

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

PLANNING & ZONING AND  
REGULAR SESSION  
MARCH 31, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, March 31, 2022, with eleven members present via Zoom or on-site: Bynum, Commissioner At-Large First District; Burroughs, Commissioner At-Large Second District; Townsend, Commissioner First District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; 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. The following officials were also in attendance: Misty Brown, Chief Counsel; SueZanne Bishop, Assistant Counsel; and Bridgette Cobbins, Assistant County Administrators; Mike Farley, Planning and Urban Design; Troy Shaw, County Engineer; LaVert Murray, Economic Development Advisor; Jonathan Gutierrez, Solid Waste Division; Desiray Bush, Area Agency on Aging; Andrea Generaux, Livable Neighborhoods; Kathleen VonAchen, Chief Financial Officer; Wilba Miller, Director of Community Development; Stephanie Stauffer, Community Development; Matt May, Director of Emergency Management; Brett Deichler, Unified Government Clerk; and Monica Sparks, Deputy UG Clerk.

**Mayor Garner** said before I call this meeting to order, I want to announce that due to COVID-19, some commissioners, staff, and the public are attending remotely via Zoom, by phone, or onsite. All participants joining by phone should mute their phones when not speaking to avoid background noise.

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

Due to COVID-19 requirements, the public is allowed to participate by Zoom or submit comments by email prior to the meeting. Those comments will be included in the record of the meeting. The public will also have an opportunity to provide brief comments from the lobby of the Municipal Office Building.

I'm will now call this meeting to order. Clerk.

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

**Mayor Garner** said the invocation this evening is going to be given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ, followed immediately by the Pledge of Allegiance.

**Mayor Garner** said I'll ask the Clerk if there are any revisions to tonight's agenda.

**Brett Deichler, UG Clerk**, said, Mayor, yes. A blue sheet was issued moving the Public Hearing Agenda items to immediately follow tonight's Planning and Zoning Agenda. That includes all the changes on tonight's blue sheet, Mayor.

**Mayor Garner** said tonight, we have two distinct parts to our meeting. The Planning & Zoning portion will be handled first, followed by the Regular Commission meeting. I'll ask the Clerk to read the statement, required by state law, governing the Planning & Zoning portion of our meeting, followed by the items on the Planning & Zoning Consent Agenda.

### **PLANNING AND ZONING CONSENT AGENDA**

**Brett Deichler, UG Clerk**, read the statement, required by law, governing the Planning & Zoning portion of the meeting.

At this time, does any member of the Commission wish to disclose any contact with proponents or opponents on any item on the agenda? **Commissioner Kane** disclosed contact with opponents of COZ2022-001 and SP2022-030. **Commissioner Bynum** disclosed communication from opponents of Item B.10. on Consent - SP2022-031; communication from proponents and opponents of Items A.1., B.1., and C.1. on Non-Consent; and opponents on Non-Consent A.2. and C.2. **Commissioner McKiernan** disclosed contact with proponents and opponents of B.3. and B.10. on the Consent Agenda; contact with proponents and opponents of A.1., B.1., and C.1. on the Non-Consent Agenda; and contact with opponents of A.2. and C.2. on the Non-Consent Agenda. **Commissioner Ramirez** disclosed contact with proponents and opponents of A.1., B.1., and C.1. **Commissioner Markley** disclosed the same as Commissioner Ramirez on Non-Consent. **Commissioner Johnson** disclosed the same as Commissioner

Markley on Non-Consent. **Commissioner Townsend** disclosed contact with proponents and opponents of Non-Consent Agenda COZ2021-051 and the related Master Plan item. **Commissioner Burroughs** disclosed contact with proponents and opponents of B.3., B.7., B.10., B.2., and COZ on the Planning & Zoning Non-Consent A.1., A.2.; and B.1., C.1., and C.2., opponents and proponents. **Commissioner Davis** disclosed conversations with proponents and opponents of COZ2021-051. **Commissioner Stites** disclosed conversations regarding COZ2022-001 with opponents.

**Mr. Deichler** read the items on the Planning & Zoning Consent Agenda.

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

**Commissioner Kane** said SP2022-030. **Commissioner Townsend** said I'd like to set aside for clarification of the restrictions/stipulations for Change of Zone Petition COZ2021-054. The property location is 1313 Quindaro Blvd. **Commissioner Burroughs** said I'd like to set aside E.3. for discussion and, I believe, Mayor, I'm trying to catch up here with everybody. I believe it's the one dealing with Change of Zone 2022-011. I'd also like to set aside—staff, I apologize. I was trying to find my spot here. I'm looking at A.2. under Planning & Zoning Non-Consent. We're going to have a discussion anyway. I don't need to pull that one. That's all I have, just the first one, 2022-011.

**Mayor Garner** asked the Clerk if he received any requests from the public to set aside any item. **Mr. Deichler** said, we did not.

**Mayor Garner** asked, Clerk, is anyone joining virtually that may have had their hands up to set aside any item? **Mr. Deichler** said, we do have one virtually. **Ms. Sparks** said we have Anna Cole. **Ms. Cole** said I'm sorry. I may be very confused. I apologize if I am. I'm calling in from Zoom and I know that there are folks that are in the lobby that wanted to discuss—and I'm looking up the numbers right now. I'm so sorry. Basically, the 505 Central Project to set aside that for

discussion. I don't know if I am following the correct procedure right now. I want to make sure that I am, and I'm looking up the numbers right now for you. I apologize. I came to this late and kind of read the rules and thought I would raise my hand. **Mr. Deichler** said, Mayor, that is a Non-Consent item which will be discussed anyway. **Ms. Cole** said thank you. I apologize.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve items on the Planning & Zoning Consent Agenda, excluding the set-aside items. Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

## **CHANGE OF ZONE APPLICATIONS**

### **ITEM NO. 1 – 211449...CHANGE OF ZONE APPLICATION COZ2021-054 - RIAD BAGHDADI WITH RB ARCHITECTURE**

**Synopsis:** Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District to add fueling pumps at existing gas station at 1313 Quindaro Boulevard, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Riad Baghdadi, with RB Architecture, on behalf of the property owner, Sabiha Tariq, wants to rezone the property from C-1 Limited Business and R-1 Single Family Districts to CP-2 Planned General Business District to expand the convenience store and add a future tenant space and construct a new gas canopy with six fuel pumps on 0.41 acre at 1313 Quindaro Boulevard. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2021-054, subject to:

1. Because this is a planned district, a Final Development Plan is required to be submitted following this entitlement process. Final architectural and civil drawings are required to be submitted at such time;
2. Per Business Licensing Division:
  - a. If approved, tenants will need to file and maintain a current occupation tax application.
3. Based on the proposed parking layout, there is not enough parking to accommodate any other uses than those that require four spaces per 1,000 square feet of building area. Uses that require parking based on Sec. 27-668 will require a variance from the Board of Zoning Appeals before applying for a building permit for a tenant finish with the Building Inspection Department;
4. Remove bars on the windows per Criminal Prevention Through Environmental Design (CPTED);
5. Hours of operation: 6:00 AM to 12:00 AM Monday through Saturday and 6:00 AM to 11:00 PM on Sunday;

6. Underground fuel tanks will be filled after 9:00 PM;
7. Parking lot shall be repaved and striped;
8. Sec. 27-575(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements;
9. Sec. 27-575(d)(9) To the maximum extent possible, 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.

Paint a crosswalk across the driveway aprons between the sidewalks to illustrate a pedestrian path;

10. Sec. 27-575(d)(11) Internal pedestrian walkways within the parking lot or drive area must be distinguished from other surfaces.

The sidewalk on the west side of the parking lot and drive aisle provides this access to the building;

11. Sec. 27-575(d)(13) Site design should integrate and facilitate access to public transit. 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 Justus Welker, Director of Transportation at (913) 573-6798 or [jtwelker@wycokck.org](mailto:jtwelker@wycokck.org);
12. A Special Use Permit is required for the use and a variance from the Board of Zoning Appeals is required because the property is within 1,300 feet from three churches;
13. Gas canopy columns shall be wrapped in masonry;
14. Keep existing full growth trees along the southeast property line, which effectively screens a portion of the parking lot and building from the single-family residences across the alley. Add additional landscaped bioswale to provide stormwater infiltration behind the building and the green space, south of parking space 13;
15. All screening is to be maintained to minimize impacts of conflicting uses;
16. Sec. 27-466(g) Trees are required at not less than one per 7,000 square feet of site area. Six-foot high architectural screening in combination with a landscaped buffer area is to be provided alongside and rear property lines common to or across an alley from residentially zoned property. The architectural screen can either be fencing or landscaping. The fence shall be comprised of wood with masonry columns every thirty-two feet running.

The privacy fence shall extend along the south property line and wrap the east and west property lines to completely shield headlights shining into the rear windows of the residences south of the alley. The masonry columns on the fence shall match the brick on the building. Trees and shrubs shall be installed on the outside of the fence, facing the single-family homes and residential zoning;

17. Install a security fence parallel with the existing sidewalk on the east side of the building, south to the rear property line to prevent loitering behind the building;
18. Per Sec. 27-277(a)(5) Landscaping shall exceed the typical code requirements by at least 75 percent. The site for the proposed development is 0.41 acres, five trees are required based on Commercial Design Guidelines and exclusive of the screening requirements for the lots zoned CP-2 Planned General Business District adjacent to residentially zoned properties, street trees and trees planted within parking lot islands;

19. Sec. 27-577(b)(2) Landscape berms and/or continuous rows of shrubs are required to screen parking from adjacent development or public streets. Shrubs used in this area must not exceed a maximum height of thirty inches at maturity;
20. Sec. 27-577(b)(3) In general, formal, stand-alone trees are encouraged to be planted in landscape zones along major streets and medians. These trees should be planted as follows:
  - a. One tree with a minimum caliper of two inches (ornamental), evergreen trees must be at least six feet when planted provided for every thirty feet of street easement or frontage; and,
  - b. Street trees should be planted no closer than fifty-five feet and no more than sixty-five feet apart. Groupings of ornamental trees and shrubs should be placed in between the street trees;
21. All overstory trees shall be at least two-inch caliper when planted. All ornamental trees shall be at least two-inch caliper when planted. All evergreens shall be at least six (6) feet when planted. All shrubs shall be five gallons when planted;
22. All landscaping shall be irrigated;
23. Landscaping is required to screen all parking areas and service entries. This includes perimeter parking and the trash enclosure.
  - c. All trash receptacles shall be enclosed with a screening wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides and designed with the gate facing away from streets or adjacent land uses. All screening materials must be well maintained at all times;
24. BPU transformer pad shall be completely screened on three sides with six-foot junipers setback three feet from the pad and ten feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
25. 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 the parapet;
26. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot evergreens or an architectural wall constructed from the same materials as the main building;
27. Rooftop mechanical equipment must be screened by the parapet of the building;
28. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way.
 

In addition to vertical glare, lighting may not cast horizontally on adjacent properties;
29. All lighting whether mounted on the building or installed in the parking lot shall have 90-degree cutoff fixtures. Additionally, this includes lighting installed underneath the canopy.
 

Lights mounted on to the building wall shall be decorative in appearance;
30. Shall comply with the sign code; and,
31. 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.

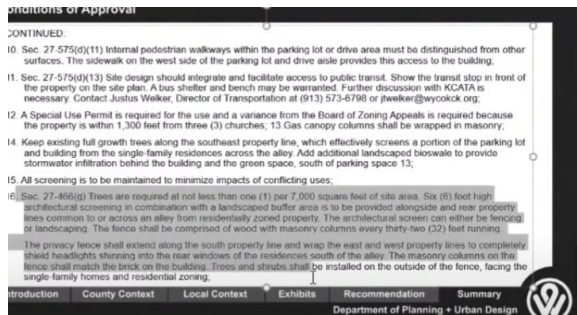
|                                                                                                                                                            |                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| <b>Case</b>                                                                                                                                                |                                                  |
| COZ2021-054                                                                                                                                                |                                                  |
| <b>Petitioner</b>                                                                                                                                          | <b>Address</b>                                   |
| Riad Baghdadi                                                                                                                                              | 1313 Quindaro Boulevard<br>Kansas City, KS 66104 |
| <b>Synopsis</b>                                                                                                                                            |                                                  |
| To rezone from C-1 Limited Business District to CP-2 Planned General Business District to expand a convenience store and gas canopy addition on 0.41 acre. |                                                  |
| Introduction   County Context   Local Context   Exhibits   Recommendation   Summary                                                                        |                                                  |
| Department of Planning + Urban Design<br>Office of Community Development, Planning and Urban Design   Kansas City, Kansas                                  |                                                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Conditions of Approval</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1. Because this is a planned district, a Final Development Plan is required to be submitted following the entitlement process. Final architectural and civil drawings are required to be submitted at such time.<br>2. Per Business Licensing Division: a. If approved, tenants will need to file and maintain a current occupation tax application.<br>3. Based on the proposed parking layout, there is not enough parking to accommodate any other uses than those that require four (4) spaces per 1,000 square feet of building area. Uses that require parking based on Sec. 27-656 will require a variance from the Board of Zoning Appeals before applying for a building permit for a tenant finish with the Building Inspection Department.<br>4. Remove bars on the windows per Criminal Prevention Through Environmental Design (CPTED).<br>5. Hours of operation: 6:00 AM to 12:00 AM Monday through Saturday and 6:00 AM to 11:00 PM on Sunday.<br>6. Underground fuel tanks will be filled after 9:00 PM.<br>7. Parking lot shall be repaved and striped.<br>8. Sec. 27-675(e)(4) Parking must be screened from adjacent streets by walls, shrubs, trees, or design elements.<br>9. Sec. 27-675(d)(3) To the maximum extent possible, 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.<br>Paint a crosswalk across the driveway aprons between the sidewalks to illustrate a pedestrian path. |
| Introduction   County Context   Local Context   Exhibits   Recommendation   Summary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Department of Planning + Urban Design<br>Office of Community Development, Planning and Urban Design   Kansas City, Kansas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

**Mike Farley, Urban Planning and Design**, said it was my understanding that we'd like a review of the conditions of approval for COZ2021-054.

**Commissioner Townsend** said to save us all some time and counsel, I have one specific question and maybe counsel or Mr. Farley can point me to it. The church, which is directly to the west, Antioch Baptist Church, 1313 Quindaro, apparently had a conversation. It was the church's understanding that there would be a new fence constructed as part of this. I was not sure from the language that I read in the application that that was included. That is what I'm looking specifically for and requesting that that be part of the particulars for moving forward. The church at this time did not oppose it, or approve or disapprove of it, but they were of the understanding that a new fence would be constructed on that western boundary of the facility, the 1313 property. That's what I'm looking for. I'm not sure that I saw that.



**Mr. Farley** said thank you, Commissioner Townsend. So, under No. 16 here, I'm going to highlight that here. It does address—"A privacy fence shall extend along the south property line and wrap the east and west property lines to completely shield headlights shining into rear windows of residences." I can check and see—the church is to the north of the property.

**Commissioner Townsend** said no, it's west, Antioch Baptist Church. The other thing that gave me pause about that particular language is that I believe there is a metal fence there that had been trodden down and the church wanted to make sure that—or was of the understanding it would extend all the way to the sidewalk. So, those are just the specifications that I want clarified other than that because what was in here did not sound like the understanding that the church had.

**Mr. Farley** said, again, the stipulation does say that the privacy fence will extend along the entire property line of the east and west properties. It should serve as a screening between the property and the church.

**Commissioner Townsend** said okay. I would just ask that Planning and Zoning go back because this says wood. I think there's a metal fence now. If 16 is supposed to take care of that, I just want to make sure that the church is aware and is okay with that.

**Mr. Farley** said correct. The new fence has to be wood with masonry columns every 32 feet, so any existing fence that does not comply with that standard will have to be removed and replaced, again, with a wood and masonry fence.

**Commissioner Townsend** said so the metal fence that was there now, you're saying has to be of wood. Is that what you're saying? **Mr. Farley** said that's correct, Commissioner. **Commissioner Townsend** said okay. All right, thank you. That was the clarification I needed, and I will check back with the church. Thank you. No further questions.

**Action:** **Commissioner Townsend** made a motion, seconded by **Commissioner Kane**, to approve Change of Zone Application COZ2021-054, as submitted.

**Mr. Deichler** said, Mayor, I believe we have to have a public hearing on this item first and then move.

**Mayor Garner** said yes, we need to have a public hearing. Is anyone from the public would like to speak regarding this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments.

**Reverend Sullivan** said I'm the pastor of the church, Antioch, which is west of the gas station. I did meet on Zoom with I guess it was the contractor and another gentleman and did express that the fence that was there had been worn down from people going back and forth across the parking lot to the filling station. The fence that was there, it was our fence, but it was damaged by the gas station. Now it's just the rails that are there. I was wondering how that would look, a wooden fence going across there because we want to keep our property looking uniform and nice.

**Mayor Garner** asked, any members of the Commission have any questions or comments?

**Commissioner Townsend** said to Reverend Sullivan's point, is he saying that there was a metal fence, that's what I thought, that had been damaged from pedestrian traffic? This, I guess, is a question for our Planning and Zoning. Are you saying there can only be a wood fence in the area? I am unclear about that now based on Reverend Sullivan's comments and questions.

**Reverend Sullivan** said the rails are still there. There was a chain-link fence there. I guess it must have been about eight feet and it was well, from the gas station, they bend up some rails and then the kids started walking the fence down and walked the chain-link parts of it down and now it's just the rails that are remaining. It was all fenced, but between the properties it got torn up. What I was saying is, I don't know how a wooden fence would look. We don't want anything taken away from the look of our church. We try to keep it nice.

**Mayor Garner** asked, staff, do you have a response for Commissioner Townsend, the second part of her question? **Mr. Farley** said I'm sorry Commissioner, would you mind repeating it?

**Commissioner Townsend** said well, just for clarification, it's sounding like there was a fence that possibly was or is the church's fence, but this proponent is coming forward with a wooden fence which Planning and Zoning has told me is appropriate. So, there would be fencing to the west of 1313 to shield the church, so to speak, with that. But I think if the church has its own fence and there was some damage or problem with that, that would be a different issue than I think what Item 16 in these specifics call for. Is that correct? This is the wood fence is what the proponent is required to put in place to shield it on the western boundary, correct?

**Mr. Farley** said yes, that is correct, Commissioner. The applicant is only required to make updates to their own property, so if the fence belongs to the church and is on the church's property, that will not be touched. We are only requiring a six-foot wood fence with masonry columns be installed on the applicant's property as a screening measure.

**Commissioner Townsend** said okay. Thank you. Reverend Sullivan, be happy to talk to you about your fence; but from what we're hearing from staff, the wood fence would be appropriate and is part of the requirements for this applicant's petition tonight. **Reverend Sullivan** said okay, that's fine. **Commissioner Townsend** said, okay. Thank you very much. **Reverend Sullivan** said, thank you. Thank you, Mr. Farley; thank you, Mayor.

**Mayor Garner** acknowledged Commissioner Bynum. **Commissioner Bynum** said thank you, Mayor. I'm good. My questions were answered.

**Mayor Garner** closed the public hearing. Is there any discussion? Seeing none, roll call, please.

**Roll call** was taken on the motion and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

## **ITEM NO. 2 – 211450...CHANGE OF ZONE APPLICATION COZ2022-011 - ANGELA M. TURNER**

**Synopsis:** Change of Zone from R-1(B) Single Family District to R-2(B) Two Family District to bring existing duplex into compliance at 426 North 5th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Angela Turner with Simmons Security & Protection Services, Inc., is requesting a Change of Zone from R-1(B) Single Family District

to R-2(B) Two-Family District. The Change of Zone has been requested so that the non-conforming use becomes conforming. The subject property was originally constructed as a duplex but was downzoned with the adoption of the Central Area Master Plan. The subject property is a duplex and a long-term tenant lives upstairs while the applicant's business is run in the downstairs unit. The applicant rents the upstairs unit and rental licensing requires the zoning to reflect the building's physical condition. As part of the Change of Zone approval, a variance is requested for setbacks of the R-2(B) Two-Family Residential District requirements.

This application is being heard adjacent to BOZA2022-014 for setback variances and SUP2022-032 for a Home Occupation Special Use Permit to continuously operate the Applicant's private security business in the lower unit.

The Planning Commission voted 7 to 1 to recommend approval of Change of Zone Application COZ2022-011, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-014. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-014 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. If approved, rental licensing shall be maintained on any non-owner occupied unit;
3. If approved, any use as a short-term rental or non-owner occupancy for a period of less than 30 days shall require a Special Use Permit;
4. If Approved, the Applicant shall make repairs to the rear sidewalk and driveway to UG Standards, possibly requiring a Right of Way Permit from Public Works;
5. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto: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; and,
6. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Change of Zone Application COZ2022-011, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

## **SPECIAL USE PERMIT APPLICATIONS**

### **ITEM NO. 1 – 211452...SPECIAL USE PERMIT APPLICATION SP2022-004 - JEFF SALTER WITH KANSAS GAS SERVICE**

**Synopsis:** Renewal of a Special Use Permit (SP-2019-10) for two concrete pits/sampling of a variety of pipes for training at 8535 Riverview Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Jeff Salter, is requesting a renewal of Special Use Permit (SP-2019-10) to continue to use the property for backhoe training for new hires at the Kansas Gas Service. This property was approved for a Special Use Permit in 2016 (SP-2016-86), which was renewed in 2019 (SP-2019-10). The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-004 for two years, subject to:

1. The applicant proposes operating from 9:00 AM to 1:00 PM. Hours of operation shall begin no earlier than 8:00 AM and no later than 3:00 PM;
2. The culvert that runs west of the property must be cleaned regularly and kept clean;
3. Section 27-675(a) states that “all parking, loading and maneuvering areas except those serving single-family dwellings or agricultural uses shall be graded and surfaced with a permanent bituminous or concrete pavement”. The applicant shall pave the parking lot and mark four parking spaces, including one ADA parking spaces;
4. The applicant shall install new landscape screening along the northwest corner of the lot, matching the current screening. Additionally, existing screening that has died shall be replaced;
5. All existing and future driveways must feature curb cuts that are constructed to UG standards. The applicant shall install a new driveway curb cut to match the new paved parking;
6. 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; and,
7. 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;
8. Shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining walls, as applicable;
9. Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sec. 8-610 through Sec. 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public

Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;

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

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-004 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

**ITEM NO. 2 – 211453...SPECIAL USE PERMIT APPLICATION SP2022-009 - FREDERIC NTAKIRUTIMANA WITH F & A LLC**

**Synopsis:** Special Use Permit for a liquor store/convenience store at 901 Minnesota Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Frederic Ntakirutimana, is seeking approval to expand operations of a convenience store with cereal malt beverage sales to include alcoholic liquor sales at 901 Minnesota. The subject property is currently in use as a convenience store and neither the building’s ownership nor tenancy has not changed but the tenant is requesting to expand product sales to include liquor.

This application is being heard in conjunction with BOZA2022-013 as the subject property is within 1,300 feet of an elementary school, public parks, and/or other retail establishments selling liquor. New Life Christian Community Church is located at 841 H Minnesota Avenue, parcel number 081323.

The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-009 for two years with the applicant completing the landscaping, curb and median within six months of approval, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-013. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-013 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Alcoholic liquor, CMB, non-alcoholic malt beverage, and any other goods or services may be sold in a retail liquor store. Lottery tickets and cigarette and tobacco products with proper licensure may be sold in a retail liquor store. Sales of other goods and services must not exceed 20% of total gross sales. The 20% excludes lottery, CMB and cigarette and tobacco product sales. If sales of other goods and services from a licensed retailer premise exceeds 20% of total gross sales, all sales of other goods and services exceeding 20% will have to be made from a separate, unlicensed premises. If each premise does not have a separate outside entrance, a vestibule is required;
3. Section 27-467(g) requires that trees are required at not less than one per 7,000 square feet of site area. The subject property has 12,300 square feet, requiring one tree be provided on the site plan;
4. Section 27-702(1)(a-d) states that shade trees shall be at least two-inch caliper when planted as measured 12 inches above the ground. All ornamental deciduous trees shall be at least two-inch caliper when planted as measured 12 inches above the ground. All evergreens shall be 5 to 6 feet in height when planted as measured 12 inches above the ground. Ornamental deciduous trees shall be 6 to 8 feet when planted as measured 12 inches above the ground;
5. The property's frontage on North 9th Street shall be updated to include greenspace as indicated in the photo in the attachments at the end of this report;
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](mailto: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. 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 [bybuildinginspecton@wycokck.org](mailto:bybuildinginspecton@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
8. 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](mailto:signpermits@wycokck.org) to begin this process.

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

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-009 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis.

### **ITEM NO. 3 - 211454...SPECIAL USE PERMIT APPLICATION SP2022-011 - BLAKE LOSTAL WITH HILLSIDERS LLC**

**Synopsis:** Special Use Permit for a sports bar/drinking establishment at 403 North 5th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Blake Lostal with Hillsiders LLC, has applied for a new Special Use Permit for the liquor sales at 403 North 5th Street. The subject parcel has two buildings, and the building addressed in this permit is the North Building, a single-level row-style store with approximately 1,250 square feet. The applicant is planning some building upgrades to open a new sports bar and its projected alcohol sales will exceed food sales, requiring the Special Use Permit. The South building, a two-story mixed-use building, will be addressed in future renovations and is outside the scope of this permit. This application is being heard in conjunction with BOZA2022-003 for a variance for minimum required parking. The Planning Commission voted 6 to 0 to recommend approval of Special Use

Permit Application SP2022-011 for two years, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-003. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-003 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. Should any live entertainment be desired, a Special Use Permit is required.
3. Any illumination that results shall not be seen or otherwise impact adjacent residential uses;
4. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the unified government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process.
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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. If approved, the Applicant shall install bike racks on the property. Contact the Public Works Department to determine appropriate placement.
7. A Right of Way Permit is Required. Please contact the Public Works Department at (913) 573-5311 to begin this process;
8. This permit approval is for zoning clearance only. Additional liquor licensing and other County or State Licenses may be required before operation;
9. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
10. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
11. The Special Use Permit shall be valid for two 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 months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved, and;
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.

|                                                                                                                                                                 |                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <b>Case</b>                                                                                                                                                     |                                                            |
| SP2022-011                                                                                                                                                      |                                                            |
| <b>Petitioner</b>                                                                                                                                               | <b>Address</b>                                             |
| Blake Lostal                                                                                                                                                    | 403 N. 5 <sup>th</sup> Street<br>Kansas City, Kansas 66101 |
| <b>Synopsis</b>                                                                                                                                                 |                                                            |
| Approval of a Special Use Permit to serve alcohol at a sports bar. The Board of Zoning Appeals approved BOZA 2022-003 on March 14, 2022 for a parking variance. |                                                            |
| Introduction County Context Local Context Exhibits Recommendation Signage<br>33:44 / 4:29:59 Department of Planning and Zoning                                  |                                                            |

**Mayor Garner** asked, is there anyone from the public who would like to speak regarding this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments.

Seeing none, do any members of the Commission have any questions or comments?



**Commissioner Burroughs** said I just wanted to bring this forward because as you read the report, I did receive a tremendous amount of calls both in support and in opposition to this business. Some of the concerns I wanted to ensure that the applicant understands the seriousness of meeting the criteria set forth from Planning and Zoning and request of the mandates that were put on him in reference to business.

Parking is a challenge on that corner. I would hope that the client is aware of that and doesn't stack cars within the back of the property and onto the street to become a nuisance and a hindrance to traffic coming off of the roadway. Noise and lighting is one that has occurred in the past, and my understanding is they're going to put covers over the lights to keep lights down. And, if they want to go with a live band, they'll have to apply for a noise ordinance.

The biggest problem is the trash that continues to occur behind the two buildings. The applicant for the, believe it's a bar, must be aware that when he puts trash outside, the rodents

that come up and tear it up and carry it down the neighborhood, needs to be mindful that those should be covered and meet the criteria set forth in the agreement.

I would like to ask staff if he has met the obligation of a building inspection and the curb and bike request mandated by staff.

**Mr. Deichler** said, Mayor, if I may, we do not see the petitioner online, but staff could give you an update on that if they need to.

**Mayor Garner** asked, staff, is there anyone available to give an update?

**Mike Farley, Department of Planning and Urban Design**, said to address the bike rack comment. First, that is a condition upon approval. The bike rack would not be installed until after approval for the special use permit is granted and made effective. I can get you some answers about the building inspection.

**Commissioner Burrough** said there was a building inspection required. Has that occurred as of yet? **Mr. Farley** said I am not aware, but I can get you answers on that. **Commissioner Burroughs** said okay, thank you for that.

**Commissioner Burroughs** said the other comment I raised was in reference to the parking. I understand parking will be a challenge. There are only two slots of parking allowed and I believe it's on the corner building and not necessarily the sports bar. Parking will be a challenge. That's a walkability community.

If you look at the picture on the left, you'll see a container setting out there. I believe that container set there for a period of time. I know I drove by with the number of complaints that I received, and the container was moved and another one was put in. I do know that there's some rehab going on. I just want to ensure that the client knows that that is a very challenging corner with limited parking and walkability. I would hope that was expressed when they met with the Planning and Zoning. Thank you, Mayor, thank you committee.

**Mayor Garner** closed the public hearing. Are we good? **Mr. Deichler** said you had the public hearing opened and closed. I'd say you're good. I don't know if it opened.

**Mayor Garner** said I need a motion.

**Action:** **Commissioner Burroughs made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-011 for two years, subject to the stipulations.** Roll call was taken and there were ten “Ayes” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

**ITEM NO. 4 – 211455...SPECIAL USE PERMIT APPLICATION SP2022-013 - AURANGZEB KHAN WITH JAHAN ENTERPRISES LLC**

**Synopsis:** Renewal of a Special Use Permit (SP-2019-77) for a dirt fill at 1215 Merriam Lane, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Aurangzeb Khan with Jahan Enterprises, LLC, is requesting the renewal of a Special Use Permit for the importing of earthen material to the subject property at 1215 Merriam Lane. The applicant intends only to export—not import—earthen material from the subject property under this renewal case. This Special Use Permit initially arose as the result of a joint Building Inspection and Zoning Enforcement action beginning in 2018. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-013 for one year, subject to:

- 1) A landscaping plan compliant with Section 27-464(g) must be submitted to Staff by March 23, 2022;
- 2) The landscaping demonstrated on the submitted landscaping plan, including all trees and seeding, must be properly installed within 60 days of the completion of final grading;
- 3) The hours of operation shall be 7:00 AM to 5:30 PM, Monday through Friday. Contact the neighborhood group and the surrounding residences at least 24 hours in advance of performing work on the weekend;
- 4) There shall be full compliance with the comments from the Wyandotte County Conservation District contained herein;
- 5) Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design to begin this process;
- 6) Rumble strips and/or other mitigation measures must be installed on the subject property in order to prevent dirt, rubble, and other fill material from being tracked by work trucks onto and damaging the public right-of-way;
- 7) Site improvements that include land disturbance activity on greater than one acre of the 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;

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

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-013 for one year, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner

#### **ITEM NO. 5 – 211456...SPECIAL USE PERMIT APPLICATION SP2022-020 - JOE HEIDRICK WITH CACTUS BED PROPERTIES, LLC**

**Synopsis:** Special Use Permit for a Short-Term Rental at 4309 Rainbow Boulevard, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Joe Heidrick DBA Cactus Bed Properties, is seeking approval to operate a short-term rental at 4309 Rainbow Boulevard. The subject property is on the Rainbow Boulevard commercial corridor. The applicant has recently purchased the property and is in the process of a renovation. The applicant owns the

property next door which has also been in use as a permitted short-term rental. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-020 for one year, subject to:

1. 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;
2. Applicant shall provide the following documents and/or information:
  - a) Applicant shall post a Lead-Based Paint Notice and Asbestos Notice (if necessary) in the guest book or tenant guide.
  - b) Applicant shall provide a copy of the site plan indicating parking and common areas
  - c) Applicant shall provide a floor plan.
  - d) Applicant shall provide a copy of liability insurance.
  - e) Applicant shall provide a Welcome Packet or Guest Book stating rules and regulations;
3. If Approved, Applicant shall obtain and/or maintain a business license from the Wyandotte County Business License office;
4. Applicant shall remove any debris piles in the rear yard;
5. Applicant shall improve the parking in the rear to ensure no more than 30% of the rear yard is utilized for parking;
6. The trash enclosure shall be screened from street view via gated enclosure;
7. Exterior repairs need approval from the Landmarks Commission, as the parcel is within the Environs of a Historical Landmark, "Old Fire Station No. 12." Please contact the Department of Planning & Urban Design for this information;
8. Should a second dwelling unit in the property, including a basement conversion to a dwelling unit, a Change of Zone is required. The Special Use Permit must be amended to reflect the additional dwelling unit. A home inspection may be required upon the completion of a significant renovation or change in the property's use of occupancy;
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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
10. Maximum number of guests, which has been deemed appropriate for the available accommodations shall be eight adults;
11. Guest parking must be provided off-street. Maximum number of guest vehicles shall be three;
12. Parking must take place off-street;
13. Applicant must keep a current annual Business License/Occupation Tax Receipt and Kansas State Lodging Tax;

14. Applicant must post a copy of the Ordinance granting permission to operate the short-term rental, the expiration date of the Special Use Permit, a copy of the Occupational Tax Receipt, and the property manager's contact information within the entrance of the area that is rented;
15. Must provide a manual/welcome packet that lists all rules, including "No Parties, etc." This manual must inform guests that the Unified Government enforces this policy. Include the contact information for Host Compliance: 913-246-5133 [www.hostcompliance.com/tips](http://www.hostcompliance.com/tips);
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. The Special Use Permit shall be valid for one 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 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 (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-020 for one year, subject to the stipulations. Roll call was taken and there were nine "Ayes," Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

#### **ITEM NO. 6 – 211457...SPECIAL USE PERMIT APPLICATION SP2022-023 - DESIREE MONIZE WITH AVENUE OF LIFE**

**Synopsis:** Renewal of a Special Use Permit for transitional housing for youth (16+) and young adults (18-24) at 3535 Wood Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicants, Desiree Monize, CEO and Cameron Erlandson, COO of Avenue of Life are seeking a renewal of a Special Use Permit (SP-2019-100) to continue to operate a transitional housing for homeless teens that are referred by the Kansas City Kansas Public Schools USD 500.

The facility had previously been approved for a Special Use Permit for two years in 2019 under the current ownership by Avenue of Life. Before that, the home had been operated by a different owner and was approved for a Special Use Permit for two years in 2016 and in 2018 (SP-2016-37 and SP-2018-46).

The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-024 for two years, subject to:

- 1) Outside guests are not permitted to randomly visit the property without prior authorization by Avenue of Life. The residents of Avenue of Life are allowed visitors that are cleared by the resident's case manager;
- 2) The building shall be staffed by Avenue of Life 24 hours a day, seven days a week;
- 3) Maximum number of guests shall not exceed thirty at any point. The average total number of guests range between six and eight;
- 4) Avenue of Life shall install ADA compliant curbing, sidewalks, and signage;
- 5) The parking in-front of the Avenue of Life facility shall be oriented as parallel parking, rather than diagonal pull in parking, as the space provided current does not meet the Code of Ordinances Section 27-669(a)(5-6) for the 45-degree parking space dimension. The spaces marked for parallel parking should include one (1) ADA parking space and shall be 9' x 23' to meet Section 27-669 (7);
- 6) The applicant shall flatten and/or remove the tips of the fence surrounding the site, as they are prohibited per the Code of Ordinances Section 8-225;
- 7) A Right-of-Way Permit is Required. The applicant is required to contact Andrew Roddy with the Public Works Department at (913) 573-5310 or by email at [aroddy@wycokck.org](mailto:aroddy@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 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](mailto:signpermits@wycokck.org) to begin this process;
- 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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
- 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) Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
- 13) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 14) The Special Use Permit shall be valid for two 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 months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
- 15) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid, the approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-023 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

#### **ITEM NO. 7 – 211458...SPECIAL USE PERMIT APPLICATION SP2022-024 - CURTIS PETERSEN WITH POLSINELLI PC**

**Synopsis:** Special Use Permit for privately owned athletic fields (Homefield Perfect Game) at 1501 North 90th Street,  
and

**PLAN REVIEW APPLICATION ITEM NO. 2 – 211459...PRELIMINARY PLAN REVIEW APPLICATION PR2022-008 – CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Preliminary Plan Review for Homefield Perfect Game Fields at 1501 North 90th Street,

and

**MASTER PLAN AMENDMENT ITEM NO. 1 – 211461...MPL2022-006 – CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 1501 North 90<sup>th</sup> Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Curtis Petersen with Polsinelli PC, has filed a Preliminary Plan, Preliminary Plat, Special Use Permit and Master Plan Amendment to subdivide the property into one lot to build a multi-field baseball/softball complex, development center, scouting tower and parking on 49.98 acres at 1501 North 90th Street. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-024, Preliminary Plan Review Application PR2022-008 and Master Plan Amendment MPL2022-006, subject to:

1. A building permit is required. Please contact the Building Inspection Department to begin that process;
2. 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. The City Planning Commission granted the deviation requested by the applicant;
3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;
5. Wherever the mid-block crossing is located there is a pedestrian throughway to connect into the internal circulation of this site;
6. Install a sidewalk along the northern entrance/exist of the site and connect to the interior sidewalk network;

7. Establish a mid-block trail connection and pedestrian crossing to the pedestrian sidewalk entrance at Compass Minerals Soccer Complex across the street at 1500 North 90th Street. The sidewalk should extend from the concourse between the two-most western fields, through the parking lot and berm and connect to the existing sidewalk on North 90th Street. Staff would like to continue to work with the applicant and development team to see if a mid-block crossing is possible between Perfect Game and Compass Minerals Soccer Complex;
8. Over the road trucks shall not be parked on the property overnight;
9. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
10. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
11. Outdoor speakers should be oriented away from the single-family residences;
12. The outdoor scoreboard lumens shall be oriented away from the single-family residences;
13. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
  - f. EIFS at the ground level or comprising more than fifteen percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different exterior building materials that comply with Sec. 27-576(e)(1). The City Planning Commission must give a deviation from the Commercial Design Guidelines. The City Planning Commission granted the deviation requested by the applicant;
14. The proposed concrete blocks need to be integrally-color and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
15. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
16. All concrete shall be integrally-colored – no paint;
17. What will the residences see of this development from the north, south and east? For the FDP, provide sight line cross sections illustrating what the residents will see from their properties;
18. A six-foot privacy fence with masonry columns every 32 feet along the portion at the Southeast of the property adjacent to the Southernmost main entrance to the project and abutting 90th Street. The fence screening the residents to the Northeast of the project would be a wood screening fence as it is at the rear of these abutting properties
19. Based on the landscaping requirements in the A-G Agriculture District (one) tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
  - a. Overall site – 308 trees.
  - b. Street trees – 39 trees.
  - c. Parking lot islands – 35 trees.
20. The parking lot must be screened by berms and landscaping from North 90th Street, and the residence immediately abutting the entrance along the south property line. The existing slope along North 90th Street should be preserved as the natural feature screens a substantial portion of the site from the street;
21. Add a note or cloud indicating the preservation of existing tree stands around the perimeter of the development;
22. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;

23. Sec. 27-576(e)(3) Groups of parking of between forty and fifty space must be separated by a ten foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
24. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty spaces;
25. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements;
26. Junipers and other coniferous trees should be planted throughout the site. Specifically, around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
27. All landscaping shall be irrigated along North 90th Street, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;
28. All shade trees shall be at least two-inch caliper. All evergreens shall be at least six feet in height. All shrubs shall be five gallons, external to the site and three gallons internal to the development when planted;
29. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
30. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. 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. This includes light that is cast vertically and horizontally;
31. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
32. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
33. All rooftop mechanical screen walls may not be perforated metal. The screen wall shall be solid;
34. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
35. All BPU transformer pads and/or generators shall be completely screened on three sides with 6-foot Junipers setback 3 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
36. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
37. 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](mailto:signpermits@wycokck.org) to begin this process;

38. 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;
39. Site improvements that include land disturbance activity on greater than one 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;
40. 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;
41. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are nontransferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
42. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-024, Preliminary Plan Review Application PR2022-008, and Master Plan Amendment MPL2022-006, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Davis, Stites. Commissioner McKiernan was unavailable.

**ITEM NO. 8 – 211460...SPECIAL USE PERMIT APPLICATION SP2022-025 - CURTIS PETERSEN WITH POLINSELLI**

**Synopsis:** Special Use Permit for privately owned athletic fields at 9020 State Avenue, and

**PLAN REVIEW APPLICATION ITEM NO. 3 – 211463...PRELIMINARY PLAN REVIEW PR2022-009 - CURTIS PETERSON WITH POLSINELLI**

**Synopsis:** Preliminary Plan Review for Homefield Training Center at 9020 State Avenue, and

**MASTER PLAN AMENDMENT ITEM NO. 2 – 211462...MPL2022-007 – CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 9020 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Curtis Petersen with Polsinelli PC, on behalf of the property owner, HFS KCK, LLC, has filed an indefinite Special Use Permit, Preliminary Development Plan and Master Plan Amendment to build a 1,300square foot ticketing/entry building, multi-use baseball/softball field complex and parking on 13.88 acres at 9020 State Avenue. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-025, Preliminary Plan Review Application PR2022-009 and Master Plan Amendment MPL2022-007, subject to:

1. A building permit is required. Please contact the Building Inspection Department to begin that process;
2. 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. The City Planning Commission granted this deviation request by the applicant;
3. Per Sec. 27-314. Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider on one side of all new local residential streets, and all streets that are segments of the major street system shall have sidewalks on both sides except in industrial areas and except in subdivisions zoned R Rural Residential. Sidewalks shall be not less than four feet wide and be of Portland cement concrete and shall comply with the specifications of the Unified Government. Sidewalks shall be located in the platted street right-of-way abutting the property line. Walks shall be installed in any pedestrian easements as may be required by the Planning Commission. The Unified Government Board of Commissioners may approve exceptions to these requirements after having made a determination that provision of a sidewalk on one or both sides is unnecessary, not feasible, or that a superior alternative is to be provided;
4. Minimum 4-foot pedestrian path with landscape buffer and pedestrian lighting from parking areas to buildings;

5. Add a crosswalk for enhanced pedestrian connection and transit connectivity across the drive aisle linking the sidewalk from State Avenue along the east side of the easternmost entry/exit to the sidewalk near the baseball fields;
6. Over the road trucks shall not be parked on the property overnight;
7. Buses and larger vehicles shall not block drive aisles and/or fire lanes;
8. Install a publicly accessible bicycle rack for bicyclists in the plaza area;
9. Outdoor speakers should be oriented away from the single family residences;
10. The outdoor scoreboard lumens shall be oriented away from the single family residences;
11. Sec. 27-576(e)(2) Exterior building materials shall not include the following:
  - f. EIFS at the ground level or comprising more than fifteen percent of any façade. Metal paneling may only account for 15% of the exterior building material per façade on the Homefield multi-purpose sports complex. Incorporate different 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.  
The City Planning Commission granted this deviation request by the applicant;
12. The proposed concrete blocks need to be integrally-colored and textured. Smooth-face concrete masonry units are not permitted as an exterior building material per the Commercial Design Guidelines;
13. Since the buildings have high visibility from every angle, scupper and downspouts can become an eyesore. All scuppers shall be designed so they are reasonably screened. Overflow drains shall be at grade and hidden by vegetation;
14. All concrete shall be integrally-colored – no paint;
15. Based on the landscaping requirements in the A-G Agriculture District one tree per 7,000 square feet of site area), the number of trees is required for the following lots (not inclusive of the street trees along a major street and parking lot island requirements):
  - a. Lot 2 – 83 trees;
16. The parking lot must be screened by berms and landscaping from State Avenue, and all residences on the south side of State Avenue;
17. Sec. 27-576(e)(2) Parking lot landscaping should reinforce pedestrian and vehicular circulation, especially parking lot entrances, end of drive aisles, and pedestrian walkways leading through parking lots;
18. Sec. 27-576(e)(3) Groups of parking of between forty and fifty space must be separated by a ten (10) foot wide landscape median or berm, or pedestrian walkway within a landscaped median;
19. Sec. 27-576(e)(4) Parking areas that cannot be grouped must include one landscaped island the side of one stall separating each twenty spaces;
20. Sec. 27-699(a)(6) Non-industrial and non-structure parking lots that have been paved area wider than a double-loaded aisle and more than 20,000 square feet in area shall provide one shade tree for each 20 parking spaces on the interior of the parking lot. Interior tree plantings are in addition to the landscaping requirements.
21. Trees shall be preserved around the perimeter of the site as shown on Sheet L1.00;
22. Junipers and other coniferous trees should be planted throughout the site, specifically around the perimeter of all detention basin slopes. This should not cause issues for the synthetic fields as leaves will not clog the infiltration drainage system;
23. All landscaping shall be irrigated along State Avenue, within the landscaped parking lot islands and landscape beds adjacent to the perimeter of the entrance;

24. All shade trees shall be at least two-inch caliper. All evergreens shall be at least six feet in height. All shrubs shall be five gallons, external to the site and three gallons internal to the development when planted;
25. All disturbed areas within the development shall be brought to finished grade and seeded or sodded. There shall not be any exposed, bare ground unless the lot has an active building permit for building construction;
26. All lighting, whether mounted on the exterior of parking deck or within the structure shall have 90-degree cutoff fixtures. Sec. 27-699(b)(9) Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. 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. This includes light that is cast vertically and horizontally;
27. Only decorative lighting can be used on the exterior of the building(s). No pack lights or flood lights are allowed;
28. The dumpster will need to be screened with an architectural wall that matches the materials of the primary building and heavily landscaped;
29. All rooftop mechanical screen wall may not be perforated metal. The screen wall shall be solid;
30. All utility connections must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building;
31. All BPU transformer pads and/or generators shall be completely screened on three sides with 6-foot Junipers setback 3 feet from the pad and 10 feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
32. No outside storage of materials, equipment or ancillary items associated with the day-to-day operation for Homefield complex unless they are completely screened from and all abutting property lines and the public right-of-way;
33. 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](mailto:signpermits@wycokck.org) to begin this process;
34. 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;
35. Site improvements that include land disturbance activity on greater than one 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;

36. 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;
37. The Special Use Permit shall be valid indefinitely 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 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. Special Use Permits are non-transferable, therefore, all operations must cease until such time as a new Special Use Permit is approved; and,
38. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning and Urban Design Department (checks made payable to the Unified Treasurer) within 30 days following the Unified Government Board of Commissioners meeting. If a check is not submitted within 30 days, the petition becomes invalid. The approval will not go into effect until the ordinance is published in the newspaper.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-025, Preliminary Plan Review Application PR2022-009, and Master Plan Amendment MPL2022-007, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Davis, Stites. Commissioner McKiernan was unavailable.

#### **ITEM NO. 9 – 211478...SPECIAL USE PERMIT APPLICATION SP2022-026 - ADAM AND LAURA JOHNSON**

**Synopsis:** Special Use Permit to keep twenty-five (25) fowl on the property at 3030 South 63rd Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicants, Adam and Laura Johnson, are seeking approval to own 25 chickens. The Applicants currently own six chicken, but wish to expand the amount of chicken they own beyond this number, requiring a Special Use Permit. The applicant keeps the chickens for egg and meat production and some entertainment. The applicants have extended family moving into the property and wish to increase their food supply, respectively. The applicants own and reside at the property.

This Application is being heard in conjunction with BOZA2022-10 for multiple accessory-use buildings and for the maximum allowable square footage of accessory uses.

The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-026, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-010. Any approval by the City Planning Commission or Board of Commissioners of this case, and the conditions of approval contained herein, are contingent, and shall only go into effect, upon the approval of BOZA2022-010 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
2. No eggs, meat, feathers, or produce shall be sold on or off-site without the approval of a Special Use Permit for Home Occupation;
3. No roosters may be kept on site. Any cockerel must be culled or relocated when it reaches crowing capability and its sex is determined;
4. Composting and site preservation methods shall be utilized to minimize any nuisance;
5. Driveway and Parking shall be upgraded to an improved surface. If the Applicant continues with the home addition, it shall be made a part of their building permit. If the renovation is not commenced, the Applicant shall complete the improvements to the driveway and parking prior to permit renewal;
6. Per Section 27-593(a)(10)a, fowl must be kept no closer than 25 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot;
7. 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;
8. A building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573- 8620 to begin that process;
9. 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;
10. If approved, the driveway, apron, and approach shall be upgraded to an improved surface of asphalt or concrete;

11. A Right of Way permit is required. Please contact the Department of Public Works to begin that process;
12. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times be compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right of way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
13. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
14. The Special Use Permit 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. 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,
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.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-026 for two years, subject to the stipulations. Roll call was taken and there were “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Davis, Stites. Commissioner McKiernan was unavailable.

**ITEM NO. 10 – 211487...SPECIAL USE PERMIT APPLICATION SP2022-030 -  
NANNETTE AND LYDIA THACKER**

**Synopsis:** Home Occupation Special Use Permit to operate an apparel printing business at 4011 Independence Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicants, Nannette Thacker and Lydia Thacker, are requesting a Home Occupation Special Use Permit to operate a custom t-shirt printing business. Nannette is the property owner, and Lydia is the business owner; both parties are residents of the subject property. The applicants have stated that no customers will be visiting the subject property, and no signage will be erected on site. The t-shirt inventory will be stored at the subject property. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-030 for two years, subject to:

- 1) This is a Special Use Permit for a home occupation for a t-shirt printing business. All future home occupations that do not fulfill all the requirements of Section 27-609(1) must receive a separate Special Use Permit;
- 2) Consistent with the applicants' written statements, no customers may visit the subject property;
- 3) If approved, the applicant must file and maintain a current business occupation tax application with this office;
- 4) All business activity shall remain within the residence;
- 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](mailto:signpermits@wycokck.org) to begin this process;
- 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) The Special Use Permit shall be valid for two 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 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,
- 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.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <b>Case</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                          |
| SP2022-030                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                          |
| <b>Petitioner</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Address</b>                                           |
| Nannette & Lydia Thacker                                                                                                                                                                                                                                                                                                                                                                                                                                            | 4011 Independence Boulevard<br>Kansas City, Kansas 66109 |
| <b>Synopsis</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                          |
| <p>The applicants are requesting a Home Occupation Special Use Permit to operate a custom t-shirt printing business. Nannette is the property owner, and both Nannette and Lydia Thacker are the business owners; both parties are residents of the subject property. The applicants have stated that no customers will be visiting the subject property, and no signage will be erected on site. The t-shirt inventory will be stored at the subject property.</p> |                                                          |
| <p>Play (0) Introduction County Context Local Context Exhibits Recommendation Summary</p> <p>39:40 / 4:29:59</p>                                                                                                                                                                                                                                                                                                                                                    |                                                          |

**Mayor Garner** asked, is there anyone from the public who would like to speak regarding this item? If so, please raise your hand to be acknowledged. Once acknowledged, you may state your name and address for the record. You'll be given up to three minutes to state your comments.

**Commissioner Ramirez** asked, Mr. Mayor, can staff present the application before we go to the public hearing so that we know what specifically the applications is for? **Mayor Garner** said yes. Can you present the application?

**Mike Farley, Planning and Urban Design**, said SP2022-030 is a special use permit for a home occupation. The applicant is proposing to run a t-shirt printing business from within her personal residence. Both applicants have stated that no customers will be coming to the house at all. All work will be conducted within inside the residence and the only increase in traffic determined by staff would be the delivery of the t-shirts that are to be printed.

**Mayor Garner** asked, do we have any public comments? **Mr. Deichler** said we have the petitioner and staff's update, so we're seeing none besides that. **Mayor Garner** said seeing none, do any of the commissioners have any questions or additional comments?



**March 31, 2022**

**Commissioner Kane** said I got an email and I'm very familiar with this area. It says I am writing with opposition of 0-30. The lady across the street received the attached notice today in the mail that the homeowner removed the sign after Planning and Zoning meet last month and the neighbors were not aware and still in process. The other lady across the street hasn't even received a letter. The problem that we have is this is on a corner. There are no less than 2,000 cars that cross there a day. Buses loaded with kids, and remember, we're in the permit section of kids getting driver's licenses right now.

I go by there every day. I did see the sign at first. I haven't seen the sign since. It bothers me to have buses because when the buses come through there and I've got a truck, the bus is going to win. I'm concerned about—like I said, and I had a traffic study done last year on something else. I'm concerned with that much traffic, and a lot of that traffic being school buses twice a day. I'm concerned about the sign not being up as long as it's supposed to be, the notification from the neighbors that haven't been notified yet, and the fact that there's an awful lot of traffic there.

**Nannette Thacker, the applicant**, said yes, we did have the sign-up on our street corner. It was our understanding it had to be up through the last meeting. We took it down after the last meeting. Were we supposed to have it up longer than that, the sign on the street corner?

**Mayor Garner** asked, staff, can you respond to that?

**Mr. Farley** said the applicants are actually instructed to take down their signs after the City Planning Commission meeting. It sounds like the applicant took down her sign when she was instructed to and was in compliance.

**Commissioner Kane** asked, what about the neighbors not being notified that live right across the street?

**Ms. Thacker** said well, see, this is not accurate because I took pictures of all the postal mails that we sent out. We received 16 names. They had husbands and wives, but we sent them together, but we sent out 16 postal mails and the woman who was complaining said she did not get one and I didn't know who she was, but I looked up after the meeting was over and she indeed was postal mailed this, The only couple that did not get one was Scott and Rebecca Holt who are our immediate neighbors to the right. We actually hand delivered theirs because it bounced back

as undeliverable because the address on the form that you guys sent us had them living in Olathe instead of Piper. We did report this to the Urban Planning Committee that the address was inaccurate and bounced back. They said thank you and they would get it fixed. So, because of that we did go hand deliver every single piece of material to this person that their postal mail passed back.

I know the original gal at the last meeting, the Urban Planning meeting, complained that we wadded up our flyer and stuck it in her mailbox. I do not—I'm 64-years-old. I was taught that it's a federal offense to touch someone's mailbox. I did not put anything manually into her mailbox. I put a postage stamp on that and mailed it with the rest of the 16 messages, other than the one that we hand-delivered to the neighbors whose postal mail bounced back.

We have had an approval. I have an approval letter here that I won't bother reading to you, unless you want me to, from the Piper Estates Home Association Board of Directors in support of approval for our special use permit. They tell about that we've been good neighbors. We've been here since 2000. They have approved our special use permit, but this one person has been complaining about us and we don't understand why.

**Commissioner Kane** said it was delivered last night. It was stuck in her mailbox illegally and was not postmarked. She just text me. **Ms. Thacker** said I don't know who would have done that, but she was postal mailed, the actual letter. I've got a picture of it that I could send to someone. I took pictures before we postal mailed anything, so why would I stick something in somebody's mailbox manually when I put postage stamps on everything? We postal mailed these things. Other neighbors did receive them because they told us they received them. We even had Angela Turner show up at our meeting and that's how she heard about it was because we postal mailed her the announcement. So, other people knew about it. I don't know where she's getting her information.

She also made accusations that we park in the street all the time. We never park in the street because I don't want my car sideswiped. We have a big double driveway with a three-car garage. There's no need to park in the street. I don't know where she's getting this information from.

**Commissioner Kane** said well, even if she got the letter, and I don't believe she did in time, I still have an issue with the traffic, the buses, and the kids driving down those roads.

**Ms. Thacker** said okay, but the thing is, we're just going to be printing the shirts. My daughter is going to deliver these to the companies. There's not anybody going to come to our house. We don't want people to know where we live. We don't want people to come to our house. We explained very clearly the last time in regard to the impact on the neighborhood, we don't wish to have customers to know where we live so we will not have the need for signage or parking or cause any impact on traffic. All of our clients will be contacted online, via emails, phone, or internet. Purchases will be handled online and then we will deliver them to their address. I don't see how that's going to impact the buses or anything. No one's coming to our house. No one's going to be parking in the street. No one's going to be here. We don't want people to know that we live here. This is our personal residence.

**Mayor Garner** asked, do any members of the Commission have any questions or comments?

**Commissioner Bynum** said the person who emailed us in opposition attached a couple of photographs. They looked to me like something we mailed, but I could be mistaken. I guess I would ask staff that they look like our letter that says a special use permit application has been filed. That is one question that I have. If that's the case, Urban Planning staff, then I would prefer to know the date of the mailing because as we all know, once something is put in a mailbox, it's beyond our control at that point, sadly. I just want clarification on the photograph of the letter that I saw in the email. It looks like the same exact notices we receive in our mailboxes telling about change of zones and special use permits. I just want clarification on that.

Beyond that, when I look at this address on Google, Winchester Drive intersects Independence Boulevard and only a few houses down, Google tells me that there is a pharmacist practicing, which I don't even understand how that could be possible. Then I Google the pharmacist and his home address, three or four houses down from this request, is showing as his business and occupation address. If that's the case, I don't know what's happening at that address and how it might be impacting traffic and whatnot. I'm just bringing forward two points. The first one I'm just asking for clarification on.

**Mayor Garner** asked, can anyone from staff clarify?

**Mr. Farley** said for the mailing that was referred to, staff did send out a mailing. It was sent out through the Planning Department on March 24 in the notification of this meeting.

Without seeing the exact mailing, I can't verify that that's what it is, but there was a mailing that we did send out last week. Again, the standard procedure from the department is to send notice to nearby residents or nearby property owners about any meeting within 200 feet.

As far as the pharmacist possibly working out of their home, that's something that we could pass along to our Zoning Enforcement Officer to check out and see if we have any potential violations. However, that is, again, the special use permit tonight is just for a home occupation at 4011 Independence Avenue.

**Commissioner Bynum** said thank you. I appreciate the answer. I was not really asking you to do anything about that other than I was just noting that's what I see when I pull this up on Google. Thank you, Mayor.

**Mayor Garner** asked, do any other Commissioners have any questions or comments? Seeing none, each one of these items will require a separate vote.

**Mr. Deichler** said we actually need to open up the public hearing.

**Mayor Garner** opened the public hearing.

**Mr. Deichler** said seeing no comments at this point from the public.

**Mayor Garner** said seeing none, I'm going to close the public comment. Is there a motion and a second?

**Action:** **Commissioner Ramirez made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-030 for two years, subject to the stipulations.** Roll call was taken and there were four "Ayes," Townsend, Ramirez, Markley, Davis; and six "Nos," Bynum, Burroughs, McKiernan, Johnson, Kane, Stites. (Motion failed.)

**Mayor Garner** said that takes us to the next set aside. **Mr. Deichler** said, Mayor, that's all the set asides. We're going to the Non-Consent Agenda.

**Mr. Deichler** said, Mr. Mayor, if I may. There are items here that are tied together so I will read three of them and we'll handle them all in one public hearing, but we have to vote on them separately. The first item will be a change of zone, which is COZ2021-051 from Mark Moberly with Sunflower Development. You also have a vacation application, VAC2022-001, from the same Mark Moberly; and a plan review, which is MPL2021-028 from Mr. Mark Moberly. We can turn that over to staff before we go to the public hearing.

**Mayor Garner** said yes, our staff can make some opening remarks.

**Misty Brown, Chief Counsel**, said, Mayor, if I may. I need us to step back for a moment for the item that we just last covered. We had a motion to approve and then we had no votes. So, because we are voting no on this, we would need a motion to deny with reasons setting out the basis for the denial. **Commissioner Ramirez** said that's right. I didn't think of that.

**Mayor Garner** said okay, we go back to the previous item. Could you repeat that one more time?

**Ms. Brown** said on our last item, there was a motion to approve the special use permit and that motion failed. However, we do now need to have a motion to deny with reasons set forth for the basis of the denial so that the applicant can understand why their special use permit was denied. I would remind everyone of the golden factor so would someone like to move to deny? Another option is you could move to send this back to the Planning Commission for additional review or to address some of the concerns.

**Commissioner Kane** said, well I'm the one that brought it up and I brought it up as a safety issue and the safety concern with the buses and the kids that travel down there every day. I don't know about a pharmacy or anything like that, but that is one—that's a very busy street with lots of big buses every single day and I can sit—and I've only worked in safety for 21 years. I consider that unsafe. I guess that's why I wanted the motion to fail.

**Ms. Brown** said okay, Commissioner. With that, are you going to move to deny based on the traffic concerns? **Commissioner Kane** said move to deny. **Ms. Brown** asked, based on the traffic concerns? **Commissioner Kane** said the traffic concerns, the safety concerns, and the

size of the vehicles that travel that road every single day. I think that's pretty self-explanatory. **Ms. Brown** said I'm just needing to clarify for the record.

I would also note in the staff report a condition of this approval was that no customers were to be visiting the house. It's another option—you can have your motion as stands if you have a second you could—another option for this group is to send it back for additional review and stipulations if you so choose. **Commissioner Kane** said I think what I said stands.

**Mayor Garner** asked, do we have a motion to deny?

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Ramirez, to deny Special Use Permit Petition SP2022-030, based on traffic concerns, safety concerns, and the size of the vehicles that travel that road every single day.** Roll call was taken and there were eight "Ayes," Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Stites; and two "Nos," Townsend, Davis.

#### **ITEM NO. 11 - 211488...SPECIAL USE PERMIT APPLICATION SP2022-031 - AUSTIN LAGE WITH BHC RHODES**

**Synopsis:** Special Use Permit for truck maintenance facility at 700 Kindelberger Road, and

#### **PLAN REVIEW APPLICATION NO. 4 – 211489...PRELIMINARY PLAN REVIEW PR2022-011 – AUSTIN LAGE WITH BHC RHODES**

**Synopsis:** Preliminary Plan Review for truck maintenance facility at 700 Kindelberger Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Austin Lage with BHC, is requesting a Preliminary Plan Review and a Special Use Permit. The Preliminary Plan Review is for the proposed development on the subject property: a fueling station open to the public and a private truck maintenance facility. The Special Use Permit is for heavy automotive/truck services, repair, and mechanic, which will allow for the operation of a truck maintenance facility, in conjunction with a fueling station. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-031 for two years, subject to:

- 1) The applicant is requesting a Special Use Permit for heavy vehicle/truck service, repair, and maintenance. Any additional uses not included in this Special Use Permit SP2022-031 and not otherwise allowed by the Zoning Code in the M-3 District must receive a separate Special Use Permit;
- 2) A five-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
- 3) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
- 4) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
- 5) Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
- 6) Per Section 27-577(f)(2), plants that die must be replaced as quickly as possible, but in no event longer than four months;
- 7) The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the Staff Comments and Suggestions section of this report;
- 8) The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the Staff Comments and Suggestions section of this report;
- 9) It is unclear if some of the requirements of the Commercial Development Guidelines Overlay District have been met or not. In the Final Plan Review, the applicant should provide further explanation or demonstration for the requirements listed under Comment #4 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the Staff Comments and Suggestions section of this report;
- 10) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated February 20, 2022” in the Attachments section of this report;
- 11) If approved, the applicant must file and maintain a current business occupation tax application with this office;
- 12) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 13) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

- 14) A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 15) Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 16) Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
- 17) Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
- 18) 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;
- 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) 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](mailto:signpermits@wycokck.org) to begin this process;

- 22) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 23) 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;
- 24) The Special Use Permit shall be valid for two 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 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,
- 25) 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.

The Planning Commission voted 6 to 0 to recommend approval of Preliminary Plan Review Application PR2022-011, subject to:

- 1) This petition is for a Preliminary Plan Review. The applicant must submit an application and supporting materials for Final Plan Review, subject to Section 27-212(g);
- 2) Any amendments to the conditions or plans approved under PR2022-011 made in the Final Plan Review are subject to Section 27-210(h)(2)a and 27-211(g)(1). If the amendments do not meet these requirements, a new Preliminary Plan Review must be approved by the Board of Commissioners before a Final Plan Review can be approved;
- 3) A five-foot sidewalk along the Kindelberger Road right-of-way must be installed and tied into both the existing sidewalk along Kindelberger Road and the intersection at North 7th Street Trafficway and Kindelberger Road. The sidewalk must have all relevant curb cuts, marked crosswalks, and landscaping demonstrated in the submitted site and landscaping plans;
- 4) So long as all trucks under repair are stored inside the building, Section 27-593(b)(20) will be satisfied. If the applicant or property have a revised parking plan based on additional parking

- needs, it must be submitted for the Final Plan Review and, per Section 27-210(h)(2)a and 27-211(g)(1);
- 5) In addressing the building materiality requirements in Section 27-576(e)(1)-(2), the applicant may have a metal building, but must cover the outside metal façade in stucco or another qualifying masonry material;
  - 6) Per Section 8-249(b), any fence not otherwise prohibited and no more than eight feet in height is permitted within an area demarcated by the property side line from the front and/or corner side yard required setback to the rear property line and across the rear property line;
  - 7) Per Section 27-470(d)(2), no equipment, material or vehicles, other than motor passenger cars, may be kept, parked, stored or displayed closer than 25 feet to a street line unless such area is screened from the street by a solid fence or other obstruction, set back not less than six feet from the street line and not less than three feet in height;
  - 8) Per Section 27-577(f)(2), plants that die must be replaced as quickly as possible, but in no event longer than four months;
  - 9) The requirements of the Commercial Development Guidelines Overlay District that have been met or will be met are listed under Comment #2 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the Staff Comments and Suggestions section of this report;
  - 10) The requirements of the Commercial Development Guidelines Overlay District that have not been met are listed under Comment #3 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the Staff Comments and Suggestions section of this report;
  - 11) It is unclear if some of the requirements of the Commercial Development Guidelines Overlay District have been met or not. In the Final Plan Review, the applicant should provide further explanation or demonstration for the requirements listed under Comment #4 in the “Planning and Urban Design Comments: Commercial Development Guidelines Overlay District” subheading of the Staff Comments and Suggestions section of this report;
  - 12) There are comments incorporated herein by the Wyandotte County Conservation District. For a full list of the Conservation District comments, see the “Wyandotte County Conservation District Letter, Dated February 20, 2022” in the Attachments section of this report;
  - 13) If approved, the applicant must file and maintain a current business occupation tax application with this office;
  - 14) 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;
  - 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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
  - 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](mailto: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) Site improvements that include land disturbance activity on greater than one 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;
- 19) Should the predicted amount of traffic increase by more than twenty (20%) percent, a traffic impact study shall be required;
- 20) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-33]. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 21) Any 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;
- 22) 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;
- 23) 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](mailto:signpermits@wycokck.org) to begin this process; and,
- 24) 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.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-031 for two years and Plan Review Application PR2022-011, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Davis, Stites. Commissioner McKiernan was unavailable.

**ITEM NO. 12 – 211451...SPECIAL USE PERMIT APPLICATION SP2022-032 - ANGELA M. TURNER**

**Synopsis:** Renewal of a Special Use Permit (SP-2020-18) to operate a security company office at 428 North 5th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Angela Turner with Simmons Security & Protection Services, Inc., has applied for the renewal of a Home Occupation Special Use Permit for clerical and office paperwork associated with the operation of Simmons Security LLC. The subject property is a duplex and a long-term tenant lives upstairs while the business is run in the downstairs unit. This is the third renewal at this address and the applicant is seeking a renewal period of five years.

This application is being heard adjacent to COZ2022-011 for a Change of Zone from R1(B) Single Family Residence to R-2(B) Two-Family Residence and BOZA2022-014 for related variances regarding setbacks. The Planning Commission voted 7 to 0 to recommend approval of Special Use Permit Application SP2022-32, for five years, subject to:

1. House of Operation shall remain Monday thru Friday 8:00 am to 5:00 pm.
2. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that as both the property owner and the business owner that they are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
3. The Special Use Permit shall be valid for five 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 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,

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

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Special Use Permit Application SP2022-32 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Davis, Stites. Commissioner McKiernan was unavailable.

## **VACATION APPLICATION**

### **ITEM NO. 1 – 211490...VACATION APPLICATION VAC2021-011 - RACHEL BICHARA WITH GOOD NEWS RENTALS LLC**

**Synopsis:** Vacation of an alley to add residential parking at 731 Tenny Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The Applicant, Rachel Bichara, is requesting a Vacation of the alleyway adjacent to the subject property at 731 Tenny Avenue. The Applicant previously requested a Change of Zone from R-1(B) Single Family District to R-2(B) Two-Family District. The Vacation has been requested so that the legal nonconforming use becomes conforming. The subject property was originally constructed as a duplex with a carriage-house style garage and third living unit above the garage. The previous owner has demolished the carriage house garage, leaving only the duplex and driveway. The Applicant desired the rezone to complete appropriate renovations and to obtain a rental license, which requires the zoning to reflect the building’s physical condition. The driveway access was at some time subdivided from the subject property and adjacent parcel to grant right-of-way utility access, leaving the subject property without access to the parking and without the use of the intended shared drive with the adjacent parcel (731 H Tenny Avenue). The applicant must obtain off-street parking to meet the zoning requirement. The Planning Commission voted 6 to 0 to recommend approval of Vacation Application VAC2021-011, subject to:

1. The vacation must be entirely gained to the property of 731 Tenny and not split amongst 731 Tenny and 731 Tenny H;
2. If approved, the applicant shall reset the brick sidewalk, repair the curb and driveway apron in accordance with UG Standards. The driveway must be an improved surface, staff recognizes a permeable pavement drive to the grade;
3. A building permit is required. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
4. Provide curb and five (5) foot wide public sidewalk in accordance with UG standards and criteria. See UG detail i.e., UG 4100-O;
5. Applicant agrees to maintain erosion during construction of sidewalk and curb and apron repairs;
6. Construction plans shall meet UG standards and criteria and shall be reviewed and approved by UG prior to construction permit acquisition;
7. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto:info@wycokck.org) to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
8. 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;
9. Applicant secures a letter from the Landbank stating that they do not object to them receiving the entire vacated property; and,
10. 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. The applicant has filed and maintained a current business occupation.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Vacation Application VAC2021-011, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Davis, Stites. Commissioner McKiernan was unavailable.

## **PLAN REVIEW APPLICATIONS**

### **ITEM NO. 1 – 211491...PLAN REVIEW APPLICATION PR2021-039 - JOHN KELLY/ UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS**

**Synopsis:** Preliminary and Final Plan Review for Pierson Park Fire Station #16 (Turner) at 1818 South 59th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The

applicant, John Kelly, with the Unified Government – Building and Logistics Department, seeks to build a 15,737 square foot KCKFD fire station and plat one lot on 2.95 acres located at 1818 South 59th Street. The Planning Commission voted 6 to 0 to recommend approval of Plan Review Application PR2021-039, subject to:

1. Prior to submitting two mylars to be recorded with the Register of Deeds, please make sure that the name on the Dedication and Acknowledgement is printed and notarized. The Register of Deeds will not accept illegible writing.
  - a. When the mylars are submitted, please submit the following checks:
    - \$32.00 per page payable to the Register of Deeds; and,
    - \$7.00 per lot payable to the Unified Treasurer;
2. Extend the east/west sidewalk west from the rear of the building (the sidewalk exiting past Bunk Room #6 and Chief's Bunk) to the edge of the parking lot and paint a pedestrian path leading to the parking spaces along the western property line;
3. Per Sec. 27-574(c)(3) any retaining wall over six feet in height must be terraced. Four feet of terrace is required for every eight feet of wall.
 

The four-foot terrace shall be landscaped with shrubs and maintained annually;

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 the lot or parcel lines when lines do not form, in whole or in part, the outside boundaries of the plat;
4. Utility easements shall connect with easements established in adjoining properties;
5. Per Sec. 27-317 Electrical power, telephone service, and cable television (if applicable) shall be provided by underground wiring for all new wiring provided.
6. Downspouts shall be internalized;
7. Add a considerable amount of more trees around the northwest and south portions of the site due to the large mature tree stand that is proposed to be removed due to the influx of fill needed to raise and make the site developable. Reforest the slopes. Maintain a true visual separation to keep a park-like setting near the entrance of Pierson Park. Referencing sheets C401 and L01;
8. The road around Pierson Park is being reconnected due to the location of the fire station. As a result, off-site grading due to road reconstruction is necessary. In the areas that currently have mature trees, preserve as many as possible to be replanted and plant new trees southwest of the retaining walls along the park road. Referencing sheets C402 and L01;
9. Landscape the side door entrance – show on all plans;
10. Sec. 27-700(a) In the R-1, R, A-G, R-1(B), R-2, and R-2(B) districts, one tree per 7,000 square feet of site area for uses other than residences. Based on the total tract size, eighteen trees are required to be planted. This does not include the street trees to be planted along South 55th Street, or parking lot island trees. Maintain existing tree stands, as existing trees provide an enhanced buffer; One street tree shall be planted per thirty feet of frontage along South 55th Street;
12. Mechanical equipment or other utility hardware whether on the ground or on a building shall be screened from public view. Such screening shall be harmonious with building design and materials;
13. All utility connections (including BPU transformer boxes) shall be screened with landscaping. All utilities mounted on the wall shall be painted to match the building.

- a. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback 3 feet from the pad and 10-feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
14. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect the 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 the adjacent residentially zoned property shall not exceed a one-foot candle as measured from the said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures;
15. All deciduous and shade trees shall be at least a two-inch caliper when planted. Evergreens shall be at least six feet in height when planted. Shrubs shall be at least five gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers);
16. All landscaping shall be irrigated;
17. 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](mailto:signpermits@wycokck.org) to begin this process;
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 [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
19. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by [info@wycokck.org](mailto: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;
20. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable; and,
21. Site improvements that include land disturbance activity on greater than one 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.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve Plan Review Application PR2021-039, subject to the stipulations. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Davis, Stites. Commissioner McKiernan was unavailable.

**ITEM NO. 2 – 211459...PLAN REVIEW APPLICATION PR2022-008 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Preliminary Plan Review for Homefield Perfect Game Fields at 1501 North 90th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** This item was previously heard with Special Use Permit Application Item No. 7 - SP2022-024.

**ITEM NO. 3 – 211463...PLAN REVIEW APPLICATION PR2022-009 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Preliminary Plan Review for Homefield Training Center at 9020 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** This item was previously heard with Special Use Permit Application Item No. 8 - SP2022-025.

**ITEM NO. 4 – 211489...PLAN REVIEW APPLICATION PR2022-011 - AUSTIN LAGE WITH BHC RHODES**

**Synopsis:** Preliminary Plan Review for truck maintenance facility at 700 Kindelberger Road, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** This item was previously heard with Special Use Permit Application Item No. 11 - SP2022-031.

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

**ITEM NO. 1 – 211471...ORDINANCE**

**Synopsis:** An ordinance rezoning property at 449 North 86th Street (COZ2021-035), from R-1 Single Family District to A-G Agriculture District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:**        **ORDINANCE NO. O-41-22**, “An ordinance rezoning property hereinafter described located at approximately 449 North 86th Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1 Single Family District to A-G Agriculture District.” **Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

**ITEM NO. 2 - 211472...ORDINANCE**

**Synopsis:** An ordinance rezoning property at 9300 Leavenworth Road (COZ2022-004), from MP-2 Planned General Industrial District to R-1 Single Family District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:**        **ORDINANCE NO. O-42-22**, “An ordinance rezoning property hereinafter described located at approximately 9300 Leavenworth Road, in Kansas City, Kansas, by changing the same from its present zoning of MP-2 Planned General Industrial District to R-1 Single Family District.” **Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

**ITEM NO. 3 - 211474...ORDINANCE**

**Synopsis:** An ordinance rezoning property at 1342 North 126th Street (COZ2021-050), from A-G Agriculture (WYCO) and CP-2 Planned General Business Districts to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-43-22**, “An ordinance rezoning property hereinafter described located at approximately 1342 North 126th Street, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture (WYCO) and CP-2 Planned General Business Districts to CP-3 Planned Commercial District.” **Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

**ITEM NO. 4 – 211475...ORDINANCE**

**Synopsis:** An ordinance vacating right-of-way at 4600 Parkview Avenue (VAC2021-010), submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-44-22**, “An ordinance vacating right-of-way located at approximately 4600 Parkview Avenue.” **Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

**ITEM NO. 5 – 211476...ORDINANCE**

**Synopsis:** An ordinance authorizing a Special Use Permit to allow for auto storage and auto maintenance at 1037 South 26th Street (SP2021-045), submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-45-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the

Unified Government of Wyandotte County/Kansas City, Kansas, to allow an auto storage and auto maintenance at 1037 South 26<sup>th</sup> Street.” **Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

#### **ITEM NO. 6 - 211474...ORDINANCE**

**Synopsis:** An ordinance authorizing a Special Use Permit to keep two horses at 1315 North 86<sup>th</sup> Street (SP2021-046), submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-46-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, to keep two horses at 1315 North 86<sup>th</sup> Street.” **Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

#### **ITEM NO. 7 – 211479...ORDINANCE**

**Synopsis:** An ordinance authorizing a Special Use Permit for on-site grading at 4100 and 4315 Ann Avenue, 949 North 41<sup>st</sup> Street and 3801R State Avenue (SP2022-002), submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-47-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for on-site grading at 4100 and 4315 Ann Avenue, 949 North 41<sup>st</sup> Street and 3801 R State Avenue.” **Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,”

Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis.  
Commissioner McKiernan was unavailable.

#### **ITEM NO. 8 – 211480...ORDINANCE**

**Synopsis:** An ordinance authorizing a Special Use Permit for the continuation of a private indoor firearm shooting range at 3327 North 7th Street Trafficway (SP2022-008), submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:**        **ORDINANCE NO. O-48-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of a private indoor firearm shooting range at 3327 North 7<sup>th</sup> Street Trafficway.” **Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

#### **ITEM NO. 9 - 211481...ORDINANCE**

**Synopsis:** An ordinance rezoning property at 2822 West 43rd Street (COZ2022-002) from R-1(B) Single Family District to R-2(B) Two Family District, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:**        **ORDINANCE NO. O-49-22**, “An ordinance rezoning property hereinafter described located at approximately 2822 West 43rd Street, in Kansas City, Kansas, by changing the same from its present zoning of R-1(B) Single Family District to R-2(B) Two Family District.” **Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

**ITEM NO. 10 - 211482...ORDINANCE**

**Synopsis:** An ordinance authorizing a Special Use Permit for continuation of live entertainment at an existing drinking establishment and restaurant at 6550 Kaw Drive (SP2021-083), submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** **ORDINANCE NO. O-50-22**, “An ordinance authorizing a Special Use Permit pursuant to Chapter 27 of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas, for continuation of live entertainment at an existing drinking establishment and restaurant at 6550 Kaw Drive.” **Commissioner Bynum made a motion, seconded by Commissioner Stites, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, Ramirez, Johnson, Kane, Markley, Stites, Davis. Commissioner McKiernan was unavailable.

**MASTER PLAN AMENDMENTS****ITEM NO. 1 – 211461...MASTER PLAN AMENDMENT MPL2022-006 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Master Plan Amendment from Low Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 1501 North 90th Street, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** **This item was previously heard with Special Use Permit Application Item No. 7 - SP2022-024.**

**ITEM NO. 2 – 211462...MASTER PLAN AMENDMENT MPL2022-007 - CURTIS PETERSEN WITH POLSINELLI**

**Synopsis:** Master Plan Amendment from Low-Density Residential (City-Wide Master Plan) to Planned Entertainment (City-Wide Master Plan) at 9020 State Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design.

**Action:** This item was previously heard with Special Use Permit Application Item No. 8 - SP2022-025.

## **PLANNING AND ZONING NON-CONSENT AGENDA**

### **CHANGE OF ZONE APPLICATIONS**

**Brett Deichler, UG Clerk,** said first we have Change of Zone Application on the Non-Consent Agenda, Change of Zone Application that runs concurrently, it's 2021-051 with Mr. Mark Moberly. It's also concurrent with Vacation Application VAC2022-001 and Plan Review Application 2021-028. I'll turn it over to staff prior to the public hearing and those need to be voted on separately once we close the hearing.

**Mayor Garner** said I'll ask staff to make some opening remarks.

### **ITEM NO. 1 – 211441...CHANGE OF ZONE APPLICATION COZ2021-051 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP**

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

### **VACATION APPLICATION ITEM NO. 1 – 211443...VAC2022-001 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP**

**Synopsis:** Vacation of right-of-way at 10 South Hallock and 525 Central Avenue,  
and

### **PLAN REVIEW APPLICATION ITEM NO. 1 – 211444...MASTER PLAN AMENDMENT MPL2021-028 – MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP**

**Synopsis:** Master Plan Amendment from Urban Density to High Density Residential (Central Area Master Plan) at 10 South Hallock, 525 Central Avenue and 529 Central Avenue, submitted by Gunnar H. Hand, Director of Planning and Urban Design. The applicant, Mark Moberly, with Sunflower Development Group, wants to rezone 525 Central Avenue, 529 Central Avenue and 10 South Hallock Street from R-1(B) Single Family and CP-0 Planned Nonretail Business

Districts to RP-6 Planned High-Rise Apartment District to build a 142-unit, six story over two story parking garage apartment building (eight stories total) on 1.09 acres at 10 South Hallock Street, 525 and 529 Central Avenue. The Planning Commission voted 6 to 1 to recommend approval of Master Plan Amendment MPL2021-028 and Change of Zone Application COZ2021-051, subject to:

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

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

The site is 1.09 acres, which requires eleven trees, nineteen additional shade trees and 148 shrubs per the zoning district;

17. All overstory trees shall be at least two-inch caliper when planted. All ornamental trees shall be at least two-inch caliper when planted. All evergreens shall be at least six feet when planted. All shrubs shall be five gallons when planted;
18. All landscaping shall be irrigated;
19. All trash and recycling receptacles shall be enclosed on all sides with an opaque wall or fence constructed of the same materials as the primary structure. The screen must be a minimum of six feet in height on all sides. When possible, the enclosure's gate shall face away from streets or adjacent land uses. All screening materials must be well maintained at all times;
20. Additional landscaping is necessary to screen the surface parking lot from South 6th Street;
21. The bulb-out on South 6th Street should incorporate a bioswale;
22. All utility connections, this includes green electrical boxes and freestanding electrical meters must be screened with landscaping or an architecturally designed screen wall. All utilities mounted on the wall must be painted to match the building. Rooftop mechanical equipment shall be screened from public view by an architectural screen;
23. All electrical meter banks, typically on the side of the building shall be screened from public view;
24. BPU transformer pad shall be completely screened on three sides with 6-foot junipers setback three feet from the pad and ten feet from the door opening. Additionally, if the transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the gate/enclosure shall be constructed in front of the transformer;
25. Mechanical equipment or other utilities whether on the ground or mounted on the building shall be screened from public view. The screening shall either be dense landscaping with a minimum of six-foot evergreens or an architectural wall constructed from the same materials as the main building;
26. Satellite dishes shall not be erected on the exterior of patios and decks. Banks need to be provided for satellite dishes on apartment units. They need to be hidden from view from the public streets and the public;
27. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning and Urban Design at (913) 573-5750 or [signpermits@wycokck.org](mailto:signpermits@wycokck.org) to begin this process;
28. Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building

Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620; and,

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

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

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

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

**Mike Farley, Department of Planning and Urban Design,** said these three planning entitlements are offered the same request, to construct a multi-family development at several

addresses including 10 South Hallock, 525 Central Avenue, and 529 Central Avenue. As listed here, there will be 142 units and it'll be a 6-story building with additional 2 stories of parking for a total of 8 stories on approximately a one-acre parcel.

**Mayor Garner** said I'll ask the applicant to present his application.

**Mark Moberly, Applicant**, (held technical difficulties). said I would request to hold this matter over until April 28. **LaVert Murray, Economic Development Advisor**, said their request is to hold it over until April 28 and not have the public hearing tonight. The staff has the applicant's request in writing.

**Mr. Deichler** said Janet Parker from Planning is online with the information LaVert is referring to move this forward to the next April session, Janet.

**Janet Parker, Urban Planning and Design**, said I'm assuming you want us to read the applicant's request to hold over this case. Is that correct? **Mr. Deichler** said yes, that is correct, Janet. **Ms. Parker** asked, Mr. Farley, can you take care of that, please?

**Mr. Farley** said yes I can, Ms. Parker. I will read the request from the applicant for holdover. They say we're requesting to continue three items to the Thursday, April 28, meeting. These are due to several reasons which include

1. Determination that some of the parking we have in our project on the north side of Hallock cannot be counted towards the code-required parking count requiring the parking variance from the Board of Zoning Appeals. We're at BOZA on April 11 and since BOZA approval is needed to move the project forward, we prefer to have the approval prior to the Board of Commissioner's presentation.
2. We continue to engage with area stakeholders who have yet to provide support or opposition including the Strawberry Hill Neighborhood Association. These people and groups have provided their concerns and we want to take the time to talk through those concerns. This will take a little time.
3. Despite strong and vocal opposition, we still believe there is an opportunity for consensus, or at the very least, trying to set the facts straight and temper the opposition or convert people to supporting our project. We'd like to take the next four weeks to continue engaging with the neighborhood.

**Mayor Garner** said I believe this item has been set aside, but as an order of business, I will now open up the public hearing. I'll ask the Clerk if he received any notification from the public who wish to express their comments in favor of this item.

**Mr. Deichler** said, Mayor, we're checking. There were four people waiting. If it was going to be continued, they were going to wait until next month. We've sent a text to verify if they need to speak now, but it doesn't look like at this time they're wanting to speak. They're wanting to speak when it comes back next month in April. Seeing none at this point, basically.

**Misty Brown, Chief Counsel**, said Mr. Moberly is online and he could be promoted to speak to this if he wants, but my understanding, he's asking to hold this over. At this point, you can have a public hearing on the feasibility of do you want to hold over the item or not; but if everyone agrees that it's held over, then we could then move to a vote to hold these items over and have the public hearing when it comes back again in a month.

**Mayor Garner** asked, do we all understand that?

**Mr. Deichler** asked, Chief Counsel, are we still on one vote for all, or is it three separates now to make them held? **Ms. Brown** said we need to have three separate votes, but at this point, we can have the discussion about the feasibility of holding it over since that is the applicant's desire.

**Mayor Garner** asked, on what was read, is there any discussion from the Commission?

**Action:** **Commissioner Bynum made a motion, seconded by Commissioner Stites, to hold over Change of Zone Application COZ2021-051 to April 28, 2022.** Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

**Mayor Garner** said, Clerk, the next item in regard to this. I believe we had three items. **Mr. Deichler** said it'll be VAC2022-001. **Mayor Garner** asked, is there a motion or discussion rather to—Legal Counsel, help me out here.

**Ms. Brown** said, Mayor, since this is all the same process you could entertain a motion immediately.

**Action:** Commissioner Markley made a motion, seconded by Commissioner Kane, to hold over Vacation Application VAC2022-001 to April 28, 2022. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

**Action:** Commissioner Markley made a motion, seconded by Commissioner Ramirez, to hold over Master Plan Amendment MPL2021-028 to April 28, 2022. Roll call was taken and there were ten “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

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

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

#### **PLAN REVIEW APPLICATION ITEM NO. 2 – 211443...MASTER PLAN AMENDMENT MPL2022-001 - TIM KATES WITH REMCO DEMOLITION LLC**

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

recommends approval of Change of Zone Application COZ2022-001 and Master Plan Amendment MPL2022-001, subject to:

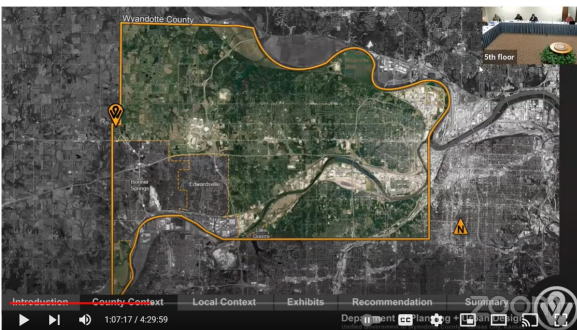
1. The property shall be restricted to CP-3 uses and activity, with the filing of a deed with the Register of Deeds Office, with the exception of the equipment and material staging and laydown yard. No use shall be permitted or so operated as to produce or emit smoke, dust, fly ash, gas, odorous emission, vibration, concussion, noise greater than 80dB(A), or industrial waste.
2. All uses involving the storage, handling, se, or sale of hazardous and/or highly flammable or explosive materials (group H occupancies as defined by the International Building Code) shall be prohibited unless approved by Special Use Permit and approved by any other stipulation as stated in Section 27-469(4).
3. If approved, a retro-active building permit on the outbuilding shall be required or the existing permit shall be verified as approved status.
4. If approved, screening on the property's perimeter shall be maintained and enhanced where appropriate.
5. Trees shall densely wrap around the perimeter of all sides of the property, be planted at the top and on slopes, and always seek to replant those trees lost due to the development. Trees shall be replanted where needed along the corner of State Avenue and North 142nd.
6. All deciduous and shade trees shall be at least two-inch caliper when planted. Evergreens shall be at least six feet in height when planted. Shrubs shall be at least five gallons when planted. Throughout the development, there shall be a variety of deciduous and evergreen trees in addition to native grasses and plants (wildflowers).
7. Any equipment visible from the public right of way or near fencing shall be removed or relocated to where fully concealed from public view.
8. Existing fencing and gated entrance shall be maintained.
9. The apron shall be continuously maintained as an improved surface of asphalt or concrete. Please contact the Public Works Department for more information at Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700.
10. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on the adjacent residentially zoned property shall not exceed a one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by [buildinginspecton@wycokck.org](mailto:buildinginspecton@wycokck.org) to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.
12. Site improvements that include land disturbance activity on greater than one acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations

(Article XIV, Sec.8-610 through Sec.8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620.

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



**Mike Farley, Urban Planning and Design**, said both this change of zone and master plan amendment are being requested in order to allow for a lay-down lot on State Avenue on the far western edges of Wyandotte County right by Leavenworth County. It is currently a C-3 District. This does not allow for the outside storage that the applicant is requesting. However, one of the conditions of approval of this change of zone is that all other uses will have to comply with the C-3 Heavy Commercial District. The master plan amendment, as well, from Planned Commercial to Industrial. Again, it's just to fit that change of zone and make sure that both are in compliance with each other within the Piper-Delaware Area Master Plan.





**Andrea Weishaubt, 2300 Hutton Rd.**, said kind of go over this very, very briefly. Am I able to share my screen at all? **Mayor Garner** said we don't believe so, but you can continue. **Ms. Weishaubt** said this is just like you said, a change of zone to...

**Mr. Deichler** said, Mayor, may I interrupt. I'm not sure this is the right petitioner here so we need to verify that we have the right person for the right item. We need her to repeat her name and the item she's speaking to.

**Mayor Garner** asked, can you repeat your name? **Andrea Weishaubt** said I am speaking about the property off of 142<sup>nd</sup> and State Avenue. I'm representing the applicant; I'm representing Tim Kates. We came up with this site plan and the layout for this site.

**Mr. Deichler** said, thank you. This is the correct applicant. **Mayor Garner** said you can continue with your statement.

**Ms. Weishaubt** said on this property here, the plan is to create a lay-down yard to have some machinery in there, improve the drive entrance to concrete, and add some screening around the south and west and north sides where there's not currently screening, and kind of get rid of some of the—there's a shed on site that we're going to get rid of. It's a little bit run down and just doesn't look very nice overall. I'm going to get rid of that. Just going to add some nice features, some fencing that we can kind of shield, again, from the public eye there, and just kind of create a lay-down yard for our client.

**Mayor Garner** said thank you. Does that conclude your statement?



**Ms. Weishaubt** said yes. I believe there were some questions about traffic as well the last time we were here. I know that the traffic is going to be very minimal. While there are six trucks that will be stored on site, six large trucks, some trucks that can move heavy equipment, there are only three drivers available for those trucks. In the mornings you would have three drivers leaving the site headed south on 142<sup>nd</sup> Street and accessing State Avenue going west only to turn around. In the evenings, there would be three drivers accessing 142<sup>nd</sup> Street, again, from the south. No traffic headed north on 142<sup>nd</sup> Street from Nebraska and no traffic leaving 142<sup>nd</sup> headed east. All that traffic would head west from 142<sup>nd</sup> and so that would kind of alleviate the safety issues, the safety concerns of traffic along that road.

**Mayor Garner** opened the public hearing and asked the Clerk if he's received any notification from other people who wish to express their comments in favor of this item. **Mr. Deichler** said no notifications, but we do have two people in the lobby with their hands raised.

**Hank Chamberlain** said I'm a co-owner of the property immediately to the east of this adjoining on the east side of the subject property. My brother-in-law and I acquired that property 25 years ago or thereabouts.

In the image that's on screen, it's the property in the red boundary next to this. We acquired that for a commercial purpose, and we're delighted that we already had the commercial zoning. Shortly thereafter, the KDOT and the UG came by and improved 24/40 and took away our direct access whereupon we cannot use the property for the originally intended purpose. Since that time, we have been unable to sell it because of the commercial zoning and we're surrounded with industrial applications. We've got a body shop that parks wrecked cars outside to the east and we've got the subject property to the west. There's commercial/industrial buddings across

the highway from us. There are steel buildings across 142<sup>nd</sup> Street on the agricultural property there.

No one is going to come into that property of ours—is going to acquire that property of ours with no direct access and erect a masonry commercial building. We’ve got the same problem they had on this other property zoned commercial. It’s killing us. I’m 77 years old. My brother-in-law’s older than I am. **Ms. Sparks** said, sir, you have one minute remaining.

**Mr. Chamberlain** said we’d like to get out from under this thing and we’re never going to be able to do it unless we get rid of that commercial zoning and can sell it for a use that’s compatible with the surrounding uses. We very much support the application before you. Thank you.

**Mr. Deichler** said, Mayor, there’s no one else at this time. **Mayor Garner** said thank you. Clerk, have you received any notification from the public who wish to express their comments in opposition? **Mr. Deichler** said no requests were received, Mayor. **Mayor Garner** said no one from the public speaking in opposition? **Mr. Deichler** said seeing none.

**Mayor Garner** said if there are no further comments or questions from the public, I’ll close the public hearing. Would the petitioner like to make any closing comments?

**Ms. Weishaubt** said no, I don’t think so at this time.

**Mayor Garner** asked, does any member of the Commission have any questions or comments?

**Commissioner Kane** said this is the very first thing you see when you come into Wyandotte County. When you’re—the location where they’re working out of now is not very pleasing to the eye. I realize that there are some buildings out there that are well maintained that are currently out there across the street. I’m not sure that I want the first thing somebody sees when they come into Wyandotte County from the west is the lay-down yard. I want something positive there and this might be positive for these folks but what about the people—the guy across the road already has his house for sale, so what’s that going to do? You’ve got a lay-down yard that’s not pleasing to the eye and then when you come into Wyandotte County somebody says boy, doesn’t that look good. That’s my concern, Mayor.

**Commissioner Burroughs** said the question I would have of staff is there are concerns about barbwire that's visible around the entire facility. Is that allowed within the city? **Mr. Farley** said with the change of zone, I will have to reference the M2 code, but I do believe the barbwire wouldn't be allowed.

The next question I have is, I read the report in reference to the amount of damage that could be done to the roadway by these 12,000 pound trucks with the numbers of them leaving and the engineer says the roads could handle it. I guess my question would be here we, once again, have an intersection on State Avenue and 142<sup>nd</sup> Street that would really cause complications to turn left out of 142<sup>nd</sup> St. My question would be, was there an engineering study or safety study done in reference to the stacking of vehicles or the potential stacking of vehicles on 142<sup>nd</sup> St. if they were to try to turn left and if multiple vehicles, particularly two of the large trucks, were trying to turn left onto State Avenue at a higher rate of speed by the traffic going east and/or west?

**Mr. Farley** said I'm unaware if there was a traffic study related to the staking of the vehicles, however, there was an assessment from the County Engineer that stated even vehicles of that weight could be driven along both State Avenue and Nebraska Avenue, that both roads are built to take such axel weights.

**Commissioner Burroughs** said thank you for that answer. The second part of the question was on the photos that we're seeing, Nebraska heads up to, I don't know the number of the road, I'm going to guess maybe 140<sup>th</sup> Street that dead ends on the southside close to State Avenue. So, the only way the trucks could leave or would be able to leave the lay-down yard would be to come out onto Nebraska, take a left turn, come up to State Avenue. Now, they have committed to taking a right turn, but I would share with you that I think for all safety purposes, there should be a no left turn sign at the corner of State Avenue and 142<sup>nd</sup> Street, and quite possibly at the corner of Nebraska and 142<sup>nd</sup> Street.

142<sup>nd</sup> Street is a residential road. It leads to properties that head to Parallel Avenue and at least no heavy trucks beyond that point if you can't go no left turn. This has been a concern of the residents that live in that area, and I believe it's a high safety issue in reference to traffic control dealing with high speed on State Avenue.

**Mayor Garner** asked, does that conclude your comments?

**Commissioner Burroughs** said, so, I guess my question would be if there hasn't been a traffic study conducted or a safety study conducted on that corner, I might suggest to my colleagues that we hold this over and get additional information and either get the study or send it back to Planning and Zoning and ask them to consider putting no heavy trucks past the corner of Nebraska and/or no left turn on the corner of State Avenue and 142<sup>nd</sup> Street.

**Commissioner Kane** asked is that a motion? **Commissioner Burroughs** said that's a motion. **Commissioner Kane** seconded.

**Action:** **Commissioner Kane made a motion, seconded by Commissioner Burroughs, to hold over Change of Zone Application COZ2022-001 and Master Plan Amendment MPL2022-001 for additional information and a traffic/safety study.**

**Mr. Deichler** said, Mayor, if I may. Before we move, the petitioner wants to respond.

**Ms. Weishaubt** said we are more than happy to meet that requirement of no left; no right turns off of 142<sup>nd</sup> Street onto—I'm sorry, no right turns off of Nebraska Avenue onto 142<sup>nd</sup> and no left turns off of 142<sup>nd</sup> and State Avenue. We will be happy to provide those signs, put those signs up. We agree with you 100% on that and happy to adhere to that.

**Commissioner Burroughs** said, if I may, I would ask Legal, can we allow a private business to put signs up and then enforce that or do we have to do that as part of our codes and ordinances?

**Misty Brown, Chief Counsel**, said that's a great question, Commissioner. Citizens could put some signs up in their yard, but to be enforceable, this is something that the Unified Government would have to do through a traffic study and to put them up there so that they could be enforceable.

I do want to clarify. I believe I heard your motion to say you wanted to hold it over and have a traffic study done. Is that correct, because this matter has already been sent back once, so hold over motion the reasons that you set out would be appropriate. I wanted to clarify that's good.

**Commissioner Burroughs** said, I, too, appreciate counsel guiding us on that. My motion was to hold it over to get these issues addressed. I do appreciate the conferee willingness to do that. I just want to ensure that should those signs go up, that they can be enforced. That's the only way it's going to have meaning if there's an enforcement process to it.

I've made my motion; it's been seconded. Mayor, that's all the questions and comments I have. I do know that prior to taking occupancy of that building, I see that there's a building inspection needed. I would assume that that is moving forward as we speak.

**Mayor Garner** asked, staff, can you answer that?

**Mr. Farley** said, again, I apologize. I just asked the Commissioner to repeat his question so I can understand where we're at.

**Commissioner Burroughs** said I believe before occupancy can occur in that building, that there has to be a building inspection conducted. Has that process started?

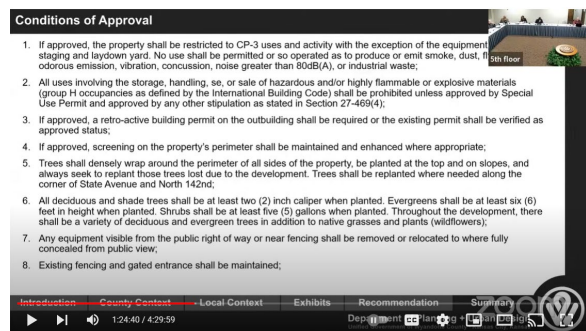
**Mr. Farley** said you're correct. A building occupancy inspection would need to be conducted. As far as I know, that has not started yet. Typically, these sorts of things can be done after approval is granted and before anything else is published or approved so the effectiveness can still be kept in check while the—so the change of zone doesn't actually go through before it passes its inspection.

**Commissioner Burroughs** said thank you, and just for clarification and I beg the time of my fellow Commissioners. I know this is a little long-winded here, but this is an issue. It's been stated as a safety issue. There's a welcoming to our community issue in reference to the visuals that will occur there. We already have a resident that's put their home up for sale. There's a building permit requirement. It's been mentioned about the properties that are owned by this applicant in another part of our community. I have visited that site twice, and I am very disturbed by what I see on that property. I guess the message I would send to the applicant is, be mindful that we do have codes and there will be individuals, I'm sure, watching to see how the care of that property is handled. I would hope that the applicant is mindful that that is the entrance to our community and will be responsible for how they take care of that property.

With that, we do have a motion, Mr. Mayor. That's all the questions and comments I have. Thank you, everybody.

**Mr. Deichler** said as a reminder, we do need to take this as one separate vote for COZ2022-001. The master plan that's attached to it will take a separate vote as well.

**Action:** **Commissioner Burroughs made a motion, seconded by Commissioner Kane, to hold over Change of Zone Application COZ2022-001 and Master Plan Amendment MPL2022-001 for results of a traffic study to be paid by the applicant.**



**Commissioner McKiernan** said, Mr. Farley, hang on a second. I've just got a couple of questions for you. It goes back to what Mr. Chamberlain has said. I'm looking at the zoning map right now and he talked about properties on the south side of State Avenue. That's the city of Bonner Springs, correct? **Mr. Farley** said yes.

**Commissioner McKiernan** said and the city of Kansas City, Kansas zoning code does not apply there. Is that correct? **Mr. Farley** said yes, Commissioner, that's correct, on the south side.

**Commissioner McKiernan** said he also mentioned industrial uses. Now, I'm going to key on that. You mentioned industrial uses. As I look at the zoning map, everything here is CP-3. I thought in CP-3 on that block from 139<sup>th</sup> to 142<sup>nd</sup>, between State and Nebraska, we've got AG north of Nebraska and then east of 139<sup>th</sup> there's a C-1, there's R-1, and a couple more CP-3s, right? I don't see any that I would consider, from our code, industrial zonings there. Am I reading that wrong?

**Mr. Farley** said, Commissioner, you are correct that there are no other nearby industrial zoning districts within Kansas City, Kansas. We cannot see it on the map. I can go back and reference it, but the zoning in Bonner Springs across the street, adjacent to State Avenue, is

industrial. They've expressed, or they've stated that this would be consistent with their zoning across the street.

Commissioner, if I may point out that while the change of zone is for an industrial district, it will simply be for a lay-down yard. It has to meet that outdoor storage requirement and all other uses must comply with the CP-3 district per the conditions of approval. I can pull that slide out as well if you'd like to see that.

**Commissioner McKiernan** said no, that's fine, I appreciate that. Now, I understand the reference to nearby industrial would talk about the south side of State Avenue because everything is CP-3 on that block.

One question, I have no idea, I have to confess, the property that's to the north of Nebraska, between 139<sup>th</sup> and 142<sup>nd</sup>, is zoned agricultural. Is there anything in our code that speaks to an agricultural zoning next to a commercial or industrial zoning or is that allowed?

**Mr. Farley** said in the zoning code tonight I will also—after I get my answer—I can defer to the Legal Department if they have any further insight, but to my understanding, there is nothing in the zoning code that prohibits an agriculturally zoned property to be adjacent or across the public right-of-way from industrially zoned property within industrially zoned property district codes. There are screening requirements that the applicant is being held to. So, again, their uses are being held to CP-3, but their screening is being held to that higher M-2 Industrial Zone. That's as far as I could give on that answer.

**Commissioner McKiernan** said so as far as we know then, as long as they comply with all of the requirements of the zoning and any stipulations that might be put on relative to screening, etc., then those two properties should coexist fine.

**Mr. Farley** said yes, that was correct, Commissioner. **Commissioner McKiernan** said perfect, thank you.

**Commissioner Stites** said so this is more for staff. Has there been any subsequent inquiries about industrial change of zoning applications since this applicant has been brought forward from other land owners?

**Mr. Farley** said to my knowledge, there has not been any additional inquiries. Again, well, I guess this case has been heard several times, so we would have a chance for feedback; but

to my knowledge, no, nothing in the area has—no other property has requested a change of zone to industrial. **Commissioner Stites** said thank you.

**Commissioner Bynum** said I just want clarification of Commissioner Burroughs' motion. I understand the motion, but the request was a traffic study, is that right? Are you asking the applicant or us to complete it?

**Commissioner Burroughs** said I believe that should be done and conducted by us and the purpose of doing that would be to ensure that it is an accurate study that we can, as a body, accept as a valid study and at the same time, meet the safety concerns that were brought up in reference to the signage and the enforcement of the potential signage at that intersection.

**Commissioner Stites** said I think the other thing that I would like, the applicant said as of right now, there are three trucks. That doesn't answer or address future expansion. This is a large lot. I don't know how big it could possibly be, but three trucks currently with the potential of how many? I don't know. The impact on those roads could be greatly increased.

**Commissioner Burroughs** said I apologize for taking another bite at the apple here. I guess my concern would also be that this lay-down yard, in order to get the lay-down yard, they have to apply for the change of zone, but they can presently utilize the facility under the zoning presently for their equipment and storage as long as it's not heavy equipment. My question would be, why they want to move their heavy equipment there when they already have a facility in another part of our community that, as I stated, is not in the best of conditions. If they wanted to have a lay-down yard, I would assume that might be one they would want to consider and not worry about a change of zone here and we have everything resolved with moving forward. That was just a comment. If the conferee would like to answer that.

**Mayor Garner** asked, did you have a question for the petitioner? **Commissioner Burroughs** said yes. **Mayor Garner** asked, could you ask that again?

**Commissioner Burroughs** said this is to the conferee. Would you consider leaving your lay-down yard in your prior location in Armourdale?

**Ms. Weishaubt** said that's a really good question, Commissioner. We're not going to try to deny that the other site is in bad shape. We know that. I would kind of—I guess for lack of better terms, kind of compare that to if I were to try to downsize my 2,000 sq. ft. home to a 1,000 sq. ft. home. Things get cluttered and clutter turns into mess very quickly before you even realize it, and that's exactly what's happened down there. We got cluttered and then we got messy, and we know that. We're going to fix that. We have plans in place. I know that I can't do my share screen, but I do have some things that I can send you guys that show that our plans in place to do cleanup down there.

This current facility is a quarter of the size of the facility that we were wanting to move to. A lot of the things would be stored inside that building. That building footprint is 9,000 sq. ft. where we want to move to on one level. It is a three-level building inside of there. It would leave a lot of room for us to be able to store a lot of the things that you see outside at the current facility inside at the new facility and clean that up quite a bit, as well as doing a better job. We know we have to do a better job of keeping track of having screening up, getting rid of our trash, making sure that we don't have bushes growing up on our fences and things like that, and keeping it a nice community. Like you said, it is the first thing you see when you pull in. We do have a good hillside there that would help screen that a little bit, and we plan to do a better job.

Again, I know that the current facility has gotten a little bit away from us, and we're not trying to deny that. We do have plans to clean it up. Our plan to move out here is to give us the space we need so we don't have the clutter that then turns into a mess because it does. If you have a home, that clutter can very quickly turn into a mess before you even realize it.

**Commissioner Burroughs** said thank you for acknowledging the fact that the yard is in the shape that it's in, but I don't know that it got to the question about the lay-down yard opportunity there versus out west to the extent of satisfaction, but I belabored the question. I thank you for your response. I believe, Mayor, that there may be a comment moving forward. I know we have a motion and a second. Mayor, I'm done with my questions unless any other conferees.

**Commissioner Kane** said I would hope that Planning and Zoning would get a little better of getting us more information prior to the meeting and spell out better what's going on than what

we've been given. I want to see your plan. You can send it to me, please. Most of the time we have more questions than we do answers, so I would like a more thorough review sent to us.

**Mayor Garner** said there's a motion on the floor to hold this item over for traffic study. Clerk, can you clarify really quick? We've got two items that need to be voted on. Can you go back and refresh us?

**Mr. Deichler** said yes, sir. COZ2022-001 is the item that the motions are pending against. The plan review application is MPL2022-001 which will need a motion and second and voted on as well.

**Mayor Garner** said the motion on the floor for the first item that the Clerk just mentioned was to holdover for a traffic study. I'm going to let our Administrator speak to that briefly before we get into that vote.

**Cheryl Harrison-Lee, Interim County Administrator**, said, Commissioner, in regard to the traffic study, my recommendation would, if a traffic study is going to be completed that the applicant pays for that traffic study. If the city is going to retain someone or the UG is going to retain someone to do that, that be at the applicant's cost.

**Mayor Garner** said we have a motion to hold this over for a traffic study. Did we want to add that as well?

**Commissioner Burroughs** asked, would I need to change the motion to include the cost of the traffic study?

**Ms. Brown** said, Commissioner, you can amend your motion to include the recommendation by our County Administrator that the applicant pay for the traffic study and so long as your second also agrees with your amendment and we can proceed.

**Commissioner Burroughs** said I would ask the second. **Commissioner Kane** said yes. **Commissioner Burroughs** said I would ask that the traffic study is paid for by the applicant, that we have a chance to review to ensure that it meets all the criteria that we set.

**Mayor Garner** asked, Commissioner Burroughs, just for the record, could you restate your amended motion for the record?

**Action:** Commissioner Burroughs made a motion to send Change of Zone Application COZ2022-001 back for discussion in reference to a traffic study and signage to determine the traffic study on 142<sup>nd</sup> and State Avenue, to be paid for by the applicant and reviewed by our Public Works Department, and for a holdover.

Commissioner Burroughs said it's a long-winded motion, and I know my second's going to second it, but I believe it's important that we get it straight so that'd be my motion.

**Action:** Commissioner Kane seconded the motion.

Mayor Garner said we have a motion and a second. Is there any discussion on this matter? Seeing none, roll call.

Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Davis. Commissioner Stites abstained.

Mr. Deichler said we need to have a motion and second for MPL2022-001 for Tim Kates with Remco Demolition as well.

**Action:** Commissioner Burroughs made a motion, seconded by Commissioner Kane, to hold Master Plan Amendment MPL2022-001 over until we get the results of the traffic study.

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

Roll call was taken on the motion and there were nine "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Davis. Commissioner Stites abstained.

## **VACATION APPLICATION**

### **ITEM NO. 1 – 211443...VACATION APPLICATION VAC2022-001 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP**

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

**Action:** This item was previously heard with Non-Consent Agenda Item No. 1 - Change of Zone Application COZ2021-051 and Master Plan Amendment MPL2021-028.

## **PLAN REVIEW APPLICATIONS**

### **ITEM NO. 1 – 211444...MASTER PLAN AMENDMENT MPL2021-028 - MARK MOBERLY WITH SUNFLOWER DEVELOPMENT GROUP**

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

**Action:** This item was previously heard with Change of Zone Application Item No. 1 – COZ2021-051.

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

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

**Action:** This item was previously heard with Change of Zone Application Item No. 2 – COZ2022-001.

**Mayor Garner** said that concludes the Planning & Zoning portion of tonight's meeting.

**Mr. Deichler** said that takes us to the Public Hearing Agenda.

## **PUBLIC HEARING AGENDA**

### **Item No. 1 - 211430...PUBLIC HEARING: 2023 UNIFIED GOVERNMENT BUDGET PRIORITIES AND 2022-2026 COMMUNITY DEVELOPMENT CONSOLIDATED PLAN**

**Synopsis:** Conduct a public hearing to receive comments on budget priorities for the 2023 Unified Government Budget and the Community Development Department 2022-2026 Consolidated Plan.

**Mayor Garner** asked the Clerk to read the statement required for the public hearing.

**Brett Deichler, UG Clerk,** read the statement required for the public hearing.



**Kathleen VonAchen, Chief Financial Officer,** said we're making a brief presentation prior to opening up the public hearing.



This year, we're looking to fund our future. As you know, the shared goals of the Commission are these seven goals of improving infrastructure, reducing blight, increasing public safety and our perception of safety, improving community health, economic prosperity, customer service,

**March 31, 2022**

and community cohesion. These Commission priorities help define our internal priority-based budgeting exercise among department staff and align spending to policy goals.

We're also looking to be mindful of the community survey that was conducted back in 2020 and is currently being compiled. We've recently updated that survey, and those survey results will be presented to you later next month. As it stands now, the highest emphasis for improvement from our residents back in 2020 was to maintain our city streets, followed by addressing planning and zoning issues and code enforcement, and to improve our communication with the public.

As a result of this public hearing on our budget, we're also providing an opportunity for neighborhoods and residents to tell us what they think should be happening with our budget, so we're going to offer a number of budget sessions in various neighborhoods. I'll talk about those in more detail later in this presentation.

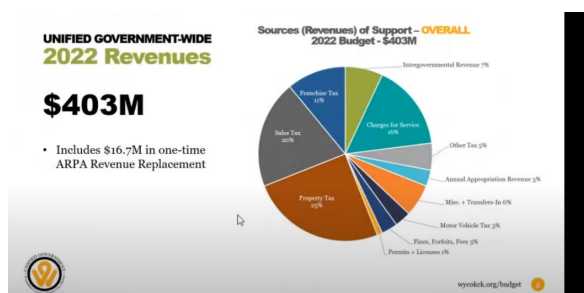


As you know, we have a property tax that funds a substantial portion of our budget. This is how those property tax dollars are spent. As you know, because we are a county, we're responsible for administering all of the property tax for all the entities in Wyandotte County including the Kansas City Public Schools and Kansas City, Kansas Community College.

This is a breakout of a dollar bill and what percentage of your property taxes relate to each of those entities. As you can see, 46% of your property taxes are collected by and spent by the Unified Government, while the other 54% of your property tax dollars are spent 1% for the state of Kansas, 7 cents for the library, and 30 cents to the Kansas City, Kansas Public Schools and then Kansas City, Kansas Community College. Of course, this tax dollar splits out differently depending on where you live, but this is an example for those residents who live in the Kansas City, Kansas Public School District.

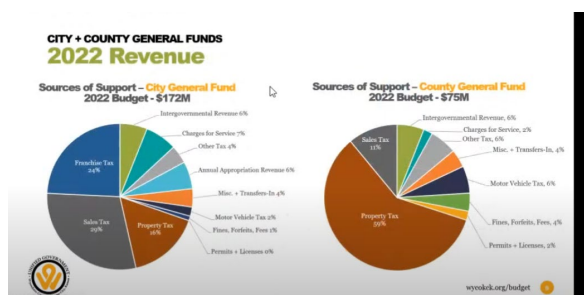


I'm going to review the financials for 2020 to give you some idea of where we are sitting right now.



So, the 2022 revenues, that's the current fiscal year in which we're currently operating. The total budget or estimated revenues is \$403M. Of that \$403M, \$16.7M of it is what they call one-time ARPA revenue replacement. That means that that ARPA revenue replacement will not be reflected in the future 2023 budget. That's a one-time revenue.

Overall, the sources of revenue that support our operations: 25% of it is from property tax; 20% of it is from sales tax; 11% of it is from franchise taxes, which we often refer to as the BPU PILOT; 7% of that is intergovernmental revenues, and that includes the ARPA revenue replacement that we'll no longer be receiving in 2023; 16% of it is from charges for services such as trash service and water pollution control and storm water fees. There are other taxes that we receive in the amount of 5% of the total. Then these various others include permits and licenses, fines and forfeitures at 3% of the total, motor vehicle tax at 3%, and so on.



So, of the total \$403M, the two largest funds are the City and the County General funds. This is a split of their revenues.

On the city side, \$172M is estimated to be received by the City General Fund. Of that fund, 16% of the total revenues of the City General Fund come from property tax, 29% comes from sales tax, and franchise tax for the PILOT is 24% of the total revenues. Whereas, on the county side, which is estimated to receive \$75M, property tax is the largest revenue source for the County General Fund at 59% of the total followed by sales tax at 11%.

**GENERAL FUND**  
**City**

Fund balance reflects ARPA lost revenue replacement still to be allocated as part of the 2022 Amended Budget

| KANSAS CITY, KS GENERAL FUND      |                               |                                |                               |
|-----------------------------------|-------------------------------|--------------------------------|-------------------------------|
|                                   | FY2021<br>Amended<br>Budget * | FY2021<br>Estimated<br>Actuals | FY2022<br>Adopted<br>Budget * |
| Revenues                          | 164,492,793                   | 161,511,099                    | 159,202,434                   |
| Transfers-In                      | 2,326,000                     | 2,326,000                      | 2,326,000                     |
| <b>Subtotal: Sources</b>          | <b>\$166,818,793</b>          | <b>\$163,837,099</b>           | <b>\$161,528,434</b>          |
| Expenditures                      | 128,135,594                   | 154,995,180                    | 160,959,028                   |
| Transfers-Out                     | 944,480                       | 3,051,070                      | 944,480                       |
| <b>Subtotal: Uses</b>             | <b>\$129,080,074</b>          | <b>\$157,146,150</b>           | <b>\$161,903,508</b>          |
| Net Change in Fund Balance        | 7,738,699                     | 6,690,949                      | (\$66,074)                    |
| Cash Basis Ending Fund Balance    | 30,057,383                    | 31,018,224                     | 30,649,120                    |
| Accrual Basis Ending Fund Balance | 44,156,904                    | 43,117,745                     | 42,748,641                    |
| 17% Minimum Target Reserve        | 28.4%                         | 27.5%                          | 26.4%                         |

\*Excludes annual appropriation debt reserve of \$10 M

www.kck.org/budget

The City General Fund, we're providing some updated information on how we performed last year which ended on December 31, 2021. The total budget for the 2021 budget total revenues were, for the City General Fund, \$166.8M. We were estimated to spend about \$159M. We were anticipating a net change between revenues and expenditures of \$7.7M, but instead, what actually happened was that actuals came in at \$163.8M and we only spent \$157.1M, which resulted in a net difference that added to our fund balance of \$6.6M.

As a result, the ending cash balance increased from the prior year to this year. Now we're at the end of last year 2021, we have an ending fund balance or ending cash balance in the City General Fund of \$31M, which represents 27.5%. The ending reserve is roughly 27.5% of total expenditures in the City General Fund.

For 2022, the adopted budget, the estimated revenues are \$161.5M. We're expected to spend \$161.9M for a slight use of fund balance at the end of 2022, which is the current year we're in. We're anticipating that we will, at the end of 2022, if we collect all these revenues and we spend all these funds, we'll end up with a cash balance of \$30M, which represents 26.4% of our reserves, 26.4% of the expenditures.

I did want to point out that we're anticipating a decline in revenues in 2022 and that's because the ARPA revenue replacement was lower in 2022 than it was in 2021.

2022 AMENDED / 2023 PROPOSED BUDGET

**GENERAL FUND**  
**County**

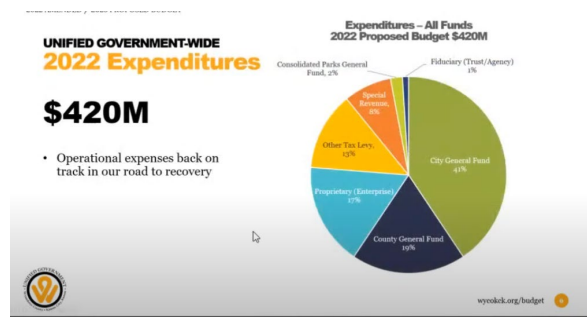
- Anticipated growth will sustain county operations

|                                   | FY2021 Amended Budget | FY2021 Estimated Actuals | FY2022 Adopted Budget |
|-----------------------------------|-----------------------|--------------------------|-----------------------|
| Revenues                          | 75,201,166            | 76,863,800               | 75,002,339            |
| Transfers-In                      | 0                     | 0                        | 0                     |
| <b>Subtotal: Sources</b>          | <b>75,201,166</b>     | <b>76,863,800</b>        | <b>75,002,339</b>     |
| Expenditures                      | 70,728,364            | 66,396,502               | 75,086,090            |
| Transfers-Out                     | 1,728,018             | 1,728,018                | 2,008,018             |
| <b>Subtotal: Uses</b>             | <b>72,456,382</b>     | <b>68,124,520</b>        | <b>77,094,108</b>     |
| Net Change in Fund Balance        | 2,704,584             | 8,709,280                | <b>(2,091,759)</b>    |
| Cash Basis Ending Fund Balance    | 8,045,014             | 14,049,710               | 11,957,951            |
| Accrual Basis Ending Fund Balance | 10,499,030            | 16,503,726               | 14,411,997            |
| 17% Minimum Target Reserve        | 14%                   | 24%                      | 19%                   |

wyock.org/budget

We have the same table for the county. The county's budget for last year, we estimated that we'd collect \$75M and ultimately ended up collecting \$76.8M, so that was a little higher. We expected to spend \$72.5M in '21, but we ended up only spending \$68M. That results in a net change to the fund balance of a positive \$8.7M. That resulted in our reserve being roughly 24% of the total expenditures, so that's better than what had been budgeted previously.

In the current fiscal year for 2022, we're anticipating receiving \$75M and spending \$77M. We are going to use a little fund balance, \$2M of it. So, the results that we're expecting to end a cash balance of \$11.9M, which the fund balance is anticipated to be 19% of the total expenditures in the current fiscal year.



The total expenditures of the entire Unified Government were budgeted at \$420M. These expenditures are operational expenditures that we've budgeted in order to get us back on track to our road to recovery from the pandemic. Of these total expenditures, they're broken up by fund category. Of the \$420M, 41% of it is the City General Fund which is where all of resources that are not restricted by state statutes are deposited into the City General Fund. That's where most of our operational costs are incurred for Police and Fire, and Parks and Rec, and so forth.

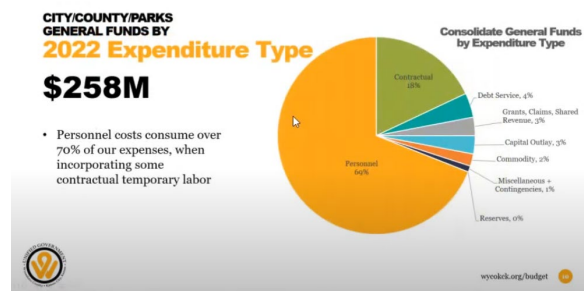
The County General Fund has 19% of the total expenditures. That's where most of our county administrative functions are happening, including operations of the jail, the Sheriff, and our many other county functions. 13% of the total expenditures are for other tax levies such as

mental health, the Health Department, Developmental Disabilities, our outstanding debt both on the city and the county side, and well, a number, Aging, Election, so there's a number of other tax levies.

Proprietary Funds or Enterprise Funds are 17% of the total and that includes sewer and stormwater, our golf enterprise, and a number of other enterprise funds.

Special Revenue Funds are those funds that are provided to us by the state and also some other special tax revenues that we have to separately report, and they're called Special Revenue Funds.

Our Consolidated City and County Parks General Fund only reflects 2% of the total expenditures.



Of the \$420M, we've identified just the City, County, and the Parks General Funds here in this graph. As you can see, it is broken up by expenditure type. So, of those three, Consolidated City, County, and Parks General Funds, totals \$258M. Nearly 70% of the total expenditures are for UG staff to provide services to our residents; 4% is for debt service; 18% is for contractual services, which include the ATA transit services that we provide for our residents and senior citizens; the trash contract; and those sorts of contractual obligations.

2022 AMENDED / 2023 PROPOSED BUDGET

**UNIFIED GOVT & BOARD OF PUBLIC UTILITIES (BPU)**

**Long-Term Liabilities**

- Bonded debt supports the capital needs of the entities

|                                              | FY2020<br>Unified Govt | FY2020<br>BPU      | FY2020<br>Total      |
|----------------------------------------------|------------------------|--------------------|----------------------|
| Govt Bonded Debt                             | 292,443,371            | --                 | 292,443,371          |
| Utility Bonded Debt                          | 130,470,895            | 684,032,714        | 814,503,609          |
| EcoDevo Bonded Debt*                         | 186,821,319            | --                 | 186,821,319          |
| <b>Subtotal: Bonded Debt</b>                 | <b>609,735,585</b>     | <b>684,032,714</b> | <b>1,293,768,299</b> |
| Net Pension Liability                        | 215,269,317            | --                 | 215,269,317          |
| Retiree Health (OPEB) Liability              | 134,607,829            | 50,925,542         | 185,533,371          |
| Compensated Absences                         | 48,818,278             | 8,108,600          | 56,926,878           |
| Other Long-Term Liabilities                  | 24,981,830             | 4,566,680          | 29,548,510           |
| <b>Subtotal: Other Long-Term Liabilities</b> | <b>423,677,454</b>     | <b>63,600,822</b>  | <b>487,278,276</b>   |
| <b>Total: Long-Term Liabilities</b>          | <b>1,033,412,839</b>   | <b>747,633,536</b> | <b>1,781,046,375</b> |

\*Economic Development Bonded Debt are limited obligations paid for by revenues generated by the development project

wysocki.org/budget

One area that I was requested to provide information on is the long-term liabilities of the Unified Government. We've provided the information not only for the Unified Government, which is this column here, but also the BPU which is an administrative agency of the Unified Government although they operate under a separate elected body, and then the total in this last column.

The long-term liabilities are basically broken up by the level of bonded debt or government-bonded debt that we have. Those are all debts that we owe to bondholders and then other long-term liabilities such as our pension, retiree health liability, as well as compensated absences such as vacation, sick leave, and some other long-term liabilities.

As you can see here, the bonded debt is broken up into three categories. The first one is this general governmental debt. This debt is basically for improvements to our facilities and to roads and those sorts of things. The utility bonded debt is specific to proprietary or enterprise funds so that's Water Pollution Control and stormwater, but it's also on the BPU side for the debt that they have outstanding on their electric and water utilities.

The Economic Development bonded debt are all the economic development projects that have had bond issues in the past. All of this bonded debt of \$186M is paid back from revenues that are generated from the development projects in which the bond issues were done.

The total for the UG, in terms of bonded debt, is \$610M, whereas on the BPU it's \$684M, for a total of \$1.3B.

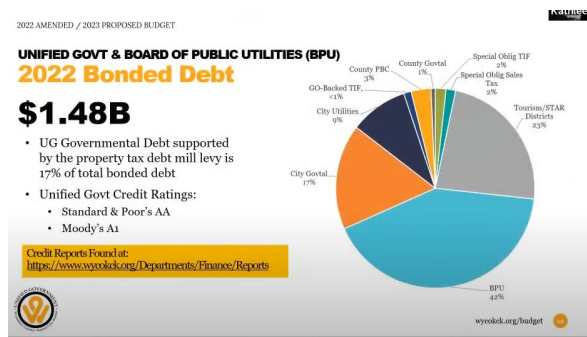
The net pension is a liability that the Unified Government has and it totals \$215M at the end of 2020. This is the most recent information we have at this time. We're in the middle of doing our audit so when the audit is completed, we can update these figures for 2021, but this is the most recent from our CAFR.

The BPU does have a pension, but it's fully funded so there is no long-term liability, so you see that that's a zero here.

Retiree health is a liability that both the UG and the BPU have. This is for providing health insurance and other post-employment benefits to our retirees. The state statute requires that we provide this health insurance coverage to our retirees up to the age of 65, so that's what this liability is at present.

Then the compensated absences are for sick leave and vacation for our roughly 2,300 employees. The BPU has a much lower compensated absences because they have far fewer employees.

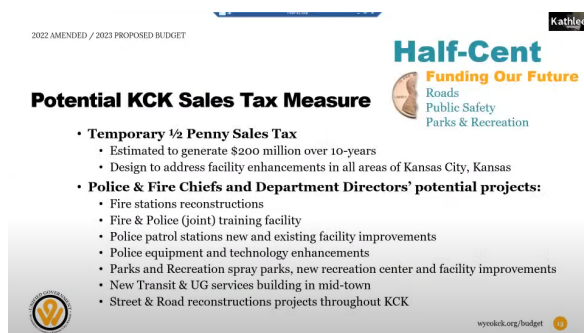
In total, the long-term liabilities of the Unified Government amounts to \$1B, where the BPU is \$747M for a total of \$1.78B. All of these are reflected on our balance sheet.



I wanted to break out a little bit more information on our bonded debt, not only for the Unified Government, but also the BPU. Jumping forward to two years, as of the current year for 2022, the bonded debt totals \$1.48B. Here are the various categories. The BPU's total bonded debt at the end of 2022 is estimated to be 42% of the \$1.48B. The Unified Government's, just only governmental debt, which is for roads and facilities, amounts to 17%. The amount of bonded debt that is related to city utilities like the storm and the sewer amounts to 9% of the total bonded debt.

The STAR bonds and tourism and other tourism and STAR districts amounts to 23% of the total bonded debt. All that debt is paid for from the revenues generated from the projects.

The Unified Government, just to remind everyone, the Unified Government's credit rating from Standard and Poor's is AA, and Moody's is A1. You can find the credit reports on our website, on the Finance Department website, if you want to get more information.



There's one initiative that the Mayor and staff have been working on that we'd like to provide just some information on in order to get some feedback from our residents. That's a potential

Kansas City, Kansas sales tax measure. What's being considered is a temporary half-cent penny sales tax. If we were to put this sales tax or half-penny sales tax in place, it would generate about \$200M over the next 10 years. We're calling it a temporary tax because it would only be in place for 10 years. It's designed to address the facility enhancements and other projects that are badly needed for our aging facilities and road infrastructure, and it's designed to address all of the areas across the entire Kansas City, Kansas boundary.

We've worked with our Police and Fire chiefs and our department directors to identify potential projects which include fire station reconstructions, Fire and Police, which we would create a joint training facility, police patrol stations, both new and existing facility improvements, better police equipment and technology enhancements, spray parks, new recreation centers, facility improvements for our Parks and Recreation Department, and a new transit and UG services building in the midtown area, as well as extensive street and road reconstruction projects throughout the Kansas City, Kansas area.

2022 AMENDED / 2023 PROPOSED BUDGET

**Potential KCK Sales Tax Measure**

**PROS**

- Obtain resources to address aging facility repair needs
- About half new sales tax revenue would come from non-residents
- Temporary tax that ends in 2032

**CONS**

- Increases sales tax prudent on half the residents
- Sales tax revenue is a regressive tax
- Debt financing the projects increases our outstanding debt obligations

**Half-Cent**  
Funding Our Future  
Roads  
Public Safety  
Parks & Recreation

[www.kck.org/budget](http://www.kck.org/budget)

As information, we wanted to provide you some pros and cons to doing this potential sales tax measure. The pros, of course, are that we obtain the resources to address aging facility repair needs. We have estimated that roughly about half of the new sales tax revenue that this sales tax would generate, about half of it would actually be coming from sales transactions undertaken by non-residents. The other last pro is that it is a temporary tax that would end in 2032.

Some of the cons with the sales tax is that it would increase the sales tax burden on the other half of the residents. Often it's been talked about how sales tax revenue is a regressive tax because it's basically, well, if you have a household, for example, of four folks in your home and regardless of what your income level is, you probably spend about the same amount as you would at the grocery store regardless of how much your income is. A lot of times it's seen as a regressive tax because it isn't dependent on your total income; it's based on how much you spend. So,

there's certain fixed costs or certain costs that everyone incurs, similarly, regardless of your income.

The other thing is, if we were to use the \$200M in sales tax revenue and we ended up issuing debt to undertake these projects and do them more quickly because we would be issuing bonds up front to get all the money to move forward with doing all the projects as quickly as possible, if we did issue debt for a good portion of the \$200M, it would increase our outstanding debt obligations greater than what we've presented earlier.

2022 AMENDED / 2023 PROPOSED BUDGET

**Dotte Talk:**  
Community Conversations on the Budget & PBB

**Objective**

- To broaden our community engagement around the budget planning process.
- To introduce the community to our budget simulator tool and encourage participation with this new online tool.

| West                                                                                                              | East                                                                                                                     | Central                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Wednesday, April 20, 2022<br>6PM-8PM<br>Wyandotte County Museum<br>631 N. 12th Street<br>Bonner Springs, KS 66102 | Wednesday, April 27, 2022<br>6PM-8PM<br>Beatrice L. Lee Community Center<br>1310 N. 10th Street<br>Kansas City, KS 66101 | Saturday, April 30, 2022<br>9AM-11AM<br>Eisenhower Community Center<br>2901 N. 72nd Street<br>Kansas City, KS 66109 |

wyandotte.org/budget  
whatdoyouwanttoask.com

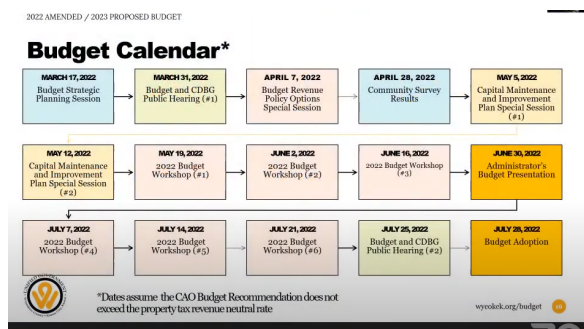
Back to the budget. Now one really great thing is number one, I wanted to point out that our Budget Office has done a lot of work to improve our communication on the budget. They've been putting out a lot of great information on Facebook and on our website, so you should check that out.

Another effort that we're doing is we're going to be doing some community conversations on the budget and priority-based budgeting. We're calling them Dotte Talk. The objective is to broaden our community engagement about the budget planning process and also kind of introduce the community to this new budget simulation tool that we've implemented and hoping that residents will participate in using this new online tool. The online tool, basically, will provide you a scenario. If you want to decrease taxes, then what areas of the budget would you have to cut to decrease the taxes, for example.

During these sessions, we're going to have three sessions: one on west side, east side, and then central. The basic questions we're going to ask are: What is one thing we should stop doing? What one thing should we continue doing? What is one thing that we should start doing? So, just some basic questions about what areas do residents feel we should be focusing more on.

The first session is April 20<sup>th</sup> at 6:00 at the Wyandotte County Museum. That's out on the west side of the Unified Government. Then April 27<sup>th</sup> we're going to have it at the Beatrice

Lee Community Center. Then April 30<sup>th</sup>, on a Saturday, from 9 – 11, at Eisenhower Community Center. We hope that you can all come and, of course, we're going to be sending out reminders to all kinds of folks on Facebook and Twitter and so forth so that we can get as many people to engage in these community conversations on the budget.



The last thing is we want to kind of go over the calendar, the budget calendar. This budget calendar is constructed assuming that the County Administrator's budget recommendation would not exceed the property tax revenue neutral rate. The reason is, if we did, if the Commission did decide to exceed the property tax neutral rate, then we would not have to submit the budget until sometime in September. If we were to not exceed, then the budget would be due roughly around the beginning of August. This assumes that we will not be exceeding the revenue neutral rate, so this is a more compressed budget calendar than we did last year.

We've already had our budget strategic planning session on March 17, and now we're undertaking the budget and CDBG public hearing. That's what we're doing now. Next Thursday we will be doing a budget revenue policy option special session to talk about our various revenue policies that have been discussed at the last planning session meeting.

On April 28<sup>th</sup>, we will have a presentation on the results of the community survey, all those surveys that the residents submitted in the past months. That's happening on April 28<sup>th</sup>.

On May 5<sup>th</sup> and May 12<sup>th</sup>, we are planning to do our special session on the CMIP or the capital budget. Following that, we're going to have a variety, in fact, we're planning on six budget workshops throughout the months of May and June and July.

On June 30<sup>th</sup>, we plan to have the County Administrator's recommended budget presentation, followed by more budget workshops. Finally, we're going to have our second public hearing on the budget on July 25<sup>th</sup> with, hopefully, adopting the budget on July 28<sup>th</sup>. That's the

calendar as it stands at the moment. At this point, I'm going to pass it back to the Mayor so that he can open the public hearing.

**Mayor Garner** said, thank you, Ms. VonAchen. I'm going to turn it over real quick to our County Administrator. I just want to reassure our commissioners that as part of that last slide that you are and will be involved in this budget planning process. Your voice, your interest, your vision, your thoughts, as well as your input, will be included. I'll let the County Administrator talk more in-depth about that.

**Cheryl Harrison-Lee, Interim County Administrator**, said we had Mr. Ed O'Malley to come for our strategic planning session. Next week you'll be hearing from Mr. O'Malley. He will be seeking your input on options or things that you'd like to see considered as part of this budget. We talked about that partnership of a three-legged stool: the community, the staff, and the governing body. So, we want to make sure that we get the input from the governing body.

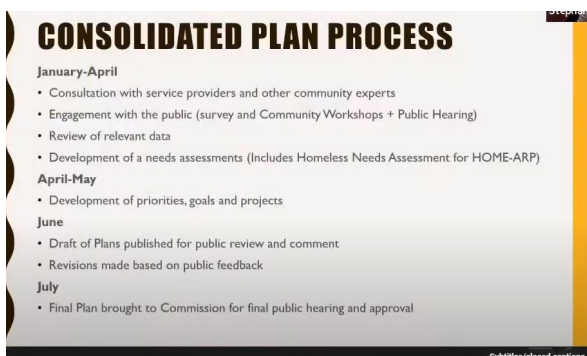
At the April 7<sup>th</sup> meeting, we will be presenting the input that you've provided to Mr. O'Malley along with the options that staff's working on. We will try to facilitate a session that will get us to narrowing down those options of the combined input from you, as the governing body, as well as the staff's recommendations.

**Mr. Deichler** said, Mayor, we do have Wilba Miller with her hand raised as well to comment. **Ms. VonAchen** said Wilba will make her presentation on the CDBG following the public hearing for the budget, I believe.

**Wilba Miller, Director of Community Development**, said this also serves as our first federally required public hearing for the Community Development Five-Year Plan. We have a few slides that I would like Stephanie Stauffer, who is coordinating that five-year plan process, make to you before the public is open for comment. **Ms. VonAchen** said, all right. Let's do that. **Mayor Garner** said you can go ahead, Ms. Miller. **Ms. Miller** said I'm turning it over to Stephanie Stauffer.



**Stephanie Stauffer, Program Coordinator, Community Development,** said as Wilba said, this year, we're completing our consolidated plan which is a five-year plan and consolidated application for the UG's three entitlement block grants that come from the U.S. Department of Housing and Urban Development. Those block grants are called Community Development Block Grant or CDBG, Emergency Solutions Grant or ESG, and Home Investment Partnership Program or HOME.

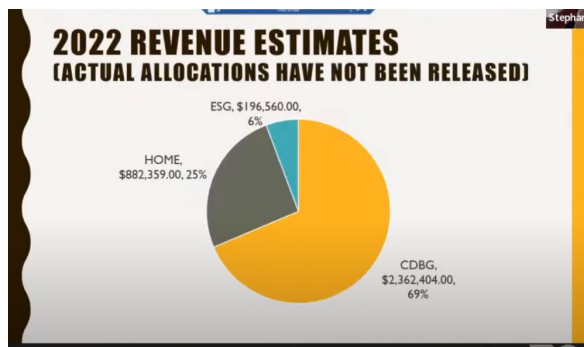


I'll talk a little bit about each of those programs in a minute. The consolidated plan cycle is a process that's regulated by the Department of Housing and Urban Development. We have taken a number of steps during that process, including the hearing this evening which must occur before we can develop any budgets for our grants.

**March 31, 2022**

This slide shows our planning timeline. We are working with a consultant called Mosaic Community Planning, and they began in January with the initial public engagement process which is wrapping up this week. We have held several consultation meetings with community service providers, community workshops with community members, focus groups with targeted populations, and we hosted an online survey. We're also reviewing census data, housing market data, and other completed local and regional plans to ensure that we're going to make community and data-informed recommendations for this grant funding that compliments other initiatives that are occurring in the city. We'll use all that input to develop a series of needs assessments.

In April and May, we'll begin drafting our priorities goals and our year one projects. We'll bring that draft to the Administration and Human Services Committee for review before we publish it in June. Once that draft is published in June, we'll begin another engagement process, so we'll gather more public input regarding the draft of the plan and make provisions as is needed. Then, after all that, we'll come back to the Commission one more time for another public hearing and we'll do adoption along with the UG budget. The consolidated plan must be submitted to HUD no later than August 15<sup>th</sup> or we risk the loss of grant funding.



This slide just summarizes our grant amounts based on last year's funding levels. Unfortunately, HUD has not released our amounts for 2022 yet, but we anticipate this soon.

Congress did pass the 2022 federal budget. After looking at that budget, we think we'll probably see a decrease in CDBG from last year, and that's because Congress included the community development initiative earmarks in the Community Development Fund, so CDBG went down because of that.

We may see an increase in ESG and HOME, but there's no way really to know until they run the formulas. We'll just have to wait and see what happens.

### ELIGIBLE ACTIVITIES

**CDBG:** Activities must serve those with low- to moderate-income (LMI)

- Public Services (capped at 15%)
- Housing Rehab
- Construction/Rehab of Public Facilities
- Public Infrastructure Improvements
- Economic Development

**HOME:** Activities must meet HOME Income Guidelines

- Construction/Rehab of affordable rental or home-owner housing
- Other home-owner assistance

**ESG:** Activities must serve those who are homeless or at-risk of homelessness

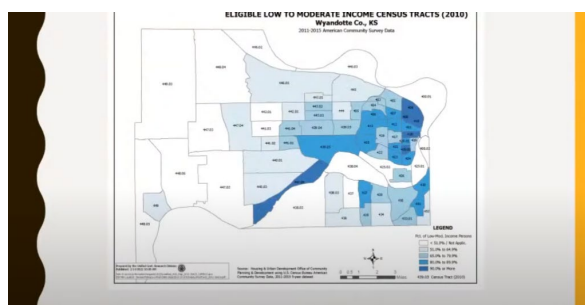
- Homelessness Prevention
- Rapid Re-housing
- HMIS/Data Collection System
- Street Outreach\*
- Emergency Shelter\*

\*Capped together at 60% of grant

Some of the eligible activities are listed here for each grant. CDBG activities must serve those who are low- to moderate-income, which means 80% or less of the area median income. Activities include public services, which are capped at 15% of the grant: housing rehab, construction or rehab of public facilities, public infrastructure improvements, and economic development activities.

The HOME Grant must serve a household to meet the HOME income guidelines. Those activities can include construction or rehab of affordable rental or homeowner housing or other homeowner assistance.

The Emergency Solution Grant activities must serve those who are homeless or at risk of homeless and those are definitions by the Department of Housing and Urban Development. Those activities can include homelessness prevention, rapid re-housing, HMIS/Data Collection System, street outreach, and emergency shelter. The emergency shelter and the street outreach activities are capped together at 60% of the grant.



This slide is just a map of the county. The highlighted census tracts represent census tracts that are predominantly low- to moderate-income households. The darker the blue, the higher the percentage of LMI households.



This slide just covers some of the more common and eligible activities with CDBG. While we can do infrastructure improvements, the maintenance of infrastructure or facilities is ineligible. We could do things like replacing or building a new road or a new sidewalk. We couldn't do things like fill potholes with CDBG as well as new construction of households, the general conduct of government, purchase of equipment, income payments, program participants, or the supplanting of other funds is generally ineligible.



These are just examples of some activities that we've done in the past with our current five-year plan. This first picture over here of this house is a house that was rehabbed using the CDBG Home Repair Program. You can see here that we have added an accessibility ramp to the front so the homeowner can access their home. This program also addresses critical systems like roofing, plumbing, electrical, and heating for income-qualified households.

This other image is some improvements at City Park that we did. That's a prefabricated bathroom that was installed using CDBG. We've done some other improvements at City Park as well in the last five years.



CDBG also funds services out of the Willa Gill Multi-Service Center. They've been a partner with us for quite some time providing those services there. Then our HOME Grant is used to develop housing for homeowners throughout the city. Here is a new home that was built. I believe it was Habitat for Community Partners that partnered with us to do that work.



All the comments that we receive this evening will be added to the comments that we've already received during our other input, and we'll take that into consideration as we start planning for the next five years. That concludes my portion of the presentation.

**Mayor Garner** said I will now open the public hearing and ask the Clerk if he has received any notification requests who wish to express their comments regarding this item. **Mr. Deichler** said we've not received any directly, but we do have one person in the lobby that wants to speak.

**Carolyn Wyatt, 359 Troop Ave.,** said I'm here to support Mayor Garner and the Budget Department in splitting the BPU PILOT and lowering the mill rate for the purpose of our taxes.

I also feel that community centers should have their own funds for operating. The bathrooms at the Beatrice Lee Recreation Center needs to be ADA-certified and wheelchair accessible. The crosswalk leading to the building at Beatrice Lee in the front has cracks in it that need to be taken a look at. The Boston Daniel Park on Quindaro needs to be upgraded. The

tennis court at Klammm Park needs to also be upgraded. I just want to say a few things about what needs to be taken care of in the community. Thank you for your time.

**Mr. Deichler** said, Mayor, we have two online that are wanting to speak.

**CeCe Manck** said I was listening to the first lady or the first lady who was explaining, but she was saying that she was having classes to understand the budget, but some people already understand the budget, like myself. I feel like some of the golf courses that are not used publicly that are using public funds, that should be split and put back in here or put back into the general budget instead of charging us taxes.

I also want to thank Ms. Wyatt for mentioning Klammm Park because I've asked since 2019 that that park be updated. It's historical. Black people were playing there with sticks and rocks before they had baseball bats. It should be put on a pedestal, but nobody does it. It looks like trash right now. I've been asking this since 2019 for that to be updated.

As far as the taxes go, I think that we need to redo the budget and look it over because there are certain places where there's money and financial things bleeding out of our budget. It's always been the Unified Government's forefront to say, okay, let's add another tax to the people. No, please. Can you please get some of the money back from the people that it's already going to that it shouldn't be? Thank you.

**Mr. Deichler** said seeing no others at this time.

**Mayor Garner** asked, is there anyone else that would like to comment?

**Mr. Deichler** said we do actually have another now online.

**Melvin Williams** said I'm in support of we need to update our parks and everything, but I don't want to do it at the expense of an extra tax to the people. What I would like to see personally, me personally—and it's just a trial run, right?

Let's try lowering the mill between one and three percent just for one year. Let's provide the numbers on that. If it works out in our favor, let's go for that, but we have to start off

somewhere. We, the residents, are tired of being the burden of everything that goes on around here as far as tax hikes. We get taxed too much around here, and the only thing that we have to show for it is out west.

I don't want my—when I come in here to the convenience store, where I'm at now, things just to go up in there, but I know that we can find a way within this budget to do some stuff around our community.

When new businesses come, let's stop giving them all these tax breaks and incentives. Let's work out a deal with them because at the end of the day, that still falls back on us, the residents of Wyandotte County. I think as far as the governing body could come up with a solution because there's something there that everybody can agree on. At the end of the day, we elect commissioners, but it's supposed to be a Unified Government and we're looking for a unified commissioning body. **Ms. Sparks** said, sir, you have one minute remaining. **Mr. Williams** said I'm done. Thank you.

**Mayor Garner** said thank you. Are there any further comments? **Mr. Deichler** said seeing none.

**Mayor Garner** closed the public hearing.

**Mayor Garner** asked, do any members of the Commission have any comments or questions to the staff's presentation.?

**Commissioner Ramirez** said thank you to staff for the presentation and thank you to community members who came out and voiced their concerns and their priorities as we go through this process. My stance still does not change.

From what I got from the sales tax, the cons are pretty strong; it's progressive. That means it's going to hurt the eastern part of our county, most are low-income, and it possibly will add more debt to the \$1.7B that we already have. Those are the two biggest cons that I got from the sales tax. Those two should be automatic red flags for us to wait, talk to the community, and get more of our finances in order. I don't see the rush. Let's take the time, not as staff, but as a governing body and go out into the community and talk to our constituents, educate them on what this money can go to, what it could possibly go to, but we need to take the time. As of right now,

we're on a very short time crunch because by the end of May, we have to have this ordinance or language approved so that it can get on the August ballot. It doesn't give us much time to go out in our community and get feedback and do education.

As I have stated, and as most of us have stated, we all want relief, tax relief for our constituents, but it needs to be strategic and not a drastic change to what we've been doing. What we've been doing might not be perfect, but it's a careful balance of what we have and what our community needs. As of right now, our community needs more than what we have.

I know I made the request last time for our Administrator to send a letter to all the taxing jurisdictions. It seems those conversations are already happening, but no notification was told to us that those conversations were happening already. I have an issue with that, a transparency issue because that is something we, as a Commission, multiple members have been asking for years to do, but no notification was given to us that those talks had already started. This is not a me, myself, and I budget. This is a we budget. This is a community budget.

On one of the first slides, it showed our priorities as a Commission and underneath, as a separate bullet, a community survey. Our priorities are the community survey. They're one of the same. We base everything off the survey because that is the true voice of what our community wants. I'm going to continue to follow it. I'm going to continue to find a way to find tax relief, but that is in a strategic way that won't put more tax pressure on the middle or low-income residents that are already feeling it post-COVID.

Now, I know that we can all work together to find that solution. I always say, and when we started, when I started myself, not even a subcommittee—when Commissioner Bynum and Commissioner Johnson and I originally started to talk with the Safe and Welcoming Committee Coalition, one thing I asked them all to do was compromise. That is the only thing you can do in government and in governing is compromise. It's a give-and-take. I ask that every member of this body to do such. Let's compromise and let's find that budget that is perfect for our community, not for us, but for the community. Thank you.

**Commissioner Townsend** said I would ask Ms. VonAchen to refresh my recollection. Maybe it may help some others too to talk about what it means when the term revenue neutral rate, I think, was discussed. This comes to the table; I think last year was the first time during our budget cycle that a change made at the state level required us to take a few different steps. I understand that

the presentation tonight presumed that we would be revenue neutral, but it seems as though—I'd like to also see an alternative date if that's been discussed or thought about in the event that the board elects not to go that route. At this point, I'm just interested in that information. It certainly would have repercussions if I'm thinking it is what it is on the government's ability to take advantage of new money, so to speak.

**Ms. VonAchen** said our thought is that we will have further discussions on revenue policies or policy actions that have been discussed during the April 7<sup>th</sup> session that we're planning for next week. Perhaps the Commission will weigh-in. There'll be more information on the impacts of doing a revenue-neutral rate and the Commission can have further discussions during that meeting. Those discussions will be ongoing.

The revenue-neutral rate is a result of Senate Bill 13 that passed last year in the state legislature. What it requires is that a city or county, in our case both, chooses to exceed the amount of property tax revenue that it was collecting. For example, in the current fiscal year, if they chose to exceed that property tax revenue amount, then a public hearing would have to be held for the Commission to vote to, in fact, exceed that number. Not only that, but it also requires that the impacts of exceeding the revenue rate are to be sent out to all the property tax owners so that they can clearly see what the impact or difference would be. The result, even though the mill rates would remain the same—for example, if you were to exceed the revenue-neutral rate and the mill rates would remain the same, an individual's property tax bill still increases because the market value of your home increases year over year. I think the legislature was trying to place a cap on the level of how much individual's property tax increases by passing the Senate Bill 13 law.

If the Commission were to decide to exceed the revenue neutral rate, a public hearing would have to be—that intent would have to be determined I think it's sometime in June. Then, at that point, then later on, a public hearing has to be held and then at which point the budget calendar would then be extended to September. If we were to not exceed the revenue-neutral rate, then the previous budget requirement to have the budget adopted by the end of July, or I think August 15<sup>th</sup>, would still be in place. That's why, at this point, we haven't received an affirmative decision from the Commission one way or the other, so we're just assuming that we're going to continue to do the budget process and that timeline with that budget adoption deadline the end of July or early August. Further discussions will take place and, of course, our County

Administrator, Cheryl Harrison-Lee, can offer more comments about her plans for having further discussions with the Commission on this topic.

**Mr. Deichler** said, Mayor, if I may. Can I clarify a couple of things on the dates for the timeline there since it comes out of the Clerk's Office where the June 15<sup>th</sup> date would be the date for clarification of whether to exceed or not? If you do not, you have—I think we've got a proposal of July 28<sup>th</sup> out there that's set right now, but the state has an August 25<sup>th</sup> timeline for that budget to be certified. That's in general. If you do exceed, you have August 20<sup>th</sup> to September 20<sup>th</sup> to hold your hearing. You have to have a 10-day notification to all participants in the public 10 days prior to that August 20<sup>th</sup>, so you've got that September 20<sup>th</sup> late deadline there. We set levees in the first week of August. That's your rough timeline based on yes or no.

**Mayor Garner** said thank you, Clerk, and thank you, Ms. VonAchen. Commissioner Townsend, did that conclude your questions?

**Commissioner Townsend** said I was saying this was a good startup for the revenue-neutral discussion, and basically just what it is and what it'll mean to us since we haven't had to go through this since last year. I'll just follow up later because I do recall that we kept the mill rate constant last year from the previous year even though the amount of taxes collected increased because value increased. I'm still a bit perplexed as to how we would remain revenue-neutral keeping the mill rate even constant as values go up.

**Ms. VonAchen** said I can explain. So, when they say you're going to remain property tax revenue-neutral, what that means is that even though a person's market value on their home continues to increase, the governing body would reduce the mills down so that the amount of revenue that we collect is the same as what we're collecting in the current year. Effectively, it reduces the mills down so that the revenue collected is the same as the current amount.

**Mr. Deichler** said if I may, Commissioner. Can I clarify that, Mayor, as well? **Mayor Garner** said go ahead, Clerk. **Mr. Deichler** said it's pretty simple. It's  $A \times B = C$ . I mean your max collections on your cap for what you collected last year, that's exactly right. If you have an increase in value, your levy will drop so you remain neutral on your collections at that point. It's a simple algebraic equation that's already in effect at this point. What needs to be decided is what is the actual collections looking like based on the budgetary requirements coming

into this. You will have a decrease in that multiplier being B if you so choose to keep that collection rate the same. That is what your revenue-neutral rate is about. We've got a fixed number on that so that's when you move into these conversations, you'll need to keep that in mind. It is a simple algebraic equation; it does divide for you. **Mayor Garner** said thank you, Clerk, and thank you, Ms. VonAchen. Thank you, Commissioner Townsend.

**Commissioner Davis** said I will be brief. I think we have a lot on our agenda that we still have yet to tackle. If I could at least throw out a suggestion that we kind of rethink how we want to do public hearings. I imagine that because this meeting has gone on for so long, some of the public engagement that we would have received has probably dwindled or a lot of people were discouraged because of how long it is taking to get to this point.

This can just be posed to the ARPA community engagement process which could—I mean, Ashley Hand, Krystal McFeders, and our communications team did a phenomenal job doing that community engagement. I think we have a model and I think that those folks right here, our own employees high-performing, we should probably look at replicating that to get better results for a public hearing for both CDBG and for the budget.

I agree with Commissioner Ramirez on the Commission needing to be brought in on the conversation with other taxing jurisdictions because, ultimately, the Commission will decide what will happen. I would hope in the future when we do have other public hearings, that they would be done a little bit better so that we get higher participation.

**Commissioner Johnson** said I just need to say a couple of things. I'm very tired right now. Ms. Carolyn Wyatt has been consistent in her requests for improvements to our parks and recreation centers, particularly east of 635. I want to go on record as supporting that, that we put some money into our failing infrastructures, particularly in our community centers. She identified Beatrice Lee and Boston Daniels, and those are very significant recreational facilities, and parks in our community that we have not done a good job of maintaining the integrity of their historic value to our community. So, I want to lean in on that that we figure out how we can get some money into those areas as we go through this budget process.

The second thing is relative to revenue-neutral. Mayor, I have volunteered and continue to volunteer my services to be a part of that dialogue with the other taxing jurisdictions. I think

that has to happen. If it has already happened, I'm not sure. It has been suggested that perhaps it has.

Before I would consider any lowering of the mill levy, I would need to know and, hopefully, be a part of that conversation to know what the priorities are. Not to suggest that they have to lower theirs, to be candid and open in terms of how we talk about lowering a mill levy, what that means to our citizens that we emphasize that we are talking about only 47% of one mill in terms of the decisions that we make here in this Commission. The other taxing jurisdictions make up the rest of it.

Again, I think we can have a strategic conversation, as already has been mentioned by Commissioner Ramirez, but one with those other taxing jurisdictions so that we can move, hopefully, together; that we can begin to tear down the silos and move, hopefully, in a position of unity. This has not happened thus far. I'm not sure as to why it hasn't happened over the years, but I think that needs to happen. Certainly, for me, I would not consider lowering of a mill levy until I was certain that that conversation has happened and would like to, again, be a part of that if at all possible. With that, I yield the floor.

**Commissioner Townsend** said I am in agreement with most of the comments that Commissioner Johnson just made, particularly with respect to engaging the other taxing entities. I've said this before to my constituents and others that the Unified Government, we, as Commissioners, only account for a portion of what is taxed to our constituents. I would hope that they would be open—we'd have to be open or they'd have to be open to looking at their mill levies. I mean, since I've been on in '13, this body has either held constant or decreased the mill levies that the Commission controlled and could do. We've seen already that when that happens it does not result, or has not thus far, resulted in the dollar amount that the constituents write as a check for their taxes.

I agree with Commissioner Johnson that all of the taxing entities have to be brought into this, and that everybody should be at the table and not exempt from looking at lowering.

That leads me to the other question going back to the revenue-neutral conversation. Does that only impact the Unified Government or also these other taxing entities as well since we are the tax collecting agency, but we only control a small part of that?

**Mayor Garner** asked, Ms. VonAchen, can you answer that question for Commissioner Townsend?

**Ms. VonAchen** said I'm not sure I caught the question in there. What was the question, sorry? **Commissioner Townsend** asked, would the revenue-neutral issue that we've discussed early also encompass things like or entities like the school board, the library board, and the junior college board, all of which levy their own taxes even though we collect them? We're merely the collecting and dispensing agency. Does the revenue-neutral issue that we're talking about only concern the Board of Commissioners or all taxing entities?

**Ms. VonAchen** said I'm not 100% sure whether the revenue-neutral rate legislation impacts the community college or the school districts. I'm going to have to defer to Legal on that question because I'm not remembering now.

**Misty Brown, Chief Counsel**, said excellent question, Commissioner Townsend. No, the revenue-neutral rate does apply to certain entities like the libraries. So, if the Unified Government decides—our decision to exceed or not to exceed affects other taxing entities that have to apply, will still have to give their notice to the Clerk by the deadlines if they intend to exceed it or not to exceed it, and then we collect it for them on their way. I think that was your question, what other entities have to comply with it. But the library boards do and other entities do as well, and so they'll have to send their notices to us and then we collect as instructed determining on what process they choose to follow.

**Commissioner Townsend** said thank you, Counselor. To me that just seems to indicate, as Commissioner Johnson requested, that we have to bring those other entities to the table because, again, we are only the collecting body for that, but our constituents oftentimes do not make that distinction. Thank you very much.

**Commissioner Burroughs** said I appreciate the conversation. The reason why you have a revenue-neutral rate is that property taxes have soared in our local communities, and we're very fortunate we still don't have the tax lid that was in place a couple of years ago. I will state this, I truly believe that going through our budget, there are ways in which to reduce the costs within our budget to provide revenue-neutral rate and/or mill levy reductions.

I'm willing to work with our Administrator and any other commissioners that are open-minded enough to sit down and make some tough decisions on what we feel are priorities. I believe there's room in this budget to cut enough mills that we can talk about property tax relief. Folks, we can promise the world to our constituents, but what we hear more than anything is

property tax relief, property tax relief, property tax relief. If we don't provide it, we will see an exodus out of this community. We will export our wealth, and that is not something we need to return to.

I stand ready to work with those that are willing to make bold decisions with the budget, and reposition our budget to provide us the revenue necessary to move forward and meet the challenges that we've had here tonight.

**Mayor Garner** asked, any other comments or questions? I'll make a comment. I just want to reassure the Commission that as we move through this budget process that your voice will be heard. Your input is going to be valued and part of this process and that's forthcoming.

A lot of ideas and thoughts are being put on the table about what best do we do for Wyandotte County. I believe for every problem that there is, there's a solution. I know that working together, and we are a Unified Government, we all care about this community. We wouldn't be here if we didn't.

I just challenge you, and I echo the sentiment of Mr. Burroughs, just the people I've spoken to taxes is their number one issue. You can talk about property taxes, you can talk about the PILOT, doesn't matter where you go in this town, at whatever income level, people talk about the high taxes, and they talk about BPU. That includes our neighbors, sister communities of Bonner Springs and Edwardsville, that often cry out loud to the Unified Government along with the rest of Wyandotte County saying that they want some relief.

I don't know what that looks like. I don't have all the answers, but that's why we're here as a unified body so we can have these hard conversations. That was the purpose of what is being presented to you today is to look at all the numbers, all the facts. Even what I put out last week giving you something to at least think about, converse about amongst yourselves, decide what you feel is best, and then make the hard choices and decisions that the people elected you for to hopefully move this community forward, but also be community-driven in addressing the needs most urgent for our community.

When you look at our debt, it's extreme in my opinion. You look at all the issues from infrastructure to our chiefs saying they need police and fire stations and our officers to keep this community safe, firemen and police officers need equipment. When you talk to parents that want better activities and resources for their kids and our recreation centers, as well as our seniors wanting places to go and activities to have.

When you look at our roads that are filled with potholes in a lot of different areas. Our infrastructure is crumbling in more ways than I can count as I drive around this community. There's a lot of hard decisions that are going to need to be made by this Commission, but I'm confident that we can do this together.

I know that there's a lot of talk about being involved in some meetings with the other taxing entities. That conversation has been had. That is forthcoming. Legal Counsel, could you speak to the open meetings and what that requires for elected officials, just briefly?

**Ms. Brown** asked, Mayor, just to clarify, are you just asking just a brief overview of the Kansas Open Meetings Act? Kansas Open Meetings Act has a provision if you have a majority of the Commission discussing matters, it needs to be in public where it can go into more intricate about it. Sometimes a serial meeting could take place where maybe one or two commissioners would send an email amongst themselves and then if that email was forwarded and where it becomes an interactive communication that is on government business, you could have an open meetings violation where you have a majority of the Commission discussing Commission business, but not in a public setting.

In order to comply, I think you've all seen on emails where I might send to the governing body and have a do not reply to this email when we are presenting information to each other. We do caution against replying to all 40 emails. This would also hold true for any type of interactive communication, even on Facebook, responding to each other's posts on government matters and also just having conversations with each other whether it's phone calls where you could share the information where a majority is having that discussion.

**Mayor Garner** said thank you. I say that just to reiterate that yes, meetings have been set up and I know we all want to be involved in those meetings. I trust our Administrator and I trust our staff. Some of the team that are in my office that as these meetings go on, the Commission, those of you that want to be involved, please let us know. Nothing is exclusive when it comes to this community. We are all one Unified Government. Everything is inclusive. If you want to be a part of that, keeping in mind with what our Chief Counsel just outlined in these conversations, please just let us know. We do want your input. We do value your input because at the end of the day, this Commission has to vote and has to make a decision. We're all going to have to respect that decision.

I just want to reiterate the point that I started this conversation with is that please work hard as we move through this budget process, if you can, to find ways to address some of the concerns that the community continues to cry out and say what they want from this Commission and that is tax relief. That is looking at our PILOT and then trying to find innovative and creative ways to address some of our infrastructure needs, our facility needs, and our equipment needs. There's a variety of ways that I've been talking to our Administrator and I'm sure she'll share that with you as this budget process goes along to get, hopefully, to where we all can agree on or at least you can agree on.

I'm willing to work with you, to support you, to be an advocate for this Commission because we all have to work together. I'm excited about where we go on the things that we can do. For those that may think this isn't about me, it's about what we can do together. It's about what we have to do together to make Wyandotte County better for everyone.

Let's just be mindful of some of the poor folks in this community that are struggling with their utilities and how that impacts them. Those are the ones that cry out the most when you talk about BPU PILOT. Those that are on fixed incomes that struggle with property tax. Businesses that may otherwise want to come here, but when they look at our taxes, our fees, our bureaucracy as well as our BPU, they choose to go elsewhere. Businesses that are here that I've talked to are telling me they're considering leaving.

I posed this question in a meeting with our Administrator and Wyandotte County, to me, is a jewel with awesome people, and it is just ready to hopefully do great things in relation to the greater Kansas City metropolitan area. We've got a lot of people that have worked really hard and continue to; awesome people that have struggled and continue to fight in their neighborhoods doing really awesome things. We owe it to them to work together and to come and find real solutions to some of the problems that impact their lives. They've asked for that and this Mayor believes that they deserve that.

I know some of the numbers that you see can kind of be overwhelming whether it's the numbers that have been presented for mill levy decreases or the revenue-neutral rates, the debt. I've specially told our Administrator to give you all that information, and there's more information to be had that she's still working on, because when you go through this budget process, I really want you all to have all the information you need to make an informed decision

collectively on what you all feel, as a unified body, to what's best moving forward, at least in this budget cycle, for Kansas City, Kansas.

**Commissioner Ramirez** said I just have a request and then we can move on. My request is that those conversations with the taxing jurisdictions not just include some of us, but all of us. If we can talk about our taxes here in the open, so should the other taxing jurisdictions as well. That should be an open public meeting where every member of the governing bodies are at the table having a conversation and the community hearing and listening. That's my request because we owe it to them to be open in that manner.

**Commissioner Stites** said I agree, Commissioner Ramirez. We've said that about, I don't know, 500 times now that we want to include the taxing entities, the other taxing entities; and yet, not one time have we heard anything about how we're going to do that. We talked about KOMA, we've talked about Kansas Open Meetings, we've talked about how—you know what, I think we need to figure out here and tonight how do we include those other taxing entities. Get them in the same room so that we can talk about their slice of that dollar bill. We can talk about how we're willing to hold the mill levy or reduce the mill levy, but we need to know, just like Commissioner Johnson, what are your intentions? What are you going to do with your slice of that dollar bill?

To say that conversations are being had is fine, but I think we need to really look at how we get in the same room, I said this before, cuss and discuss. I'll leave out cuss, just discuss how we can get to where we need to be so that we can truly understand where everybody's at in this next budget process.

**Mayor Garner** said thank you. I will work on that, Commissioner Ramirez and Commissioner Stites. We will invite and see if we can get everybody in one room. I don't know what that looks like. I'll work with the Administrator on trying to work those logistics out to get us in a space if those taxing committees are willing to come to the table with us and talk in an open forum.

Yes, I believe in transparency, and I believe that's something that should occur because we all do need to be on the same sheet of music. That was a thought even behind even trying to initiate those conversations with our partners. I think that would give you all some context of

where they're at and a better context of where you all need to proceed moving forward as you navigate through this budget process.

Thank you all and I'm looking forward to this budget process. There'll be more opportunities for the public, for those that are watching, to weigh-in as we go through this budget process. I encourage those that did want to speak tonight to not get discouraged. There are going to be more opportunities for you to connect not just with this Mayor, but your commissioners and staff in these forums to really bring forward the issues that are most important to you. So, thank you, thank you all.

**Action:**        **The public hearing was held.**

**Item No. 2 – 211342...PUBLIC HEARING/RESOLUTION: COMMUNITY DEVELOPMENT 2021 ANNUAL ACTION PLAN SUBSTANTIAL AMENDMENT #1**

**Synopsis:** Presentation of proposed 2021 Annual Action Plan Substantial Amendment #1, submitted by Stephanie Stauffer, Director of Community Development. On February 28, 2022, the Administration and Human Services Standing Committee, chaired by Commissioner Markley, voted unanimously to approve and forward to full commission.

**Stephanie Stauffer, Program Coordinator, Community Development,** said this is a pretty straight forward request. I don't have a presentation or anything with slides, but the department is proposing that \$400,000 in 2021 CDBG Funds be reallocated from a public facility project in the Park Drive NRSA area to a public facility project to address the habitability of the county's only domestic violence shelter which is run by Friends of Yates. It's critical that this facility continues to serve one of Wyandotte County's most vulnerable populations. The remaining \$170,000 for 2021 NRSA projects will go toward improvements at City Park to include a disc golf course. To make these changes to our annual action plan we have to hold a public hearing. We also have to publish amendments for 30 days and take public comments during that time. This was also heard by our standing committee in February. That concludes our presentation. I yield the floor.

**Mayor Garner** opened the public hearing. Clerk, have you received any notification from the public who wish to express their comments regarding this item? **Mr. Deichler** said none were received, Mayor. **Mayor Garner** asked, is there anyone present who would like to speak on this item that we've missed. If so, please raise your hand to be recognized. Once you've been acknowledged, provide your name and city of residency for the record. You will be given up to three minutes to state your comments. Is there anyone else who would like to comment? **Mr. Deichler** said seeing none at this time. **Mayor Garner** said if there are no further comments from the public, I'll close the public hearing.

**Mayor Garner** asked, do any members of the Commission have any questions or comments?

**Commissioner Stites** said I appreciate what we're talking about along with the disc golf course, but there were items that were brought up from the public and from the commissioners tonight that talked about deferred maintenance or maintenance that hasn't occurred on tennis courts, Klam Park, Boston Daniels, and I know there's some more. I'm just asking is there an opportunity for us to use any of those dollars to address the issues that were brought forth tonight going back to, and I apologize, I don't remember the lady's name, but back in 2019 when she's been requesting this. Before we add something new, maybe we could look at addressing things that we have already that need repair and maintenance and brought back up to speed. That was just my question.

**Mayor Garner** asked, is there anyone from staff that can address the Commissioner's questions?

**Ms. Stauffer** said I think that's a great question. These funds that we're talking about, this \$170,000, is very specifically in a bucket for our neighborhood revitalization strategy area which is in the Park Drive area which is why this funding is being spent at City Park. It has to be spent in that area so we can't, unfortunately, spend it in other places. This is the last year of the NRSA so we won't have those sorts of restrictions in the next five-year plan.

**Commissioner Bynum** said yes, we agreed, as a Commission, that we would use these several years' worth of CDBG dollars in the neighborhood revitalization area that was identified. We

looked at a number of data points to pick the area. We've done quite a bit of work within that area.

This request came forward because of the desperate need of the domestic violence shelter, and it's the only shelter in Wyandotte County period. It came to our standing committee and the conversation was to divert, if you will, some of the funds used in the NRSA, which is the neighborhood revitalization target geographic area around City Park, to the domestic violence shelter repair that's needed. We agreed and approved that.

I'm just kind of clarifying and giving background. We didn't take all the money and there are still improvements being made through that NRSA Plan in that targeted geographic area, but we did agree at the standing committee level that we would move this \$400K and make sure our domestic violence shelter is open and operating and available. I just kind of wanted to clarify. It's been a long process. It's been four or five years. We're in year five. Thank you.

**Commissioner Kane** said I'm glad somebody said something about a park. We don't have a park west of 435 just in case anybody didn't know. I think we could take some of the property that the Unified Government owns and make it a park. It's just a suggestion and I'll bring it up again, and again, and again.

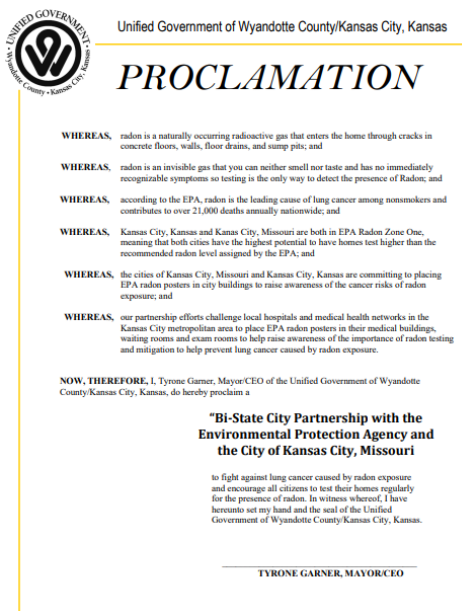
**Action:**        **RESOLUTION NO. R-19-22**, "A resolution that the Mayor/Chief Executive Officer of the Unified Government of Wyandotte County/Kansas City, Kansas is hereby authorized and directed to execute in the name of the Unified Government, and the Unified Government Clerk is hereby authorized and directed to attest the signature of said Mayor/Chief Executive Officer and to attach the seal of the Unified Government thereto as the voluntary act of the Unified Government to Amendment #1 to the 2021-2022 Annual Action Plan along with Certifications for Entitlement Grantees by the City of Kansas City, Kansas to the U.S. Department of Housing and Urban Development and to implement Amendment #1 to the 2021-2022 Annual Action Plan upon approval." **Commissioner Johnson made a motion, seconded by Commissioner Davis, to adopt the resolution as submitted.** Roll call was taken and there were ten "Ayes," Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis.

## **MAYOR'S AGENDA**

### **Item No. 1 – 211465...PROCLAMATION: RANDON EPA JOINT PROCLAMATION**

**Synopsis:** Proclamation proclaiming a Bi-State City Partnership with the Environmental Protection Agency and the City of Kansas City, Missouri.

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

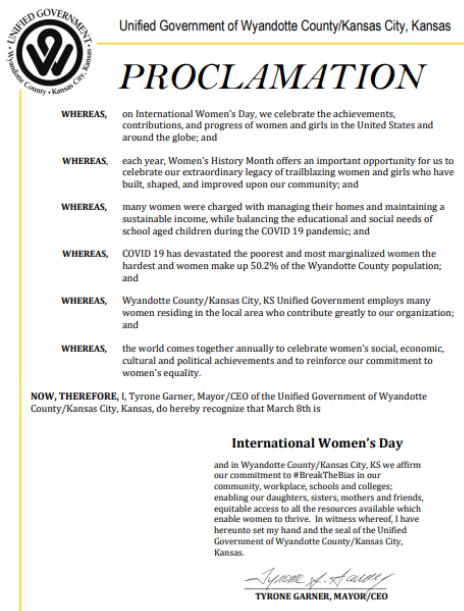


**Action: Proclamation was read.**

### **Item No. 2 - 211466...PROCLAMATION: WOMEN'S HISTORY MONTH**

**Synopsis:** Proclamation proclaiming March 8 as International Women's Day.

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



**Mayor Garner** said thank you. In our Women's History Month, we've chosen to recognize three women. You've seen two of them here tonight. Unfortunately, they couldn't stay just over the interest of time. I apologize to them that they did not get to speak, but definitely going to invite them back at some point to share their thoughts and words with us. These three women have done a lot of awesome work in Wyandotte County and well beyond.

Wyandotte County is comprised of many talented hard-working resilient women that have done great things, not just in Wyandotte County, but far beyond. From every field of endeavor, we are proud of the things that women have done and what they've contributed not just to Wyandotte County, but to our society. The commitment to excellence is an expression and we all are elated to be celebrating the achievements of so many women.

I just want to thank these three women that were recognized. One is Stephanie DeSpain whom some of you might have seen on television and won a notional award. She is from Kansas City, Kansas. I don't know if she's online by chance. **Mr. Deichler** said, I don't believe so, Mayor. **Mayor Garner** said, okay, but she was recognized for culinary excellence; as well as Mayor Carolyn Caiharr, the Mayor of Edwardsville, and the awesome work that she's done being the only female Mayor in Wyandotte County and just the awesome work that she's doing in Edwardsville with the great people of Edwardsville and fighting for the things that the people in Edwardsville really not just need, but deserve. She's doing great work there and she was here tonight with her husband and her parents, but she had to leave as well.

Then we have Natasha Williams. She is the lead person, the top person, the person that runs Nebraska Furniture Mart here in Wyandotte County. She graduated from Washington High School and started out as a Clerk and worked all the way up to being the head top person that runs Nebraska Furniture Mart here.

Congratulations to these fine women and the work that they've done in their respective fields. I'd like to have the Clerk read a letter in their honor. **Mr. Deichler** read the letter.

Esteemed Honorees:

Women's History Month is an opportunity for us to celebrate the extraordinary legacy of trailblazing women and girls who have built, shaped, and improved upon our community. This is also a time for us to reflect on women's social, economic, cultural, and political achievements and contributions to the world at large.

Through the work you have done in our community and beyond, you have shown a dedication to excellence that is representative of all the best things about Wyandotte County. Therefore, on behalf of the Unified Government of Wyandotte County/Kansas City, Kansas, I offer this recognition and thank you for your contributions to the betterment of our community. Your ascent to new levels of achievement is an inspirational component to the reimagining of Wyandotte County.

I know that your work will continue to enrich the lives of your employees as well as the lives of the many benefactors of your great works.

Sincerely,

Tyrone A. Garner  
Mayor/CEO

**Mayor Garner** said Ms. Williams was here as well with her children. We were glad to have them in the room. Hopefully, everybody at least got to see them present in the room along with Mayor Caiharr. Again, we'll try and get them back for some brief comments.

**Action: Proclamation was read.**

**Item No. 3 – 211496...ORDINANCE: CONSIDERATION OF AMENDMENTS  
CLARIFYING PERMITTED AND PROHIBITED POLITICAL ACTIVITIES IN  
THE ETHICS CODE**

**Synopsis:** Consideration of an ordinance amending two sections of Ethics Code to clarify that the incumbent Mayor and Commissioners may run for re-election without resigning their current office, submitted by Ruth Benien, Ethics Administrator, and Misty Brown, Chief Counsel.

**Misty Brown, Chief Counsel,** said I would like to recognize the Unified Government's Ethics Administrator, Ms. Ruth Benien is here in the audience. She very kindly joined us and has been stuck with us this evening in case any questions come up about this item.

As everyone knows, we do not often see revisions to the ethics code, but a concern was raised and going through it, if some of the sections regarding the permitted and prohibited political practices actually would act as an inadvertent term limit and prohibit any incumbent, Mayor or Commissioner, for running to seek re-election. This is because these provisions start off by talking about how no official or employee of the Unified Government shall do the following.

Where it got a little bit confusing is that the word official is defined in the ethics code to also include Commissioners and the Mayor of the Unified Government. However, in these two sections that address it, it states that those offices that were set out by the Unified Government Charter are exempted from this. When this concern was brought to our Ethics Administrator and then to the Ethics Commission, they thought a change was warranted to make it very clear that any incumbent Unified Government Commissioner or Mayor could, in fact, run and seek re-election.

The Ethics Commission took this change up. They voted earlier this month on March 11<sup>th</sup>, unanimously to approve the change; I'm sorry, on March 10<sup>th</sup> of this month they voted unanimously to approve the change that you see in this packet. There are just two simple provisions under 2-267; 3, it just includes the language which includes the incumbent Mayor/Chief Executive Officer and the Unified Government Board of Commissioners and then this is repeated later in the ordinance change just to clarify so there's no confusion that incumbents can file for office without having to give up their current office.

I do hesitate, I don't like to put words in the mouth of our Ethics Commission. Ms. Benin, if you have anything else to add to this, I'd welcome it in case I've misspoken in any way.

**Ruth Benin, Ethics Administrator,** said I'll be very brief. I think Legal Counsel has adequately set it out. It's also in the preamble to the ordinance. Again, on behalf of the Ethics Commission,

we thought it was clear if something had quite frankly come over, it would not have been to tell one of you, you couldn't run for re-election. The problem is on some of it and we understood, so the Ethics Commission felt that a clarification was warranted. For example, the majority of the UG population is not going to know what the person holding positions designed by the Unified Government Consolidation Plan are and that is the UG Commissioner and the Mayor/CEO, but there was some confusion. It's what I'd say a routine amendment in terms of just setting that out so there's not any confusion where we aren't currently the UG election cycle right now particularly, but it will be coming up. That's the whole basis of it.

**Mayor Garner** asked, do any members of the Commission have any questions or comments? There were none.

**Action:**        **ORDINANCE NO. O-51-22**, “An ordinance relating to amendments to the Ethics Code that clarify that the incumbent Mayor/Chief Executive Officer and Unified Government Board of Commissioners may run for re-election without resigning their current office; amending original Section 2-267 of the Ethics Code of the Unified Government of Wyandotte County/Kansas City, Kansas.” **Commissioner Markley made a motion, seconded by Commissioner McKiernan, to approve the ordinance.**

**Mayor Garner** said before we get into the motion, I'd just like to say one of the seven committees that, as far as these task force that has been put forth, Tom Burroughs has one of them and it deals with the charter ordinances. This is just one of those items, of several, that are kind of gray when it comes to language or conflicting language; it's not really clear.

This is one of the ones that I caught and our Chief Legal Counsel did a good job of giving it to our Ethics Committee. Thank you for the work that you've done. There are other things coming that I know that they're working on. She's working on that hard and diligently, so you can expect more of these modifications and amendments to be brought before you for consideration, well, more so for clarity than anything else. There is a motion and a second to approve. Roll call.

**Roll call** was taken on the motion and there were ten “Ayes,” Bynum, Burroughs, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Townsend.

### **REGULAR CONSENT AGENDA**

**Mayor Garner** asked, does any member of the Commission or County Administrator wish to set aside any item on the regular Consent Agenda? If an item is not set aside, all items on the Regular Consent Agenda will be voted on by one vote.

**Action:**        **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve the Consent Agenda.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis. (Kane was not present for the vote.)

### **Item No. 1 – 211351...RESOLUTION: PURCHASE OF ZOLL X SERIES MANUAL MONITOR/DEFIBRILLATORS**

**Synopsis:** This is a resolution for the approval of the purchase of twenty-one (21) defibrillators, twenty-one (21) reusable sensors, and thirty-three case review subscriptions over four years for a total of \$651,289.44, submitted by Jon Khalil, Assistant Counsel. On February 28, 2022, the Public Works and Safety Standing Committee, chaired by Commissioner Bynum, voted unanimously to approve and forward to full commission.

**Action:**        **RESOLUTION NO. R-18-22**, “A resolution authorizing the Unified Government of Wyandotte County/Kansas City, Kansas, to enter into a lease purchase transaction with Zoll Medical Corporation, and to approve the execution of certain documents in connection therewith related to 21 Zoll X series Manual Monitor/Defibrillators, 21 reusable sensors, and 31 case review subscriptions.” **Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to adopt the resolution.** Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Markley, Stites, Davis. (Kane was not present for the vote.)

**ITEM NO. 2 – 211482...NOMINATIONS: BOARDS AND COMMISSIONS****Synopsis:** Nominations for Boards and Commissions:

- Linda Brown to the Wyandotte/Leavenworth Area Wide Advisory Council on Aging, 3/31/2022 to 12/11/2023, submitted by Commissioner Bynum
- Andrea Behrman to the UG Park Board, 3/31/2022 to 12/15/2025, submitted by Commissioner Kane
- Stefanie Caruthers to the Advisory Committee on Human Relations & Disability Issues, 3/31/2022 to 12/15/2025, submitted by Commissioner Kane
- Scott Mackey to the Law Enforcement Advisory Board, 3/31/2022 to 12/15/2025, submitted by Commissioner Kane
- James Wing to the Golf Advisory Board, 3/31/2022 to 12/15/2025, submitted by Commissioner Stites
- Chancellor Adams to the Golf Advisory Board, 3/31/2022 to 12/15/2025, submitted by Commissioner Davis
- Dominick Love to the Advisory Committee on Human Relations & Disability Issues, 3/31/2022 to 12/15/2025, submitted by Commissioner Davis
- TJ Roberts to the Self-Supported Municipal Improvement District Advisory Board, 3/31/2022 to 12/15/2025, submitted by Commissioner Davis

**Action:** Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Markley, Stites, Davis. (Kane was not present for the vote.)

**ITEM NO. 3 – 211471...PLAT: BOHRER ENCLAVE 2<sup>ND</sup> PLAT**

**Synopsis:** Plat of Bohrer Enclave 2<sup>nd</sup> Plat located at 3801 N. 55<sup>th</sup> Street and being developed by Angie Bohrer, submitted by Brent Thompson, County Surveyor, and Troy Shaw, County Engineer.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve and authorize the Mayor to sign the plat. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Markley, Stites, Davis. (Kane was not present for the vote.)

**ITEM NO. 4 - MINUTES**

**Synopsis:** Minutes from regular session of October 28, 2021; and special sessions of February 7 and 10, 2022.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Markley, Stites, Davis. (Kane was not present for the vote.)

**ITEM NO. 5 - WEEKLY BUSINESS MATERIAL**

**Synopsis:** Weekly business material dated February 11 and 24; March 3 and 10, 2022.

**Action:** Commissioner Bynum made a motion, seconded by Commissioner McKiernan, to receive and file. Roll call was taken and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Markley, Stites, Davis. (Kane was not present for the vote.)

**STANDING COMMITTEES' AGENDA****Item No. 1 – 211434... RESOLUTION: STATE OF EMERGENCY EXTENSION**

**Synopsis:** A resolution extending the state of Local Health Emergency for the COVID-19 Pandemic for the County of Wyandotte, Kansas, through July 1, 2022, submitted by Matt May, Director of Emergency Management. This item was scheduled to be heard before the Public Works and Safety Committee on March 28, 2022, and was requested to be fast-tracked to the March 31, 2022, full commission meeting.

**Commissioner Bynum** said I’m just going to echo what Commissioner Ramirez reminds us every time we talk about the Emergency Order Local Health Emergency and that there are no mandates involved. This is a technical matter so that we can recover any federal monies that might be due to us as a result of fighting the pandemic, with that, I will make a motion to approve.

**Action:**        **RESOLUTION NO. R-20-22**, “A resolution extending the state of Local Health Emergency for the COVID-19 Pandemic for the county of Wyandotte, Kansas, through July 1, 2022.” **Commissioner Bynum made a motion, seconded by Commissioner Markley, to adopt the resolution.**

**Mayor Garner** asked, do any members of the Commission have any comments or questions? **Mr. Deichler** said, Matt May, Director, would like to speak before we take roll call.

**Matt May, Director of Emergency Management**, said just really quick to clarify some language in the title. It does say it’s a health emergency, but I want to clarify the difference between that and a local health order. This is not a health order; it is an emergency declaration just like we’ve been doing for the last two years.

**Mayor Garner** said thank you for that clarification. Any questions? There were none.

**Roll call** was taken on the motion and there were nine “Ayes,” Bynum, Burroughs, Townsend, McKiernan, Ramirez, Johnson, Kane, Markley, Stites. (Davis was unavailable.)

### **ADMINISTRATOR'S AGENDA**

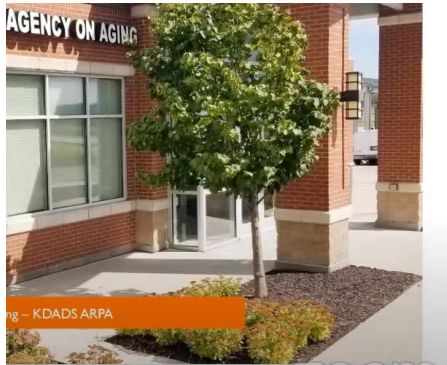
#### **ITEM NO. 1 - 211464...PRESENTATION: INCREASE IN KDADS ARPA GRANT MATCH AWARDED TO AAA**

**Synopsis:** AAA received an ARPA grant award from KDADS for FY 2022, which has already been approved; this item is for approval to accept an increased match amount by KDADS, from \$45,477 to \$200,471, which AAA must agree to spend by June 30, 2022, for eligible congregate projects, submitted by SueZanne Bishop, Assistant Counsel.

**SueZanne Bishop, Assistant Counsel**, said we have Deasiray Bush from the Area Agency on Aging here with a very short presentation. We have submitted a resolution that I believe is in the packet, and I am happy to answer any questions that you might have for Legal after the presentation.

**Mayor Garner** asked, do any members of the Commission have any comments or questions? I’m sorry, did you have a presentation? **Ms. Bishop** said, Mayor, Ms. Deasiray Bush, from the

Area Agency on Aging, does have a short presentation. **Mayor Garner** said I'm sorry. Ms. Bush, you can proceed with that presentation.



**Deasiray Bush, Fiscal Manager, Area Agency on Aging**, said I'll try to go through this presentation quickly for you all.

WYANDOTTE/LEAVENWORTH AREA AGENCY ON AGING  
KDADS ARPA ALLOCATION

| Admin     | Title IIIB | Title IIIC(1) | Title IIIC(2) | Title IIID | Title IIIE |
|-----------|------------|---------------|---------------|------------|------------|
| \$101,620 | \$234,542  | \$381,654     | \$343,565     | \$33,593   | \$104,322  |

Total Federal/State Allocation: \$1.2m

Federal Amount: \$998,825  
State Amount: \$200,471

Area Agency on Aging received a one-time offer match from the Kansas Department for Aging and Disability Services better known as KDADS for our Older American Act better known as OAA, a grant program. The bulk of the funds have already been approved by KDADS, however, KDADS increased our match amount from \$45,477 to \$200,471.

Last week we did present to the Unified Government ARPA subcommittee to clarify that our ARPA grant funding and the match would not impact the Unified Government ARPA funds, and the grant would not require a Unified Government match. The match allocation must be spent on eligible congregant projects and expense by June 30<sup>th</sup>. So, during the presentation, I'll better explain KDADS match guidance and requirements, and how we will spend those funds.

To go over to allocation, we received roughly \$1.2M, and here's a snapshot of the funding for each OAA Service Program. Wyandotte County splits OAA funding with Leavenworth County. Leavenworth receives 22% of the service request budget for Title IIIB, C1, and C2.

Wyandotte County received 78% of the funds for the same programs, however, we do keep 100% of the grant budget for Admin, Title IIID and IIIE.

**KDADS MATCH**

- Original Amount: \$45,477
- Revised Amount: \$200,471

| ARP              |            |            |            |            |               |
|------------------|------------|------------|------------|------------|---------------|
| Federal Projects |            |            |            |            |               |
|                  | Title II-D | Title II-E | Title II-D | Title II-E | Total Federal |
| 01               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 02               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 03               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 04               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 05               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 06               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 07               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 08               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 09               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 10               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 11               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 12               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 13               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 14               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 15               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 16               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 17               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 18               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 19               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 20               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 21               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 22               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 23               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 24               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 25               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 26               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 27               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 28               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 29               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 30               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 31               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 32               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 33               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 34               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 35               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 36               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 37               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 38               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 39               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 40               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 41               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 42               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 43               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 44               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 45               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 46               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 47               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 48               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 49               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 50               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 51               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 52               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 53               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 54               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 55               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 56               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 57               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 58               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 59               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 60               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 61               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 62               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 63               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 64               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 65               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 66               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 67               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 68               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 69               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 70               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 71               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 72               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 73               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 74               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 75               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 76               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 77               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 78               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 79               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 80               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 81               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 82               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 83               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 84               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 85               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 86               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 87               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 88               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 89               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 90               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 91               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 92               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 93               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 94               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 95               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 96               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 97               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 98               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 99               | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |
| 100              | 100,000.00 | 45,477.00  | 100,000.00 | 45,477.00  | 290,954.00    |

Here is a snapshot of our original ARPA budget. KDADS match was \$45,477, however, Aging agencies advocated having paid as fund are required 10% match because originally, we were required to match 10%. Our 10% was going toward (inaudible 1:03:32), C1 and CII services, and technically it was a barrier for us because we have multiple AA grants that we're using simultaneously.

So, KDADS recently committed to funding the Area Agency's match portion so now we are not required to match the ARPA grant allocation, and KDADS will cover 100% which is now \$200,471.

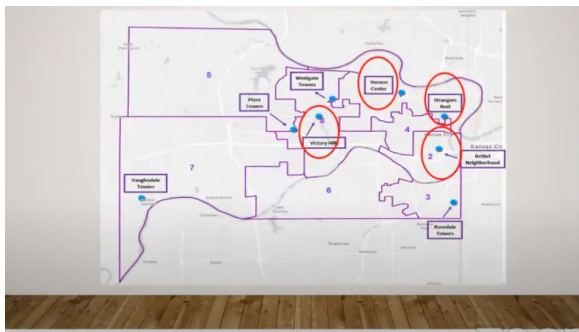
Wyandotte/Leavenworth Area Agency on Aging Proposed Budget

| KDADS Match                        | 200,471                                                  |
|------------------------------------|----------------------------------------------------------|
| Wyandotte Budget                   | 126,268                                                  |
| Leavenworth Budget                 | 44,193                                                   |
| <b>Wyandotte County Project</b>    |                                                          |
| Project Expense                    | Amount                                                   |
| Bethel Center                      | 44,000 12-16 passenger van                               |
| Vernon Center                      | 44,000 12-16 passenger van                               |
| Victory Hills                      | 44,000 12-16 passenger van                               |
| Strangers Rest                     | 44,000 12-16 passenger van                               |
| <b>Total</b>                       | <b>176,000</b>                                           |
| <b>Variance</b>                    | <b>-19,838</b> Mill Levy                                 |
| <b>Leavenworth County Projects</b> |                                                          |
| Project #1                         | 25,436 Replace outdated congregate site equipment        |
| Project #2                         | 13,853 Software - meal deliveries, routes, cancellations |
| Project #3                         | 4,804 Video equipment                                    |
| <b>Total</b>                       | <b>44,193</b>                                            |

To go over the proposal, since KDAD is funding our match, we are required by KDAD to spend the funds, like I mentioned before, by June 30<sup>th</sup>, on eligible congregant projects such as planning and implementation of a nutrition counseling program. Also, congregate site dining upgrades or the purpose of nutrition services, infrastructure, and equipment intended to replace inefficient or no longer functioning items in the congregant sites such as steam tables or refrigerators. Then lastly, any other projects that we propose to KDAD for their official approval.

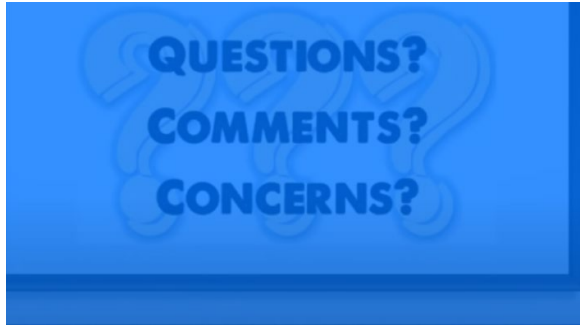
Proposals were due today, and we are proposing to purchase four 12 to 16-passenger vans for our congregate sites which as Bethel Center, Strangers Rest, Vernon Center, and Victory Hills Baptist Church. We'll collaborate with Fleet and Procurement, the Legal team if there is a doubt about the process on how we plan, or how to plan for those sites to utilize our vans. Therefore, the sites would be responsible for the vans' maintenance, repair, fuel. Then the budget is based on a current van to be purchased with an 80% increase.

Leavenworth is proposing to purchase equipment to keep meal units at a set temperature for a longer period of time. In addition, they would like to purchase signage for the congregant sites, laptops, tablets, and a comprehensive client software package to track their congregate and homebound meal deliveries. Then lastly, they would like to purchase video equipment to allow video conferencing and education during congregate meal hours.



And my last slide, GSS Base Mapping actually created this congregant site by district map on our behalf. We do have eight total congregant sites, one site each in District One and Eight, which is Vernon Center, Strangers Rest; and Districts Two, Three, Five, and Seven have one site each which are Bethel Center, Rosedale Towers, Westgate Towers, Plaza Towers, and Vandal Towers.

Our van proposal will exclude tower sites, better known as high rises, as our congregate meals are served on-site program participants there, so they would not need that sort of transportation. Just an FYI, we are no longer providing grab-and-go meals. Our sites are open to the public, and we have utilized Unified Government ARPA funds to assist with upgrading our sites with steam tables, refrigerators, and smart TVs.



Any questions?

**Mayor Garner** asked, are there any comments or questions from the Commission? Thank you, Ms. Bush. Hearing no questions or comments from the Commission, I'll entrain a motion.

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

## **ITEM NO. 2 – 211486...REACH FOUNDATION BOARD APPOINTMENTS**

**Synopsis:** REACH Board of Directors requests consideration of the following individuals and respective new terms of appointment to the REACH Board, with all terms going into effect on June 1, 2022, submitted by Alley Porter, Commission Liaison.

- Deryl Wynn, 1-year term
- Dr. Octavio Estrella, 2-year term

**Brenda Sharpe, President/CEO, REACH Healthcare Foundation,** said I'm here tonight to ask for your consideration of the appointment of two individuals to the REACH Board of Directors. Normally, in the past, for the past 18 years, this body, Unified Government, has made appointments to our Community Advisory Committee. However, after much deliberation with our Community Advisory Committee and Board of Directors and the sole authority that can approve such changes, the Attorney General, we've made a recent change to our governance structure to be more reflective of best practices and to streamline our Board nominations and selection process. So now, the Unified Government rather than having two appointments to the Community Advisory Committee will now have two appointments to our Board of Directors.

We are respectfully requesting your consideration of the appointment of Daryl Wynn to a one-year term and Dr. Octavio Estrella to a two-year term. Each of these individuals would be eligible for a subsequent three-year term on the Board with this body's permission and their continued interest in that. I stand for any questions that you may have.

**Mayor Garner** asked, do any members of the Commission have any comments or questions?

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

**Mayor Garner** said I have one question before we move there. Could you explain what the REACH Foundation is exactly? Can you give just a real quick overview of what that is?

**Ms. Sharpe** said absolutely. Thank you so much for that opportunity. The REACH Healthcare Foundation was created in 2004 following the sale of the non-profit Health Midwest Hospital System to HCA Hospital System. When they did that, two charitable foundations were created: our foundation, which is the REACH Healthcare Foundation, and our sister foundation, the Health Forward Foundation. Our foundation is headquartered in the state of Kansas, but we have a six-county service area encompassing Wyandotte, Johnson, and Allen counties on the Kansas side; and Jackson, Cass, and Lafayette on the Missouri side of the state line. We have an approximately \$150M endowment, and we've provided, since inception, \$85M in grants in our region to address access to health care and health insurance coverage needs of low-income, underserved residents of that six-county service area.

**Mayor Garner** said, thank you. I have a motion and I have a second. Is there any discussion? Clerk.

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

**Item No. 3 – 211469... PRESENTATION: LIVABLE NEIGHBORHOODS UPDATE**

**Synopsis:** Presentation by Livable Neighborhoods submitted by Andrea Generaux, Livable Neighborhoods.

**Andrea Generaux, Livable Neighborhoods,** said Livable Neighborhoods is a unique partnership between the Unified Government and a resident-ran task force known as the Livable Neighborhoods Task Force. We've been doing neighborhood engagement in our community for 27 years. Today I'm going to talk about how we started, what we've done, how we work, what's important to us, why we do it, and some opportunities. I am going to talk a lot about a collective we, and I'm talking about our volunteer neighborhood leaders, our community partners, and Unified Government staff that we work with. I am an office of one, so when I say that collectively, that's what I'm speaking of.



A little bit about me. I'm from Wyandotte County. I've lived here my whole life. Never thought I would be working in neighborhoods, but here I am. I've been with Livable Neighborhoods for 16 years. For 6 years I've been the Director. In the last 6 years, I've helped to: brand the program and update our community resource guide, organize and facilitate our strategic plan for the task force, set up online presence, helped to create our Home Repair Program, and led the CHIP safe and affordable housing action team for the Health Department, and also revamped our good neighbor training. You're going to see some familiar faces, some of you, in this.



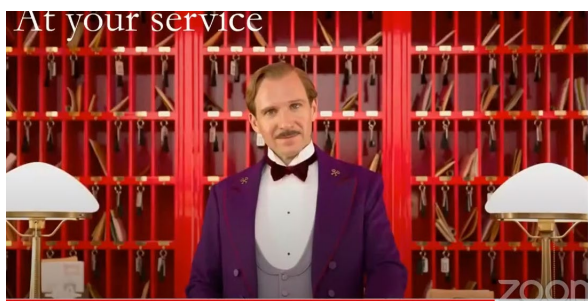
So, how do we begin? It was the perfect storm. It was the early 90s. There was a lot of blight, a dwindling tax base, and crime. Community policing was forming at that time. There were a lot of community conversations being had around consolidation, and the community was ready to roll up their sleeves and help rebuild the Unified Government, but they wanted help to do that and that's why Livable Neighborhoods was established in 1995.



Our roots are deep. A lot of the positive changes that had happened in the Unified Government over the last 27 years have been rooted in some of the work that Livable Neighborhoods have helped with and our community members. For instance, the Land Bank, Rental Licensing advocating for improvements to Code Enforcement, which is now Property Maintenance Compliance, including uniforms and cars. The establishment of the Neighborhood Resource Center are just to name a few.

When I say the community partnered with staff, it wasn't those communities thinking forward. The neighborhood leaders came forward and said we want you to do this. They actually worked alongside staff. They traveled to other cities to find out how they were doing these things. They helped write policy. They helped advocate at a local level and a state level for those changes, and it's been a true partnership.

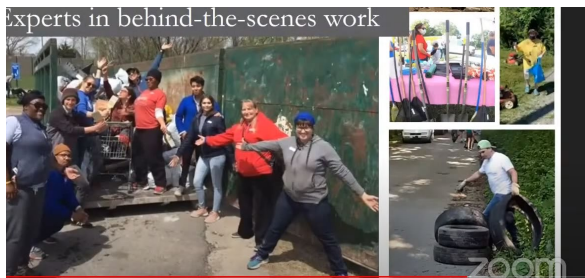
We've also been historically the community engagement arm of the Unified Government. Before we had 311, we were kind of 311 and were used as the temperature gauge for what communities were looking for and interested in.



What are we now? We're concierge. We sort of do a lot of different things, so I'm going to talk a little bit about those. We support neighborhood stewardship and provide support to that. We are an advocate both internally and externally. We build coalitions. We're a resource hub and a trusted source for best practice.



So, this is just a little bit of information about Livable Neighborhoods. We have 71 registered volunteer neighborhood organizations. As my role with the Unified Government, I oversee the eight NBR contracts, the Neighborhood Business Revitalization Organizations, and their quarterly reports. These are just some estimates of some volunteer hours that we assume that our neighborhood leaders are doing just from the basic work. This is a real underestimate of the work that they're doing. Some information about the flyers that we put out every week and some of our social media presence. We also provide \$35,000 worth of grants every year.

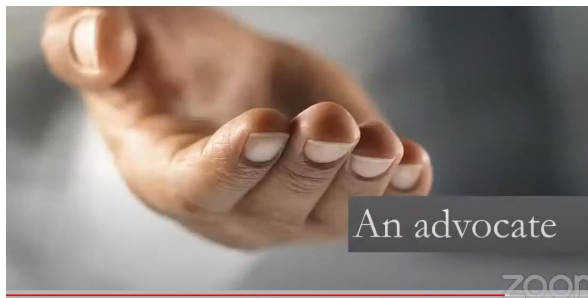


We're experts in behind-the-scenes work. You'll notice some people here maybe that you've seen working in the community on some neighborhood cleanups.

It's a misconception that Livable Neighborhoods starts neighborhood groups; we do not. The fire and energy of that comes from our neighborhoods. We just provide the support and tools that those groups need to do the work that they are volunteering to do in their neighborhoods.

We also are focusing on long-term engagement. Short-term engagement projects are great like a park, building a park. It's fun. Everybody comes out. They get to build the equipment and the kids come out and they play and it's great, but we're supporting those people who are making sure that the swings are fixed when they're broken, and that the graffiti is cleaned up from the park, and the trash is cleaned up. That's the work that we're supporting.

How do we support? We provide copies, co-entry services that now we're providing texting for neighborhoods to do that. Print, translation, grants, training, mailings, neighborhood coaching, supplies, informational meetings and newsletters, and just helping community members and neighborhood leaders navigate the complex systems of government.

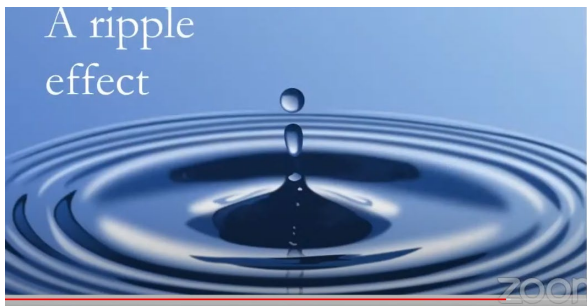


We are also an advocate both internally and externally. We fight for the right voices to be at the table whether that's Unified Government staff being at the table for community programs that are going on or for the community to be at the table when planning and development is happening in their neighborhoods. We make sure that the community has accurate information so they can advocate how they see fit. We make sure that we provide the tools that groups need to advocate for themselves. They're the experts in their neighborhoods. They know what their neighborhoods need, so we just make sure they have the tools to do that. We work to foster a partnership between Unified Government staff and neighborhood leaders. There's often this us against them mentality that happens, but the reality is, our staff lives and works in our community. Many of them are from our community, so we are the community and the community is us and so we work to foster that partnership.



Forum for open discussion. We build coalitions, and we have for many years, bringing different voices together whether it's through our prevention work that we've done historically with the Regional Prevention Center, our Home Repair Coalition, our Safe and Affordable Housing Work. We work to try and bring people together. We fight for honest conversation. If you've met any of our neighborhood leaders, and I know most of you have, they say what needs to be said and they're not afraid to and we encourage that.

We also realize that there are many voices and many differing opinions on how things should be done. It's important to us to make sure that we have all of those voices at the table, but it's not one side or another side, but that we're bringing those together which is why we work towards consensus-building facilitation. In fact, over the last few years, we've been asked to help facilitate some conversations on the Johnson County side, within our school district, and with other organizations in the metro.



Another big piece of what we do is communication. We are a relational community, as you know, so people learn their information from each other. There's multiple layers of conversation, that communication is shared, and so we make sure to try to cover all of them in the work that we do at Livable Neighborhoods. Like I said, we have phone trees, we print newsletters, and we have an online presence, so we try to cover everything. I'm often told that when somebody invites neighborhood leaders to a meeting on a fairly short notice, I'll hear people say, I got the same people. It's the same people. Those are our neighborhood leaders who will be there, will fill out

a survey, and will show up at a meeting; but if you give them time, they have people. Then if you give them a little more time, those people have people, and so we know that it just takes time for information to travel through our community. As I mentioned, we have multiple ways that we share that information.



We are also a resource hub. We help connect the dots. Because we have 27 years of historical knowledge, this allows us to see the big picture and provides us perspective. We're often asked to consult on projects whether it's consulting on projects or things happening within the Unified Government on how we can do better community engagement. Or, sometimes we're asked by our community partners to consult on the best ways to reach the community with their programs.

We also get just general questions from community members who just don't know where to go. If we don't know what the resource is, we usually know someone who does.



We're a trusted source. Our history and our reputation have made us a trusted source in the community. We have years of experience in best practices. We listen to learn. As a good friend of mine used to say who used to work in our office, we come with assets and not agendas. We know this work is personal. It's where people live. It's where they raise their children. It's where they play. It's where they work. It's personal to them, the concerns they have.



We are also a potluck community. If you come in our community with a project and neighborhood leaders get on board, funding will not be their first question. The first thing they will do is say well, you bring a piece of that and I'll bring a piece of this and they bring a piece of that and we'll make this happen. We try to replicate that in the work that we do.

It's important for us to build partnerships and collaborations because it allows us to leverage funding, resources, and responsibilities. We do that through trying to bring people together as much as possible whether it's through our community development workshop—that we're a sponsor of and we help to run, it's a metro-wide community development workshop through our regular neighborhood luncheons, which you'll see some pictures there of that and some of you have attended—or through our National Night Out. It's a time where neighborhood leaders get to display the work that they do in their community.

We are also literally a potluck community. I imagine a lot of you have been to potlucks, as I have.



So, why do we do what we do? This is our legacy tree. I can never get through this part without being emotional so please excuse me, but this is our legacy tree. I invite you to come down to our office and check it out. This work is messy, and it takes a long time. I get students in my office a lot and I tell them that they are planting seeds. I tell my students that they're planting

seeds. They're planting seeds for flowers that they might never see the buds of, and they have to be okay with that, because this work takes a long time and it's messy and it's complicated.

We've had many neighborhood leaders who've dedicated their lives to working in our community to make it better. We work to honor them because our neighborhood leaders work on faith, faith that the work that they're doing now is going to impact people that they might not ever meet.



They're the carriers of hope. People ask me all the time what I love about my job. It's because I get to see the hope in our community. I get to see people who volunteer their time to make our community better. I know that you recognize some people on there. We've had some of these members pass away, which is why this one gets me this year. They're the carriers of hope and that's why it's important. We need to support their efforts and support their work.



This is one of our Do something good in your neighborhood signs. You might have seen them across the community. I've brought buttons with the same saying on them if any of you would like them. I also have these signs in my car. I've learned from a lot of you with campaigning. I have them with me. If anybody wants a sign, let me know. This is one of our new yard signs that we're going to be putting out this spring again for people.

To just encourage, our Board, the Task Force Board came up with this as a way to just—during the pandemic, things were really contentious and difficult—this is just a way to encourage people to just do something good whether it's picking up some trash or being a good neighbor and checking in on each other, just do something good in your neighborhood.

We know that COVID has affected our neighborhood leaders greatly. The consistency and the work has been disrupted. We know that that's an important piece to community organizing.

We know that there's going to be a lot of rebuilding that's going to have to happen. Our neighborhood leaders are going to need a lot of extra support, but there's also opportunity with that. That opportunity is reevaluating some of the things that we've done and some of the things that we could do better or some of the things that we can bring back. It's also engaging new voices of people who may not have been engaged before. Also, with some of the work being done with the Mayor and around youth leadership, I think that there's an opportunity there as well to partner with some organizations with that.

What can you do to help? I'm not asking for money. Staff is great, but I'm in the process of hiring someone so I won't be alone for very long. But connecting constituents to their neighborhoods. If you have someone who has a concern or a complaint, ask them if they have a neighborhood in their area. If you don't know, send them to me. I'll find out and I'll let them know. If they don't have one, encourage them to start one. I can also help them with that as well. Put a sign in your yard. Also, check in with your neighborhood leaders. Let them know that they have your support and advocate for them to have a seat at the table whenever you see the opportunity.

**Commissioner Bynum** said the Mayor stepped away so I'm pro teming for just a brief moment. Thank you, Andrea. Really an excellent presentation. I'm glad you're still here to bring it to us. I really do appreciate it. Questions or comments?

**Commissioner Ramirez** said, all I can say is wow. Thank you, Andrea, for all that you do for as much as you do for a person of one. We clearly can see your passion and love and dedication for this community and thank you. Thank you for continuing to build upon that and make our community more beautiful and stronger.

I'm very in tune with our neighborhoods with the RDA and ABC. They do amazing work for our community. All of the NBRs and all the neighborhood groups, they're the front-line fighters in everything that's happening in our community. They're the ones that know first what's happening and then tell us. But sometimes, if we can't get the answer done, if we can't get the issue done fast enough, they'll do it themselves and that's what community is.

I know next Monday in our committee meeting, we have an item on our agenda to add an NBR to Bonner and Edwardsville. In my opinion, it's long overdue, long overdue. They should have had one a while ago so their community can blossom and grow just like all the other communities and neighborhood groups have in Wyandotte County.

So, just again, Andrea, thank you for all that you do. The community overall might not see it, but they know that you're there. As they said, you're planting seeds that flowers will later grow, but you may not see them. So, thank you.

**Commissioner Davis** said thank you, thank you so much to Livable Neighborhoods. Thank you, Andrea. Livable Neighborhoods was one of the kind of front-facing organizations that really helped me learn about Wyandotte County/Unified Government. I think it's fair to say, I would not have run for office or been remotely interested if I did not get some of that front-facing information from Livable Neighborhoods. You all helped me out with kind of my neighborhood in trash pick-ups and everything else, so just thank you, thank you, thank you for your work. You're one of many of our employees that do such a phenomenal job. For you to be a one-person team, I thought there was at least three of you. Just thank you, thank you so much.

**Mayor Pro-Tem Bynum** asked, any other comments or questions from the body? I would just say that my roots with Livable Neighborhoods are quite deep, back to the inception of what we, at that time, called the quasi-governmental agency. I know Commissioner Stites also has a pretty strong connection to Livable Neighborhoods through his former work as Community Policing Officer. Those connections are strong. I could spend many hours talking about Livable Neighborhoods. I think I will right now. Is that okay with everybody? The only thing I want to say is how much I appreciate that our newer, younger commissioners have expressed to you their deep appreciation. That tells me a lot. Again, thank you so very much for that presentation and for your time here tonight.

**Action:** For information only.

**Item No. 4 – 211494...UPDATE: SOLID WASTE PROGRAM**

**Synopsis:** Update on the Solid Waste Program, submitted by Jonathon Gutierrez, Program Manager, Public Works-Solid Waste Management.



**Jonathon Gutierrez, Solid Waste Program Manager,** said tonight I was going to talk about the exciting topic of trash. I'll try to make it brief for you. I'll let you know that tonight's presentation was informational. We will be presenting this again to you for approval in the April 28<sup>th</sup> meeting, but we wanted to let you know at this point in time. In the packet that was included includes a Solid Waste Management Plan and a memo with it as well. In addition, if anybody wants a copy of this presentation, we can definitely get it to you.

**March 31, 2022**

## SOLID WASTE MANAGEMENT COMMITTEE

- ▶ Purpose
  - Required by KDHE for all counties
  - Assist with major SWMP updates
  - Report progress annually
  - Make recommendations to Commissioners
- ▶ Membership Composition
  - UG staff
  - Representatives from unincorporated area(s)
  - Representatives from the general public, civil organizations, private industry
  - Any other persons (commissioners, planners, etc).

Like I said, I'll go through this fairly quickly. It's required for every county in the state of Kansas to have a solid waste management plan and a solid waste management committee. Here, in Wyandotte County, our Solid Waste Management Committee does consist of representation from Edwardsville and Bonner Springs. It also includes residents that represent neighborhood groups and does include, in addition to that, some UG staff and some commissioners that are currently here present as well.

## KDHE SWMP REQUIREMENTS

- ▶ Review current solid waste practices and confirm applicability to regulations and protection of environment;
- ▶ Project solid waste needs, practices, and available facilities for a 10-year planning period;
- ▶ Establish plans for future solid waste management program development, if needed;
- ▶ Develop plan for reducing volumes disposed;
- ▶ Develop plan for public education pertaining to solid waste management;
- ▶ Take into consideration certain wastes which pose an increased environmental threat (batteries, household hazardous, medical waste, etc.); and
- ▶ Take into consideration wastes generated by natural disasters.

The solid waste management plan itself, I won't go through all these bullet points, but once again, the solid waste management plan does require us to look at solid waste needs. This is at a county level, so I do want to emphasize that as well for a 10-year planning, and then also to establish some future solid waste management program development.



For the current solid waste management plan, it's required that it's updated and revised every five years. That's what we have here in front of you today. This process started in 2019 and then went into 2020. Burns & McDonnell was brought on to assist us with the update for that five-year revision. There were some workshops that occurred during that time period and then currently, the solid waste management plan that's been provided to you is what came out of those workshops.

## WMP GUIDANCE

Plan to represent status of existing services provided within the County including:

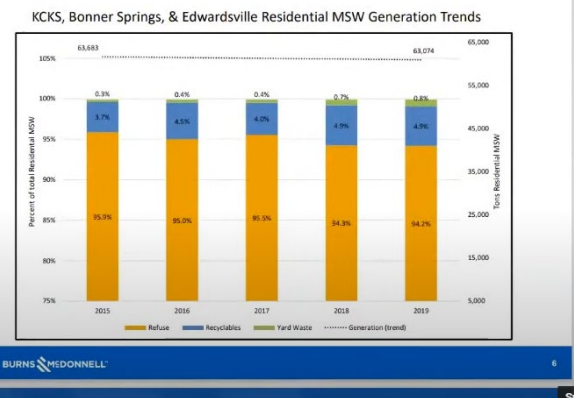
- Kansas City, Kansas
- Bonner Springs, Kansas
- Edwardsville, Kansas
- Lake Quivira, Kansas
- Unincorporated area

Implementation Plan included in Appendix A includes recommendations, responsible parties, and schedule (near-term, short-term, or long-term)

- Some recommendations may be implemented by the UG
- Some recommendations may be implemented following the completion of the current UG collection contract
- Some recommendations may be implemented by others

So, just once again, this is a county-level plan. It does encompass, again, all the municipalities here in Wyandotte County. Then, again, if you guys go to look at the plan, it will indicate, again, what recommendations are in there for both short-term and long-term in the Appendix A.

## COUNTY RESIDENTIAL MSW MANAGEMENT



This here is just a slide kind of showing overall both refuse, recyclable, and yard waste material here in Wyandotte County.

### SINGLE-FAMILY RESIDENTIAL REFUSE – Current System Review

- KCK/Bonner Springs
  - Weekly collection, unlimited
  - No carts provided
  - Take all system includes unlimited quantities, comingled yard trimmings, bulky items
- Edwardsville/Lake Quivira
  - Weekly collection, limited to cart
  - Carts provided
  - No yard trimmings permitted (no collection)
  - Bulky item collection not included

BURNS & MCDONNELL

Then, just briefly, current trash services that are here within Wyandotte County for each of the different municipalities. That's essentially what this slide indicates here. I think most are familiar with what is offered in KCK and Bonner Springs. Essentially, the weekly collection is unlimited, again, including all yard waste, and bulky items as well. Edwardsville does have a weekly collection, but they have a cart system there and there is no yard trimmings or bulky items collected.

## Current System Review

- ▶ KCK/Bonner Springs:
  - Weekly collection, unlimited
  - Recycling totes provided upon request; limited quantities
  - 4% diversion curbside
- ▶ Edwardsville:
  - Weekly collection, unlimited
  - Carts for all customers
  - 18% diversion curbside
- ▶ Drop off locations:
  - WY Co Yard Waste and Recycling Center
  - WM Landfill Recycling Center
  - Ripple Glass (Glass Recycling)



BURNS & MCDONNELL

9

Recycling is fairly similar, again, to the trash services that are provided in KCK and Bonner Springs and also Edwardsville as well, a similar service as well. Then, again, we just kind of note some of the drop-off locations that are located here in Wyandotte County.

## ORGANICS – Current System Review

- ▶ KCK/Bonner Springs:
  - Comingled with waste for landfill disposal
- ▶ Edwardsville/Lake Quivira:
  - Yard trimmings are not allowed in weekly trash service
- ▶ Yard trimming drop off facilities:
  - WY Co Yard Waste and Recycling Center
  - WM Landfill (for composting)



BURNS & MCDONNELL

10

Organic or yard waste or tree waste debris, again, those are collected with your regular trash if you're in KCK or Bonner Springs. Edwardsville, at this point in time, does not offer those kinds of service for curbside. And then, again, we kind of denote that there are drop-off facilities that are available here in Wyandotte County.

### BULKY WASTE – Current System Review

- ▶ KCK/Bonner Springs:
  - Weekly collection, unlimited
- ▶ Edwardsville:
  - Annual city-wide collection event



BURNS &amp; MCDONNELL

11

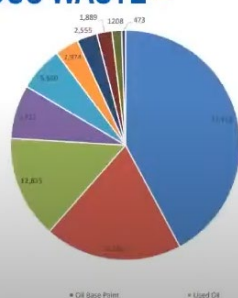
Bulky items, again, is provided service here in KCK and Bonner Springs. Edwardsville has some annual drop-off events.

BURNS &amp; MCDONNELL

11

### HOUSEHOLD HAZARDOUS WASTE – Current System Review

- ▶ WY Co owned and operated facility
- ▶ Open one Saturday each month, April through October



This pie graph right here just shows our household hazardous waste. Again, we do have a facility like that here in Wyandotte County. It does operate one Saturday every month from April to October.

### CONSTRUCTION & DEMOLITION WASTE – Current System Review

- ▶ No C&D landfill facilities located in Wyandotte County
- ▶ C&D wastes disposed of in Johnson County landfill or transported outside of the County
- ▶ Small quantities diverted through Kansas City Habitat for Humanity ReStore

Then, construction and demolition waste. It says C&D as we refer to that. Currently in Wyandotte County there are no facilities for that. There are some other opportunities that might be possible there.



Out of the plan itself, when you go to review it, there are some residential recommendations out of it. Again, this is what came from the committee's work in 2019 and 2020.

#### REFUSE COLLECTION RECOMMENDATIONS

- Transition to a cart-based system to align with current industry practices (Edwardsville and Lake Quivira have implemented a cart refuse program)



**BURNS & MCDONNELL**

## CURBSIDE RECYCLING RECOMMENDATIONS

- ▶ Provide all customers a recycling container
- ▶ Transition to a cart-based system (Edwardsville and Lake Quivira have implemented a cart recycling program)
- ▶ Consider every other week collection frequency
- ▶ Continue to provide education and outreach



Recommendations are to look at/transition to cart-based systems for both trash and recycling.

**BURNS & MCDONNELL**

## ORGANICS RECOMMENDATIONS

- ▶ Yard Waste
  - 11% of UG's waste
  - Continue to promote drop-off options for yard trimmings
  - Provide separate collection of yard trimmings
    - Consider a variety of service options: weekly, monthly, seasonally, subscription



**BURNS & MCDONNELL** 17

For organic waste, possibly look at other options for some curbside collection as well and even possibly expanding some of those services.

**BURNS & MCDONNELL**

## ORGANICS RECOMMENDATIONS

- ▶ Food Waste
  - 18% of UG's waste
  - Consider long-term potential for food waste diversion
- ▶ Evaluate a municipal organics compost facility
- ▶ Education and outreach on backyard composting and diversion options



**BURNS & MCDONNELL** 18

Food waste, that's not something that we separate at this point in time, but possible long-term potential food waste diversion as well from what our current trash service is.

Also looking at a possible compost facility here in Wyandotte County, which we did receive a grant last year and we are currently conducting a study for that.

**BULKY ITEM RECOMMENDATIONS**

- ▶ Provide separate bulky item collection
- ▶ Reduce bulky item collection frequency (Kansas City & Bonner Springs)
  - Monthly or quarterly
- ▶ Investigate opportunities for bulky item drop-off



For bulky items, there are some recommendations to potentially provide some separate bulky item collection service here in Kansas City and Bonner Springs. Also, investigate more opportunities for bulky item drop-offs that kind of coincide with the fact that we now have some dumpster days that we have had last October and then again during this month.

**ADDITIONAL RECOMMENDATIONS**



## COMMERCIAL/MULTI-FAMILY RECOMMENDATIONS

- ▶ License commercial haulers and require as a provision to report waste and diversion tonnages
- ▶ Include business licensing provision requiring adequate disposal service
- ▶ Provide education and outreach through a free technical assistance program to identify areas of increased diversion

BURNS &amp; MCDONNELL

21

Then just some additional recommendations that are in the plan itself. Looking at some commercial multi-family recommendations for potentially licensing commercial haulers including some business licensing. Then, also just continue to provide education and outreach.

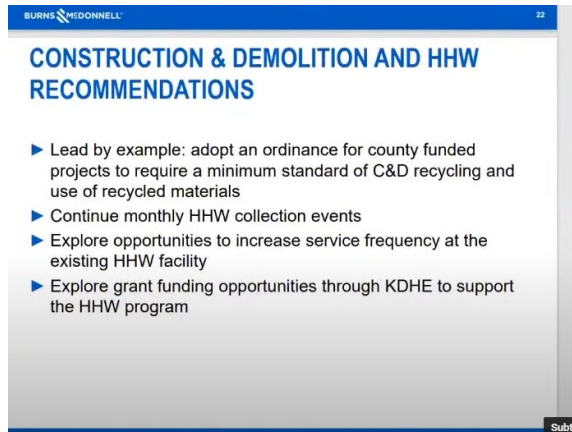
BURNS &amp; MCDONNELL

21

## ILLEGAL DUMPING RECOMMENDATIONS

- ▶ Continue to promote prevention through municipal programs such as the UG Stabilization Occupation and Revitalization (SOAR) program
- ▶ Look for opportunities to provide cost-effective drop offs (brush drop off, transfer stations, neighborhood clean ups, public drop off center, etc.)

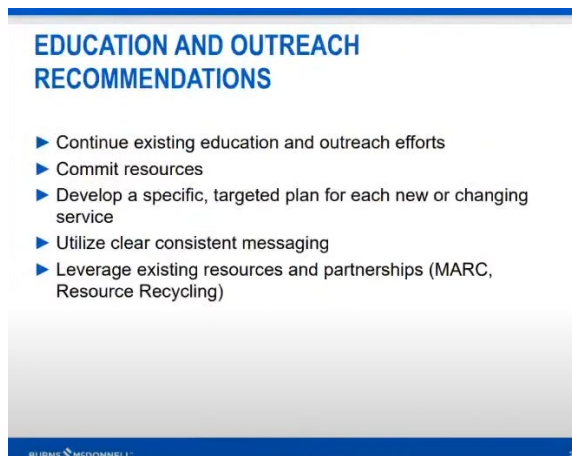
For illegal dumping recommendations, it was recommended to continue to promote the SOAR initiative and then also, again, look at cost-effective drop-off events again going with our dumpster days.



**CONSTRUCTION & DEMOLITION AND HHW RECOMMENDATIONS**

- ▶ Lead by example: adopt an ordinance for county funded projects to require a minimum standard of C&D recycling and use of recycled materials
- ▶ Continue monthly HHW collection events
- ▶ Explore opportunities to increase service frequency at the existing HHW facility
- ▶ Explore grant funding opportunities through KDHE to support the HHW program

Then, just looking at construction and demolition and then also HHW and possibly expanding some of the services there that we have with our household hazardous waste looking at maybe expanding the facility itself or increasing the frequency that we operate it. Then, also looking at some potential for maybe some grant opportunities as well.



**EDUCATION AND OUTREACH RECOMMENDATIONS**

- ▶ Continue existing education and outreach efforts
- ▶ Commit resources
- ▶ Develop a specific, targeted plan for each new or changing service
- ▶ Utilize clear consistent messaging
- ▶ Leverage existing resources and partnerships (MARC, Resource Recycling)

Education and outreach recommendations, again, just continuing on what we do now. I'm trying to get as much information as we can get out there. Maybe, possibly, committing some direct resources to education/outreach for the community as well so they're aware of what services are available.

## FACILITIES RECOMMENDATIONS

- ▶ Consider and evaluate municipally provided residential collection services
- ▶ Consider and evaluate municipally owned and/or operated transfer station
- ▶ Consider and evaluate municipally owned and/or operated organics processing facility

BURNS & MCDONNELL

29

Facility recommendations. Again, consider elevating the municipal-provided residential collection services. Also, looking at the municipally owned and operated transfer station is a recommendation down the line.

Again, looking at an organics processing facility for our compost.

## SWMP APPROVAL

- ▶ Vote upon by SWMC
  - Approved by SWMC on March 28, 2022
- ▶ Introduced to UG Board of Commissioners and out for public notice late March
- ▶ Public Hearing
- ▶ Voted upon by UG Board of Commissioners late April
- ▶ Submitted to KDHE by May 1

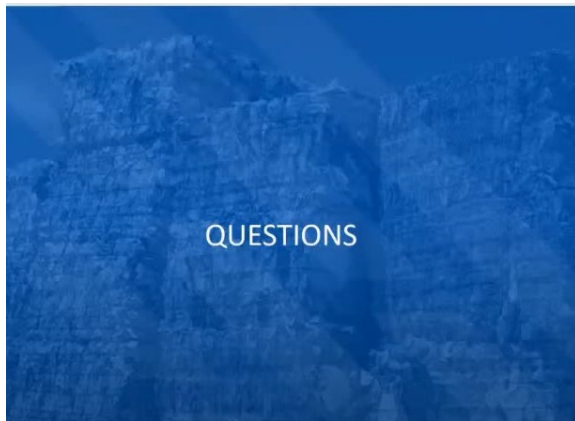
BURNS & MCDONNELL

27

Tonight, kind of, again, like I said, this is kind of an informational presentation. The process to get a solid waste management plan approved requires that first it goes through our Solid Waste Management Committee, which met this past Monday. Out of that meeting and committee, they approved the current plan that's before you today.

Again, tonight we wanted to introduce that plan to you then we have to go out for a public notice. After that, we have to have a public hearing, and then ultimately have to bring to you guys to vote on that solid waste management plan. At this point in time, the Kansas Department of Health and Environment is requesting that this plan be submitted by May 1.

**March 31, 2022**



As I said, I tried to go through that as quickly as I could. If you guys have any questions at this point.

**Mayor Pro Tem Bynum** said, Mr. Gutierrez, thank you for cramming three years of work into five minutes. I sincerely appreciate the presentation and the work of the committee. It's been a good committee. It has represented all of Wyandotte County including representation from Bonner and Edwardsville, which has been important. Commissioner Markley and Commissioner McKiernan both also sat on the Solid Waste Committee. Any comments or remarks from you? We'll see it again because we're going to have to take a vote. Tonight was information only. I just appreciate that you're here and you stayed with us. We've seen round one now, and we'll see it again, so we'll see you again soon. Thank you very much.

**Mr. Deichler** said Commissioner Townsend does have her hand raised.

**Commissioner Townsend** said just for clarification. Mr. Gutierrez, thank you and to the committee. Like you said, Commissioner Bynum, this has been a multi-year process. Appendix B of the materials we have tonight is what is being recommended, is that correct? **Mr. Gutierrez** said for tonight's meeting, this is for information only so I don't know what—**Commissioner Townsend** said I mean the packet that we have. **Mr. Gutierrez** said, correct. **Commissioner Townsend** said Appendix A, implementation plan. That is what is being recommended? So, as I go back through it, I just want to make sure that I understand. **Mr. Gutierrez** said, correct. Commissioner Townsend, you are correct. If you go to look at Appendix A, that kind of breaks

down, again, what are the short-term and long-term recommendations that come out of the plan. Ultimately, that would probably be the best resource as you're going through the plan if you want to look at what we would be presenting to you at the April meeting for approval.

**Commissioner Townsend** said another question I have, and Counsel is still there with us, I guess. What would be the impact of passing this on the current contract that we have with Waste Management?

**Misty Brown, Chief Counsel**, said I would prefer to go into the details of that in our executive session next week when discussing our ongoing litigation, but in essence, this plan is required by state statute that we submit something. This is recommendation that would be continuing to come to the governing body for, and so there's—even if you pass the plan, it's not required to do these things. They're recommendations. As far as specific impacts, I'd prefer to discuss that in executive session next week.

**Commissioner Townsend** said okay, I await that discussion. Thank you. Thank you, Mr. Gutierrez and Chief Counsel.

**Commissioner Davis** said very, very briefly. If either within this plan or next week whenever it's appropriate, if we can talk about communicating to our residents, especially in times of extreme weather and delays were taking place, that would be great. Thank you.

**Mayor Pro-Tem Bynum** said this was an information only item tonight. I apologize. The Mayor's Guide is a little out of order with what you see on your agenda, but nonetheless, we move on.

**Action:**       **For information only.**

#### **Item No. 5 – 211493...UPDATE: GRANTS AND GRANT PROCESS**

**Synopsis:** Update on grants and grant processes, submitted by Kathleen VonAchen, Chief Financial Officer.



**Kathleen VonAchen, Chief Financial Officer**, said I've been asked to give an update on the grant applications that have been submitted or in the pipeline, but also to talk about our grant management process. This is for information only.



We have created a new Grants Management Division within the Finance Department. It's going to be, or it is providing guidance on grants management policy to all the departments within the Unified Government. What we're hoping to do is to seek and receive more financial funding, engage in grant-making, and also execute policies and procedures to comply with federal regulations.

The new division doesn't really seek to centralize grants management, but rather to just offer assistance to departments as they create the grant applications and the administrative activities that happen after we get the money.





business, the grants manager will be working with all the various UG departments that have grants, state grants, and federal grants to assist them, and we're hoping that they would meet quarterly and start having better coordination. For example, we've set up a shared email group as well as a team site in order to share information about our grants management. We were hoping that we could get a VISTA to help us as well.

More immediately, though, because of all the opportunities with ARPA and with the Bipartisan Infrastructure Act, we've also signed on Iparametrics as a contract to assist us with grant writing. The main contact for Iparametrics is Jeff Stevens and Erica Hupka, who have been really fantastic with helping us with the number of grant applications, which I'll be talking about in a minute. What happens is for these special grants, every time a grant application or a notification of a grant comes out that we feel we can apply for or qualify for, we'll form an ad hoc group of individual staff members from the various departments that would be working towards developing that grant. Then, Erica or the people from Iparametrics will be assisting with making sure we collect all the right data and information so that we can write the best grant possible. So, that's what's been going on there.

We have a number of opportunity teams formed at the moment which I'm going to show you in a minute here.



The following slides talk about the current grant applications, the ones that we've submitted, the ones that are currently under development, and the ones that we expect to apply for in the future. So far, we've submitted—on this slide there are two grants that we have submitted. This first one was the EDA Build By Better Grant. It was for \$100M and we submitted it back in October. Unfortunately, we did not make the cut. That's one we didn't get.

We have also submitted the US Department of Commerce EDA Grant Travel, Tourism, and Outdoor Recreation Grants. It was titled Tale of Two Rivers. It was proposed for \$2M. We

submitted that grant application the last day of January. We're expecting to hear back on this grant either today, but probably tomorrow. Here's a graph of generally where the \$2M would be spent in this area.



Another grant that we have submitted is the Kansas Department of Commerce Building a Stronger Economy, which is an acronym called BASE. That actually contained two applications; maximum of \$25M for each. There was a minimum of 25% match. The first application was for \$23.7M on the Kansas City Riverfront. It was a joint submission with the BPU, Flying Truss, Flaherty & Collins, and Kansas City Boat Club.

The second application was an Armourdale Stormwater Project at \$19.9M. That application was submitted the end of February and it's expected to be awarded next week. We're looking forward to that. Now, the match I mentioned for both those projects has already been allocated through the KC Levees Betterment Investments. No new money was needed for the match.



Here's a graph of the Kansas City Riverfront-BASE Grant. Unfortunately, Erica Kupka was not able to join us because it's kind of late. She dropped off, but otherwise, she would be able to talk about the specifics of this grant, this project better than I. I have included Sarah White, who, if

you don't mind, can you please elevate her to panelist so that she can be available to answer any questions?



This slide is actually a picture of the Armourdale BASE Project. If there are any questions on that, I think Sarah can talk about this project here.



In addition, there were two other grants submitted. The Kansas SPARK Committee, Investment Ideas. There were actually three projects submitted. One from the Transit, which was the Micro Transit on State Avenue and the Bistate Corridor. That was for \$2M. One from the Police Department for the West Patrol Police Station and Community Center for \$4M. Then the Sheriff's Department submitted a grant to fund filtration system replacement or improvements at the detention center and to fund retention bonuses for sworn/civilian employees at the Sheriff's Office. Those three grants were submitted on February 16, and we're expecting the award notice to come in the end of April.

This Kansas Department of Aging and Disability Services, which is via ARPA, this is the grant that you heard about earlier this evening. It was submitted today, and we'll find out when that comes out.

Under Development Grant Applications

**\* U.S. Department of Housing and Urban Development, HOME-ARPA**

- \* Allocated \$3,197,993, no required match
- \* Status: Pending submission of HOME-ARPA Allocation Plan to HUD; no deadline. Period of Performance ends September 30, 2030

**\* Mid-America Regional Council (MARC), CMAQ, STBG, STBG Set-aside**

- \* Proposal is \$56 M for various street improvement or reconstruction projects
- \* Match identified \$9.1 M
- \* Status: Application Due April 1, 2022

**\* US Department of Transportation, Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Discretionary Grant Program (via ARPA),**

- \* Proposed \$25 M for multimodal planning grant, no required match
- \* Planning projects identified from goDotte study that meet RAISE grant requirements (see next slide for graphic of project area)
- \* Status: Due 4/14/22

So, under development at the current time is the U.S. Department of Housing and Urban Development HOME-ARPA Grant. There is \$3M allocated. There's no required match. Right now, the status is pending submission from HOME-ARPA allocations to HUD. There's no deadline. The period of performance ends at the end of September, so this is all pending at the moment.

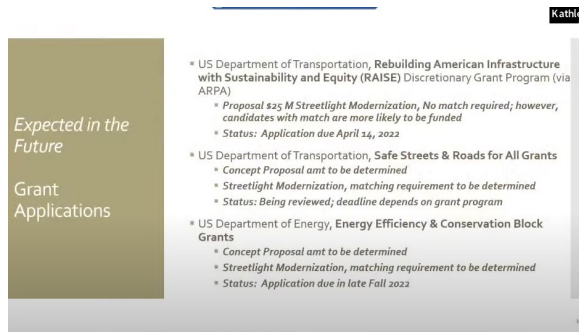
There was also the MARC CMAQ, all these acronyms, but the MARC grant is probably going to be submitted tomorrow. It's a combination of a whole variety of projects which total \$56M. There was quite a bit of discussion about this at the Public Works Standing Committee meeting. The match that is identified is \$9.1M, but it includes funding that's already been in place at the Unified Government so it's not new money.

The third grant that's under development at the moment is what they call the U.S. Department of Transportation RAISE Discretionary Grant Program, which is rebuilding American infrastructure through sustainability and equity. Now, this is still in concept, but it's proposed to be \$25M in multimodal grant planning grant funding.

RAISE Planning Grant Projects (goDotte Study)



There's no required match. The planning projects identified are coming from the goDotte study that meets the RAISE grant requirements. I think Sarah may be able to talk a little bit more about this, but generally speaking, these are roads that are being looked at for the planning grant across the UG. I'm trying to get through this quickly. I apologize.



Some other grants that are expected for the future. All three of these grants here are related to the Streetlight Modernization program or proposal.

I think you all have heard in the past that the Public Works Director, Jeff Fisher, has been trying to find roughly \$50M in order to replace our streetlights with LED lights. This is one of the means that we're hoping to achieve that through federal funding, through these various three grant programs.

The first one is another RAISE grant. The proposal is to be submitted at the moment is to submit \$25M for the Street Modernization Program. There's no match requirement, however, if candidates do have a match, they're more likely to be funded. The application is due in a couple of weeks on April 14.

There's also opportunities to fund street modernization through these other two grants. The U.S. Department of Transportation's Safe Streets and Roads for all grants. which are still under development, being reviewed. Then there's a second one from the U.S. Department of Energy which is the Energy Efficiency and Conversation Block Grants. That application is due sometime in the latter part of the fall of this year. These are opportunities that are being researched and reviewed at the moment.

Then there's two other grants that we're expecting to apply for. There's the Kansas Department of Transportation Intersection Safety Improvements, which the concept proposal or the amount is still to be determined. There is a 30% matching requirement and...

**Mayor Garner** said, Ms. VonAchen, I hate to stop you, but is there any way you can get the slides to all the commissioners? **Ms. VonAchen** said yes. They got sent to them already. **Mayor Garner** said that's awesome. **Ms. VonAchen** said and actually, that was the last slide I had. **Mayor Garner** said awesome. Thank you so much. In the interest of time, we've just got to move things along in an expedient way. Do any commissioners have any comments or questions in regard to the grants and grants process?

**Commissioner Bynum** said I have to say thank you because that is a ton of work being done. Again, we've spoken of these kinds of maybe one-time opportunities and we're not letting them get by, and I just really appreciate it.

**Commissioner Burroughs** said I, too, want to thank you for the presentation, Kathleen. I would just like to say that these are opportunities for us within the budget process to address some of the concerns we have when we're able to apply for grants and receive those dollars. That's part of the creative funding that we need to talk about as we move forward in the budget process. This is a tremendous opportunity for us here.

**Mayor Garner** said thank you, Ms. VonAchen. That was an awesome presentation. This matter was for information only. So, thanks again for that presentation.

**Action:** For information only.

**Item No. 6 – 211495...PRESENTATION: CREATION OF A RESIDENTIAL CLASSIFICATION FOR THE BPU PILOT**

**Synopsis:** Creation of a residential classification for the BPU PILOT, submitted by Kathleen VonAchen, Chief Financial Officer.

**Commissioner Ramirez** said sorry, but we've been here a majority of half of the day. Most of us have to work, staff have to work. Can we please move this item to another meeting because we have staff who are here who still have to be here 7:00, 7:30 in the morning. Like I said, most of us still have to work in the morning. So, just in the interest of time and people's sleep if we can move this item to another meeting.

**Mayor Garner** said I understand that. Ms. VonAchen, can you do a brief summary of these? We're near the end so. We've got Land Bank Board of Trustees also on the Consent Agenda. Ms. VonAchen, can you just do a brief summary on that just really quick in the interest of time?

**Kathleen VonAchen, Chief Financial Officer**, said well, I have submitted the PowerPoints. The PowerPoints you all have. It's in your inboxes for this item. It's two proposals that we want to provide information on. The first one is to actually, and I've worked with the Chief Legal Counsel on this to actually create two classifications, one for residential and one for commercial with regard to our payment in lieu of taxes for the water and electric PILOT at the BPU. By doing so, then perhaps we could, as part of the budget process, determine what percentage of the gross revenues of the BPU we want to apply a PILOT towards and perhaps have a different percentage for commercial versus residential. By doing this, we could kind of differentiate between those two classifications. Right now, we have to apply the percentage across all of the accounts. This is a thing we could do by amending the charter ordinance. It would require eight votes. Then after the vote or after your approval of the charter ordinance, there would be a 61-day waiting period where we would have to field any kind of protest petitions from the residents, so that's one thing.

The second item is to further address the PILOT payments made by or incurred by low-income households. What we thought we could do is expand the current senior citizens and disabled residents' Utility Rebate Program, which is administered by the Clerk's Office. Right now, that program is limited to folks who are, I think, 65 years or older and have a household income of \$25K. In your packet, you've got some information about how many folks have utilized this rebate program over the years and some more information.

The proposal is basically to maybe consider adjusting this program so that it's open to all ages and it's just limited by the income level, the low-income level. I did take a look at it, and I think roughly it would probably address about 1,500 households. It might cost, based on certain assumptions, it might cost an additional \$200K. That would provide relief for not only the PILOT for these low-income households, but not only for the PILOT, but for other taxes and fees that they pay to the Unified Government.

Those are the proposals that we're looking into, and we'll probably be talking a lot more about those during the budget process.

**Mayor Garner** said thank you, Ms. VonAchen. Do any members of the Commission have any comments or questions? Seeing none, that matter was for information only. I'm sure that Ms. VonAchen will continue that conversation as we proceed through the budget process.

**Action:**        **For information only.**

### **COMMISSIONERS' AGENDA**

No items.

**Mayor Garner** adjourned the meeting as the Board of Commissioners and reconvened as the Land Bank Board of Trustees.

### **LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA**

**Mayor Garner** asked, does any member of the Commission or County Administrator wish to set aside any item on the Land Bank Consent Agenda?

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

### **Item No. 1 – 211372... LAND BANK OPTION APPLICATIONS**

**Synopsis:** Request consideration of the following Land Bank option applications, submitted by Jud Knapp, Land Bank Manager. On March 7, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

- A. New Construction - Single Family Homes – 9 Homes
  - 1. Kip Myers – 5 Single Family Homes
    - 2903 Farrow Ave. – 164901
    - 2907 Farrow Ave. – 164903
    - 2935 Farrow Ave. – 164909
    - 3001 Farrow Ave. – 165000
    - 3109 Farrow Ave. – 165008
  - 2. Richard Dumas – 1 Single Family Home
    - 618 N 11th St – 080519
  - 3. Flora Nyakatura – 1 Single Family Home
    - 3649 N. 55th St. – 025900

3639 N. 55th St. – 025901  
 3625 N. 55th St. – 025903

4. Jonathan Hopmann – 1 Single Family Home  
 802 Tauromee Ave. – 090415

5. Jonathan Pitallo – 1 Single Family Home  
 805 N. 12th St. – 080816

- B. New Construction – Multi-Family  
 Martinez Porfirio - 2 Duplexes  
 2510 N. 10th St. - 157402  
 2506 N. 10th St. – 157403  
 2500 N. 10th St. – 157404

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

## **Item No. 2 – 211373... LAND BANK PROPERTY TRANSFERS**

**Synopsis:** Request consideration of the following Land Bank transfers, submitted by Jud Knapp, Land Bank Manager. On March 7, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

- A. Yard Extension  
 1. Bill Mosburg  
 730 R Northup Ave - 119516  
 2. Frank Piper  
 3915 Ford Ave – 912712
- B. Property Transfer  
 Brien Darby – Garden  
 311 Franklin Ave – 110412

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

**PUBLIC ANNOUNCEMENTS**

**Mayor Garner** said before we adjourn today, we would like to allow our Administrator to make a special announcement.

**Cheryl Harrison-Lee, Interim County Administrator**, said I just wanted to wish Melissa Sieben well on her new job opportunity with the city of Lawrence. She'll be leaving us next month. Lawrence is a great city with great opportunities. Just want to thank you for your service here with Wyandotte County and wish you all the best.

**Mayor Garner** said thank you, Melissa. We are adjourned.

**MAYOR GARNER**  
**ADJOURNED THE MEETING AT 11:31 P.M.**  
**March 31, 2022**

---

Brett A. Deichler  
Unified Government Clerk

tk

**March 31, 2022**