column4	Column6	Column7	Column11
Community Data Inputs:						
	City of Kansas City	Wyandotte County	Turner USD 202	KC Community College	USD 202 Rec Comm	State
Mill Levy	38.476593	37.328383	54.349367	27.375176	6.980480	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a
Enterprise Rev/HsHld	\$56.40	n/a	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$0.00	n/a	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$60.17	\$59.24	n/a	\$104.11	\$6.61	\$2,462.21
Marg. Cost/Res./Student	\$100.03	\$37.66	\$1,674.93	\$65.00	\$2.00	\$942.66
Other Revenues/Worker	\$55.97	\$55.10	n/a	\$96.83	\$6.15	\$2,086.08
Marginal Cost/New Worker	\$93.04	\$35.03	n/a	\$60.45	\$1.86	\$798.66
State Funding/Pupil	n/a	n/a	\$12,236.61	n/a	n/a	\$10,800
Federal Funding/Pupil	n/a	n/a	\$4,512.71	n/a	n/a	\$6,197
Visitor Daily Spending	\$50.00	\$50.00				\$75.00
Average Hotel Room Rate	\$125	\$125	Total Mill Levy:	166.009999		n/a
Retail Pull Factor	0.94	0.96				n/a
Percent of County Share	90.50%	100.00%				n/a
Ann. Local Per Capita Sales Tax	\$294	\$184				n/a
Ann. State Per Capita Sales Tax	\$1,051	\$1,075				\$1,779
Annual Per Capita Retail Sales	\$16,176	\$16,535				\$27,367
Average Household Size	2.68	2.67				2.49
Avg. Wage-All Occupations	\$58,250	\$58,250				\$52,850

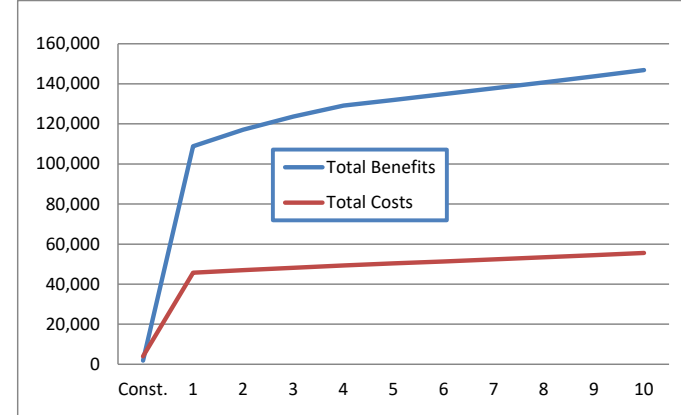
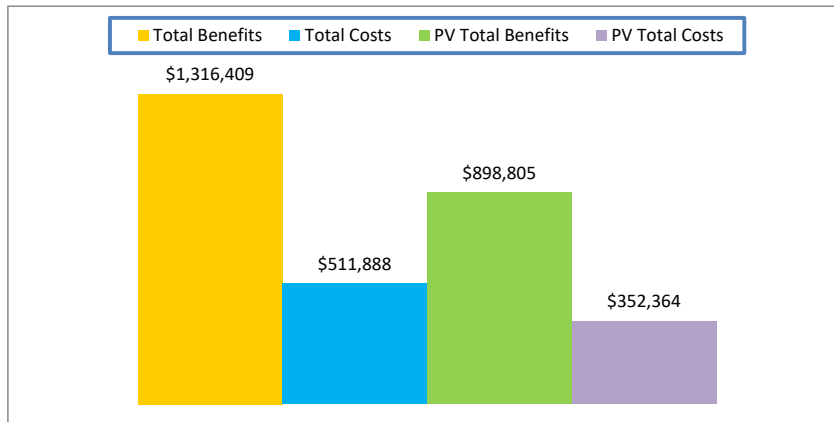
Carnation Partners, LLC (c			0											
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15
Firm Data Inputs:														
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Investment in Land			\$2,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000,000
Investment in Building			\$8,500,000											
Investment in M & E			\$500,000											
Contingencies & Soft Costs			\$500,000											
Total Project Investment			\$11,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City Incentive of Sales Tax Exemption			\$6,484	County Sales Tax Exemption		\$3,990	State Sales Tax Exemption		\$234,244			Total Sales Tax Exemption:		\$244,718
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$12,000,000
Purchases		0.00%		\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$600,000
Net Enterprise Rev - Firm		2.00%	\$0	\$2,475	\$2,549	\$3,000	\$2,704	\$2,785	\$2,869	\$2,955	\$3,044	\$3,135	\$3,229	\$28,744
Net Enterprise Rev-Employees		2.00%	\$0	\$169	\$279	\$359	\$419	\$432	\$445	\$458	\$472	\$486	\$500	\$4,018
PILOT - City			\$0	\$16,642	\$16,975	\$17,314	\$17,660	\$18,014	\$18,374	\$18,741	\$19,116	\$19,499	\$19,889	\$182,223
PILOT - County			\$0	\$16,145	\$16,468	\$16,797	\$17,133	\$17,476	\$17,826	\$18,182	\$18,546	\$18,917	\$19,295	\$176,786
PILOT - State			\$0	\$649	\$662	\$675	\$688	\$702	\$716	\$731	\$745	\$760	\$775	\$7,104
PILOT - School			\$0	\$23,507	\$23,977	\$24,457	\$24,946	\$25,445	\$25,954	\$26,473	\$27,002	\$27,542	\$28,093	\$257,396
PILOT - Comm. Coll.			\$0	\$11,840	\$12,077	\$12,319	\$12,565	\$12,816	\$13,073	\$13,334	\$13,601	\$13,873	\$14,150	\$129,648
PILOT- Rec Comm			\$0	\$3,019	\$3,080	\$3,141	\$3,204	\$3,268	\$3,333	\$3,400	\$3,468	\$3,537	\$3,608	\$33,059
New Employees				15.0	9.0	6.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	34
New to the City		20%		3.0	1.8	1.2	0.8	0.0	0.0	0.0	0.0	0.0	0.0	7
New to the County		40%		6.0	3.6	2.4	1.6	0.0	0.0	0.0	0.0	0.0	0.0	14
New to the State				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
New students in K-12				1.5	0.9	0.6	0.4	0.0	0.0	0.0	0.0	0.0	0.0	3
New employee average salary				\$68,000	\$70,040	\$72,141	\$74,305	\$76,535	\$78,831	\$81,196	\$83,631	\$86,140	\$88,725	N/A
Tax Abatement-Land				55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A
Tax Abatement-Bldg.				55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A
Visitors		0.0%	0	150	150	150	150	150	150	150	150	150	150	1,500
				City	County	State								
Percentage of sales taxable in the				0%	0%	0%								
Percentage of purchases taxable in the				100%	100%	100%								
Assumed Inflation Rate				2.00%										

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY				0				
PROJECT NAME:		Carnation Partners, L		0		Ratio of		
DATE:		10/27/2023				NPV of Net		
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$1,518,711	\$534,319	\$984,392	\$666,608	\$356,430	1.87	2.84	18%
Wyandotte County	\$1,316,409	\$511,888	\$804,521	\$546,441	\$343,493	1.59	2.57	16%
Turner USD 202	\$2,145,676	\$680,357	\$1,465,319	\$995,012	\$428,069	2.32	3.15	22%
KC Community College	\$807,887	\$400,790	\$407,097	\$279,367	\$267,018	1.05	2.02	10%
USD 202 Rec Comm	\$202,408	\$99,703	\$102,706	\$70,818	\$67,862	1.04	2.03	7%
State of Kansas	\$1,855,298	\$254,117	\$1,601,180	\$1,002,022	\$247,886	4.04	7.30	63%

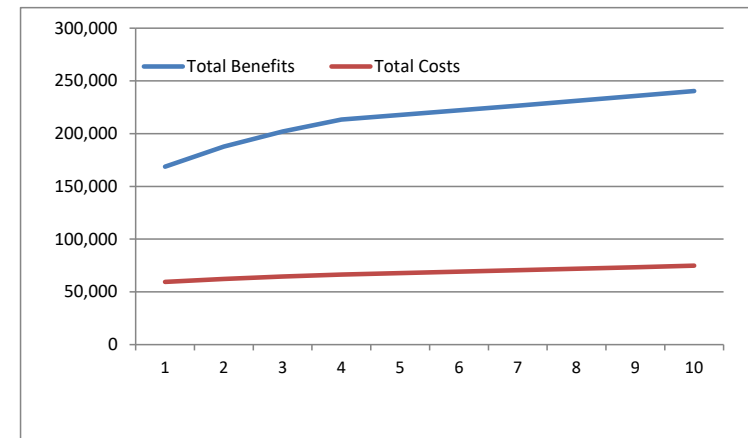
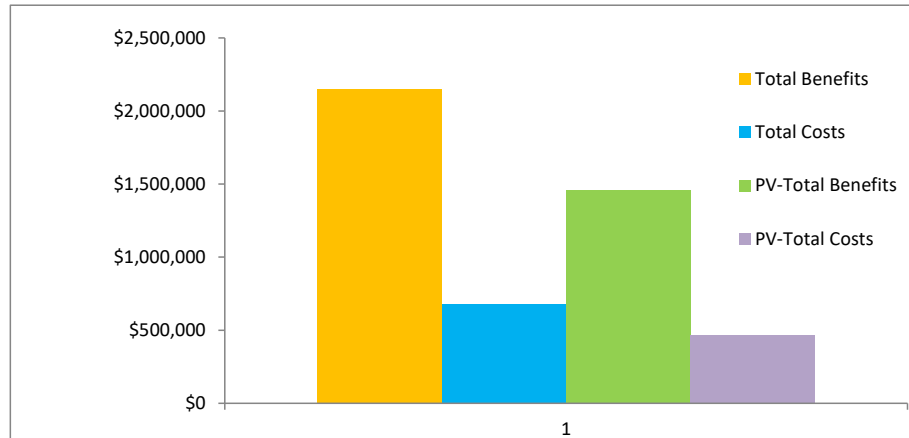
SUMMARY OF COSTS AND BENEFITS FOR: City of Kansas City								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.84								
PROJECT: Carnation Partners, LLC (or assigns)(With L/M/W)								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.81								
DATE: 10/27/2023					DISCOUNT RATE: 7.25%			(Typical desired ratio would be 1.3 to 1) Average ROI 18.42%								
Year	Sales and Transient Guest Taxes	New Property Taxes	Enterprise Revenues	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various City Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	2,813	0	0	0	0	2,813	2,813	0	6,484	0	6,484	6,484	-3,671	-3,671	-3,671	6,484
1	16,119	84,649	3,324	16,642	481	121,214	113,020	799		46,557	47,356	44,154	73,858	70,187	68,866	43,409
2	25,251	86,341	3,528	16,975	784	132,880	115,522	1,304		47,488	48,792	42,418	84,088	154,275	73,104	41,285
3	31,934	88,068	4,080	17,314	1,000	142,397	115,427	1,662		48,438	50,100	40,611	92,297	246,572	74,816	39,264
4	36,948	89,830	3,866	17,660	1,156	149,461	112,963	1,922		49,406	51,328	38,794	98,133	344,705	74,169	37,342
5	38,016	91,626	3,982	18,014	1,179	152,818	107,693	1,960		50,394	52,355	36,895	100,463	445,167	70,798	35,514
6	39,116	93,459	4,102	18,374	1,203	156,253	102,670	1,999		51,402	53,402	35,089	102,851	548,019	67,581	33,775
7	40,248	95,328	4,225	18,741	1,227	159,769	97,884	2,039		52,430	54,470	33,371	105,299	653,318	64,512	32,122
8	41,414	97,235	4,351	19,116	1,251	163,367	93,323	2,080		53,479	55,559	31,738	107,808	761,126	61,585	30,550
9	42,614	99,179	4,351	19,499	1,276	166,920	88,906	2,122		54,549	56,670	30,184	110,250	871,375	58,722	29,054
10	43,851	101,163	4,617	19,889	1,302	170,821	84,834	2,164		55,640	57,804	28,707	113,017	984,392	56,127	27,632
Total	\$358,324	\$926,878	\$40,427	\$182,223	\$10,860	\$1,518,711	\$1,035,054	\$18,052	\$6,484	\$509,783	\$534,319	\$368,446	\$984,392	\$984,392	\$666,608	\$356,430



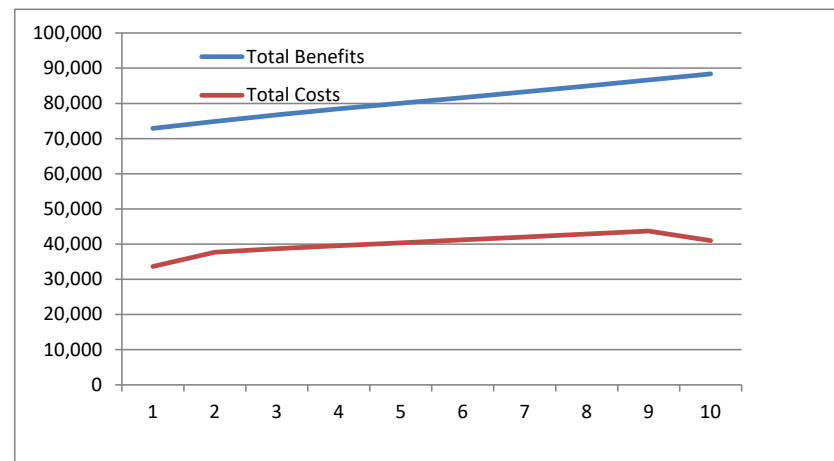
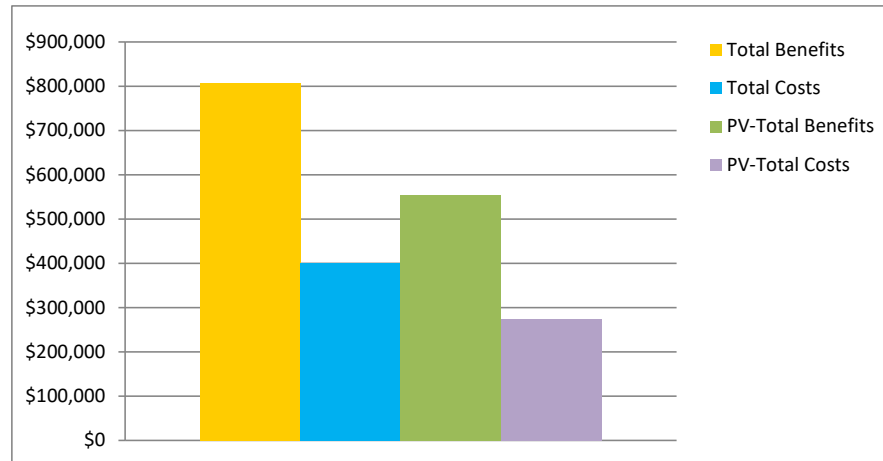
SUMMARY OF COSTS AND BENEFITS FOR: Wyandotte County								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.57							
PROJECT: Carnation Partners, LLC (or assigns)(With L/M/W)								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.55							
DATE: 10/27/2023					DISCOUNT RATE: 7.25%			(Typical desired ratio would be 1.3 to 1) Average ROI 15.72%							
Year	Sales Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	1,836	0	0	0	1,836	1,836	0	3,990	0	3,990	3,990	-2,154	-2,154	-2,154	3,990
1	9,621	82,122	16,145	928	108,817	101,461	590	0	45,167	45,757	42,664	63,060	60,906	58,797	42,114
2	15,338	83,765	16,468	1,514	117,085	101,790	963	0	46,071	47,033	40,889	70,052	130,957	60,901	40,053
3	19,519	85,440	16,797	1,931	123,687	100,261	1,227	0	46,992	48,219	39,087	75,467	206,425	61,174	38,092
4	22,653	87,149	17,133	2,232	129,167	97,625	1,419	0	47,932	49,351	37,300	79,816	286,240	60,325	36,227
5	23,312	88,892	17,476	2,276	131,957	92,992	1,447	0	48,891	50,338	35,474	81,619	367,859	57,518	34,454
6	23,991	90,670	17,826	2,322	134,809	88,580	1,476	0	49,868	51,345	33,737	83,464	451,323	54,842	32,767
7	24,691	92,483	18,182	2,368	137,724	84,378	1,506	0	50,866	52,371	32,086	85,353	536,676	52,292	31,163
8	25,411	94,333	18,546	2,416	140,705	80,377	1,536	0	51,883	53,419	30,515	87,286	623,963	49,862	29,638
9	26,153	96,220	18,917	2,464	143,753	76,567	1,567	0	52,921	54,487	29,021	89,266	713,228	47,546	28,187
10	26,917	98,144	19,295	2,513	146,870	72,939	1,598	0	53,979	55,577	27,601	91,293	804,521	45,338	26,807
Total	\$219,442	\$899,218	\$176,786	\$20,963	\$1,316,409	\$898,805	\$13,328	\$3,990	\$494,570	\$511,888	\$352,364	\$804,521	\$804,521	\$546,441	\$343,493



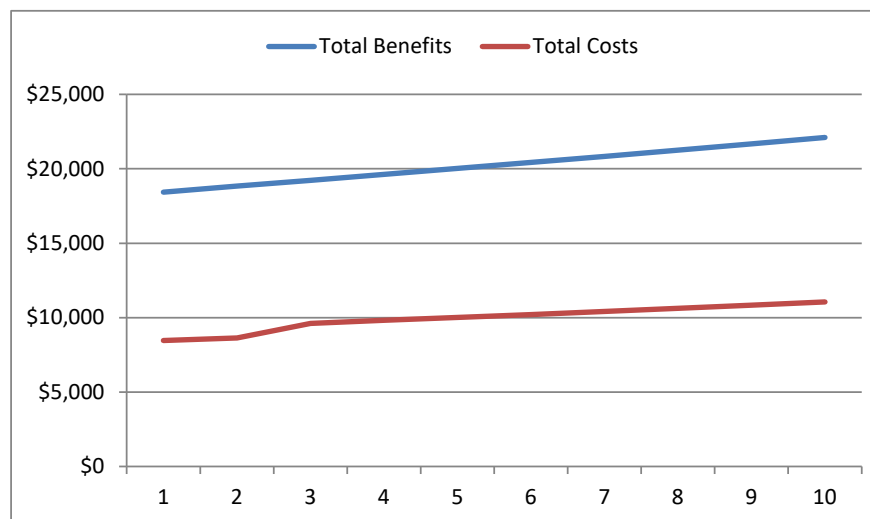
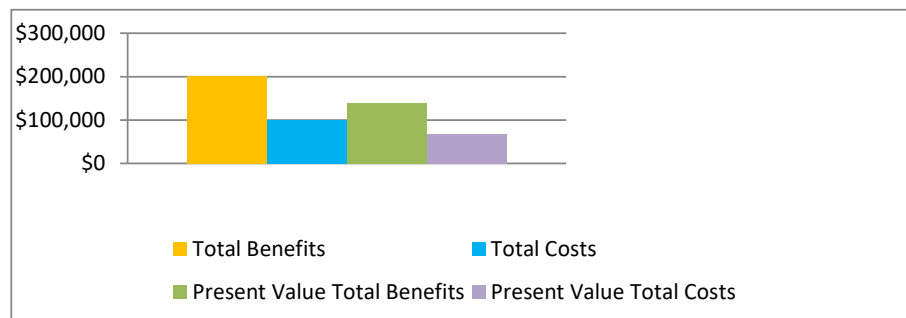
SUMMARY OF COSTS AND BENEFITS FOR: Turner USD 202								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 3.15						
PROJECT: Carnation Partners, LLC (or assigns)(With L/M/W)								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 3.14						
DATE: 10/27/2023					DISCOUNT RATE: 7.25%			(Typical desired ratio would be 1.3 to 1)			Average ROI 21.54%			
Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Marginal Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	103,546	23,507	16,023	25,626	168,702	157,298	2,512	56,950	59,463	55,443	109,240	109,240	101,855	53,100
2	105,617	23,977	16,343	41,822	187,760	163,233	4,100	58,089	62,189	54,066	125,570	234,810	109,167	50,501
3	107,729	24,457	16,670	53,324	202,180	163,887	5,228	59,251	64,479	52,267	137,701	372,510	111,621	48,029
4	109,884	24,946	17,004	61,642	213,475	161,346	6,043	60,436	66,479	50,246	146,996	519,506	111,100	45,678
5	112,081	25,445	17,344	62,875	217,745	153,448	6,164	61,645	67,809	47,786	149,936	669,442	105,662	43,442
6	114,323	25,954	17,690	64,132	222,099	145,936	6,287	62,878	69,165	45,447	152,934	822,376	100,490	41,315
7	116,609	26,473	18,044	65,415	226,541	138,793	6,413	64,135	70,548	43,222	155,993	978,369	95,571	39,293
8	118,942	27,002	18,405	66,723	231,072	131,999	6,541	65,418	71,959	41,106	159,113	1,137,482	90,892	37,370
9	121,320	27,542	18,773	68,058	235,694	125,537	6,672	66,726	73,399	39,094	162,295	1,299,778	86,443	35,540
10	123,747	28,093	19,149	69,419	240,408	119,392	6,806	68,061	74,867	37,180	165,541	1,465,319	82,212	33,801
Total	\$1,133,798	\$257,396	\$175,445	\$579,037	\$2,145,676	\$1,460,869	\$56,768	\$623,589	\$680,357	\$465,857	\$1,465,319	\$1,465,319	\$995,012	\$428,069



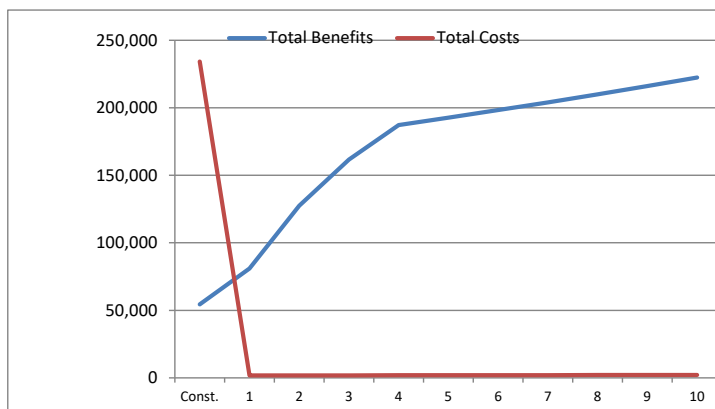
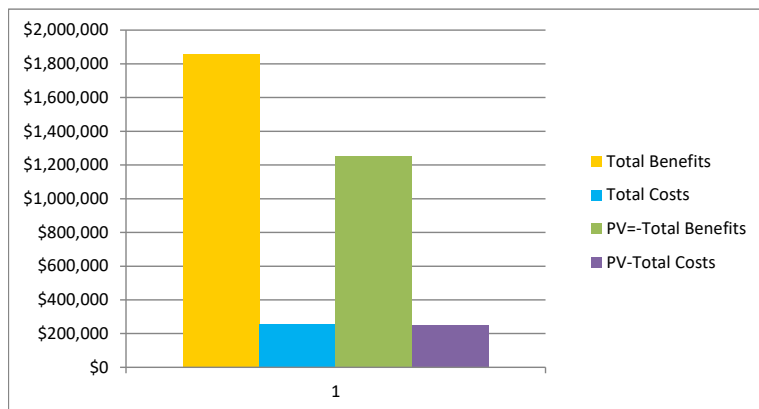
SUMMARY OF COSTS AND BENEFITS FOR: KC Community College								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.02					
PROJECT: Carnation Partners, LLC (or assigns)(With L/M/W)								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.02					
DATE: 10/27/2023				DISCOUNT RATE: 7.25%				(Typical desired ratio would be 1.3 to 1) Average ROI 10.16%					
Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	60,225	11,840	832	72,897	67,969	519	33,124	33,643	31,369	39,254	39,254	36,601	30,885
2	61,430	12,077	1,357	74,864	65,085	847	36,858	37,705	32,780	37,159	76,413	32,305	32,043
3	62,658	12,319	1,730	76,707	62,179	1,080	37,595	38,675	31,350	38,032	114,445	30,829	30,475
4	63,912	12,565	2,000	78,477	59,313	1,249	38,347	39,596	29,927	38,881	153,326	29,387	28,983
5	65,190	12,816	2,040	80,046	56,410	1,274	39,114	40,388	28,462	39,659	192,985	27,948	27,564
6	66,494	13,073	2,081	81,647	53,649	1,299	39,896	41,195	27,069	40,452	233,437	26,580	26,215
7	67,824	13,334	2,123	83,280	51,022	1,325	40,694	42,019	25,743	41,261	274,698	25,279	24,932
8	69,180	13,601	2,165	84,946	48,525	1,352	41,508	42,860	24,483	42,086	316,784	24,041	23,711
9	70,564	13,873	2,208	86,645	46,149	1,379	42,338	43,717	23,285	42,928	359,712	22,865	22,551
10	71,975	14,150	2,253	88,378	43,890	1,406	39,586	40,992	20,358	47,385	407,097	23,533	19,659
Total	\$659,451	\$129,648	\$18,789	\$807,887	\$554,192	\$11,730	\$389,061	\$400,790	\$274,825	\$407,097	\$407,097	\$279,367	\$267,018



SUMMARY OF COSTS AND BENEFITS FOR:							USD 202 Rec Comm						
PROJECT: Carnation Partners, LLC (or assigns)(With L/M/W)							Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:						
DATE: 10/27/2023				DISCOUNT RATE: 7.25%			Ratio of Present Value of Total Benefits to Present Value of Total Costs:						
							(Typical desired ratio would be 1.3 to 1)				Average ROI		
Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$15,357	\$3,019	\$53	\$18,429	\$17,183	\$16	\$8,446	\$8,462	\$7,890	\$9,967	\$9,967	\$9,293	\$7,875
2	\$15,664	\$3,080	\$86	\$18,830	\$16,370	\$26	\$8,615	\$8,641	\$7,513	\$10,189	\$20,155	\$8,858	\$7,490
3	\$15,977	\$3,141	\$110	\$19,229	\$15,587	\$33	\$9,586	\$9,620	\$7,798	\$9,609	\$29,764	\$7,789	\$7,771
4	\$16,297	\$3,204	\$127	\$19,628	\$14,835	\$38	\$9,778	\$9,817	\$7,419	\$9,811	\$39,576	\$7,416	\$7,390
5	\$16,623	\$3,268	\$130	\$20,021	\$14,109	\$39	\$9,974	\$10,013	\$7,056	\$10,008	\$49,583	\$7,053	\$7,029
6	\$16,955	\$3,333	\$132	\$20,421	\$13,418	\$40	\$10,173	\$10,213	\$6,711	\$10,208	\$59,791	\$6,707	\$6,685
7	\$17,295	\$3,400	\$135	\$20,829	\$12,761	\$41	\$10,377	\$10,417	\$6,382	\$10,412	\$70,203	\$6,379	\$6,357
8	\$17,640	\$3,468	\$138	\$21,246	\$12,137	\$42	\$10,584	\$10,626	\$6,070	\$10,620	\$80,824	\$6,067	\$6,046
9	\$17,993	\$3,537	\$140	\$21,671	\$11,543	\$42	\$10,796	\$10,838	\$5,773	\$10,833	\$91,656	\$5,770	\$5,750
10	\$18,353	\$3,608	\$143	\$22,104	\$10,978	\$43	\$11,012	\$11,055	\$5,490	\$11,049	\$102,706	\$5,487	\$5,469
Total	\$168,155	\$33,059	\$1,193	\$202,408	\$138,920	\$360	\$99,342	\$99,703	\$68,102	\$102,706	\$102,706	\$70,818	\$67,862



SUMMARY OF COSTS AND BENEFITS FOR: State of Kansas										Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 7.30							
PROJECT: Carnation Partners, LLC (or assigns)(With L/M/W)										Ratio of Present Value of Total Benefits to Present Value of Total Costs: 5.04							
DATE: #####										DISCOUNT RATE: 7.25% (Typical desired ratio would be 1.3 to 1) Average ROI 63.01%							
Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	11,934	\$0	42,500	0	0	54,434	54,434	0	\$0	\$0	\$234,244	234,244	234,244	-179,810	-179,810	-179,810	234,244
1	55,570	\$3,300	21,420	649	0	80,939	75,467	0	0	\$1,815	0	1,815	1,692	79,124	-100,686	73,775	1,692
2	88,210	\$3,366	35,300	662	0	127,538	110,878	0	0	\$1,851	0	1,851	1,609	125,687	25,001	109,269	1,609
3	112,084	\$3,433	45,449	675	0	161,641	131,026	0	0	\$1,888	0	1,888	1,531	159,752	184,753	129,496	1,531
4	129,980	\$3,502	53,054	688	0	187,225	141,506	0	0	\$1,926	0	1,926	1,456	185,299	370,052	140,050	1,456
5	133,750	\$3,572	54,646	702	0	192,670	135,778	0	0	\$1,965	0	1,965	1,384	190,706	560,758	134,393	1,384
6	137,631	\$3,643	56,285	716	0	198,276	130,283	0	0	\$2,004	0	2,004	1,317	196,272	757,030	128,966	1,317
7	141,628	\$3,716	57,974	731	0	204,049	125,012	0	0	\$2,044	0	2,044	1,252	202,005	959,035	123,760	1,252
8	145,743	\$3,791	59,713	745	0	209,992	119,957	0	0	\$2,085	0	2,085	1,191	207,907	1,166,942	118,766	1,191
9	149,983	\$3,866	61,504	760	0	216,114	115,108	0	0	\$2,127	0	2,127	1,133	213,987	1,380,929	113,976	1,133
10	154,352	\$3,944	63,350	775	0	222,420	110,459	0	0	\$2,169	0	2,169	1,077	220,251	1,601,180	109,382	1,077
Total	\$1,260,866	\$36,134	\$551,194	\$7,104	\$0	\$1,855,298	\$1,249,908	\$0	\$0	\$19,874	\$234,244	\$254,117	\$247,886	\$1,601,180	\$1,601,180	\$1,002,022	\$247,886



* The development agreement calls for 100% of the state's 6.5% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

Carnation Partners, LLC (or assigns)(With L/M/W)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	15	34
Construction jobs created	8	0
Number of New Residents in the Community	8	18
Number of Additional Students in the Local School District	2	3
Increase in Local Personal Incomes	\$1,020,000	\$24,223,532
Increase in Local Retail Sales	\$1,417,631	\$31,786,416
Increase in the Community's Property Tax Base	\$8,500,000	\$8,500,000
Estimated Property Tax Revenue after the abatement period ends:		
	City	\$103,186
	County	\$100,107
	School	\$145,753
	Comm. Coll.	\$73,414
	Rec Comm	\$19,476
	State	\$4,023
	Total	\$445,959

Carnation Partners, LLC (or assigns)(Wit

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Overall Cost-Benefit Summary

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS		INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				Property Taxes Abated	Cost of Educating New Students	ALL INDIRECT COSTS		
City of Kansas City	358,324	182,223	926,878			40,427	1,507,852	10,860	1,518,711	509,783	0	18,052	527,835	990,876
Wyandotte County	219,442	176,786	899,218				1,295,445	20,963	1,316,409	494,570	0	13,328	507,898	808,511
Turner USD 202		257,396	1,309,243	579,037			2,145,676		2,145,676	623,589	56,768	0	680,357	1,465,319
KC Community College		129,648	659,451				789,099	18,789	807,887	389,061	0	11,730	400,790	407,097
USD 202 Rec Comm		33,059	168,155				201,215	1,193	202,408	99,342		360	99,703	102,706
State of Kansas	1,260,866	7,104	36,134	0	551,194		1,855,298	0	1,855,298	19,874	0	0	19,874	1,835,424
TOTALS	\$1,838,632	\$786,216	\$3,999,079	\$579,037	\$551,194	\$40,427	\$7,794,584	\$51,805	\$7,846,389	\$2,136,218	\$56,768	\$43,470	\$2,236,456	\$5,609,933

A Tax Abatement Cost-Benefit Analysis of Carnation Partners, LLC (or assigns)(Without L/M/W) for the Unified Government of Kansas City/Wyandotte County

Completed by
Municipal Consulting, LLC
10/27/2023

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ABOUT THIS REPORT:

This report uses data that was collected from the firm involved and budget reports from each of the taxing entities where the project is to be located. This data is summarized on pages 4 and 5. In addition, various calculations were applied to the data using rates and information gathered from the current economic and financial conditions.

DEFINITIONS USED:

- **Rate of Return:** Incentives and tax abatements granted by the taxing entities are equivalent to a public investment in the firm. Comparing these investments to the various benefits received over the 10-year project period by the public entity produces an average annual rate of return for the period. Generally, a rate of return that exceeds the entity's cost of capital would be considered a favorable investment.
- **Net Present Value:** This is the amount that a future series of payments is worth today, given an assumed discount rate. The only way to accurately compare payments to be made or received in the future to the dollar value at present is with Net Present Value. Generally a positive net present value represents an acceptable investment opportunity.
- **Benefit - Cost Ratio:** Typically referred to as the "Cost-Benefit Ratio," this is the ratio of the public entity benefits received over the 10-year project life to the public costs incurred over the same period. If the ratio is above 1.0, then the benefits exceed the costs, and if it is less than 1.0, the costs exceed the benefits. Generally, a public entity would like to have a Benefit-to-Cost ratio of 1.3 or better in order to grant a tax abatement and/or other incentives. However, the governing body may take into account the other economic benefits of the project in making that decision.

DISCLAIMER:

This report is prepared using a variety of assumptions regarding discount rate, inflation rate, and other economic variables. It also uses information submitted by the firm based on its best estimates of what they expect to occur in the next decade. Future business results and economic factors are not and cannot be guaranteed. Therefore, we provide no guarantee on the future performance of the firm, or that conditions within the taxing entities will remain as they are today. The governing body should make its decision on the best information presented, while fully recognizing that future performance could be substantially different.

COMMENTS SPECIFIC TO THIS PROJECT:

The overall costs and benefits for each taxing entity are:

Taxing Entity	Benefit to Cost Ratio	Average Return on Investment
City of Kansas City	2.88	19%
Wyandotte County	2.60	16%
Turner USD 202	3.19	22%
KC Community College	2.05	10%
USD 202 Rec Comm	2.06	7.08%
State of Kansas	7.30	63%

Each of the taxing entities has a positive benefit-to-cost ratio in excess of the desired 1.3. This report assumes that the Unified Government will approve a 55% property tax abatement for 10 years and the firm will receive a sales tax exemption on construction materials and machinery and equipment. This report assumes that the existing sales tax rates for the city, county and state will remain the same. The proposed average salary of the new jobs is 117% the county average wage and we adjusted retail spending estimates accordingly. A PILOT payment which includes the existing property tax is included in this analysis.

If you have any questions or comments, you may reach me with the contact information below.

Steve Robb

R. Steven Robb
Sole Owner
Municipal Consulting, LLC
Cell: 620-704-6495 E-Mail: steverobb@ckt.net
2207 N. Free King Hwy, Pittsburg, KS 66762-8418

COST-BENEFIT ANALYSIS PROJECT SUMMARY	
PROJECT NAME:	Carnation Partners, LLC (or assigns)(Without L/M/W)
DATE:	10/27/2023
GOVERNMENTAL ENTITIES INVOLVED:	
CITY:	City of Kansas City
COUNTY:	Wyandotte County
SCHOOL DISTRICT:	Turner USD 202
SPECIAL TAXING DISTRICT #1	KC Community College
SPECIAL TAXING DISTRICT #2	USD 202 Rec Comm
STATE:	State of Kansas
INFLATION RATE:	2.00%
DISCOUNT RATE	7.25%

The project involves purchase of about 15 acres and construction of a 56,700 sq. ft. facility to manufacture oil separators, solid interceptors, chemical waste tanks and other accessories for commercial establishments. The project is expected to create 34 new jobs with an average salary above the county average salary. The project is to be located at 4412-4414 Gibbs Road in Kansas City, Kansas. The applicant is requesting 55% property tax abatement for 10 years with a graduated payment in lieu of taxes.

Carnation Partners, LLC

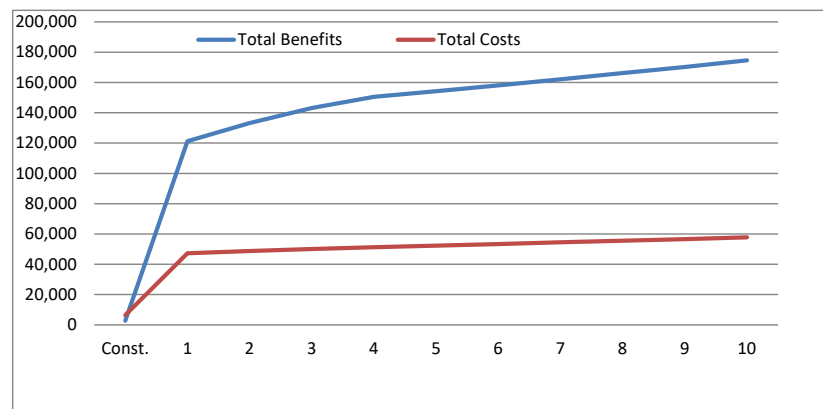
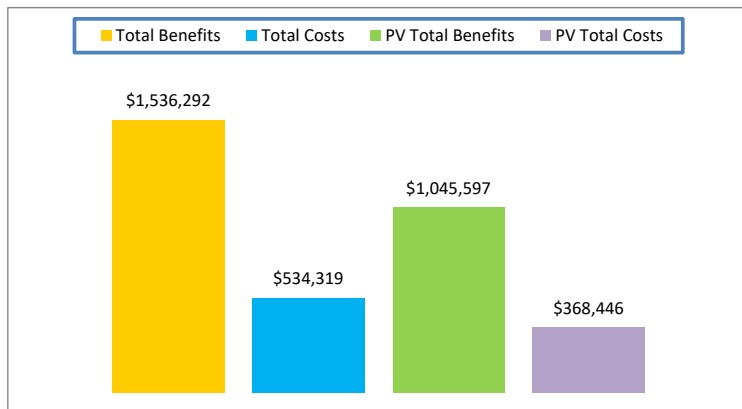
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Column1	Column2	Column3	Column4	Column6	Column7	Column11
Community Data Inputs:						
	City of Kansas City	Wyandotte County	Turner USD 202	KC Community College	USD 202 Rec Comm	State
Mill Levy	38.476593	37.328383	54.349367	27.375176	6.980480	1.500
Sales Tax	1.625%	1.000%	n/a	n/a	n/a	6.50%
Transient Guest Tax	8.00%	0.00%	n/a	n/a	n/a	n/a
Enterprise Rev/HsHld	\$56.40	n/a	n/a	n/a	n/a	n/a
Franchise Fees/HsHld	\$0.00	n/a	n/a	n/a	n/a	n/a
Other Revenues/Res.	\$60.17	\$59.24	n/a	\$104.11	\$6.61	\$2,462.21
Marg. Cost/Res./Student	\$100.03	\$37.66	\$1,674.93	\$65.00	\$2.00	\$942.66
Other Revenues/Worker	\$55.97	\$55.10	n/a	\$96.83	\$6.15	\$2,086.08
Marginal Cost/New Worker	\$93.04	\$35.03	n/a	\$60.45	\$1.86	\$798.66
State Funding/Pupil	n/a	n/a	\$12,236.61	n/a	n/a	\$10,800
Federal Funding/Pupil	n/a	n/a	\$4,512.71	n/a	n/a	\$6,197
Visitor Daily Spending	\$50.00	\$50.00				\$75.00
Average Hotel Room Rate	\$125	\$125	Total Mill Levy:	166.009999		n/a
Retail Pull Factor	0.94	0.96				n/a
Percent of County Share	90.50%	100.00%				n/a
Ann. Local Per Capita Sales Tax	\$294	\$184				n/a
Ann. State Per Capita Sales Tax	\$1,051	\$1,075				\$1,779
Annual Per Capita Retail Sales	\$16,176	\$16,535				\$27,367
Average Household Size	2.68	2.67				2.49
Avg. Wage-All Occupations	\$58,250	\$58,250				\$52,850

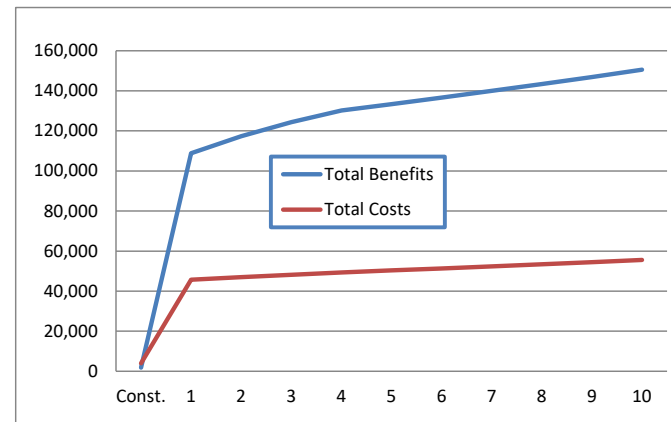
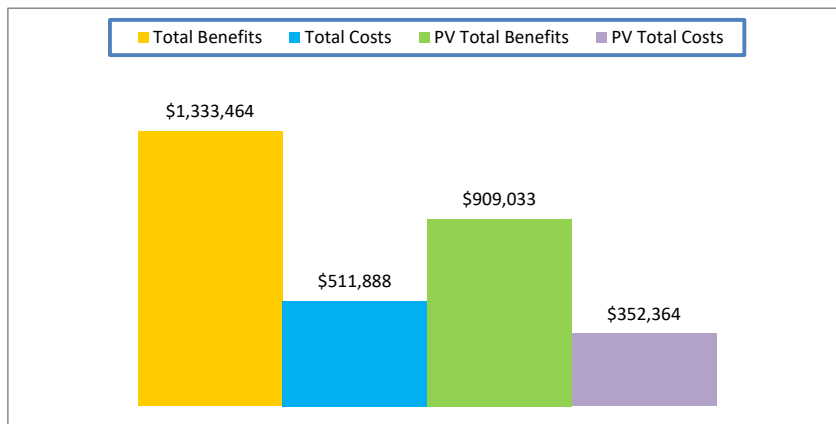
Carnation Partners, LLC (c			0											
Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12	Column13	Column14	Column15
Firm Data Inputs:														
				Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Investment in Land			\$2,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000,000
Investment in Building			\$8,500,000											
Investment in M & E			\$500,000											
Contingencies & Soft Costs			\$500,000											
Total Project Investment			\$11,500,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City Incentive of Sales Tax Exemption			\$6,484	County Sales Tax Exemption		\$3,990	State Sales Tax Exemption		\$234,244			Total Sales Tax Exemption:		\$244,718
		Growth	Const. Per.	Yr. 1	Yr. 2	Yr. 3	Yr. 4	Yr. 5	Yr. 6	Yr. 7	Yr. 8	Yr. 9	Yr. 10	Total
Sales		0.00%		\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$12,000,000
Purchases		0.00%		\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$600,000
Net Enterprise Rev - Firm		2.00%	\$0	\$2,475	\$2,549	\$3,000	\$2,704	\$2,785	\$2,869	\$2,955	\$3,044	\$3,135	\$3,229	\$28,744
Net Enterprise Rev-Employees		2.00%	\$0	\$169	\$279	\$359	\$419	\$432	\$445	\$458	\$472	\$486	\$500	\$4,018
PILOT - City			\$0	\$16,642	\$17,308	\$18,000	\$18,720	\$19,469	\$20,247	\$21,057	\$21,900	\$22,775	\$23,687	\$199,804
PILOT - County			\$0	\$16,145	\$16,791	\$17,463	\$18,161	\$18,888	\$19,643	\$20,429	\$21,246	\$22,096	\$22,980	\$193,841
PILOT - State			\$0	\$649	\$675	\$702	\$730	\$759	\$789	\$821	\$854	\$888	\$923	\$7,789
PILOT - School			\$0	\$23,507	\$24,447	\$25,425	\$26,442	\$27,500	\$28,600	\$29,744	\$30,934	\$32,171	\$33,458	\$282,229
PILOT - Comm. Coll.			\$0	\$11,840	\$12,314	\$12,806	\$13,319	\$13,851	\$14,405	\$14,982	\$15,581	\$16,204	\$16,852	\$142,155
PILOT - Rec Comm			\$0	\$3,019	\$3,140	\$3,266	\$3,396	\$3,532	\$3,673	\$3,820	\$3,973	\$4,132	\$4,297	\$36,249
TOTAL PILOT			\$0	\$71,802	\$74,674	\$77,661	\$80,768	\$83,999	\$87,359	\$90,853	\$94,487	\$98,267	\$102,197	\$862,067
New Employees				15.0	9.0	6.0	4.0	0.0	0.0	0.0	0.0	0.0	0.0	34
New to the City			20%	3.0	1.8	1.2	0.8	0.0	0.0	0.0	0.0	0.0	0.0	7
New to the County			40%	6.0	3.6	2.4	1.6	0.0	0.0	0.0	0.0	0.0	0.0	14
New to the State				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0
New students in K-12				1.5	0.9	0.6	0.4	0.0	0.0	0.0	0.0	0.0	0.0	3
New employee average salary				\$68,000	\$70,040	\$72,141	\$74,305	\$76,535	\$78,831	\$81,196	\$83,631	\$86,140	\$88,725	N/A
Tax Abatement-Land				55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A
Tax Abatement-Bldg.				55%	55%	55%	55%	55%	55%	55%	55%	55%	55%	N/A
Visitors		0.0%	0	150	150	150	150	150	150	150	150	150	150	1,500
				City	County	State								
Percentage of sales taxable in the				0%	0%	0%								
Percentage of purchases taxable in the				100%	100%	100%								
Assumed Inflation Rate				2.00%										

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9
COST-BENEFIT ANALYSIS PROJECT SUMMARY				0				
PROJECT NAME:		Carnation Partners, L		0		Ratio of		
DATE:		10/27/2023				NPV of Net		
				Net	NPV	Benefits to	Actual	Avg.
				Present	of	NPV of	Benefit to	Annual
		Total		Value	Incentives	Incentives	Actual	Rate
	Total	Costs &	Net	of Net	& Taxes	and Taxes	Cost	of
Entity	Benefits	Incentives	Benefits	Benefits	Abated	Abated	Ratio	Return
City of Kansas City	\$1,536,292	\$534,319	\$1,001,973	\$677,151	\$356,430	1.90	2.88	19%
Wyandotte County	\$1,333,464	\$511,888	\$821,577	\$556,669	\$343,493	1.62	2.60	16%
Turner USD 202	\$2,170,508	\$680,357	\$1,490,151	\$1,009,904	\$428,069	2.36	3.19	22%
KC Community College	\$820,395	\$400,790	\$419,605	\$286,867	\$267,018	1.07	2.05	10%
USD 202 Rec Comm	\$205,598	\$99,703	\$105,895	\$72,731	\$67,862	1.07	2.06	7%
State of Kansas	\$1,855,983	\$254,117	\$1,601,866	\$1,002,433	\$247,886	4.04	7.30	63%

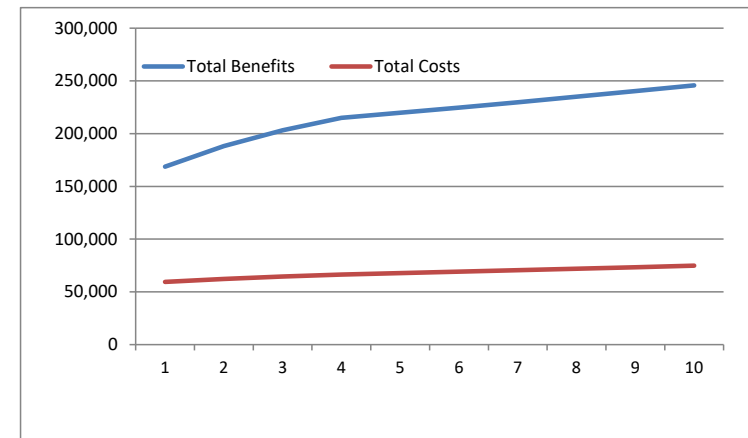
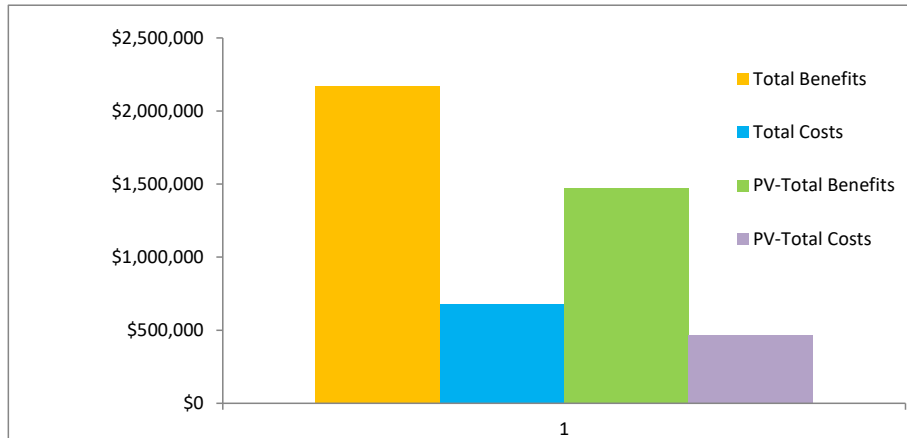
SUMMARY OF COSTS AND BENEFITS FOR: City of Kansas City								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.88								
PROJECT: Carnation Partners, LLC (or assigns)(Without L/M/W)								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.84								
DATE: 10/27/2023					DISCOUNT RATE: 7.25%			(Typical desired ratio would be 1.3 to 1) Average ROI 18.75%								
Year	Sales and Transient Guest Taxes	New Property Taxes	Enterprise Revenues	PILOT Payment	Other City Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various City Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	2,813	0	0	0	0	2,813	2,813	0	6,484	0	6,484	6,484	-3,671	-3,671	-3,671	6,484
1	16,119	84,649	3,324	16,642	481	121,214	113,020	799		46,557	47,356	44,154	73,858	70,187	68,866	43,409
2	25,251	86,341	3,528	17,308	784	133,212	115,811	1,304		47,488	48,792	42,418	84,421	154,608	73,393	41,285
3	31,934	88,068	4,080	18,000	1,000	143,083	115,983	1,662		48,438	50,100	40,611	92,983	247,591	75,372	39,264
4	36,948	89,830	3,866	18,720	1,156	150,520	113,764	1,922		49,406	51,328	38,794	99,192	346,782	74,970	37,342
5	38,016	91,626	3,982	19,469	1,179	154,273	108,718	1,960		50,394	52,355	36,895	101,918	448,700	71,823	35,514
6	39,116	93,459	4,102	20,247	1,203	158,126	103,901	1,999		51,402	53,402	35,089	104,725	553,425	68,812	33,775
7	40,248	95,328	4,225	21,057	1,227	162,085	99,303	2,039		52,430	54,470	33,371	107,615	661,040	65,931	32,122
8	41,414	97,235	4,351	21,900	1,251	166,150	94,912	2,080		53,479	55,559	31,738	110,591	771,631	63,175	30,550
9	42,614	99,179	4,351	22,775	1,276	170,197	90,652	2,122		54,549	56,670	30,184	113,527	885,158	60,467	29,054
10	43,851	101,163	4,617	23,687	1,302	174,619	86,720	2,164		55,640	57,804	28,707	116,815	1,001,973	58,013	27,632
Total	\$358,324	\$926,878	\$40,427	\$199,804	\$10,860	\$1,536,292	\$1,045,597	\$18,052	\$6,484	\$509,783	\$534,319	\$368,446	\$1,001,973	\$1,001,973	\$677,151	\$356,430



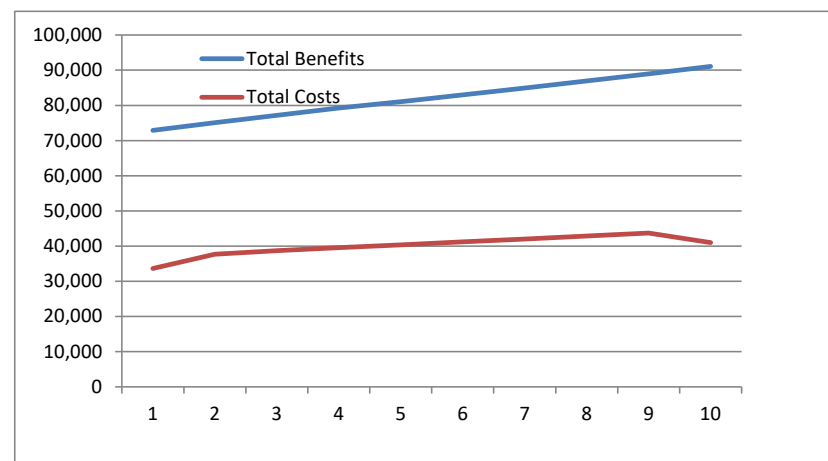
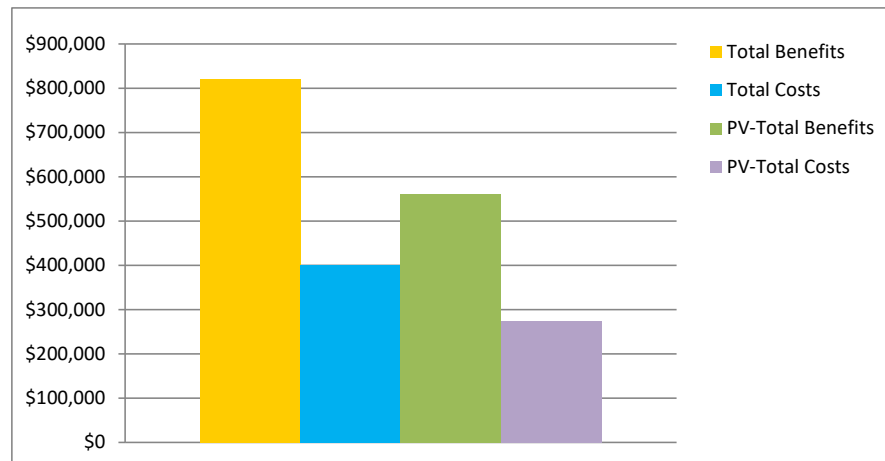
SUMMARY OF COSTS AND BENEFITS FOR: Wyandotte County								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.60							
PROJECT: Carnation Partners, LLC (or assigns)(Without L/M/W)								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.58							
DATE: 10/27/2023					DISCOUNT RATE: 7.25%			(Typical desired ratio would be 1.3 to 1) Average ROI 16.05%							
Year	Sales Taxes	New Property Taxes	PILOT Payment	Other County Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various County Services	Incentives	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Incentives & Taxes Abated
Const.	1,836	0	0	0	1,836	1,836	0	3,990	0	3,990	3,990	-2,154	-2,154	-2,154	3,990
1	9,621	82,122	16,145	928	108,817	101,461	590	0	45,167	45,757	42,664	63,060	60,906	58,797	42,114
2	15,338	83,765	16,791	1,514	117,408	102,071	963	0	46,071	47,033	40,889	70,374	131,280	61,182	40,053
3	19,519	85,440	17,463	1,931	124,352	100,800	1,227	0	46,992	48,219	39,087	76,132	207,413	61,713	38,092
4	22,653	87,149	18,161	2,232	130,194	98,402	1,419	0	47,932	49,351	37,300	80,844	288,256	61,102	36,227
5	23,312	88,892	18,888	2,276	133,368	93,987	1,447	0	48,891	50,338	35,474	83,030	371,287	58,513	34,454
6	23,991	90,670	19,643	2,322	136,626	89,774	1,476	0	49,868	51,345	33,737	85,282	456,568	56,037	32,767
7	24,691	92,483	20,429	2,368	139,971	85,755	1,506	0	50,866	52,371	32,086	87,600	544,168	53,669	31,163
8	25,411	94,333	21,246	2,416	143,405	81,920	1,536	0	51,883	53,419	30,515	89,987	634,154	51,404	29,638
9	26,153	96,220	22,096	2,464	146,932	78,260	1,567	0	52,921	54,487	29,021	92,445	726,599	49,239	28,187
10	26,917	98,144	22,980	2,513	150,554	74,769	1,598	0	53,979	55,577	27,601	94,977	821,577	47,168	26,807
Total	\$219,442	\$899,218	\$193,841	\$20,963	\$1,333,464	\$909,033	\$13,328	\$3,990	\$494,570	\$511,888	\$352,364	\$821,577	\$821,577	\$556,669	\$343,493



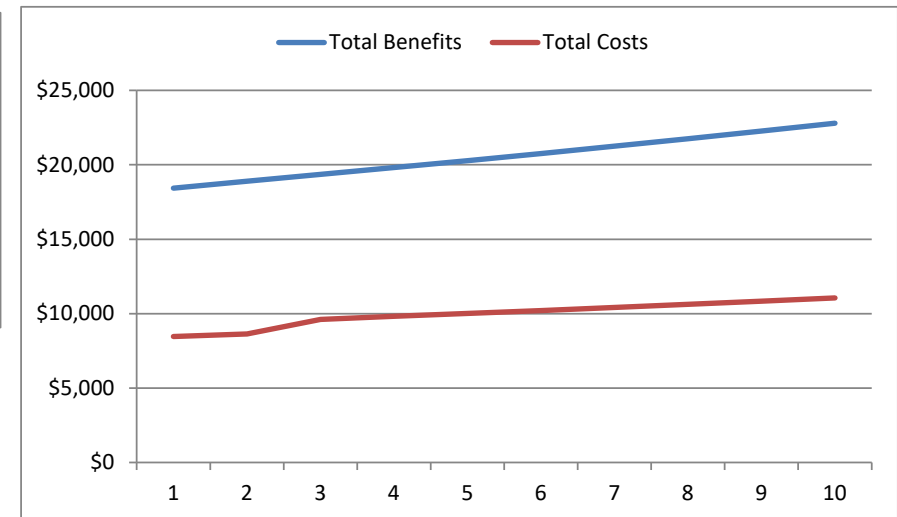
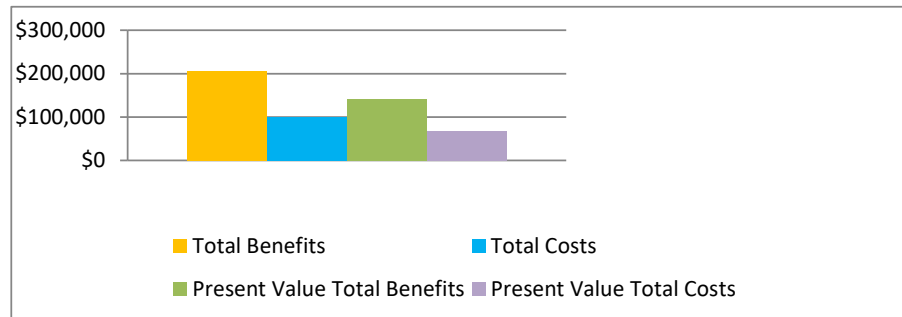
SUMMARY OF COSTS AND BENEFITS FOR: Turner USD 202									Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 3.19					
PROJECT: Carnation Partners, LLC (or assigns)(Without L/M/W)									Ratio of Present Value of Total Benefits to Present Value of Total Costs: 3.17					
DATE: 10/27/2023					DISCOUNT RATE: 7.25%				(Typical desired ratio would be 1.3 to 1)			Average ROI 21.90%		
Year	New Property Taxes	PILOT Payment	District Capital Outlay Taxes	Additional State, Federal and Other Funding	Total Benefits	Net Present Value of Total Benefits	Additional Marginal Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	103,546	23,507	16,023	25,626	168,702	157,298	2,512	56,950	59,463	55,443	109,240	109,240	101,855	53,100
2	105,617	24,447	16,343	41,822	188,230	163,642	4,100	58,089	62,189	54,066	126,040	235,280	109,576	50,501
3	107,729	25,425	16,670	53,324	203,148	164,672	5,228	59,251	64,479	52,267	138,669	373,949	112,406	48,029
4	109,884	26,442	17,004	61,642	214,971	162,477	6,043	60,436	66,479	50,246	148,492	522,441	112,231	45,678
5	112,081	27,500	17,344	62,875	219,800	154,896	6,164	61,645	67,809	47,786	151,991	674,432	107,110	43,442
6	114,323	28,600	17,690	64,132	224,746	147,675	6,287	62,878	69,165	45,447	155,581	830,013	102,228	41,315
7	116,609	29,744	18,044	65,415	229,813	140,797	6,413	64,135	70,548	43,222	159,264	989,277	97,575	39,293
8	118,942	30,934	18,405	66,723	235,004	134,244	6,541	65,418	71,959	41,106	163,044	1,152,321	93,138	37,370
9	121,320	32,171	18,773	68,058	240,323	128,003	6,672	66,726	73,399	39,094	166,924	1,319,245	88,908	35,540
10	123,747	33,458	19,149	69,419	245,772	122,056	6,806	68,061	74,867	37,180	170,906	1,490,151	84,876	33,801
Total	\$1,133,798	\$282,229	\$175,445	\$579,037	\$2,170,508	\$1,475,760	\$56,768	\$623,589	\$680,357	\$465,857	\$1,490,151	\$1,490,151	\$1,009,904	\$428,069



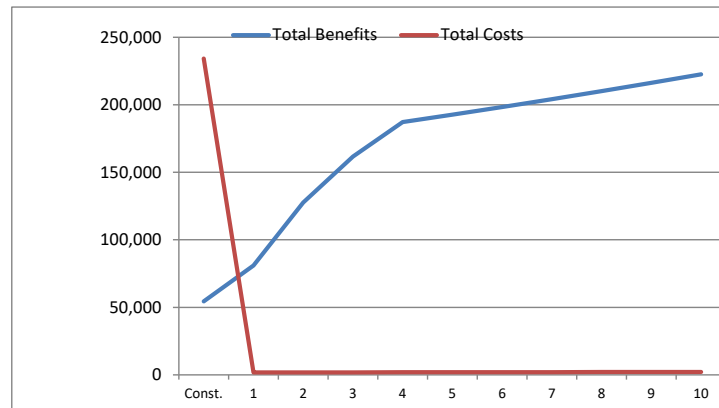
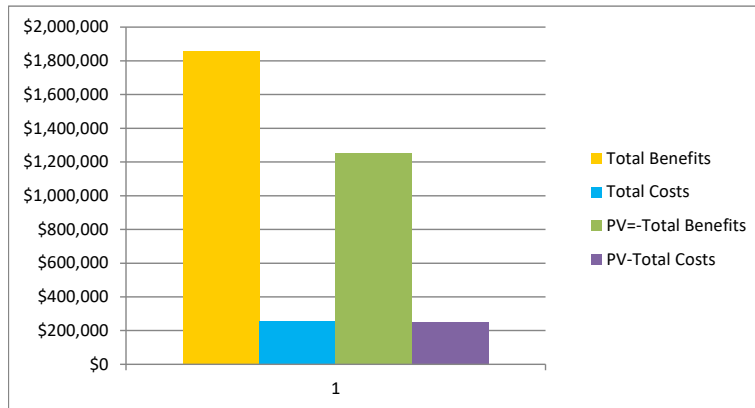
SUMMARY OF COSTS AND BENEFITS FOR: KC Community College								Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 2.05					
PROJECT: Carnation Partners, LLC (or assigns)(Without L/M/W)								Ratio of Present Value of Total Benefits to Present Value of Total Costs: 2.04					
DATE: 10/27/2023				DISCOUNT RATE: 7.25%				(Typical desired ratio would be 1.3 to 1) Average ROI 10.47%					
Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	60,225	11,840	832	72,897	67,969	519	33,124	33,643	31,369	39,254	39,254	36,601	30,885
2	61,430	12,314	1,357	75,101	65,291	847	36,858	37,705	32,780	37,396	76,650	32,511	32,043
3	62,658	12,806	1,730	77,195	62,575	1,080	37,595	38,675	31,350	38,520	115,170	31,224	30,475
4	63,912	13,319	2,000	79,231	59,883	1,249	38,347	39,596	29,927	39,635	154,805	29,956	28,983
5	65,190	13,851	2,040	81,082	57,139	1,274	39,114	40,388	28,462	40,694	195,498	28,678	27,564
6	66,494	14,405	2,081	82,980	54,524	1,299	39,896	41,195	27,069	41,785	237,283	27,456	26,215
7	67,824	14,982	2,123	84,928	52,032	1,325	40,694	42,019	25,743	42,909	280,192	26,288	24,932
8	69,180	15,581	2,165	86,926	49,656	1,352	41,508	42,860	24,483	44,066	324,258	25,173	23,711
9	70,564	16,204	2,208	88,976	47,391	1,379	42,338	43,717	23,285	45,259	369,518	24,106	22,551
10	71,975	16,852	2,253	91,080	45,232	1,406	39,586	40,992	20,358	50,087	419,605	24,875	19,659
Total	\$659,451	\$142,155	\$18,789	\$820,395	\$561,693	\$11,730	\$389,061	\$400,790	\$274,825	\$419,605	\$419,605	\$286,867	\$267,018



SUMMARY OF COSTS AND BENEFITS FOR:							USD 202 Rec Comm						
PROJECT: Carnation Partners, LLC (or assigns)(Without L/M/W)							Ratio of Actual Benefits to Actual Costs Over the 10-Year Period:						
DATE: 10/27/2023				DISCOUNT RATE: 7.25%			(Typical desired ratio would be 1.3 to 1)						
							Average ROI						
Year	New District Property Taxes	PILOT Payment	Other District Revenues	Total Benefits	Net Present Value of Total Benefits	Other District Costs	District Property Taxes Abated	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Net Present Value of Taxes Abated
1	\$15,357	\$3,019	\$53	\$18,429	\$17,183	\$16	\$8,446	\$8,462	\$7,890	\$9,967	\$9,967	\$9,293	\$7,875
2	\$15,664	\$3,140	\$86	\$18,890	\$16,423	\$26	\$8,615	\$8,641	\$7,513	\$10,249	\$20,216	\$8,910	\$7,490
3	\$15,977	\$3,266	\$110	\$19,353	\$15,688	\$33	\$9,586	\$9,620	\$7,798	\$9,733	\$29,949	\$7,890	\$7,771
4	\$16,297	\$3,396	\$127	\$19,820	\$14,980	\$38	\$9,778	\$9,817	\$7,419	\$10,004	\$39,953	\$7,561	\$7,390
5	\$16,623	\$3,532	\$130	\$20,285	\$14,295	\$39	\$9,974	\$10,013	\$7,056	\$10,272	\$50,224	\$7,239	\$7,029
6	\$16,955	\$3,673	\$132	\$20,761	\$13,642	\$40	\$10,173	\$10,213	\$6,711	\$10,548	\$60,772	\$6,931	\$6,685
7	\$17,295	\$3,820	\$135	\$21,250	\$13,019	\$41	\$10,377	\$10,417	\$6,382	\$10,832	\$71,604	\$6,636	\$6,357
8	\$17,640	\$3,973	\$138	\$21,751	\$12,425	\$42	\$10,584	\$10,626	\$6,070	\$11,125	\$82,729	\$6,355	\$6,046
9	\$17,993	\$4,132	\$140	\$22,265	\$11,859	\$42	\$10,796	\$10,838	\$5,773	\$11,427	\$94,157	\$6,086	\$5,750
10	\$18,353	\$4,297	\$143	\$22,793	\$11,320	\$43	\$11,012	\$11,055	\$5,490	\$11,738	\$105,895	\$5,830	\$5,469
Total	\$168,155	\$36,249	\$1,193	\$205,598	\$140,833	\$360	\$99,342	\$99,703	\$68,102	\$105,895	\$105,895	\$72,731	\$67,862



SUMMARY OF COSTS AND BENEFITS FOR: State of Kansas									Ratio of Actual Benefits to Actual Costs Over the 10-Year Period: 7.30								
PROJECT: Carnation Partners, LLC (or assigns)(Without L/M/W)									Ratio of Present Value of Total Benefits to Present Value of Total Costs: 5.04								
DATE: #####						DISCOUNT RATE: 7.25%			(Typical desired ratio would be 1.3 to 1) Average ROI 63.04%								
Year	Sales Taxes	New Property Taxes	Corporate and Personal Income Taxes	PILOT Payment	Other State Revenues	Total Benefits	Net Present Value of Total Benefits	Cost of Various State Services	Cost of Educating New Students	Property Taxes Abated	Incentives	Total Costs	Net Present Value of Total Costs	Net Benefits or Costs	Cumulative Net Benefits or Costs	Net Present Value of Net Benefits	Present Value of Taxes Abated and Incentives
Const.	11,934	\$0	42,500	0	0	54,434	54,434	0	\$0	\$0	\$234,244	234,244	234,244	-179,810	-179,810	-179,810	234,244
1	55,570	\$3,300	21,420	649	0	80,939	75,467	0	0	\$1,815	0	1,815	1,692	79,124	-100,686	73,775	1,692
2	88,210	\$3,366	35,300	675	0	127,551	110,889	0	0	\$1,851	0	1,851	1,609	125,700	25,014	109,280	1,609
3	112,084	\$3,433	45,449	702	0	161,667	131,048	0	0	\$1,888	0	1,888	1,531	159,779	184,793	129,517	1,531
4	129,980	\$3,502	53,054	730	0	187,266	141,537	0	0	\$1,926	0	1,926	1,456	185,340	370,133	140,081	1,456
5	133,750	\$3,572	54,646	759	0	192,727	135,818	0	0	\$1,965	0	1,965	1,384	190,762	560,895	134,433	1,384
6	137,631	\$3,643	56,285	789	0	198,349	130,331	0	0	\$2,004	0	2,004	1,317	196,345	757,240	129,014	1,317
7	141,628	\$3,716	57,974	821	0	204,139	125,068	0	0	\$2,044	0	2,044	1,252	202,095	959,336	123,816	1,252
8	145,743	\$3,791	59,713	854	0	210,100	120,019	0	0	\$2,085	0	2,085	1,191	208,015	1,167,351	118,828	1,191
9	149,983	\$3,866	61,504	888	0	216,242	115,176	0	0	\$2,127	0	2,127	1,133	214,115	1,381,466	114,044	1,133
10	154,352	\$3,944	63,350	923	0	222,568	110,533	0	0	\$2,169	0	2,169	1,077	220,399	1,601,866	109,455	1,077
Total	\$1,260,866	\$36,134	\$551,194	\$7,789	\$0	\$1,855,983	\$1,250,319	\$0	\$0	\$19,874	\$234,244	\$254,117	\$247,886	\$1,601,866	\$1,601,866	\$1,002,433	\$247,886



* The development agreement calls for 100% of the state's 6.5% sales tax on sales from the project area to go toward retiring the Star bonds for the project.

Carnation Partners, LLC (or assigns)(Without L/M/W)

Other Economic Impacts of the Project

	In the First Year	Over 10 Years
Permanent jobs created	15	34
Construction jobs created	8	0
Number of New Residents in the Community	8	18
Number of Additional Students in the Local School District	2	3
Increase in Local Personal Incomes	\$1,020,000	\$24,223,532
Increase in Local Retail Sales	\$1,417,631	\$31,786,416
Increase in the Community's Property Tax Base	\$8,500,000	\$8,500,000
Estimated Property Tax Revenue after the abatement period ends:		
	City	\$103,186
	County	\$100,107
	School	\$145,753
	Comm. Coll.	\$73,414
	Rec Comm	\$19,476
	State	\$4,023
	Total	\$445,959

Carnation Partners, LLC (or assigns)(Wit

0

Overall Cost-Benefit Summary

TAXING ENTITY	DIRECT REVENUES						TOTAL DIRECT REVENUES	ALL INDIRECT REVENUES	TOTAL ALL REVENUES	DIRECT COSTS		INDIRECT COSTS	TOTAL COSTS	NET BENEFITS
	Sales Taxes	PILOT Payment	New Property Taxes	School Federal & State Funding	Corporate & Personal Income Taxes	City Utilities & Franchise Fees				Property Taxes Abated	Cost of Educating New Students	ALL INDIRECT COSTS		
City of Kansas City	358,324	199,804	926,878			40,427	1,525,432	10,860	1,536,292	509,783	0	18,052	527,835	1,008,456
Wyandotte County	219,442	193,841	899,218				1,312,501	20,963	1,333,464	494,570	0	13,328	507,898	825,567
Turner USD 202		282,229	1,309,243	579,037			2,170,508		2,170,508	623,589	56,768	0	680,357	1,490,151
KC Community College		142,155	659,451				801,607	18,789	820,395	389,061	0	11,730	400,790	419,605
USD 202 Rec Comm		36,249	168,155				204,404	1,193	205,598	99,342		360	99,703	105,895
State of Kansas	1,260,866	7,789	36,134	0	551,194		1,855,983	0	1,855,983	19,874	0	0	19,874	1,836,110
TOTALS	\$1,838,632	\$862,067	\$3,999,079	\$579,037	\$551,194	\$40,427	\$7,870,435	\$51,805	\$7,922,240	\$2,136,218	\$56,768	\$43,470	\$2,236,456	\$5,685,784



Report to

MEETING DATE	PRESENTER	DEPARTMENT
December 29, 2023	Jeffrey Conway, Assistant Counsel	Economic Development
AGENDA ITEM #		
ORDINANCE: AUTHORIZING THE REMOVAL OF PROPERTY FROM PROJECT AREA A IN THE KANSAS SPEEDWAY REDEVELOPMENT DISTRICT		
BACKGROUND		
ORDINANCE—Adopt an ordinance authorizing the removal of property from Project Area A in the Kansas Speedway redevelopment district for the purpose of other development, submitted by Jeff Conway, Assistant Counsel.		
RECOMMENDATION		
Approve		
To approve the ordinance.		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
None.		
IT/POLICY CONSIDERATIONS		
None		
PROCUREMENT CONSIDERATIONS		
None		
LEGAL CONSIDERATIONS		
Jeff Conway prepared the ordinance.		
ATTACHMENTS		
Ordinance - Release property from district (2)		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:

[Handwritten signature]

11/1/2023
4/3/2003

[Handwritten signature: Lynne J. Aardema]
11-6-23

(Published in *The Wyandotte Echo* on November __, 2023)

ORDINANCE NO. O-____-23

AN ORDINANCE MAKING FINDINGS AND REMOVING CERTAIN PROPERTY FROM THE STAR BOND PROJECT DISTRICT WITHIN THE CITY OF KANSAS CITY, KANSAS (PRAIRIE-DELAWARE REDEVELOPMENT PROJECT AREA A) CONTINGENT UPON CERTAIN EVENTS.

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the “Unified Government”) desires to promote, stimulate and develop the general and economic welfare of Kansas City, Kansas and the state of Kansas (the “State”) and to assist in the development and redevelopment of eligible areas within Kansas City, Kansas, thereby promoting the general welfare of the citizens of the State and the Unified Government, by acquiring property and providing for the development and redevelopment thereof and the financing relating thereto; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1770 *et seq.*, as amended (the “Act”), 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 Unified Government on March 19, 1998, passed Ordinance No. O-11-98, which created a redevelopment district within Kansas City, Kansas, the boundaries of which were defined in said Ordinance (as amended from time to time, the “Redevelopment District”) and containing three redevelopment project areas, including Project Area A (as amended from time to time, “Project Area A”); and

WHEREAS, the Unified Government passed an ordinance on June 25, 1998, adopting a redevelopment plan for Project Area A (the “Redevelopment Plan”) for the Kansas Speedway project; and

WHEREAS, the Unified Government previously issued its Taxable Special Obligation Revenue Bonds (Kansas International Speedway Corporation Project), Series 1999 (the “Bonds”) to finance certain improvements within Project Area A; and

WHEREAS, the Bonds are secured in part by that certain Kansas Mortgage, Assignment of Rents and Security Agreement dated as of January 15, 1999 (as modified and amended, the “Mortgage”), executed by Kansas International Speedway Corp. and delivered to the Unified Government and Security Bank of Kansas City, as mortgagees; and

WHEREAS, MBIA Insurance Corporation (and any successors or assigns, the “Bond Insurer”) issued its Financial Guaranty Insurance Policy relating to the Bonds and is deemed holder of the Bonds under the indenture relating to the Bonds; and

WHEREAS, the owner of certain property within the Redevelopment District has requested that the Property (as defined herein) be removed from the Redevelopment District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. Findings. The governing body of the Unified Government hereby finds:

(a) the property legally described on **Exhibit A** and depicted on **Exhibit B** attached hereto (the “Property”) constitutes less than a *de minimis* amount (15%) of the land area within the Redevelopment District.

(b) the actions contemplated by this Ordinance will not cause a “substantial change” (as defined in the Act) to the Redevelopment District or the Redevelopment Plan.

(c) because the Property currently produces no sales tax or property tax revenue, the removal of the Property from the Redevelopment District will not affect any feasibility studies prepared for the Bonds and any other bonds issued that are expected to be repaid from revenues generated within the Redevelopment District.

Section 2. Removal of Property from the Redevelopment District. Upon satisfaction of the contingencies set forth in Section 3 hereof, the Property shall be automatically and without further action be removed from the Redevelopment District, and the County Administrator and other appropriate officials are authorized to take all necessary action release the Mortgage from the Property, including executing and recording any necessary documents to effect such release.

Section 3. Contingencies. The effectiveness of **Section 2** hereof shall be contingent upon the Unified Government's receipt of the Bond Insurer's consent to release the Mortgage from the Property.

Section 4. Further Action. The Mayor/CEO, County Administrator, Unified Government Clerk and other officials and employees of the Unified Government, including the Chief Counsel to 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 5. Effective Date. This Ordinance shall become effective upon its passage by the governing body of the Unified Government and publication as provided by law in the official newspaper of the Unified Government.

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**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS THIS 16TH DAY
OF NOVEMBER, 2023.**

[SEAL]

Tyrone Garner, Mayor/CEO

Attest:

Monica L. Sparks,

Interim Unified Government Clerk

Approved as to form:

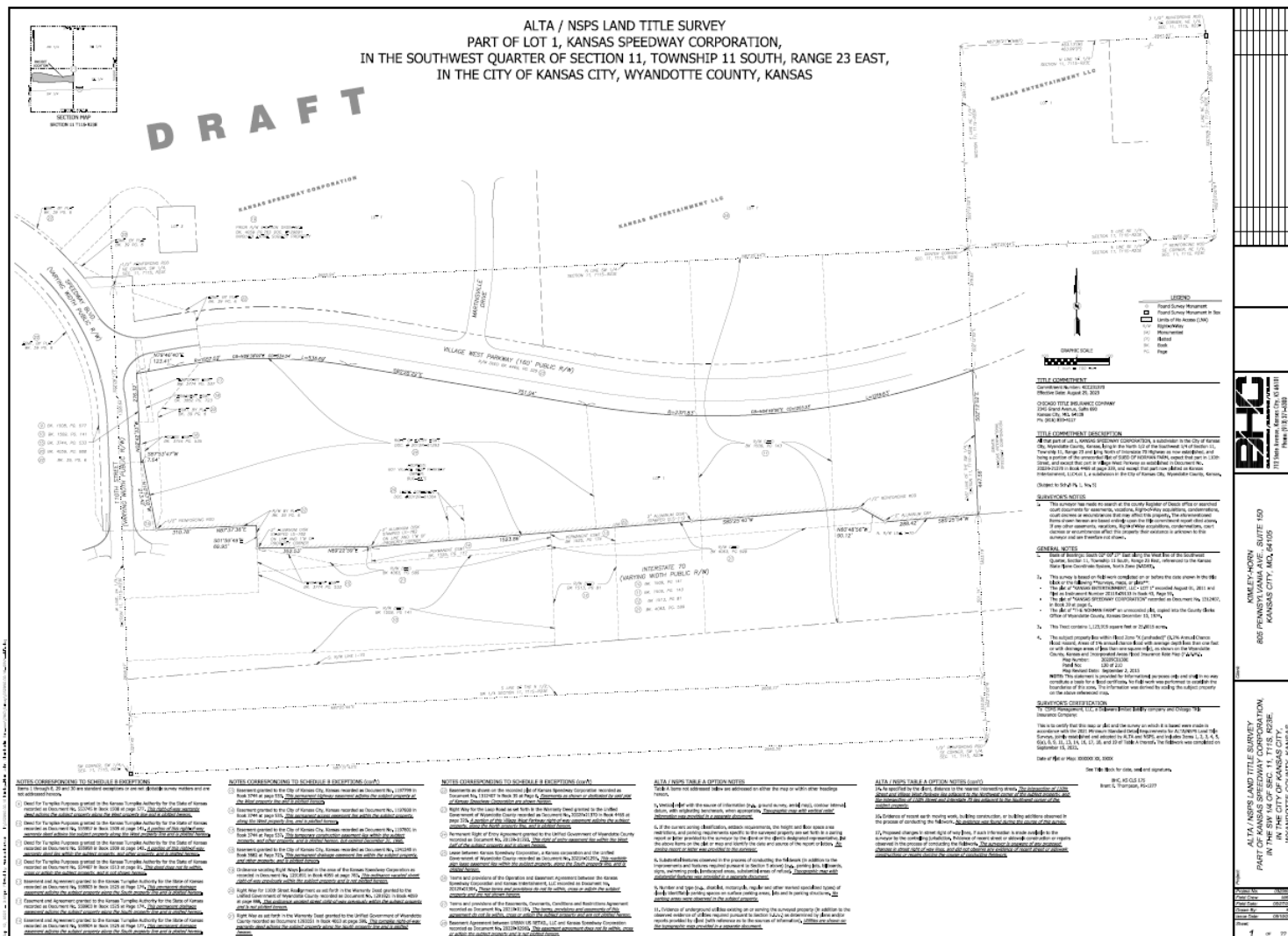
Angela Lawson

Interim Chief Counsel of the Unified Government

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

All that part of Lot 1, KANSAS SPEEDWAY CORPORATION, a subdivision in the City of Kansas City, Wyandotte County, Kansas, lying in the North 1/2 of the Southwest 1/4 of Section 11, Township 11, Range 23 and lying North of Interstate 70 Highway as now established, and lying South of Village West Pkwy, and being a portion of the unrecorded Plat of SUBD OF NORMAN FARM, except that part in 110th Street, and except that part in Village West Parkway as established in Document No. 2002R-21370 in Book 4469 at page 329, and except that part now platted as Kansas Entertainment, LLC-Lot 1, a subdivision in the City of Kansas City, Wyandotte County, Kansas.

EXHIBIT B
MAP OF PROPERTY



Commission Agenda Item Report

Title: FY24 VAWA Application by KCKPD

Proposed Agenda Date: Oct 23, 2023 PWS Standing Committee

Presented by: Wendy Medina, KCKPD

BACKGROUND:

- Seeking approval to apply for Violence Against Women's Act grant (VAWA) for FY 24
- ICJR grant is ending on December 31st, 2023
- New funding source is required for continuing the lethality assessment program
- Continued funding for Program Coordinator's salary and fringe benefits
- Applying for VAWA grant via KS Governor's Grants Office
- Support use of multi-disciplinary teams, High Risk Team (HRT) and Coordinated Community Response, to enhance robust response and safety outcomes for DV victims
- Officers can continue to implement lethality assessments in the field
 - Immediate advocacy and confidential shelter via partnership with Friends of Yates

BUDGET IMPACTS / FINANCIAL CONSIDERATIONS:

- Federal Request: \$110,604
- Match: \$31,460
 - 15 % of salary from Captain S. Smith and 10% of salary from Capt. Yarsulik reported as in-cash match (not requesting additional funds)
- (Meets match requirement of 25%)
- Total Project: 142,064

POLICY CONSIDERATIONS:

PROCUREMENT CONSIDERATIONS:

LEGAL CONSIDERATIONS:

RECOMMENDED ACTION:

- Approve

COUNTY ADMINISTRATION COMMENTS:

Approved [Signature] 11/16/2023

MAYOR AGENDA DIRECTION:

APPROVED: [Signature] 11-10-23

RESOLUTION NO. _____

A RESOLUTION authorizing the Kansas City, Kansas Police Department through the Unified Government of Wyandotte County/Kansas City, Kansas to submit an application to the Kansas Governor's Office for its federal S.T.O.P. Violence Against Women Act grant and to accept and administer such grant.

WHEREAS, the Kansas Governor's Office administers the federal S.T.O.P. Violence Against Women Act grant; and

WHEREAS, an application has been prepared to request funding for personnel, training and supplies to provide services to victims of domestic violence including continuation of the lethality assessment program and support of the Coordinated Community Response (CCR) and High Risk Team (HRT); and

WHEREAS, these programs are currently funded by the Improving Criminal Justice Response (ICJR) grant, which is due to end on December 31, 2023; and

WHEREAS, the amount sought for the grant is \$109,056.12, with a matching amount required of twenty-five percent (25%) of the amount awarded.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

1. That the Unified Government of Wyandotte County/Kansas City, Kansas is authorized to submit an application for the federal S.T.O.P. Violence Against Women Act grant.

2. That the County Administrator and/or his or her designee is hereby authorized to accept such grant if awarded, on behalf of the Unified Government and to take the steps he or she deems necessary to fulfill the conditions of the grant and execute documents in furtherance of the application and/or grant.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS _____ DAY OF _____, 2023.

Unified Government Clerk



Report to Full Commission

MEETING DATE	PRESENTER	DEPARTMENT
November 30, 2023	Gunnar Hand, Director	Planning and Urban Design
AGENDA ITEM #XII.3.		
REPORT: FEMA FLOODPLAIN COMMUNITY RATING SYSTEM 2023		
BACKGROUND		
The FEMA Floodplain Community Rating System (CRS) 2023 report is an update of the current 5-year plan. Prior to the development and approval of the next 5-year plan, this update includes a revised repetitive loss area analysis, submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. <i>This item was scheduled to appear before the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, on November 27, 2023. It was requested, and approved by the Mayor, to fast-track this item to the November 30, 2023, full commission meeting.</i>		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
11/27/23		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
KCK 2023 RLAA Update_Progress Report FINALv2		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:



Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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Repetitive Loss Area Analysis

Kansas City, Kansas

Executive Summary:

This report has been prepared by staff from the Department of Urban Planning and Land Use of the Unified Government of Wyandotte County/ Kansas City, Kansas (Unified Government). The purpose of this report is to help property owners reduce their risk of future flooding by providing an understanding of flood risk, flooding sources and resources for mitigation. The Repetitive Loss Area Analysis (RLAA) has been conducted as part of the City's participation in the National Flood Insurance Programs (NFIP) Community Rating System (CRS). This report is provided as one part of the City's overall floodplain management program, which is currently being updated to improve internal alignment in order to realize a more efficient and effective process for the City.

Twelve Repetitive Loss Areas (RLA) have been identified within the city limits of Kansas City, Kansas. The RLAs are identified as:

1. Merriam Lane between Roe Lane and South Mill Street
2. Southwest Blvd between 1-35 and South 5th Street
3. South 39th Street and South 38th Street north of Argentine Boulevard
4. South 12th Street between the railway and Kansas River
5. Kansas Avenue near KCS railway
6. Intersection of Stanley Road and East Donovan Road
7. Intersection of North 29th Street and Freeman Avenue
8. Intersection of North 37th Street and Haskell Avenue
9. Intersection area of North 49th Drive and Sortor Drive
10. Intersection area of North 53rd Street and Georgia Avenue
11. Intersection area of North 57th Drive and Nogard Avenue
12. Intersection area of South 65th Street near Kaw Drive

This report will provide analysis for all twelve areas.

General Problem Statement:

Flooding is a hazardous occurrence that can damage homes, infrastructure and personal property. Flooding can also lead to deaths and its effects can have lasting health impacts. Damage to property can have a high cost for both the City and residents.

Kansas City, Kansas, experiences flooding from several sources and of multiple types. One common type

of flooding in Kansas City, Kansas, is the overflow of rivers and streams into the floodplain. A second common source of flooding in Kansas City is when stormwater runoff exceeds the capacity of the drainage system.

As a community, flood hazard and damage can be mitigated through regulation, preparedness and foresight. This report aims to help property owners reduce their personal flood risk by identifying the sources offloading and potential solutions. A specific problem statement is provided for each repetitive loss area.

Local flood sources for Kansas City, Kansas

- Missouri River
- Kansas River
- Turkey Creek
- Jersey Creek
- Brenner Heights Creek
- Stormwater runoff

Additional information specific to each flooding source is provided within the pertinent sections of this report.

National Flood Insurance Program (NFIP):

The National Flood Insurance Program is a Federal program, managed by the Federal Emergency Management Administration. The NFIP has three components: providing flood insurance, improving floodplain management and development of maps in flood hazard zones. As a partnership between FEMA and communities, the NFIP allows property owners in participating communities to buy insurance to protect against flood losses. As an additional aspect of this partnership, communities are required to establish management regulations to reduce future flood damage. Kansas City, Kansas, participates in the NFIP, making flood insurance available to residents within the city.

Community Rating System (CRS):

The Community Rating System is a national program administered by FEMA. The CRS is a voluntary program that communities can participate in to provide reduced premiums on flood insurance policies for policy holders. Communities are rewarded based on points achieved by doing more to reduce flood damage than meeting the minimum NFIP standards. Flood insurance premium rates can be reduced up to 45%.

CRS also provides benefits by promoting floodplain management activities that enhance public safety and welfare, reduce potential damages to property and infrastructure and protect the natural environment.

Repetitive Loss:

A Repetitive Loss (RL) property is any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. A Repetitive Loss property may or may not currently be insured by NFIP.

Other structures near the RL property may have experienced similar flooding but were not covered by

flood insurance at the time. Surrounding properties with the same exposure to repeated flood damage make up the **Repetitive Loss Area (RLA)**. The RLA is a portion or portions of a community that includes buildings on FEMA's list of repetitive losses and nearby properties subject to the same flooding conditions. Communities with one or more repetitive loss properties on FEMA's list must delineate Repetitive Loss Areas in accordance with the criteria of Section 503 of the CRS Coordinator's Manual.

Repetitive Loss Area Analysis:

A five-step process is followed for developing a Repetitive Loss Area Analysis (RLAA).

Step 1. Advise all the properties in the repetitive loss area that the analysis will be conducted and request their input on the hazard and recommended actions.

Step 2. Contact agencies or organizations that may have plans or studies that could affect the cause or impacts of the flooding.

Step 3. Inspect each building in the repetitive loss area and collect basic data. Adequate information can be collected by observing the building from the street.

Step 4. Review alternative approaches and determine whether any property protection measures or drainage improvements are feasible. The review must look at all of the property protection measures relevant for the buildings being affected, including preventative activities, property protection activities, natural resource protection activities, emergency services measures, structural projects, and public information activities. The Unified Government of is currently working to improve and better align this process internally in order to make it more efficient and effective.

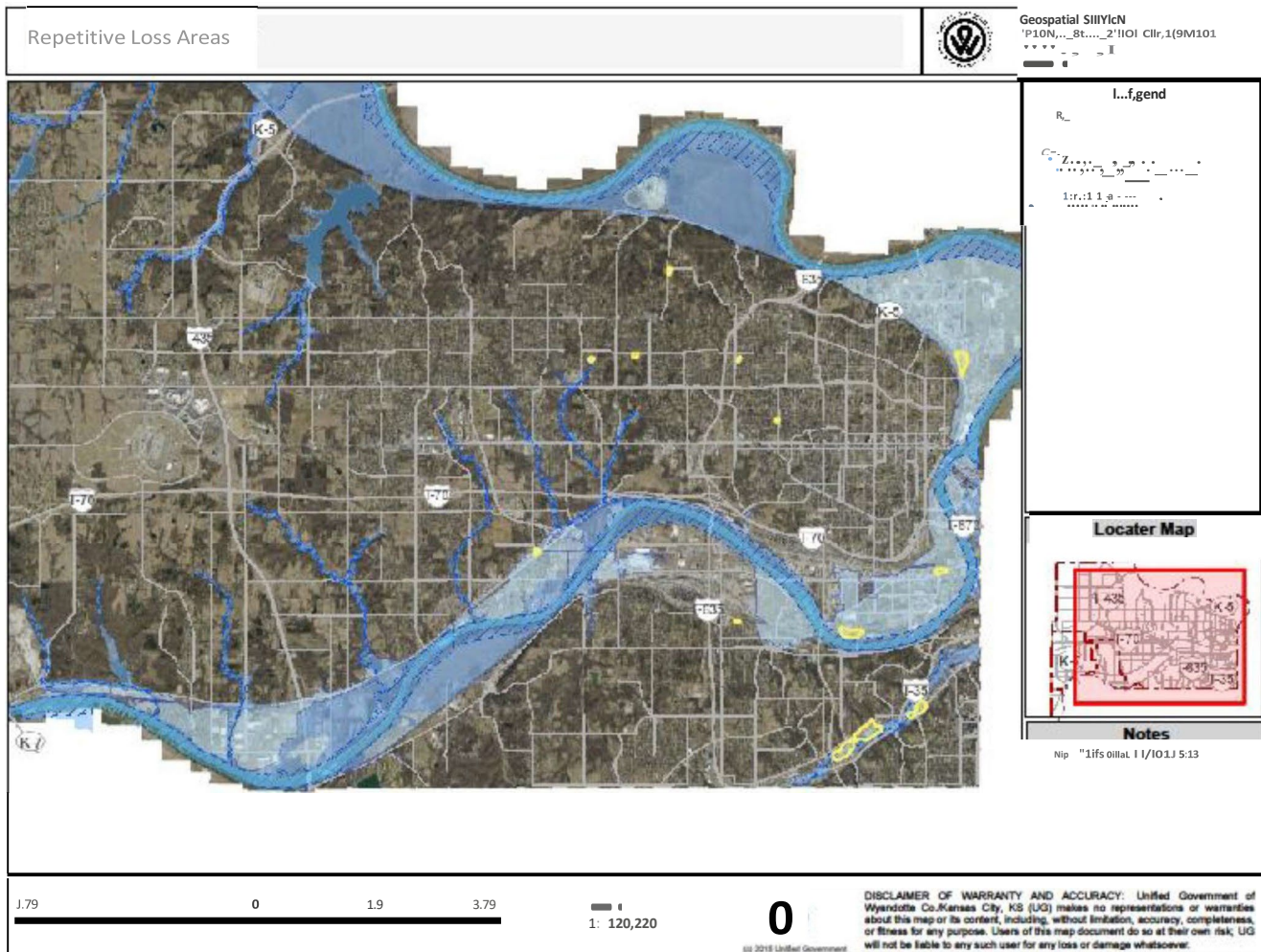
Step 5. Document the findings with a separate analysis for each area. The report should include a summary of the process and how property owners were involved, the problem statement with a map of the affected area, a list or table showing basic information for each building in the area, the alternative approaches reviewed, and a list of action items identifying the responsible party, when the action should be completed and how it will be funded.

Additional criteria must also be met:

- The repetitive loss area analysis report must be submitted to the community's governing body and made available to the media and public.
- The community must prepare an annual evaluation report for its area analyses.
- The community must update its repetitive loss area analyses in time for each CRS cycle verification visit.

Repetitive Loss Area Analysis

A repetitive loss area analysis was conducted for the loss areas identified in Kansas City, Kansas. Each area has unique sources of flooding which will be discussed later in this report. Repetitive loss properties are shown in yellow on the map below.



Step 1-Advise the residents

Residents in all 12 loss areas were notified in the same way. Properties within the repetitive loss area were identified by plotting all the properties on FEMA's repetitive loss list and defining the areas with similar loss conditions. The city of Kansas City, Kansas, is overall an urban area with some agricultural uses and undeveloped areas on the western portion of the City. All 12 repetitive loss areas are located on the eastern half of the city, where development is denser.

A notification letter was sent to property owners in the RLA in September 2017. The letter advised that a repetitive loss area analysis was being conducted and requested input on flood hazard and recommended actions. The letter also identified how draft copies would be made available and provided contact information for the local floodplain administrator.

Step 2- Contact agencies and organizations

The local floodplain administrator contacted external agencies and internal departments that might have plans, studies or information that could affect the cause or impacts of flooding within the repetitive loss area. Those agencies contacted are listed below.

- FEMA- Flood Insurance Study (FIS)
- Unified Government of Wyandotte County/ KCK Public Works Department
- Unified Government of Wyandotte County/ KCK Emergency Management Department
- Fairfax Drainage District of Wyandotte County, Kansas
- Kaw Valley Drainage District
- Kansas Department of Agriculture, Division of Water Resources

Repetitive Loss Area 1

Step 3- Site Visit and Repetitive Loss Area 1 Analysis

Problem Statement

Repetitive Loss Area 1 is located along Merriam Lane between Roe Lane and South Mill Street. Multiple repetitive loss properties are located within this area. Turkey Creek runs parallel to Merriam Lane for a portion of this stretch. The affected properties represent a mix of commercial and single- family residential homes, built primarily between 1920 and 1970. Flooding in this area is caused by overflowing waters from Turkey Creek. A portion of the RLA lies within the boundaries of the one percent annual chance flood as well as the floodway for Turkey Creek. Due to the mixed-use nature of this area, flooding can have impacts on business operation as well as damage to personal property. There is also a safety hazard presented for anyone attempting to drive or walk through the affected areas during flooding.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below.

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates all development within the floodplain through the permitting process. The use and development of flood-prone areas is limited through regulation by the Building Inspections and the Planning and Urban Design departments, floodplain regulations, building codes, and storm water management. A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 27-550, Subsection (a) of the Unified Government of Wyandotte County/ KCK Code of Ordinances. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development. This permit may be incorporated into the regular building permit provided there is a check box indicating floodplain review is necessary and that proper documentation of review is kept in the approval file and verified during post construction inspection by staff or a third-party engineer or surveyor. The Unified Government has also adopted a regulatory floodway designed to carry the waters of the base flood without

increasing the water surface elevation of that flood more than one foot at any point. Additional provisions apply to work done in the floodplain, as listed described in Section 27-552, Subsection (f) of the above-mentioned code of ordinances. The Unified Government is currently working to improve and better align this process internally in order to make it more efficient and effective. The Unified Government is currently working to improve and better align this process internally in order to make it more efficient and effective. The Unified Government will continue to enforce applicable floodplain zoning ordinance requirements.

Action Items

- The Planning and Urban Design Department, the Building Inspections Department and the local floodplain administrator are responsible for continued implementation of these requirements. A process is currently underway to review the Unified Government's flood permitting process in order to best align Department and partner agencies to make the program more efficient and effective.
 - These requirements are current and will continue to be maintained.
 - Funding is covered under the current staffing budget.
- Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". <http://www.wycokck.org/GSS/DotMaps.aspx>

Action Items

- Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
 - These requirements are current and will continue to be maintained.
 - Funding is covered under the current staffing budget.

2. Property Protection:

Property owners in this area should take action to protect their property from future flooding hazards.

- Property owners should prepare for flooding by purchasing flood insurance coverage.
- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.

Action Items

- Property owners are responsible for the implementation of property protection measures.
 - Property owners can begin implementation immediately.
 - Projects can be privately funded by property owner.
 - Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that

can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Emergency Services:

There is currently a water level gauge along Turkey Creek at Mill Street and 1-35. This gauge was funded by the U.S. Army Corp of Engineers, with the Unified Government agreeing to fund maintenance as required. Additional gauges would increase flood protection.

Action Items

- o The existing gauge is monitored by the Emergency Services department.
- o This gauge is currently operational and will continue to be.
- o The gauge was funded through a partnership with the U.S. Army Corps of Engineers. Monitoring is funded under the current staffing budget.

4. Structural Projects:

The Unified Government of Wyandotte County/ KCK has been working in conjunction with the U.S. Army Corps of Engineers on the Turkey Creek Project. This is a multi-phased project aimed at alleviating flooding from Turkey Creek along Merriam Lane and Southwest Boulevard. This project is the final phase and consists of floodwall and levees along Turkey Creek, storm sewer modifications, and utility relocations. Additional information can be found at http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Civil-Works-Review-Board/upper_turkey/

Action Items

- o The Public Works Department, Stormwater Management and U.S. Army Corps of Engineers are coordinating this project.
- o This project is anticipated to be completed in 2018-2019.
- o This project has been funded through allocation of Federal funds and non-Federal funds.

5. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
- Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
- An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- o The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- o The outreach programs mentioned above are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

Repetitive Loss Area 2

Step 3- Site Visit and Repetitive Loss Area 2 Analysis

Problem Statement

Repetitive Loss Area 2 is located along Southwest Boulevard from just east of South Tremont Street to South 5th Street. There are multiple repetitive loss properties located within this area. Turkey Creek flows through the RLA and continues in close proximity to the properties. Portions of the RLA are within the floodway and AE Zone for Turkey Creek. This area is commercial in nature with retail space, warehouses, and office buildings. Overbank flooding from Turkey Creek has been a problem in this area. This area also experiences flooding due to runoff from areas that are at a higher elevation to the southeast. Water collects along Southwest Boulevard where the land becomes flat. The Wyandotte County Major Street Plan identifies Southwest Boulevard as a Class B Thoroughfare. Flooding in this area can cause disruption of travel and business and can be hazardous for anyone trying to drive along Southwest Boulevard.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below.

1. Preventative Measures:
 - The Unified Government of Wyandotte County/ KCK regulates all development within the floodplain through the permitting process. The use and development of flood-prone areas is limited through regulation by Building Inspections and Planning and Urban Design departments, floodplain regulations, building codes, and storm water management. A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 27-550, Subsection (a) of the Unified Government of Wyandotte County/ KCK Code of Ordinances. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development. This permit may be incorporated into the regular building permit provided there is a check box indicating floodplain review is necessary and that proper documentation of review is kept in the approval file and verified during post construction inspection by staff or a third-party engineer or surveyor. The Unified Government has also adopted a regulatory floodway designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point. Additional provisions apply to work done in the floodplain, as listed described in Section 27-552, Subsection (f) of the above-mentioned code of ordinances. The Unified Government is currently working to improve and better align this process internally in order to make it more efficient and effective. The Unified

Government will continue to enforce applicable floodplain zoning ordinance requirements.

Action Items

- o The Planning and Urban Design Department, the Building Inspections Department and the local floodplain administrator are responsible for continued implementation of these requirements.
 - o These requirements are current and will continue to be maintained.
 - o Funding is covered under the current staffing budget.
- Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". <http://www.wycokck.org/GSS/DotMaps.aspx>

Action Items

- o Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- o These requirements are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

2. Property Protection:

Property owners in this area should take action to protect their property from future flooding hazards.

- Property owners should prepare for flooding by purchasing flood insurance coverage.
- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.

Action Items

- o Property owners are responsible for the implementation of property protection measures.
- o Property owners can begin implementation immediately.
- o Projects can be privately funded by the property owner.
- o Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Emergency Services:

There is currently a water level gauge along Turkey Creek at Mill Street and 1-35. This gauge was funded by the U.S. Army Corp of Engineers, with the Unified Government agreeing to fund maintenance as required. Additional gauges would increase flood protection.

Action Items

- o The existing gauge is monitored by the Emergency Management Department.
- o This gauge is currently operational and will continue to be.
- o The gauge was funded through a partnership with the U.S. Army Corps of Engineers. Monitoring is funded under the current staffing budget.

4. Structural Projects:

The Unified Government has been working in conjunction with the U.S. Army Corps of Engineers on the Turkey Creek Project. This is a multi-phased project aimed at alleviating flooding from Turkey Creek along Merriam Lane and Southwest Boulevard. This project is the final phase and consists of floodwall and levees along Turkey Creek, storm sewer modifications, and utility relocations. Additional information can be found at http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Civil-Works-Review-Board/upper_turkey/

Action Items

- o The Public Works Department, Stormwater Management and U.S. Army Corps of Engineers are coordinating this project.
- o This project is anticipated to be completed in 2018-2019.
- o This project has been funded through allocation of Federal funds and non-Federal funds.

5. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
- Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
- An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- o The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- o The outreach programs mentioned above are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

Repetitive Loss Area 3

Step 3- Site Visit and Repetitive Loss Area 3 Analysis

Problem Statement:

Repetitive Loss Area 3 is located north of Argentine Boulevard between South 39th Street and South 37th Street. Four repetitive loss properties are located within this area. This area is not located within the regulatory Special Flood Hazard Area (SFHA), however has experienced multiple flooding events with losses reported. The affected buildings are single-family homes, mostly with partial/ full basements or crawlspaces. Flooding in this area has been identified as surface runoff flooding, usually occurring during or after flash flood rain events. A flash flood is defined as a sudden, local flood typically due to heavy rain. The area outlined is very flat with grade changes no more than two feet within the RLA boundaries. Storm sewers along South 39th Street flow north to a drainage ditch located on private property. This ditch has adjacent trees along the bank and has experienced blockage from natural debris in the past. South 38th Street and South 37th Street do not have storm sewers and rely on natural drainage, the flat land leads to water pooling. These elements combined lead to flooding problems when large rain events have an intensity that exceeds the evaporation, infiltration and natural runoff capacity of the soil. Increases in impervious surfaces can exacerbate problems with runoff.

A response was received from one resident in the neighborhood living near the 3800 block of Argentine Boulevard. Although the last loss claim for the repetitive loss properties in this area was in 2004, it was confirmed that flooding is still an issue for residents in the neighborhood.

A follow-up telephone conversation with the sender revealed that the flooding occurs only in the basement of their home but that several items of value are stored in the basement. In addition, the water heater is in the basement.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below.

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak run-off from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

Action Items

- The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
- These requirements are current and will continue to be maintained.

- o Funding is covered under the current staff budget.
- Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service: <http://www.wycokck.org/GSS/DotMaps.aspx>

Action Items

- o The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- o These requirements are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

2. Property Protection:

Property owners in this area should act to protect their property from future flooding hazards.

- Property owners should prepare for flooding by purchasing flood insurance coverage.
- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.
- Items of value and utilities such as water heaters and HVAC equipment that are stored in basements should be moved to a higher floor.

Action Items

- o Property owners are responsible for the implementation of property protection measures.
- o Property owners can begin implementation immediately.
- o Projects can be privately funded by the property owner.
- o Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Natural Resource Protection:

Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation.

- Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events.

Action Items

- o Property owners are responsible for maintaining clearance of natural drainage areas on private property.
- o Property owners can begin implementation immediately.
- o Projects will be funded by property owners.

4. Structural Projects:

The City is currently working with Benesch Consulting on a study to determine feasible solutions for flooding in this area, including what can be done structurally to alleviate localized flooding.

Action Items

- o The Public Works Department and Benesch Consulting are undertaking this study.
- o The study is anticipated to be completed in 2018-2019.
- o Funds for this study have already been allocated.

5. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
- Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
- An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- o The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- o The outreach programs mentioned above are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

Repetitive Loss Area 4

Step 3- Site Visit and Repetitive Loss Area 4 Analysis

Problem Statement

Repetitive Loss Area 4 is located along South 12th Street between KCS Railway and the Kansas River. There is one repetitive loss property within this area. This area is entirely within the Zone X- .2% annual chance flood and abuts the floodway. The last loss was reported in 1993, during which time Kansas City experienced record flooding. This area is a levee protected by the Armourdale Levee operated by the Kaw Valley Drainage District. This area is commercial and industrial in use with warehousing, office space, storage and railcar services. Flooding in the past has likely been caused by extreme rain events

which inundated the area. This area does not have much change in grade which could lead to water pooling in such an event where water is not able to flow away from the area fast enough to keep up with downfall. To the north there is significant buildout, however surrounding the RLA are some parcels with open space which if maintained can help alleviate runoff. The City operates a pump station on 12th Street.

When flood gates to the Kansas River are closed the City uses the pump station to move excess water to the Kansas River to prevent flooding.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below.

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak run-off from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

Action Items

- o The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
- o These requirements are current and will continue to be maintained.
- o Funding is covered under the current staff budget.
- Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. <http://www.wycokck.org/GSS/DotMaps.aspx>

Action Items

- o The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
 - o These requirements are current and will continue to be maintained.
 - o Funding is covered under the current staffing budget.
- ##### **2. Property Protection:**

Property owners in this area should act to protect their property from future flooding hazards.

- Property owners should prepare for flooding by purchasing flood insurance coverage.
- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website.

Additionally, some FEMA publications are available at the Building Inspections office.

Action Items

- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by the property owner.
- Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Natural Resource Protection:

Natural drainage can be aided by the availability of open space.

- Property owners should maintain natural open space as much as possible to allow for higher water infiltration rates. Maintaining natural vegetation is recommended.

Action Items

- Property owners are the responsible party for maintaining open space areas on private property.
- Property owners can begin implementation immediately.
- Projects will be funded by property owners.

4. Structural Projects:

- Maintain the levee to prevent any failures.

Action Items

- The Kaw Valley Drainage District is responsible for maintenance of the Armourdale Levee.
- The Kaw Valley Drainage District is currently maintaining the levee and will continue to do so in the future.
- A "Levee Tax" applied to properties protected by the levee is used to fund maintenance.

5. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
- Floodplain boundary maps are available to the public through the "DotMaps" web mapping

application.

- An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- o The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- o The outreach programs mentioned above are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

Repetitive Loss Area 5

Step 3- Site Visit and Repetitive Loss Area 5 Analysis

Problem Statement

Repetitive Loss Area 5 is located along Kansas Avenue near the KCS Railway. There is one repetitive loss property in this area. The last loss was in 1993, during which time Kansas City experienced record flooding. This area is in Zone X, protected from the Kansas River by the Armourdale Levee operated by the Kaw Valley Drainage District. There are no properties within the designated special flood hazard area or floodway. The City-Wide Master plan designates this area as heavy industrial. Current uses match with zoning as warehouse and storage space. Construction is brick and block with basements unknown. Buildings appear to be in poor condition with some windows boarded. The site visit noted that this area is highly impervious. There is one storm water inlet present along the street, however curb and gutter are deteriorated/ missing. The site visit also notes several low-lying openings present; including low placed windows and dock doors at grade. The most likely source of flooding in this area is accumulation of storm water runoff during large rain events that is able to enter into buildings through low-lying openings.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below.

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak run-off from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

Action Items

- o The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
 - o These requirements are current and will continue to be maintained.
 - o Funding is covered under the current staff budget.
- Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". <http://www.wycokck.org/GSS/DotMaps.aspx>

Action Items

- o Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
 - o These requirements are current and will continue to be maintained.
 - o Funding is covered under the current staffing budget.

2. Property Protection:

Property owners in this area should act to protect their property from future flooding hazards.

- Property owners should prepare for flooding by purchasing flood insurance coverage.
- It is recommended that dock doors at grade and low-lying windows be adequately sealed and maintained to prevent water entry. Items of value should not be stored in areas with low-lying openings.
- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.

Action Items

- o Property owners are responsible for the implementation of property protection measures.
 - o Property owners can begin implementation immediately.
 - o Projects can be privately funded by the property owner.
 - o Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Structural Projects:

- Maintain the levee to prevent any failures.

Action Items

- The Kaw Valley Drainage District is responsible for maintenance of the Armourdale Levee.
 - The Kaw Valley Drainage District is currently maintaining the levee and will continue to do so in the future.
 - A "Levee Tax" applied to properties protected by the levee is used to fund maintenance.
- Road improvements to fix or replace deteriorated or missing curb are recommended. In addition, maintenance of the storm sewer inlet to keep it free of debris is recommended.

Action Items

- The Public Works Department Engineering Division and Stormwater Runoff Management are responsible for infrastructure updates.
 - Repairs, replacement and maintenance should be done when funding becomes available and after completion of higher priority budgeted items.
 - Funds are appropriated for Capital Maintenance Improvement Projects by the Unified Government's Board of Commissioners, as available.
- 4. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

 - An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
 - Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
 - An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
 - The outreach programs mentioned above are current and will continue to be maintained.
 - Funding is covered under current staffing budget.

Repetitive Loss Area 6

Step 3- Site Visit and Repetitive Loss Area 6 Analysis

Problem Statement

Repetitive Loss Area 6 is located near the intersection of Stanley Road and East Donovan Road. There is one repetitive loss property in this area. The City-Wide Master plan designates this area as heavy

industrial. The affected buildings are used for industrial purposes; manufacturing, warehousing and storage. This RLA is protected from the Missouri River by the Fairfax Levee, operated by the Fairfax Drainage District. There are no properties within the designated Special Flood Hazard Area (SFHA) or floodway. The site visit noted that the area has been heavily built out with little to no impervious area visible. The curb appears well maintained with multiple storm water inlets nearby. The site visit also noted low-lying openings present on several buildings. Flooding in this area is attributed to accumulation of storm water during large rain events that can enter buildings through low-lying openings.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below.

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak run-off from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

Action Items

- The Planning-Engineering department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
- These requirements are current and will continue to be maintained.
- Funding is covered under the current staff budget.
- Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. <http://www.wycokck.org/GSS/DotMaps.aspx>

Action Items

- Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- These requirements are current and will continue to be maintained.
- Funding is covered under the current staffing budget.

2. Property Protection:

Property owners in this area should act to protect their property from future flooding hazards.

- Property owners should prepare for flooding by purchasing flood insurance coverage.
- It is recommended that dock doors at grade and low-lying windows be adequately sealed and maintained to prevent water entry. Items of value should not be stored in areas with low-lying

openings.

- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.

Action Items

- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by the property owner.
- Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Structural Projects:

- Maintain the levee to prevent any failures.

Action Items

- The Fairfax Drainage District is responsible for maintenance of the Armourdale Levee.
- The Fairfax Drainage District is currently maintaining the levee and will continue to do so in the future.
- A "Levee Tax" applied to properties protected by the levee is used to fund maintenance.

4. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
- Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
- An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.

- o The outreach programs mentioned above are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

Repetitive Loss Area 7

Step 3- Site Visit and Repetitive Loss Area 7 Analysis

Problem Statement

Repetitive Loss Area 7 is located near the intersection of North 29th Street and Freeman Avenue. There is one repetitive loss property in this area. A source of flooding in this area has been identified as Jersey Creek, which originates near 36th Street and Everett Avenue and flows east. The creek is conveyed through open ditches as well as channelized underground as part of the storm sewer system in the area. The portion of Jersey Creek nearest the RLA is an open ditch on private property. This is an urbanized area that is heavily built out with little to no open space in the immediate area. A second source of flooding is identified as runoff from rain events.

The buildings in this area are single and multi-family residential. The site visit noted properties that have sub-grade living areas with sub-grade patios. Heavy or moderate rainfalls likely will result in accumulation of water for these properties. The sub-grade construction of these units is considered a factor in the cause of flooding.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below.

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas, through the "Storm Drainage Criteria for Private Developments." Peak run-off from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

Action Items

- o The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
- o These requirements are current and will continue to be maintained.
- o Funding is covered under the current staff budget.
- Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Although this area is not in a designated Special Flood Hazard Area, the online mapping tool can be used to view approximate contours, aerial

views and waterways. <http://www.wycokck.org/GSS/DotMaps.aspx> **Action Items**

- o Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- o These requirements are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

2. Property Protection

- Removal of sub-grade units would likely mitigate flooding. If removal is not possible, modification to limit excess water flow and pooling from the porch is recommended.
- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.
- Property owners should prepare for flooding by purchasing flood insurance coverage.

Action Items

- o Property owners are responsible for the implementation of property protection measures.
- o Property owners can begin implementation immediately.
- o Projects can be privately funded by the property owner.
- o Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Natural Resource Protection:

Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation.

- Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events.

Action Items

- o Property owners are responsible for maintaining clearance of natural drainage areas on private property.
- o Property owners can begin implementation immediately.
- o Projects will be funded by property owners.

4. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the

local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
- Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
- An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under the current staffing budget.

Repetitive Loss Area 8

Step 3- Site Visit and Repetitive Loss Area 8 Analysis

Problem Statement

Repetitive Loss Area 8 is located near the intersection of North 37th Street and Haskell Avenue. There is one repetitive loss property in this area. This area is not within the regulated special flood hazard area, floodway or .2 percent annual chance flood area. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units with brick, wood, and metal construction. The residential units have full basements or crawlspaces. Flooding in this area is attributed to storm water run-off during large rain events. Since the last dated flood loss, the City has undergone separation of combined storm and sanitary lines. Reduced flooding in this area is attributed to the separation and creation of two separate lines. Site visit noted HVAC systems at grade and low-lying basement windows. Utilities and equipment at grade are more likely to be damaged than elevated equipment. Low-lying windows provide an entry point for water.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak run-off

from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

Action Items

- The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
- These requirements are current and will continue to be maintained.
- Funding is covered under the current staff budget.

2. Property Protection

- The addition of window wells to prevent water entry into basements is recommended.
- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.
- Property owners should prepare for flooding by purchasing flood insurance coverage.

Action Items

- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by the property owner.
- Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
- Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
- An annual notice is sent to real estate agents, lenders and banking institutions with

information on Floodplain Management within Kansas City, Kansas.

Action Items

- o The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- o The outreach programs mentioned above are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

Repetitive Loss Area 9

Step 3- Site Visit and Repetitive Loss Area 9 Analysis

Problem Statement

Repetitive Loss Area 9 is located near the intersection of North 49th Drive and Sortor Drive. There is one repetitive loss property in this area. This area is not within the regulated special flood hazard area, floodway or .2 percent annual chance flood area. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units of brick or wood frame construction with full basements. North 49th Drive is in a depression with hills to the east and west.

There is significant grade change as direction moves along Sortor Drive, with runoff water flowing towards north 49th Drive and the RLA. The site visit and aerial overview noted that there is a tree-lined ditch running between two properties. Use of topographic maps showed that one home is at grade level with the ditch. When water runoff from the surrounding areas accumulates in the ditch it will overflow in the direction of the home. Review of Unified Government of Wyandotte County/ KCK utility maps determined there is no stormwater network along North 49th Drive. Flooding in this area is attributed to the natural contours of the area combined with run-off and easy points of entry for water into basements.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas, through the "Storm Drainage Criteria for Private Developments." Peak run-off from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

Action Items

- The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
- These requirements are current and will continue to be maintained.
- Funding is covered under the current staff budget.

2. Property Protection

- The addition of window wells to prevent water entry into basements is recommended. Homes with walk-out basements should have waterproof doors. Valuable items, utilities and equipment should be moved from basements to a higher location.
- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.
- Property owners should prepare for flooding by purchasing flood insurance coverage.

Action Items

- Property owners are responsible for implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by the property owner.
- Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Natural Resource Protection:

Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation.

- Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events.

Action Items

- Property owners are responsible for maintaining clearance of natural drainage areas on private property.
- Property owners can begin implementation immediately.
- Projects will be funded by property owners.

4. Structural Projects:

- Installation of stormwater infrastructure along north 49th Drive is recommended.

Action Items

- The Public works Department Engineering Division and Stormwater Runoff Management are responsible for infrastructure updates.
- Installation and maintenance should be done when funding becomes available and after completion of higher priority budgeted items.
- Funds are appropriated for Capital Maintenance Improvement Projects by the Unified Government's Board of Commissioners.

5. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
- Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
- An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under the current staffing budget.

Repetitive Loss Area 10

Step 3- Site Visit and Repetitive Loss Area 10 Analysis

Problem Statement

Repetitive Loss Area 10 is located near the intersection of North 53rd Street and Georgia Avenue. There is one repetitive loss property located in this area. This area is not within the regulated special flood hazard area, floodway or .2 percent annual chance flood area. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units of brick or wood frame construction with full basements. North 53rd Street is located at the bottom of a hill, with runoff drainage coming from Rowland Avenue and Georgia Avenue. Flooding in this area has been attributed to stormwater run-off. Since the last flood loss recorded, the UG Public Works Department has installed new storm drainage lines along North 53rd Street and along North Georgia Avenue. Storm

water is now captured and piped into a drainage swale. The installation of storm lines has mitigated flood risk in this area.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas, through the "Storm Drainage Criteria for Private Developments." Peak run-off from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

Action Items

- The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
- These requirements are current and will continue to be maintained.
- Funding is covered under the current staff budget.
- Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and location of sewer and sanitary lines are available through this service.

<http://www.wycokck.org/GSS/DotMaps.aspx>

Action Items

- Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
 - These requirements are current and will continue to be maintained.
 - Funding is covered under the current staffing budget.
- ##### **2. Property Protection**
- The addition of window wells to prevent water entry into basements is recommended.
 - Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.
 - Property owners should prepare for flooding by purchasing flood insurance coverage.

Action Items

- Property owners are responsible for the implementation of property protection

measures.

- o Property owners can begin implementation immediately.
- o Projects can be privately funded by property owner.
- o Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
- Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
- An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- o The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- o The outreach programs mentioned above are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

Repetitive Loss Area 11

Step 3- Site Visit and Repetitive Loss Area 11 Analysis

Problem Statement

Repetitive Loss Area 11 is located near the intersection of North 57th Drive and Nogard Avenue. There is one repetitive loss property in this area. Portions of this area are within the floodplain AE zone as well as zone x .2 percent annual chance flood hazard. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units of brick or wood frame

construction with full basements. The flood source in this area is identified as Brenner Heights Creek. Brenner Heights Creek originates near Leavenworth Road and North 56th Street and flows into the Kansas River. A portion of Brenner Heights Creek runs parallel to North 58th Street. Across North 58th Street and perpendicular to Brenner Heights Creek is a ditch that runs in between two rows of houses. This ditch has a tree-lined bank. The Public Works Department has noted an accumulation of trash and debris in Brenner Heights Creek and the adjacent ditch.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates all development within the floodplain through the permitting process. The use and development of flood-prone areas is limited through regulation by Building Inspections and Planning and Urban Design departments, floodplain regulations, building codes, and storm water management. A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in section 27-550, subsection (a) of the Unified Government of Wyandotte County/ KCK Code of Ordinances. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development. This permit may be incorporated into the regular building permit provided there is a check box indicating floodplain review is necessary and that proper documentation of review is kept in the approval file and verified during post construction inspection by staff or a third-party engineer or surveyor. The Unified Government has also adopted a regulatory floodway designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point. Additional provisions apply to work done in the floodplain, as listed described in section 27-552, subsection (f) of the above-mentioned code of ordinances. The Unified Government is currently working to improve and better align this process internally to make it more efficient and effective. The Unified Government will continue to enforce applicable floodplain zoning ordinance requirements.

Action Items

- The Planning and Urban Design Department, the Building Inspections Department and the local floodplain administrator are responsible for continued implementation of these requirements.
 - These requirements are current and will continue to be maintained.
 - Funding is covered under the current staffing budget.
- Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". <http://www.wycokck.org/GSS/DotMaps.aspx>

Action Items

- o Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- o These requirements are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

2. Property Protection

- The addition of window wells to prevent water entry into basements is recommended.
- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.
- Property owners should prepare for flooding by purchasing flood insurance coverage.

Action Items

- o Property owners are responsible for the implementation of property protection measures.
- o Property owners can begin implementation immediately.
- o Projects can be privately funded by the property owner.
- o Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Natural Resource Protection:

Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation.

- Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events.

Action Items

- o Property owners are responsible for maintaining clearance of natural drainage areas on private property.
- o Property owners can begin implementation immediately

Projects will be funded by property owners

4. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.
- Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
- An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under the current staffing budget.

Repetitive Loss Area 12

Step 3- Site Visit and Repetitive Loss Area 12 Analysis

Problem Statement

Repetitive Loss Area 12 is located near South 65th Street and Kaw Drive. There is one repetitive loss property in this area. This area is located within the Zone X .2 percent annual chance flood hazard. This area is designated by the City-Wide Master Plan as Industrial. Uses in this area are primarily commercial with mixed retail and single family residential. Building construction is mixed in this area with block, metal building, wood and some unknown. Flooding in this area is attributed to a drainage ditch that runs along Highway K32, collecting drainage from the area north of this RLA. Normal flow drains to the Kansas River. This area has experienced backflow from the river when it is high. In 2008 a flap gate was installed at 59th Street to prevent river water backing up into this area during high times. Installation of the flap gate has alleviated the primary source of flooding in this area.

Step 4: Recommendations and Alternatives Review

Alternatives review looked at floodplain management alternatives through preventive actions, property protection, natural resource protection, emergency services, structural projects, and public information. The most feasible options for this RLA are highlighted below

1. Preventative Measures:

- The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak run-off from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

Action Items

- o The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
 - o These requirements are current and will continue to be maintained.
 - o Funding is covered under the current staff budget.
- Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. <http://www.wycokck.org/GSS/DotMaps.aspx>

Action Items

- o Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- o These requirements are current and will continue to be maintained.
- o Funding is covered under the current staffing budget.

2. Property Protection

- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.
- Property owners should prepare for flooding by purchasing flood insurance coverage.

Action Items

- o Property owners are responsible for the implementation of property protection measures.
- o Property owners can begin implementation immediately.
- o Projects can be privately funded by the property owner.
- o Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

3. Public Information:

The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- An annual notice is sent to all property owners located within the repetitive loss areas. This notice provides suggestions of property and personal protection, as well as information on obtaining floodplain insurance and local hazards.

- Floodplain boundary maps are available to the public through the "DotMaps" web mapping application.
- An annual notice is sent to real estate agents, lenders and banking institutions with information on Floodplain Management within Kansas City, Kansas.

Action Items

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under current staffing budget.

i Information on Repetitive Loss Properties comes from FEMA NFIP annual community update for 2017. Additional areas have previously been mitigated and for that reason have not been included in this analysis.

ii National Flood Insurance Program: Frequently Asked Questions October 2005
https://www.fema.gov/txt/rebuild/repetitive_loss_faqs.txt

APPENDIX A

2023 Repetitive Loss Area Analysis 5-Year Update



Repetitive Loss Area Analysis

2023 Progress Report/5-Year Update

City of Kansas City, KS

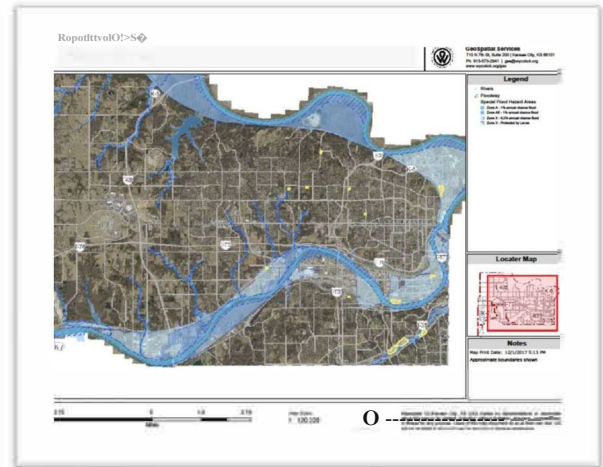
October 2023

Background

The City of Kansas City, Kansas (UG) joined the National Flood Insurance Program (NFIP) on November 1, 1974. FEMA's Community Rating System (CRS) is a voluntary program available for communities in good standing with the NFIP. Participation results in a flood insurance discount to NFIP policyholders within the corporate limits of the City of Kansas City. The UG entered the CRS program in 2012.

Repetitive Loss Area Analysis Summary

The UG completed a Repetitive Loss Area Analysis (RLAA) following the 2017 CRS Coordinator's Manual credit criteria in 2018. At the time of the 2023 Annual Progress Report, the 2017 CRS Coordinator's Manual and 2021 CRS Addendum were referenced. The Privacy Act of 1974 protects personally identifiable information related to NFIP flood insurance policyholders related to the data utilized for CRS reporting purposes. Protected data includes specific names, addresses, and claim information such as the amounts of claims. The UG follows the guidelines of the Privacy Act in reports associated with the CRS program.



Reports and Distribution

The redacted 2018 RLAA can be requested by contacting the

Department of Planning and Urban Design at planninginfo@wycokck.org. The Annual Progress Report/5-Year Update will be made available on the UG's Flood Information webpage at <https://www.wycokck.org/Departments/Planning-Urban-Design/Floodplain-Management>.

UG ordinances and resolutions can be viewed online at <http://public.wycokck.org/sites/ugordinancesresolutions/>.

2023 Annual Progress Report/5-Year Update

For CRS participating communities, Activity 500 Flood Damage Reduction Activities is a program prerequisite. The following dates pertain to the two CRS reporting periods for 2023 documentation:

CRS Progress Reporting Period from December 15, 2022 - December 15, 2023

CRS 5-Year Verification Period from February 23, 2018 - November 9, 2023

The UG has maintained a CRS Repetitive Loss Category B designation since entering the CRS program in 2012. For this reporting period, the UG has combined the Annual Progress Report with the required 5-year RLAA Update to meet the CRS credit criteria.

Repetitive Flood Loss Properties

In the United States there are over 195,000 **repetitive loss properties**, i.e., properties that have had two or more claims of more than \$1,000 paid by the NFIP within any 10-year period since 1978. Although some of these properties have had mitigation measures applied to them, most remain at risk of flooding.

To focus resources on those properties that represent the best opportunities for mitigation, Congress defined a subset called "**Severe Repetitive Loss Properties**" when it passed the Flood Insurance Reform Act of 2004. Severe Repetitive Loss Properties are those 1-4 family properties that have had four or more claims of more than \$5,000 or two to three claims that cumulatively exceed the building's value.

FEMA is directed by the Act to define Severe Repetitive Loss Property for multi-family buildings. For the purposes of the CRS, the Severe Repetitive Loss Property subset also includes non- residential buildings that meet the same criteria as for 1-4 family

(1) Category A: A community that has no repetitive loss properties, or whose repetitive loss properties all have been mitigated. A Category A community has no special requirements except to submit information to update its repetitive loss list, as needed.

(2) Category B: A community with at least one, but fewer than 50, repetitive loss properties that have not been mitigated. At each verification visit, a Category B community must

- (a) Prepare a map of the repetitive loss area(s) (see Section 503),
- (b) Review and describe its repetitive loss problem,
- (c) Prepare a list of the addresses of all properties with insurable buildings in those areas, and
- (d) Undertake an annual outreach project to those addresses (see Section 504). A copy of the outreach project is submitted with each year's recertification.

(3) Category C: A community with 50 or more repetitive loss properties that have not been mitigated. A Category C community must

- (a) Do the same things as a Category B community, and
- (b) Prepare and adopt a repetitive loss area analysis for all repetitive loss areas or prepare and adopt a floodplain management plan that includes full credit for planning Step S(c). Repetitive loss area analyses and floodplain management plans are described under Activity 510 (Floodplain Management Planning).

Review of Action Items by Repetitive Loss Area

The 2018 RLAA identified 12 repetitive loss areas (RLAs) based on the 2017 data provided by FEMA via Insurance Services Office. Table 2 represents the reported 2018 RLA assessment and problem statements for the source of flooding/flooding history in each RL area.

Recommendation for New Projects of Revised Recommendations

Based on the 2023 RL data provided by FEMA, there **are not any changes to the identified 12 RL areas or changes to the 2018 recommendations**. All RLAs, problem statements, preventative measures, property protection recommendations, and action items were reviewed under the 5-year update/annual progress report exercise and are represented in Table 3. Status updates to the reported actions items to meet the update/annual progress report exercise are provided.

The 2023 Annual Progress Report/5-Year Update was prepared by Ms. Melissa Mitchell, CFM with Tetra Tech, and in coordination with the UG Departments of Planning and Urban Design and Public Works.

UG Staff Participation		
Mr. Gunnar Hand	Director/CRS Coordinator	Department of Planning and Urban Design
Ms. Alyssa	Long Range Community Planner	Department of Planning and Urban Design
Mr. Jonathan Wiles, CFM	Collections Systems Engineering Manager	Public Works Department
Mrs. Sarah White, PE	Project Engineer	Public Works Department

Table 2: 2018 Identified Repetitive Loss Areas

Repetitive Loss Area	Problem Statement
1. <i>Merriam Lane between Roe Lane and South Mill Street</i>	Repetitive Loss Area 1 is located along Merriam Lane between Roe Lane and South Mill Street. Multiple repetitive loss properties are located within this area. Turkey Creek runs parallel to Merriam Lane for a portion of this stretch. The affected properties represent a mix of commercial and single-family residential homes, built primarily between 1920 and 1970. Flooding in this area is caused by overflowing waters from Turkey Creek. A portion of the RLA lies within the boundaries of the one percent annual chance flood as well as the floodway for Turkey Creek. Due to the mixed-use nature of this area, flooding can have impacts on business operation as well as damage to personal property. There is also a safety hazard presented for anyone attempting to drive or walk through the affected areas during flooding.
2. <i>Southwest Blvd between I-35 and South 5th Street</i>	Repetitive Loss Area 2 is located along Southwest Boulevard from just east of South Tremont Street to South 5th Street. There are multiple repetitive loss properties located within this area. Turkey Creek flows through the RLA and continues in close proximity to the properties. Portions of the RLA are within the floodway and AE Zone for Turkey Creek. This area is commercial in nature with retail space, warehouses, and office buildings. Overbank flooding from Turkey Creek has been a problem in this area. This area also experiences flooding due to runoff from areas that are at a higher elevation to the southeast. Water collects along Southwest Boulevard where the land becomes flat. The Wyandotte County Major Street Plan identifies Southwest Boulevard as a Class B Thoroughfare. Flooding in this area can cause disruption of travel and business and can be hazardous for anyone trying to drive along Southwest Boulevard.
3. <i>South 39th Street and South 38th Street north of Argentine Boulevard</i>	Repetitive Loss Area 3 is located north of Argentine Boulevard between South 39th Street and South 37th Street. Four repetitive loss properties are located within this area. This area is not located within the regulatory Special Flood Hazard Area (SFHA), however has experienced multiple flooding events with losses reported. The affected buildings are single-family homes, mostly with partial/full basements or crawlspaces. Flooding in this area has been identified as surface runoff flooding, usually occurring during or after flash flood rain events. A flash flood is defined as a sudden, local flood typically due to heavy rain. The area outlined is very flat with grade changes no more than two feet within the RLA boundaries. Storm sewers along South 39th Street flow north to a drainage ditch located on private property. This ditch has adjacent trees along the bank and has experienced blockage from natural debris in the past. South 38th Street and South 37th Street do not have storm sewers and rely on natural drainage, the flat land leads to water pooling. These elements combined lead to flooding problems when large rain events have an intensity that exceeds the evaporation, infiltration and natural runoff capacity of the soil. Increases in impervious surfaces can exacerbate problems with runoff.
4. <i>South 12th Street between the railway and Kansas River</i>	Repetitive Loss Area 4 is located along South 12th Street between KCS Railway and the Kansas River. There is one repetitive loss property within this area. This area is entirely within the Zone X-.2% annual chance flood and abuts the floodway. The last loss was reported in 1993, during which time Kansas City experienced record flooding. This area is levee protected by the Armourdale Levee operated by the Kaw Valley Drainage District. This area is commercial and industrial in use with warehousing, office space, storage and railcar services. Flooding in the past has likely been caused by extreme rain events which inundated the area. This area does not have much change in grade which could lead to water pooling in such an event where water is not able to flow away from the area fast enough to keep up with downfall. To the north there is significant buildout, however surrounding the RLA are some parcels with open space which if maintained can help alleviate runoff. The City operates a pump station on 12th

	Street. When flood gates to the Kansas River are closed the City uses the pump station to move excess water to the Kansas River to prevent flooding.
5. <i>Kansas Avenue near KCS railway</i>	Repetitive Loss Area 5 is located along Kansas Avenue near the KCS Railway. There is one repetitive loss property in this area. The last loss was in 1993, during which time Kansas City experienced record flooding. This area is in Zone X, protected from the Kansas River by the Armourdale Levee operated by the Kaw Valley Drainage District. There are no properties within the designated special flood hazard area or floodway. The City-Wide Master plan designates this area as heavy industrial. Current uses match with zoning as warehouse and storage space. Construction is brick and block with basements unknown. Buildings appear to be in poor condition with some windows boarded. The site visit noted that this area is highly impervious. There is one storm water inlet present along the street, however curb and gutter are deteriorated/ missing. The site visit also note several low-lying openings present; including low placed windows and dock doors at grade. The most likely source of flooding in this area is accumulation of storm water runoff during large rain events that is able to enter into buildings through low-lying openings.
6. <i>Intersection of Stanley Road and East Donovan Road</i>	Repetitive Loss Area 6 is located near the intersection of Stanley Road and East Donovan Road. There is one repetitive loss property in this area. The City-Wide Master plan designates this area as heavy industrial. The affected buildings are used for industrial purposes; manufacturing, warehousing and storage. This RLA is protected from the Missouri River by the Fairfax Levee, operated by the Fairfax Drainage District. There are no properties within the designated Special Flood Hazard Area (SFHA) or floodway. The site visit noted that the area has been heavily built out with little to no impervious area visible. Curb appears well maintained with multiple storm water inlets nearby. The site visit also noted low-lying openings present on several buildings. Flooding in this area is attributed to accumulation of storm water during large rain events that can enter buildings through low-lying openings.
7. <i>Intersection of North 29th Street and Freeman Avenue</i>	Repetitive Loss Area 7 is located near the intersection of North 29th Street and Freeman Avenue. There is one repetitive loss property in this area. A source of flooding in this area has been identified as Jersey Creek, which originates near 36th Street and Everett Avenue and flows east. The creek is conveyed through open ditches as well as channelized underground as part of the storm sewer system in the area. The portion of Jersey Creek nearest the RLA is open ditch on private property. This is an urbanized area that is heavily built out with little to no open space in the immediate area. A second source of flooding is identified as runoff from rain events.
8. <i>Intersection of North 37th Street and Haskell Avenue</i>	Repetitive Loss Area 8 is located near the intersection of North 37th Street and Haskell Avenue. There is one repetitive loss property in this area. This area is not within the regulated special flood hazard area, floodway or .2 percent annual chance flood area. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units with brick, wood, and metal construction. The residential units have full basements or crawlspaces. Flooding in this area is attributed to storm water run-off during large rain events. Since the last dated flood loss, the City has undergone separation of combined storm and sanitary lines. Reduced flooding in this area is attributed to the separation and creation of two separate lines. Site visit noted HVAC systems at grade and low-lying basement windows. Utilities and equipment at grade are more likely to be damaged than elevated equipment. Low-lying windows provide an entry point for water.
	Repetitive Loss Area 9 is located near the intersection of North 49th Drive and Sortor Drive. There is one repetitive loss property in this area. This area is not within the regulated special flood hazard area, floodway or .2 percent annual

9. <i>Intersection area of North 49th Drive and Sortor Drive</i>	chance flood area. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units of brick or wood frame construction with full basements. North 49th Drive is in a depression with hills to the east and west. There is significant grade change as direction moves along Sortor Drive, with runoff water flowing towards north 49th Drive and the RLA. The site visit and aerial overview noted that there is a tree-lined ditch running between two properties. Use of topographic maps showed that one home is at grade level with the ditch. When water runoff from the surrounding areas accumulates in the ditch it will overflow in the direction of the home. Review of Unified Government of Wyandotte County/ KCK utility maps determined there is no stormwater network along North 49th Drive. Flooding in this area is attributed to the natural contours of the area combined with run-off and easy points of entry for water into basements.
10. <i>Intersection area of North 53rd Street and Georgia Avenue</i>	Repetitive Loss Area 10 is located near the intersection of North 53rd Street and Georgia Avenue. There is one repetitive loss property located in this area. This area is not within the regulated special flood hazard area, floodway or .2 percent annual chance flood area. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units of brick or wood frame construction with full basements. North 53rd Street is located at the bottom of a hill, with runoff drainage coming from Rowland Avenue and Georgia Avenue. Flooding in this area has been attributed to stormwater run-off. Since the last flood loss recorded, the UG Public Works Department has installed new storm drainage lines along North 53rd Street and along North Georgia Avenue. Storm water is now captured and piped into a drainage swale. The installation of storm lines has mitigated flood risk in this area.
11. <i>Intersection area of North 57th Drive and Nogard Avenue</i>	Repetitive Loss Area 11 is located near the intersection of North 57th Drive and Nogard Avenue. There is one repetitive loss property in this area. Portions of this area are within the floodplain AE zone as well as zone x .2 percent annual chance flood hazard. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units of brick or wood frame construction with full basements. The flood source in this area is identified as Brenner Heights Creek. Brenner Heights Creek originates near Leavenworth Road and North 56th Street and flows into the Kansas River. A portion Brenner Heights Creek runs parallel to North 58th Street. Across North 58th Street and perpendicular to Brenner Heights Creek is a ditch that runs in between two rows of houses. This ditch has a tree-lined bank. Public Works Department has noted an accumulation of trash and debris in Brenner Heights Creek and the adjacent ditch.
12. <i>Intersection area of South 65th Street near Kaw Drive</i>	Repetitive Loss Area 12 is located near South 65th Street and Kaw Drive. There is one repetitive loss property in this area. This area is located within the Zone X .2 percent annual chance flood hazard. This area is designated by the City-Wide Master Plan as Industrial. Uses in this area are primarily commercial with mixed retail and single family residential. Building construction is mixed in this area with block, metal building, wood and some unknown. Flooding in this area is attributed to a drainage ditch that runs along Highway K32, collecting drainage from the area north of this RLA. Normal flow drains to the Kansas River. This area has experienced backflow from the river when it is high. In 2008 a flap gate was installed at 59th Street to prevent river water backing up into this area during high times. Installation of the flap gate has alleviated the primary source of flooding in this area.

Table 2: 2018 Identified Repetitive Loss Areas

RL Area	Action Items	Status
Repetitive Loss Area 1 Merriam Lane between Roe Lane and South Mill Street	Preventative Measures: Enforcement of UG regulations for development within the floodplain/floodway ■ The Planning and Urban Design Department, the Building Inspections Department, and the local floodplain administrator are responsible for continued implementation of these requirements. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staffing budget Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". ■ Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under the current staffing budget. Property Protection: Property owners in this area should take action to protect their property from future flooding hazards. ■ Property owners are responsible for the implementation of property protection measures. ■ Property owners can begin implementation immediately. ■ Projects can be privately funded by the property owner. ■ Funding assistance is available through grant and loan programs. ○ HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k ○ FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Emergency Services: There is currently a water level gauge along Turkey Creek at Mill Street and 1-35. This gauge was funded by the U.S. Army Corp of Engineers, with the Unified Government agreeing to fund maintenance as required. Additional gauges would increase flood protection. ■ The existing gauge is monitored by the Emergency Services department. ■ This gauge is currently operational and will continue to be. ■ The gauge was funded through a partnership with the U.S. Army Corps of Engineers. Monitoring is funded under the current staffing budget. Structural Projects: The Public Works Department, Stormwater Management and U.S. Army Corps of Engineers are coordinating this project. ■ This project is anticipated to be completed in 2018-2019. ■ This project has been funded through allocation of Federal funds and non-Federal funds. The Unified Government of Wyandotte County/ KCK has been working in conjunction with the U.S. Army Corps of Engineers on the Turkey Creek Project. This is a multi-phased project aimed at alleviating flooding from	Preventative Measures: No change Property Protection: No change Emergency Services: No change Structural projects: Ongoing This section of the Turkey Creek Flood Control project was completed in 2019. The UG is in the process of completing a LOMR-F for this project. When approved by FEMA, the UG will complete an updated AW-501 form to request to remove this RL parcel from the inventory based on the completed mitigation actions of the flood control project Public Information: No change

Turkey Creek along Merriam Lane and Southwest Boulevard. This project is the final phase and consists of floodwall and levees along Turkey Creek, storm sewer modifications, and utility relocations. Additional information can be found at http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Civil-Works-Review-Board/upper_turkey/

- The Public Works Department, Stormwater Management and U.S. Army Corps of Engineers are coordinating this project.
- This project is anticipated to be completed in 2018-2019.
- This project has been funded through allocation of Federal funds and non-Federal funds.

Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under current staffing

Repetitive Loss Area 2 Southwest Blvd between 1-35 and South 5th Street	Preventative Measures: Enforcement of UG regulations for development within the floodplain/floodway ■ The Planning and Urban Design Department, the Building Inspections Department, and the local floodplain administrator are responsible for continued implementation of these requirements. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staffing budget Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". ■ Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staffing budget. Property Protection: Property owners in this area should take action to protect their property from future flooding hazards. ■ Property owners are responsible for the implementation of property protection measures. ■ Property owners can begin implementation immediately. ■ Projects can be privately funded by the property owner. ■ Funding assistance is available through grant and loan programs. - o HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k - o FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Emergency Services: There is currently a water level gauge along Turkey Creek at Mill Street and 1-35. This gauge was funded by the U.S. Army Corp	Preventative Measures: No change Property Protection: No change Emergency Services: No change Structural projects: Ongoing This section of the Turkey Creek Flood Control project was completed in 2019. The UG is in the process of completing a LOMR-F for this project. When approved by FEMA, the UG will complete an updated AW-501 form to request to remove this RL parcel from the inventory based on the completed mitigation actions of the
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	of Engineers, with the Unified Government agreeing to fund maintenance as required. Additional gauges would increase flood protection. ▪ The existing gauge is monitored by the Emergency Services department. ▪ This gauge is currently operational and will continue to be. ▪ The gauge was funded through a partnership with the U.S. Army Corps of Engineers. Monitoring is funded under current staffing budget. Structural Projects: The Public Works Department, Stormwater Management and U.S. Army Corps of Engineers are coordinating this project. ▪ This project is anticipated to be completed in 2018-2019. ▪ This project has been funded through allocation of Federal funds and non-Federal funds. The Unified Government of Wyandotte County/ KCK has been working in conjunction with the U.S. Army Corps of Engineers on the Turkey Creek Project. This is a multi-phased project aimed at alleviating flooding from Turkey Creek along Merriam Lane and Southwest Boulevard. This project is the final phase and consists of floodwall and levees along Turkey Creek, storm sewer modifications, and utility relocations. Additional information can be found at http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Civil-Works-Review-Board/upper_turkey/ ▪ The Public Works Department, Stormwater Management and U.S. Army Corps of Engineers are coordinating this project. ▪ This project is anticipated to be completed in 2018-2019. ▪ This project has been funded through allocation of Federal funds and non-Federal funds. Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. ▪ The local floodplain administrator or floodplain manager is responsible for public outreach efforts. ▪ The outreach programs mentioned above are current and will continue to be maintained. ▪ Funding is covered under current staffing	flood control project Public Information: No change
Repetitive Loss Area 3 South 39th Street and South 38th Street north of Argentine Boulevard	Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. ▪ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx	Preventative Measures: No change Property Protection: No change Emergency Services: No change Structural projects: Ongoing 2023 Cooperating Technical Partner (CTP) funding has been received by

	▪ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under the current staffing budget. Property Protection: Property owners in this area should act to protect their property from future flooding hazards. Property owners should prepare for flooding by purchasing flood insurance coverage. Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. Items of value and utilities such as water heaters and HVAC equipment that are stored in basements should be moved to a higher floor. ▪ Property owners are responsible for the implementation of property protection measures. ▪ Property owners can begin implementation immediately. ▪ Projects can be privately funded by the property owner. ▪ Funding assistance is available through grant and loan programs. ▪ HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance the rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k ▪ FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate the long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Natural Resource Protection: Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation. Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events. ▪ Property owners are responsible for maintaining clearance of natural drainage areas on private property. ▪ Property owners can begin implementation immediately ▪ Projects will be funded by property owners. Structural Projects: The City is currently working with Benesch Consulting on a study to determine feasible solutions for flooding in this area, including what can be done structurally to alleviate localized flooding. ▪ The Public Works Department and Benesch Consulting are undertaking this study. ▪ The study is anticipated to be completed in 2018-2019. ▪ Funds for this study have already been allocated. Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. ▪ The local floodplain administrator or floodplain manager is responsible for public outreach efforts.	the State of Kansas Department of Water Resources to study this specific RL area and to identify/model flooding sources and potential mitigation actions Public Information: No change
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	▪ The outreach programs mentioned above are current and will continue to be maintained. ▪ Funding is covered under current staffing budget.	
Repetitive Loss Area 4 South 12th Street between the railway and Kansas River	Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. ▪ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under the current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ▪ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under the current staffing budget. Property Protection: Property owners in this area should act to protect their property from future flooding hazards. Property owners should prepare for flooding by purchasing flood insurance coverage. Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. Items of value and utilities such as water heaters and HVAC equipment that are stored in basements should be moved to a higher floor. ▪ Property owners are responsible for the implementation of property protection measures. ▪ Property owners can begin implementation immediately. ▪ Projects can be privately funded by the property owner. ▪ Funding assistance is available through grant and loan programs. ▪ HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance the rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k ▪ FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate the long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Natural Resource Protection: Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element	Preventative Measures: No change Property Protection: No change Emergency Services: No change Structural projects: No change to Kaw Valley Drainage District maintenance responsibilities Area is included in the \$500 million KC Levee Enhancement project that is underway and increasing the levee protection level to 750 year. Project is anticipated to be complete 2026 Public Information: No change

	in mitigation. Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events. - Property owners are responsible for maintaining clearance of natural drainage areas on private property. - Property owners can begin implementation immediately - Projects will be funded by property owners. Structural Projects: Maintain the levee to prevent any failures. - The Kaw Valley Drainage District is responsible for maintenance of the Armourdale Levee. - The Kaw Valley Drainage District is currently maintaining the levee and will continue to do so in the future. - A "Levee Tax" applied to properties protected by the levee is used to fund maintenance. Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. - The local floodplain administrator or floodplain manager is responsible for public outreach efforts. - The outreach programs mentioned above are current and will continue to be maintained. - Funding is covered under current staffing budget.	
Repetitive Loss Area 5 Kansas Avenue near KCS railway	Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. - The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. - These requirements are current and will continue to be maintained. - Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx - The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. - These requirements are current and will continue to be maintained. - Funding is covered under current staffing budget. Property Protection: Property owners in this area should act to protect their property from future flooding hazards. Property owners should prepare for flooding by purchasing flood insurance coverage. Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building	Preventative Measures: No change Property Protection: No change Emergency Services: No change Structural projects: No change to Kaw Valley Drainage District maintenance responsibilities Area is included in the \$500 million KC Levee Enhancement project that is underway and increasing the levee protection level to 750 year. Project is anticipated to be complete 2026

	Inspections office. Items of value and utilities such as water heaters and HVAC equipment that are stored in basements should be moved to a higher floor. ■ Property owners are responsible for the implementation of property protection measures. ■ Property owners can begin implementation immediately. ■ Projects can be privately funded by the property owner. ■ Funding assistance is available through grant and loan programs. ○ HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance the rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k ○ FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate the long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Structural Projects: Maintain the levee to prevent any failures. ■ The Kaw Valley Drainage District is responsible for maintenance of the Armourdale Levee. ■ The Kaw Valley Drainage District is currently maintaining the levee and will continue to do so in the future. ■ A "Levee Tax" applied to properties protected by the levee is used to fund maintenance. ■ The Public Works Department Engineering Division and Stormwater Runoff Management are responsible for infrastructure updates. ■ Repairs, replacement and maintenance should be done when funding becomes available and after completion of higher priority budgeted items. ■ Funds are appropriated for Capital Maintenance Improvement Projects by the Unified Government's Board of Commissioners, as available. ■ Road improvements to fix or replace deteriorated or missing curb are recommended. In addition, maintenance of the storm sewer inlet to keep it free of debris is recommended. Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. ■ The local floodplain administrator or floodplain manager is responsible for public outreach efforts. ■ The outreach programs mentioned above are current and will continue to be maintained. ■ Funding is covered under current staffing budget.	Public Information: No change
Repetitive Loss Area 6 Intersection of Stanley Road and East Donovan Road	Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land	Preventative Measures: No change Property Protection: No change

	disturbance permits are required for any site disturbing greater than 1 acre of land. ▪ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ▪ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staffing budget. Structural Projects: Maintain the levee to prevent any failures. ▪ The Kaw Valley Drainage District is responsible for maintenance of the Armourdale Levee. ▪ The Kaw Valley Drainage District is currently maintaining the levee and will continue to do so in the future. ▪ A "Levee Tax" applied to properties protected by the levee is used to fund maintenance. Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. ▪ The local floodplain administrator or floodplain manager is responsible for public outreach efforts. ▪ The outreach programs mentioned above are current and will continue to be maintained. ▪ Funding is covered under current staffing budget.	Emergency Services: No change Structural projects: No change Area is included in the \$500 million KC Levee Enhancement project that is underway and increasing the levee protection level to 750 year. Project is anticipated to be complete 2026 2022-2026 Capital Maintenance & Improvement Program has identified stormwater renewal and replacement and stormwater enhancements project opportunities throughout the UG Public Information: No change
Repetitive Loss Area 7 Intersection of North 29th Street and Freeman Avenue	Preventative Measures: The Unified Government of Wyandotte County/KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. ▪ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic	Preventative Measures: No change Property Protection: No change Emergency Services: No change Structural projects: No change 2022-2026 Capital

maps and location of sewer and sanitary lines are available through this service. <http://www.wycokck.org/GSS/DotMaps.aspx>

- The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- These requirements are current and will continue to be maintained.
- Funding is covered under current staffing budget.

Property protection: Removal of sub-grade units would likely mitigate flooding. If removal is not possible, modification to limit excess water flow and pooling from the porch is recommended.

- Retrofitting can be done to minimize the impact of flooding.

Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building

Inspections office.

- Property owners should prepare for flooding by purchasing flood insurance coverage.

- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by property owner.
- Funding assistance is available through grant and loan programs.
- HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
- FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

Natural Resource Protection: Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation. Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events.

- Property owners are responsible for maintaining clearance of natural drainage areas on private property.
- Property owners can begin implementation immediately.
- Projects will be funded by property owners.

Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under current staffing budget.

Maintenance & Improvement Program has identified stormwater improvements in the Jersey Creek watershed basin

Public Information: No change

Repetitive Loss Area 8	Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak run-	Preventative Measures: No change
Intersection of North 37th Street and Haskell Avenue	off from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. ▪ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ▪ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staffing budget. Property Protection: Addition of window wells to prevent water entry into basements is recommended. • Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. ▪ Property owners should prepare for flooding by purchasing flood insurance coverage. ▪ Property owners are responsible for the implementation of property protection measures. ▪ Property owners can begin implementation immediately. ▪ Projects can be privately funded by the property owner. ▪ Funding assistance is available through grant and loan programs. ○ HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k ○ FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program	Property Protection: No change Emergency Services: No change Structural projects: No change 2022-2026 Capital Maintenance & Improvement Program has identified stormwater improvements in the Jersey Creek watershed basin Public Information: No change

	▪ The outreach programs mentioned above are current and will continue to be maintained. ▪ Funding is covered under current staffing budget.	
	Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. ▪ The local floodplain administrator or floodplain manager is responsible for public outreach efforts.	
Repetitive Loss Area 9 Intersection area of North 49th Drive and Sortor Drive	Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. ▪ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staff budget.	Preventative Measures: No change Property Protection: No change Emergency Services: No change Structural projects: No change
	Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ▪ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under the current staffing budget. Property Protection: Addition of window wells to prevent water entry into basements is recommended. • Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. ▪ Property owners should prepare for flooding by purchasing flood insurance coverage. ▪ Property owners are responsible for the implementation of property protection measures. ▪ Property owners can begin implementation immediately. ▪ Projects can be privately funded by the property owner. ▪ Funding assistance is available through grant and loan programs. - o HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k - o FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood	2022-2026 Capital Maintenance & Improvement Program has identified stormwater renewal and replacement and stormwater enhancements project opportunities throughout the UG Public Information: No change

	damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program	
	Natural Resource Protection: Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation. Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events. - Property owners are responsible for maintaining clearance of natural drainage areas on private property. - Property owners can begin implementation immediately. - Projects will be funded by property owners. Structural Projects: Installation of stormwater infrastructure along north 49th Drive is recommended. - The Public works Department Engineering Division and Stormwater Runoff Management are responsible for infrastructure updates. - Installation and maintenance should be done when funding becomes available and after completion of higher priority budgeted items. - Funds are appropriated for Capital Maintenance Improvement Projects by the Unified Government's Board of Commissioners. Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. - The local floodplain administrator or floodplain manager is responsible for public outreach efforts. - The outreach programs mentioned above are current and will continue to be maintained. - Funding is covered under current staffing budget.	

Repetitive Loss Area 10 Intersection area of North 53rd Street and Georgia Avenue	Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. ■ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ■ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staffing budget. Property Protection: Addition of window wells to prevent water entry into basements is recommended. Retrofitting can be done to minimize impact of flooding. Retrofitting projects can include but are not limited to	Preventative Measures: No change Property Protection: No change Emergency Services: No change Structural projects: No change 2022-2026 Capital Maintenance & Improvement Program has identified stormwater renewal and replacement and stormwater enhancements project opportunities
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	elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. - Property owners should prepare for flooding by purchasing flood insurance coverage. - Property owners are responsible for the implementation of property protection measures. - Property owners can begin implementation immediately. - Projects can be privately funded by the property owner. - Funding assistance is available through grant and loan programs. - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sflh/203k - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. - The local floodplain administrator or floodplain manager is responsible for public outreach efforts. - The outreach programs mentioned above are current and will continue to be maintained. - Funding is covered under current staffing budget.	throughout the UG Public Information: No change
Repetitive Loss Area 11 Intersection area of North 57th Drive and Nogard Avenue	Preventative Measures: Enforcement of UG regulations for development within the floodplain/floodway - The Planning and Urban Design Department, the Building Inspections Department, and the local floodplain administrator are responsible for continued implementation of these requirements. - These requirements are current and will continue to be maintained. - Funding is covered under current staffing budget Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". - Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. - These requirements are current and will continue to be maintained. - Funding is covered under the current staffing budget. Property Protection: Addition of window wells to prevent water entry into basements is recommended. Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. Property owners should prepare for flooding by purchasing flood insurance coverage.	Preventative Measures: No change Property Protection: No change Emergency Services: No change Structural projects: No change 2022-2026 Capital Maintenance & Improvement Program has identified stormwater renewal and replacement and stormwater enhancements

	- Property owners are responsible for the implementation of property protection measures. - Property owners can begin implementation immediately. - Projects can be privately funded by the property owner. - Funding assistance is available through grant and loan programs. - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Natural Resource Protection: Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation. Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events. - Property owners are responsible for maintaining clearance of natural drainage areas on private property. - Property owners can begin implementation immediately - Projects will be funded by property owners Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. - The local floodplain administrator or floodplain manager is responsible for public outreach efforts. - The outreach programs mentioned above are current and will continue to be maintained. - Funding is covered under current staffing budget.	project opportunities throughout the UG Public Information: No change
Repetitive Loss Area 12 Intersection area of South 65th Street near Kaw Drive	Preventative Measures: The Unified Government of Wyandotte County/KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. - The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. - These requirements are current and will continue to be maintained. - Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx	Preventative Measures: No change Property Protection: No change Emergency Services: No change Structural projects: No change 2023 Cooperating Technical Partner (CTP) funding has been received by

	▪ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under the current staffing budget. Property Protection: Retrofitting can be done to minimize impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. Property owners should prepare for flooding by purchasing flood insurance coverage. ▪ Property owners are responsible for the implementation of property protection measures. ▪ Property owners can begin implementation immediately. ▪ Projects can be privately funded by the property owner. ▪ Funding assistance is available through grant and loan programs. ○ HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k ○ FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. ▪ The local floodplain administrator or floodplain manager is responsible for public outreach efforts. ▪ The outreach programs mentioned above are current and will continue to be maintained. ▪ Funding is covered under current staffing budget.	the State of Kansas Department of Water Resources to study this specific RL area and to identify/model flooding sources and potential mitigation actions. Public Information: No change
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CRS Annual Progress Report and CRS Required 5-Year Update:

The Unified Government of Wyandotte County, Kansas City, Kansas will reference the CRS Manual in place at the time of the required CRS annual recertification progress report and the required 5-year verification update to ensure the progress reports continue to meet the credit criteria.

The UG will request updated RL data from FEMA Region 7 once per year and will review data with each CRS RLAA Annual Progress Report. An Information Sharing Access Agreement (IASS) between the UG and FEMA may be required to obtain RL data from FEMA Region. Contact FEMA Region 7, Insurance Program Specialist for additional information regarding an IASS agreement.

Chris Parsons

Insurance Program Specialist | Mitigation Division | FEMA Region VII (816) 283-7980 Desk | (202)702-7012 Cell

Christopher.parsons@fema.dhs.gov

APPENDIX B

2024-2029 Repetitive Loss Area Analysis Progress Report Template

Background

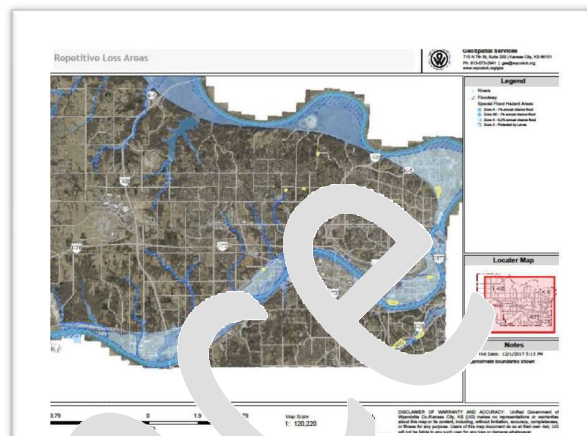
The City of Kansas City, Kansas (UG) joined the National Flood Insurance Program (NFIP) on November 1, 1974. FEMA's Community Rating System (CRS) is a voluntary program available for communities in good standing with the NFIP. Participation results in a flood insurance discount to NFIP policyholders within the corporate limits of the City of Kansas City. The UG entered the CRS program in 2012.

Repetitive Loss Area Analysis Summary

The UG completed a Repetitive Loss Area Analysis (RLAA) following the 2017 CRS Coordinator's Manual credit criteria in 2018. At the time of the----- Annual Progress Report, the -----

CRS Coordinator's Manual and----- CRS Addendum were

referenced. The Privacy Act of 1974 protects personally identifiable information related to NFIP flood insurance policyholders related to the data utilized for CRS reporting purposes. Protected data includes specific names, addresses, and claim information such as the amounts of claims. The UG follows the guidelines of the Privacy Act in reports associated with the CRS program.



Reports and Distribution

The redacted 2018 RLAA can be requested by contacting the Department of Planning and Urban Design at planninginfo@wycokck.org. The annual progress report will be made available on the UG's Flood Information webpage at -----

UG Ordinances and resolution can be viewed online at -----

Annual Program Report

For RS participating communities, Activity 500 Flood Damage Reduction Activities is a program requisite. The following date pertain to the two CRS reporting periods for ----- documentation:

CRS Progress Reporting Period from -----

CRS 5-Year Verification Period from -----

UG has ----- a CRS Repetitive Loss ----- designation since ----- the CRS Program in 2012.

Repetitive Flood Loss Properties

In the United States there are over 195,000 **repetitive loss properties**, i.e., properties that have had two or more claims of more than \$1,000 paid by the NFIP within any 10-year period since 1978. Although some of these properties have had mitigation measures applied to them, most remain at risk of flooding.

To focus resources on those properties that represent the best opportunities for mitigation, Congress defined a subset called "**Severe Repetitive Loss Properties**" when it passed the Flood Insurance Reform Act of 2004. Severe Repetitive Loss Properties are those 1-4 family properties that have had four or more claims of more than \$5,000 or two to three claims that cumulatively exceed the building's value.

FEMA is directed by the Act to define Severe Repetitive Loss Property for multi-family buildings. For the purposes of the CRS, the Severe Repetitive Loss Property subset also includes non-residential buildings that meet the same criteria as for 1-4 family

(1) Category A: A community that has no repetitive loss properties, or whose repetitive loss properties all have been mitigated. A Category A community has no special requirements except to submit information to update its repetitive loss list, as needed.

(2) Category B: A community with at least one, but fewer than 50, repetitive loss properties that have not been mitigated. At each verification visit, a Category B community must

- (a) Prepare a map of the repetitive loss area(s) (see Section 503),
- (b) Review and describe its repetitive loss problem,
- (c) Prepare a list of the addresses of all properties with insurable buildings in those areas, and
- (d) Undertake an annual outreach project to those addresses (see Section 504). A copy of the outreach project is submitted with each year's recertification.

(3) Category C: A community with 50 or more repetitive loss properties that have not been mitigated. A Category C community must

- (a) Do the same things as a Category B community, and
- (b) Prepare and adopt a repetitive loss area analysis for all repetitive loss areas or prepare and adopt a floodplain management plan that includes full credit for planning Step S(c). Repetitive loss area analyses and floodplain management plans are described under Activity 510 (Floodplain Management Planning).

Review of Action Items by Repetitive Loss Area

The 2018 RLAA identified 12 repetitive loss areas (RLAs) based on the 2017 data provided by FEMA via Insurance Services Office. Table 2 represents the reported 2018 RLA assessment and problem statements for the source of flooding/flooding history in each RL area.

Recommendation for New Projects of Revised Recommendations

Based on the RL data provided by FEMA, there (insert summary of changes to RL count). All RLAs, problem statements, preventative measures, property protection recommendations, and action items were reviewed under the annual progress report exercise and are represented in Table 3. Status updates to the reported actions items to meet the annual progress report exercise are provided.

The----- Annual Progress Report was prepared by the UG Departments of Planning and Urban Design and Public Works.

Table 2: 2018 Identified Repetitive Loss Areas

Repetitive Loss Area	Problem Statement
1. Merriam Lane between Roe Lane and South Mill Street	Repetitive Loss Area 1 is located along Merriam Lane between Roe Lane and South Mill Street. Multiple repetitive loss properties are located within this area. Turkey Creek runs parallel to Merriam Lane for a portion of this stretch. The affected properties represent a mix of commercial and single-family residential homes, built primarily between 1920 and 1970. Flooding in this area is caused by overflowing waters from Turkey Creek. A portion of the RLA lies within the boundaries of the one percent annual chance flood as well as the floodway for Turkey Creek. Due to the mixed-use nature of this area, flooding can have impacts on business operation as well as damage to personal property. There is also a safety hazard presented for anyone attempting to drive or walk through the affected areas during flooding.
2. Southwest Blvd between 1-35 and South 5th Street	Repetitive Loss Area 2 is located along Southwest Boulevard from just east of South Tremont Street to South 5th Street. There are multiple repetitive loss properties located within this area. Turkey Creek flows through the RLA and continues in close proximity to the properties. Portions of the RLA are within the floodway and AE Zone for Turkey Creek. This area is commercial in nature with retail space, warehouses, and office buildings. Overbank flooding from Turkey Creek has been a problem in this area. This area also experiences flooding due to runoff from areas that are at a higher elevation to the southeast. Water collects along Southwest Boulevard where the land becomes flat. The Wyandotte County Major Street Plan identifies Southwest Boulevard as a Class B Thoroughfare. Flooding in this area can cause disruption of travel and business and can be hazardous for anyone trying to drive along Southwest Boulevard.
3. South 39th Street and South 38th Street north of Argentine Boulevard	Repetitive Loss Area 3 is located north of Argentine Boulevard between South 39th Street and South 37th Street. Four repetitive loss properties are located within this area. This area is not located within the regulatory Special Flood Hazard Area (SFHA), however has experienced multiple flooding events with losses reported. The affected buildings are single-family homes, mostly with partial/full basements or crawlspaces. Flooding in this area has been identified as surface runoff flooding, usually occurring during or after flash flood rain events. A flash flood is defined as a sudden, local flood typically due to heavy rain. The area outlined is very flat with grade changes no more than two feet within the RLA boundaries. Storm sewers along South 39th Street flow north to a drainage ditch located on private property. This ditch has adjacent trees along the bank and has experienced blockage from natural debris in the past. South 38th Street and South 37th Street do not have storm sewers and rely on natural drainage, the flat land leads to water pooling. These elements combined lead to flooding problems when large rain events have an intensity that exceeds the evaporation, infiltration and natural runoff capacity of the soil. Increases in impervious surfaces can exacerbate problems with runoff.
4. South 12th Street between the railway and Kansas River	Repetitive Loss Area 4 is located along South 12th Street between KCS Railway and the Kansas River. There is one repetitive loss property within this area. This area is entirely within the Zone X-.2% annual chance flood and abuts the floodway. The last loss was reported in 1993, during which time Kansas City experienced record flooding. This area is levee protected by the Armourdale Levee operated by the Kaw Valley Drainage District. This area is commercial and industrial in use with warehousing, office space, storage and railcar services. Flooding in the past has likely been caused by extreme rain events which inundated the area. This area does not have much change in grade which could lead to water pooling in such an event where water is not able to flow away from the area fast enough to keep up with downfall. To the north there is significant buildout, however surrounding the RLA are some parcels with open space which if maintained can help alleviate runoff. The City operates a pump station on 12th

	Street. When flood gates to the Kansas River are closed the City uses the pump station to move excess water to the Kansas River to prevent flooding.
5. <i>Kansas Avenue near KCS railway</i>	Repetitive Loss Area 5 is located along Kansas Avenue near the KCS Railway. There is one repetitive loss property in this area. The last loss was in 1993, during which time Kansas City experienced record flooding. This area is in Zone X, protected from the Kansas River by the Armourdale Levee operated by the Kaw Valley Drainage District. There are no properties within the designated special flood hazard area or floodway. The City-Wide Master plan designates this area as heavy industrial. Current uses match with zoning as warehouse and storage space. Construction is brick and block with basements unknown. Buildings appear to be in poor condition with some windows boarded. The site visit noted that this area is highly impervious. There is one storm water inlet present along the street, however curb and gutter are deteriorated/ missing. The site visit also note several low-lying openings present; including low placed windows and dock doors at grade. The most likely source of flooding in this area is accumulation of storm water runoff during large rain events that is able to enter into buildings through low-lying openings.
6. <i>Intersection of Stanley Road and East Donovan Road</i>	Repetitive Loss Area 6 is located near the intersection of Stanley Road and East Donovan Road. There is one repetitive loss property in this area. The City-Wide Master plan designates this area as heavy industrial. The affected buildings are used for industrial purposes; manufacturing, warehousing and storage. This RLA is protected from the Missouri River by the Fairfax Levee, operated by the Fairfax Drainage District. There are no properties within the designated Special Flood Hazard Area (SFHA) or floodway. The site visit noted that the area has been heavily built out with little to no impervious area visible. Curb appears well maintained with multiple storm water inlets nearby. The site visit also noted low-lying openings present on several buildings. Flooding in this area is attributed to accumulation of storm water during large rain events that can enter buildings through low-lying openings.
7. <i>Intersection of North 29th Street and Freeman Avenue</i>	Repetitive Loss Area 7 is located near the intersection of North 29th Street and Freeman Avenue. There is one repetitive loss property in this area. A source of flooding in this area has been identified as Jersey Creek, which originates near 36th Street and Everett Avenue and flows east. The creek is conveyed through open ditches as well as channelized underground as part of the storm sewer system in the area. The portion of Jersey Creek nearest the RLA is open ditch on private property. This is an urbanized area that is heavily built out with little to no open space in the immediate area. A second source of flooding is identified as runoff from rain events.
8. <i>Intersection of North 37th Street and Haskell Avenue</i>	Repetitive Loss Area 8 is located near the intersection of North 37th Street and Haskell Avenue. There is one repetitive loss property in this area. This area is not within the regulated special flood hazard area, floodway or .2 percent annual chance flood area. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units with brick, wood, and metal construction. The residential units have full basements or crawlspaces. Flooding in this area is attributed to storm water run-off during large rain events. Since the last dated flood loss, the City has undergone separation of combined storm and sanitary lines. Reduced flooding in this area is attributed to the separation and creation of two separate lines. Site visit noted HVAC systems at grade and low-lying basement windows. Utilities and equipment at grade are more likely to be damaged than elevated equipment. Low-lying windows provide an entry point for water.
	Repetitive Loss Area 9 is located near the intersection of North 49th Drive and Sortor Drive. There is one repetitive loss property in this area. This area is not within the regulated special flood hazard area, floodway or .2 percent annual

9. <i>Intersection area of North 49th Drive and Sortor Drive</i>	chance flood area. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units of brick or wood frame construction with full basements. North 49th Drive is in a depression with hills to the east and west. There is significant grade change as direction moves along Sortor Drive, with runoff water flowing towards north 49th Drive and the RLA. The site visit and aerial overview noted that there is a tree-lined ditch running between two properties. Use of topographic maps showed that one home is at grade level with the ditch. When water runoff from the surrounding areas accumulates in the ditch it will overflow in the direction of the home. Review of Unified Government of Wyandotte County/ KCK utility maps determined there is no stormwater network along North 49th Drive. Flooding in this area is attributed to the natural contours of the area combined with run-off and easy points of entry for water into basements.
10. <i>Intersection area of North 53rd Street and Georgia Avenue</i>	Repetitive Loss Area 10 is located near the intersection of North 53rd Street and Georgia Avenue. There is one repetitive loss property located in this area. This area is not within the regulated special flood hazard area, floodway or .2 percent annual chance flood area. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units of brick or wood frame construction with full basements. North 53rd Street is located at the bottom of a hill, with runoff drainage coming from Rowland Avenue and Georgia Avenue. Flooding in this area has been attributed to stormwater run-off. Since the last flood loss recorded, the UG Public Works Department has installed new storm drainage lines along North 53rd Street and along North Georgia Avenue. Storm water is now captured and piped into a drainage swale. The installation of storm lines has mitigated flood risk in this area.
11. <i>Intersection area of North 57th Drive and Nogard Avenue</i>	Repetitive Loss Area 11 is located near the intersection of North 57th Drive and Nogard Avenue. There is one repetitive loss property in this area. Portions of this area are within the floodplain AE zone as well as zone x .2 percent annual chance flood hazard. This area is designated by the City-Wide Master Plan as low-density residential. The area is comprised of single-family residential units of brick or wood frame construction with full basements. The flood source in this area is identified as Brenner Heights Creek. Brenner Heights Creek originates near Leavenworth Road and North 56th Street and flows into the Kansas River. A portion Brenner Heights Creek runs parallel to North 58th Street. Across North 58th Street and perpendicular to Brenner Heights Creek is a ditch that runs in between two rows of houses. This ditch has a tree-lined bank. Public Works Department has noted an accumulation of trash and debris in Brenner Heights Creek and the adjacent ditch.
12. <i>Intersection area of South 65th Street near Kaw Drive</i>	Repetitive Loss Area 12 is located near South 65th Street and Kaw Drive. There is one repetitive loss property in this area. This area is located within the Zone X .2 percent annual chance flood hazard. This area is designated by the City-Wide Master Plan as Industrial. Uses in this area are primarily commercial with mixed retail and single family residential. Building construction is mixed in this area with block, metal building, wood and some unknown. Flooding in this area is attributed to a drainage ditch that runs along Highway K32, collecting drainage from the area north of this RLA. Normal flow drains to the Kansas River. This area has experienced backflow from the river when it is high. In 2008 a flap gate was installed at 59th Street to prevent river water backing up into this area during high times. Installation of the flap gate has alleviated the primary source of flooding in this area.

Table 3: Action Item Status

RL Area	Action Items	Status
Repetitive Loss Area 1 Merriam Lane between Roe Lane and South Mill Street	Preventative Measures: Enforcement of UG regulations for development within the floodplain/floodway - The Planning and Urban Design Department, the Building Inspections Department, and the local floodplain administrator are responsible for continued implementation of these requirements. - These requirements are current and will continue to be maintained. - Funding is covered under current staffing budget Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". - Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. - These requirements are current and will continue to be maintained. - Funding is covered under current staffing budget. Property Protection: Property owners in this area should take action to protect their property from future flooding hazards. - Property owners are responsible for the implementation of property protection measures. - Property owners can begin implementation immediately. - Projects can be privately funded by the property owner. - Funding assistance is available through grant and loan programs. - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Emergency Services: There is currently a water level gauge along Turkey Creek at Mill Street and 1-35. This gauge was funded by the U.S. Army Corp of Engineers, with the Unified Government agreeing to fund maintenance as required. Additional gauges would increase flood protection. - The existing gauge is monitored by the Emergency Services department. - This gauge is currently operational and will continue to be. - The gauge was funded through a partnership with the U.S. Army Corps of Engineers. Monitoring is funded under current staffing budget. Structural Projects: The Public Works Department, Stormwater Management and U.S. Army Corps of Engineers are coordinating this project. - This project is anticipated to be completed in 2018-2019. - This project has been funded through allocation of Federal funds and non-Federal funds.	Preventative Measures: ----- Property Protection: ----- Emergency Services: ----- Structural projects: ----- Public Information:-----

	The Unified Government of Wyandotte County/ KCK has been working in conjunction with the U.S. Army Corps of Engineers on the Turkey Creek Project. This is a multi-phased project aimed at alleviating flooding from Turkey Creek along Merriam Lane and Southwest Boulevard. This project is the final phase and consists of floodwall and levees along Turkey Creek, storm sewer modifications, and utility relocations. Additional information can be found at http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Civil-Works-Review-Board/upper_turkey/ ■ The Public Works Department, Stormwater Management and U.S. Army Corps of Engineers are coordinating this project. ■ This project is anticipated to be completed in 2018-2019. ■ This project has been funded through allocation of Federal funds and non-Federal funds. Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. ■ The local floodplain administrator or floodplain manager is responsible for public outreach efforts. ■ The outreach programs mentioned above are current and will continue to be maintained. ■ Funding is covered under current staffing	
Repetitive Loss Area 2 Southwest Blvd between 1-35 and South 5th Street	Preventative Measures: Enforcement of UG regulations for development within the floodplain/floodway ■ The Planning and Urban Design Department, the Building Inspections Department, and the local floodplain administrator are responsible for continued implementation of these requirements. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staffing budget Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". ■ Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staffing budget. Property Protection: Property owners in this area should take action to protect their property from future flooding hazards. ■ Property owners are responsible for the implementation of property protection measures. ■ Property owners can begin implementation immediately. ■ Projects can be privately funded by the property owner. ■ Funding assistance is available through grant and loan programs. - o HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k - o FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program	Preventative Measures: ----- Property Protection: ----- Emergency Services: ----- Structural projects: ----- Public Information:-----

	Emergency Services: There is currently a water level gauge along Turkey Creek at Mill Street and 1-35. This gauge was funded by the U.S. Army Corp of Engineers, with the Unified Government agreeing to fund maintenance as required. Additional gauges would increase flood protection. ■ The existing gauge is monitored by the Emergency Services department. ■ This gauge is currently operational and will continue to be. ■ The gauge was funded through a partnership with the U.S. Army Corps of Engineers. Monitoring is funded under the current staffing budget. Structural Projects: The Public Works Department, Stormwater Management and U.S. Army Corps of Engineers are coordinating this project. ■ This project is anticipated to be completed in 2018-2019. ■ This project has been funded through allocation of Federal funds and non-Federal funds. The Unified Government of Wyandotte County/ KCK has been working in conjunction with the U.S. Army Corps of Engineers on the Turkey Creek Project. This is a multi-phased project aimed at alleviating flooding from Turkey Creek along Merriam Lane and Southwest Boulevard. This project is the final phase and consists of floodwall and levees along Turkey Creek, storm sewer modifications, and utility relocations. Additional information can be found at http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Civil-Works-Review-Board/upper_turkey/ ■ The Public Works Department, Stormwater Management and U.S. Army Corps of Engineers are coordinating this project. ■ This project is anticipated to be completed in 2018-2019. ■ This project has been funded through allocation of Federal funds and non-Federal funds. Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. ■ The local floodplain administrator or floodplain manager is responsible for public outreach efforts. ■ The outreach programs mentioned above are current and will continue to be maintained. ■ Funding is covered under current staffing	
Repetitive Loss Area 3 South 39th Street and South 38th Street north of Argentine Boulevard	Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. ■ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and location of sewer and sanitary lines are available through this	Preventative Measures: ----- Property Protection: _____ Emergency Services: ----- Structural projects: ----- Public Information:-----

service. <http://www.wycokck.org/GSS/DotMaps.aspx>

- The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- These requirements are current and will continue to be maintained.
- Funding is covered under the current staffing budget.

Property Protection: Property owners in this area should act to protect their property from future flooding hazards. Property owners should prepare for flooding by purchasing flood insurance coverage. Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. Items of value and utilities such as water heaters and HVAC equipment that are stored in basements should be moved to a higher floor.

- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by the property owner.
- Funding assistance is available through grant and loan programs.
- HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance the rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
- FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate the long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

Natural Resource Protection: Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation. Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events.

- Property owners are responsible for maintaining clearance of natural drainage areas on private property.
- Property owners can begin implementation immediately
- Projects will be funded by property owners.

Structural Projects: The City is currently working with Benesch Consulting on a study to determine feasible solutions for flooding in this area, including what can be done structurally to alleviate localized flooding.

- The Public Works Department and Benesch Consulting are undertaking this study.
- The study is anticipated to be completed in 2018-2019.
- Funds for this study have already been allocated.

Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.

	▪ The outreach programs mentioned above are current and will continue to be maintained. ▪ Funding is covered under current staffing budget.	
Repetitive Loss Area 4 South 12th Street between the railway and Kansas River	Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. ▪ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ▪ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staffing budget. Property Protection: Property owners in this area should act to protect their property from future flooding hazards. Property owners should prepare for flooding by purchasing flood insurance coverage. Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. Items of value and utilities such as water heaters and HVAC equipment that are stored in basements should be moved to a higher floor. ▪ Property owners are responsible for the implementation of property protection measures. ▪ Property owners can begin implementation immediately. ▪ Projects can be privately funded by the property owner. ▪ Funding assistance is available through grant and loan programs. ▪ HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance the rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k ▪ FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate the long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Natural Resource Protection: Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element	Preventative Measures: ----- Property Protection: ----- Emergency Services: ----- Structural projects: ----- Public Information:-----

in mitigation. Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events.

- Property owners are responsible for maintaining clearance of natural drainage areas on private property.
- Property owners can begin implementation immediately
- Projects will be funded by property owners.

Structural Projects: Maintain the levee to prevent any failures.

- The Kaw Valley Drainage District is responsible for maintenance of the Armourdale Levee.
- The Kaw Valley Drainage District is currently maintaining the levee and will continue to do so in the future.
- A "Levee Tax" applied to properties protected by the levee is used to fund maintenance.

Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under current staffing budget.

Repetitive Loss Area 5

Kansas Avenue near KCS railway

Preventative Measures: The Unified Government of Wyandotte County/KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

- The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
- These requirements are current and will continue to be maintained.
- Funding is covered under current staff budget.

Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and location of sewer and sanitary lines are available through this service. <http://www.wycokck.org/GSS/DotMaps.aspx>

- The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- These requirements are current and will continue to be maintained.
- Funding is covered under current staffing budget.

Property Protection: Property owners in this area should act to protect their property from future flooding hazards. Property owners should prepare for flooding by purchasing flood insurance coverage. Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building

Preventative Measures:-----

Property Protection: -----

Emergency Services: -----

Structural projects: -----

Public Information:-----

Inspections office. Items of value and utilities such as water heaters and HVAC equipment that are stored in basements should be moved to a higher floor.

- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by the property owner.
- Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance the rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate the long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

Structural Projects: Maintain the levee to prevent any failures.

- The Kaw Valley Drainage District is responsible for maintenance of the Armourdale Levee.
- The Kaw Valley Drainage District is currently maintaining the levee and will continue to do so in the future.
- A "Levee Tax" applied to properties protected by the levee is used to fund maintenance.
- The Public Works Department Engineering Division and Stormwater Runoff Management are responsible for infrastructure updates.
- Repairs, replacement and maintenance should be done when funding becomes available and after completion of higher priority budgeted items.
- Funds are appropriated for Capital Maintenance Improvement Projects by the Unified Government's Board of Commissioners, as available.
- Road improvements to fix or replace deteriorated or missing curb are recommended. In addition, maintenance of the storm sewer inlet to keep it free of debris is recommended.

Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under current staffing budget.

Repetitive Loss Area 6	Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site	Preventative Measures:-----
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	disturbance permits are required for any site disturbing greater than 1 acre of land. ▪ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ▪ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staffing budget. Structural Projects: Maintain the levee to prevent any failures. ▪ The Kaw Valley Drainage District is responsible for maintenance of the Armourdale Levee. ▪ The Kaw Valley Drainage District is currently maintaining the levee and will continue to do so in the future. ▪ A "Levee Tax" applied to properties protected by the levee is used to fund maintenance. Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager. ▪ The local floodplain administrator or floodplain manager is responsible for public outreach efforts. ▪ The outreach programs mentioned above are current and will continue to be maintained. ▪ Funding is covered under current staffing budget.	Emergency Services:----- Structural projects: ----- Public Information:-----
Repetitive Loss Area 7 Intersection of North 29th Street and Freeman Avenue	Preventative Measures: The Unified Government of Wyandotte County/KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. ▪ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ▪ These requirements are current and will continue to be maintained. ▪ Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ▪ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.	Preventative Measures: ----- Property Protection: ----- Emergency Services: ----- Structural projects: ----- Public Information:-----

- These requirements are current and will continue to be maintained.
- Funding is covered under the current staffing budget.

Property protection: Removal of sub-grade units would likely mitigate flooding. If removal is not possible, modification to limit excess water flow and pooling from the porch is recommended.

- Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.

- Property owners should prepare for flooding by purchasing flood insurance coverage.

- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by the property owner.
- Funding assistance is available through grant and loan programs.
- HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
- FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

Natural Resource Protection: Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation. Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events.

- Property owners are responsible for maintaining clearance of natural drainage areas on private property.
- Property owners can begin implementation immediately.
- Projects will be funded by property owners.

Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under the current staffing budget.

Repetitive Loss Area 8 Intersection of North 37th Street and Haskell Avenue	Preventative Measures: The Unified Government of Wyandotte County/KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site disturbance permits are required for any site disturbing greater than 1 acre of land. ■ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under the current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ■ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under the current staffing budget.	Preventative Measures: --- Property Protection: -- Emergency Services: --- Structural Projects: ---- Public Information: -
	Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ■ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staffing budget.	

Property Protection: Addition of window wells to prevent water entry into basements is recommended.

- Retrofitting can be done to minimize the impact of flooding.

Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.

- Property owners should prepare for flooding by purchasing flood insurance coverage.
- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by property owner.
- Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under current staffing budget.

Repetitive Loss Area 9 Intersection area of North 49th Drive and Sortor Drive	Preventative Measures: The Unified Government of Wyandotte County/KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. ■ The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staff budget. Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx ■ The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. ■ These requirements are current and will continue to be maintained. ■ Funding is covered under current staffing budget. Property Protection: Addition of window wells to prevent water entry into basements is recommended. • Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. ■ Property owners should prepare for flooding by purchasing flood insurance coverage. ■ Property owners are responsible for the implementation of property protection measures. ■ Property owners can begin implementation immediately. ■ Projects can be privately funded by the property owner. ■ Funding assistance is available through grant and loan programs. - o HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k - o FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at https://www.fema.gov/flood-mitigation-assistance-grant-program Natural Resource Protection: Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation. Property owners should ensure all ditches within their	Preventative Measures: ---- Property Protection: ---- Emergency Services: ---- Structural projects: ---- Public Information:----
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property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events.

- Property owners are responsible for maintaining clearance of natural drainage areas on private property.
- Property owners can begin implementation immediately.
- Projects will be funded by property owners.

Structural Projects: Installation of stormwater infrastructure along north 49th Drive is recommended.

- The Public works Department Engineering Division and Stormwater Runoff Management are responsible for infrastructure updates.
- Installation and maintenance should be done when funding becomes available and after completion of higher priority budgeted items.
- Funds are appropriated for Capital Maintenance Improvement Projects by the Unified Government's Board of Commissioners.

Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under current staffing budget.

Repetitive Loss Area 10

Intersection area of North 53rd Street and Georgia Avenue

Preventative Measures: The Unified Government of Wyandotte County/ KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land.

- The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits.
- These requirements are current and will continue to be maintained.
- Funding is covered under current staff budget.

Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and the location of sewer and sanitary lines are available through this service. <http://www.wycokck.org/GSS/DotMaps.aspx>

- The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- These requirements are current and will continue to be maintained.
- Funding is covered under current staffing budget.

Property Protection: Addition of window wells to prevent water entry into basements is recommended. Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can

Preventative Measures:-----

Property Protection -----

Emergency Services: -----

Structural projects: -----

Public Information:-----

be found on their website. Additionally, some FEMA publications are available at the Building Inspections office.

- Property owners should prepare for flooding by purchasing flood insurance coverage.
- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by the property owner.
- Funding assistance is available through grant and loan programs.
- HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
- FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under current staffing budget.

Repetitive Loss Area 11

Intersection area of North 57th Drive and Nogard Avenue

Preventative Measures: Enforcement of UG regulations for development within the floodplain/floodway

- The Planning and Urban Design Department, the Building Inspections Department, and the local floodplain administrator are responsible for continued implementation of these requirements.
- These requirements are current and will continue to be maintained.
- Funding is covered under current staffing budget

Floodplain mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps".

- Geospatial Services Department maintains the "Dot Maps" and UG online mapping services.
- These requirements are current and will continue to be maintained.
- Funding is covered under current staffing budget.

Property Protection: Addition of window wells to prevent water entry into basements is recommended. Retrofitting can be done to minimize the impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. Property owners should prepare for flooding by purchasing flood insurance coverage.

- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.

Preventative Measures: ----

Property Protection: ----

Emergency Services: ----

Structural projects: ----

Public Information: ----

- Projects can be privately funded by the property owner.
- Funding assistance is available through grant and loan programs.
 - o HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - o FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

Natural Resource Protection: Due to the nature of flooding and drainage within this area, preservation of natural drainage patterns is a key element in mitigation. Property owners should ensure all ditches within their property boundaries remain free and clear of debris to allow for maximum drainage flow during heavy rain events.

- Property owners are responsible for maintaining clearance of natural drainage areas on private property.
- Property owners can begin implementation immediately
- Projects will be funded by property owners

Repetitive Loss Area 12 Intersection area of South 65th Street near Kaw Drive	Preventative Measure: The Unified Government of Wyandotte County/KCK regulates runoff for all private development in Kansas City, Kansas through the "Storm Drainage Criteria for Private Developments." Peak runoff from new development shall be no greater than the runoff from the site in its pre-development condition. In addition, all commercial developments are required to provide erosion control measures on site and land disturbance permits are required for any site disturbing greater than 1 acre of land. • The Planning-Engineering Department reviews development projects to ensure Storm Drainage Criteria, erosion control measures, and runoff regulations are met. The Public Works Department reviews and approves land disturbance permits. • These requirements are current and will continue to be maintained. • Funding is covered under the current staff budget. • Digital mapping information is made available online to the public through the Unified Government's online mapping tool, "Dot Maps". Topographic maps and location of sewer and sanitary lines are available through this service. http://www.wycokck.org/GSS/DotMaps.aspx • The Geospatial Services Department maintains the "Dot Maps" and UG online mapping services. • Funding is covered under the current staffing budget.	Preventative Measures: ---- Property Protection: ---- Emergency Services: ---- Structural Projects: ---- Public Information: ----
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Property Protection: Retrofitting can be done to minimize impact of flooding. Retrofitting projects can include but are not limited to elevating utilities and buildings and dry or wet-floodproofing. FEMA provides informational resources on floodproofing at retrofitting that can be found on their website. Additionally, some FEMA publications are available at the Building Inspections office. Property owners should prepare for flooding by purchasing flood insurance coverage.

- Property owners are responsible for the implementation of property protection measures.
- Property owners can begin implementation immediately.
- Projects can be privately funded by the property owner.
- Funding assistance is available through grant and loan programs.
 - HUD 203(k) Rehab Mortgage Insurance enables homebuyers and homeowners to finance rehabilitation of an existing home, including projects for mitigation of flood risk. Additional information can be found at https://www.hud.gov/program_offices/housing/sfh/203k
 - FEMA Flood Mitigation Assistance Program (FMA) is a grant program that can be applied to through the Unified Government Emergency Management Department for projects that reduce or eliminate long-term risk of flood damage to structures insured under the NFIP. Additional information can be found at <https://www.fema.gov/flood-mitigation-assistance-grant-program>

Public Information: The City engages in outreach projects to educate and advise the public about the hazards and natural and beneficial function of floodplains. Outreach efforts are coordinated by the local designated floodplain manager.

- The local floodplain administrator or floodplain manager is responsible for public outreach efforts.
- The outreach programs mentioned above are current and will continue to be maintained.
- Funding is covered under current staffing budget.

CRS Annual Progress Report and CRS Required 5-Year Update:

The Unified Government of Wyandotte County, Kansas City, Kansas will reference the CRS Manual in place at the time of the required CRS annual recertification progress report and the required 5-year verification update to ensure the progress reports continue to meet the credit criteria.

The UG will request updated RL data from FEMA Region 7 once per year and will review data with each CRS RLAA Annual Progress Report. An Information Sharing Access Agreement (IASS) between the UG and FEMA may be required to obtain RL data from FEMA Region. Contact FEMA Region 7, Insurance Program Specialist for additional information regarding an IASS agreement.

Chris Parsons

Insurance Program Specialist | Mitigation Division | FEMA Region VII

(816) 283-7980 Desk | (202) 702-7012 Cell

Christopher.parsons@fema.dhs.gov

APPENDIX C

Draft UG Board of Commissioners Resolution Template

RESOLUTION NO. _____

A RESOLUTION adopting the 2023-2028 Repetitive Loss Area Analysis Update

WHEREAS, on _____, the _____ for the Unified Government of Wyandotte County/Kansas City, Kansas (“_____”) held a public hearing and recommended approval of the 2023-2028 Repetitive Loss Area Analysis Update, a copy of which is on file with the Secretary of the Planning Commission and the Unified Government Clerk; and

WHEREAS, after the public hearing on _____, a majority of the _____ voted to recommend adoption of the Repetitive Loss Area Analysis Update, 2023-2028; and

WHEREAS, pursuant to K.S.A. 12-747(b), the Planning Commission is required to adopt the 2023-2028 Repetitive Loss Area Analysis Update by resolution, and send notice thereof to the governing body as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE _____ COMMISSION OF

THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/

KANSAS CITY, KANSAS, AS FOLLOWS:

Section 1. The _____ Commission hereby adopts the 2023-2028 Repetitive Loss Area Analysis Update, incorporated by reference herein.

Section 2. The _____ Commission hereby requests that the Secretary of the _____ Commission, and any other such employees, officials and agents of the Unified Government as may be necessary, submit a copy of this Resolution, a certified copy of the 2023-2028 Repetitive Loss Area Analysis Update, and a written summary of the public hearing held on _____, to the Unified Government Board of Commissioners.

Section 3. This Resolution shall take effect and be in full force immediately after its adoption.

**ADOPTED BY THE _____ COMMISSION OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

THIS _____.

Secretary of the _____ Commission



Report to

MEETING DATE	PRESENTER	DEPARTMENT
December 29, 2023	Jeff Fisher, Exec. Dir. of Public Works	Public Works
AGENDA ITEM #		
RESOLUTION: KAW POINT MODERNIZATION PROJECT		
BACKGROUND		
The Unified Government has received notice that the Kaw Point Treatment Plant Modernization Project has been awarded a 25/75 grant that is estimated at \$17.8M by the United States Department of Agriculture (USDA) under the Fertilizer Production Expansion Program (FPEP) with the understanding the award and requirements are based upon 80 percent of the total project costs. The Public Works Department is seeking approval to accept the USDA grant to implement it immediately upon its adoption.		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
10/23/2023		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
10/26/2023		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
USDA Grant Summary (1), 2. Project Narrative - Biosolids Improvements Project (2), USDA Grant Resolution		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:

11/15/2023

US Dept of Ag Grant Award

APPROVED

 11-15-23



**PUBLIC WORKS
WATER POLLUTION CONTROL**

Water Pollution Control P: (913) 573-1300
50 Market Street F: (913) 573-1351
Kansas City, KS 66118 E: info@wycokck.org

TO	Jeff Fisher, Public Works Director
FROM	Alan Howze, Assistant County Administrator
DATE	Jeff Miles, WPC Director
RE	October 16, 2023
ATTACHMENTS	Grant Approval
	Grant Application & USDA Approval

MEMORANDUM

We are delighted to announce that the United States Department of Agriculture (USDA) has officially granted the Unified Government of Wyandotte Co. funding under the Fertilizer Production Expansion Program (FPEP) for our Kaw Point Modernization/Bio-Solids project.

Numerous Kansas governmental agencies and private companies submitted applications to the USDA, with only two being selected for grants: the Unified Government of Wyandotte Co. and the City of Olathe. Our application, which was submitted in late 2022, requested the maximum allowable amount of 25% of the total qualified cost. Remarkably, the USDA approved 80% of our request, resulting in an impressive award of approximately \$17.8 million for the Unified Government of Wyandotte Co.

Over a period of nine months, the USDA diligently conducted an extensive vetting and review process of our application, assessing proven technologies, processes, and industry standards. After successfully advancing through the initial review stage, we were asked to provide a comprehensive overview and history of the land designated for this project.

The Kaw Point Treatment Plant was built in the 1960's and was largely funded by the Federal dollars, now 55 years later, upgrades to this plant will once again be assisted with federal assistance. I believe this speaks volumes to everyone involved at the UG in our diligence in finding assistance with much needed infrastructure upgrades.

This grant, in conjunction with the \$2 million earmark from Representative Sharice Davids Office and the anticipated tax credits, will significantly reduce the overall project cost, bringing it below the approved budgeted authority amount. The estimated cost of the project is at \$100M and so the two new sources combine at \$19.8M, resulting in a reduction to \$80.2M. It is also worth noting that the Inflation Reduction Act created tax credits for local government to access for projects just like this. Staff expects to receive somewhere between \$3M and \$26M in reimbursement when the project is complete. This directly reduces the total, final cost of the project. As you are well aware, the Consent Decree mandates a strategic investment in our aging infrastructure, and with these savings, we can now allocate resources to address numerous other pressing needs in the future.

This is a historic accomplishment for everyone involved with this grant.



**PUBLIC WORKS
WATER POLLUTION CONTROL**

Water Pollution Control P: (913) 573-1300
50 Market Street F: (913) 573-1351
Kansas City, KS 66118 E: info@wycokck.org

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY AND KANSAS CITY, KANSAS

Biosolids Improvements Project



Project Title | Unified Government of Wyandotte County and Kansas City, Kansas
Biosolids Improvements Project

Project Location | 50 Market Street, Kansas City, Kansas 66118

Funding Opportunity Title | Fertilizer Production Expansion Program

Funding Opportunity Number | RD-RBS-22-01-FPEP

Assistance Listing Number | 10.383

Total Project Cost | \$89,234,000

Grant Funding Request | \$22,308,500

Matching Funds Available | \$66,925,500

Contact information

Trenton Foglesong | Senior Engineer | tfoglesong@wycokck.org

SAM Identification | PD76T7LUCLS2

Project Narrative

A Executive Summary

The Unified Government of Wyandotte County and Kansas City, Kansas (Unified Government) Biosolids Improvement Project will utilize anaerobic digestion technology to convert municipal wastewater sludge into a biosolids fertilizer nutrient alternative. Anaerobic digestion is a sustainable technology that generates renewable fertilizer for significant acreages of cropland while returning organic matter to the nutrient cycle and reduces agricultural producer fertilizer costs. Additionally, the project will divert material from landfill disposal and generate pipeline quality renewable natural gas.

There are currently over 1,200 wastewater treatment plants (WWTPs) in the United States using anaerobic digesters to treat wastewater. These facilities generate over 1.15-million dry metric tons of treated biosolids that are applied to agricultural land annually.^{1,2} The widespread implementation of this technology demonstrates its technical merit and nation-wide impact.

The Unified Government operates three municipal WWTPs that currently dispose of over 31,000 wet tons of residual wastewater sludge at a nearby landfill, annually. Upon completion of project construction in 2025, the anaerobic digesters will convert this sludge, rich in nitrogen, phosphorus, sulfur, and potassium, into EPA certified Class B biosolids fertilizer. The biosolids will be suitable to benefit up to 2,775 acres of United States farmland annually.³ The project will also provide a disposal solution for commercially generated high strength organic wastes (HSOW) such as byproducts of agricultural, dairy, or livestock processing.

WWTP biosolids fertilizer can provide approximately 50% of the nutrient content that corn, soybeans, hay, alfalfa, winter wheat, and milo crops require at reduced costs compared to chemical fertilizers. A leading regional biosolids land application specialist confirms a reduction in fertilizer cost of 25-35% to farmers who land apply biosolids.

¹ <https://www.epa.gov/anaerobic-digestion/types-anaerobic-digesters#:~:text=In%20the%20United%20States%2C%20over,wastewater%20solids%20and%20produce%20biogas>

² <https://www.epa.gov/biosolids/basic-information-about-biosolids>

³ Assumes a minimum application rate of 2 dry tons per acre.

The project will include design and construction of three anaerobic digesters, a control building, biosolids holding and screening equipment, HSOW receiving stations, biogas processing equipment, and associated site improvements. The digestion process will also generate 500,000 cubic feet per day of methane biogas which will be reclaimed as pipeline quality renewable natural gas (RNG). Renewable natural gas reduces the impacts to climate change over fossil fuel-based natural gas. The current and future sludge management process is depicted in Figure 1.

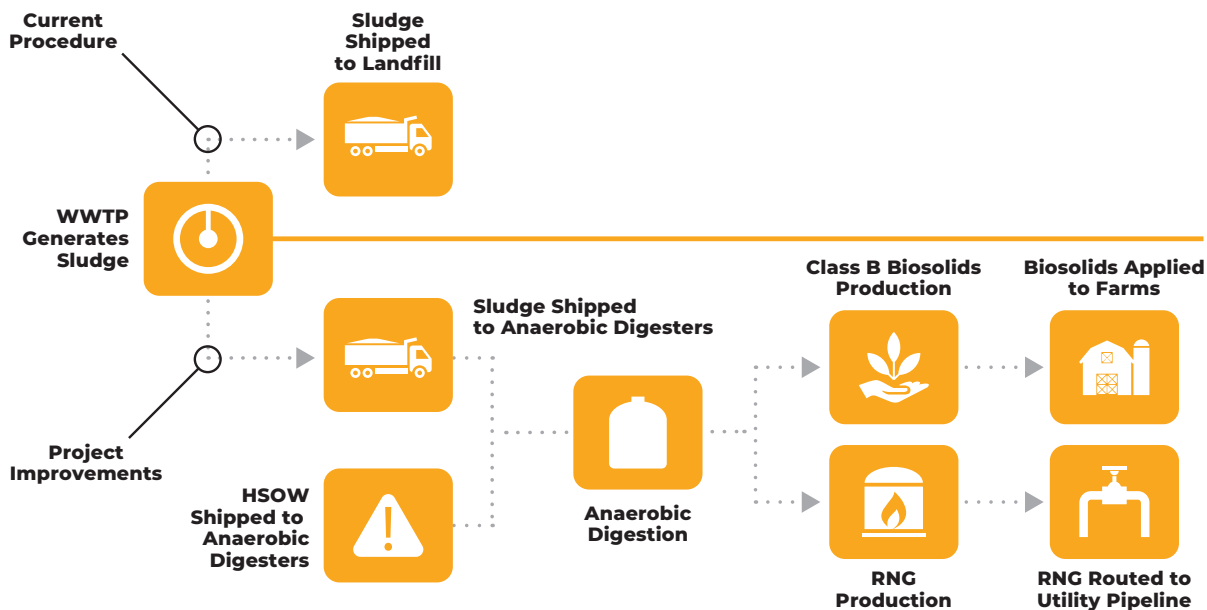


Figure 1 – Current and Future Sludge Management Processes

The Unified Government Board of Commission granted approval for \$80,000,000 to be obtained via bond funds. However, project construction costs have risen sharply in recent years with unprecedented inflation and cost escalation. While the Board is pursuing budget revisions to fully cover the project cost escalations, grant funding could also provide project cost relief, allowing the project to immediately proceed expeditiously to implementation.

The Unified Government has a highly qualified team to successfully execute the project including the design, construction, and operation of this sustainable domestic fertilizer production facility that supports the American farmer through the beneficial reuse of materials previously landfilled.

B Applicant Information

The City of Kansas City, Kansas was incorporated in 1886 and has a long history of being a very diverse community which welcomes all and promotes quality of life in a family-oriented community. Kansas City, Kansas is the third largest city

in the state of Kansas and is the county seat of Wyandotte County. In 1997, voters unanimously approved to consolidate the governments of the City of Kansas City, Kansas and Wyandotte County into one jurisdiction—known as the Unified Government of Wyandotte County/Kansas City, Kansas (Unified Government). The Unified Government covers 156 square miles, located on the eastern border of the State of Kansas and situated at the confluence of the Missouri and Kansas rivers. The Unified Government is part of a greater metropolitan area of nearly 2 million people which encompasses a bistate region which also includes Kansas City, Missouri and Overland Park, Kansas among others.

Wastewater collection, conveyance, and treatment is provided by the Unified Government's Water Pollution Control Division as an enterprise funded through user fees. The Unified Government Kaw Point Wastewater Treatment Plant Biosolids Improvements Project (Biosolids Improvement Project) will be operated within and is physically located in the U.S. The project site is located at 50 Market Street, Kansas City, Kansas 66118 on the Kaw Point Wastewater Treatment Plant (WWTP) site operated by the Water Pollution Control Division.

Compliance: The Unified Government plans to generate biosolids fertilizer as part of a new wastewater treatment process facility in accordance with all federal, state, Tribal and local regulations governing fertilizer and nutrient manufacturing, processing, storage, distribution, and waste management. The Kaw Point WWTP is currently regulated by and in compliance with the United States Environmental Protection Agency (USEPA) and United States Department of Justice (DOJ) Consent Decree, Kansas Department of Health and Environment (KDHE) National Pollution Discharge Elimination System (NPDES) Permits, and KDHE MS4 Storm Sewer Permits.

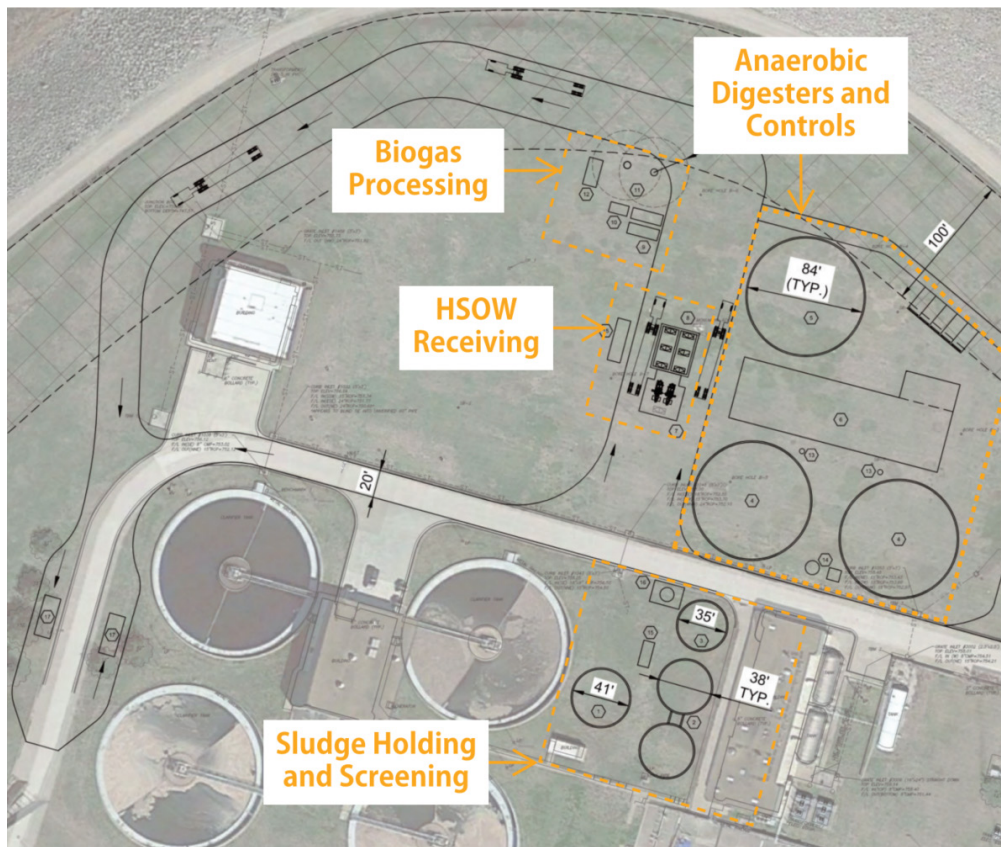
The Unified Government is registered in the System for Award Management (SAM) and will maintain annual SAM registration while an application is active and through the term of an award. The Unified Government SAM Identification Number is PD76T7LUCL52.

Market Share: The Unified Government does not hold a market share (in either production or distribution) greater than or equal to the entity that holds the fourth largest share of that market for any of the following nutrients or components: nitrogen, phosphate, potash, or any combination thereof. The Unified Government certifies that it does not hold a market share (either globally or domestically) greater than or equal to the top four manufacturers or processors or distributors as applicable in nitrogen, phosphate, potash, or any combination thereof, as applicable. The Unified Government does not hold any minority partners or side agreements regarding any distribution or marketing plans.

C Project Information

The Unified Government operates three significant WWTPs to treat its municipal sewage. The primary outputs of the treatment process are treated wastewater and sludge. Sludge is the solid and semisolid component of the wastewater, rich in nitrogen, phosphorus, sulfur, and potassium. This sludge is currently hauled to a landfill; however, this project aims to reclaim this valuable source of nutrients and make it available to agricultural commodity providers for land application. In addition to sludge, the anaerobic digesters will receive high strength organic waste (HSOW) such as industrial food production byproducts and fats, oils, and grease (FOG). The sludge and HSOW will be converted into nutrient rich Class B biosolids fertilizer and methane gas utilizing the anaerobic digestion process. The methane gas will be cleaned and further refined before injection into a natural gas pipeline. The digestion process is depicted in Figure 1 in the Executive Summary.

The project will include design and construction of three anaerobic digesters, an anaerobic digester control building, biosolids holding and screening equipment, HSOW receiving and storage stations, biogas processing equipment, and associated site improvements. The general location of these facility upgrades are depicted in a high-level overview of the concept design in Figure 2, below.



*Figure 2 –
Facility
Upgrades
Site Layout*

The anaerobic digesters will take in sludge and HSOW, break down the organic compounds, and stabilize the solids. This process will remove several pathogens and harmful components of the sludge so that it meets biosolids Class B regulations and may be safely land applied as fertilizer. The anaerobic digester control building will contain major equipment associated with the digesters, including pumps, heat exchangers, and controls, whereby WWTP operators and technicians may monitor and control the system.

The HSOW receiving stations will enable the Unified Government to receive additional waste streams (feedstocks) to increase the volatile solids to the anaerobic digester, creating more biosolids fertilizer and gas by-product. The equipment included in the design will allow the WWTP to track the quantity and quality of HSOW received and store the material so that it may be fed into the digesters in a steady stream to maintain stable operations and optimize the digestion process.

A byproduct of the digestion process is large quantities of biogas, primarily consisting of methane. This gas will be captured, processed, and routed into the natural gas utility pipeline as renewable natural gas (RNG). Therefore, not only will the project produce a sustainable source of fertilizer but will also enable generation of RNG.

Details specific to the project process and equipment are provided in the engineering Basis of Design Report (BODR), attached as part of the grant application.



The design and construction of the project are projected to cost \$100,000,000 in total. To date, \$10,766,000 have been spent designing the project and prepping the site for construction, leaving \$89,234,000 in costs to be spent. The Unified Government requests \$22,308,500 in funding from the USDA and will provide \$66,925,500 in matching funds. These costs have been divided into their associated tasks in addition to their anticipated timeline for completion and may be seen below:

Task 1 – Engineering and Design Fees

- Total Cost: **\$1,400,000**
- Anticipated Timeline: 8/25/22 – 8/15/23

Task 2 – Owner’s Representative

- Total Cost: **\$2,000,000**
- Anticipated Timeline: 8/25/22 – 9/24/25

Task 3 – Site Work

- Total Cost: **\$9,633,000**
- Anticipated Timeline: 8/15/23 – 9/24/25

Task 4 – Construction

- Task Includes: Concrete, Masonry, Metals, Thermal & Moisture Protection, Doors and Windows, Finishes, Specialties, Mechanical & Plumbing, Electrical, and Control Systems
- Total Cost: **\$54,453,000**
- Anticipated Timeline: 8/15/23 – 9/24/25

Task 5 – Equipment

- Total Cost: **\$15,152,000**
- Anticipated Procurement Timeline:
8/15/23 – 10/22/24

Task 6 – Project Contingencies

- Total Cost: **\$6,596,000**

Activity	Cost	Percent
Task 1: Engineering and Design	\$1,400,000	
Task 2: Owners Representative	\$2,000,000	
Task 3: Site Work	\$9,633,000	
Task 4: Construction	\$54,453,000	
Task 5: Equipment	\$15,152,000	
Task 6: Project Contingencies	\$6,596,000	
Total Project Cost	\$89,234,000	
USDA FPEP Grant Request	\$22,308,500	25%
Unified Government Match	\$66,925,500	75%

D Land Ownership and Access

The Unified Government owns the land where the project is to be located. The property is currently controlled by the Unified Government as an operating WWTP. The project consists of improvements to the existing WWTP to begin fertilizer production, and therefore will not require a change in land ownership or control to execute the project. The property is in Kansas City, Kansas, and is not located on Tribal Lands.

E Performance Metrics

1 The Unified Government plans to achieve the following performance metrics through project execution::

- a. Increase the domestic availability of fertilizer (nitrogen, phosphate, potash) and nutrient alternatives to agricultural producers for use in crop years 2023, 2024, and thereafter:

The Biosolids Improvements Project will increase the domestic availability of fertilizer and nutrient alternatives to agricultural producers. The construction is anticipated to be complete in 2025 and will begin making biosolids available to agricultural producers shortly thereafter. The project is anticipated

to produce up to 5,550 dry tons of biosolids fertilizer annually. Biosolids generated from WWTPs typically contain nutrients essential for plant growth including nitrogen and phosphorous, as well as essential micro nutrients such as nickel, zinc, and copper.⁴

Class B biosolids are permitted to be applied to agricultural land used for growing animal feed crops including corn, soybeans, hay, alfalfa, winter wheat, and milo crops. The standard application rate for biosolids application varies depending on the nutrient needs of the crop and ranges from 2 to 20 dry tons per acre⁴. This project will generate biosolids fertilizer annually for approximately 2,775 acres annually. Biosolids provide an average of 50% of the nutrient needs for the anticipated crops listed above and are available to farmers at 25-35% less the cost of chemical fertilizers. Additionally, biosolids return organic matter to the soil which is retained in the plow layer further reducing nutrient runoff.

Sludge may be combined with HSOW waste streams to increase biosolids production. The Unified Government has received interest from several HSOW generators and haulers and is committed to acquiring additional partnerships with other HSOW producers.

b. Provide agricultural producers with more domestic options for fertilizer and nutrient alternatives:

The Biosolids Improvements Project will provide agricultural producers with domestic options for fertilizer and nutrient alternatives. The Unified Government does not currently produce fertilizer or nutrient alternatives and will become a new domestic supplier of biosolids in the fourth quarter of 2025. The Unified Government has initiated discussions with a local biosolids brokerage company which connects generators of biosolids with agricultural producers, manages the logistics of the transaction, and physically applies the biosolids to the soil.

c. Reduce the impacts of climate change through the manufacturing and processing of or the use of sustainable, innovative, increased, and efficient fertilizer and nutrient alternatives production and use:

The Biosolids Improvements Project will utilize sustainable and innovative technologies to increase the efficiency and overall production of domestic

⁴ https://www3.epa.gov/npdes/pubs/land_application.pdf

fertilizer and nutrient alternatives. The project will divert approximately 31,000 wet tons per year, which equates to 85 wet tons of sludge per day from the landfill. In addition to recovering organic material and nutrients for fertilizer, this project will generate biogas. The digestion of the sludge and HSOW will result in the capture of 500,000 cubic feet per day of biogas that will be processed into RNG and distributed through the pipeline.

Renewable natural gas reduces the impacts to climate change over fossil fuel-based natural gas. Sequestering and cleaning biogas to produce RNG for injection into the natural gas utility pipeline provides a method for generating natural gas while avoiding industrial processes known to release large quantities of methane into the atmosphere, such as coal mining and the production and refinement of natural gas and petroleum systems in the energy industry.^{5,6} Methane is a significantly harmful greenhouse gas, over 25 times as harmful as carbon dioxide. Reducing the amount of methane in the atmosphere helps to reduce global warming and the impacts of climate change.⁷

F Evaluation Criteria

1 Financial Viability, Technical Merit, and Readiness

This project is budgeted to cost \$100,000,000. The Unified Government hired the Unified Government Water Partners (UG Water Partners), a collaboration between Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) and CAS Constructors LLC (CAS Constructors) to design and construct the Biosolids Improvement Project. Burns & McDonnell has over 100 years of experience in design, procurement, and construction within the water industry. CAS Constructors have executed over 400 water industry projects since their founding in 1985. The project budget was developed utilizing the experience and judgement of these professional consultants combined with information from their historic projects, vendors, and published sources. Additionally, the Unified Government is utilizing HDR Engineering as their “owner’s representative”, which brings additional technical expertise and project delivery capacity to the team.

⁵ <https://www.epa.gov/natural-gas-star-program/primary-sources-methane-emissions#:~:text=Methane%20emissions%20occur%20in%20all%20sectors%20of%20the,emissions%20occur%20through%20intentional%20venting%20and%20unintentional%20leaks.>

⁶ <https://www.epa.gov/cmop/about-coal-mine-methane>

⁷ <https://www.epa.gov/gmi/importance-methane>

The Unified Government Board of Commissioners approved the project and funding for \$80,00,000 to be obtained via bond funds. The unprecedented inflation and cost escalations of the past 3 years has increased the cost of the project and the Unified Government is currently evaluating options to address this cost increase. Funding from this USDA program would allow for expedited implementation of the project by utilizing the previously approved funding as the matching funds for the grant.

a. Strength of financial projections

The Unified Government Board of Commissioners approved an \$80,000,000 budget on the Biosolids Improvement Project. The financial viability for the project is based on the beneficial use of biosolids as fertilizer to avoid paying ever increasing tipping fees related to disposal at landfill(s), and the potential future closure of the closest landfill. The Unified Government anticipates funding the operation of the project through a combination of bonds and grants. The bonds will be paid off through a combination of utility user fees and revenues generated from the fee HSOW disposal fees and the sale of RNG to the utility pipeline.

b. Demonstrated track record of performance of technologies

Anaerobic digestion technology first emerged in the 1970s out of the energy crisis. During the early stages of this technology development, many design challenges were met and have been overcome.^{8,9} There are currently over 1,200 WWTPs in the United States using anaerobic digesters to treat wastewater solids, generating over 1.15-million dry metric tons of treated biosolids that are land applied to agricultural land.^{10,11}

c. Risk Mitigation

The Unified Government has anticipated and implemented mitigation strategies for several types of risks to project success, including the following:

⁸ <https://extension.psu.edu/a-short-history-of-anaerobic-digestion>

⁹ <https://www.sciencedirect.com/science/article/pii/S0960852417315456>

¹⁰ <https://www.epa.gov/anaerobic-digestion/types-anaerobic-digesters#:~:text=In%20the%20United%20States%2C%20over,wastewater%20solids%20and%20produce%20biogas>

¹¹ <https://www.epa.gov/biosolids/basic-information-about-biosolids>

Available Equipment Risks

The United States is currently experiencing significant delays in the delivery of electrical transformers for some new developments. These delays can be anywhere from 50-100 weeks according to the Unified Government's local electrical utility. The Kaw Point site already contains a transformer of sufficient size and recently upgraded their facility to provide room, both physically and capacity wise, for this planned project to mitigate this risk.

Labor Risks

The Unified Government has not been immune to the nation-wide labor shortage that has created widespread challenges to maintain full occupancy in domestic labor positions. The nationwide labor shortage is a stressor for many organizations in the United States; however, the Unified Government and UG Water Partners have taken the following measures to reduce the risk of limited labor availability on the project:

- Establishment of prevailing wages when estimating project costs to ensure the UG Water Partners offer competitive compensation to contractors;
- Spreading the scope of work for the construction of the project across multiple subcontractors to spread the risk of labor shortage across several organizations and thereby reducing the risk to the project overall;
- Maintaining the Unified Government's contracts with local labor unions to supply labor after construction during operation of the anaerobic digester;
- Offering a competitive benefits package to future hires at the Unified Government; and
- The Unified Government anticipates recruiting two new WWTP operators upon completion of the project to operate the anaerobic digesters. However, should these positions be challenging to fill, the Kaw Point WWTP is already staffed with similarly trained employees who may transition to a shift schedule to cover operational needs. A portion of current operations may be reduced with the new process, leaving current staff available to assist with the digestion process.

Access to Operating Capital Risks

The Kaw Point WWTP is an enterprise fund, fully funded by user fees for wastewater collection and treatment services. The Unified Government continuously evaluates their 25-year financial horizon and regularly conducts audits on their user rates to ensure they are sufficient to support operations.

In addition to user fees, the Unified Government intends to charge HSOW generators for disposing of their waste stream at the anaerobic digesters and sell RNG to the utility pipeline. Both of these practices generate revenue for the Unified Government to pay back project bonds and maintain operating capital, thereby reducing the effective price of the project and reducing the impact to user fees.

Loss of Market Risks

The Unified Government does not anticipate significant risks associated with the loss of its feedstock. The anaerobic digesters will take in sludge and HSOW to generate biosolids fertilizer. The Unified Government does not currently have competition for municipal wastewater treatment services and is therefore not concerned about maintaining an adequate supply of sludge. Furthermore, the Unified Government has seen an unpredictable increase in the cost of sending sludge to the landfill, the current disposal practice. Therefore, they are financially motivated to provide a more economical, predictable, and sustainable way of processing sludge. The project will help manage the risk of growing sludge disposal costs which increase as local landfill capacity is reduced, requiring sludge to be transported to further away landfills.

The Unified Government is not overly concerned with the loss of a market for biosolids, as WWTPs are typically a financially feasible source of fertilizer for local farmers.¹² As stated in previous sections, over a thousand other WWTPs around the United States are deploying over a million tons of treated biosolids to agricultural land. The widespread implementation of this technology demonstrates its technical merit and nation-wide impact. The vast amount of agricultural land use in close proximity to the project site at the Kaw Point WWTP, including land in both Kansas and Missouri, present many options for land application of biosolids for the foreseeable future. Many WWTPs in the region utilize land application for biosolids, further validating the merits of this project.

Legal Risk

Like many river communities, the Unified Government has worked with the United States Environmental Protection Agency and Department of Justice (USEPA/DOJ) to come to an agreement relative to long term planning and compliance with all Federal requirements which was memorialized as a partial Consent Decree in 2013 and ultimately a full Consent Decree in

¹² <https://www.in.gov/idem/waste/waste-industries/septage-management/land-application>

2018/2020. The USEPA/DOJ team joins the UG in promoting that fully 100% of the requirements have been met since that time. During Consent Decree negotiations, the Biosolids Improvements Project was highlighted as a critical infrastructure upgrade and included in the approved financial model. Without this project, the Unified Government is at increased risk for infractions of USEPA regulations at any time the landfill becomes unavailable. The project overall will reduce significant regulatory risks for the Unified Government

d. Maturity of the project

The following categories describe the milestones both achieved and planned for implementation of the Biosolids Improvement Project:

Real Estate Acquisition Maturity

The Unified Government owns and operates the three WWTPs and corresponding land parcels associated with the project, so no real estate will need to be acquired.

Permit Acquisition Maturity

The project was approved on February 2, 2022 by the Kansas State Historical Society to proceed with construction after confirming an absence of conflicts with the Kansas Preservation Act and corresponding regulations. In addition to this achieved permit milestone, the Unified Government plans to acquire the following permits:

Federal Permits

- FAA Advisory Circular: To be requested 90-120 days prior to construction
- US Army Corps Individual Permit: To be submitted to Kaw Valley Drainage District 8-10 weeks prior to construction;
- EPA National Pollutant Discharge Elimination System (NPDES) permit: Existing Kaw Point WWTP Permit to be amended 180 prior to the expiration of the current permit, and 180 days prior to any new discharge;

State Permits

- Kansas Department of Health and Environment Construction Stormwater Permit: To be requested 30 days prior to construction;
- Kansas Department of Wildlife, Parks, and Tourism Action Permit: To be requested 30 days prior to construction and reviewed 40 days after submission;

Local Permits

- Urban Planning and Land Use Preliminary and Final Development Permit: To be requested 80 days prior to construction;
- Operating Air Quality Permit: To be requested 90-180 days prior to construction; and
- Construction Air Quality Permit: To be requested 60-90 days prior to construction.

Outreach to Local, State, and Federal Partners

The Unified Government has engaged with HSOW haulers in the area to gauge the capacity for diverting HSOW to the anaerobic digesters. Numerous HSOW/FOG haulers in the area have expressed interest in engaging the Unified Government on this ability when possible and expressed a desire to begin this partnership sooner rather than later.

The project leads at the Kaw Point WWTP presented the project to the Unified Government Board of Commission and obtained support for the project and funding approval.

Design Maturity

The Unified Government has contracted UG Water Partners to complete a 60% design and develop a not-to-exceed price for the project prior executing a Phase 2 contract for final design, procurement, and construction of the project as design-build. UG Water Partners have generated design documents (Piping and Instrumentation Diagrams, construction drawings, site plans, and a basis of design report) up to a 30% design level and are moving toward 60% design of the project to allow development of a guaranteed maximum construction price in order to meet the stated schedule.

e. Financing and capital

The Unified Government has committed \$80,000,000, to be obtained via bond funds, to cover the cost-matching portion of the project. This spend was approved by the Unified Government's Board of Commission

2 Market Impact and Opportunities

a. Adequacy, plan, and mechanisms for input procurement

The Unified Government operates three significant WWTPs which receive a steady stream of incoming waste and does not have competition for providing municipal water treatment services for its residents. The anaerobic digester facility will reside at the Kaw Point WWTP and the other two WWTPs (Plant 20 and Wolcott) will haul their sludge to the Kaw Point. The three combined WWTPs are anticipated to divert approximately 31,000 tons of sludge from the landfill to the Kaw Point digesters annually to produce 5,550 dry tons of Class B biosolids fertilizer annually.

b. Projected production capacity for fertilizer to be made available for use in the production of agricultural commodities in crop year 2023, crop year 2024, and crop year 2025.

The Biosolids Improvement Project is planned to begin production of biosolids fertilizer in the fourth quarter of 2025. The Unified Government anticipates annual production rates of up to 5,550 dry tons of biosolids fertilizer annually. As previously stated, Class B biosolids are permitted to be applied to agricultural land used for growing animal feed crops including corn, soybeans, hay, alfalfa, winter wheat, and milo crops. The standard application rate for biosolids application varies depending on the nutrient needs of the crop and ranges from 2 to 20 dry tons per acre⁴. This project will generate biosolids fertilizer annually for approximately 2,775 acres annually.

c. The current and anticipated number of agricultural producers benefitting from the project

The land application of the biosolids fertilizer is likely to occur locally, having a direct benefit to the immediate farming community. The number of agricultural producers benefitting from the project will depend on the size of the farm it will be supporting and the nutrient requirements of the crops. The USDA 2017 Census of Agriculture for the Unified Government boundary includes 158 farms accounting for over 12,000 acres. This project may support over 20% of the acres in agricultural production for the Unified Government.

All of the crops that are permitted for application of Class B biosolids are commonly grown in the Unified Government boundaries and surrounding counties; several types of producers may benefit from the project.

The biosolids production may also benefit farmers financially. Based upon information provided to UG Water Partners from a regional biosolids land application specialist, biosolids typically can replace 50% of their fertilizer needs and provide a 25-35% reduction in their overall cost of fertilizer.

d. Current or prospective end-user commitments, including potential or identified markets (regional and national), and the potential amount of output to be sold

The Unified Government has engaged with a regional biosolids land application specialist as a potential partner to manage the logistics and transaction of biosolids fertilizer with end-users. While the Unified Government does not have any end-user commitments at this early stage of the project, it anticipates a high demand for use of the biosolids as fertilizer by regional farmers as indicated in conversations with the specialist. Numerous biosolids brokers operate in the Kansas City Region and the Unified Government will select one through a public procurement process at the appropriate time.

3 Climate Impacts and Sustainability

a. Expected type, scale, and longevity of benefits from greenhouse gas emission mitigation resulting directly from the project and project attributes that reduce the impacts of climate change.

The anaerobic digestion of the sludge and HSOW will result in the capture of 500,000 cubic feet per day of biogas that will be processed into RNG. Sequestering and cleaning biogas to produce RNG for injection into the natural gas utility pipeline provides a method for generating natural gas while avoiding industrial processes known to often release large quantities methane into the atmosphere, such as coal mining and the production and refinement of natural gas and petroleum systems in the energy industry.^{13,14} Methane is a significantly harmful greenhouse gas, over 25 times as harmful as carbon dioxide. Reducing the amount of methane in the atmosphere would help to reduce global warming and the impacts of climate change.¹⁵

¹³ <https://www.epa.gov/natural-gas-star-program/primary-sources-methane-emissions#:~:text=Methane%20emissions%20occur%20in%20all%20sectors%20of%20the,emissions%20occur%20through%20intentional%20venting%20and%20unintentional%20leaks.>

¹⁴ <https://www.epa.gov/cmop/about-coal-mine-methane>

¹⁵ <https://www.epa.gov/gmi/importance-methane>

b. Expected type, scale, and longevity of benefits from greenhouse gas emission mitigation resulting indirectly from the project and project attributes that reduce the impacts of climate change including but not limited to supply chain and agricultural producers.

The generation of RNG by the project may help support a nation-wide effort to become less dependent on non-renewable fuels that are responsible for significant greenhouse gas emissions. The project will generate RNG for the foreseeable future and may support the U.S. overall energy transition.

c. Other (non-greenhouse gas) environmental benefits, such as water quality, soil quality, localized air pollution, and wildlife habitat, of sustainable fertilizer production.

The project will divert approximately 31,000 wet tons of organic matter per year from a landfill and return it to a useful state in the nutrient cycle. The use of organics-based fertilizer as opposed to a raw chemical fertilizer improves soil and groundwater quality. The organic matter in the biosolids help to retain nutrients within the plow layer of the soil, improving the nutrient content of the soil and preventing leaching of nutrients into the groundwater that can pollute local watersheds.

The Biosolids Improvement Project is also included in the Unified Government's Consent Decree with the USEPA/DOJ. Additionally, the Kaw Point WWTP currently has a six-year Platinum award from the National Association of Clean Water Agencies recognizing zero permit exceedances during that period. The Biosolids Improvement Project will continue to support the environmental improvements to the Unified Government wastewater and stormwater management programs.

4 Regional Impact and Support

The Unified Government Board of Commission approved an \$80,000,000 spend on the project to improve the environmental and economic effectiveness of the three WWTPs within Wyandotte County. This demonstrates local government support and investment in the project.

The Unified Government has received support and interest from several licensed HSOH haulers in the area to dispose of their HSOH via the project's anaerobic digester. UG Water Partners conducted a survey of additional potential suppliers of HSOH and identified additional potential sources within a 50-mile radius of the Kaw Point Wastewater Treatment plant.

The Unified Government is also home to over 350 restaurants, all HSOW producers, and therefore potential sources of community partnership.

5 Personnel

The full resumes of the project team are attached as part of the grant application.



Jeff Fisher | Unified Government | Jeff Fisher is the Public Works Director and is responsible to organizing staff and initiatives to meet the goals and needs of the community and organization. Jeff will ensure resources are available to promote project success. Jeff will lead negotiations for long-term agreements and financing related to the biosolids project.



Trenton Foglesong | Unified Government | Trenton is a Senior Engineer at the Unified Government and is responsible for providing leadership to the overall project direction and ensuring adequate resources are available for the project's design, implementation, and future operations. Trenton has over 23 years of experience in project management and engineering of similar projects. He also has significant experience at the Unified Government in personnel management, budgeting, strategic planning, program development, and process improvement. He has successfully managed the 10+ year negotiation and implementation of the EPA Consent Decree resulting in numerous WWTP improvements.



Kristofer Finger | Unified Government | Kristofer is an engineer and project manager for the Biosolids Improvement Project. His role includes monitoring the project schedule and coordinating between the design team and Unified Government staff to relay necessary information. Kristofer has over 10 years of experience in engineering at the municipality level and has been assisting with the management of the EPA Consent Decree since 2015.

Samuel Her | Unified Government | Samuel is the Fiscal Officer for the Unified Government and is responsible for the financial reporting aspects of the project. Samuel develops, amends, and maintains the Public Works Department budget and manages fiscal elements for over 300 team members. He has over six years of experience at the Unified Government managing its financial affairs.



Patrick Young | **HDR** | Patrick offers engineering support on behalf of the United Government to align the design and construction teams with the United Government's goals for the project. He has extensive experience working on the design, construction, and start-up commissions of wastewater projects. Patrick is serving as the Principal in Charge, providing alternative project delivery and wastewater treatment plant solids engineering expertise. Patrick serves as HDR's Water Business Group Manager and has a broad understanding of current state-of-the-art advanced wastewater treatment.



Travis Stryker | **CAS Constructors** | Travis is the Construction Manager for the Biosolids Improvement Project. Travis will use his 18 years of experience in the design-build wastewater industry to bridge the pre-construction and design work to the field work during the construction and commissioning phase of the project. His experience and technical background give him the ability to manage complex issues and create successful collaborative team environments.



Ryan Rutkowski | **CAS Constructors** | Ryan serves as the lead estimator for the Biosolids Improvement Project and will be responsible for developing the overall project costs. Ryan also assists in the pre-construction work, coordinating with the design team and establishing the project's team of subcontractors and suppliers. Ryan has over 12 years of experience in project estimating and has a strong technical background in water and wastewater projects.



Trevor Cooke | **Burns & McDonnell** | Trevor is a 28-year engineer specializing in wastewater treatment including biosolids processing to make Class A and Class B biosolids. Trevor is the design manager for the project and is responsible for providing the engineered design of the facility.



Bryan Canzoneri | **Burns & McDonnell** | Bryan is the Design-Build Project Manager for the Biosolids Improvement Project. In this role, Bryan manages the alignment of the design and construction teams with the project's goals. Bryan has 17 years of experience executing water and wastewater projects for municipal clients across the United States.

Operational Staff

The Unified Government is a top 5 employer in Wyandotte County with approximately 2,300 full-time jobs. The Unified Government offers a fair, employee friendly environment to support our diverse community and provides great benefits

to all employees and support for workers' rights including organizing into collective bargaining units. The Unified Government offers a free and fair opportunity for workers to join a Labor Union.



Labor Unions Include

- American Federation of State, County, and Municipal Employees Local 1294
- Carpenters Local 61
- Construction and Laborers Local 1290
- Fraternal Order of Police Lodge 4
- Fraternal Order of Police Lodge 40
- International Association of Fire Fighters 64
- International Brotherhood of Electrical Workers Local 53
- Laborers International Union of North America Local 1290
- Painters District Council Local 3
- Plumbers Local 8
- Service Employees International Union Local 1
- Teamsters Local 955
- United Food and Commercial Workers Local 2



Benefits

- UG sponsored clinic as option for Employee and family
- Deferred Compensation sponsored plans including 457 and Roth IRA
- Dental Insurance for Employee with family options
- Employee Assistance Program
- Flexible Spending Plans
- Holiday pay for 12 days each year
- Life Insurance for Employee with family options
- Health Insurance for Employee either traditional or high deductible with health savings plan, both with family option with discounted premiums
- Parking at no cost for Employee
- Retirement plans through Kansas Public Employees Retirement System and Kansas Police and Firemen's Retirement System
- Sick leave for Employee
- United Way program available through payroll deductions
- Vacation leave for Employee
- Vision Plan for Employee with family option

6 Administrator Points

This project supports the Biden-Harris Administration priorities to assist rural communities recover, ensuring all rural residents have equitable access to benefits from government funded projects, and increases resilience to the impacts of climate change. While the Unified Government is located in urban Kansas City, the benefits of the project will extent to the immediate rural communities in the heart of the agricultural region of the country.

This project aligns with the Mayor's Environmental Sustainability & Green Energy Task Force which aims to address green design, renewable energy, and sustainable resource management through innovative policies and strategies.

The Unified Government is one of the most diverse communities in the nation, with no ethnic majority. The Unified Government's population is approximately 40 percent white, 30 percent Hispanic, 23 percent Black or African American, five percent Asian, and two percent Pacific Islander/American Indian/Native Alaskan according to the 2020 US Census. While there is pride in the community's diversity, it ranks 103 out of 105 counties in the state by per capita income, which is \$22,335.

Figure 4 displays the socioeconomic stress of the various communities across the Unified Government. It is critical for underserved communities to create resiliency as they are disproportionately impacted by the effects of climate change, yet, they have the least capacity to actively respond. Not only will the project promote climate resiliency by reducing the greenhouse gas emissions associated with sludge transportation, but it will create economic resiliency by removing the Unified Government's dependence on a third-party landfill. In the long term, this will stabilize and reduce WWTP user-fees for low-income community members.

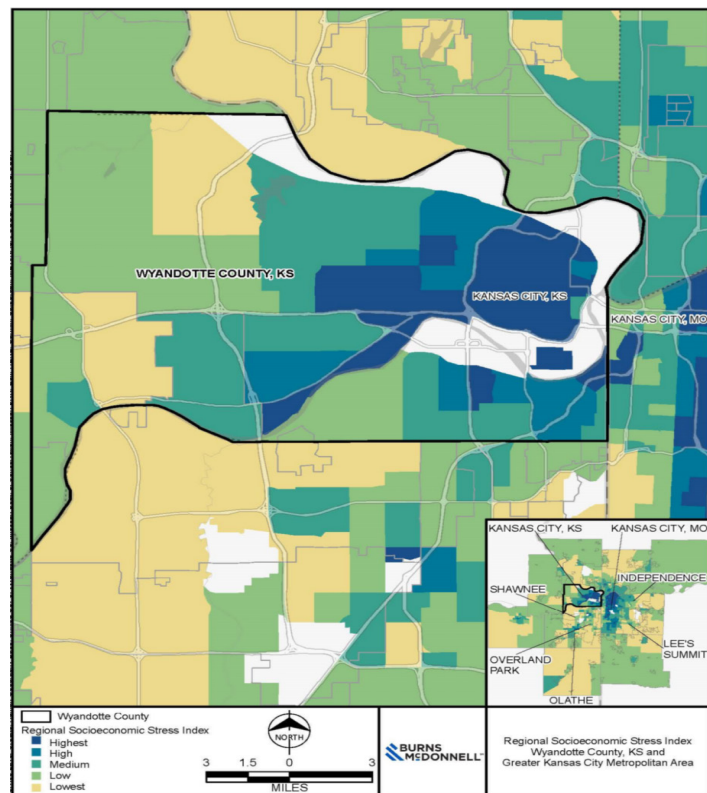


Figure 4 – Socioeconomic Stress Map for the Kansas City Metropolitan Area

RESOLUTION NO. R-_____

**A RESOLUTION AUTHORIZING FUNDING FOR THE KAW POINT
MODERNIZATION PROJECT**

WHEREAS, the Kaw Point Treatment Plant (KPTP) was constructed in the 1960's; and

WHEREAS, the KPTP requires numerous improvements to bring it into compliance with current standards; and

WHEREAS, the UG intends to make certain other environmental improvements to the KPTP that will also produce renewable gas and fertilizer; and

WHEREAS, the UG Code of Ordinances regulates the handling of fats, oil, and greases (FOG) by commercial and industrial customers without provision of a local and economical disposal means, and recognizing that the additional processes will provide local generators of FOG with local and cost-effective means of disposal; and

WHEREAS, the Unified Government (UG) has received notice that it has been awarded a 25/75 grant that is estimated at \$17.8 M by the United States Department of Agriculture (USDA) under the Fertilizer Production Expansion Program (FPEP) with the understanding the award and requirements are based upon 80 percent of the total project costs; and

WHEREAS, the UG accepts the grant in the estimated amount of \$17.8 M; and

WHEREAS, the USDA has seen value and proven technology of proposed process being used in the Kaw Point Modernization Project, presented in the application of the grant; and

WHEREAS, the Unified Government commits to satisfy the remaining 75% of the eligible project costs required for this grant along with the additional 20% project funding to complete the project utilizing a combination of available funding sources including, but not limited to, State Funds; Federal Grants; Local Funds; and other sources that are applicable to the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY
OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS
CITY, KANSAS:**

Section 1. Authorization. That the County Administrator is hereby authorized to accept the USDA (FPEP) funding estimated at \$17.8 M and is hereby authorized to negotiate the terms and execute in the name of the Unified Government all such contracts, documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 2. Further Action. The Mayor/CEO, County Administrator, and other officers, agents, and employees of the Unified Government are hereby further authorized and directed to take such further action as may be appropriate or desirable to accomplish the purpose of this Resolution.

Section 3. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the Unified Government.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS, THIS ____ DAY OF _____ 2023.**

UNIFIED GOVERNMENT CLERK

Approved as to Form:

Chief Counsel



Report to

#212772

MEETING DATE	PRESENTER	DEPARTMENT
December 29, 2023	Gunnar Hand, Director	Planning and Urban Design
AGENDA ITEM #		
RESOLUTION: NORTHEAST KCK HERITAGE TRAIL PHASE I UTILIZING ARPA FUNDS		
BACKGROUND		
Unified Government has received a \$1.2 million grant for Phase I design and construction of the Northeast KCK Heritage Trail from the MARC Carbon Reduction Grant Program. Phase I is from Kaw Point to Jersey Creek Trail via 3rd Street. This is the first part of the adopted NEKCK Heritage Trail Plan policy within goDotte Mobility Plan which connects the NE to Downtown KCMO and the levee trail betterments via a direct bike/ped path. This request is for the local match of \$240,000 from ARPA set-aside funds. Submitted by Gunnar H. Hand, AICP, Director of Planning and Urban Design. (RECOMMENDED FOR APPROVAL)		
RECOMMENDATION		
Approve		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
IT/POLICY CONSIDERATIONS		
PROCUREMENT CONSIDERATIONS		
10/26/2023		
LEGAL CONSIDERATIONS		
ATTACHMENTS		
Resolution - ARPA Matching Funds - MARC - Northeast KCK Heritage Trail Phase I, Interdepartmental Grant Proposals_2023.03 Presentation to Standing		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:

11/6/2023

APPROVED
 Approved by Mayor and Administrator
 11-13-23

RESOLUTION NO. R-_____

A RESOLUTION FOR THE APPROVAL OF LOCAL SET ASIDE ARPA FUNDS TO BE USED AS MATCHING FUNDING TO SECURE A GRANT FROM THE MID-AMERICAN REGIONAL COUNCIL'S CARBON REDUCTION GRANT PROGRAM TO FUND PHASE 1 OF THE NORTHEAST KCK HERITAGE TRAIL

WHEREAS, the American Rescue Plan Act (ARPA) was signed into law by President Biden on March 11, 2021, (Public Law 117-2), and was codified at 42 U.S.C. § 802 *et seq.*; and

WHEREAS, ARPA established the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund, which were together intended to provide support to State, local, and Tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 on their communities, residents, and businesses; and

WHEREAS, the Recovery Funds are intended to build on and expand the support provided to these governments over the last year, including through the Coronavirus Relief Fund (CRF), which was established by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136, 134 Stat. 281 (2020); and

WHEREAS, Section II.C of the Supplementary Information accompanying the federal Department of the Treasury's Interim Final Rule (31 CFR Part 35) provided in part that, for purposes of measuring revenue growth from the pre-pandemic period recipient Kansas City, Kansas would utilize the calculated rate of 4.1% and recipient Wyandotte County, Kansas would utilize the calculated rate of 6.2%; and

WHEREAS, Ordinance O-115-21 and Resolution R-58-21 approved the acceptance on behalf of the City of Kansas City, Kansas of Fifty-Five Million Three Hundred Eighty-Three Thousand Eight Hundred Seventy-Two Dollars (\$55,383,872) from the Coronavirus Local Fiscal Recovery Fund; and approves the acceptance on behalf of Wyandotte County, Kansas of Thirty-Two Million One Hundred Thirty-Two Thousand Six Hundred Forty-Four Dollars (\$32,132,644) from the Coronavirus Local Fiscal Recovery Fund; and

WHEREAS, Ordinance O-115-21 and Resolution R-58-21 approved that of the Kansas City, Kansas total allocation, Eighteen Million Seven Hundred Eighty Thousand Four Hundred Seventy Dollars (\$18,780,470) will be used to replace revenue lost due to COVID-19 during 2020, and an estimated Twelve Million Three Hundred Four Thousand Seven Hundred Seventy-Four Dollars (\$12,304,774) will be used to replace revenue lost due to COVID-19 during 2021, for a total revenue replacement allocation over the two year period of Thirty One Million Eighty-Five Thousand Two Hundred Forty-Four Dollars (\$31,085,244); and

WHEREAS, Ordinance O-115-21 and Resolution R-58-21 approved that of the Wyandotte County, Kansas total allocation, Six Million Six Hundred Fifty Thousand Eight Hundred Eighty Dollars (\$6,650,880) will be used to replace revenue lost due to COVID-19 during 2020, and an estimated Four Million Three Hundred Seventy Thousand Ninety-Five Dollars (\$4,370,095) will be used to replace revenue lost due to COVID-19 during 2021, for a total revenue

replacement allocation over the two year period of Eleven Million Twenty Thousand Nine Hundred Seventy-Five Dollars (\$11,020,975); and

WHEREAS, of the amount received on behalf of Kansas City, Kansas, that was used to replace revenue lost due to COVID-19, Three Million Five Hundred Thousand Dollars (\$3,500,000) was set aside specifically for grant matching funds; and

WHEREAS, the Unified Government of Wyandotte County, Kansas City, Kansas has been awarded a \$1.2 million grant from the Mid-America Regional Council (MARC) Carbon Reduction Grant Program to fund Phase 1 of the Northeast KCK Heritage Trail; and

WHEREAS, the receipt of grant funds through MARC is contingent on the Unified Government providing matching funds in the amount of Two Hundred Forty Thousand Dollars (\$240,000); and

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/ KANSAS CITY, KANSAS AS FOLLOWS:

Section 1. The Unified Government Board of Commissioners hereby approves Two Hundred Forty Thousand Dollars (\$240,000) of the Kansas City, Kansas total allocation be allocated for matching funds for Phase 1 of the Northeast KCK Heritage Trail

Section 2. Effective Date. This resolution shall take effect and be in full force from and after its passage and approval.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS, AND APPROVED AND SIGNED BY THE MAYOR/CEO THIS Xth DAY OF OCTOBER 2023.

Tyrone A. Garner, Mayor/CEO

Attest:

Unified Government Clerk

Approved as to Form:

Unified Government Chief Counsel

2023 Grants

Recommendations

Proposed Projects
for Upcoming
Funding
Opportunities

Presented by Gunnar H. Hand
Director Planning & Urban Design

Maximize Impact | Federal Funds

- Missed opportunities and lessons learned from 2022 grant pursuits
- Further leverage collaboration between departments for more focused pursuit of funds
- Move from chasing funding to prioritizing projects.

DECEMBER 2022

Multi-Department
“Coalition” Convenes
to Prepare for 2023
Grant Opportunities

UG Grants Point of
Contact Retires

JANUARY 2023

Team Reviewed:

- Current policy or policy review;
- Capacity for implementation;
- Alignment of multiple departments;
- Builds on other investments.

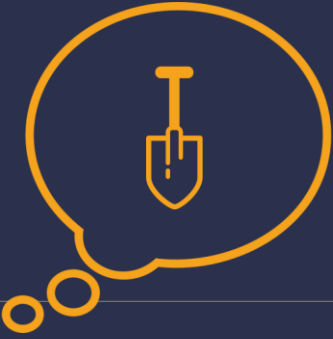
FEBRUARY 2023

Detailed Known State,
Federal Funding

Brainstormed
Comprehensive List of
Previously-Defined,
“Fundable” Projects

MARCH 2023

Refined 2023 Project Lists
for Presentation to
Commission



Shovel-Ready

- Project scope is defined through study with budget range and impact assessment.
- Aligns to public policy goals.



Shovel-Worthy

- Plans for operation and maintenance are defined.
- Sustainable funding is anticipated/available.
- Leverages other investments.

Collaborate | Maximize Every Dollar



PROJECT A
Levee Betterment Project



PROJECT F
Kansas Avenue Bridge



PROJECT B
**East-West Transit Study
Phase II**



PROJECT G
**Northeast & Edwardsville Micro-Transit
and Other Rideshare Programs**



PROJECT C
**Northeast Watershed Betterment
& Heritage Trail Implementation**



PROJECT H
**Citywide Fleet Electrification
Pilot Project**



PROJECT D
**Regional Public Safety
Training Facility & Community Center**



PROJECT J
**Planning, Design and Construction for
Parks & Community Centers**



PROJECT E
Countywide Weatherization Program

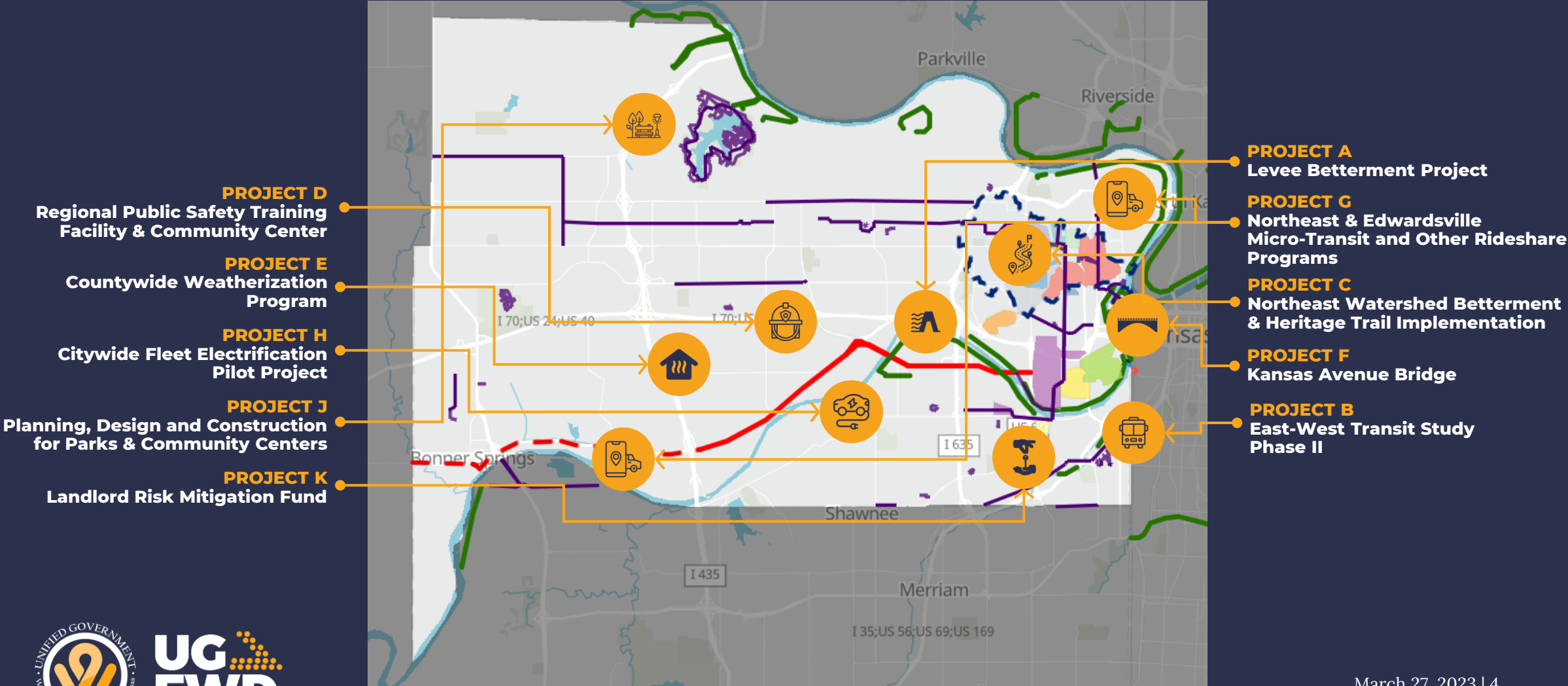


PROJECT K
Landlord Risk Mitigation Fund



**UG
FWD**

Collaborate | Maximize Every Dollar



PROJECT A | Levee Betterment Project



PROJECT AT-A-GLANCE

Partners	Public Works, Public Health, Planning & Urban Design, Armourdale Renewal Association, Rock Island Bridge Development
Project Cost	>\$25M
Project Timeline	As soon as funding is awarded
Relevant Plans	Armourdale Area Master Plan; goDotte Countywide Mobility Strategy
Relevant Grants	BASE grant (submitted January 2023)

PROJECT SCOPE

As the United States Army Corps of Engineers is improving the Kansas River levee system across Wyandotte, it is time for reinvestment in KCK’s waterfront communities. Beginning in the historic Northeast and Armourdale neighborhoods, the UG is developing riverfront access, trails, and amenities. The Rock Island Bridge and Heritage Trail connections are designed to provide access to healthy activities, connection to neighboring communities and job markets (including Kansas City, Missouri and Johnson County Kansas), as well as entertainment and new business ventures.

PROJECT B | East-West Transit Study Phase II



PROJECT AT-A-GLANCE

Partners	Transportation; Public Works; Public Health; Planning; KCKFD; Rosedale Development Association; KCATA; City of Kansas City, Missouri; RideKC Streetcar; University of Kansas Health System
Project Cost	\$4.5M (no match from Project Partners)
Project Timeline	Q1 2024 – Q1 2027
Relevant Plans	Northeast Area Master Plan; NE KCK Heritage Trail Plan; goDotte Countywide Mobility Strategy
Relevant Grants	RAISE Grant (submitted Feb 2023; no match)

PROJECT SCOPE

Beginning in 2022, the Kansas City Area Transportation Authority (KCATA) and project partners, including the UG, evaluated an east-west, high-capacity transit connection between the University of Kansas Health System and Rock Island Corridor/Truman Sports Complex (Kauffman Stadium and Arrowhead Stadium). Results of this initial project phase have determined a streetcar route that will end at the KU Medical Center in Rosedale. Project partners, which include RideKC Streetcar and Kansas City, Missouri, are pursuing funding through the 2023 RAISE grant, which will allow for advanced planning and preliminary engineering of the selected streetcar route. The East-West transit corridor would be the first bi-state fixed route line in over 100 years and opens the door for future streetcar expansion into KCK and Wyandotte County.



PROJECT C | Northeast Watershed Betterment & Heritage Trail Implementation



PROJECT AT-A-GLANCE

Partners	Public Works; Parks & Recreation; Planning; Public Health; Land Bank; KCKFD; Groundwork NRG; Quindaro Foundation Project; Sumner Academy; USD 500
Project Cost	See call-out
Project Timeline	See call-out
Relevant Plans	Northeast Area Master Plan; Watershed Deficiency Study; Combined Sewer Overflow Control Plan; Parks Master Plan; UG Sidewalk & Trails Master Plan; goDotte Countywide Mobility Strateg
Relevant Grants	See call-out

PROJECT SCOPE

Northeast KCK requires many infrastructure updates and implementation which the commission has supported through the approvals of WIFIA/SRF/ARPA funded programs and partnering with MARC to fund much needed studies. Many ongoing projects, such as Jersey Creek Naturalization, are partially funded but require additional grants to be completed. Funding the Heritage Trail will pull the community’s history to the forefront, generate positive economic impacts, increase mobility, and contribute to improve human and environmental health. The Heritage Trail project can weave in adjacent projects that address community needs, such as access to healthy foods, green infrastructure improvements, and any betterment additions to the ongoing Jersey Creek naturalization and Waterway Corridor Improvements.



PROJECT C |
**Northeast Watershed Betterment
& Heritage Trail Implementation**



1. Jersey Creek Naturalization

Committed Costs: \$3M for preliminary design
Needed Funds: \$1.5M match, \$25M+ construction.
Project Timeline: Engineering study awaiting congressional approval.
Relevant Grants: USACE General Investigation Program

2. NE KCK Heritage Trail

Committed Costs: \$300,000 (Sunflower)
Needed Funds: \$5.2M-\$5.5M
Project Timeline: 3-5 years
Relevant Grants: Carbon Reduction Funding (June 2023)

3. Waterway & Big 11 Lake Parks

Committed Costs: \$7.5M WIFIA/SRF
Needed Funds: \$5M-\$7M (design-dependent)
Project Timeline: Detail Design & Funding Needs by 2024
Phase I Complete: 2027
Relevant Grants: None yet identified.

4. Sumner Green Corridor

Committed Costs: \$15.7M WIFIA/SRF
\$1.5M Community Projects
Needed Funds: Design-dependent
Project Timeline: Study Funding Need: 2025
Phase I Complete: 2027
Relevant Grants: None yet identified.

PROJECT D | Regional Public Safety Training Facility & Community Center



PROJECT AT-A-GLANCE

Partners	KCKFD; KCKPD; Sheriff’s Department; Parks & Recreation; Planning; Public Health; Land Bank; Groundwork NRG; KCKCC; USD 500; Donnelly College; MIDE; Tesseract
Project Cost	\$100M
Project Timeline	Five years from start.
Relevant Plans	
Relevant Grants	Technology & Innovation Hub Program (EDA)

PROJECT SCOPE

This regional training facility would serve public safety organizations across the metropolitan area, offering training and educational opportunities for existing professionals and workforce development for future public safety professionals. The facility would serve as a multi-service hub, offering health care services, childcare, enhanced transit facilities and an interactive museum. Collaboration with multiple entities is essential in the execution of this interdisciplinary facility, engaging stakeholders such as health-focused organizations and local schools and colleges. The facility can also double as potential income generator, renting out space, equipment, and amenities for events and training. The facility serves many community needs while preparing future generations for careers in public safety, trades, and technology.

PROJECT E | Countywide Weatherization Program



PROJECT AT-A-GLANCE

Partners	BPU; Public Health; Planning; Parks & Recreation; Public Works; Land Bank; KCKFD; NBRs; Local Colleges; Public Schools; Housing Authority
Project Cost	\$2.5M-\$3M (weatherization + community solar)
Project Timeline	1-2 years
Relevant Plans	
Relevant Grants	Energy Efficiency & Conservation Block Grant Program (due 4/28/2023). Healthy Homes & Weatherization Cooperation Demonstration Grant (HUD).

PROJECT SCOPE

The Board of Public Utilities (BPU) recognizes the need to shift to more efficient, affordable energy production and consumption. Utility bills are rising while many of the aging homes require retrofitting and weatherization. One component of this program would be an Energy Audit and Weatherization Program, which could provide weatherization solutions and financial assistance for more energy efficient upgrades. BPU would also pursue a Community Solar Farm to expand its renewable energy portfolio and diversify production away from fossil fuels. This will not only help decrease the cost of utilities, but contribute to lower emissions and by extension, better air quality. Services related to weatherization could partner with existing home programs, such as lead pipe replacement.

PROJECT F | Kansas Avenue Bridge



PROJECT AT-A-GLANCE

Partners	Public Works, Transportation; Planning
Project Cost	\$200M
Project Timeline	Grant dependent
Relevant Plans	goDotte Countywide Mobility Plan
Relevant Grants	MegaInfra Grant (May 2023)

PROJECT SCOPE

The Kansas Avenue Bridge project is an interjurisdictional project partnering with KCMO to replace and rehabilitate this bi-state connector from Southwest Trafficway to 7th Street. This infrastructure endeavor will be an opportunity to implement the UG’s Complete Streets ordinance, service ongoing Levee betterment projects, and serve as an economic development tool.

PROJECT G | Northeast & Edwardsville Micro-Transit & Other Rideshare Programs



PROJECT AT-A-GLANCE

Partners	Transportation; Public Works; Planning; Public Health; NBRs; City of Edwardsville
Project Cost	TBD
Project Timeline	Summer 2023
Relevant Plans	goDotte Countywide Mobility Plan; Northeast Area Master Plan
Relevant Grants	Congestion Mitigation and Air Quality Grant (CMAQ)

PROJECT SCOPE

Micro Transit is flexible routing and scheduling using a smaller vehicle within a designated area. The service only operates when there is a demand, making it more efficient and responsive to riders. The Department of Transportation intends to expand service in Northeast KCK and Edwardsville. The Department of Transportation would also like to expand rideshare programs such as non-emergency medical transportation.

PROJECT H | Citywide Fleet Electrification Pilot Project



PROJECT AT-A-GLANCE

Partners	Transportation; BPU; Public Works; KCKFD; KCKPD; Sheriff’s Department; Parks & Recreation; and all UG vehicles
Project Cost	TBD
Project Timeline	Grant dependent
Relevant Plans	goDotte Countywide Mobility Plan
Relevant Grants	Climate Pollution Reduction Grant

PROJECT SCOPE

Electrifying fleet vehicles (including UG Transit vehicles, school buses, and municipal fleets) would increase cost savings in the long run, reduce emissions, and contribute to improved air quality. This project requires educational initiatives, the implementation of EV infrastructure, and development of a solar farm and battery storage system. Any electrification project seeking federal funds will require a Zero-Emission Fleet Transition Plan. Available federal funding focuses on a fleet electrification demonstration, such as electric vehicle charging at transit stops along State Avenue or charging stations around City Hall.

PROJECT J | Planning, Design and Construction for Parks & Community Centers



PROJECT AT-A-GLANCE

Partners	Parks & Recreation; KCKFD; Transportation; Public Works; Planning; and community engagement partners
Project Cost	Dependent on grant scope (facilities, grounds, programming, etc.)
Project Timeline	As funds are awarded
Relevant Plans	Parks Master Plan; Recreation Center Study
Relevant Grants	HUD Community Project Funding

PROJECT SCOPE

Many Wyandotte parks facilities need remediation, revitalization, and repurposing to meet community needs. Additionally, many active facilities need HVAC and other basic infrastructure improvement to maintain functionality. Wyandotte County Parks must also improve programming to meet the needs of their neighborhoods and communities. Not all communities have the same programming needs, and through the necessary investment programs can be tailored, created, and staffed to meet those needs. Wyandotte County has committed to investing in its parks through local grant awards, master plans, beautification programs, and other health initiatives. To capitalize on this investment and maximize its impacts, we would like to pursue grants for facilities, grounds, beautification, health, and programming as they become available.

PROJECT K | Landlord Risk Mitigation Fund



PROJECT AT-A-GLANCE

Partners	Public Health; Livable Neighborhoods; Housing Authority; Wyandot Behavioral Health Network; United Way of Greater KC; Cross-Lines Community Outreach; Avenue of Life; Friends of Yates; Metro Lutheran Ministries; Community Health Council of Wyandotte County
Project Cost	\$251,500
Project Timeline	2-Year Program Pilot; start with receipt of funding
Relevant Plans	Community Health Improvement Plan; Analysis of Impediments to Fair Housing
Relevant Grants	Local health foundations; Community development funders

PROJECT SCOPE

The Landlord Risk Mitigation Fund was identified in the Community Health Improvement Plan (CHIP) and championed by the Mayor’s Task Force on Unhoused/Residents in Need.

This fund would provide financial assurance by covering damaged property, non-payment of rent, or eviction costs to incentivize local landlords to accept vouchers and participate in other affordable housing programs.





Report to

ADMINISTRATOR'S AGENDA ITEM NO. 1

#212873

MEETING DATE	PRESENTER	DEPARTMENT
December 29, 2023	Jeffrey Conway, Assistant Counsel	Finance
AGENDA ITEM #		
AGREEMENT: HFS ESTOPPEL CERTIFICATE, CONSENT AND RECOGNITION		
BACKGROUND		
There is an existing development agreement with HFS KCK, LLC dated January 27, 2022. HFS is expecting to close on their construction loan, which is secured by a Mortgage, a Pledge Agreement, and a Loan Agreement. Concurrently, VICI Properties, LP is entering into a Call Rights Agreement. The parties involved in these agreements are requesting a list of prequalified permitted mortgagees be agreed upon. This is a list of alternative transferees should Margaritaville pull out, submitted by Jeff Conway, Assistant Counsel.		
RECOMMENDATION		
Approve		
11/30 Full Commission: Approval		
BUDGET IMPACTS / FINANCIAL CONSIDERATIONS		
N/A		
IT/POLICY CONSIDERATIONS		
N/A		
PROCUREMENT CONSIDERATIONS		
N/A		
LEGAL CONSIDERATIONS		
Should Margaritaville pull out from being developed in the Homefield STAR Bond, this agreement prequalifies a list of potential transferees.		
ATTACHMENTS		
VICI - Project Star - Estoppel and Recognition Agreement (HL Draft 11.8.23)-c		

Approved by Mayor and Administrator to add to agenda:

David Johnston, County Administrator

Dated:

11/22/2023

Mayor approved Agenda Review Call

RESOLUTION NO. R-____-23

**A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF
THE ESTOPPEL CERTIFICATE, CONSENT AND RECOGNITION
AGREEMENT BY THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS IN CONNECTION WITH THE
HOMEFIELD PROJECT.**

WHEREAS, the Unified Government of Wyandotte County/Kansas City, Kansas (the "UG") and HFS KCK, LLC, a Kansas limited liability company ("Developer") entered into that certain Assignment, Assumption and Second Amended and Restated Development Agreement dated as of January 27, 2022, as amended by that certain First Amendment to Assignment, Assumption and Second Amended and Restated Development Agreement dated as of June 8, 2023 (collectively, and as may be further amended from time to time, the "Homefield Agreement"), pertaining to the Vacation Village STAR Bond Project District (the "District");

WHEREAS, Developer has conveyed (or will convey) certain real property that is subject to the Homefield Agreement to HFMGV KCK Owner, LLC, a Delaware limited liability company and affiliate of Developer ("Borrower");

WHEREAS, VICI LENDCO LLC, a Delaware limited liability company ("VICI"), is administrative agent for certain lenders (collectively, together with their successors and assigns, the "Lenders") in connection with a construction loan (the "Loan") to Borrower for the purpose of financing a portion of the costs of the project contemplated by the Homefield Agreement;

WHEREAS, VICI and the Lenders desire to be recognized as "Permitted Mortgagees" under the Homefield Agreement, and requested the UG to enter into an Estoppel Certificate, Consent and Recognition Agreement, attached hereto as **Exhibit A** (the "Estoppel"), for the benefit of Developer, Borrower, VICI and the Lenders; and

WHEREAS, the Governing Body has determined that it is advisable to enter into the Estoppel.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:**

Section 1. The Governing Body hereby approves the Estoppel in substantially the form attached hereto.

Section 2. The County Administrator is hereby authorized to execute in the name of the UG, the Estoppel, and other officials and representatives of the UG, including special counsel, are hereby further authorized and directed to take such actions and to execute any other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. This Resolution shall be effective upon adoption by the Governing Body.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT
OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS ON NOVEMBER 30, 2023.**

Tyrone Garner, Mayor/CEO

ATTEST:

Unified Government Clerk

(Seal)

EXHIBIT A

Estoppel

[To be attached.]

ESTOPPEL CERTIFICATE, CONSENT AND RECOGNITION AGREEMENT

THIS ESTOPPEL CERTIFICATE, CONSENT AND RECOGNITION AGREEMENT (this “**Agreement**”) is entered into as of [_____], 2023, by UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS (“**UG**”), for the benefit of HFMGV KCK Owner, LLC, a Delaware limited liability company (“**Borrower**”), HFS KCK, LLC, a Kansas limited liability company (“**Developer**”), VICI LENDCO LLC, a Delaware limited liability company, as administrative agent (in such capacity, together with its successors and assigns, “**Agent**”) for certain lenders from time to time party to the Loan Agreement (defined below) (collectively, together with their successors and assigns, the “**Lenders**”).

RECITALS

A. Borrower is the owner of the real property legally described on Exhibit A-1 (the “**Property**”).

B. UG and Developer are parties to that certain Assignment, Assumption and Second Amended and Restated Development Agreement, dated as of January 27, 2022 (as the same may be modified, supplemented, extended, restated or replaced subject to the terms of this Agreement, the “**Development Agreement**”) in connection with the development of the Property and the Homefield Properties (defined below).

C. Lenders expect to make a construction loan to Borrower in the maximum principal amount of up to [One Hundred Five Million and No/100 Dollars (\$105,000,000.00)] (as increased, decreased, renewed, replaced or otherwise modified from time to time, the “**Loan**”), which Loan is to be secured by, among other things, (i) a Mortgage, Security Agreement, Financing Statement, Fixture Filing and with Assignment of Rents executed by Borrower, as mortgagor, in favor of Agent, as mortgagee (as the same may be amended, modified, supplemented or replaced from time to time, the “**Mortgage**”), encumbering Borrower’s interest in the Property, (ii) a Pledge and Security Agreement executed by [_____], as pledgor and the sole member of Borrower, in favor of Agent (as the same may be amended, modified, supplemented or replaced from time to time, the “**Pledge Agreement**”), and evidenced, in part, by a Construction Loan Agreement, by and among Borrower, Lenders, and Agent (as the same may be amended, modified, supplemented or replaced from time to time, the “**Loan Agreement**”), along with other collateral and loan documents (collectively with the Mortgage, Pledge Agreement, Loan Agreement and the Call Rights Agreement described below, the “**Loan Documents**”).

D. Concurrently with the execution of the Loan Agreement, VICI PROPERTIES L.P. (“**VICI**”), an Affiliate of Agent, is entering into a Call Rights Agreement with Borrower and Developer (as the same may be amended, modified, supplemented or replaced from time to time, the “**Call Rights Agreement**”) which Call Rights Agreement affects the Property and the real

property legally described on Exhibit A-2 (the “**Homefield Properties**” and together with the Property, collectively, the “**Project**”).

E. In connection with the foregoing, UG has been advised that the Loan Documents may not be in existence as of the date of this Agreement, but may be executed, delivered and recorded subsequent hereto, and agrees that such fact in no way impairs the information or agreements set forth by UG in this Agreement.

F. Under the terms of the Development Agreement, Agent and Lender each desire to give notice of the Mortgage and for Agent and Lender to each be recognized as a “Permitted Mortgagee” (as defined in the Development Agreement).

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for and in consideration of the benefits to be derived from the Loan, the parties agree as follows:

AGREEMENT

1. **Recognition.** UG hereby, (i) recognizes each of Agent and the Lenders as a “Permitted Mortgagee” and the Mortgage as a “Permitted Mortgage” under the Development Agreement, and (ii) notwithstanding anything to the contrary set forth in the Development Agreement (including without limitation, the requirements and restrictions set forth in Section 7.13 of the Development Agreement), recognizes and approves that the following actions by Agent, any Lender, VICI (or an Affiliate controlled by VICI), Developer, and/or Borrower, as applicable, may be taken without the consent or approval of UG as follows:

(a) Subject to the terms and conditions of an Acknowledgment and Assumption Agreement between Borrower and the UG for Borrower’s rights and obligations under the Development Agreement with respect to the Property (the “**A&A**”), the transfer and conveyance of the Property by Developer to Borrower and the partial assignment of the rights and interests in and to the Development Agreement pursuant to the A&A by Developer to Borrower with respect to the Property;

(b) (i) the collateral assignment of the Development Agreement by Borrower to Agent for the benefit of the Lenders, (ii) Borrower granting the Mortgage to Agent for the benefit of the Lenders, (iii) the pledge of the equity interests in Borrower to Agent for the benefit of the Lenders, and (iv) Borrower and Developer entering into the Call Rights Agreement (including, without limitation, the recording of the memorandum of the Call Rights Agreement which shall encumber the Property and the Homefield Properties);

(c) the (i) foreclosure on Borrower’s fee interest in the Property or acceptance of a deed in lieu of foreclosure, (ii) foreclosure on the equity interests in Borrower or acceptance

an assignment in lieu of foreclosure, or (iii) exercise of any other similar remedies under the Loan Documents, in each case by Agent, any Lender, any nominee or designee of the foregoing who is an Affiliate of Agent or who is a Qualified Transferee (as defined below), if and only to the extent that a Qualified Transferee acquires the rights and interests of Agent or any Lender under the Loan Documents. In addition to the foregoing, any subsequent transfer of the Property to a Qualified Transferee shall require prior written notice to the UG, but shall not require the consent of UG; and

(d) the sale of the Property and/or the Homefield Properties to VICI (or an Affiliate controlled by VICI) or any portion thereof in connection with the exercise of VICI's purchase option under the Call Rights Agreement or the exercise of any other rights of VICI (or an Affiliate controlled by VICI) in accordance with the Call Rights Agreement.

For purposes hereof, the term "**Qualified Transferee**" shall mean either of the following: (i) one of the specific entities that is listed on Schedule 1 or an Affiliate (as defined below) thereof, or (ii) an entity that (A) together with its Affiliates, has a tangible net worth of at least \$100,000,000.00, and (B) possesses experience in the ownership, development, construction, management or operation of at least ten (10) properties similar or greater in size and quality to the Property for at least the immediately preceding ten (10) years prior to the date that the proposed entity would take possession of the Property; and "**Affiliate**" shall mean any person, entity or group of persons or entities which controls, is controlled by or which is under common control with the person or entity in question (as used herein, the term "control" means the possession, directly or indirectly, of the power to direct or cause the direction of management and policies, whether through the ownership of voting securities, by contract or otherwise).

2. **Estoppel.** UG represents to Agent and Lender that: (a) a complete copy of the Development Agreement, together with all modifications, amendments, supplements, restatements, and replacements, is attached as Exhibit B hereto and the Development Agreement is in full force and effect, and (b) to the UG's actual knowledge (without any duty of inquiry), there is no default under the Development Agreement in the payment of any sums or in the observance or performance of any other covenant or condition to be observed or performed thereunder by any party.

3. **Notice and Opportunity To Cure Defaults.** UG agrees with respect to the Development Agreement that UG will use reasonable efforts to notify Agent and VICI in writing of any breach or default by Borrower or Developer under the Development Agreement, will offer Agent and/or VICI the same opportunity to cure such breach or default (which period of time for cure shall not commence unless and until UG provides such notice of default; provided, that, in addition to the notice and cure periods provided to Borrower or Developer, if such default is a non-monetary

default that is capable of being cured, but cannot be cured by Agent or VICI in such time period, then if Agent or VICI commences such cure within the required time period then Agent or VICI, as applicable, shall have such additional time as is reasonably necessary to cure such breach, such additional period not to exceed ninety (90) additional days in the aggregate); provided however that the UG shall not be liable to Agent, VICI, the Lenders or any other party if the UG fails to provide such notice, nor shall any such failure render the notice to Borrower or Developer ineffective. Notwithstanding the foregoing, nothing contained in this Agreement will be construed as obligating Agent or VICI to cure any breach or default or perform any obligation of Borrower or Developer under the Development Agreement.

4. **Nondisturbance.** If Agent, Lender, VICI, any Affiliate of the foregoing or a Qualified Transferee becomes the owner of any portion of the Project, or the beneficial owner of the equity interests in Borrower then the Development Agreement (including, without limitation, all grants and reimbursement rights thereunder) will continue in full force and effect and shall be assumed by any such party that becomes the owner of any such portion of the Project pursuant to an Acknowledgment and Assumption Agreement evidencing such assumption of the Development Agreement, including without limitation, confirmation of such parties' commitment to continue to operate (a) the Property as a full-service, themed resort hotel of the same quality, scope and character as that described in the Development Agreement, and/or (b) the Homefield Properties as sports facilities of the same quality, scope and character as that described in the Development Agreement.

5. **Bankruptcy of Borrower or Developer.** If the Development Agreement is rejected in a bankruptcy or other insolvency proceeding of Borrower or Developer, such rejection shall be deemed to be, at Agent's or VICI's election (in its sole discretion, without an obligation to make such election), (x) an assignment by Borrower to Agent or its Affiliate, and an assumption by Agent or its Affiliate, or (y) an assignment by Developer to VICI or its Affiliate (and an assumption by VICI or its Affiliate, as applicable), of all its right, title and interest in and to the Development Agreement, and the Development Agreement shall not terminate solely as a result of such rejection or assignment. If Borrower or Developer rejects, or attempts to reject, the Development Agreement under Section 365 of the United States Bankruptcy Code, title 11 U.S.C., or any similar or successor statute, such rejection will have no effect on Agent's, any Lender's, VICI's or any of their designee's, rights or obligations under the Development Agreement or this Agreement, all of which rights will remain in full force and effect.

6. **Binding Effect.** This Agreement will inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

7. **Governing Law.** This Agreement will be governed by and construed in accordance with the laws of the State of Kansas.

8. **Notices.** Any notice pursuant to this Agreement will be deemed to have been sufficiently

given three days after the date such notice or demand is deposited in the United States mails, registered or certified postage prepaid, return receipt requested or when received if sent by hand or overnight courier service, addressed to the recipient at its address set forth below or at such other address as the recipient may have directed by notice to the other parties in accordance herewith:

UG: The Unified Government Clerk
The Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, Suite 323
Kansas City, Kansas 66101
Attn: []
Email: []

With a copy to: The Unified Government of Wyandotte County/Kansas City, Kansas
701 North 7th Street, Suite 323
Kansas City, Kansas 66101
Attn: Misty Brown, Esq.
Attn: Chief Counsel
Email: alawson@wycokck.org

Borrower: c/o []
[]
[]
Attn: []
Email: []

Agent: VICI Lendco LLC
535 Madison Ave, 20th Floor
New York, New York 10022
Attention: General Counsel
Email: corplaw@viciproperties.com

With a copy to: Hogan Lovells US LLP
1601 Wewatta St., Suite 900
Denver, CO 80202
Attention: Scott P. Campbell, Esq.
Email: scott.campbell@hoganlovells.com

VICI: VICI Properties L.P.
535 Madison Ave, 20th Floor
New York, New York 10022
Attention: General Counsel

Email: corplaw@viciproperties.com

With a copy to:

Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, New York 10036
Attention: James P. Godman, Esq. and
Jordan M. Rosenbaum, Esq.
Email: jgodman@kramerlevin.com;
jrosenbaum@kramerlevin.com

9. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be effective only upon delivery and thereafter shall be deemed an original, and all of which shall be taken to be one and the same instrument, for the same effect as if all parties hereto had signed the same signature page. Any signature page of this Agreement may be detached from any counterpart of this Agreement without impairing the legal effect of any signatures thereon and may be attached to another counterpart of this Agreement identical in form hereto but having attached to it one or more additional signature pages. Delivery of an executed counterpart of a signature page of this Agreement by facsimile, .pdf or other electronic transmission shall be effective as delivery of a manually executed counterpart of this Agreement.

[Remainder of page intentionally left blank; Signature page follows]

IN WITNESS WHEREOF, this Agreement has been duly executed and delivered as of the date first set forth above.

UG:

The Unified Government of Wyandotte
County/Kansas City, Kansas

By: _____

Name: _____

Title: _____

SCHEDULE 1

Preapproved Qualified Transferees

Hilton World Wide Holdings, Inc.
Hyatt Hotels Corporation
Marriott International, Inc.
Wyndham Hotels & Resorts, Inc.
Accor SA
InterContinental Hotels Group
Caesars Entertainment
MGM Resorts International
PENN Entertainment Inc.
AJ Management, LLC
Sonesta International Hotels Corporation
Omni Hotels Management Corporation
Loews Hotels & Co
Aimbridge Hospitality, LLC
Pyramid Advisors Limited Partnership dba Pyramid Hotel Group
HEI Hotels & Resorts
Crescent Hotel & Resorts International, LLC
Sage Hospitality Group
EOS Hospitality, LLC

SCHEDULE 1 TO ESTOPPEL CERTIFICATE, CONSENT AND RECOGNITION AGREEMENT

EXHIBIT A-1

Legal Description of the Property

[Insert]

EXHIBIT A-1 TO ESTOPPEL CERTIFICATE, CONSENT AND RECOGNITION AGREEMENT

CORE/0501343.0175/185572028.2
\\4166-1091-6428 v5

EXHIBIT A-2

Legal Description of the Homefield Properties

[Insert]

EXHIBIT A-2 TO ESTOPPEL CERTIFICATE, CONSENT AND RECOGNITION AGREEMENT

CORE/0501343.0175/185572028.2
\\4166-1091-6428 v5

EXHIBIT B
Development Agreement
(Attached)

EXHIBIT B TO ESTOPPEL CERTIFICATE, CONSENT AND RECOGNITION AGREEMENT
\\4166-1091-6428 v5

CORE/0501343.0175/185572028.4



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

MEMORANDUM

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: November 28, 2023
SUBJECT: Option applications for consideration

The following **option application(s)** was presented at the 11/13/2023 standing committee meeting:

Please visit the site to review the applications below.
<https://gisapp.wycokck.org/Landbank.html>

To select the Full Commission items, select 2023 11/30/23 Full Commission selection in the top left corner.

Meeting is

2023 11/30/23 Full Commission

A. Single Family Homes – 20 Homes

2. RA Engineering Corp – 1 home
 - i. 1142 Armstrong Ave – 080794
3. RA Engineering Corp – 1 home
 - i. 2933 N Getty St – 293005
4. RA Engineering Corp – 1 home
 - i. 2000 N 53rd St – 040100
5. Josh Waits – 1 home
 - i. 1830 S 10th St – 127604
6. Whitney Warren – 1 home
 - i. 3050 N 21st St – 162475
7. David Jones – 1 home
 - i. 6204 Roswell Ave – 231610
9. Weston Sparks – 1 home

- i. 2792 Linden Dr – 149816
- 12. Yvette Ford – 1 home**
 - i. 3002 Hiawatha St – 158525
- 15. Mt. Carmel – 10 Homes**
 - i. 1954 N Valley St – 213722
 - ii. 1950 N Valley St - 213721
 - iii. 1948 N Valley St - 213720
 - iv. 1944 N Valley St - 213719
 - v. 1942 N Valley St - 213718
 - vi. 1936 N Valley St - 098900
 - vii. 1937 N Valley St - 213716
 - viii. 1939 N Valley St - 213715
 - ix. 1945 N Valley St - 213713
 - x. 1947 N Valley St - 213712
 - xi. 1949 N Valley St - 213711
 - xii. 1951 N Valley St - 213710
 - xiii. 1953 N Valley St – 213709
- 16. Samia Guess – 1 home**
 - i. 725 N 61st Ter – 014300
- 17. Terre Kent – 1 home**
 - i. 6200 Minnesota Ave – 193413

C. Commercial – 3 Projects

- 1. Eddie Villanueva – Event Space**
 - i. 3113 Strong Ave – 166441
 - ii. 1419 S 32nd St – 166404
- 2. Amelia Harshfield – Mushroom farm**
 - i. 1705 N 1st St – 081672
- 3. Heron Santana – e-commerce business**
 - i. 68 S 7th St - 121530



Wyandotte County Land Bank
Economic Development Department
Jud Knapp, Manager

701 North 7th St., 4th Floor
Kansas City, Kansas 66101

Phone: (913) 573-5472
Fax: (913) 573-5745
Email: jknapp@wycokck.org

MEMORANDUM

TO: Full Commission
FROM: Jud Knapp, Land Bank Manager
DATE: November 28, 2023
SUBJECT: Property Transfers applications for consideration

The following **property transfers application(s)** was presented at the 11/13/2023 standing committee meeting:

Please visit the new site to review the applications below
<https://gisapp.wycokck.org/Landbank.html>

To select the Full Commission items, select 2023 11/30/23 Full Commission selection in the top left corner.

Meeting is

2023 11/30/23 Full Commission ▼

PT – Property Transfers

1. Melysa Brown – Yard Extension
 - i. 607 Melville St - 154831
2. Transfer into the Land Bank from the Unified Government
 - i. 2507 N 13th St – 157521
3. Transfer into the Land Bank from the Unified Government
 - i. 1331 R Yecker Ave – 907114
4. Transfer – Fixing a legal description error
 - i. 1340 Greeley Ave – 157783
5. Donation
 - i. 1012 Miami Ave - 072821

