

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

PLANNING & ZONING AND
REGULAR SESSION
MAY 26, 2022

The Unified Government Commission of Wyandotte County/Kansas City, Kansas, met in Regular Session Thursday, May 26, 2022, with nine members present via Zoom or on-site: Bynum, Commissioner At-Large First District, Mayor Pro Tem; Burroughs, Commissioner At-Large Second District; McKiernan, Commissioner Second District; Ramirez, Commissioner Third District; Johnson, Commissioner Fourth District; Kane, Commissioner Fifth District; Markley, Commissioner Sixth District; Stites, Commissioner Seventh District; Davis, Commissioner Eighth District. Townsend, Commissioner First District; was absent. The following officials were also in attendance: Cheryl Harrison-Lee, Interim County Administrator; Brett Deichler, Interim Assistant County Administrator; Misty Brown and Patrick Waters, Chief Counsels; Jon Khalil, James Bain and Zee Bishop, Assistant Counsels; Alan Howze and Bridgette Cobbins, Assistant County Administrators; Kathleen VonAchen, Chief Financial Officer; Gunnar Hand, Director of Planning & Urban Design; Greg Talkin, Neighborhood Resource Director; Jeff Fisher, Executive Director of Public Works; Troy Shaw, County Engineer; Jonathan Gutierrez, Solids Waste Division; Joe Barnes, Water Pollution Control, Public Works; Blake Hensley, Health Department; Monica Sparks, Acting Unified Government Clerk, and Tifani Portley, UG Clerk's Office.

Mayor Pro Tem Bynum said I'm serving as Mayor Pro Tem for the evening. Mayor Tyrone Garner will be joining us very soon but, in his absence, I will serve as Mayor Pro Tem.

Before I call the meeting to order, I want to announce that some commissioners, staff, and the public are attending remotely by Zoom, by telephone, or on-site. All participants joining by phone should mute their phones when not speaking to avoid background noise.

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

I will call the meeting to order. I'll ask the Clerk to call the roll, please.

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

Mayor Pro Tem Bynum said the Invocation is being given by Commissioner Harold Johnson of Faith Deliverance Church of God in Christ.

Mayor Pro Tem Bynum asked, Clerk, are there revisions on tonight's agenda?

Monica Spark, Acting Unified Government Clerk, said, yes, madam, we do have a blue sheet. There is a revised item on the Regular Consent Agenda. Item No. 1, Approval use of Reserve Funds for Tuberculosis Outbreak Response. There is a request for approval of \$100K instead of \$400K. The Kansas Department of Health and Environment recently amended the Health Department's existing Tuberculosis Grant with an additional \$300K. As a result, the Health Department is requesting to reduce their request from the Reserve Funds. Those are all the revisions on tonight's agenda.

Tonight, we have two distinct parts on our agenda. The Planning and Zoning part of the meeting will be handled first followed by the Regular Commission meeting before we begin the Planning and Zoning portion of the meeting.

PLANNING AND ZONING CONSENT AGENDA

Monica Sparks, Acting Unified Government 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 Ramirez** said on Non-Consent COZ2021-048, proponents and opponents.

Mayor Pro Tem Bynum asked, are there any others? I need to disclose on Non-Consent. I've heard from opponents of Item 1- COZ2021-048, Item 2 - COZ2022-001, and Item C1 - MPL2022-001. **Commissioner Davis** said I have spoken with proponents and opponents of COZ2021-048. **Commissioner McKiernan** said on Non-Consent, proponents and opponents of COZ2021-048, proponents and opponents of COZ2022-001, proponents and opponents of SP2022-046, and proponents and opponents of MPL2022-001.

Monica Sparks, Acting Unified Government Clerk, read the items on the Consent Agenda.

Mayor Pro Tem Bynum 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 this Consent Agenda will be voted on by one vote to follow the recommendations of the Planning Commission. I'll ask if anyone in attendance would like to set aside any of those items, and if so, please come forward, state your name and city for the record and we will set that item aside. I'll ask the Clerk if anyone joining virtually has their hand raised to set aside an item. **Tifani Portley, UG Clerk's Office**, said there are none.

Mayor Pro Tem Bynum said if there are no set asides, I'll have a motion for approval of our Planning and Zoning Consent Agenda.

Mayor Pro Tem Bynum said if there are no set asides, I'll have a motion for approval of our Planning and Zoning Consent Agenda.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve all items as submitted on the Planning & Zoning Consent Agenda. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 211609...CHANGE OF ZONE APPLICATION COZ2022-006: VERNON HOPKINS

Synopsis: Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District to operate a sports bar and grill with event space at 2724 North 13th Street (in conjunction with SP2022-018), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Vernon Hopkins, is requesting a Change of Zone for the subject property at 2724 North 13th Street. The Applicant is requesting a Change of Zone from C-1 Limited Business District to C-2 General Business District. The Change of Zone has been requested so that the Applicant can begin operation of a sports bar and grill with special gathering events within a 2004 square foot masonry building.

And

SPECIAL USE PERMIT ITEM NO. 2 – 211611...SPECIAL USE PERMIT #SP2022-018 – VERNON HOPKINS

Synopsis: Special Use Permit to operate a sports bar and grill with event space at 2724 North 13th Street (in conjunction with COZ2022-006), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design, 573-5751. The Applicant is the new property owner and is in the process of renovating the building to include a small kitchen. A Special Use Permit is required for any food service Establishment in which alcohol sales is expected to surpass food sales and for live entertainment during events. This application is being heard in conjunction with BOZA2022-022 for variances pertaining to setbacks and minimum required parking. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-006 and Special Use Permit Application SP2022-018, subject to:

1. This City Planning Commission case is being heard in conjunction with BOZA2022-022;
2. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
3. All entertainment must cease by at least 1:00 AM;
4. No outdoor loitering in alleyways or behind the building;
5. Trash must be maintained at the rear of the building;
6. Doors and windows must stay closed during any entertainment performance;
7. Must comply with Unified Government Security Ordinance (Chapter 4, Article II, Division 1, Sec. 4-104(f), including:
 - a. Security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times when alcohol is served;
 - d. At closing time, all security personnel will move patrons towards the exit and then to their vehicles;
8. No amplified speakers or entertainment is allowed in outdoor spaces;
9. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
10. If approved, the applicant must file and maintain a current business occupation tax application;

11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
13. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
14. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & Urban Design Department no less than two (2) months prior to the expiration of the permit to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
15. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-006 and Special Use Permit Application SP2022-018, for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

**ITEM NO. 2 – 211612...CHANGE OF ZONE APPLICATION COZ2022-007:
MARICELA ZAMORA**

Synopsis: Change of Zone from C-1 Limited Business District to CP-3 Planned Commercial District for auto repair services at 4639 Parallel Parkway (in conjunction with SP2022-022), and SP2022-022 submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Maricela Zamora with Pardo Automotive, is requesting a Change of Zone and a subsequent Special Use Permit. The requested Change of Zone is from C-1 Limited Business District to CP-2 Planned General Business District.

And

**SPECIAL USE PERMIT ITEM NO. 4 – 211613...SPECIAL USE PERMIT #SP2022-022 –
MARICELA ZAMORA**

Synopsis: Special Use Permit for auto repair at 4639 Parallel Parkway (in conjunction with COZ2022-007), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design, 573-5751. This district is requested in order to meet the zoning district requirement for a Special Use Permit for light automotive service and maintenance. The subject property has had a light automotive service and maintenance use on the subject property since 2017; this Special Use Permit has been triggered by an expansion of uses on the subject property due to an expansion of the existing building by an additional 1,241 square feet. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-007, subject to:

- 1) Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
- 2) Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;

- 4) Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
- 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
- 6) Per Section 27-576(f)(2), all building projections shall match or complement in color the permanent color of the surface from which they project;
- 7) Per Section all new development landscaping must be irrigated with an automatic system approved by the planning department;
- 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
- 10) The applicant has filed and maintained a current business occupation tax application;
- 11) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
- 12) ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 13) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 14) 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 & Urban Design to begin this process;
- 15) 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 salvaged 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;

- 16) A right-of-way permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 17) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
- 18) Section 27-466(g) requires that a six (6) foot-high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas; and,
- 19) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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 Special Use Permit Application SP2022-022, for two (2) years, subject to:

- 1) Per Section 27-576(c)(1), commercial development should take into account the architectural design of all building elevations, 360 degrees. Quality design should be expressed on all elevations of a building;
- 2) Per Section 27-576(e)(1), building materials must be durable, economically maintained, and of a quality that will retain its appearance over time, including but not limited to: natural or synthetic stone, brick, stucco, integrally colored, textured, or glazed concrete masonry units, high quality prestressed concrete systems, cementitious siding (hardy board), or glass. The director may approve other high-quality materials;
- 3) Per Section 27-576(e)(2), exterior building materials shall not include the following: split shakes, rough sawn, or board and batten wood; vinyl siding; smooth-faced grey concrete block, painted or stained concrete block, tilt-up concrete panels; field painted or prefinished corrugated metal siding; standard single-tee or double-tee concrete systems; or EIFS at the ground level or comprising more than 15 percent of any façade;
- 4) Per Section 27-576(e)(3), exterior building material must be continued down to within nine inches of finished grade on any elevation. Exterior masonry materials must be continued to the top of grade;
- 5) Per Section 27-576(e)(4), all building facades shall be at least 50 percent masonry. Cementitious siding may be used to meet 50 percent of the total masonry requirement;
- 6) Per Section 27-576(f)(2) all building projections shall match or complement in color the permanent color of the surface from which they project;

- 7) Per Section 27-577(f)(1) all new development landscaping must be irrigated with an automatic system approved by the planning department;
- 8) Any approval by the City Planning Commission of this case, and the conditions of approval contained herein, are contingent upon and shall only go into effect upon the approval of Appeal BOZA2022-007 by the Unified Government Board of Zoning Appeals and upon any ordinance publications required by law;
- 9) This City Planning Commission case is being heard in conjunction with BOZA2022-007. The following are conditions for BOZA2022-007 and are stated here for reference only, as COZ2022-007 and SP2022-022 are solely for a Change of Zone from C-1 Limited Business District to CP-2 Planned General Business District and Special Use Permit for light automotive repair and maintenance, respectively;
- 10) The applicant has filed and maintained a current business occupation tax application;
- 11) A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
- 12) ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
- 13) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
- 14) 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 & Urban Design to begin this process;
- 15) Any automotive-related business in Wyandotte County that is required to obtain any Special Use Permit, shall be responsible to ensure that the business operations are at all times compliant with all applicable local ordinances and State Statutes and Regulations [27-463 through 27-470; 27-592 through 27-616] [KSA 65-3424, KAR 28-29-29 through 28-29-331. Proof of proper disposal of waste tires with a Kansas State permit-holding waste tire collector or waste tire processor is required to be maintained at the management office and provided to any enforcement staff upon request;
- 16) Any business or land use in Wyandotte County that is required to provide off-street parking shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times 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 salvaged vehicles. Any vehicle parked or stored outside must be on an improved surface, located on the same land parcel as the business use, and be parked

within a regulation dimension parking stall. Any outside storage may not reduce the availability of all required parking spaces as required by ordinance;

- 17) A right-of-way permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
- 18) Per Section 27-466(g), trees are required at not less than one (1) per 7,000 square feet of site area. The subject property measures 11,519 square feet, requiring two (2) trees be provided on the site plan, in addition to any trees required by other landscaping or screening conditions;
- 19) Section 27-466(g) requires that a six (6) foot-high architectural screening is to be provided along all side and rear property lines common to or across an alley from residentially zoned property. Additional screening or buffering may be required to soften the visual impact of parking or unsightly areas;
- 20) The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 21) 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 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;
- 22) 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 & 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,
- 23) Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-007 and Special Use Permit Application SP2022-022, for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 3 – 211614...CHANGE OF ZONE APPLICATION COZ2022-014: REGINA COMPERNOLLE

Synopsis: Change of Zone from R-1 Single Family District to A-G Agriculture District for agricultural purposes at 4141 Joyce Drive (in conjunction with SP2022-042 - Renewal of a Special Use Permit - SP2019-23 - for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices and a farm stand), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Change of Zone has been requested so that the property’s agricultural activity can continue. It is unclear if the property was formerly zoned for Agricultural, however, the parcel size and rural nature of the properties indicate that there was a possible rezone from Agricultural in the past. The Applicant currently uses the property for a multitude of agriculturally related activities including educational classes on topics such as herbalism, edible plant identification, nature-based spirituality, nature-inspired art, self-pick orchards, the production of farm-goods such as soaps, jellies, salves, oil infusions, incenses, and personal homesteading and would like the zoning to reflect the property’s intended use. The property owner maintains a number of agricultural-related accessory structures such as high tunnels and an equipment storage barn.

And

SPECIAL USE PERMIT ITEM NO. 10 – 211612...SPECIAL USE PERMIT APPLICATION #SP2022-042 – REGINA COMPERNOLLE

Synopsis: Renewal of Special Use Permit (SP2019-023, expired 3/28/2021) for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices, and a farm stand at 4141 Joyce Drive (in conjunction with COZ2022-014), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Regina Compernelle OBA Sacred Earth Arts, is requesting a Change of Zone and a renewal of a Special Use Permit for the subject property at

4141 Joyce Drive. The Applicant is requesting a Change of Zone from R-1 Single Family District to AG Agricultural District. The Special Use Permit has been requested so that the Applicant may continue to utilize the commercial activity of the educational classes and you-pick berry sales and the industrial activity of food product production. The Planning Commission voted 6 to 0 to recommend approval of Change of Zone Application COZ2022-014, subject to:

1. If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right-of-way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;
4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
8. All class participants shall continue to park off-street in the designated parking area;
9. The FSMA Producer Certificate shall be renewed when required;
10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall

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

13. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
15. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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 & 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 Special Use Permit Application SP2022-023, for two (2) years, subject to:

1. If approved, the drive aprons shall be upgraded to an improved surface with repaired aprons and as required and approved by the UG Building Inspection Division and Public Works;
2. A right-of-way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin that process;
3. The applicant will need to continuously maintain the agricultural exemption and occupation taxes licenses with the business office;

4. Should any of the orchard or vined plants be used for the purposes of a farm winery, the regulations set forth in Section 4-9 and Section 34-78 shall be followed. A Special Use Permit is required to operate a farm winery per Section 27-593(9);
5. Should any produce or homemade goods be sold, the regulations in Chapter 32 and Chapter 16 shall be followed. Additional requirements by the Department of Agriculture such as Food Handlers, Food Processors, or other licensing may be required. See Farmers' Market and Similar Food Sales (ks.gov) and MF3138 Foods Sold Direct to Consumers in Kansas (Farmers Markets): Regulations and Food Safety Best Practices (ksu.edu) for more information;
6. If approved and should livestock be introduced to the property or timber stand improvements to be made, the applicant should contact the Conservation District for technical assistance per the comments below to update their Conservation District Plan accordingly;
7. Commercial Activity on the property shall be by appointment only with no open picking by the public;
8. All class participants shall continue to park off-street in the designated parking area;
9. The FSMA Producer Certificate shall be renewed when required;
10. If there are still four (4) dogs on the property, an additional Special Use Permit is required;
11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
13. 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. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and

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

15. The Special Use Permit shall be valid for two (2) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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 & 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-014 and Special Use Permit Application SP2022-042 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 4 – 211616...CHANGE OF ZONE APPLICATION COZ2022-016: SAM LORING WITH GOULD EVANS

Synopsis: Change of Zone from No Zoning to CP-2 Planned General Business District to construct the Rock Island Bridge Entertainment Venue at 0 Kansas Avenue, (557 River Park Drive; in conjunction with PR2022-019.

And

MASTER PLAN APPLICATION ITEM NO. 4 – 211616...MASTER PLAN APPLICATION #MPL2022-010 – SAM LORING WITH GOULD EVANS

And

SPECIAL USE PERMIT ITEM NO. 4 – 211616...SPECIAL USE PERMIT #SP2022-044 – SAM LORING WITH GOULD EVANS,

all submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The representative, Sam Loring with Gould Evans on behalf of the property owner, Flying Truss LLC, requests to rezone the Rock Island Bridge from unzoned to CP-2 Planned General Business District, amend the Armourdale Master Plan from no designation to Park/Open Space, Public/Semi-Public, and Regional Commercial, obtain a Special Use Permit for a drinking establishment(s), private event space and ancillary uses that may include live entertainments, other public/private promotional events, a Preliminary Development Plan for the parking lot at 557 River Park Drive and Preliminary and Final Development Plan for the bridge. The Planning Commission voted 6 to 0 to recommend approval of Master Plan Amendment Application MPL2022-010, Change of Zone Application COZ2022-016, Special Use Permit Application SP2022-044, and Plan Review Application PR2022-019, subject to:

1. These entitlements are being heard in conjunction with BOZA2022-024, which is seeking a variance for parking reduction for 76 spaces for the overall development, a violation of 106 spaces. This parking total does not include parking provided to the public at the Yards II mixed-use development project and the West Bottoms Garage located in Kansas City, MO;
2. A Final Development Plan is required to be submitted for the parking lot, which is being designed by others. A TCO to occupy the bridge will not be issued until the parking lot is completed, as the off-street parking is connected to this development;
3. The proposed parcel is over the Kansas River and thereby is within the regulatory floodplain. The parcel must be removed from the regulatory floodplain through FEMA. The applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure in the floodplain prior to obtaining a building permit;
4. Proposed hours are 8:00 AM — 1:00 AM (Friday/Saturday) and 8:00 AM — 9:00 PM (Sunday through Thursday);
5. There will be security cameras covering all of the bridge including the event space with proximity detectors and AI for identifying unwanted behaviors. There will also be professional security personnel throughout the bridge on busy nights. There are chain link gates at the end of the bridge which will be kept open during business hours, but will be shut and locked nightly;
6. The crossing will be open daily (365 days per year) from at least dawn until dusk (during the "off-season". During the open season — the crossing will be open until the bridge closes for the evening;
7. Bikeshare hub will be located on the west bank in the “trailhead amenity zone” as shown on the preliminary design plans attached;
8. Kansas City ATA has a bus route adjacent to the bridge on American Royal Way;

9. Sec. 27-576(e)(2) Exterior building materials shall not include the following f. EIFS at the ground level or comprising more than fifteen (15) percent of any façade. Metal paneling and may only account for 15% of the exterior building material per façade on the exterior buildings. The City Planning Commission must give deviation from the Commercial Design Guidelines for corrugated metal paneling (similar to Yards II building) and semi-transparent cladding. Staff will not ask for the deviation;
10. Sec. 27-576(g)(3) Sloped roofs or canopies shall be covered with high-quality roofing material such as approved by the director. Metal roofing is preferred, especially for small articulations. Asphalt is discouraged and wood roofing materials are prohibited;
11. The western parking lot shall have landscaped islands with at least one (1) shade tree planted within each island;
12. All landscaping must be irrigated;
13. All shade trees shall be at least two (2) inch calipers. All evergreens shall be at least six (6) feet in height. All shrubs shall be three (3) gallons when planted;
14. 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;
15. All lighting, whether installed in the parking lot or on the exterior of bridge abutments and trusses shall have 90-degree cutoff fixtures. No wall pack lights or flood lights;
16. If applicable, all BPU transformer pads and/or generators shall be completely screened on three (3) sides with 6-foot junipers setback three (3) feet from the pad and ten (10) feet from the door opening. Additionally, if the louvered transformer doors open towards the parking lot, the 10-foot setback is established in the parking lot, therefore the louvered gate/enclosure shall be constructed in front of the transformer. If this cannot be accomplished, relocation of the transformer may be necessary;
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 & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
18. If approved, the applicant may need additional licenses or permits for safe and proper operation (i.e., Wyandotte County Health Department and/or KDHE). The approval of this application does not mitigate the need for additional licenses as this application is for zoning approval only;
19. If approved, the applicant must file and maintain a current business occupation tax application with the Business Licensing Division office. Their number is (913) 573-8780;
20. If approved, the applicant must file and maintain a current business occupation tax application and entertainment license with the Business Licensing Division office. Their number is (913) 573-8780;
21. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change

in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

22. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the Building Inspections Division, Neighborhood Resource Center, 4953 State Avenue, Kansas City, KS 66102, (913) 573-8620;
23. A right-of-way permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
24. All existing and future driveways must feature curb cuts that are constructed to UG standards;
25. 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;
26. 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 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;
27. 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 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;
28. The Special Use Permit shall be valid indefinitely from the publication of the associated ordinance. Special Use Permits are non-transferable, therefore if there is a new operator, the applicant is solely responsible for obtaining a new Special Use Permit. All operations must cease until such time as a new Special Use Permit is approved; and,

29. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & Urban Design Departments (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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Change of Zone Application COZ2022-016, SP2022-044, PR2022-019, and MPL2022-010, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

SPECIAL USE PERMIT APPLICATIONS

ITEM NO. 1 – 211620...SPECIAL USE PERMIT APPLICATION SP2022-007: DEAN MICHAEL WITH SHARON LEE FAMILY HEALTH CARE, INC.

Synopsis: Special Use Permit for health clinic serving uninsured and under-insured people at 2002 South 51st Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Dean Michael with Sharon Lee Family Healthcare LLC, is seeking approval to operate a health and dental clinic at 2002 South 51st Street. The subject property was a former church and includes a single-family residence utilized by the former pastor. The clinic intends to operate in the basement of the single-story church building and each level of the church has 2,800 square feet. The annex building is a single-family residence of 2,758 square feet. The Applicants have recently purchased the property and it has proposed plans for renovation. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-007, subject to:

1. This application is for zoning clearance only and does not replace the need for any other permits or licensing;
2. ADA-compliant parking proximate to the entrance must be installed, including the required graphics and sign placards;
3. In lieu of a renewal of the Special Use Permit, a Change of Zone and/or Master Plan amendment shall be applied to achieve higher zoning conformance, as the building is no longer a religious institution with associated accessories, but rather a medical office with storage annex;
4. Renovation work on the property must include a Change of Occupancy for the church building. When the Change of Zone is attempted, the accessory residence being used as

- storage shall also undergo a change of occupancy from a residential dwelling to a commercial use;
5. Upon the future application of the Change of Zone, the parking lot shall be improved per the plan provided;
 6. Upon the future application of the Change of Zone, the exterior parking lot lighting and landscaping shall be completed;
 7. All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street;
 8. Section 27-696(b)(5) states that all outside bins or trash container areas must be completely enclosed by an architectural screen to a height not less than the height of the bin or container. No trash enclosures may be located in required yards adjacent to the street right-of-way. In commercially and industrially zoned areas where the trash container will not be visible from off the property due to other screening or topographic conditions and will not be visible from public parking or pedestrian areas on the site, such trash bin screening need not be provided. In industrially zoned areas where the trash container will not be visible from residential property and where such containers are kept directly alongside the building and in a well-kept manner, such screening need not be provided;
 9. 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 & Urban Design to begin this process;
 10. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
 11. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
 12. The Special Use Permit shall be valid for two (2) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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

13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-007, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 2 – 211611...SPECIAL USE PERMIT APPLICATION SP2022-018: VERNON HOPKINS

Synopsis: Special Use Permit to operate a sports bar and grill with event space at 2724 North 13th Street (in conjunction with COZ2022-006), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application No. 1, COZ2022-006.

ITEM NO. 3 – 211621...SPECIAL USE PERMIT APPLICATION SP2022-021: MELISSA HERR WITH HERR HUT LLC

Synopsis: Home Occupation Special Use Permit to sell novelty toy and gift items at 2618 South 48th Terrace, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Melissa Herr of Herr Hutt LLC, is seeking approval to operate a home occupation out of their property at 2618 South 48th Terrace. The applicant plans to sell toys, gifts, and similar merchandise and deliver the orders which are placed virtually. The applicant plans on keeping a small amount of inventory on the property but does not plan on having any on-site sales or visiting customers. The Applicant wishes to use the sales proceeds as an investment to fund a future restaurant business. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit SP2022-021 for two (2) years, subject to:

1. If approved, the driveway and apron shall be upgraded to an improved surface such as asphalt or concrete. The amount of improved surface in the front yard shall not exceed 30% of the open space;
2. If approved, the applicant shall perform repairs to remove the fallen rear tree and repair the rear corner office;
3. If approved, the applicant must file and maintain a current business occupation tax application with this office;
4. A right-of-way permit is required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly;
5. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
6. 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. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking must occur entirely on private property of the same land parcel and be at all times 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. 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 & 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,
9. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-021 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 4 – 211613...SPECIAL USE PERMIT APPLICATION SP2022-022: MARICELA ZAMORA

Synopsis: Special Use Permit for auto repair services at 4639 Parallel Parkway (in conjunction with COZ2022-007), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application No. 2, COZ2022-007.

ITEM NO. 5 – 211622...SPECIAL USE PERMIT APPLICATION SP2022-027: EMMANUEL IGBINOSUN

Synopsis: Special Use Permit to operate used auto sales business at 5520 Inland Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Emmanuel Igbinosun with ESI Group, LLC, is requesting a Special Use Permit. The Applicant will be using the subject property as an office for the used auto online sales business; there will be no inventory kept, stored, or maintained onsite. Additionally, there will be no automotive repair or maintenance use associated with the subject property. The Planning Commission voted 5 to 0 to recommend the denial of Special Use Permit Application SP2022-027, due to the failure of the Applicant to comply with Staff requirements.

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to deny Special Use Permit Application SP2022-027 due to the failure of the Applicant to comply with Staff requirements. Roll call was taken

and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 6 – 211607...SPECIAL USE PERMIT APPLICATION SP2022-035: BRETT EPP WITH HICKORY UNION MOTO

Synopsis: Renewal of a Special Use Permit (SP2019-70 – expired 1/30/2022) for live entertainment at a community motorcycle garage at 10 South James Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Brett Epp with Hickory Union Moto, is seeking the renewal of a Special Use Permit for the subject property at 10 South James Street. The Applicant is requesting the Renewal of Special Use Permit which expired January 30, 2022, so that they may continue to have community events that feature live entertainment and alcohol consumption to continue to operate a community motorcycle repair and are provided with shared-use spaces to repair and build their personal motorcycles, similarly to a trade or craft guild. The garage’s community members gather periodically for events to showcase their work to other members of the public and have smaller, less-public events such as barbeques or watch parties throughout the year to foster the sense of community among members. The prior Special Use Permit was for two (2) years and the Applicant is seeking a five (5) year renewal term. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-035, for five (5) years, subject to:

1. Hours of operation are to remain consistent with previously stated operational use;
2. All entertainment must cease by 1:30 AM;
3. Alcohol consumption must remain on the subject property and not continue onto overflow parking;
4. Security and staffing during events must follow the ratios outlined in Section 4-104(f);
5. 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; 27592 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;
6. 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; 27592 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;

7. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
8. 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 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;
9. The Special Use Permit shall be valid for five (5) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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,
10. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-035 for five years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 7 – 211623...SPECIAL USE PERMIT APPLICATION SP2022-038: MATT BRENTANO WITH TANNERS BAR AND GRILL

Synopsis: Special Use Permit (SP2018-71– expired 9/27/2020) to continue live entertainment in conjunction with restaurant/drinking establishment at 3900 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Matt Brentano, is requesting a Special Use Permit for a drinking establishment, restaurant, and live entertainment venue at 3900 Rainbow Boulevard. This property was approved for a Special Use Permit for two (2) years in 2018 (SP-2018-71), however, did not renew upon expiration of the permit. As such, a new Special Use Permit is required. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-038, for two (2) years, subject to:

1. All entertainment must cease by at least 1:00AM;
2. Doors and windows must stay closed during any live entertainment performance;
3. Must comply with Unified Government Security Ordinance (Chapter 4, Article II, Division 1, Sec 4-104(f), including:
 - a. Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An I.D. scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
4. No amplified speakers or entertainment is allowed in outdoor spaces;
5. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
6. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval
7. Per Section 27-723(a), no sign (including the structure or sign surface) shall be erected, installed, altered, relocated, rebuilt, or refaced until the Unified Government issues a sign permit. Only those signs permitted in this division shall be granted a sign permit. Contact the Department of Planning & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process;
8. The applicant must file and maintain a current business occupation tax application;
9. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner

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

10. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
11. Approval of this case by the Board of Commissioners, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the real or constructive operation of any use allowed under this Special Use Permit, or any portion thereof, does not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located;
12. The Special Use Permit shall be valid for two (2) years from the publication of the associated ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & 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,
13. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-038 for two years, subject to the stipulations. Roll call was taken and there were nine "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 8 – 211624...SPECIAL USE PERMIT APPLICATION SP2022-039: MOE THU

Synopsis: Special Use Permit to keep 40 chickens at 13024 Leavenworth Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Moe Thu, is seeking approval to own 40 chickens. The Applicant currently owns six (6) chickens and four (4) ducks but wishes to expand the amount they own beyond this number, requiring a Special Use Permit. The Applicant keeps the chickens and ducks for egg and meat production and for some entertainment and education for their children. The Applicant is a graduate of the New Roots for Refugees Program through the non-profit Cultivate KC and has worked extensively with the organization to participate in agriculturally based commercial growing and urban fanning. A portion of the products may be sold at farmer's markets throughout the Kansas City metropolitan region. The applicants have extended family and wish to increase their food supply, respectfully. The applicants recently purchased the property and are making substantial agricultural improvements. The Planning Commission voted 5 to 0 to recommend approval of Special Use Permit Application SP2022-039, for two (2) years, subject to:

1. Building modifications over 120 square feet require a building permit. The modified chicken coop is proposed to be 144 square feet, therefore, the chicken coop must be modified to be 120 square feet or less or a building permit must be acquired. Staff does not conclude the run is an accessory;
2. No roosters of crowing age shall be kept on the property. Once a male chicken (cockerel) gains the ability to crow, it must be culled, harvested, or relocated;
3. The applicant must continue to communicate with code enforcement on property progress and if materials on-site have a homesteading purpose;
4. 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;
5. Any property owner or business owner that is required to obtain a Special Use Permit for an entitlement to keep fowl or livestock animals as described in Section 27-593, or any other animal-related activity as described in Section 27-593, is required to comply at all times with all the requirements of Chapter 7 and Chapter 27 of the ordinance. This shall include all ordinance sections that relate to: the care, feeding, and keeping of animals; the proper housing, shelter, and restraint of animals from roaming at large; access to proper veterinary care; the operation and maintenance of land, property, and any building or structure related to animal keeping. The permit holder and the property owner are responsible to register any animal-keeping activity with Kansas City, Kansas Animal Services, and to maintain annually that registration, and to arrange and participate in annual property and animal inspections with Kansas City, Kansas Animal Services;

6. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
7. 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, 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;
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 revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
9. Any business in Wyandotte County that is required to obtain any Special Use Permit shall be responsible to ensure that all vehicle parking or vehicle storage must occur entirely on private property of the same land parcel and be at all times compliant with all applicable local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;
10. The Special Use Permit 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 & 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,
11. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-039 for two

years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 9 – 211608...SPECIAL USE PERMIT APPLICATION SP2022-040: CLIFFORD DALE JR. WITH MASON JAR, INC.

Synopsis: Renewal of a Special Use Permit (SP2020-1, expired 1/29/2022) for live entertainment in conjunction with the restaurant at 941 North 74th Drive, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Clifford Dale Jr. with Mason Jar LLC, requests renewal of a Special Use Permit, SP2020-1 (expired on 1/29/2022), in order to continue to conduct live entertainment events, specifically outside with the fenced area on the east side of the building in conjunction with a restaurant at 941 North 74th Drive. The Planning Commission voted 6 to 0 to recommend approval of Special Use Permit Application SP2022-040, for two (2) years, subject to:

1. All entertainment must cease by at least 1:30 a.m. As a C-1 zone, per code Section 27-464 (c)(9) "Retail businesses with parking areas or other outside customer-oriented areas within 100 feet of any residence shall restrict hours of operation to between 6:00 a.m. and 1:00 a.m. of the following day";
2. Doors and windows must stay closed during any entertainment performance;
3. All entertainment must cease by at least 1:30 a.m. Doors and windows must stay closed during any entertainment performance; must comply with Unified Government Security Ordinance (Chapter 4, Article II, Division 1, Sec 4-104(f), including:
 - 1) Must have at least one (1) security personnel stationed at the door at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - 2) Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - 3) An I.D. scanner will be used at all times; and,
 - 4) At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles.
 - 5) No amplified speakers or entertainment is allowed in outdoor spaces; and any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
4. Must comply with the Unified Government Security Ordinance (Chapter 4, Article III, Division 1, Sec 4-104(f), including: Number of security officers. The number of licensed security officers that shall be required are as follows:

- A. For any number of persons present within the building numbering from one to 125, none.
- B. For any number of persons present within the building numbering from 125 to 250, two security officers.
- C. For gatherings or groups of persons in excess of 250, two additional security officers for every 100 persons.

The number of security officers required may be modified by the order of the business license and occupation tax division or the Chief of Police when there are reasonable grounds to believe that a larger or smaller number of officers shall be needed to protect public health and/or safety. This subsection shall have application only to those permits issued on a per-theme basis;

- 5. No amplified speakers or entertainment is allowed in outdoor spaces except for live entertainment events;
- 6. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
- 7. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only;
- 8. If approved, the applicant must file and maintain a current business occupation tax application and entertainment license;
- 9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly;
- 10. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable;
- 11. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure in the floodplain prior to obtaining a building permit;
- 12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that both the property owner and the business owner are collectively responsible to ensure that the use of the property is compliant with all ordinances, conditions, and other requirements of this approval. Failure to meet all these requirements may result in revocation of this permit. The property may also be subject to enforcement actions and administrative citations;
- 13. 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 compliant with all applicable

local ordinances [27-463 through 27-470; 27-592 through 27-616; 27-667 through 27-676; 35-468 through 35-492]. No such business shall use the public right-of-way for any business operation. Any shared parking with another property is only allowed by a properly executed legal document that has been filed with the Unified Government and ratified by the City Planning Commission. Failure to comply at all times with parking regulations will result in municipal summons, administrative citation, or revocation of the Special Use Permit;

14. Applicant address the items required to close the original building permit.
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 & 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 & 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Special Use Permit Application SP2022-040 for two years, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 10 – 211615...SPECIAL USE PERMIT APPLICATION SP2022-042: REGINA COMPERNOLLE

Synopsis: Renewal of Special Use Permit (SP2019-23, expired 03/28/2021) for the Temporary Use of Land for “You Pick Berries”, host classes, apprentices, and a farm stand at 4141 Joyce Drive (in conjunction with COZ2022-014), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application No. 3, COZ2022-014.

ITEM NO. 11 – 211617...SPECIAL USE PERMIT APPLICATION SP2022-044: SAM LORING WITH GOULD EVANS

Synopsis: Special Use Permit for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue, (557 River Park Drive; in conjunction with COZ2022-016, MPL2022-010, and PR2022-019), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application No. 4, COZ2022-016.

VACATION APPLICATION

ITEM NO. 1 – 211626...VACATION APPLICATION VAC2022-002: JOE MCLAUGHLIN WITH BHC RHODES

Synopsis: Vacation of right-of-way at 205 North Orchard Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Joe McLaughlin with BHC Rhodes, is seeking approval for the vacation of the right-of-way at 205 Orchard Street. The subject property is a vacant lot with a proposal for a new home site. The Vacation has been requested to increase the lot size of the future property on its frontage and side yards. The applicant represents a group of students and instructors in the KU Architecture Program, in which students undertake a development process and execute building plans for a home that will be for sale. The Planning Commission voted 5 to 0 to recommend approval of Vacation Application VAC2022-002, subject to:

1. A right-of-way permit is required. Please contact the Public Works Department at (913) 573-5311 to begin this process;
2. Building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The Applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;
3. 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;
4. 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; and,

5. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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 Ramirez made a motion, seconded by Commissioner McKiernan, to approve Vacation Application VAC2022-002, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

PLAN REVIEW APPLICATIONS

ITEM NO. 1 – 211627...PLAN REVIEW APPLICATION PR2022-015: WENDELL HARKINS

Synopsis: Preliminary Plan Review for construction of a new entrance, truck scale and stormwater facilities at 2140 South 88th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The applicant, Wendell Harkins DBA Fuchs Lubricants Company, is requesting a Preliminary Plan Review for the upgrade of an industrial lubricant manufacturing site. The applicant, Wendell Harkins DBA Fuchs Lubricants Company, is requesting a Preliminary Plan Review for the upgrade of an industrial lubricant manufacturing site. The subject property is one (1) stand-alone office building with a large manufacturing and distribution facility with various outbuildings such as a maintenance shop and storage canopies. There are various shipping containers and box trucks for shipment of materials with a large flow of truck traffic to and from the site. This is a renovation of the existing gated entrance and fencing which is outdated both in function and aesthetics. The weigh scale is being upgraded for improved technology and due to overall age of equipment. The existing manufacturing plant site footprint is generally not expanding beyond the current site with the exception of an expanded fence line for greater maneuverability for trucks on site. The Planning Commission voted 5 to 0 to recommend approval of Plan Review Application PR022-015, subject to:

1. The proposed Preliminary Development Plan may require civil drawings to be submitted, which may result in submitting additional revisions as part of Final Development Plan.

2. The following items are necessary to achieve compliance on a Final Development Plan:
 - a. The square footage of all structures and buildings shall be indicated on the site plan
 - b. Parking spaces shall be added to the site plan to demonstrate an accurate number of spaces are maintained.
 - c. Traffic control striping and/or directional arrows shall be provided for increased safety on site
 - d. No additional gravel can be added to the site
 - e. All material must be stored in approved storage areas
 - f. Debris along the fence and property lines shall be remedied
 - g. Fencing on the South 88th Street Frontage shall be upgraded to match the black iron fencing near the office gate. Barbed wire shall be adjusted to be directed inward
 - h. Asphalt and Concrete surfaces, curbs, gutters, and/or drains shall be repaired in various areas on the site as necessary.
 - i. Additional landscaping and/or screening shall be required where the industrial zone is adjacent to any residential zone or where shipping containers or box trucks or similar storage faces the South 88th Street Frontage.
 - j. An updated inventory of structures and their status with flood zone or floodway exemptions shall be provided.
 - k. Please provide copies of the geotechnical reports when obtained for grading and erosion.
3. A building permit is required. Please contact the Building Inspection Department to begin that process at (913) 573-8620.
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 & Urban Design at (913) 573-5750 or signpermits@wycokck.org to begin this process.
5. If approved, the Applicant may need additional licenses or permits for safe and proper operation. The approval of this application does not mitigate the need for additional licenses as this application is for Zoning approval only.
6. Applicant shall comply with Planning Engineering Comments for General Engineering, Erosion Control, Sanitary Sewer, Storm Drainage, Stormwater Quality, Streets, and Retaining Walls, or other requirements as applicable.
7. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, Sections 8-610 through 8-618). Land disturbance fees shall be processed by UG Public Works during the Land Disturbance/Site Development application. The Land Disturbance permit and all applicable Public Works permits can be obtained from the Public Works Department, 701 North 7th Street, Kansas City, KS 66101, (913) 573-5700. With the issuance of the Land Disturbance Permit, a grading permit is required and issued by the

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

8. A Right-of-Way Permit is Required. The applicant is required to contact the Public Works Department at (913) 573-5311 or by info@wycokck.org to confirm if they need a right-of-way permit, and if so, must take it upon themselves to initiate the permit process accordingly.
9. 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.
10. The Subject Property has been identified as being within a floodplain. The Applicant shall review the Floodplain Management Ordinance and obtain the necessary local, State, and Federal floodplain permits before the construction or alteration of any structure in the floodplain prior to obtaining a building permit.
11. The Subject Property is within an IOC-year Special Flood Hazard Area (SFHA). An SFHA is defined as the area that would be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year. Before the alteration to or construction of any new structure on the subject property, the applicant shall submit the following required information for review:
 - a. A Survey shall be provided showing the property lines, setbacks, proposed and existing building elevations, 100-year floodplain and/or floodway shall be designated, the base flood elevation provided, FIRM panel number, and effective date shall be included. The Survey is required to be signed and sealed by and Kansas licensed surveyor or engineer.
12. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for all new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other development:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and,

- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that;
 - g. All such proposals are consistent with the need to minimize flood damage;
 - h. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - i. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
 - j. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
13. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for the Storage of Materials and Equipment:
- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.
14. The Subject Property, being within the SFHA, shall comply with the following requirements of the floodplain ordinance for Construction Elevation Inspections when the project is approved for construction:
- a. Certificate of elevation shall be provided when the top of the first floor has been constructed.
 - b. Final certificate of elevation shall be provided when the structure is completed and prior to the request for a final inspection (TCO/CO).

Action: Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve Plan Review Application PR2022-015, subject to the stipulations. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 2 - 211618...PLAN REVIEW APPLICATION PR2022-019: SAM LORING WITH GOULD EVANS

Synopsis: Preliminary and Final Plan Review for an entertainment venue for the Rock Island Bridge at 0 Kansas Avenue (557 River Park Drive; in conjunction with COZ2022-016, SP2022-

044, and MPL2022-010), submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone No. 4, COZ2022-016.

MISCELLANEOUS

ITEM NO. 1 – 211616...CHANGE OF ZONE APPLICATION COZ2022-016: SAM LORING WITH GOULD EVANS

Synopsis: Change of Zone from No Zoning to CP-2 Planned General Business District to construct the Rock Island Bridge Entertainment Venue at 0 Kansas Avenue, (557 River Park Drive; in conjunction with PR2022-019.

Action: This item was previously heard with Change of Zone No. 4, COZ2022-016.

MISCELLANEOUS – ORDINANCES (the following ordinances formalize previous Commission approval.)

ITEM NO. 1 – 211628...AN ORDINANCE rezoning property at approximately 9400 State Avenue, (COZ2022-005) from A-G Agriculture District to CP-3 Planned Commercial District, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-60-22**, “An ordinance rezoning property hereinafter described located at approximately 9400 State Avenue, in Kansas City, Kansas, by changing the same from its present zoning of A-G Agriculture District to CP-3 Planned Commercial District.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 2 – 211635...AN ORDINANCE authorizing a Special Use Permit (SP2022-036) for an automotive dealership at 401 Kansas Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-61-22**, “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 an automotive dealership at 401 Kansas Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 3 – 211636...AN ORDINANCE authorizing a Special Use Permit (SP2021-084) to keep horses at 5124 Sloan Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-62-22**, “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 horses at 5124 Sloan Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 4 – 211637...AN ORDINANCE authorizing a Special Use Permit (SP2022-001) for heavy automotive/truck repair and used auto sales at 452 South 26th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-63-22**, “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 heavy

automotive/truck repair and used auto sales.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 5 – 211638...AN ORDINANCE authorizing a Special Use Permit (SP2022-006) for continuation of a childcare facility on the KCKCC campus at 7250 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-64-22**, “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 construction at 7250 State Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 6 – 211639...AN ORDINANCE authorizing a Special Use Permit (SP2022-009) for a liquor store/convenience store at 901 Minnesota Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-65-22**, “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 a liquor store/convenience store at 901 Minnesota Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 7 – 211640...AN ORDINANCE authorizing a Special Use Permit (SP2022-011) for a sports bar/drinking establishment at 403 North 5th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-66-22**, “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 a sports bar/drinking establishment at 403 North 5th Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 8 - 211641...AN ORDINANCE authorizing a Special Use Permit (SP2022-020) for a Short-Term Rental at 4309 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-67-22**, “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 a Short-Term Rental at 4309 Rainbow Boulevard.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 9 – 211643...AN ORDINANCE authorizing a Special Use Permit (SP2022-023) for transitional housing for youth/young people at 3535 Wood Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-68-22**, “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 transitional

housing for youth/young people at 3535 Wood Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 10 – 211643...AN ORDINANCE authorizing a Special Use Permit (SP2022-026) to keep a maximum of 25 fowl at 3030 South 63rd Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-69-22**, “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 a maximum of 25 fowl at 3030 South 63rd Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 11 – 211644...AN ORDINANCE authorizing a Special Use Permit (SP2022-031) for heavy automotive/truck service, repair and mechanics at 700 Kindelberger Road, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-70-22**, “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, at 700 Kindelberger Road, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 12 – 211645...AN ORDINANCE authorizing a Special Use Permit (SP2022-025) for an outdoor multi-use baseball/softball field complex at 9020 State Avenue, Kansas City, Kansas, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-71-22**, “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 outdoor multi-use baseball/softball field complex at 9020 State Avenue, Kansas City, Kansas.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 13 – 211646...AN ORDINANCE authorizing a Special Use Permit (SP2022-024) for an outdoor multi-field baseball/softball complex and concession sales at 1501 North 90th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-72-22**, “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 an outdoor multi-field baseball/softball complex and concession sales at 1501 North 90th Street.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 14 – 211647...AN ORDINANCE authorizing a Special Use Permit (SP2022-015) for site grading for future parking and baseball fields for Homefield Training Center at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-73-22**, “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 site grading for future parking and baseball fields for Homefield Training Center at 9020 State Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 15 – 211649...AN ORDINANCE authorizing a Special Use Permit (SP2202-014) for an indoor and outdoor multi-use sports complex at 9020 State Avenue, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Action: **ORDINANCE NO. O-74-22**, “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 an indoor and outdoor multi-use sports complex at 9020 State Avenue.” **Commissioner Ramirez made a motion, seconded by Commissioner McKiernan, to approve the ordinance.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

PLANNING AND ZONING NON-CONSENT AGENDA

CHANGE OF ZONE APPLICATIONS

ITEM NO. 1 – 211619...CHANGE OF ZONE APPLICATION COZ2021-048: BLAIR TANNER

Synopsis: Change of Zone from C-1 Limited Business and R-1 Single Family Districts to RP-6 Planned High Rise Apartment District for a multi-family residential apartment complex and parking garage at 4601 Rainbow Boulevard, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Blair Tanner with Tanner & White Properties, Inc. applied for a Change of Zone from C-1 Limited Business and R-1(B) Single-Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 171-unit apartment

building on 1.89 acres located at 4601 Rainbow Boulevard. The Planning Commission voted 4 to 2 to recommend denial of Change of Zone Application COZ2021-048, due to the factors to be considered 1 through 6 and 12 (pages 3 through 6 of this report):

1. Neighborhood character.

The character of the neighborhood is comprised of commercial business along Rainbow Boulevard, Westwood City Hall is located southwest of the subject property and to the north and east is an established single-family neighborhood. Immediately to the south is a mixed-use development in the City of Westwood connected to Woodside Racquet Club. Rainbow Boulevard corridor is one of the major commercial corridors in Rosedale.

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

The zoning and uses of properties nearby are set out above. The proposed use is compatible with the existing development to the south, along Rainbow Boulevard, but the scale and size of this project is imposing to the single-family neighborhood north of West 46th Avenue.

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

The removal of the restrictions might detrimentally affect nearby property the majority of the development fronts West 46th Avenue, which is across the street from three (3) single-family homes in addition to the Spring Valley residential neighborhood. The portion of the development that is sited along Rainbow Boulevard will not detrimentally affect nearby property because there is a mixed-use development abutting this development to the south and commercial to the west.

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

The property is not vacant. The parking lot is used for overflow parking for Woodside Racquet Club and a commercial business.

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

The proposed development is reasonably necessary for individuals and young business professionals who want to live in the area, but do not want to purchase a single-family detached home or townhome or condo. Furthermore, with the University of Kansas Medical Center offices and campus to the north, those employees may be seeking a place to live that is in close proximity to their school and/or employer. The proposed use may substantially injure the visual quality or marketability of nearby property because the longest portion of the building will be oriented on West 46th Avenue, which is adjacent to an established single-family neighborhood.

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

The proposed development with 167 units will increase traffic along West 46th Avenue. The Traffic Impact Study will be analyzed by Planning Engineering and Public Works regarding

road capacity, but the proposed parking total exceeds the district requirement. A primary entrance and exit to the parking garage on West 46th Avenue and additional on-street parking could create additional traffic and safety issues.

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

The proposed use conforms to the Rosedale Master Plan, which is Urban Mixed Use which allows townhomes, small apartment buildings (1-3 stories), multifamily apartments (taller than 3 stories), public/institutional uses, offices and services, and retail and entertainment use, so long as it complies with the multifamily design guidelines.

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

The proposed use should not cause environmental harm through runoff because the proposed development is covering the footprint of an existing commercial building, asphalt paving and concrete parking lot, and stormwater runoff will be captured into the storm sewer system along Rainbow Boulevard and West 46th Avenue.

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

a. Water service

BPLJ provides water service.

b. Sanitary sewer service

UG provides sanitary sewer service.

c. Stormwater control

To be designed to meet City Code.

d. Police

Police service is provided by South Patrol, District #332.

e. Fire

Fire service is provided by Fire Station #10 located off West 36th Avenue.

f. Transit

Kansas City ATA provides transit service along Rainbow Boulevard, Route #107. The stop is in front of the development at West 46th Avenue and Rainbow Boulevard.

g. Schools

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

h. Streets

Rainbow Boulevard is a Class A Thoroughfare and West 46th Avenue is a Local Street. The traffic study will determine if the proposed development can be supported by the existing street network.

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

The proposed use will have a beneficial economic impact on the community. The multiple housing unit types (between studio, one, two and three bedrooms) within the complex will promote a diverse population to make use of the nearby employment center, shopping, and entertainment, and transit.

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

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

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

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

Case	
COZ2021-048	
Petitioner	Address
Blair Tanner	4601 Rainbow Boulevard Kansas City, KS 66103
Synopsis	
A Change of Zone from C-1 Limited Business and R-1(B) Single Family Districts to RP-6 Planned High-Rise Apartment District to build a seven (7) story, 171-unit apartment building on 1.89 acres located at 4601 Rainbow Boulevard.	

Gunnar Hand, Director of Planning & Urban Design, said instead of giving a presentation tonight, I just wanted to let everybody know that the applicant is here tonight to request that this project be remanded back down to the City Planning Commission. Staff's recommendation, if the Board of Commissioners decides to move forward with that remand, would be to do so in accordance with the redesign associated with the fact that this case did not receive its variance. Therefore, the project that's in your packet cannot be built without said variance.

So, they have a significant amount of redesign work to do. As we do that redesign, staff will recommend that they focus on some of the issues that were addressed at the Planning Commission which is one of the reasons why they moved forward with denial. Mainly said redesign, but specifically that it meets all of the Rosedale Master Plan Design Guidelines. There are design guidelines specific in the Master Plan as it relates to multi-family apartments adjacent to and abutting single-family homes.

Secondly, staff will recommend that remand also include something specific related to addressing the Sunshade Study that was conducted by the Applicant, which found that in the low winter sun there would be shade cast across 46th Avenue on the single-family homes right there at Francis and 46th. With that, that concludes staff's comments unless you have any questions.

Mayor Pro Tem Bynum said so we have a request from the Applicant to send this back to Planning and Zoning for a redesign of the project. Since it's an item on our agenda, we do still need to allow the Applicant to speak, if so desired, and also have the Public Hearing. A request is certainly that any member of the public here that would like to speak on the item is welcomed to do that. We would just ask that tonight, those comments be part of the request to return.

Bob Johnson, Polsinelli Law Firm, said I really don't have much to add to what Gunnar ran through. Here, tonight, we are requesting a remand to the August Planning Commission meeting for time sufficient to address the considerations that Gunnar raised and that we heard at Planning Commission and BZA. Also, in our two community meetings that we held, we also received substantial feedback. Did one redesign, but we obviously need to go back and do a second, and a significant one at that. We anticipate going to the August Planning Commission with that redesign plan and request the remand to that date.

Mayor Pro Tem Bynum said I will now open the public hearing and ask the Clerk if we've had notifications received from the public who wish to express their comments in favor of the item. **Ms. Sparks** said we have received no comments in favor.

Mayor Pro Tem Bynum asked, is there anyone present who would like to speak in favor of the item? If so, come to the podium, state your name and address for the record, and you will be given up to three minutes for your comments. I will ask the Clerk if there is anyone joining us virtually who would like to speak in favor. **Ms. Sparks** said there is no one virtually.

Mayor Pro Tem Bynum said I'll ask the Clerk if notifications were received from the public who wish to express their comments in opposition to the item. **Ms. Sparks** said we have received six notifications from individuals who wish to speak in opposition. I can read those comments if you prefer.

Our first one is from Valerie Fenton. This letter represents the concerns of my husband and I, residents of the neighborhood of Spring Valley, which will be immediately impacted by the proposed Woodside Village/Rosedale development. This high-rise luxury apartment complex will also have consequences for the adjacent neighborhoods of Frank Rushton and Hanover Heights.

On November 16, 2021, we joined a packed meeting room at the Westwood Police Department with many of the citizens and commissioners of Spring Valley, Frank Rushton, and Hanover Heights neighborhoods for the public information presentations of Tanner & White Properties. We have attended all subsequent meetings regarding this development either in person or via Zoom.

Over the last six months, a large percentage of resident voters of Spring Valley, Frank Rushton, Hanover Heights, and even Strawberry Hill neighbor have made their voices heard to Tanner & White and all involved communities. We insisted that this proposed development is too large, too costly, and in direct opposition to the specifics of the Rosedale Master Plan. Yet our request for modifications have been met with only glossy smiles and a few accurate details to address the needs of current, as well as future Rosedale residents.

After a careful review of the Rosedale Master Plan and the artist's rendering, we must conclude that this construction will present the following serious concerns, height. RMP clearly stipulates that with even a 50-foot setback, there should be a maximum height of one floor above the adjacent structure. This proposal's been altered many times but may include a total of six or seven floors on Rainbow Boulevard, and four or five floors on 46th Avenue. The sheer density of such a structure will dominate the character and flavor of Spring Valley, a highly desirable quaint and family-oriented neighborhood of single-family homes.

Additionally, the developer admitted that the behemoth of a building will create a serious shadow issue for three months of winter to existing houses directly across 46th on both Francis and Eaton streets. This, in turn, sets up a financial hardship for the existing neighborhood, specifically to residents who have invested in solar panels.

Suggested solution: reduce the height of the West 46th Avenue side of the proposed development to more than three floors to maintain the RMP intention.

2) Width. RMP seeks to regulate the mass of new buildings, specifically as it relates to maintaining the integrity and livability of existing Rosedale neighborhoods. When asked at the

public forum, the exact proportions of the proposal were not made available. However, the depictions provided indicate a significantly wider, longer, and taller structure than any building in the Spring Valley neighborhood.

3) Sewer/Water Management. When asked for specifics on studies regarding the infrastructure impact of 161 additional households on existing Rosedale sewer and water lines, the developer had no answers. The UG Public Works Department can attest to the hazards of the natural flow of water into Spring Valley from Tanner & White's existing developments affecting both 46th Avenue/Rainbow Boulevard. Suggested solution: assist on update infrastructure studies to determine impacts and resolutions to Spring Valley neighborhood.

4) Parking/Traffic Noise Abatements. The current width of 46th Avenue, between Rainbow and State Line, measures 20 to 22 feet. Recently, 46th Avenue was posted with no parking signs on both sides of the street for this reason. Tanner & White's proposal to add 4 feet and create 12-16 diagonal parking spaces was touted as eliminating the problem of on-street parking. When asked if the 12 diagonal parking slots would be reserved for occupants at street-level Brownstone Apartments, Tanner & White would not commit. Additionally, as those parkers on the southside of 46th Avenue back out of the diagonal parking spaces, they create even more hazards for the SFN residential garages/driveways on the northside of 46th Avenue.

5) Mixed Income/Diversity Housing. Per Tanner & White, the proposed Woodside Village Rosedale project will contain approximately 161 units. Sixty percent of which are studio and 1-bedroom luxury apartments. There is no allowance for middle, much less lower income housing in this plan. With the remaining 40% of occupancy being 2- or 3-bedroom units, there is likely no opportunity to provide housing for middle, or low-income families.

I respectfully submit these comments as both a long-time homeowner of Spring Valley and a Board of Directors member of the Rosedale Development Association.

Mayor Pro Tem Bynum said, Madam Clerk, before you read more of the comments, our Legal Counsel is agreeing with our suggestion that we're only giving three minutes to those who have come in person, then we'll allow up to three minutes worth of written comments. If you could have help timing three minutes, thanks. **Ms. Sparks** said we will time.

Chris Steineger. The two main problems are traffic and mass height. Traffic. Oppose any usage of 46th Street by the project, no parking, no dumpster. 46th Street is a narrow, 22-foot

wide and already is used as a commuter connector street with lots of cars passing through during rush hour and also dump trucks, cement trucks and occasional semi-trucks.

The developer wants to add angle-in parking which is the worst form as it is difficult to see when a car is coming. Developer wants a drop-off zone on 46th, which means all the UPS, FedEx trucks, when using our neighborhood as their exit. Developer wants the main dumpster site for 171 apartments to be on 46th Street, which means the garbage dumpster truck comes several times a week with lots of noise. The dental office at 46th and Rainbow currently uses 46th for guests and employee parking. Woodside project would use up all their parking. Developer has made no improvement to existing and adequate delivery, access, and employee parking. The Eaton Street hill access to north side loading dock, gravel parking of Woodside Club must be closed. The new project must include access from Rainbow to backside of the club, and also parking for employees of club and the retail tenants of existing developments. The existing big driveway from Rainbow must be extended to backside of the club. Currently, some club employees use the gravel lot and the retail/restaurant employees use the front area of 4601 Rainbow. But these will be lost with the new construction. Where will the employees now park? The Eaton Street hill is notoriously steep and unusable in snow/ice conditions. Owner needs access to backside of club and there is room for limited employee parking. Eaton Street hill must be closed permanently.

Summary, 46th Street is too small to handle increased parking, delivery trucks, etc. The neighborhood gathered signatures and prefers that 46th Street be closed permanently at Rainbow.

Solution. All traffic using the new apartments must access from Rainbow using the existing big driveway which aligns with 47th. This is to include delivery trucks, dumpster trucks. The existing big driveway is more than adequate to handle the traffic. No use of 46th Street at all for parking, deliveries, dumpsters, etc., and no further access via Eaton Street, no apartment front doors onto 46th. 47th Place and Westwood can be widened to accommodate parking. 47th Place already is much wider than 46th, and has doubled the amount with right-of-way. Blair & Tanner controls all the property along both sides of 47th Place. We suggest he increase parking on the Westwood side of the development. City of Westwood is currently considering to redo 47th, so timing is appropriate.

Mass height. It's too large. The existing Woodside phase, 1) is only 91 units and on a smaller parcel. Phase 2 at 173 units stacks six or seven floor stories creates a canyon effect for the homes along 46th.

Bill Siggins. The November 16th meeting with Spring Valley, it was stated three times by Mr. Blair Tanner, he was driving all tenant money from this complex towards financially propping up his Woodside Racket Ball Club as it was in dire straits. This was confirmed by Westwood City Council as why the second phase of Woodside Village was not constructed on 47th Street. Stage 2 required maintaining Phase 1 at 90+% occupancy. Sound financials and building the south phase within three years of Phase 1. If Tanner had, he would be given the 4.8 acres free and clear that's currently owned by Westwood.

Westwood canceled Blair's contract for Stage 2 as he failed to meet the set requirements, which also meant he did not qualify for the full \$22K+ in TIF/CID funds. Since they denied him those TIF/CID funds, he partnered with Block to come begging the UG for those funds. This issue and Blair's comments about funneling money to prop up Woodside was questioned specifically by the Spring Valley Neighborhood Association President, and others who asked why we should agree to his request to build.

After his third admission and being questioned about the use of all funds to enhance Woodside projects, Tanner noticed UG Councilmember Christian Ramirez was in the room. Blair then rushed to walk back and cover up those comments. Blair would not answer why SVN should make all these concessions. The length exceeding Master Plan by 100 feet, height 3 stories over plan, parking hurting the dental business in the neighborhood, only to financially support Woodside, Westwood and Johnson County.

Blair was asked how he planned UG to provide in TIF/CID funds, he got very upset and defensive. He knew he had already outed his intentions, at which point the UG Councilmember stated this gave him major reservations. Again, this whole meeting was audio recorded and is available for request.

The follow-up meeting held April 25, 2022, confirmed he expected the UG to provide this project with both TIF/CID funds to offset construction costs, yet refused to state an amount. Tanner did say we should feel happy to have 1,000 square foot, 2-bedroom units going for \$2,400 in our neighborhood as it would only benefit us. When questioned how it would be a benefit, as

it would cause long-term residents on fixed incomes to be forced out, he simply moved on to another person who had their hand raised with a question.

Conclusion. We cannot hand Blair Tanner TIF/CID funding to build luxury apartments that go against the Master Plan and provide no benefit to the neighborhood nor Unified Government. This would simply be bilking taxpayers for the operators already failed construction project in Phase 2. The UG must look at how Westwood canceled their deal with Blair Tanner as a notice not to provide them any funds and block his project as he failed to meet Master Plan requirements and the financial stability viability of the owner is in serious doubt.

Patricia King Stone. As a 33-year resident and proud property owner of an 83-year single-family home, I respectfully oppose the request for zoning change COZ2021-048 at 4601 Rainbow Boulevard which will face my property. This project is too large in scope for the Frank Rushton and Spring Valley neighborhoods of Rosedale. The seven-story structure would completely eliminate the much-needed morning sunlight to our home for more than 10 months of the year. The increase in traffic and congestion on Rainbow Boulevard and 47th Street will negatively affect the flow and efficiency of commuters, buses and emergency services to the neighborhood, KU Medical Center, and its surrounding clinics. The additional congestion of trucks and other commercial vehicles will negatively affect the quality of life and safety of our children, exercise walkers, bicyclist, and dog walkers. This large project isn't a good fit for our neighborhood, and I ask you to deny the request.

Robert Stone. I have loved living in my home since 1985, and I am in opposition to the proposal. It is too dense and far too tall. It's seven-story height would block sunrises on our property for all but a couple of weeks in the spring. The added traffic caused by 164 more apartment units will seriously add to the already congested intersection of 47th Avenue and Rainbow. The north side of the development abuts West 46th Avenue, which is one of the narrowest streets in the area. There already is no room for public parking on West 46th. This project needs to be scaled back in size and height and narrowed to allow for normal traffic and public parking on 46th. Again, I am opposed to this project as it currently is proposed.

Natalie Fox. After attending the meetings with Woodside and the developer, I find two main areas completely objectionable. First, use of 46th Street and Eaton Street hill. We, the neighborhood, have consistently expressed our opposition to the use of 46th Street as well as Eaton Street for use by this project. The most current iteration of this project plan, which I oppose,

dumpster trash pick-up for the entire 171 apartments on 46th Street. This means the garbage truck will come several times a week with a lot of noise, possibly early in the morning, several times a week to pick-up trash.

Drop-off zone for deliveries to this apartment complex. This means FedEx, UPS, etc., trucks will be using 46th Street multiple times a day to drop off and pick-up packages using our neighborhood to enter and exit for apartments.

Angle-in parking for residents and overflow from workers, patrons, etc. This is terrible parking and dangerous in terms of being able to see. The road is currently not very wide, and this increases traffic and hazards. This is borne out by my experiences with the angle-in parking at Woodside Village on a much wider road. It is very hard to see to back out. I often have my passengers stand outside of the vehicle and help me back out because of the sight line. In addition, vehicles that are too large, pick-up trucks and large SUVs, consistently park at the angle-in parking and their rearends stick out into the road. This causes drivers to have to veer into the oncoming traffic lanes to get around them. The road is much wider than 46th and it is a problem there.

There is not enough parking slotted for this project, it's tenants, employees, and visitors to Woodside Village. For example, the employees at Woodside Tennis and Racket currently park in the gravel lot at the top of the Eaton Street hill, which will no longer be available once construction starts. Already these workers park in our neighborhood and when they are unable to ascend the Eaton Street hill to park during inclement weather. Where will they park once construction starts?

Second, the mass and height of the structure will cause several houses in our neighborhood to be in a permanent shadow in the winter months. There's no need to create this in our neighborhood when the solution is to scale the building back to a reasonable size much like the original apartments, 91 units as opposed to the proposed 171. Blair Tanner has the ability to build a bigger, more massive building on property he owns to the south of the current Woodside Village.

Ms. Sparks said your time has expired. Those are all the comments we have received.

Mayor Pro Tem Bynum asked, is there anyone present who would like to speak in opposition to the item? If so, please come to the podium, state your name and city of residence for the record, and you will be given three minutes.

Gilbert Pintar, 4178 Cambridge, Hanover Heights, said I was wondering if the Clerk could read the statement from the applicant in terms of the request to remand. I didn't quite catch that it's to permit adjustments to their plan and compliance with the City Master Plan.

Mayor Pro Tem Bynum asked, Mr. Hand, could you address that for us? **Mr. Hand** said staff recommended that the remand be directed to focus on a redesign that would meet all the Rosedale Area Master Plan design guidelines as well as address the sunshade issue for the low winter sun.

Mr. Pintar said in that case, I really need to kind of summarize where we're at tonight, because what you have before you is a rezoning application from Commercial and R-1(B) without a companion plan. The plan that was submitted to the staff, and that you have copies of, does not comply. Without an understanding with the applicant that even though the staff is recommending or supporting the project, we've pointed out things that in their plan they would have to adjust to comply with the master plan. Including, and I want this really clear to the applicant, and to you all if you do remand it, in that the master plan calls for a maximum of four stories along 46th Street. That's not the case with their present submittal. They are going to have to do substantial changes, and I don't think a remand of whether it's two or three weeks... **Ms. Sparks** said one minute remaining.

Mr. Pintar said to change the plan is enough time to do that. I would encourage this Board to follow the recommendation of the Planning Commission. They recommended denial. You should deny the rezoning that protects the neighborhood in R-1. The neighborhood's protected in R-1, if you don't change it, and wait for a companion plan, a new plan that comes up and complies with the intent of the master plan. Because all the things that you heard tonight, being read, states why it does not comply with the master plan. It's very clear. If they don't intend to comply with the master plan, I don't see how they can do it in two or three weeks. **Ms. Sparks** said your time has expired. **Mr. Pintar** said thank you so much for your consideration.

Mayor Pro Tem Bynum said thank you sir. Is there anyone else who would like to speak in opposition? Come to the microphone. Name and city for the record, and you will be given up to three minutes.

Chris Steineger, 4529 Francis Street, said I'm in opposition to this apartment project as it's been proposed, thus far. You had my remarks read in already but I would just like to speak. Woodside, Phase 1, is actually a very nice property. I'm actually a member of the Woodside Club. It's clean, it's very nicely done. It's a good property. I would like to see these owners, someday, somehow, build a project in our community. We need upscale, nice apartments. But this project is too darn big, 5 or 6 stories at the top of a hill, which cast shades in the neighborhood. It's too many units. 171, the number seems to float whether it's 160 or 170 units. It's too many. It's too many apartments on that size of the property, and it dumps too much traffic onto little 46th Street, which is only 20 feet wide.

Commissioners, I was here about a month ago. I spoke in favor of the apartment building at 5th and Central. That building is 129 units, much smaller, and it's at the bottom of a hill. It doesn't really shade the neighborhood at 5th and Central.

I personally think the developers can find a way. They've said thus far they can only build this thing if they've got 160 or 170 units. Honestly, I just think it's a bluff. It's one thing I learned in Topeka, there's a lot of lobbyists that wanted stuff from the legislators and they always ask for this much, but they usually settle for a lot less. It reminds me of a line from a Rolling Stone's song, you can always get what you want, but sometimes you find what you need.

What the neighborhood needs and what the developer needs is a smaller project, maybe 3 stories tall, maybe 90, 100, 120 units, something like it. It can be done. They just have to agree and compromise with the neighborhood. That's my comments and I appreciate your time.

Mayor Pro Tem Bynum asked, are there any other people here? Come to the microphone. Name and city for the record, and up to three minutes, please.

Kelly White, Kansas City, Kansas, said I am going to deviate from the—what I plan to say based on the fact that they want to go back and change this. But there are a few points I would like to make on behalf of the neighborhood. I would like to begin by saying that to my knowledge no one is opposed to development on Rainbow Boulevard, however, any development along Rainbow must fit in with the adjacent residential neighborhoods and comply with the master plan guidelines and the overall city zoning code. This is what the neighborhood has consistently

communicated to the developers from the very first meeting, and their answer has consistently been they have to build to this size to provide luxury amenities.

When reviewing the packet for tonight's meeting, I noticed a discrepancy of the November 16, 2021, meeting minutes that was provided to staff. I think it's worth mentioning tonight. The minutes read that they were asked if they were requesting incentives and the answer was they hadn't decided. That is not accurate, and I know this because I posed the question. Bob Johnson was quite clear that they are planning to request them. They just did not know yet which incentives.

I also specifically asked why they do not build the apartments next to their club where they already have space. Their answer was that phase of the apartments is tied to the club project, and the club is still recovering financially.

As of last Friday, Tanner & White Properties had 13, obviously, scripted letters of support submitted for your review. Only five of those letters came from the people that live in our neighborhood. The remaining eight letters, I presume, are letters of support submitted at the influence of an assumed wealthy developer. However, I can confirm that more than 20% of the residents that live within 200 feet of this project are opposed to this. I know this because I presented, along with Chris Steineger, a protest petition. The residents were able to speak to us when we signed it and they had no hesitation in signing it. Many of the letters of support were statements that made of the need for first-class luxury apartments in Kansas City, if that is in fact true, I would think... **Ms. Sparks** said one minute remaining.

Ms. White said if that is in fact the case, I would assume that Woodside would have no problem attaining funding to build the large-scale luxury complex next to their club, and then build one that's more scaled to our neighborhood.

My opposition to Woodside, and I know the opposition to many of the people in our neighborhood, is not about the past. It's about preserving our neighborhood and keeping it affordable. That's what has made our neighborhood diverse is the fact that it's been affordable, and this project will prevent that. I ask that, I don't if it matter, that we vote no to Woodside.

Mayor Pro Tem Bynum said I'll ask the Clerk if there is anyone virtual that would like to speak in opposition to the item. **Ms. Portley** said, Commissioner, we have two online. We have Moto D, and then Pat and Bob Stone.

Mayor Pro Tem Bynum said I'm going to ask our Administrator, we had written remarks from Pat and Bob Stone. Do we allow them to also now appear in opposition? Administrator's response was inaudible. **Mayor Pro Tem Bynum** said we can go ahead with our first virtual speaker in opposition.

Ms. Sparks said Mr. D, you're allowed to speak, would you unmute please? Mr. D seems to be having technical difficulties. We'll move to the next speaker. We have Bob and Pat Stone.

Patricia King Stone said I appreciate you reading the letter that was submitted. My only additional comment was that I also signed the protest petition that was submitted. I signed that when it was brought around to our neighborhood as another example of, I am in opposition to this very large project. Thank you for your time and consideration.

Rebecca Paulsen, 4418 Francis, Spring Valley, said in addition to the comments already made about not being in compliance with the master plan, specifically the mixed urban use allowing a max of four stories and that affects, that's what that is in the master plan on 46th Street. I don't think the project adequately addresses the traffic impact, not only on 46th Street, but throughout the neighborhood of Spring Valley as cars will go all over the neighborhood. They did try to address by lighting street putting in parking spaces along the park where the project would be built, along 46th, but I think it's going to require a much more extensive traffic study to see the impact in the neighborhood and along Rainbow as this many more people begin living in that area. That is my additional comment. Thank you.

Sarah Wagner, Rosedale Development Association, said we agree with the remand and look forward to a redesign that follows the master plan guidelines, especially on height transition guidelines. Also, hope that any new project will honor the overall housing goals set out in the master plan, which is to protect historic and single-family neighborhoods with strong homeownership, just like Spring Valley, while increasing housing options in the city. Thank you.

Jill Paulsen, 4446 Francis, said I am completely against the project. Mainly for what Gil said, I don't see any reason to approve this until they have a plan in place. It seems like it makes the neighborhood amazingly vulnerable to anything that they might propose later. That's all I have.

Shari Wilson, 4529 Francis, KCK, said I agree with the previous speaker about approving this or sending it back to Planning without a real plan in place. I am concerned about the zoning issue because I agree, it kind of leaves things somewhat open in terms of what they could bring back. In addition to that, and I will just say that I live at 4529 Francis Street in KCK, directly across the street from the proposed development. I totally oppose the current rendition for basically all of the reasons that other speakers have said. I have also given my comments to the commissioners in writing via email last week. I appreciate your time and thank you very much.

Brandon Cooper, 4526 Francis, said I've been a resident here for 37 years. My property would be directly across the street from the development. Where my garage would sit would be the dumpster area and the delivery area, which would be certainly an invasion of my own personal privacy. I think that the development, as it stands now, would be incredibly impactful to not only my privacy, but just the livability of my house at this point in time. I agree with all the other points that were made. I was one of the original signers to the petition that was presented to the Chamber. The overall development, again, I'm concerned that if it went back to Planning, it would just be another plan that would interfere with the serenity of our neighborhood as it stands now. Thank you for your time.

Ms. Sparks said those are all the hands we have raised online.

Mayor Pro Tem Bynum said I'll close our public hearing and ask if the petitioner has any closing remarks. Response was inaudible.

Do any members of our Commission have questions or comments?

Commissioner Ramirez said well, first, I do want to thank Bob and Blair from the very first rendition that was presented to what is currently in our packets. You did listen the first time and I am appreciative of that, of what you did your best. From what I've heard from the Planning

Commission staff and the community, there seems to be, there needs to be more conversation. More compromise. I understand Gilbert, I understand where you want us to follow the recommendations of the Planning Commission. Some community members are afraid of leaving the door open. I am going to make a motion to remand, but with the specific instructions that Gunnar gave. Because that will set the stage that they have to follow the master plan, they have to follow the recommendations and conditions that the staff provide, and the conditions that the Planning Commission, themselves, provide as well. It's not going to be an open door where they can do what they want. They'll have specific instructions and a roadmap to get there. With that, I'm going to try to do my best, Gunnar.

Action: Commissioner Ramirez made a motion to remand the item to, and follow the conditions given by staff and the City Planning Commission.

Commissioner Ramirez asked, does that suffice, Misty?

Misty Brown, Chief Counsel, said I think your motion would suffice. The only thing I would ask, Gunnar, is if you feel like that's captured the recommendations that you listed further when you began this conversation.

Mr. Hand said you want me to list them again? **Ms. Brown** said I think that would be great for clarity on the Commission.

Mr. Hand said, again, as mentioned previously, we're seeking a remand, focus on a redesign of the project to meet all the Rosedale Area Master Plan guidelines and specifically address the sunshade issue related to casting shadows across 46th Avenue based on the height of the structure.

Action: Commissioner Ramirez said I make that motion to remand. Commissioner Davis seconded the motion.

Mayor Pro Tem Bynum said I do have a question before we vote. I thought I heard a date in your earlier comments of August. **Mr. Hand** said I believe the applicant requested this be remanded back to the August meeting. They need a sufficient time to do the redesign. I think that's appropriate.

Mayor Pro Team Bynum asked, Commissioner Ramirez, is that congruent with your motion?
Commissioner Ramirez said yes.

Ms. Brown said I would just ask that our second, if they're also in agreement with the amendment of the motion. **Commissioner Davis** said yes, I am.

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

Commissioner Bynum said our Mayor has arrived, I will take my place and we will turn this over to Mayor Garner.

ITEM NO. 2 – 211584...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

MASTER PLAN APPLICATION ITEM NO. 2 – 211585...MASTER PLAN APPLICATION #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, AICP, Director of Planning & 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 MP-2 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 (2) large farm outbuilding structures and two (2) 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

rea 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, use, 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 (2) inch calipers when planted. Evergreens shall be at least six (6) feet in height when planted. Shrubs shall be at least five (5) gallons when planted. Throughout the development, there 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 adjacent residentially zoned property shall not exceed one-foot candle as measured from said property line. All lighting on the property, both on the buildings and in parking lots shall have 90-degree cutoff fixtures.

11. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so must take it upon themselves to initiate the building permit process accordingly.
12. Site improvements that include land disturbance activity on greater than one (1) acre of surface area of land shall require a land disturbance permit issued by the Unified Government, and shall be compliant with all applicable local ordinances and State Statutes and Regulations (Article XIV, 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 & 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.

Case	
COZ2022-001 & MPL2022-001	
Petitioner	Address
Tim Kates	14140 State Avenue Kansas City, Kansas 66012
Synopsis	
To request a Change of Zone from C-3 Commercial District to M-2 General Industrial District for the ability to have a lay-down lot and staging area for equipment and contracting materials. To amend the Master Plan Land Use Designation from Planned Commercial to Industrial.	

Gunnar Hand, Director of Planning & Urban Design, said, again, in lieu of a presentation tonight I'm going to defer to the applicant, who I believe is here to request a further extension. We have been in communication with him related to the traffic study that was requested. They're seeking additional bids for said study and they're going to request some additional time. So, I defer to the applicant.

Mayor Garner said I'll ask the applicant or representative to present his application. **Mr. Hand** said, Mr. Mayor, I don't see him online.

Mayor Garner said it sounds like he deferred. I'll open a public hearing ask the Clerk is there any received notifications from the public who wish to express their comments in favor of this item? **Ms. Sparks** said no comments were received.

Mayor Garner asked, is there anyone present who would like to speak in favor of this item? If so, please come to the podium and state your name and address for the record. You will be given up to three minutes to state your comments.

Is there anyone joining virtually who would like to speak in favor of 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. **Ms. Sparks** said there are no hands raised.

Mayor Garner asked, is there anyone present who would like to speak in opposition of this item? If so, please come to the podium and state your name and address for the record. You'll be given up to three minutes to state your comments. Anyone joining us virtually who would like to speak in opposition to 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 make your comments. **Ms. Sparks** said there are no hands raised.

Mayor Garner said I will now close the public hearing. Would the petitioner like to make any closing comments? **Mr. Hand** said, Mr. Mayor, if I may, we gave ample notification that the applicant needed to be here to make that request themselves. This would be the third time they've showed up or been a no-show to ask for their own request. I never received an official request in writing. Staff recommends denial due to an unresponsive applicant.

Mayor Garner asked, to any members of the Commission have any questions or comments? Seeing none, I'll entertain a motion.

Action: Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to deny the application.

Misty Brown, Chief Counsel, said Mayor, may I ask for the mover to state the specifics of the reason for the denial?

Commissioner Ramirez asked, Gunnar, can you restate the reasons? **Mr. Hand** said I'd state staff's recommendation for denial is based on the unresponsiveness. We had supported this application through Planning Commission. Planning Commission and the public had some issues, even though it ended up moving forward to the Board of Commissioners, specifically related to the traffic impact as well as the simple fact that this is a change of zone and master plan amendment in a location they don't think it is appropriate to master plan zone to industrial. So, I think you can deny based on the fact that you don't think it's appropriate to change the zone or the land use category at this location.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to deny due to insufficient evidence to traffic.**

Mayor Garner said and just for clarity from our Counsel. I believe that's for the motion A2, Change of Zone Application COZ2022-001. Is that correct? **Ms. Brown** said that's correct, Mayor.

Mayor Garner said I have a motion and a second. Any discussion? Seeing none, roll call.

Roll call was taken and there were eight "Ayes," McKiernan, Ramirez, Johnson, Kane, Markley, Davis, Bynum, Burroughs; and one "Abstained," Stites.

Mayor Garner said I'll entertain a motion for C1, MPL2202-001.

Action: **Commissioner Ramirez made a motion, seconded by Commissioner Johnson, to deny due to insufficient evidence for traffic.**

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

Roll call was taken and there were eight “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Davis, Bynum, Burroughs; and one “Abstained,” Stites.

SPECIAL USE PERMIT APPLICATION

ITEM NO. 1 – 211625...SPECIAL USE PERMIT APPLICATION SP2022-046: BLAKE LOSTAL

Synopsis: Special Use Permit for live entertainment in conjunction with an existing drinking establishment at 322 North 6th Street, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design. The Applicant, Blake Lostal with the Easy Inn, has applied for a new Special Use Permit for live entertainment at 322 North 6th Street. The subject property is a single-level row-style with approximately 1,260 square feet of building space with an additional outdoor patio and was formerly known as the Colonial Club. The Applicant has operated the subject property since 2018. The Planning Commission voted 4 to 1 to recommend approval of Special Use Permit Application SP022-046, subject to:

1. Any illumination that results shall not be seen or otherwise impact adjacent residential uses;
3. All entertainment must cease by 1:00 a.m.;
4. Doors and windows must remain closed during any entertainment performance;
5. Must comply with Unified Government Security Ordinance (Chapter 4, Article II, Division 1, Sec 4-104(0), including:
 - a. Must have at least one (1) security personnel or staff member available at all times that is able to monitor any required parking area. Additional security guards may be required depending on the building capacity;
 - b. Patrons are not allowed to loiter in their vehicles. If so determined, they will be asked to leave;
 - c. An ID scanner will be used at all times;
 - d. At closing time, all security personnel will begin from a designated area to move patrons towards the exit and then to their vehicles;
6. No amplified speakers or entertainment is allowed in outdoor spaces;
7. Any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses;
8. Any proposed signage requires a sign permit. Please contact the Department of Planning & Urban Design to begin that process;
9. A building permit is required for the construction of a permanent structure greater than 120 square feet, for the expansion of or addition to an existing structure, and/or a change in the use of (i.e., change of occupancy) an existing structure. The applicant is required to contact

the Building Inspections Division at (913) 573-8620 or by buildinginspection@wycokck.org to confirm if they need a building permit, and if so, must take it upon themselves to initiate the building permit process accordingly;

10. This permit approval is for zoning clearance only. Additional liquor licensing and other County or State Licenses may be required before operation,
11. 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;
12. The Special Use Permit is not valid for the approved use to be in operation until all the conditions of approval are met. The Applicant acknowledges that 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;
13. The Special Use Permit shall be valid for two (2) years from the publication of the associated Ordinance. The Applicant is solely responsible for renewing their Special Use Permit. The Applicant should contact the Planning & Urban Design Department no less than two (2) months prior to the expiration of the permit in order to begin the renewal process. Any application for renewal that is submitted after the expiration date will be considered a new application with the associated application fee and approval term. If the renewal deadline is not met, all operations must cease until such time as a new Special Use Permit is approved; and,
14. Subject to approval, a \$125.00 ordinance publication fee must be submitted to the Planning & 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.

Case	
SP2022-046	
Petitioner	Address
Blake Lostal with Easy Inn	322 North 6 th Street Kansas City, KS 66109
Synopsis	
The operate an existing drinking establishment with live entertainment. The subject property is a single level row-style store with approximately 1,260 square feet of building space with an additional outdoor patio.	

Gunnar Hand, Director of Planning & Urban Design, said this case is, again, a Special Use Permit for live entertainment in an existing drinking establishment. To be clear, this is not an SUP for the drinking establishment itself. That is a legal, non-conforming use at this location. This is in a central area master plan in the Strawberry Hill neighborhood. We've received multiple

letters of support, primarily patrons to the drinking establishment. We did receive one letter in opposition. There are some old notices of violation related on this property, but they were cleaned up during a previous rehab of the property a few years ago.

The conditions of approval which remains of this application or of note specifically to this application, we're asking that all live entertainment cease at 1:00 a.m. We're also asking that all ambient music or amplified sound be eliminated from the rear back patio for the entire hours of operation of that business. With that, we have other standard conditions related to security and other things typical for live entertainment such as illumination. Staff recommends approval for two years.

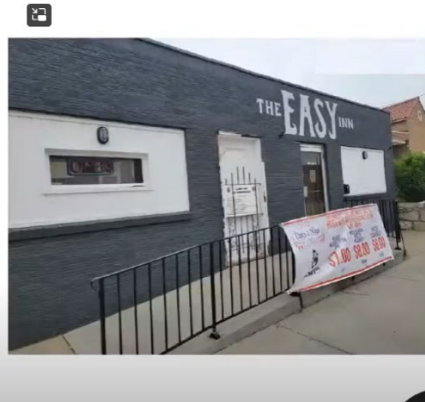
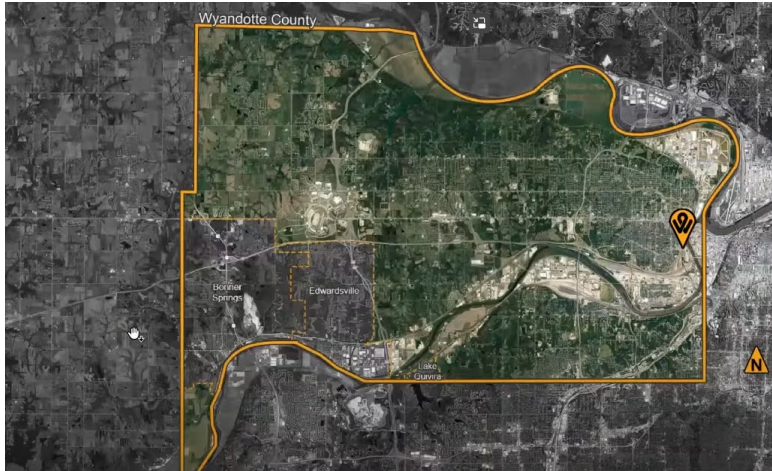
Mayor Garner said I'll ask the applicant or representative to present the application, and please state your name for the record.

I'll open the public hearing and ask the Clerk if any notifications were received from the public who wish to express their comments in favor of this item. **Ms. Sparks** said we've received no comments.

Mayor Garner asked, is there anyone present who would like to speak in favor of this item? If so, please come to the podium and state your name and address for the record. You'll be given up to three minutes to make your comments.

Is there anyone joining us virtually who would like to speak in favor of 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 make your comments. **Ms. Sparks** said there are no hands raised.

Mayor Garner said I'll ask the Clerk if there's any notifications received from the public who wish to express their comments in opposition of this item. **Ms. Sparks** said no comments were received.



May 26, 2022



Public Opposition	Public Support
There was one (1) letter of opposition.	The applicant gathered several letters in support.
Staff Recommendation	
Approval	

Mayor Garner asked, again, is there anyone present who would like to speak in opposition of this item? If so, please come to the podium and state your name and address for the record. You'll be given up to three minutes to make your comments.

Is there anyone joining us virtually who would like to speak in opposition of this item? If so, please raise your hand to be acknowledged. Once acknowledged, you'll be given up to three minutes to make your comments, and please state your name and address for the record. **Ms. Sparks** said there are no hands raised.

Mayor Garner said I will close the public hearing. Would the petitioner like to make any comments if present? Do any members of the Commission have any questions or comments?

Commissioner McKiernan said I'm in a little bit of a quandary right here. I'm very disappointed that the applicant isn't here to present this application. But I have to say that it would appear to

me that with all of the stipulations placed on this application at Planning Commission, that those stipulations, if abided by, would address the concerns raised about this Special Use Permit. I'm very conflicted. I see that there are other commissioners that wish to speak. I will just say that right now, to my eye, it appears that the stipulations included in the Planning Commission Report would address the potential concerns that I have heard.

Commissioner Burroughs asked, Gunnar, do we know if there will be a building inspection completed or assigned to that facility once it's ready to open, an occupancy license? **Mr. Hand** said it's already open and in business. **Commissioner Burroughs** asked, it's already open? **Mr. Hand** said yeah. It's been open for...

Commissioner Burroughs said the question I have is the lighting on the back of the facility. On outside patios, you want to make sure that we put guidelines on light, on where they shine into properties. We want to assure that's not occurring at this property.

Mr. Hand said that's a good point. This property did a rehab. Sort of back to the Easy Inn. If you remember the original Easy Inn and the Colonial Club, and now Easy Inn again. About two years ago, they did receive building permits for that activity including the back patio. We did not add a standard condition that we do on other projects related to downward lighting. If you wanted to add that by motion and then vote on it for a super majority, we could do that and make that—I mean, it's enforceable no matter what but I think it's good, it's good coverage. I think we'd be amenable to that. I'd also note for the record that Mr. Lostal is now online, and you can ask him questions if you want.

Commissioner Burroughs said I agree with Commissioner McKiernan in reference to if they're going to commit to the requirements, then it gives me a higher comfort level. But I, too, have had some concerns from the residents around there in reference to the noise going past hours and things like that. I appreciate that. Thank you.

Ms. Sparks said, Mayor, if I may, the applicant has now raised his hand online.

Mayor Garner asked, Counsel, can you approach real quick. Unfortunately, we have closed that opportunity and we are now in the part of this procedure for comments and questions by our commissioners.

Commissioner McKiernan said and to Commissioner Burroughs' point, stipulation number 7 in the Planning Report says that any illumination that results from an entertainment event shall not be seen or otherwise impact adjacent residential uses. If I were going to make a motion to approve this, I would stipulate that condition number 7 say that any outdoor illumination shall not be seen or otherwise impact adjacent residential uses. So, that would be my suggestion for an amendment to stipulation number 7 that would cover all outdoor illumination and its impact on residents.

Mr. Hand said if I may, we do have a standard condition specifically related to downward lighting of outdoor lights. The one that you're referring to, number 7, is specifically like you got a band playing and they have lights or whatever.

Commissioner McKiernan said oh, so you're saying that number 11, all exterior lighting must be hooded or controlled. And that stipulation 11 would cover this condition? **Mr. Hand** said correct. And I apologize I didn't realize we didn't have it in there.

Commissioner McKiernan said so, in that case, I am okay with 7 for entertainment and 11 for general lighting. **Mr. Hand** said yes, correct. Sorry about the confusion.

Commissioner Stites said that addressed my question. Indirect lighting versus direct lighting.

Commissioner McKiernan said ping pong ball, back to me. I am confident, having talked to Mr. Lostal, that he will endeavor to be a good neighbor to all those who are around him at this location. And so, with that, what I would do is move to approve as submitted with the stipulations that we have noted and discussed.

Action: **Commissioner McKiernan made a motion, seconded by Commissioner Markley, to approve Special Use Permit Application SP2022-046 for two years as submitted, subject to the stipulations and the stipulations that were noted and discussed.**

Mayor Garner said we have a motion and a second. Is there any further discussions? I do have one question, Mr. Hand. We talk about lighting and illumination. What about noise? How would

that impact the surrounding neighborhoods, residents, in your opinion as far as that potential noise pollution or is that even a point of consideration.

Mr. Hand said it's absolutely a point of consideration for these types of uses, specifically, ones like this that are adjacent to residential neighborhoods. There's a condition in the approval to keep all doors closed during event hours, during live entertainment. So, that one. And then secondly, it's not explicitly in our conditions, but it is implied in the Code Ordinances that all properties have to meet the noise ordinance, which is at your property line. That one is hard to enforce, I might add, though, because that's enforced by the Police Department.

Mayor Garner asked, do you know if the petitioner met with any of the local residents or the representing neighborhood groups? **Mr. Hand** said I do not believe he met with the neighborhood group, although he is an active member of the neighborhood. He owns several businesses and properties in Strawberry Hill, and he's moving there right now, I believe.

Mayor Garner said there's a motion and a second on the floor. Is there any further discussion? Seeing none, roll call.

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

MASTER PLAN AMENDMENT

ITEM NO. 1 – 211585...MASTER PLAN AMENDMENT APPLICATION 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, AICP, Director of Planning & Urban Design.

Action: This item was previously heard with Change of Zone Application No. 2, COZ2022-001, under Planning and Zoning Non-Consent Agenda.

FLOOD PLAIN ANNUAL REPORT

ITEM NO. 1 – 211583...2022 CRS COMMUNITY CERTIFICATION REPORT

Synopsis: Notification of Federal Emergency Management Agency (FEMA) acceptance of the Unified Government's 2022 Community Rating System (CRS) recertification, submitted by Gunnar H. Hand, AICP, Director of Planning & Urban Design.

Gunnar Hand, Director of Planning & Urban Design, said this is a for information only item. Every year the Federal Emergency Management Agency requires the Unified Government to provide an annual report related to the community rating system. This is the part of the notification requirements. We've gone through the rigmarole with FEMA and their consultants related to this. We've provided all the information which was included in your packet. The summary document. There's a lot of appendices underneath that summary document that was not included in your packet. Happy to provide that if anybody wants to get into the details of it. But again, as per FEMA requirements for notification, we have to put this on the agenda, so it's noticed, and you hear it, and we talk about it if there's any questions explicitly. We're also now posting these on our website online, our annual reports, so we're trying to go above and beyond. But, again, specifically the CRS, the community rating system is basically what, through our mitigation efforts, allows us to have a reduced flood insurance across the Unified Government. Happy to take any questions.

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

Action: For information only.

PRESENTATIONS

ITEM NO. 1 – 211508...COMPLETE STREETS ORDINANCE ANNUAL REPORT

Synopsis: Presentation by Public Health's Infrastructure Action Team (IAT) to provide the ordinance required annual report on city-wide progress implementing the Complete Streets Ordinance.



Gunnar Hand, Director of Planning & Urban Design, said in 2020, the Board of Commissioners adopted the Complete Streets Ordinance. In that ordinance, it required a couple of things. One, that a lot of the projects and work that happened through the Public Works Department and other agencies, Planning included, run all Complete Streets-related policies and projects through the Public Health's Infrastructure Action Team. The second thing that it required among other things, a bit of note tonight, is that it required us to do an annual report. For a bunch of different reasons, we didn't get that first annual report done because we were doing our homework. So, one year late, but two years online. And four, bike/walk month, we have Blake Hensley who runs the IAT, the Infrastructure Action Team with Public Health, who will take us through the annual report and the presentation thereof. So, I will defer to Mr. Hensley.

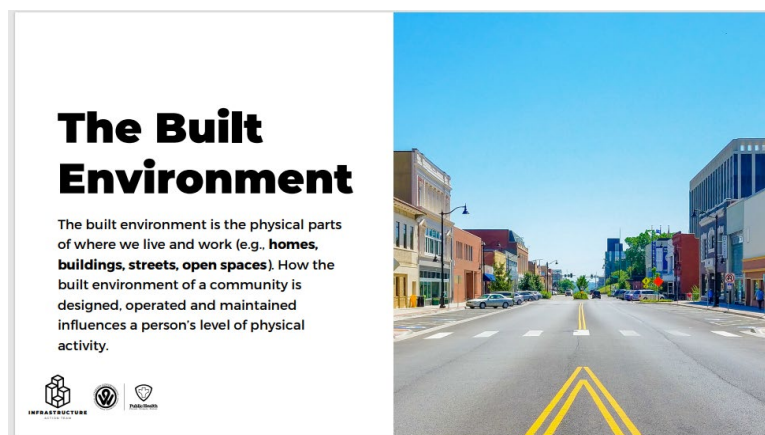
Blake Hensley, Public Health Department, said as Gunnar mentioned, I helped coordinate our Infrastructure Action Team, which is a team supported by the Public Health Department to improve the built environment, to improve the health and wellness of our residents. Also, as was mentioned, Complete Streets was a very big part of that.



The IAT

Since 2010, the Infrastructure Action Team (IAT) has convened community leaders, residents, organizations, and other UG Departments, such as Urban Design & Planning, Public Works, and Parks & Rec, to advocate building, redesigning, and better utilizing Wyandotte County's environmental infrastructure to provide healthy and active living opportunities.

The Infrastructure Action Team is a community coalition, made up of internal UG departments, such as Urban Planning, Public Works, also Parks and Rec. We also have community organizations that also advocate for that redesigning and better utilizing Wyandotte County's environmental infrastructure to provide healthy and active living opportunities.



I want to start out with a definition of the built environment. It's the physical parts of where we live and work, like our homes, buildings, streets, and even open spaces. How the built environment of a community is designed, operated and maintained influences a person's level of physical activity. We'll talk about that later in the presentation, some of the affects that it has on health, both on factors and outcomes and some other things.

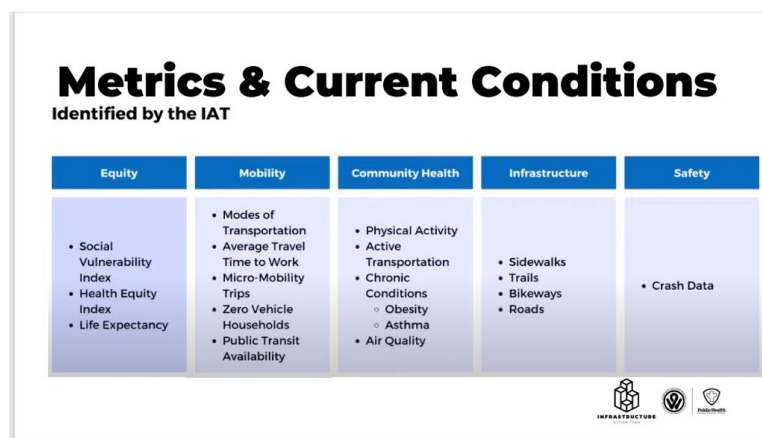


So, what exactly are Complete Streets? We broke it down into these four categories. Safe, prioritizing safety for all of the users. Flexible, accommodating context and community values. Being inclusive, again, coming back to the idea of all users, no matter their ability, age, or whatever they're using to get around our community. Then equitable, reduce household costs by

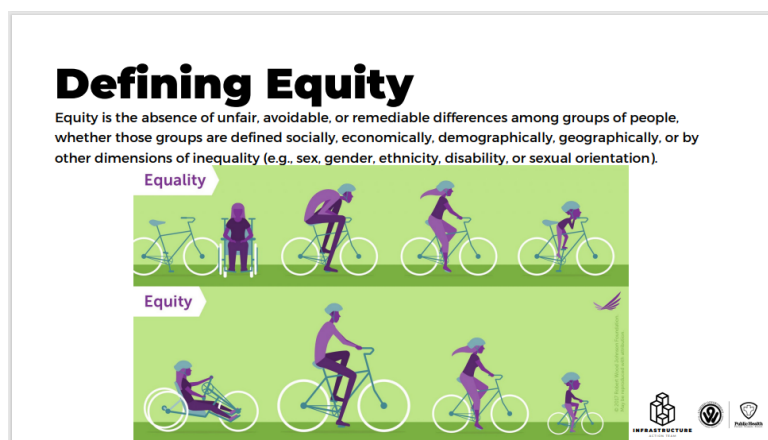
expanding transportation options, specifically active transportation options to connect people to everyday destinations.



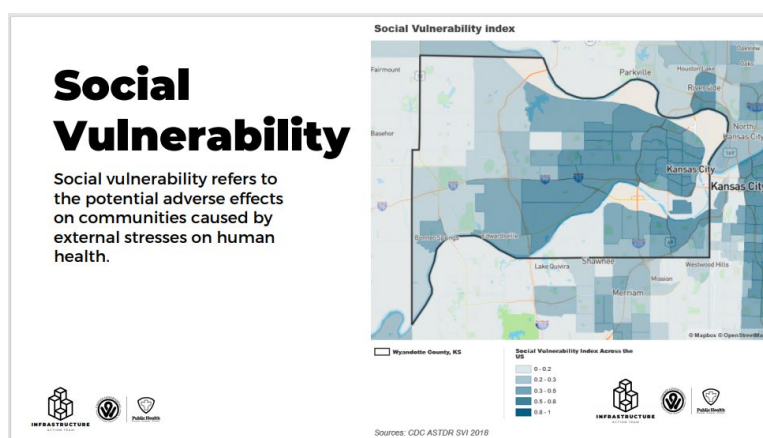
Some benefits. Some very, general benefits would be addressing chronic disease, increasing rates of physical activity, improving community safety, reducing exposure to emissions and air pollution by providing those other active transportation options, and reducing, hopefully, like vehicle trips and things like that. Then also preventing motor vehicle-related injuries and fatalities.



Metrics and current conditions. Based on our team, we came up with all of these, to include in this initial report to you all. We'll walk through some of these and then also the report was in the packet that was sent to you as well.



At the beginning, we want to talk about equity. The definition of equity that we're using for this report is equity is the absence of unfair, avoidable or remediable differences among groups of people, whether those groups are defined socially, economically, demographically, geographically, or by other dimensions of any quality, like sex, gender, ethnicity, disability, or sexual orientation.

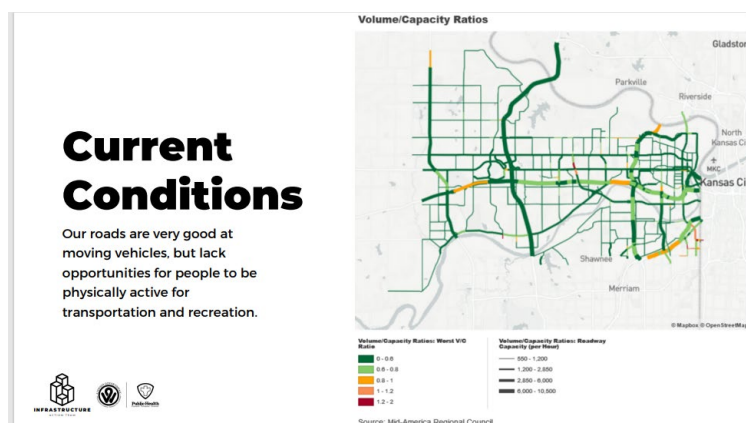


Social vulnerability. I want you all to kind of take a look at this map and keep in mind the places that are darker blue. We'll come back to this throughout the presentation. Social vulnerability refers to the potential adverse effects of communities, caused by external stresses on human health.

Social Factors

Socioeconomic Status	Household Composition & Disability
- Below Poverty - Unemployed - Income - No High School Diploma	- Aged 65 or Older - Aged 17 or Younger - Older than age 5 with a Disability - Single-Parent Households
Minority Status & Language	Housing & Transportation
- Racial or Ethnic Minority - Speak English "Less than well"	- Multi-Unit Structures - Mobile Homes - Crowding - No Vehicle - Group Quarters

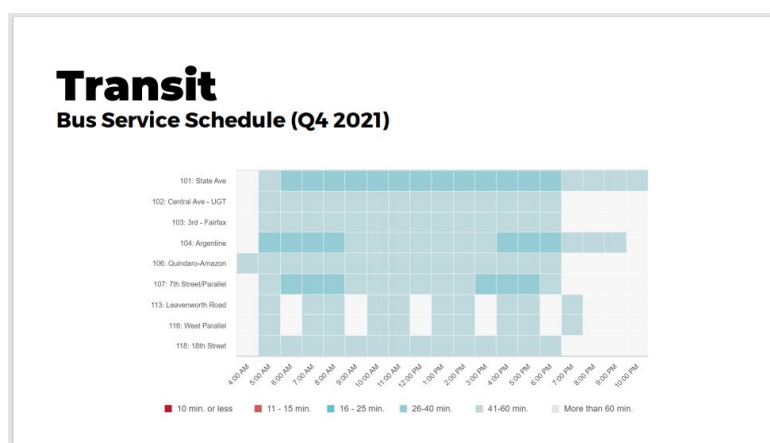
This is a metric that's come up with by the CDC, and here are the factors that create that map for you.



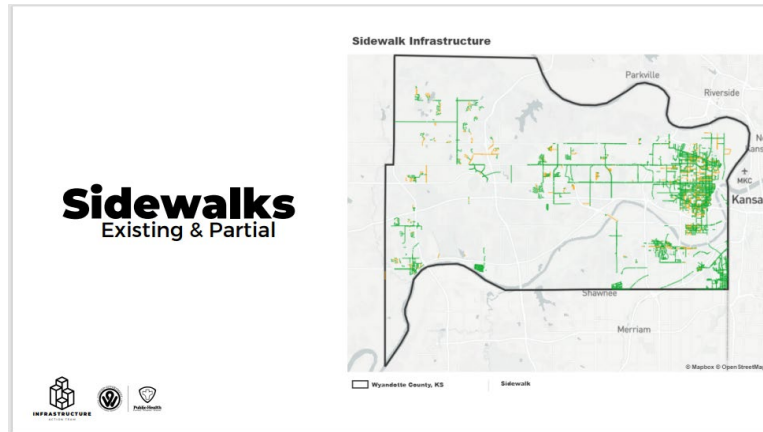
Now, we're going to talk about current conditions of our current built infrastructure. Our roads are very good at getting vehicles around. We know that only 4% of our roadways have a vehicle ratio of .8, at least one hour per day. This is a very, very low number. All the green on the map really shows that vehicles are able to move without congestion.



We want to talk about transit as well. In addition to providing those active transportation options, like biking or just being able to walk somewhere, we also need to be able to use public transit effectively. In Wyandotte County, our service is generally characterized by coverage. We have a lot of miles, but we do not have a lot of frequency, which we'll kind of show on the next slide. This map shows that we have limited access, or it does show jobs within 30 minutes of public transit trip of walking.

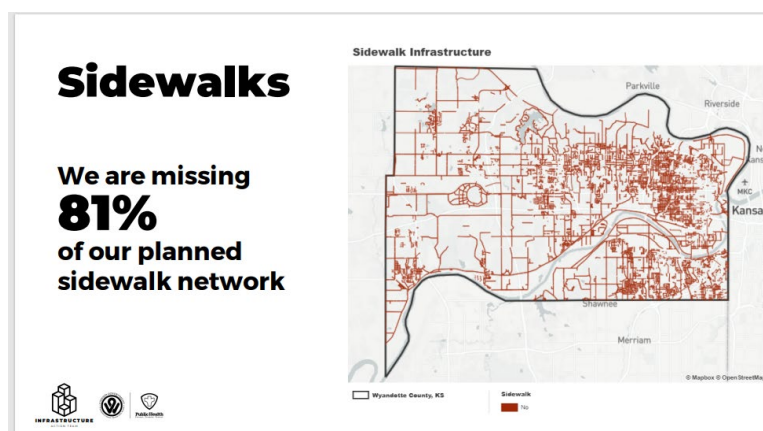


Here's a snapshot of our bus schedule. Only a select few routes are currently ran 30 minutes during weekday operations, while most routes run about 60 minutes or greater. Then, in addition, we do have some on-demand transit services in Edwardsville and Bonner Springs. In the county, we do not technically have any high frequency routes. Those are defined by the Mid-America Regional Council as routes that have a frequency of at least 15 minutes or at most.



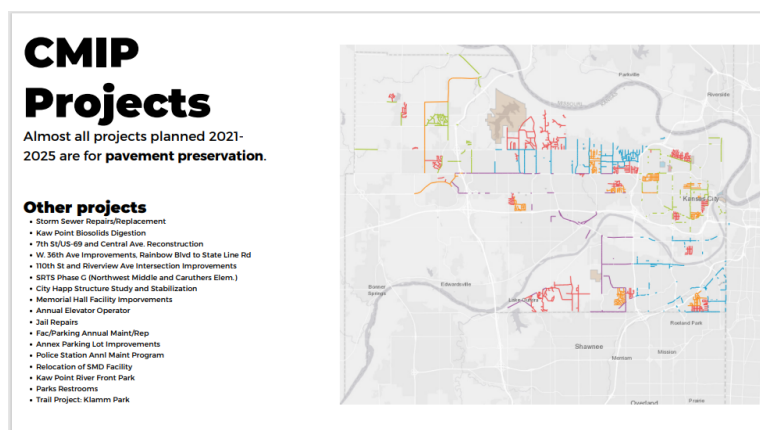
Talking about transportation in our built environment, that brings us to sidewalks. Sidewalks play a very vital role in city life as conduits to pedestrian movement and how people can access everyday destinations. As public spaces, sidewalks can serve as the front steps to the city, activating streets socially and economically. Also, safe, accessible, and well-maintained sidewalks are a fundamental and necessary investment for cities and have been found to enhance the general health and maximize social capital in the community.

In this map, this is the sidewalk network that we currently have. The yellow portions are partial segments. But, while the sidewalks do appear prevalent in our historic core, they're often in disrepair or overgrown or have fall hazards. They do not connect our neighborhoods together. It does make it appear and feel, and it is dangerous, and almost impossible to do anything other than drive a car to get to other neighborhoods in our community.



As we were talking about, sidewalks are an essential component of the urban environment, and we are missing about 81% of our planned sidewalk network. This network would provide access to people to get to everyday destinations, it would connect communities and improved safety and

have overall effect on our public health and wellness as a community. Just to kind of illustrate some of that effect, we'll talk more about the specific health impacts later. We did have one study that finds that 43% of people that report a place to walk were significantly more likely to meet the current regular physical activity recommendations than those who didn't report a place to walk at all.

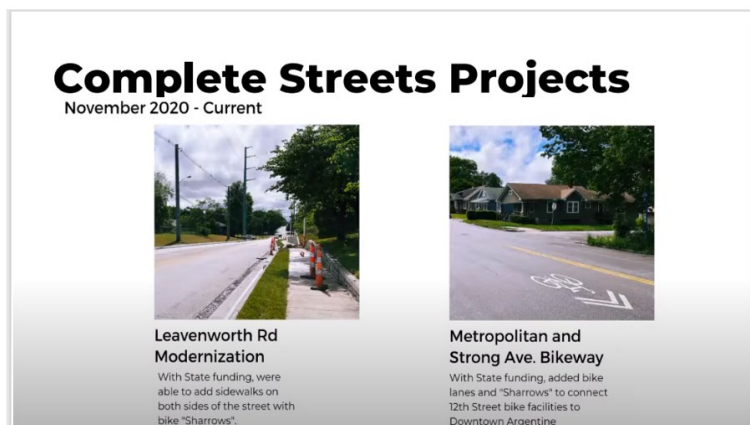


I did just want to touch on the capital maintenance improvements projects. Basically, a lot of those projects are just done to maintain what we already have, and most of them are focused on pavement preservation. So, I just wanted to bring up a map of that. We are doing some projects, and, as we mentioned, this ordinance was just passed in 2020.



We are working our way to more and more projects. Some successes that we have had in the last couple of years. We were able to launch the RideKC BikeShare Program, which is 50 e-bikes in the Rosedale and downtown area of Kansas City, Kansas. Also, we did begin the goDotte

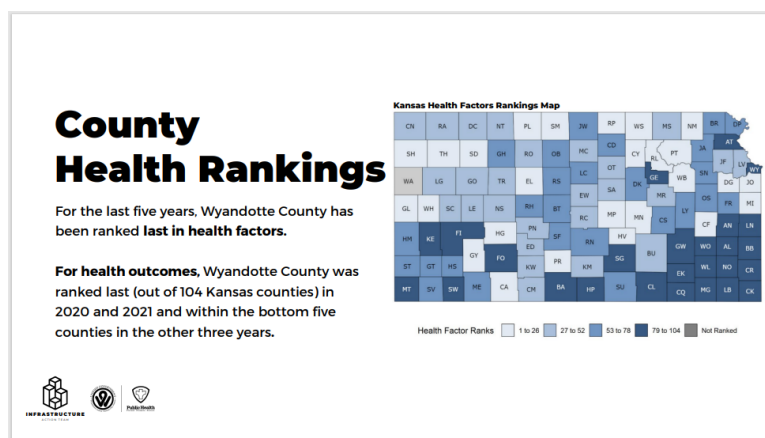
Mobility Plan, which is a strategic plan that I think we'll have more information on in the summer. That's looking at the entire county of how people get around in our community.



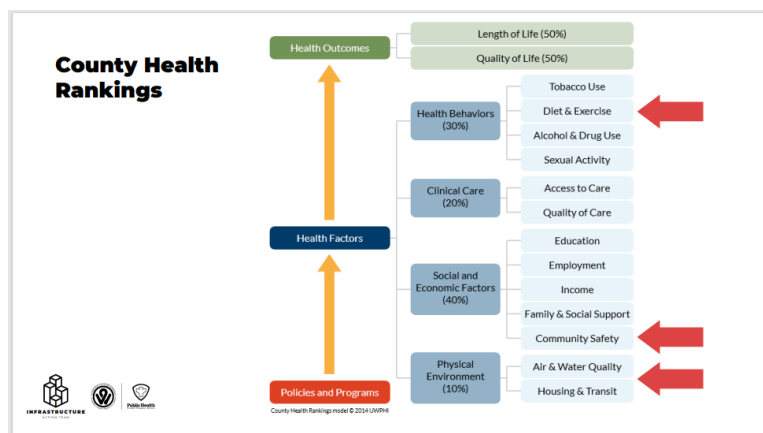
Some other recent roadway projects, like the Leavenworth Road modernization, adding sidewalks and other amenities on both sides and then also incorporating those sharrows, so those arrows that allow bikers or bicyclists to use the lanes on the road as well. Then also the Metropolitan and Strong Avenue bikeway.



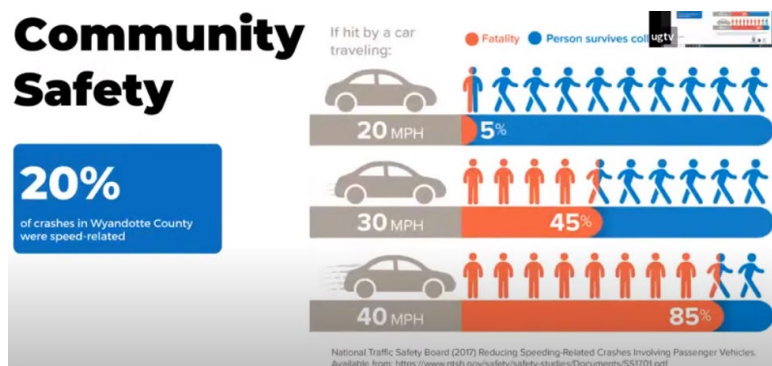
Now we're going to kind of dig into the community health portion and talk about some of those health factors and the outcomes. I just want to put into everyone's mind, we want to change the context, make the healthy choice, the easy choice.



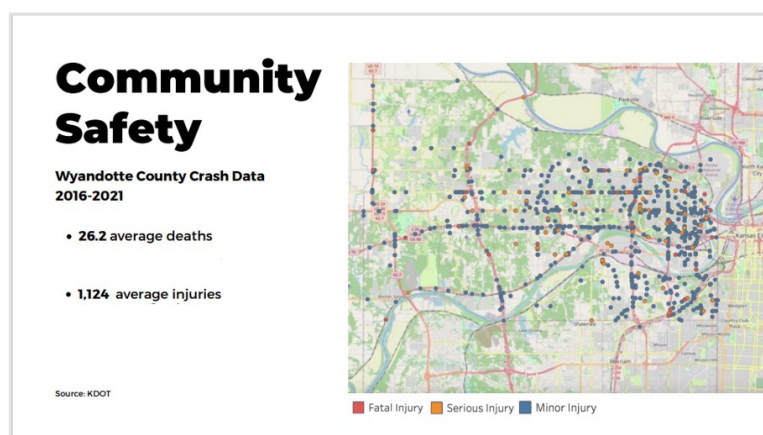
County health rankings. They were just released for 2022. Compared to all the other counties in the state of Kansas, we are ranked last in health factors for the last five years. Then for health outcomes, we were ranked last for two out of those last five years. We were at least within the bottom five of all those counties.



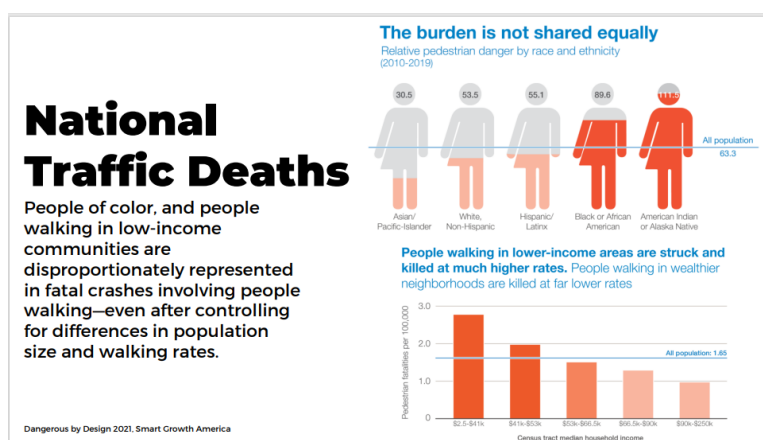
Here's a diagram of the county health rankings. These are some of the things that we use as some inspiration for some of the things that we pulled for our report. It's just very important as well to show that upstream effect of those policies and programs that affect those health factors, and then also go to affect those health outcomes, which are mainly length of life and quality of life.



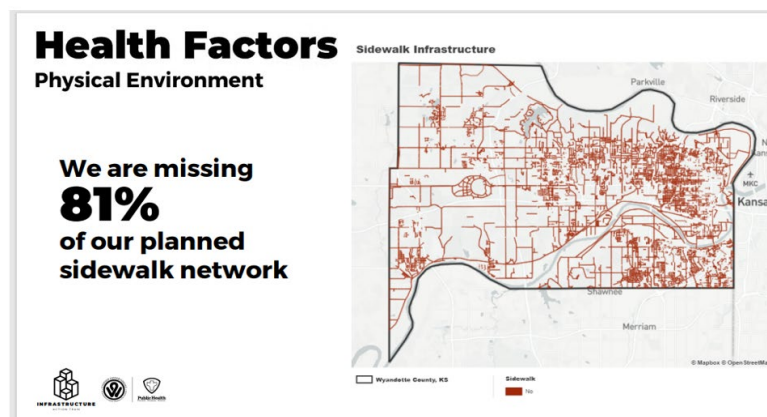
So, when we talk about Complete Streets and kind of redesigning our roads and adding sidewalks and things like that, when it does come to crashes, especially pedestrian crashes, the faster a car is moving, the more likely the pedestrian is to die from that. 20% of crashes in Wyandotte County were speed related, and that's just all crashes overall.



Looking at all the crashes overall, based on that data, and this includes people that were in vehicles as well, is 26.2 average deaths per year, and about 1,124 injuries each year due to crashes.



Then, again, coming back to equity. Based on national data, people of color and people walking in low-income communities are disproportionately represented in fatal crashes involving people walking, even after controlling for differences in population size and walking rates. Then, although people of all ages, races, ethnicities, and income levels suffer the consequences of dangerous street design, some neighborhood groups of people bear a larger share of the burden than others, which may contribute to the indifference of many policymakers to this increase. From 2010 to 2019, black people were struck and killed by drivers at an 82% higher rate than white, non-Hispanic Americans. For American Indian and Alaskan native people, the disparity climbs to 221%. Again, that comes back to that social vulnerability index map. Looking at the built infrastructure that we do have and some things that have proven effective are providing crosswalks at intersections and some other things like that.



Because more than 40% of pedestrian fatalities occur where there is no available crosswalk. Since we were just talking about those crashes and people moving throughout the community, I just wanted to bring this back up again. We do have a plan for sidewalks. This is something we could implement.

Moving Forward

The IAT will continue to convene community leaders, residents, organizations, and UG Staff to advocate for building, redesigning, and better utilizing Wyandotte County's environmental infrastructure to provide healthy and active living opportunities.

Next Steps

- Engage with the community.
- goDotte Countywide Mobility Strategy assisted with the development of this report and has provided a means to further engage the public and UG family in this important conversation to make our community safer and healthier.
- goDotte Draft Plan will be presented at the next quarterly IAT meeting (July 2022).
- The upcoming Citywide Master Plan update is another opportunity to discuss the built environment's impact on public safety and health, define new policies, and further align priorities within the UG
- Develop additional measures of complete streets implementation for future reports
 - This includes adding metrics like access to healthy foods, land use, housing displacement, the environmental impact, and the social environment.
- Provide additional information regarding relevant complete street projects
- Create a process to collaborate with UG's Public Works Department to provide input on CMIP projects
- Include data from the upcoming Community Health Assessment (CHA)



So, moving forward, we're going to continue to collaborate with Public Works. We would, as the Infrastructure Action Team, we would be engaging with the community to assist with the development of the report. Then also we'll be collaborating with goDotte, which should be released probably around July 2022. Also, we'll be participating in the upcoming Citywide Master Plan update. We are also looking into developing additional measures that would be included in this annual report that would be presented to you. Then we will just continue providing information regarding Complete Streets projects. We are excited to include more local data from our upcoming community health assessment. That brings us to the end.

Acknowledgements

Infrastructure Action Team Members and Organizations

Members	Organizations
Gayle Bergman Kendra Burgess Susan Caman Andrea Clark Hannah Connor Cunna Hand Blake Hensley Michael Kelley Jake Kooyer Monica Propst-Medeiros Andrew Robertson Troy Shaw Erin Stryka Michael Farley David Disney Matthew Kleinmann Wesley McKain Adri Showalter Matlock Brien Darby Monica Mendez Rick Behrens	BikeWalkKC Cultivate KC Groundwork Northeast Revitalization Group KC Healthy Kids Mid-America Regional Council (MARC) Rosedale Development Association (RDA) The Whole Person UG Planning & Urban Design UG Public Health Department UG Public Works

Here's an acknowledgement slide of all the members that have participated in our meetings over the last several months, and then some of the organizations that were represented in our Infrastructure Action Team as well.



That concludes our presentation for you all.

Commissioner Burroughs said I just want to thank Blake Hensley. I was the one that won the scholarship to attend the certification for Complete Streets represent. I was the only commissioner in Kansas that was selected. It was a year-long program, and some of it was done virtually due to COVID. Blake was a very valuable resource to learn and look at what other communities have done in reference to walkability and connectivity. Some of those issues that I ran on, when I was running for commissioner, was about bringing our communities together to address a healthy living. It was important and it was a tremendous learning session.

To have graduated from that program, I bring those thought processes to when we talk about economic development within our subcommittee. So, some of these infrastructure questions I ask, there's a reason why, that we have projects before us, that I would ask that we give consideration to especially when it comes to the equity portion of our community.

There's been a proposal about Quindaro Boulevard renovation. We may want to look at what we can do to enhance the safety as well as the walkability and connectivity of those neighborhoods. The Merriam Lane corridor is another wing that we're presently looking at. Those issues, we needed to submit a plan of what we were going to do in Wyandotte County with this knowledge. Blake and I have worked collectively in putting forward the Rock Island Bridge and the river dike and the levee because of some of the members that were on there and it was received very well.

Blake, I can't thank you enough for taking my call, sometimes at the last minute. This was part of my project while I was also in legislative session and serving here. So, it was a challenge at times, but, Blake, kudos to you, and thank you for your assistance. It's absolutely

my pleasure to be the only commissioner in Kansas certified as a Complete Streets ambassador. I appreciate your assistance.

Commissioner Ramirez said thank you, Blake, for your presentation and for all that you're helping with coordinating this. The one number—I'm sure I'm not the only commissioner that looked at and saw that number—the one number that stood out the most is missing 81% of our planned sidewalks. When I read that, it took me aback because when I'm walking and talking to my constituents in my district, sidewalks is always number one, right at the top; streets and sidewalks, and to know that we're missing 81%. We can barely keep up the inventory we currently have but we need more.

We just came from CMIP and our infrastructure talks, and we're starting to get into the budget. I'm happy that we have this and that you brought this presentation to us. I'm happy that we're now with the Complete Streets is something that we, as a Unified Government, are committed into doing and committed moving forward. That took me aback, that number. That surprised me.

But just overall, I want to thank you for your help in coordinating all of this, and all of the community members and stakeholders who are all part of this who continue to be part of this conversation. I know in my district, Complete Streets is something that is very needed. They want Complete Streets. I know when I was talking in Rosedale, as Aaron can tell you, we've had many conversations about Complete Streets and how that's something that a lot of my constituents like to see. Clearly it shows that there are major, major benefits to it.

So, I'm happy that we keep going forward. And, again, thank you for all you do and hope to see more presentations and more reports and to hopefully see this 81% get lower.

Commissioner Davis said this is an amazing presentation. So, thank you. Please don't take our lack of enthusiasm for the content, it's just been a long, long night. This is really, really good information, and I do want to recognize that. The one thing that I will say, and it's kind of repeating what I said in our special session, with all of this development and all of this interest, I think there's a potential for us to put some of the onus on building sidewalks on developers and people that are looking for tax incentives. I'm big on community benefits and making sure that

we are getting the best out of these development agreements. I think this presentation is just another piece of evidence for us to pursue those options. Thank you for presenting this.

Commissioner Stites said thank you for the presentation. Well, one thing that you had mentioned was the on-demand transit. You said that you have in Edwardsville—and I understand that you wouldn't, and Bonner necessarily have that because they have the Tiblow Transit that works out there—but Edwardsville on that on-demand. When I was running and I spoke with folks in our senior center down there who do not have access to a car, a vehicle, can't get to the Legends, are basically trapped within the confines of the Senior Center that are looking for an escape, a place just to get out so they can go maybe once a week, once every two weeks, go up to the Legends go somewhere, go to the park, go to shop, just to get out. What would it take for us to get a scheduled stop? I know that you wouldn't want to run that every day at 11:00, we're going to make this run, but I think if our citizens out there at that senior center knew that they had at Wednesday at 11:00 they were going to get picked up, they were going to be dropped off at the Legends, and two hours later they could get a ride back. Would that be something that we could work on that they might get some sort of a scheduled stop?

Mr. Hensley said that may be something more suited for Transit, for UG Transit. I don't know if that's something. That is probably something that our Infrastructure Action Team or myself could look into. I know that we are working on some other transportation projects through our CHIP, our Community Health Improvement Plan.

Mr. Hand asked, which senior center was that again?

Commissioner Stites said the one in Edwardsville, the only one in Edwardsville. I think if there could be, I mean there may be folks that would utilize that, that aren't necessarily in the senior center, that do not have access to a vehicle or whatever the needs may be or the price of gas now, they may not be able to just afford to be able to drive to the... **Mr. Hand** said both Tiblow Transit and UG Transit do have a paratransit service. So, you can basically dial-a-ride to anywhere. But that's distinctly different from what you're asking.

Commissioner Stites said that's correct, that's correct. **Mr. Hand** said UG Transit also just received a grant to expand their bus route through Edwardsville specifically to connect employers with employees, regionally. That's not it either, but there is growth in and around

Edwardsville would be my point. So, we can, like Mr. Hensley said, we can reach out to Mr. Welker and discuss it with him for sure.

Commissioner Stites said okay, I appreciate that. Thank you very much.

Mr. Hand asked, Mr. Mayor, may I make a quick comment? Mr. Hensley, can you go back to the slide where it's the miles per hour ratio of death rates? I just wanted to make a quick point on this one. I think this one gets often overlooked. When roads and lanes are wider, cars go faster. When cars go faster, more people die. When lanes are wider, they cost us more money to maintain. That's all I want to say.

Commissioner Stites asked, so you're saying you're an advocate? **Mr. Hand** said yep.

Mayor Garner said I got a quick question. This goes back to, I guess, the Complete Streets projects. If you can pull that slide up. How do we prioritize those on, and then, how are those funded once they're prioritized when you talk about the projects cause I'm looking at them. You've got the bike sharing. All this is good stuff as part of this plan, but I'm looking at bikes, I'm looking at more bikeways, some street and sidewalk modernization on Leavenworth Road. How do we arrive to those being the priorities? What are the future priorities because it says from November 2020 to current. So, what were the priorities, what are the current priorities, and what are we looking forward to in the future?

Mr. Hand said it's a great question, Mr. Mayor. The ordinance says that every project, maintenance and new construction should plan, design, operate, and maintain as a Complete Street. Not every Complete Street requires a bike lane. Not every Complete Street requires a sidewalk on either side of the road. We don't necessarily want to put sidewalks on every street, in say, our more rural areas; but it does make sense to do it, in say, our more urban areas. It is a contextual matter.

We are supposed to be looking at every single project as per the policy adopted by this Board through a lens of Complete Streets. Whether we choose to invest in each of our roadways in a Complete Streets matter, is not necessarily beholden to that policy. We just have to consider every single one and look at it accordingly.

This is not an add-on cost. This is the cost to invest in our community, I think is the point that Mr. Hensley and the IAT have been trying to make about Complete Streets, as a concept in general. It is green streets. It is vision zero. It is safe streets. It is better for stormwater

management. It is better for placemaking. It is better for economic development. It is safer, and quite frankly, it's more enjoyable.

Mayor Garner said so, basically, you're saying it coincides with every economic and infrastructure plan. This is all, it's part of that. **Mr. Hand** said it should be, correct. The CMIP should look at every single one of their projects through this lens.

Mayor Garner asked, is that being done? **Mr. Hand** said yes, with the County Engineer. That doesn't mean they're resulting in it because we have a—I mean, I don't want to speak for the County Engineer, Public Works, which contains most of this. But in our conversations with them, they look at the lens, they don't do it because they're trying to do everything they can with every dollar.

Mayor Garner said okay. I guess where I'm going with this, just looking at these projects, and I think you've explained it, but the concern was for me, is that when you talk about the disenfranchised and disinvested areas of our city, and what you've listed really don't, really hit on that. But part of your presentation was recognizing that minorities are disproportionately impacted by the lack of, and so how does that play into the future planning when you talk about? I think Commissioner Burroughs mentioned Quindaro Avenue as being one of those areas that we are looking at for reinvestment at some point. How does this Complete Streets project, and I think you mentioned it moving forward, this all coincides with all the planning. Is that correct?

Mr. Hand said sure. I guess I would go back to all the projects that we're pursuing as far as federal grants right now. One, all of our CMIP projects, as noted by Mr. Hensley in his representation, are mostly maintenance projects because we don't have money to invest in our communities the way that we should be investing. We're trying to spread out so much and spread the wealth across so many geographies that sometimes all we can do is re-asphalt, mill and overlay some things. In the eight projects that we ran through this Board of Commissioners to define the prioritized projects for roadway investments as it relates to federal projects, those all started with CMIP. They all got filtered through the master plan lens, they all went through different standing committees, and we came up with that list. Every single project that we have pursued federal dollars for have been in these more disadvantaged communities than the rest of our communities. They've all basically been east of I-635, for that very reason.

Mayor Garner said then my last question is, and that's good, that's real good information, because I'm going to go into Argentine and Armourdale as well as downtown as well and how that plays in. But, I think you've answered that. How does this relate to when we're talking about a Unified Government and then the Wyandotte County side, kind of in line with Commissioner Stites, what he mentioned, and what we may be responsible for, the Unified Government, for projects in Bonner and Edwardsville? What I'm looking for, is there any collaboration or conversation with those sister cities as to this project?

Mr. Hand said sure. We didn't seek the input of Edwardsville, Bonner, and the City of Lake Quivira on the ordinance for Complete Streets because it's a city-wide ordinance, not a county-wide ordinance. We have been collaborating with them specifically as it relates to the county-wide mobility strategy. GoDotte has brought all of the incorporated cities to the table to have that conversation and because of that, I would point out that one of our top priority projects or investments in a corridor is K-32, and the bike infrastructure, all the way which would ideally start on the levee trails, hop up onto Kaw Drive, and take us all the way into downtown Bonner Springs. A plan that's been in place for almost a decade right now and has seen no investment. So, that is elevating as a part of our collaboration with our other incorporated cities. That is a Complete Streets project.

Commissioner Davis said I just had a quick question. Gunnar, is there any conversation on how to keep this in front of the Commission? For example, throughout the CMIP, projects that are proposed—for me, I don't want to speak for everybody else, it would be helpful if we're knowing whether or not what we are approving funding for is in line with Complete Streets or not. Has there been some conversation of some sort of notification or something that says Commission, on a rank of one to three? This is a two on Complete Streets and here's the reason why.

Mr. Hand said as it relates to the rubric, no, there is not a Complete Streets column, if you will. But I would say if for all of you who were here when we adopted the Complete Streets ordinance originally, I sat here with our county engineer and did it in tandem. So, having worked with many public works departments and County Engineers in other places, they're totally bought into Complete Streets. They are doing it as a lens.

I will admit, though, it always helps to hear direction, input, requests from the Commission in order to set a straightened jar loose. Your feedback is needed, welcomed. But, again, I think

part of it is we need to get—we're a year late. So, this annual report is a big part of it and, quite frankly, I'm happy at the response, the conversation we've had because of it. I think we'll definitely; we will come back because the ordinance requires us to. But I think we can work with the County Engineer and the Public Works Department more specifically on said rubric for CMIP.

Commissioner Burroughs said, Bobby, the reason why I chose the bridge project, the Rock Island Bridge is, because it encompassed a lot of what we have talked about here, what Complete Streets brought to the table. It was an innovative way for us to invest in an economic development project, look at the walkability/connectivity to basically two states, but it completed our levee trail. It also addresses how the access and the biking and the healthy lifestyles of the swimming as well as the boating on the river. I think those are a learning opportunity for us on a project that we've already approved. I would hope that we could utilize that as our litmus test moving forward as to why it's important to utilize Complete Streets concerns and guidance when we put these projects together.

I will state the Champions Institute does notify me, quite regularly, that there are funds available. There are projects that can be completed through federal grants and other activities. I have made a list of those, over a period of time, that has grown quite daunting when we start talking about the infrastructure needs we have in our community. But I commit to you that I will continue to monitor those. I would ask that as we work through the Rock Island Bridge Project, there will be an opportunity for, I would hope, tremendous input and support for the Complete Streets Projects. It's a great learning opportunity for us.

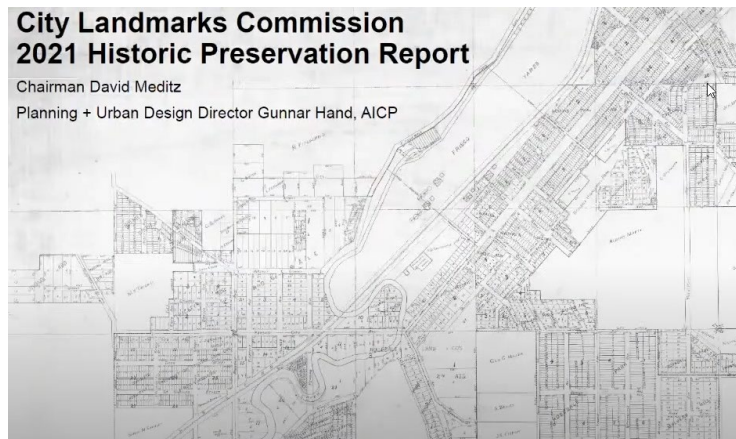
Mr. Hand said and just to add on, Commissioner Burroughs, the Kansas Department of Transportation for the first time ever, hopefully this summer, will be adopting their own alternative transportation plan. Simply by adopting that plan, it will open up new avenues for revenue for these types of projects where currently you basically can only do that on Leavenworth Road, which is a state highway, for instance.

Mayor Garner asked, are there any more questions and comments? Seeing none, this is for information only.

Action: **For information only.**

ITEM NO. 2 – 211509...KANSAS CITY, KANSAS LANDMARKS COMMISSION 2021 ANNUAL REPORT

Synopsis: Presentation by Landmarks' Chairman Meditz and Planning & Urban Design Director Gunnar Hand concerning the activities of the Kansas City, Kansas, Landmarks Commission during 2021. This presentation will provide baseline data for future annual reports to the Board of Commissioners.

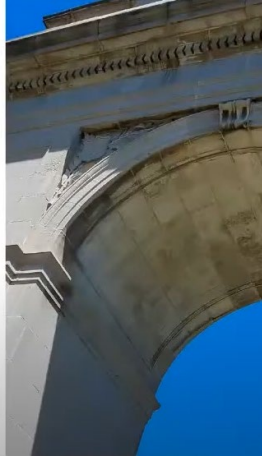


Gunnar Hand, Director of Planning & Urban Design, said it is also Historic Preservation Month. We've heard quite a few proclamations about all the different things that May is, but it is also Historic Preservation Month. As such, I wanted to introduce the Chairman of the Landmarks Commission, Mr. David Meditz. We've prepared a quick presentation for you about our 2021 Annual Report and all things going on in the Landmarks Commission. With that, I defer to Mr. Meditz, and then I'll jump in and take up some of this presentation, and he'll close it for us. So, without further ado.

Landmarks Commission Purpose

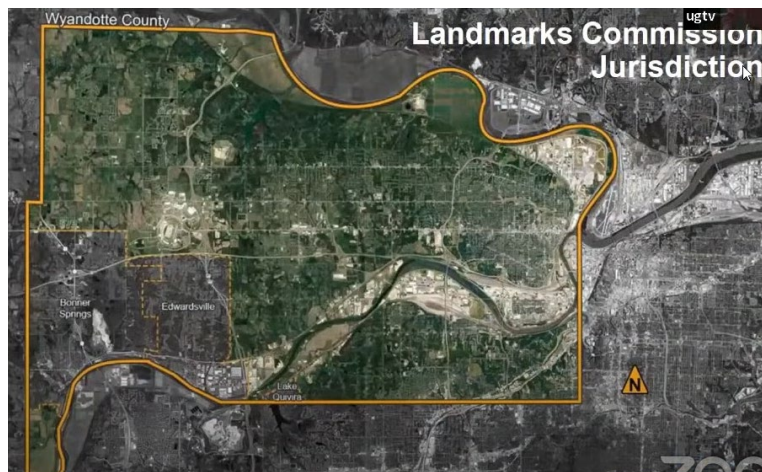
Sec.27-82-Purpose

- ❖ To identify, protect, enhance and perpetuate districts, sites, buildings, structures and objects that represent or reflect distinctive and important elements of the city's **historic, cultural and architectural heritage**
- ❖ To **safeguard** the city's historic, cultural and architectural heritage as embodied and reflected in such districts, sites, buildings, structures and objects
- ❖ To stabilize and **improve property values** in such locations
- ❖ To encourage the **conservation and preservation of neighborhoods** having distinct historic, cultural or architectural characteristics
- ❖ To **foster civic pride** in the beauty and noble accomplishments of the past
- ❖ To **protect and enhance** the city's attractions for tourists and visitors and provide incidental support and stimulus to business and industry
- ❖ To **strengthen the economy** of the city
- ❖ To promote the use of historic landmarks and historic districts for the culture, economy, education and **welfare of the people** of the city
- ❖ To **promote** the safety, health, morals and general welfare of the city as a whole



David Meditz, Chairman of the Landmarks Commission, said, as Gunnar said, May is Historic Preservation Month. The words historic and the words preservation denote history. They note the past. Yes, the Landmarks Commission does have that as the heritage that we have to deal with. But the Landmarks Commission is far more than the past. The Landmarks Commission has to deal with the past, it has to preserve it because that is the fabric of this community. A diverse fabric all along racial, cultural, urban, rural, economic, it's there. That fabric is worn, it's tattered, it's got some holes, but it is still what made us the city and the county that we are.

It is the job of this Commission, the Landmarks Commission, to lead for the past, the present, and the future. Within our presentation today, I think you may find, or be able to see, where we have been, where we are going because this Commission—and I am proud to say, in my tenure on this Commission, which is not as long as some—but during my time as Chairman, this Landmarks Commission has evolved. It's in transition, because yes, we used to deal with the past almost like it was the past.



We were reactive, sometimes too late. We have now talked and discussed for many years how we can be proactive, and that transition is happening. Tonight is evidence of it because this is the inaugural. This is the first time that we have ever presented to you an annual report so that you can see how we gauge ourselves, and you can see where we have been and have a glimpse for the future.

Our transition has been stymied a little the past two years by the challenges that's been presented, COVID, IT problems etc., but it also presented us with a multitude of opportunities. Where meetings were closed, the world opened up for us. We managed to, as screens will show, attend, learn, be knowledgeable, conferences across the nation that didn't cost us a dime. They were free. A conference such as Preservation Justice, making your local government program more equitable. It dealt with such mundane things as doorways, and windows, and yards, and this. We learned, and that is an important part of what we've tried to do, what we are doing, and our initiatives, especially with the establishment of a subcommittee, that I appointed, and that is outreach.

The one thing that has really been lacking is communication. I don't know if you know who we are. We're kind of under the table. Probably, maybe, each one of you appointed one of us, but you may not. Everybody may not know who we are. The general public doesn't. At times, they think we are a gestapo, but that's not the case. We are a land of opportunity because there are purposes that we were established with.

The Landmarks Commission was established with purposes. Some of these are highlighted up here, but what is important to know is maybe what's in the small print: to identify, protect, enhance, perpetuate districts, sites, buildings, structures, and objects that represent, reflect, distinctive important elements of the city's history, cultural, architectural, heritage.

Now you think that just deals with buildings. Take a good thought of that. Buildings are buildings, but buildings are built for what? People. That is your culture. We were to safeguard it, and that's where our discussions came in. How do you safeguard if you're reacting? Sometimes it was too late. We shed tears, but we had no choice. It was demolition by neglect.

It's also to stabilize and improve property values. You go well, what's that got to do with historic preservation? Well, when you're reactive, you end up with holes in the ground next door to your house, and that is a sure way for property values to start going down. If we can enhance it, we can educate people. We can keep the neighborhood such as Strawberry Hill where a lot of

people want to live in a smaller home, smaller lot, in that type of house. There are a lot of tax incentives, grants, etc., economic benefits that relate to that. That's why we need to encourage the conservation and preservation of neighborhoods because of that, but also because of our families. Take pride in your neighborhood. Grandma and Grandpa grew up there. You have to have a pride in your community for it be viable. That's where foster civic pride comes in. Be proud of what we've got. Be proud of where we came from. Be proud of our successes. Yes, we have had disappointments. Yes, we have had failures, but sometimes even those disappointments and failures need to be recognized and marked because people tried. Maybe they didn't succeed or maybe it took longer or maybe mother nature figured into it and dealt them the blow like they dealt us the last couple of years. It's to protect and enhance. Later on, you will see those words are very important.

Strengthen the economy. How do you do that? Well, if you are rehabbing, you're doing that. You're providing jobs. If it's by grant money, and Kansas has one of the strongest, if not strongest preservation grant and tax incentive programs in the nation. That is a hidden secret that a lot of people don't know that's available not only for multi-dollar projects but they are available and can be enhanced and used through the individual home or neighborhood network. That is an economical benefit.

Then we go down to the welfare of the people. The welfare is knowing where you come from, the pride that you can have and everyone in your community across all lines, economics, etc.

The last is to promote the safety, health, morals, and general welfare of this city as a whole. What does that got to do with history? Well, it has a whole lot to do with it because if we can help preserve the neighborhoods, they are a whole lot safer, they're a whole lot healthier. Our people will be better off with their general welfare, knowledge, education, and benefits.

Again, there is much to be said for the past, the present, and the future. But just where does our jurisdiction lie? I'm a proud member of Wyandotte County. This is a Unified Government. The Landmarks Commission was established way beforehand. Ordinance was adopted as we became the Unified Government. The Landmarks Commission itself has no jurisdiction over Bonner, Edwardsville, or Lake Quivira. Our jurisdiction rides with Kansas City, Kansas. That does not mean that we cannot cooperate. If someone would ask one of our

commissioners representing those areas, ask for my expertise or what I learned at a training session, I am more than happy to provide that.

Landmarks Commissioners

Sec.27-113-115-Membership; Officers and meetings; Powers and duties

❖ 11 Landmarks Commissioners

- ❖ 1 Architect
- ❖ 1 Real estate broker (or appraiser)
- ❖ 1 Officer of a mortgage lending institution
- ❖ 1 Person with training or experience in the fields of history, architectural history and/or historic preservation

❖ Required duties include:

- ❖ Attend meetings
- ❖ Review cases and agendas
- ❖ Recommend new designations to BOC
- ❖ Seek funding for preservation efforts
- ❖ Advocate and educate about historic preservation



The commissioners themselves, the Landmarks Commission is composed of 11 commissioners. That's each one of you have an appointment and, Mr. Mayor, you also—should be an architect, real estate broker, an officer of a mortgage institution, one person with training, expertise in the fields of history, architectural history and/or historic preservation. The duties are we attend meetings. We review cases, the agendas. We recommend designations to you, but we also seek funding. We watch for the grants. We keep your ear to the ground to try to find the grants and outside monies so that we, again, can help our economy and the financial status of our community.

We advocate and educate about historic preservation. That is another purpose of the subcommittee that I established that's in its infancy. Now to do that, so the challenges over the past two years have been great. We've overcome, my fellow commissioners, which for everyone, I'm David Meditz, Chairman; Karen French is my Vice Chairman; Jim Schraeder is the Chairman of my Subcommittee; Charles Van Middlesworth, Beverly Easterwood, Hank Chamberlain, John Altevogt, Loren Taylor, Murrel Bland, Micki Hill, and Stephen Craddock are your commissioners. Those are the names to remember if you didn't know who they are for everyone to know.

At this point in time, let's take a look at what we have tried to accomplish or what we did accomplish this last year.

Landmarks Commission Decisions

(January 1 – December 31, 2021)

❖ Historic Designation applications: **0**

❖ Number of Certificate of Appropriateness applications: **31**

❖ Landmarks Commission: **15**

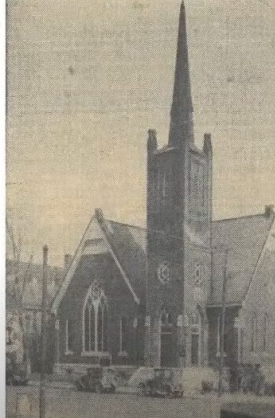
❖ Approved: **14**

❖ Denied: **1**

❖ Demolition: **1**

❖ Number of Environs Reviews: **30**

❖ Number of Exemption Letters: **7**



Mr. Hand said so, again, this is our first inaugural annual report for the Landmarks Commission. This is our baseline year. Unfortunately, we were starting this presentation and work on this report right when the cyberattack happened, so, we didn't do as much background information as we had hoped. We'd hope to do some research back into 2020, 2019, 2018, so we can create a trend. But this is basically what we did in 2021. We will do this homework as we move forward with these annual reports as it happens.

So, in 2021, it's very simple, we had no historic designations. Again, these are all local designations, not state or federal. We had 31 applications. Of that, we approved 14-1, denied 1. One of those was a demolition.

There are three types of, let's call them, entitlements from the Landmarks Commission that can happen. A historic designation i.e., a landmark or district, one of which was approved earlier this evening by you all, the historic district of Westheight Manor.

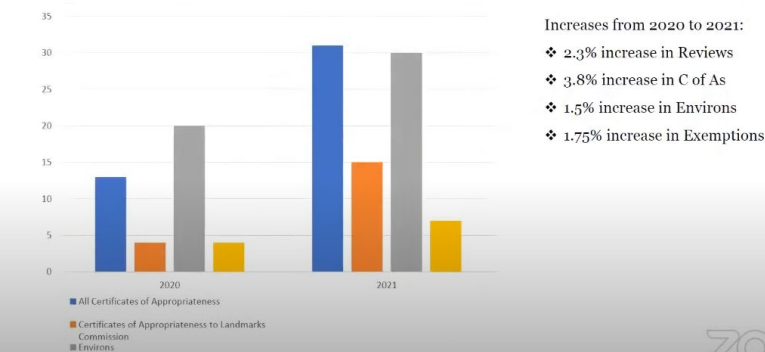
You can do a Certificate of Appropriateness in the City of Kansas City, Kansas. The landmarks and districts recognitions Certificate of Appropriateness only apply to anything on the exterior of a building. So, no interiors. If it is a state or a federal designation, those do cover interiors. Anytime you pull a permit, any action you do on the outside of your building that requires a permit, and if you're a district or a landmark, you have to basically go through the Landmarks Commission for the Certificate of Appropriateness.

Then, we also have what's called environs reviews. We updated the Landmarks ordinance just this past year in 2021, which we'll go over in a little more detail. After that, we reduced the environs buffer from 500 feet to 200 feet. So, anything within 200 feet of a historic district or landmark has to do an administrative review. They are all held to the same standards, which is the National Park Services, Secretary of the Interior's Standards for Historic Preservation.

Then we do a determination at staff level depending on what comes in. Some think they might need a C of A, environs review, or others. Sometimes they don't, so we also write a couple of exemption letters accordingly. We can go over any of those details as you see fit.

Landmarks Decisions

January 1 – December 31, 2021



So, again, we weren't able to go back too much deeper in history, but you can see a slight increase from 2020 to 2021.

Landmarks Commission & Meetings

❖ Landmarks Commissioner vacancies (if any):

1 vacancy through 2021

❖ Meetings in 2020: **4**

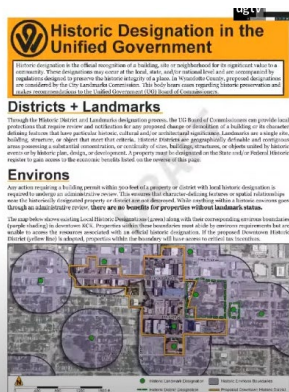
❖ Meetings in 2021: **11 (63% increase)**



I think this is above more note as it relates to the Chairman's comments. We went from 4 meetings in 2020 to 11 meetings in 2021. It looks like we're probably going to hit 11 meetings in 2022. Basically, we're getting back to our monthly schedule like we have historically; but have not done, I'd say, probably as regularly in the last decade.

Landmarks Commission Outreach Sub-Committee

- ❖ Chaired by Commissioner Jim Schraeder (*Established 2020*)
- ❖ Initially created to aid outreach efforts for the Downtown KCC Historic Commercial District designation project
- ❖ Meetings in 2020: **1**
- ❖ Meetings in 2021: **1**
- ❖ **More meetings planned for 2022**



The Outreach Committee, also mentioned by the Chairman, hasn't had too many meetings. They've been established and are part of our outreach efforts in the Downtown Historic Commercial District formation project that we're working on right now. Again, more meetings are planned for 2022. I believe they've already had one in 2022, so we should surpass those numbers in our next annual report.

Landmarks Commission Training & Conferences

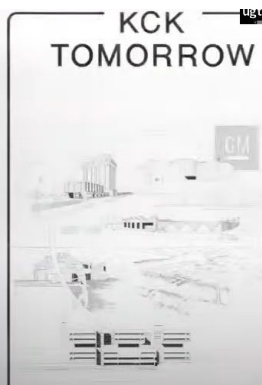
- ❖ List of conferences attended:
 - ❖ *Missouri Preservation Commission Conference (5/2021)*
 - ❖ *Preserving the 1970s and 1980s: Why we care about brutalist and postmodernist architecture (5/2021)*
 - ❖ *National Association of Preservation Commissioners (NAPC) Summer Short Course (8/2021)*
 - ❖ *Kansas Preservation Conference (9/2021)*
 - ❖ *PastForward National Historic Trust Conference (11/2021)*
- ❖ Total number of Commissioner/Staff training hours: **102 total hours**

The Chairman also mentioned trainings that we've done in 2021. Over 100 hours between Landmarks commissioners and staff alone, as it relates specifically to the issue of historic preservation.

Districts/Landmarks Designations

January 1 – December 31, 2021

- ❖ Local District/Landmark designations: 0
- ❖ Local Districts/Landmarks applied: 0
- ❖ Local Districts/Landmarks removed: 0
- ❖ State or Federally Designated Districts/Landmarks: 1
 - ❖ Old City Hall Parking Garage (November 13, 2021)
 - ❖ Landmarks Commission provided comment accordingly



And, again, not any landmarks locally designated in 2021, but there was one state and federally designated, that's the old City Hall Park. Typically, when something happens within a certified local government of which the Landmarks Commission is, any state or federal designation is requested, they'll usually run it by the Landmarks Commission and ask for their comments. We did support the designation, the state and federal designation of the old City Hall parking garage, which is the garage right behind the old City Hall across the street.

Historic Landmarks & Districts Ordinance Update

- ❖ 2021 Comprehensive Update included:
 - ❖ Reduction of the Environs buffer to 200 feet
 - ❖ Added Landmark and Environs suffix to zoning map
 - ❖ Matched notification requirements for Certificates of Appropriateness (C of A) to all other entitlements
 - ❖ Further defined procedures, and what constitutes a C of A, Environs and Exemption



I did mention that the ordinance update also occurred in 2021. We've gone over some of the details of that ordinance, so I'm not going to go through all of these right now. But basically, we cleaned it up, made it a lot easier to use, made it a lot more clear about what is or is not a project, and that's a great benefit I think in 2021. The reduction of the environs. We've already seen fewer environs on trend between 2021 and 2022. These are all things that we think are a benefit, removing red tape, so on and so forth.

Most Recent State/National Historic Landmark Designations

- ❖ 2019: Kansas City, Kansas YMCA
 - ❖ 900 N 8th Street
- ❖ 2019: Brotherhood Block
 - ❖ 745-755 State Avenue
- ❖ 2020: No designations
- ❖ 2021: Police Garage of KCK
 - ❖ 745-755 State Avenue



Just to kind of go over a couple of other things as it relates to other designations. For instance, the last time we did a state or federal landmark didn't happen until 2019. You've seen some movement on these projects in the last couple of months.

Most Recent State/National Historic District Designation

- ❖ 2015: Westheight Apartments Historic District
 - ❖ 1601 – 1637 Washington Boulevard
 - ❖ Register of Historic Kansas Places & National Register of Historic Places



In particular, the last local historic district that was created was in 2015. Just a quick side note. If you drove by this on Washington Boulevard, you probably wouldn't look twice at it. This district is a single property. It's four buildings. What's neat about it is, we had a presentation about this in April, and just to geek out for just one second on this one. After World War II, what was that version of the Housing and Urban Development Department did a competition for veterans' housing, multi-family veterans housing. That competition was specifically focused on energy conservation. This is the only built project of that design competition winner in the country. So, that's how it got its state and federal designation. Kind of unique.

Most Recent Local Historic Designations

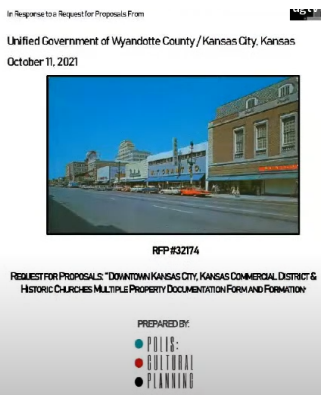
- ❖ Mathias Splitlog Residence (251 North Orchard Street)
 - ❖ Listed on June 30, 2005
 - ❖ Demolished September 20, 2013
- ❖ Parkwood Historic District (Approximately Quindaro Boulevard to Brown Avenue and North 10th Street to North 11th Street)
 - ❖ Listed on August 25, 1988



Then the last time we designated a local district, at least when this was reported in 2021, again, we've had two now in 2022. But before that, we hadn't done a local designation since 2005. So, again, speaking to this idea of us trying to become more proactive and understanding what our resources are, what our needs are, and how we're going to move forward for a higher quality of life as it relates to historic preservation and how that contributes to our community.

2021 Historic Preservation Fund Grant Awards

- ❖ HPF Grants Awards: **2**
- ❖ One (1) **\$21,000** grant for the creation of a Downtown KCK Historic Commercial District
- ❖ One (1) **\$30,000** grant for the creation of a multiple-listings nomination for Downtown KCK historic churches
- ❖ Both grants were combined into single Request for Proposals (RFP), which will be completed by August 2022



In 2021, we received two grants. We combined that into one request for proposals, one project. We're simultaneously currently working on the formation of a downtown historic commercial district and the formation of a downtown historic churches multiple listing designation.

Downtown KCK Historic District

- ❖ DRAFT Downtown KCK Historic Commercial survey concluding
- ❖ Downtown KCK Historic Churches Survey beginning
- ❖ Outreach efforts to launch when DRAFT district boundaries and landmarks finalized



This is a very preliminary map of where we're thinking the current survey area, district area is for downtown. The churches are both inside and outside of that. Again, we didn't want to have a fully expansive commercial district, so we shortened the commercial district into something very much around Minnesota Avenue. And then, wanted to look secondarily across all of downtown at some of the historic churches that are in need, some in disrepair.

2022 Historic Preservation Fund Grant Submission

- ❖ A grant application for a Citywide Historic Preservation Plan was submitted March 31, 2022
 - ❖ Guide future surveys
 - ❖ Identify sites for new or expanded historic designations
 - ❖ Prioritize future grant funding
 - ❖ Launch a renewed outreach and education campaign
- ❖ SHPO will announce HPF Grant Awardees Summer 2022



Just a note to the future, we are also later in this evening, going to request that we pursue another grant from the State Historic Preservation Office to do a historic preservation plan. We'll talk about that a little bit more this later this evening when that comes up.

Next Steps in KCK Historic Preservation

- ❖ Sauer Castle Observation
- ❖ CLG Status
- ❖ SHPO Agreement
- ❖ GIS Mapping Updates
- ❖ Increase Outreach Efforts
 - ❖ Citywide Engagement
 - ❖ Zoning Suffix Updates
 - ❖ Downtown KCK Designations



May 26, 2022

So, just in conclusion, the Landmarks Commission has been tracking every move of Sauer Castle. We do that every month with Legal counsel's help.

We are in the process of working with the State Historic Preservation Office of updating what's called our certified local government status. That local status is still assigned, or still goes all the way back to before unification, so we're cleaning up some of that language. When we clean up that language and renew our CLG status, we will then be able to open up another conversation with the State Historic Preservation Office.

This is an important one. Certain CLGs have been given the right to do their own review of state and federal permitting processes that relate to historic preservation. They are going to sort of let us do—we mentioned a little bit before—the State of Kansas has the most strict historic preservation laws in the country. Any permit, any permit, i.e., any permit we issue from the Neighborhood Resource Center in a historic district has to go through SHPO. That could be like an electrical permit to turn on your electricity has to go through a 30-day review of SHPO right now. Those types of permitting, we're going to try to clear the books and keep, again, moving forward with red tape to make sure that this is as least onerous as possible.

We're also updating all of our GIS mapping. This is a very complicated issue going from 500 to 200. You wouldn't think about it, but the ordinance also requires us to read, not designate, but redefine and rename any parcel that is zoned in a historic district or is a historic landmark. That's a little more complicated with a GIS move. That again, is another opportunity for us to increase our outreach and knowledge about what is and is not a historic district in the Unified Government.

And, again, that goes along with our big—we believe if we were able to pursue and then are awarded the City-wide Historic Preservation Plan, that'll give us a great platform to really communicate all the pros and cons, because there are sticks and carrots related to historic preservation. But also, the benefit and importance of preserving our history culture and architecture of the built environment.

So with that, I'm going to pass on the closing remarks to our Chairman and then go from there.

Mr. Meditz said just a quick couple of comments at the end. Importance, education. Yes, education. If we can educate our people, let them know what is needed for these permits, let them

know the importance of a historical district, it opens worlds of opportunities to them. It also saves us time. Saves the government time, if they are prepared. It's not meeting after meeting if they know what's required, what they need, and how to present it. So that is important. That is part of what the center is.

My final comment is to remember what I started out with, the fabric of the community. We deal with history. That is the heritage that our families, our forefathers left us with. We have to deal with it. It's not going to change for good or bad. We got to deal with it.

But we also owe an obligation to my fellow citizens, my elected officials, that we do our duty to preserve this history for the benefit of everyone in this community. That they can use it, they can enjoy it, and they can have a viable community that is safe, friendly, lovable, enjoyable, pleasant, etc., etc. But the final component is probably the most important of all, and that is the word legacy. What we do today, the successes, the disappointments, or our failures is the legacy that we will leave to our children, our grandchildren. A word that I heard recently, our newer implants, the ones that want to move in and stay. And lastly, those that are yet to come. Who they are, we have no idea but they will come and live here, and we owe that legacy to them to provide them a viable community to live in.

Thank you, one and all, for your time. I would be happy to answer any questions or listen to any comments.

Commissioner Bynum said my comments are kind of to Gunnar and maybe to Jim Schraeder. One of the conferences that you said you attended was why should we care about brutalist architecture. I would like to have a conversation about that offline someday because it's really quite awful and we really shouldn't care about it at all. I guess the reason why I care about it is because when I drive by it and look at it, I go, whose idea was that? I'm just saying, someday, I would appreciate that conversation. But the Westheight Apartments, we're gonna want to talk about that as well. That is a very sad situation right now. Both of those things are for another day because it is 9:30 at night. The first one's a joke, the second one's not.

Commissioner Ramirez said thank you, Mr. Meditz. Thank you, Gunnar. Thank you, Chairman. I feel like being Mexican. I was raised to cherish our history and our heritage of who we are. Unfortunately, I lost a historic monument in my district, the church. I wasn't here long

enough to be able to save it, but I have another one. I have Sauer Castle. I know I've been working with Erin Stryka and other community members in Rosedale to try and save it. I'm of the mind of, we need to save as much as we can, preserve as much as we can. Yeah, we can see it in pictures, see it in a museum, but it's even better if you can see it in person and experience it in person. So, I am 100% going to do what I can on this Board to continue to preserve and cherish the history that we have throughout our county and city.

Mayor Garner said I'll just make one last comment. I think I got a question for—I kind of fall in line with Commissioner Bynum. I believe in preservation, but I believe in preserving things that are preservable. It's one thing to preserve things that are preservable, but you're preserving things that's a question, that are in disrepair. You made a lot of good sounding points and they're really good and I'll go over them. You want to be safe and friendly, and you want people to move here. You want to anchor people that are already here, but preservation without a plan or strategy for investment, for rehabilitation.

I'm looking at Sauer Castle. That's not something I would want to live next to. I'm just being honest with you. The Washington, I mean to me it doesn't do any justice for the veterans that that was designed for, in its current condition. When you talk about preserving these things in those states of condition, I think it's deplorable.

So, the Commission, and I know, we all appointed people there—it's just, I think, a thought process ought to go in working with staff on how do we find investors to really bring these properties back to something that Wyandotte County can be proud of, as opposed to preserving something. I think it was mentioned earlier, and I got this, a demolition by neglect. I mean, literally, we preserve these things and then time, age and the environment literally demolish them. So, that's a concern for me when you talk about trying to create, get rid of blight, and try and create a Wyandotte County that everybody can be proud of.

You mention, try and get people to move to Wyandotte County. That's a huge concern for me when you talk about how does that happen and what does that look like? When we talk about preservation, making sure that these items are preservable in a way that's connected to some type of investor or reinvestment plan to bring them back to something that people would want to live next to and that the people of Wyandotte County can be proud of.

Mr. Meditz said, Mr. Mayor, if I could respond, just quickly. Very much that is one of the reasons that we do want to be proactive. There have been mistakes, disappointments, and failures in the past because we were too late. We couldn't do it. It was too late to try to bring it back at that point. We don't want to do that. We want to stay ahead of the game so we don't have the Sauer Castles there, that we've got something that people can work with, get some support to do it, and the only way to do that is to be proactive and try to get the word out there. I appreciate your comments and let you know we've got that in the target and that's in our focus. It's how we do it and how quick can we get it done.

Mayor Garner said okay. Any other comments, questions?

Action: **For information only.**

Mayor Garner said okay. This ends the Planning and Zoning portion of the agenda. We will now move to the regular portion of our agenda.

MAYOR'S AGENDA

ITEM NO. 1 – 211633...PROCLAMATION: WYANDOTTE COUNTY SHERIFF DEPARTMENT DAY

Synopsis: Proclamation proclaiming May 17, 2022, as Wyandotte County Sheriff Department Day, submitted by Mayor Garner.

Mayor Garner asked the Clerk to read the proclamation.

Monica Sparks, Acting UG Clerk, read the proclamation, as follows:



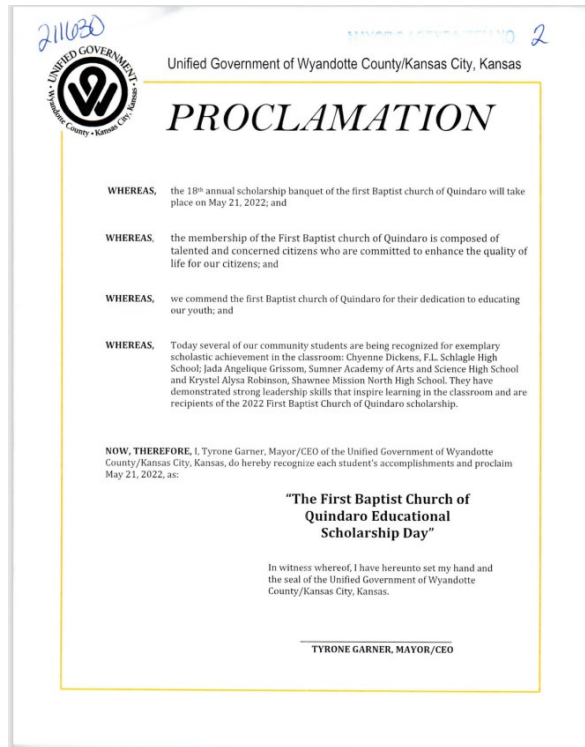
Action: The proclamation was read.

ITEM NO. 2 – 211630...PROCLAMATION: THE FIRST BAPTIST CHURCH OF QUINDARO EDUCATIONAL SCHOLARSHIP DAY

Synopsis: Proclamation proclaiming May 21, 2022, as The First Baptist Church of Quindaro Educational Scholarship Day, submitted by Mayor Garner.

Mayor Garner asked the Clerk to read the proclamation.

Monica Sparks, Acting UG Clerk, read the proclamation, as follows:



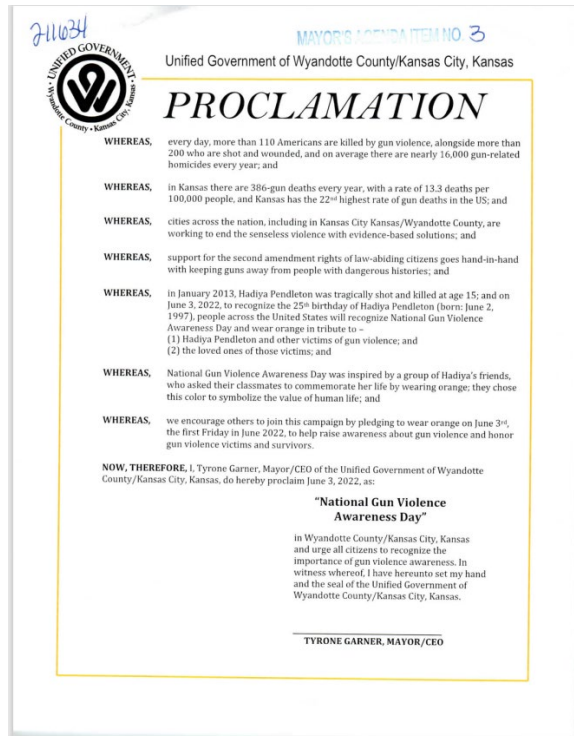
Action: The proclamation was read.

ITEM NO. 3 – 211634...PROCLAMATION: NATIONAL GUN VIOLENCE AWARENESS DAY

Synopsis: Proclamation proclaiming June 3, 2022, as National Gun Violence Awareness Day, submitted by Mayor Garner.

Mayor Garner asked the Clerk to read the proclamation.

Monica Sparks, Acting UG Clerk, read the proclamation, as follows:



Action: The proclamation was read.

Mayor Garner said I'd also like to take this moment on behalf of the Commission and the great people of Wyandotte County, we'd like to send formally our thoughts and prayers with our fellow citizens in Uvalde, Texas, that are dealing with that massacre and tragedy by the terrorists that took the lives of these of innocents. Let's keep those people and that community in our prayers and uplift them in any way that we can support and help them. I know that the great residents of Wyandotte County are prepared to do so.

ITEM NO. 4 – 211631...PROCLAMATION: MARC 50-FORWARD DAY

Synopsis: Proclamation proclaiming June 10, 2022, as MARC 50-Forward Day, submitted by Mayor Garner.

Mayor Garner said we've got Mr. David Worm, who is the leader of MARC. If you could come forward, please, and I'd ask the Chair, who happens to be one of our commissioners, Commissioner Harold Johnson, if you could approach as well during this proclamation. It's an

honor to have both leaderships in the house here in Wyandotte County of MARC, the Mid-America Regional Council, and the great work that they provide, not just to Wyandotte County, but a lot of communities throughout the Kansas City metropolitan area. I can say that David Worm, he's also the 2022 Kansas Citian of the Year Award recipient. He's got 30-plus years of public service. We're honored to have him here. We're really proud that Commissioner Harold Johnson is the Chair of the Board for MARC as well. Clerk, could you read that proclamation?

Monica Sparks, Acting UG Clerk, read the proclamation, as follows:



Mayor Garner said I'll allow our Commissioner and Mr. Worm to have words.

Commissioner Johnson said first of all, I want to thank David for riding with us here. He was more than willing to stay and be a part of our conversations. I also want to acknowledge my fellow commissioners, Commissioner Markley, Commissioner Kane, our own Mayor, and Commissioner McKiernan who are also Board members of Mid-America Regional Council. I'm just excited about celebrating and being in this position to help celebrate and lead the celebration of 50 years that Mid-America Regional Council has been a part of the Kansas City Tapestry, the

Regional Tapestry of Kansas City. When you travel around the country, one of the things I've learned very quickly is that David Worm is a rock star as it relates to urban planning, as it relates to regional collaboration, and dialogue. They look to David to set the pace, and so we're glad to have Mr. David Worm here and allow him to have a few words here.

David Worm said thank you, members of the Commission. I know you've had a full agenda. I have to tell you after decades of working with, and for local governments, I find your agenda endlessly interesting. I hate to admit that but, in fact, many of the things that you have discussed tonight are, in fact, things that we address at a regional scale and help to blow into the sails, provide a context, and give some support to what you're trying to do here locally. Everything from public safety to Complete Streets are all part of the work that we do. Thank you for the time you give, not only to our organization, but to many other regional enterprises that help us pull together as a metropolitan community and be stronger. This is a terrific part of the infrastructure that we need civically to do the things that we're all trying to do for our communities. Thank you, Mr. Mayor, for your proclamation.

Mayor Garner said thank you so much, Mr. Worm, and thank you so much, Commissioner Johnson, for those words.

Action: **The proclamation was read.**

ITEM NO. 5 –211632...PROCLAMATION: ROSEDALE FAMILY AND FRIENDS DAY

Synopsis: Proclamation proclaiming the first Saturday in June as Rosedale Family and Friends Day, submitted by Mayor Garner.

Mayor Garner asked the Clerk to read the proclamation.

Monica Sparks, Acting UG Clerk, read the proclamation, as follows:



Action: **The proclamation was read.**

REGULAR CONSENT AGENDA

Mayor Garner said that takes us to our Regular Consent Agenda. Does any member of the Commission or County Administrator wish to set aside any items 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 Markley made a motion, seconded by Commissioner McKiernan, to approve all items on the Regular Consent Agenda.**

Mayor Garner said okay, I've got a motion and second to approve the Consent Agenda. Is there any discussion? Seeing none, roll call, please.

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

ITEM NO. 1 – 211549...APPROVAL: USE OF RESERVE FUNDS FOR TUBERCULOSIS OUTBREAK RESPONSE

Synopsis: The Health Department requires the use of \$400,000 of its reserves in order to appropriately respond to the Tuberculosis outbreak that is ongoing in Wyandotte County. This will be used for personnel, resources, equipment, and communication needs related to the outbreak response, submitted by Juliann VanLiew, Director of Health. On May 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission.

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

ITEM NO. 2 – 211506...APPROVAL: MID-AMERICA REGIONAL COUNCIL PLANNING SUSTAINABLE PLACES GRANT REQUEST

Synopsis: Staff is seeking approval to pursue a MARC PSP Grant for a Traffic Management Plan, High Accident Intersection Study, and Implementation Strategy for a Complete, Green Rainbow Boulevard Corridor between I-35 and Shawnee Mission Parkway in partnership with the cities of Westwood, Westwood Hills, and Fairway, submitted by Gunnar Hand, AICP, Director of Urban Planning & Design. On May 9, 2022, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

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

ITEM NO. 3 – 211507...REQUEST: STATE HISTORIC PRESERVATION OFFICE (SHPO) HISTORIC PRESERVATION FUND (HPF) GRANT REQUEST

Synopsis: Staff requests approval for authorization to pursue a Historic Preservation Fund Grant for the creation of a City-Wide Historic Preservation Plan with a local match, submitted by Gunnar Hand, AICP, Director of Planning & Zoning & Urban Design. No matching funds are expected. On May 9, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted unanimously to approve and forward to full commission.

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

ITEM NO. 4 – MINUTES

Synopsis: Minutes from regular session of December 6, 2021; and the special session of March 24, 2022.

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

ITEM NO. 5 – WEEKLY BUSINESS MATERIAL

Synopsis: Weekly business material dated March 17, 2022.

Action: Commissioner Markley made a motion, seconded by Commissioner McKiernan, to receive and file. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

STANDING COMMITTEES' AGENDA

ITEM NO. 1 – 211548...AMENDMENT: CREATION OF NEW BPU PILOT CLASSIFICATIONS

Synopsis: Amending charter ordinances to create a residential BPU PILOT classification, submitted by Kathleen VonAchen, Chief Financial Officer. On May 9, 2022, the Economic

Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission with stipulation that item is to be heard on the Standing Committee Agenda.

Mayor Garner said I'll ask Commissioner Burroughs to make some opening remarks before the presentation by Kathleen VonAchen, who is our Chief Financial Officer.

Commissioner Burroughs said we wanted to forward this on to the full committee for discussion. We felt it was an important item; and, Mayor, therefore, we look forward to having full commission discuss this evening.

Proposals to Add Classifications:
BPU Electric & Water PILOT

Board of Commissioners
May 26, 2022

Kathleen VonAchen, Chief Financial Officer, said we've gone over this presentation in the past so I'm happy to forego that, and answer any questions. This is a great opportunity for all of you to do some policymaking and to restructure the way we actually administer this revenue source. The BPU PILOT's been in place for a number of years. For a while now, it's been assessed at 11.9% of the gross revenues, of the BPU revenues.

This would be an opportunity to provide some flexibility by creating separate classifications, one for commercial one for non-commercial or residential. Then during the budget process, we would be able to have further discussions as to whether we want to create some different levels of rates at that time. This is just to provide some flexibility.

The agenda item that you have with you is a resolution that would create the two classes. I'm happy to answer any questions. I can go over the presentation. Do you want me to go over the presentation? I think Patrick would like to make some comments.

Patrick Waters, Deputy Chief Counsel, said really quick, since we don't amend chartered ordinances very often, I thought this would be a good chance to clean up any outstanding issues that we saw. There are a couple of other amendments that we just wanted to bring to your

attention. For example, currently the ordinance states that the Unified Government must provide notice of the PILOT rate by September 1st. Given the extended budget season that we now typically deal with, that's pretty tight timing and so we've extended that to October 1st.

As it currently reads, it also says that the UG and BPU should have a joint meeting if the PILOT is going to be raised, but as I currently read it, if for some reason the two Boards just couldn't agree on a date, we'd basically be left unable to take action. So, I changed that. I didn't think that was the intent. That's obviously for you to decide, but I assume the intent was that we make a good faith attempt to meet as two Boards. But as long as that notice is provided, if for some reason we just can't agree on a date, the Unified Government could still take action.

The final change was two sentences requested by the BPU related to the Regional Transmission Organization. This just clarifies how you define gross operating revenue. We have Lori Austin from the BPU if you have questions about that in terms of what exactly that means. I'm told that this is how we currently define it, and this just basically codifies current practice.

One minor amendment to the wording on the last sentence of Subsection A, where it says regional transmission owner, I would request if the Commission decides to pass this ordinance, I would request that the word owner be changed to organization, and that's all I have.

Mayor Garner asked, Ms. VonAchen, anything further? **Ms. VonAchen** said no, nothing at all.

Commissioner Bynum said I'm interested in providing some relief on the PILOT rate. I'm not sure why we wouldn't consider providing relief to both the businesses and the residents, so that's my first issue. My second issue is I'm not much inclined to change the charter of the Unified Government at 10:00 p.m. at night. This looks to me like a voting item that you're asking for. Is that correct? **Mr. Waters** said yes.

Commissioner Bynum said so I would tell you right now that I'm not going to vote in favor of this item tonight, three hours into our meeting.

Commissioner McKiernan said as I said in our standing committee meeting, I am not in favor of splitting the PILOT residential versus commercial. As I have pointed out in our stormwater discussions, I want to avoid situations where there is inequity in the application of, in this case, a rate of payment. On the stormwater side, I've been concerned that the tiered structure sets up an

inequity that favors larger property owners. In this case, I worry that splitting these apart could set up a situation where one class gets a rate adjustment, and another class doesn't. I do not want that inequity. I will not vote for, nor am I in favor of, anything that splits the PILOT from being broadly applied across all utility customers.

Now having said that, I'm open to considering the possibility of a reduction in the PILOT across the board, as we go through the budget process. That's the most important thing is we've got to go through the budget process to decide if a rate reduction is in order and what the magnitude of that rate reduction should be. But I do believe if we decide there needs to be a reduction, it be applied equally to both residential and commercial utility users.

I am open to the other changes to this ordinance that Mr. Waters suggested, in terms of just cleaning up the application without changing the relative percentage charge to both sides. But I will not vote for this if it includes the splitting apart of residential versus commercial with the possibility of uneven payment.

Commissioner Ramirez said my comments mirror exactly Commissioner Bynum's and Commissioner McKiernan's. I think we are putting the cart before the horse. We're talking about not just an ordinance, but a charter ordinance that is going to have a budgetary impact. We haven't even had a budget workshop yet. If we're going to propose this, I would like the Administrator to build a budget scenario that includes this so that we can see the financial impact. We are here to be fiscally responsible with our taxpayers' money. Yes, we want to provide relief. I am in support of lowering the PILOT across the board, but it's going to be said that we don't want tax relief and that we don't listen to our community. We do, but we need to be strategic and fiscally responsible about it, and make sure that all of these budget proposals come through the budget process, not before we even have the conversation.

Commissioner Kane said this is a budget item, and it is 10 o'clock at night. I like bouncing stuff off my constituents, asking hey, what about this? What do you think about this particular thing? I'm not going to be able to talk to any of them. It's frustrating that we load these commission meetings up and here at the tail end of it, we got something that's this big. This is huge, and yes, do I think we can do something with the PILOT? Absolutely, but I don't know why we would have to do anything to it other than what we currently have. This belongs with the budget process

so we can all actually process this. Go through the entire thing because we don't know how that—can anybody tell me exactly how much that's going to affect us? Are we going to get sued from the businesses that have to pay a different rate now? There's more questions than there's answers and this doesn't work for me.

Commissioner Johnson said I have great unreadiness in having this discussion. This deserves a full-throated dialogue from this commission. My colleagues have already made all of the relative points, so I'd ask that we would have some time to be able to come back to address this. I do agree with what is said. We need to figure out a way to deal with the PILOT in Wyandotte County. Our constituents have asked for years, and so we are responsible to address those concerns. I just don't think that I'm ready to do that at 10:00 p.m., after a very full meeting tonight. I want to be able to give this the amount of time, debate, and dialogue that this issue deserves. So, thank you.

Commissioner Stites said so I guess I was going to ask a question and then get into more of a discussion, but it sounds like the direction that we're going is we're going to have a further discussion about this at a later date. I'm not going to prolong this 10:00 p.m. meeting. One of the questions that I am going to ask is, what was the original intent of why this would be split? You don't have to get up because I'm not asking it. I'm going to ask it so we don't prolong this meeting. But that's so you guys, whoever, can formulate that answer. You may already have it, but when we have our full discussion, that is going to be something that I would like to know. I'm not ready to move forward on it tonight either.

Commissioner Bynum said I did want to at least state appreciation for Commissioner Burroughs' committee because what you said when you introduced it was that you wanted to have this discussion. So, I do appreciate that. I watched your committee meeting and I know some of the conversation that was held there and the desire to bring it forward. I'm very interested in finding relief for the PILOT, and I don't want to be misunderstood. I just want to be able to have the fuller extent of the conversation. Mayor, maybe that's in a special session, I don't know, but maybe just some more conversation. I would really be interested in some business side relief as well. That's all I want to say. Thanks very much.

Commissioner Burroughs said this does impact our budget. As chair of the committee, there were many questions. I felt as chair of the committee, the best service I could provide the entire Commission and the community, Mayor, was to ensure that everyone had a fair opportunity to speak and look at the impact it would have on the budget. That's why we chose to bring it forward to the full Commission, not on the consent calendar or have somebody pull it off. It was important that we have this discussion so that you see the financial impact as we go into the budget process. I would hope that—and I really appreciate your comments, Commissioner Bynum. I believe that's how we build trust with one another. That's how we move forward in identifying what's important to us as a budget. I know many of us ran on reducing the PILOT, but if we would have taken a vote in the committee, it would have been a disservice to all of you because if you voted no on it, you were voting against the PILOT reduction. If you voted for it, you were voting for a financial impact on the budget. That's why we chose, as your chair, to take the action that we didn't bring it forward.

Commissioner Davis said I've been doing a lot of listening on this, and I do want to make it clear that I do want utility relief. I do not think that, and I've said this before, that utility relief should just be a UG conversation because we do have the Board of Public Utilities that controls the electric and water rates, which is the bulk of the BPU bill. So, if we are going to have a conversation on providing overall utility relief, I think we should involve everyone that's involved in making that decision. The same goes for taxes and for engaging all taxing jurisdictions so that the overall impact for our residents comes out to overall relief.

After hearing these comments from the standing committee and from tonight, my mind immediately goes to the small business owners in my district, who have told me that one of them, they've had to take out from their life insurance just to pay their BPU bill. I could not vote for this, not because, again, relief is not necessarily what we're talking about, but it opens the gateway for us to leave businesses and particularly small businesses behind.

It's for that reason that I would want an overall relief responsibly. I want to echo that we do it responsibly. Not just for the sake of saying that we've given relief, but in a way that we're still able to deliver on the services that our community desires.

Mayor Garner said I have a question, and I hate to prolong this, and I won't. But, Ms. VonAchen, can you, at least, educate all of us on what is the value of splitting this the way in its current iteration?

Ms. VonAchen said the idea came to me because there is a sentiment to provide tax relief to those homeowners that are of low income. The majority, roughly 70% of the BPU PILOT revenue comes from industrial and commercial properties. Obviously, from the Commission, from what we've been listening to, there's a desire to reduce the tax burden on our residents. So, if we were to create this difference or the classification, that would give us the opportunity. So, I feel like we should explore every opportunity or avenue to perhaps carving a different public policy or at least to have a conversation about it and explore the fiscal impact or the potential and see what everyone thinks about it and talk with the community about it too. So, I'm not necessarily, myself, advocating absolutely this or that, it's just the opportunity for all of us to have a conversation and to have options to talk about. Providing tax relief to our residents would be beneficial.

Commissioner Stites said I appreciate what you're saying, but you were bringing something to us tonight to vote on, but yet you say that there's other avenues and look at different ways of doing this. We were presented this tonight to vote on it and move it forward. Are there other options? Is there A, B, C that were going to be presented? I mean if those other options are out there, I'd like to see them before we—and I think that's what we talk about whenever we say that we want to see that in a full budget discussion.

Ms. VonAchen said the other options are to just lower the rate across the board. That's always available to us as part of the budget process. This would only create—it does open up the opportunity, but it only creates the classifications as part of the budget process. You would have to make a decision about what that rate would be. You could keep it the same or universally reduce it all the same.

Commissioner Stites said but there's no hurry for us to do this before we have our budget workshop, our discussions, and see where we're at in our budget, correct? I mean we're not on a timeline. We don't have to make a move at all, right? **Ms. VonAchen** said that's right.

Commissioner Stites said so, there's not a reason to vote on this tonight. **Ms. VonAchen** said no, there isn't. **Commissioner Stites** said okay, thank you.

Commissioner Ramirez said you know we've been talking about budgetary impact. I cannot remember which of my colleagues mentioned it, but the legality of it. So, Misty is our Chief Counsel. If we did this, how much are we opening ourselves up to? If we were to make the classifications, divide between commercial and industrial and residential, what would that look like? What is our, how much can we be open up to for litigation at that point?

Misty Brown, Chief Counsel, said that is a good question, Mr. Ramirez. When it comes to actually giving specific legal advice, I'd prefer to do that in an executive session. What I can tell you, though, is we've approved this ordinance as to form, which means that we believe that the ordinance does comply with the law and that there's nothing in there that would be in violation of the law and put the Unified Government at a large risk. But as far as in the specifics, again, I'd rather have that discussion in an executive session. **Commissioner Ramirez** said understood.

Commissioner Kane said well, I don't know what I'm doing here, but I think I want a motion for denial for further discussion during the budget.

Action: **Commissioner Kane made a motion, seconded by Commissioner Stites, to deny for further discussion during the budget.**

Mayor Garner said okay, we've got a motion and a second, but we're still in discussion.

Cheryl Harrison-Lee, Interim County Administrator Mayor, said I would recommend that we take Items 1 and 2, move those to our budget discussion and allow staff to look at some options for you. That would be my recommendation for a motion to you tonight.

Commissioner Bynum said I would propose an amended motion to move Items 1 and 2 under this portion of our agenda to a budget workshop.

Action: **Commissioner Bynum made an amended motion, seconded by Commissioner Johnson, to move Items 1 and 2 to a budget workshop.**

Mayor Garner said okay, so we've got another motion on the floor but I've got to go back.

Commissioner Bynum said I'm making an amendment to the original motion. Make it a substitute motion.

Mayor Garner said okay. Is there any further discussion at this point? **Ms. Brown** said I know we'd like to get this done, but Patrick had something he wanted to mention. I believe it's just about the timing, and everyone should be aware of the timing aspects to this.

Mr. Waters said in amending a chartered ordinance, there is a 60-day period where you have to wait and see if anyone files a protest petition. So, I just wanted to clarify in terms of asking about the timing.

Mayor Garner said okay. I believe that the Commission has made it pretty clear. We're all in support. We've heard the community loud and clear. I don't think there's anybody up here that I've heard that is not wanting to have a conversation about bringing the type of relief to the community of Wyandotte, at least in Kansas City, Kansas. Those BPU customers have made it loud and clear that they want relief on their PILOT. We're going through a budget process. I can reassure the community that this Commission is committed to having that conversation. I believe that's what you heard tonight. So, I just want to reiterate that it is my belief, with the motion that's been presented, that this conversation is going to continue, and this Commission will arrive at a decision that I hope, and that I will be continually supporting, that will bring the type of relief that this community not only has demanded but they deserve. So, we have a motion for amendment. Can you repeat that?

Commissioner Bynum said it was a substitute motion to hold Items 1 and 2 on the Standing Committee's Agenda for a budget workshop discussion.

Mayor Garner asked, is there a second? **Commissioner Johnson** said second.

Mayor Garner said okay, I have a motion and a second. Can I have a roll call, Clerk.

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

Mayor Garner said we remind all those watching that does cover Item 1, which was the amendment proposal for the creation of the new BPU PILOT classification, as well as Item 2, if you’re following, the amended ordinance for Senior Utility Tax Rebate Program, as well.

ITEM NO. 2 – 211559...AMENDMENT: AMENDING ORDINANCE FOR SENIOR UTILITY TAX REBATE PROGRAM

Synopsis: Amending ordinances applicable to Senior Utility Tax Rebate Program, submitted by Kathleen VonAchen, Chief Financial Officer. On May 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted unanimously to approve and forward to full commission with the stipulation that the item be heard on the Standing Committee Agenda before a presentation by our Chief Financial Officer Kathleen VonAchen.

Action: This item was previously held over for a budget workshop discussion, as noted in Standing Committee Agenda Item No. 1.

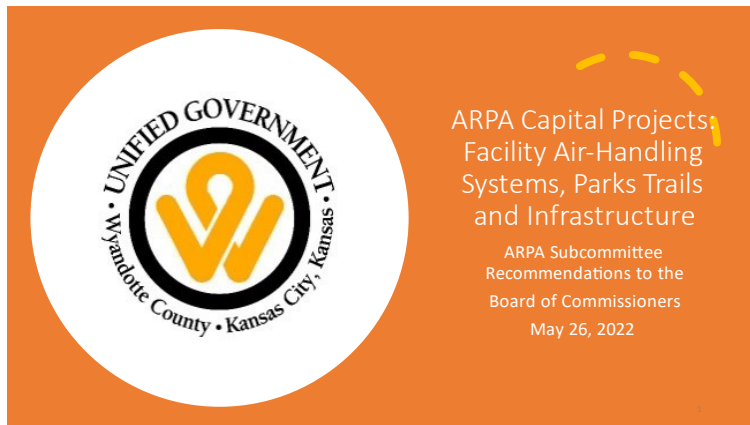
ITEM NO. 3 – 211557...ORDINANCE/RESOLUTION: ARPA CAPITAL PROJECTS AND OTHER NEEDS ALLOCATIONS

Synopsis: Approval of ordinance and resolution to allocate ARPA funds for various capital, facilities, and park improvements as recommended by the ARPA Subcommittee, submitted by Kathleen VonAchen, Chief Financial Officer. On May 9, 2022, the Economic Development and Finance Standing Committee, chaired by Commissioner Burroughs, voted 4:2 to approve and forward to full commission.

Mayor Garner said I’ll ask Commissioner Burroughs to make some remarks.

Mayor Garner said while Commissioner Burroughs is trying to get that in order, Kathleen, could you proceed?

Kathleen VonAchen, Chief Financial Officer, said we do have a presentation that talks about the various projects that have been included in this proposal.



This is actually an item that has been brought forward on behalf of the ARPA Subcommittee, chaired by Commissioner Markley. If she would like to make some introductory comments, that would be great.

Commissioner Markley said sure. Just to give a little background, I don't know, it may be in this presentation as well, but just to give a little background, staff came before the ARPA Subcommittee to make a proposal based on infrastructure projects that would meet the federal requirements for ARPA, and that were also obviously of great need for our Unified Government. The committee went through a process of analyzing that very long list and deciding which ones would be appropriate for us to fund. This is separate from the activity that you're hearing about from the ARPA Committee where non-profits and departments can apply for other purposes. This is sort of a different wing of that whole discussion. Kathleen's going to present what came out of those community discussions as far as what we recommend funding out of ARPA.

Committee Members
 Com. Angela Markley, Chair
 Com. Melissa Bynum
 Com. Andrew Davis
 Com. Brian McKiernan
 Com. Gayle Townsend

UG Staff
 Ashley Z. Hand
 Alan Howze
 LaVert Murray
 Kathleen VonAchen

ARPA Subcommittee Members

Ms. VonAchen said our commissioners on the subcommittee are Commissioners Markley, Bynum, Davis, McKiernan, and Townsend. They have been staffed by Ashley Hand, Alan Howze, LaVert, and myself.



We've had lots of meetings to discuss the various guidelines that the U.S. Treasury has what they call the final rule, and they're really restrictive when it comes to capital uses. For example, you really can only make improvements to air handling of public facilities to improve their handling in order to mitigate the COVID spread. There are some park-related trail improvements that are allowed, as an eligible use, as long as it's tied to offering more outdoor activities in disproportionately impacted communities. Then, of course, there is the wastewater, stormwater and broadband. Water is also included as well, but the Unified Government, while the BPU offers water, we don't. So, I don't have water listed here.

ARPA Local Fiscal Recovery Funds – By BoC Action

	KCK	WYCO	TOTAL
US Treasury Allocation	\$ 55,383,872	\$ 32,132,644	\$ 87,516,516
Immediate Need (adopted 8/26/21)	(1,516,634)	(8,298,342)	(9,814,976)
Housing Assistance (adopted 8/26/21)	--	(1,850,000)	(1,850,000)
Revenue Replacement (adopted 8/26/21)	(31,085,244)	(11,020,975)	(42,106,219)
Employee Incentive (adopted 9/30/21)	(660,000)	(340,000)	(1,000,000)
Additional Needs (UGPHD) (UG BoC meeting 2/10/22)	--	(3,435,934)	(3,435,934)
Allocation Remaining	\$ 22,121,994	\$ 7,187,393	\$ 29,309,387

- Estimated as of 12/14/21.
- City General Fund amount of revenue replacement remaining in reserves assuming reserves at the end of 2022 are at 20.1% of total appropriations which was the reserve level at the end of 2019 prior to the pandemic.
- County General Fund reserves at the end of 2022 are below 17.7% of total appropriations which was the reserve level at the end of 2019 prior to the pandemic. As a result, there are no revenue replacement funds remaining in the County General Fund.

Just so you are all aware of how much money we've collected and then how much has been allocated, I thought I'd give you a kind of overview here for yourself and the public. We've received in total \$87.5M. It's split up between Kansas City, Kansas, and Wyandotte County. \$55M for Kansas City, Kansas, and \$32M for Wyandotte County. That allocation was approved back in May of last year.

So, since then, the committee and the Commission have adopted a lot of allocations to address COVID and all the other functions or objectives of the American Rescue Plan Act. For example, back in August last year, you approved \$9.8M in immediate needs. You also approved, which much of it was for Public Health and other immediate needs at the time during the middle of the COVID spread.

The other approval was \$1.8M for housing assistance. Those are direct payments that the United Way assisted us in allocating to individuals.

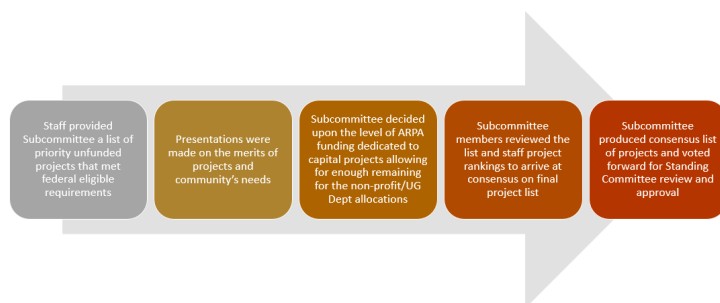
We also estimated a revenue replacement amount of \$42M, which was to be spent during 2021 and 2022. Of course, those figures are going to be changing as the revenue estimates change. You'll learn about those changes in the coming, well, probably at the next workshop, so next Thursday.

There was also an employee incentive to actually get vaccinated and boosted that was approved. That was \$1M.

Then in February earlier this year, another \$3.4M was approved specifically for the Unified Government's Public Health Department.

As a result, after all of those allocations, the amount that's available now is \$22M on the city side and \$7M on the county side.

Selection Process – February-March 2022 Meetings



So, now that \$22M and \$7M is available to be allocated by the subcommittee. What they wanted to do was to take a look at what kind of investments could we make to mitigate COVID to our facilities, to Parks and Recreation, and to address or improve the childhood environment. We had a selection process that is kind of five-part here. This is kind of small.

First off, the meetings we had between February and March of 2022 were pretty extensive. Staff provided the subcommittee with a long list of priority, unfunded projects that are specifically eligible for through ARPA, which is pretty restrictive as I mentioned. It totaled about \$90M, so a lot of projects. Presentations were made by the departments on the merits of the projects and the community needs.

Then the subcommittee went on and decided upon the level of ARPA funding. How much do we want to dedicate for capital and also allow enough money remaining for that non-profit and UG department allocation web portal application process that is ongoing right now.

And, by the way, that application process is great. It's on our website and we've extended the deadline to the end of June. So, we're now really in the middle of doing a lot of community outreach with the non-profits in order to assist them with submitting their applications, so that's ongoing.

Lastly, the subcommittee members reviewed the list and staff project rankings, and then they all arrived with a consensus on this final project list.

We did bring in representatives from Edwardsville and Bonner Springs in this process. The capital ideas they had were not eligible under the federal guidelines, so what we encourage them to do—we're working with them directly right now—is to submit applications through that non-profit UG department web portal.

Then lastly, the subcommittee produced a consensus list and pared it down based on the amount they wanted to spend on the projects, and they voted to move forward to the standing committee.

Exhibit A – ARPA Capital Projects and Other Needs

ARPA Project	City or County	Amount
Combined Sewer Separation 15 & 18, Jersey Creek Basin (Wastewater)	Kansas City, Kansas	\$ 2,000,000
Wyandotte High Lombardy Drive Area (Stormwater)	Kansas City, Kansas	3,365,907
Green Infrastructure - 8th Street Park (Stormwater)	Kansas City, Kansas	6,201,492
City Hall - Air Handling Systems	Kansas City, Kansas	4,733,563
Armourdale Recreation Facility-Air Handling	Kansas City, Kansas	219,916
B. Lee Recreation Facility-Air Handling	Kansas City, Kansas	18,165
Kensington Recreation Facility-Air Handling	Kansas City, Kansas	731,994
Parkwood Facility Recreation Facility-Air Handling	Kansas City, Kansas	203,491
SUBTOTAL: KANSAS CITY, KANSAS		\$17,474,528
Courthouse - Air Handling Systems	Wyandotte County, Kansas	2,500,000
Public Health Center - Air Handling Systems	Wyandotte County, Kansas	154,834
Jail - Air Handling Systems	Wyandotte County, Kansas	2,323,474
Wyandotte County Parks Trail	Wyandotte County, Kansas	700,000
Pierson Park Trail	Wyandotte County, Kansas	700,000
SUBTOTAL: WYANDOTTE COUNTY, KANSAS		\$6,378,308

Here's the long list of the projects that got pared down from the \$90M down to, in total, down to \$17.4M and then the \$6.3M. \$17.4M in city projects and \$6.3M in county projects. The categories here, the first one is the wastewater project. It's the combined sewer separation number 15 and 18 on the Jersey Creek Basin. That's \$2M.

There are two stormwater projects, one along the Wyandotte High, Lombardy Drive area, and then secondly the green infrastructure on 8th Street Park. Those two combined costs about \$10M.

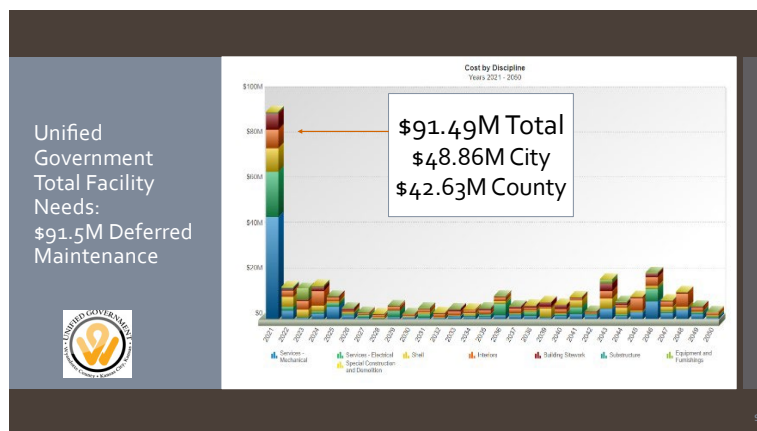
There's a series of air handling systems. Our UG facilities are in dire need of a lot of deferred maintenance. How we can utilize these dollars is to help with their HVAC system, of our aging facilities at City Hall and at three of our recreation centers. The recreation centers at B. Lee, Kensington, and Parkwood facilities will all get funding through this money. On the county side, our Courthouse is significantly in need of a lot of deferred maintenance. It's an old building, it's a wonderful historic building, but it does need at least \$2.5M. It probably needs more like \$4 or \$5M, but in this proposal here, the committee is submitting \$2.5M for air handling systems to improve that aging facility's HVAC system. Then some more air handling at the Public Health Department, just a little bit there. And then \$2.3M to improve the air handling system in our jail system in order to improve the lives of our inmates or the offenders that are housed there.

The last thing is we have two \$700,000 amounts to improve park trails in Wyandotte County Park and then Pierson Park.

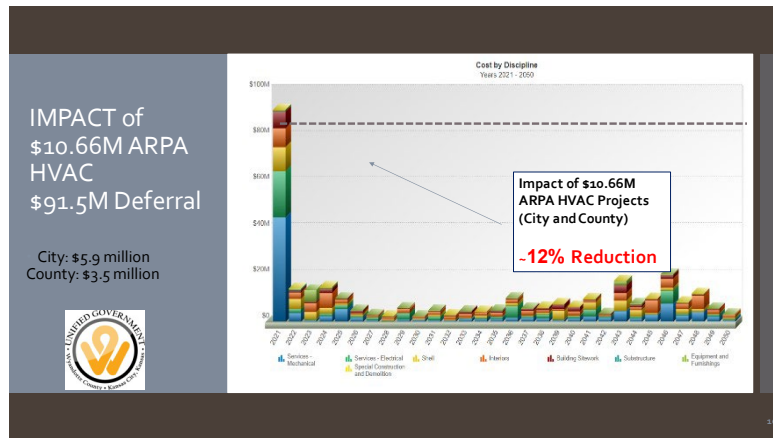
Wastewater



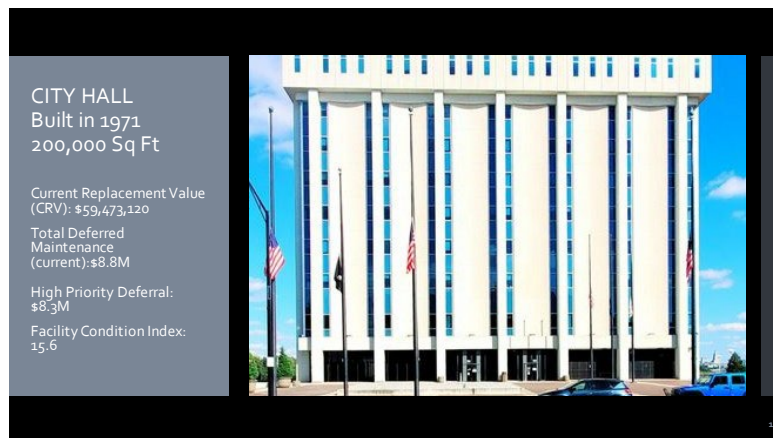
At the subcommittee, we actually had a variety of departments come up and talk about each of these projects. I'm not sure we can do that tonight since it's so late, but we did email you this. The following slides have more detail about all of these projects. I'm happy to answer any questions or perhaps someone in the audience, another staff member from Public Works can assist.



One thing I did want to point out is about a year and a half ago, the Public Works Department brought in consultants from the company Ameresco and they did a complete assessment of all of our facilities that the UG owns. It's a very detailed assessment. What they found was that overall the facilities at the UG, there's a \$91M deferred maintenance. Of course, there's all that road maintenance that you heard about earlier tonight. Well, there's also a facility liability as well. Now it's not as bad as it sounds, though, because we have been eating away at this maintenance. Certainly this recommendation from the ARPA funds to assist with the HVAC improvements will really go a long way toward lowering that number.



In fact, it will reduce it by 12%. This is going to be a big help toward reducing our long-term liability on our deferred maintenance for our facilities.



I think I'm just going to leave it there. I'm happy to answer any questions.

Commissioner Markley said I just wanted to comment. Obviously, these funds are limited. We can't spend them on whatever we want. We can only spend them on what they're allowed to be spent on. I realize when you're looking at this list, it doesn't look particularly sexy. Air handling doesn't seem like a very exciting thing to be spending this funding on, but it is something that we have been deferring year over year because it's not sexy, and because this Commission hasn't otherwise funded it. It is something that our facilities desperately need. It is something that has been prioritized by our Facilities Department. It was prioritized by this committee as something we desperately need and that we could fund in this way. I know it's not really exciting. We're not building ivory towers here, but it's stuff that we have to get done and that we can get done without taking the money out of our pockets. I just wanted to acknowledge the fact that this isn't

the kind of pretty stuff that maybe we would like to be funding, but it is what is required under the federal guidelines and something that we are in dire need of.

Ms. VonAchen said actually that's a really good point. I just want to add to that a little bit. The issue is that these projects will have to be done at some point. We can either pay for them with free federal dollars or we have to pay them from cash or debt, but they have to be done at some point.

Commissioner Burroughs said, Kathleen, I remember in the Commission or in our subcommittee we had a couple of questions. I believe you talked about a potential reimbursement or to the funds due to, I can't remember if it was FEMA or whoever you were working with, to get a \$2M infusion of what would be our reserves after these expenses were set. Could you share with the Commission what that is?

Ms. VonAchen said way back on August 26, 2021, you all approved the immediate needs package. But since then, we identified a variety of items that were funded with those immediate needs that actually qualified as 100% FEMA reimbursable. The Public Health Department put together, and we're working on application number two, but we've already put together application number one and number two, and we're waiting, which has submitted that reimbursement request. We're waiting to get back to hear a word on application number two. We're anticipating that about, if I remember right, it's between \$1M and \$1.5B in funding that if FEMA reimburses us, would free up that portion of the immediate needs allocation that was approved in August of last year. In which case then, and that's all on the county side. **Commissioner Burroughs** said I do remember that and thank you for that.

Commissioner Burroughs said the next discussion we had was in reference to the cyberbreach that we had that maybe these funds could be utilized to pay for that cyberbreach because it does deal with the health and safety of our community. Your health records were out there, they were lost, and it dealt with the safety of our community. I did ask that we would look into that to see if that was a qualified use. I don't want to stretch it too far, but in the middle of a crisis when we lose our health information to and it's potentially utilized by outside entities, I believe that may warrant at least investigating to see if funds can be used for that expense. Have we looked into that at all?

Ms. VonAchen said actually we're submitting, I worked with Kevin Bibbs, Director of Technology, and they are submitting an application through that web portal we just mentioned earlier, under those guidelines. We have been studying the final role requirements, and I'm not sure it does qualify, but we're still working on it.

Commissioner Burroughs said great. I believe if there's any chance that we can get any additional funding reimbursement from that, we should try while we still have the opportunity to do so.

I would just like to say, Mayor, this goes back to the prior administration. I know that there were representatives from Bonner Springs and Edwardsville that had a chance to communicate, but they weren't an elected body. The elected bodies from Bonner Springs and Edwardsville, you have commissioners here that represent them. This is the second go around, second tranche. I'm not condemning the committee or my personal colleagues. I'm just stating that under the prior administration, I had personally requested that we have an elected representative that represents those two districts be on the ARPA funding process.

I truly believe there were voices on the Wyandotte County side of this expense that should have been heard, and not saying they weren't by those that were appointed, but it is a different environment when you're going against a city that's made up of all electeds and you're an administrator or public official that's appointed to the position. I know that's very important to Commissioner Stites and myself because we do represent both of those cities.

Ms. VonAchen said I had a wonderful conversation with the City Manager of Bonner Springs. He and I identified about four or five things that I'm working on. One of them is just to have the Public Health Department go out there and talk about all the programs that they are putting together that were funded by ARPA and how their community can benefit. There's one area that had to do with a broadband and a grant that and—so anyway, there's a couple of things in the works that we're trying to help them with.

Commissioner Stites said and I appreciate that. I was on the Edwardsville Council at the time that we asked, and asked, and asked, and asked to have somebody represent Edwardsville and Bonner. An elected official represent Edwardsville at the time, because that's where I was a city councilman. Multiple times we reached out and we weren't granted that spot. I'm glad to hear

now that we're reaching out to Bonner and Edwardsville to include them kind of after the fact, but I'm glad that we're reaching out now to include them. When we're talking about a city allocation and a county allocation, Bonner Springs and Edwardsville are in the county and they should have a seat at the table.

Mayor Garner asked, any more discussion? I'm going to entertain a motion. This is in regard to an ordinance and resolution to allocate ARPA funds for various capital facilities and park improvements as recommended by the ARPA Subcommittee. I got a motion, and I got a second. Any further discussion? Seeing none, roll call.

Action: **ORDINANCE NO. O-75-22 AND RESOLUTION NO. R-23-22**, “An ordinance and resolution for the approval of federal local fiscal recovery funds to be used for capital projects and other needs by the Unified Government to continue the fight against the spread of COVID-19 and other eligible uses as part of the American Rescue Plan Act.” **Commissioner Markley made a motion, seconded by Commissioner Bynum, to approve the ordinance/adopt the resolution.** Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 4 – 211346...ORDINANCES: ADOPTION OF PROPOSED BUILDING AND FIRE CODE UPDATES

Synopsis: A proposal for the adoption of “The 2018 Suite of Codes and Amendments to Chapter 8-Building and Building Regulations/Chapter 15-Fire Prevention and Protection”, submitted by Greg Talkin, Director of Neighborhood Resource Center. On May 9, 2021, the Neighborhood and Community Development Standing Committee, chaired by Commissioner McKiernan, voted 4:1 to approve and forward to full commission.

Mayor Garner said I'll ask Commissioner McKiernan to make some remarks before the presentation by Greg Talkin, who is the Director of the Neighborhood Resource Center.

Building, Fire & Property Maintenance Code Adoption and Amendments

May 26, 2022

Unified Government Board of Commissioners Meeting

Presented/Prepared by:

Greg Talkin, NRC Director
Anthony Hutchingson, Chief Building Official
Patrick Holton, Property Maintenance Compliance Manager
John Doppelmann, Fire Marshal

Commissioner McKiernan said for the benefit of those who aren't on our committee, and Greg what I'm going to do is just kind of give a really brief background at a very high level. If I make any mistakes, immediately say no. But basically, for my fellow commissioners, our building inspectors are guided by a set of regulations that are written and established by a national organization and then applied locally to structures that are built or renovated within our city. The most recent publication of those regulations occurred in 2018, but we are still using the 2012 Code of Regulations.

Greg Talkin, Director of Neighborhood Resource Center, said the only correction there, Commissioner, is there is a 2021 version, but we're not proposing those. We're still 2018 to stay consistent with most of...

Commissioner McKiernan said well, we'll say that it in the metro area, the most recent adoption for the high majority of the jurisdictions has been the 2018 Code. We're still using the 2012 regulations and we desire to catch up with the metro. The complicating factor in all of this is that most, if not all, local jurisdictions amend or modify some part of the original code, very often softening a standard or two as they see fit in their local jurisdiction. That's what's happened in our metro area. My understanding is that very few of the jurisdictions in the metro area are using the unamended 2018 Code. Most of them have made some sort of amendments.

So, that then leads us to what you brought to our committee and you brought us three options. One is, that we could adopt the 2018 regulations with amendments that are proposed by your staff. Two is, we could adopt the 2018 regulations and then stay consistent with the most stringent of all the amendments across all the jurisdictions in the metro area. Or third, we could adopt the unamended 2018 Code. There was much spirited discussion and passion on all sides during that, and you can get into some of the pros and cons of amendment versus no amendment

here. But basically, for the purpose of the Commission, that's the task that came before us is to decide how we are going to apply the 2018 version of the building codes.

Mr. Talkin said the only other thing, Commissioner, I just need to note is that we're in the 2012 codes except we're currently under the 2009 Energy Code still, so we stayed with that with complications last time.

Current Codes /Codes being Proposed:

Our most recent building code adoption occurred in 2016 with the 2012 I-Codes and the 2009 IECC. The International Code Council (ICC), a developer and publisher of model codes, is on a 3-year update cycle. We have tried in the past to adopt the International Codes, or I-Codes, every other cycle, which equates to every 6 years. The 2018 Suite of Building Codes is in line with the 6-year cycle. These codes are identified as follows:

-
- 2018 International Building Code (IBC)
 - 2018 International Residential Code (IRC)
 - 2018 International Existing Building Code (IEBC)
 - 2018 International Mechanical Code (IMC)
 - 2018 International Energy Conservation Code (IECC)
 - 2018 Uniform Plumbing Code (UPC)
 - 2017 NFPA 70 - National Electrical Code (NEC)
 - 2018 International Property Maintenance Code
 - 2018 International Fire Code (IFC)
 - 2018 Life Safety Code NFPA 101

Trying to give a little high level on this. Going back, these new codes are produced every three years by ICC and then, of course, there's a couple of National Fire Protection Codes that we adopt. We've kind of tried to get on a six-year rotation, so every second cycle, that's kind of where the metropolitan area has been the last few years. It used to be that Overland Park would lead everybody, every year, and do everything; but everybody in the metro has kind of gotten on that six-year cycle and this is the next cycle for us anyway.

So what we're proposing is the 2018 International Building Code, the International Residential Code, Existing Building Code, Mechanical Code, Energy Conservation Code, which is where we've had kind of some differences in the approach of that, the Uniform Plumbing Code, NFPA 70-National Electrical Code, International Property Maintenance Code, National Fire Code, and Life Safety Code, also produced by NFPA.

Background:

- A model building code is developed and maintained by a standards organization independent of the jurisdiction responsible for enacting the building code
- A local government can choose to adopt a model building code as their own
 - This saves them the expense and trouble of developing their own codes.
 - Jurisdictions can amend the code in the process to reflect local practices and laws
- Local codes are diverse in the extent to which the base model code is amended
 - Most local amendments are limited to administrative provisions
 - Engineering provisions are among the least amended
 - The International Building Code and International Residential Code are considered more comprehensive codes while the rest are considered specialty codes

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- The *International Building Code* (IBC) is adopted in all 50 states and the District of Columbia
 - The *International Fire Code* (IFC) is in use in 41 states and the District of Columbia
 - The *International Residential Code* (IRC) is in use in 49 states and the District of Columbia
 - The International Codes are in use in Puerto Rico, Guam, U.S. Virgin Islands, American Samoa and the Northern Mariana Islands

A model code is developed and maintained by standards and organizations independent of the jurisdictions, Commissioner McKiernan stated. We choose to adopt a model code as our own. This saves us the expense and trouble of developing our own code. We can amend those codes to produce and process to reflect local practices and laws. Local codes are diverse in the extent to which the base model code is amended. Most local amendments are limited to administrative provisions. Engineering provisions are among the least amended.

Just commenting on all the set of codes and keep the energy separate, really there was never any discussion with any of the other codes. Most of the amendments that are in those codes were driven by administrative changes that pretty much are governed by state law. For example, we can't require fire sprinklers in single-family residential. The state exempts it, so we have to amend that out and have to amend some other stuff back in for some additional protections that used to be in the code.

The International Building Code and the International Registered Code are the biggest in the set and are considered more comprehensive codes, while the rest are considered special codes. You'll notice the notes on the bottom of that. Most of these ICC codes are adopted in almost every state but different year versions.

Community Benefits and Considerations:

- Updated codes promote safe, resilient, efficient, and cost-effective construction
- Current codes protect the building owner's investment, enhance safety and foster innovation in the marketplace
- For consumers, updated codes mean lower maintenance costs such as lower energy and water bills, less mechanical noise, and an overall higher quality of life
- Current building codes spur innovation and are an incentive for American manufacturers to invest in product development
- Contribute to the well-being of the community
- Help control or lower cost of insurance premiums (providing the insurance industry with a baseline for mitigating risk)

Note: The City of Kansas City, KS is currently under an audit with the Insurance Service Office (ISO) to determine its current Building Code Effectiveness Rating Schedule. The current building codes adopted affect this rating.

Community benefits and considerations. Updated codes promote safe, resilient, efficient, and cost-effective construction. Current codes protect the building owner's investment, enhance safety, and foster innovation in the marketplace. Consumers, updated codes mean lower maintenance costs such as lower energy and water bills, less mechanical noise, and overall higher quality of life. Current building codes spur innovation and are an incentive for American manufacturers to invest in product development and contribute to the well-being of our community and help control or lower the cost of insurance premiums, providing the insurance industry with a baseline for mitigation risk.

The note on the bottom of this is something we've been working through with ISO, with our insurance service offices. We get rated every so often, and we are up for our audit actually at the end of last year. They have held off on that audit. They know we're working through the process because we're out of compliance now because we're out of six years within having a model code that's outdated currently. So, they're holding off.

We're currently rated as a four, which is fairly decent. Eight is the average in Kansas. If you have five or lower, you're eligible for FEMA grants when they're available. Without that, you aren't eligible. Also this plays into the fact that we get insurance discounts for those that have to have flood insurance in our community with our rating. If we don't move forward with adoption, there's a chance that our rating could drop a little bit, which may make changes to people's ratings or their insurance premium for flood insurance.

Community Outreach:



Posted on the UG website 90 days, May-July 2021, and comments were received during that period.



The target audience for public outreach included the design community, contractors, property owners and community members.



Topic was discussed in Livable Neighborhoods Task Force meetings on at least three occasions



Correspondence was sent to neighborhood groups, designers, and contractors we had in our records asking for comments.



Reached out to those that had questions or concerns associate with the proposed adoption

Met with the Kansas City Home Builders Association
Meeting with Metropolitan Energy

How this all started, real quick. We kind of started this during the pandemic. We were about a year behind from where we wanted to be, but an effort for community outreach at the time we did this—we posted on the UG website for 90 days, May through July of 2021, asking for comments during that period. In order to make everybody aware that that was out there, we had several conversations and sent notices out to different individuals. Our target audience for public outreach included the design community, contractors, property owners, and community members. It was discussed in Livable Neighborhoods on several occasions. Correspondence was sent out to neighborhood groups, designers, and contractors. We had on our records asking for comments.

Everybody that provided comments we reached out to, for the most part. There were some comments that were provided that really, there were quite a few that were irrelevant to the code. A lot of them had to do with workplace safety and things like OSHA deals with and that's not what the code's about. There were two main entities that had an interest in this, and we did sit down and meet with both of those, and one was the Kansas City Homebuilders Association and the other one was Metropolitan Energy, which both I think are here tonight and will have their comments.

Items we Heard/Learned about from Community Outreach:

- International Residential Codes
 - Concerns with increased cost vs. benefits on some of the changes (Energy Provision)
- Design professionals prefer new updated standards
 - Provides them more options
 - Assists when working in multiple jurisdictions
- Energy Conservation Provisions
 - Concerns of adopting Energy codes with amendments reducing some of the requirements
 - There is a growing push for increases in energy conservation
 - Can be a significant upfront construction cost for many of the new Energy Codes
 - Proposing some amendments in line with other jurisdictions in the metro area to balance construction cost vs. energy conservation

So, as Commissioner McKiernan stated, it came down to the International Residential Code, concerns with increased costs versus benefits on some of the changes (Energy Code provisions). Also, a lot of the driving force for the update, I would need to mention here, is that design professionals commented quite frequently, in our request for information, to update our standards because they wanted us in line with the other jurisdictions. Also, they want to use new technologies that are introduced in the code. They don't want to have to go backwards. So, this assists when working in multiple jurisdictions.

So, back to the energy conservation provisions, concerns of adopting Energy Code with amendments reducing some of the requirements. There's a growing push for increase in energy conservation throughout the world or throughout the U.S. Can be a significant upfront construction cost for many of the new Energy Codes. Proposing some amendments in line with other jurisdictions in the metro area to balance construction costs versus energy conservation.

Local-Regional Adoptions:

Efforts to be similar/consistent with surrounding jurisdictions

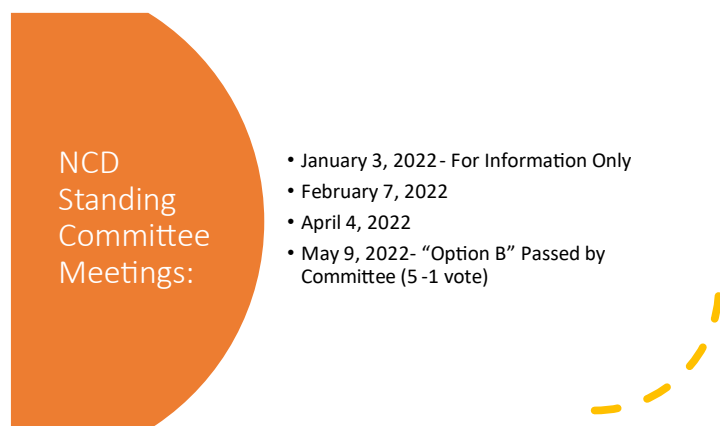
- Easier for designers and contractors to design and build
- Easier to educate contractors
- Easier to educate/train our staff
- Easier to enforce

City/County	Codes Adopted	IECC	City/County	Codes Adopted	IECC
	International Building Code	International Energy Conservation Code		International Building Code	Energy Conservation
KCK - current	2012	2009	Leawood	2018	2018
KCK - proposed	2018	2018	Olathe	2018	2018
Bonner Springs	2015	n/a	Gardner	2018	n/a
Edwardsville	2012	n/a	Fairway	2012	2012
De Soto	2018	2018	Spring Hill	2006	n/a
Mission Hills	2018	2018	Johnson County	2018	2018
Shawnee	2018	2018	Douglas County	2012	n/a
Lenexa	2018	2012	Lees Summit Mo	2018	n/a
Overland Park	2018	2018	Kansas City Mo	2018	2012
Prairie Village	2018	2018	Gladstone Mo	2021	2021

Our whole approach in all of this was trying to be as consistent as we could across the metropolitan area. It's easier to enforce. It's easier for designers and contractors to design and build if were similar. It's easier to educate our contractors. It's easy to educate our own staff,

mainly because education is available across the metro, because we're all under the same standard. Example, Johnson County contractor licensing provides two trainings each year. We're able to send our staff to those because we're all kind of consistent on these codes. It's also easier to enforce because you have contractors working between different jurisdictions that come from all over from other cities around here, and if you're similar in nature, it's much easier to enforce because they already know what they need to do, for the most part.

As you see here, as it was stated earlier, a majority of the metro area, they're under the 2018. That says International Building Code, but also the 2018 International Residential Code. I did also put a column for the Energy Conservation Code because you will see a few of those jurisdictions like Lenexa, they stayed with the 2012 Energy Code in their adoption, and so did Kansas City, Missouri. Now I'll talk a little bit about Kansas City, Missouri, in a second; but for now, I'll bypass that. The only jurisdictions in the metro area that have adopted the 2021 is Gladstone, Missouri. I will comment for their community. They have little to no residential permits, so their adoption doesn't affect part of what we're concerned about.



I met with the Neighborhood and Community Development Standing Committee on four different occasions. The first one was for information only. Each sequential one was to help provide additional information that come up in those meetings. Then on May 9th, the Neighborhood and Community Development Standing Committee approved Option B. Passed on a vote, 5 – 1.

Concerns from Standing Committee Meetings:

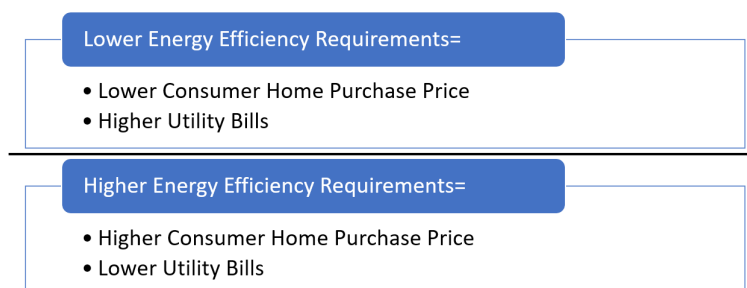
- The item(s) of concern were around the amendments in the IRC-Energy amendments affecting the construction 1 and 2 family dwellings (3 stories or less)
- Original proposal from staff was an effort to be in line with majority of metropolitan jurisdictions
 - Concerns were that the proposed amendments weakened the energy provisions - in turn would result in higher energy costs for new owners vs. less restrictive energy requirements providing the benefit of lower cost of home purchase.
 - No options for Standing Committee/Commission to consider outside of staff recommendations - Three options were provided for consideration
 - Requested to provide an estimate of increase costs in meeting energy code requirements - Cost estimate information was provided by HBA and Metropolitan Energy Center
 - Concerns we will fall behind – We are currently trying to adopt similar requirements of a majority of the jurisdictions
 - Comparisons to other jurisdictions like Columbia MO. - Staffs effort was to be similar to majority of the KC Metro area jurisdictions

The concerns that came out of the standing committee, was all around amendments in the IRC, the energy provisions there in the IRC. It affects the construction of one- and two-family dwellings, three stories or less. The original proposal from staff was an effort to be in line with majority of metro jurisdictions. Concerns were that the proposed amendments weaken the energy provisions, in turn, would result in higher energy costs for new owners versus less restrictive energy requirements providing the benefit of lower cost of home purchase. No options for Standing Committee/Commission to consider outside of staff's original recommendation.

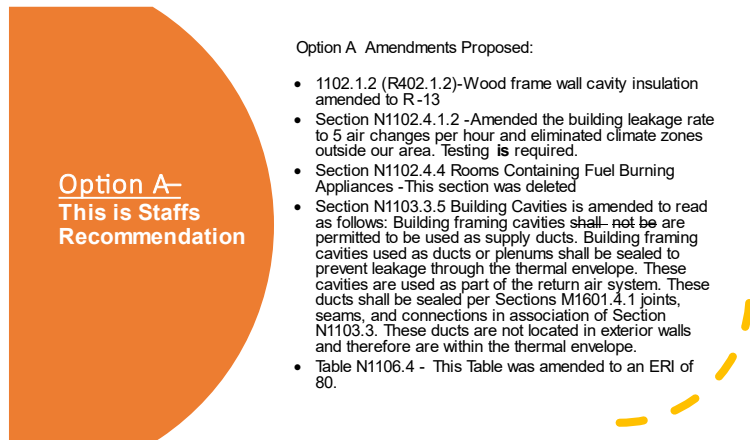
So, three options were provided for consideration. Requested to provide an estimate of increased costs in meeting Energy Code requirements. Cost estimate information was provided by HBA and Metropolitan Energy Center.

Concerns, we will fall behind. We are currently trying to adopt similar requirements of a majority of the jurisdictions, so we do not feel like we are falling behind. Comparison to other jurisdictions like Colombia, Missouri, occurred. Staff efforts here, once again, are similar to the majority of the KC metro area jurisdictions. The other note is that Columbia, Missouri, is a full-fledged college town, so their market is completely different.

Pros and Cons:



Pros and cons between more energy efficiency and less. Lower energy efficiency requirements—lower consumer home purchase price, but higher utility bills. Higher energy efficiency requirements gives you higher consumer home purchase price, but lower utility bills.



The graphic consists of an orange semi-circle on the left containing the text "Option A- This is Staffs Recommendation". To its right, under the heading "Option A Amendments Proposed:", is a bulleted list of amendments. A dashed orange line curves from the bottom of the list towards the right.

Option A- This is Staffs Recommendation

Option A Amendments Proposed:

- 1102.1.2 (R402.1.2)-Wood frame wall cavity insulation amended to R-13
- Section N1102.4.1.2 -Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing is required.
- Section N1102.4.4 Rooms Containing Fuel Burning Appliances -This section was deleted
- Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope.
- Table N1106.4 - This Table was amended to an ERI of 80.

Here's where it gets a little bit technical, but this is where the three options come into play. This was staff's recommendation originally, and still is basically staff's recommendation. We understand this is not our decision, this is yours. Option A is similar to what Option B is. Option A had—we amended to allow R-13 into the wall cavities for insulation. We amended the building leakage rate to five air changes. There was always a question of whether we required blower door testing and duct testing. We didn't amend any of those sections in the code, except we did put a provision in there, under the building official's authority on a couple of reasons for that, but we didn't amend basically the intent of the code. We did delete a section out requiring rooms to be constructed around contained fuel-burning appliances. Once again, we deleted that, and then we did amend the allowance of building cavities to be used for basically return air. These are within the thermal envelope and they're not exterior walls. They are required to be sealed, and it does not bring any of the environmental air outside of those ducts. Then we also amended the table for the energy rating index to 80.

Option B NCD Committee Approved

Option B Amendments Proposed:

- **Table 1102.1.2 (R402.1.2) -Wood frame wall cavity insulation amended to R-15**
- Section N1102.4.1.2 - Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing **is** required.
- Section N1102.4.4 Rooms Containing Fuel Burning Appliances - This section was deleted
- Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be are permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope.
- **Table N1106.4 -This Table was amended to an ERI of 75.**

Option B is the same as Option A, once again, except we amended the insulation in the cavity to R-15. R-15, I believe, is kind of new to the market, but it still allows you to construct a 2x4 wall. You don't have to do major construction changes. The same with R-13, different from what you have to do if you do with the full code. The only other change here is, we amended the ERI to 75.

Option C

Option C-2018 Energy and IRC (Energy section) code as written – no amendments

Option C was to basically have no amendments; adopt the code as written. I want to note that on the commercial side of the energy provisions, we adopted as it was written. We only did these smaller amendments on the residential because we felt it was a drastic change, and we're concerned that it could have impacts on our building community on the residential side.

Additional Construction Costs Per Option:

Information provided by KCHBA

	Option A	Option B	Option C
Table 1102.1.2			
Option A (R402.1.2) Wood frame wall cavity insulation amended to R-15	No Additional Cost		
Option B (R402.1.2) Wood frame wall cavity insulation amended to R-15		\$1,600.00	
Option C (R402.1.2) Wood frame wall cavity insulation is R13 + 5 (Addition of R-5 Foam = \$4000-\$6000)			\$5,000.00
Section N1102.4.1.2			
Option A- Amended the building leakage rate to 5 air changes per hour and eliminated climate zones outside our area. Testing is required. (Additional \$ perform testing + \$75.00 for ventilation fan)	\$675.00		
Option B Same as option A		\$675.00	
Option C No amendments wrote (\$600.00 for test + \$2500 for air exchanger)			\$3,100.00
Section N1102.4.4 Rooms Containing Fuel Burning Appliances			
Options A This section was deleted	No Additional Cost		
Option B Same as Option A section deleted		No Additional Cost	
Option C No Amendments wrote			\$2,500.00

So, on the cost, Commissioner Burroughs requested if we could come up with some information that provided from Kansas City Homebuilders Association through one of their local builders. This is two slides that will have to be continued but you can see Options A, B, and C and it's all of those provisions we talked about, where A has very little costs, B has more costs and C.

	Option A	Option B	Option C
Section N1103.3.5 Building Cavities.			
Options A - Amended this section-Section N1103.3.5 Building Cavities is amended to read as follows: Building framing cavities shall not be permitted to be used as supply ducts. Building framing cavities used as ducts or plenums shall be sealed to prevent leakage through the thermal envelope. These cavities are used as part of the return air system. These ducts shall be sealed per Sections M1601.4.1 joints, seams, and connections in association of Section N1103.3. These ducts are not located in exterior walls and therefore are within the thermal envelope.	No Additional Cost		
Option B- Same as Option A		No Additional Cost	
Option C- No Amendment-as wrote			\$750.00
Table N1106.4			
Option A- This Table was amended to an ERI of 80	No Additional Cost		
Option B - This Table was amended to an ERI of 75 (Furnace and Heat Pump- To get to the rating a 2 stage furnace and AC would be needed-96% furnace/16 SEER AC)		\$4,530.00	
Option C - No Amendments-as wrote- ERI of 62 (Furnace and Heat Pump- To get to the rating a 2 stage furnace and AC would be needed-96% furnace/16 SEER AC)			\$4,530.00
Real Estate Commission, Builder overhead and profit	\$225.00	\$3,795.00	\$4,120.00
TOTAL ADDITIONAL ESTIMATED COST TO CONSUMER TO MEET ENERGY CODE OPTION	\$900.00	\$9,000.00	\$20,000.00
Note: Info (\$16,000-\$20,000)			

Source: This information has been provided by the KCHBA and a local builder

I'm going to jump right to the next slide if we could. You can see at the end, Option A, we are increasing some requirements, the energy bill from what we currently have. It does have, by builder, an additional \$900 cost for some testing. Option B, where we changed the insulation from R-13 to R-15 and changing the energy rating index, they're stating that there's an impact of \$9K for Option B. I'm going to say this builder builds about a 2,100 square foot home, usually a ranch style, but does have a finished basement usually. Then Option C, which is just the full-fledged standard, they've estimated \$16K to \$20K for those additional costs.



Item	House: 2444 Sq Ft 2 story
Ext Wall 2X6, jam extensions	\$4,250
Mechanical Ventilation	\$780
Sealed combustion furnace & Calculations	\$1,300
R49 ceiling & raised heel	\$770
Basement Insulation	\$1,500
Return air in metal	\$1,800
Sealed Water Heater	\$390
Blower Door Testing	\$750
TOTAL	\$11,540

This is another one from HBA. This was put out in 2019 when most of the other jurisdictions were going through the process of getting started of the adoption. It's about a 2,400 square foot home, and for the adoption of the 2018 without amendments, they estimated about \$11.5K. Now, that's 2019 data. We all know what's happened to the market, the supply chain, and everything else, what happens to pricing. This was not adjusted for any of that, so we might consider that value is probably higher.

Information Provided by Metropolitan Energy Efficiency Alliance

Comparison of Current Kansas City Code against the 2018 IECC

If the unamended 2018 IECC were adopted, a future homeowner could expect to reduce energy use by 29% and save ~\$267 per year on energy bills.

	Annual Energy Savings Per Home	Annual Energy Cost Savings Per Home	Estimated Incremental Costs ²	Simple Payback Period ²	Net Positive Cash Flow ²	Life-Cycle Cost Savings ²
Climate Zone 4	42.2 MMBTU	\$267	\$4013	15 years	4 years	\$1501

Information received from Metropolitan Energy Center. Their estimated incremental costs, that's circled there, is what they've estimated the additional costs are. The true cost of all of this lies somewhere in between all of those values.

	Fenestration U-factor Footnote b lower is better	Skylight U-factor Footnote b lower is better	Glazed Fenestration SHGC Footnote b lower is better	Ceiling R-Value Footnote b higher is better	Wood Frame Wall R-value higher is better	Mass Wall R-value higher is better	Floor R-Value higher is better	Basement Wall R-Value Footnote c higher is better	Slab R-Value & Depth higher is better	Crawl Space Wall R-value Footnote c higher is better	Energy Rating Index lower is better
2018 IRC/IECC	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62
UG Current (2009)	.35	.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13	baseline
UG Option A	.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	80
UG Option B	.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	75
UG Option C	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62
Shawnee	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Overland Park	0.34	0.55	0.31	49	13	8/13	30	10/11, 3 ft	10, 2 ft	10/13	68
Prairie Village	0.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	68
Lenexa	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Leawood	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Olathe	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Gardner	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Kansas City, Missouri	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	75
Johnson County	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13	80
Gladstone (2021)	0.32	0.55	0.40	38	13	8/13	19	10/13	10, 2 ft	5/13	56
	doesn't meet 2018		meets 2018		doesn't meet 2018, but closer than majority of metro		outliers/requires explanation		doesn't meet 2018, but closer than all others in the metro		

This is a chart that actually you don't get to enjoy the pretty color coding that Commissioner McKiernan did on this. He took my chart and he really made it usable to somebody that could look at the colors immediately. The top line is what the 2018 Energy Provisions are without any amendments. You can see where the wood framing wall of that is either R-20 or R-13 plus 5, which is basically an R-13 constructed wall as it was. Then you have to add some type of thermal insulation on the outside, underneath the siding to meet that requirement. If you're doing the R-20, you basically have to reconstruct, use different practices, two to six walls for the walls making major changes and expense. Also then, you can look at what we're currently under.

You can see that we're making major changes even in Option A for—so the R-13 is the only thing that stays the same, as well. Then there's the new ERI, but ERI never come into play with what we're currently under, and that's just an ability to do another method by using a consultant.

Option B, as Commissioner McKiernan alluded to, is a little bit more stringent, putting the R-15 in the wall, still getting some efficiency, and then moving the baseline to 75 on the ERI.

Option C is full-fledged across the board. If you look at all the colors, you see the green. You see the consistencies across the metro and that was [inaudible].

Clarification on Adoptions Locally:					
City/County	Considering 2021 I-Codes?	Current I-Code Versions Adopted	City/County	Considering 2021 I-Codes?	Current I-Code Versions Adopted
KCK - current	2018	2012	Prairie Village	No	2018
Bonner Springs	No	2015	Leawood	No	2018
Edwardsville	2018	2012	Olathe	No	2018
Fairway	No	2012	Spring Hill	No	2006
De Soto	No	2018	Gardner	No	2018
Mission Hills	No	2018	Johnson County	No	2018
Edgerton	No	2006	Douglas County	2018	2012
Shawnee	No	2018	Lees Summit Mo	No	2018
Lenexa	No	2018	Kansas City Mo	IECC Only	2018
Overland Park	No	2018	Gladstone Mo	Adopted	2021

Also, through this process, the statement that we're going to fall behind from concerns from the community, once again, most of the other jurisdictions that are 2018, other than Kansas City, Missouri, that is currently looking at adopting the 2021 Energy Code only, they're not going to adopt their other codes. There's supposedly something proposed to their governing body or one of their committees right now, that they're going through that. Gladstone, Missouri—no other jurisdiction up there is considering going to the 2021. At one point, Prairie Village and Overland Park, I believe, were two that were looking at it, but they're waiting for the 2024, which will be something we will look at too, trying to stay consistent.

Wrap up Comments:

- All options provide additional efficiencies over what we currently have adopted
- Cost Estimates requested by Commissioner Burroughs were provided
 - Reached out to both KCHBA and MEC
- Options A, B and C provided to Standing Committee/Governing Body
- Columbia, Missouri example referenced –Not in our metropolitan area/College Town
- Staffing and ability to implement and enforce major energy provision changes

	Fenestration U-factor	Skylight U-factor Footnote b	Glazed Fenestration SHGC Footnote b	Ceiling R-Value Footnote g	Wood Frame Wall R-value	Mass Wall R-value	Floor R-Value	Basement Wall R-Value Footnote c	Slab R-Value & Depth	Crawl Space Wall R-value Footnote c	Energy Rating Index
	lower is better	lower is better	lower is better	higher is better	higher is better	higher is better	higher is better	higher is better	higher is better	higher is better	lower is better
UG Current (2009)	.35	.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13	
UG Option A	.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13	80
UG Option B	.32	0.55	0.40	49	15	8/13	19	10/13	10, 2 ft	10/13	75
UG Option C	0.32	0.55	0.40	49	20 or 13+5	8/13	19	10/13	10, 2 ft	10/13	62

To wrap up comments. All options provided additional efficiencies, over what we currently have adopted. Cost estimates requested by Commissioner Burroughs were provided. Once again, we reached out to the Homebuilders Association and Metropolitan Energy Center. Options A, B, and C provided to the standing committee and the governing body. Once again, 5 – 1 they chose Option B. Columbia, Missouri, we didn't feel like it was a good reference to compare to. One other concern that we have, at least at this point, is the staffing ability to implement and enforce,

a major energy provision change might be of concern, just as the items I stated earlier, harder to enforce. Our staffing levels are kind of low right now, but we've got them posted and hopefully we'll get them filled, but it just would put additional burden on staff. Then those are the same options that are in the previous slide.

**Upon Approval
by Governing
Body –Proposed
Timeline of
Implementation:**

New Codes or Old Codes will be allowed to be used for a period of 180 days after the approval of the governing body and required publications are met.

If a project has already been submitted for review it will be allowed to stay with the code set originally submitted under.

If the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under the codes in place at the time of resubmittal.

If we are able to move this forward, upon approval by the governing body, and the proposed timeline of implementation, our thoughts are that the new codes or old codes would be allowed to be used for a period of 180 days after the approval of the governing body and the required publications are met. If a project has already been submitted for review, it will be allowed to stay with the code set originally submitted under. If the project becomes stagnant for a period requiring resubmittal, then the new project may have to be submitted under the new codes in place at the time of resubmittal. Here is we're going to allow both codes for about six months to be submitted under, because some people are in the process of design. We also have those architects and engineers that are asking us every day to use the new standards, so they would have that option for six months. That's all I have.

End of Presentation

Additional Information below for Full Commission - not included in
Presentation

Mayor Garner asked, any comments or questions?

Commissioner Kane asked, so staff is recommending C? **Mr. Talkin** said staff has actually recommended Option A. **Commissioner Kane** asked, how did I miss that?

May 26, 2022

Mr. Talkin said Option C has no amendments. We're not recommending that. We're concerned that would put a burden and may have an impact on the number of houses that are being built in our community. Also, we think it's too big of a jump from where we're at right now. We don't disagree that over time, we've got to get there because we know energy is an issue. I know a lot of the issues that the Commission hears about people's energy bills, and you've talked about BPU bills tonight. I think you're probably hearing the majority from those people that own houses downtown where they're 80 years old and have no insulation in the walls and ceilings. Their bill is only the small portion of the electric bill that goes towards heating and cooling, but staff recommends Option A. We think Option B is the next best option.

Commissioner Kane said I must have missed some of your presentation.

Commissioner McKiernan said as I said during our standing committee meeting, I understand both sides. I understand the trade-off between the higher upfront costs and the lower energy costs over time, but the lower upfront costs and potentially higher energy costs over time, I get the trade-off and I choose to meet in the middle. So, I voted for, and I am still in favor of Option B so that we meet the most stringent requirements currently in place across the metro area, and to try to strike an uneasy balance between not putting too much burden upfront, but also not realizing as much energy savings on the back side.

I would agree with you, that from my perception, the issues that we're hearing about are not coming from homes that have been newly constructed in the past several years. Where we're really hearing from is people who are living in homes that are the age of the home I'm living in, or older than that. I think if we really want to do something, it'll be outside of this process. It'll be coming up with a plan and coming up with the funding to help make incremental energy saving improvements to those older homes so that those homeowners and renters and occupants will really recognize a significant difference in their utility bills compared to what they've been paying with an older home that didn't meet any of these standards, even remotely. So, I'm going to be in favor of Option B, as I was at standing committee.

Commissioner Stites said I, at standing committee, also voted B. But I will tell you, after a lot more research and really thinking about this, and I knew it was going to come before us again, I am leaning towards C, and I will tell you why. Greg, you said that eventually we got to get to C,

I mean we got to get there, right? Let's get there. I mean if we are, if we're going to try to impact—it's going to be tougher for folks to get in the front end of a house. Houses are high right now already, and we don't have houses in our community right now that are that are up for sale. When they go up for sale, they're sold. If we're going to make that change and we're going to be the quality housing that sets us apart from others, I think we just do it and get there now and not string it out over the next however long it takes us to get there. So, I am in favor of Option C.

Commissioner Davis said I voted against this, which brought it before the body. Commissioner Stites succinctly put it, codes do not determine the prices of homes, the market does. Under the 2012 codes, we saw the market bear out ridiculous prices even with outdated codes available. So, the question becomes, who is benefiting here? I see where developers and where builders are benefiting, and I think that's great; however, I'm concerned for our residents.

We just all sat up here and said we want to provide some sort of utility relief. In my eyes, this is being preventative. It's building in a way that is more energy efficient. It's not just energy efficiency that's my concern, it's my concern for health. It's my concern for the environment. It's my concern for us being consistent in our values.

What's to say that three years from now the new code comes out and we say let's adopt it but let's keep amending it; let's adopt it but let's keep amending it. At what point do we make the decision to lead in the metro as opposed to following in the metro? Builders will build where it's profitable. They won't just build where the codes are. If they can sell the home, they will build it and they will recoup the costs through what the market bears. Codes do not determine that, the market does.

Commissioner Ramirez said I'm the same with Commissioner Davis. Commissioner Stites succinctly said it. This is energy efficiency all around. Our sister cities and municipalities around us are leaps ahead of us in that area of energy efficiency, clean energy, and we're just chugging along as slowly as we can. I think we should just do Option C, get the codes where it should be, and I hope developers don't leave. That shouldn't be a turn off for you to be a part of this community and to build in this community. That should be more an incentive because that means we cherish our constituents who want energy efficiency, who want lower utility bills. We keep

talking about BPU PILOT and whatnot. Commissioner Davis said it perfectly, preventive is also being proactive for our community, and so I support Option C.

Commissioner Burroughs said I had staff run the size of a home with the options that we heard in committee, just to give the opportunity for us to see the additional costs of adding more energy efficiency. I too, am supportive of more energy efficiency. I mean my home's 20 years old, and I'm looking at new appliances now because just 20 years ago, the efficiency of the appliances are so much greater today than they were even back then. That's the only reason why I think Option B is even there is because of the discussion we had in committee. I wanted those dollars to be reflected in what it would take to move on up to the higher efficiency if we couldn't agree on A or C, which was B at the time, I think. So now, C is B and B is A. Anyway, that's just more confusion for my body and friends.

Commissioner Bynum said, Greg, I have a question on the chart. It says total additional estimated costs to consumer. Do we mean total additional costs to build, or do we mean total additional costs the consumer will pay? **Mr. Talkin** said total additional costs the consumer will pay because in that chart, the builder put on profit and overhead, at the bottom.

Commissioner Bynum said this chart includes the profit and the overhead. What I'm concerned about with the \$20K higher amount for Option C is all of our non-profit builders here that are trying to provide an affordable housing product that is so desperately needed in this community. As much as we hear about energy efficiency and high utility bills, I would say we equally, or more, hear from this community that—and I'm not directing my comments at you, I'm directing them at everyone. But as much as we hear that, my guess is we hear that plus around the topic of affordable housing.

It concerns me that we would adopt a building code that potentially adds \$20K to the price of a house. I'm hearing my fellow commissioners say it's the market that drives that, but my community is asking for affordable housing. So, how does a CHWC or a Habitat or any of the other CHDOs or Community Housing builders offer that when they have to add \$20K to the price tag? So, I don't know. I'm just asking for clarity really, and I'm just bringing up a concern in this community, which is lack of affordable product.

Mr. Talkin said, Commissioner, if I may state something to that fact. CHWC did speak at the last meeting, and they did have concerns. Community Housing did speak. They testified last time, and they had concerns of the increased energy requirements.

Commissioner Markley said I have these feelings because, obviously, everybody wants to be, everybody wants to be more energy efficient, but I think we need to be clear about the impact that could have. One thing Commissioner Stites mentioned, which I think we're seeing across all of our districts, is that we don't have the housing stock for the number of people that would like to live here. They're going out to find a house and there's not a house for them.

If you're Bob, the small-time homebuilder, which is what most of the homebuilders are that are building houses in our area, you've gone to an architect and you've had them draw up your sort of template plan. You're going around the metro area building your template house and you don't really want to go back to the architect and your engineer and have them redraw your plans over and over. You're just taking that template and you're building in every jurisdiction, and our jurisdiction is an outlier. Guess what? Bob's not going to build his house here because he's going to have to spend more money, not just on the house, but on the architect and engineer to redo his template. He's just going to build three houses in another jurisdiction where the template house fits without making any changes.

I should mention my architecture firm does not do single-family housing, so there's no conflict here. No single-family housing. I could see the same thing happening to a business, but we don't do that kind of work at all, no single family.

I'm just saying that that's the attitude that these builders are going to have because it's not only going to cost them more to build the house, it's going to cost them more to make their little prototype house fit what we're doing in our jurisdiction. Is that a terrible thing? I mean maybe it's not. Maybe we would just rather have fewer houses that are of higher quality, but it is going to have an impact in how many people come here to build, particularly when the majority of our builders are probably in that smaller time category where they're building onesies, twosies. They're not building 20 houses at a time.

Commissioner Kane said, Mr. Talkin, sir, we realize this. We need to get to C, is that what you're saying? **Mr. Talkin** said we need to continue to work towards increasing our idea.

Commissioner Kane said this is like a yes or no question. I know. Boy, God love you, brother. Here's the deal. I would rather buy a more energy efficient house, pay a little more, because in the long run, you're going to save money. My house is 17 years old and I had the biggest A/C unit you ever saw in your life. The one I got now is half the size. I would think that we want to get to C now and move on. We don't have as many houses on the market as we should. You buy cheap windows; you get cheap windows. You buy cheap carpet; you get cheap carpet. That's why when you're building a house, you're going to upgrade anyway, so I think more people that were going to build a house would be more apt to upgrade right out of the gate. So, I like C.

Commissioner Stites said I look at it now a little bit differently. Maybe it attracts people to come to our community because they say look, they're building energy-efficient homes. They're on the cutting edge. They're moving forward. They're not stuck in the old code. If Bob goes and builds over in whatever community you were talking about, we'll let Bob go build subpar housing. Let's continue to build. Let's be the trendsetters. Let's do something that we ultimately have to get to Option C. Let's just get to Option C and pull the band-aid off right off the bat and be done with it.

Action: **Commissioner Stites made a motion, seconded by Commissioner Kane to adopt Option C.**

Mayor Garner said well, unfortunately, I hear all these options that are floating around there, but looking at what has been proposed, correct me if I'm wrong, Mr. Talkin, I believe that you brought this forward proposing your recommendation for consideration by this Commission, correct? **Mr. Talkin** said staff's recommendation was Option A all along. They passed Option B in the standing committee meeting.

Mayor Garner said I'm just looking at the ordinance itself. Maybe Chief of Legal can weigh-in on this. I'm just not seeing anything that really predicates allowing for all these different options. That's where I'm going.

Mr. Talkin said in the attachments that's in the agenda item in Clerk Management, there's three different ordinances draft up for three different options on the IRC. They're all in there. Whatever options chosen would be the one that would be pulled out.

Mayor Garner said I had a motion on the floor. What was that motion for? C? Okay just for clarity, before we proceed, can you pull those options back up for us.

Zee Bishop, Assistant Counsel, said I hope to provide a little bit of clarity here. The codes that Mr. Talkin has brought forward, there are actually ten separate codes. Can we get to the list of those codes? I believe it's right at the very beginning. These are the codes that we are actually talking about. Now, the vast majority of these codes were proposed by staff and received very little, if any, commentary. Did you get any commentary on anything except for the Energy Code?

(Mr. Talkin's response was inaudible.)

Ms. Bishop said so, all of the issues that were brought to the standing committee for conversation were coming out of the Energy Code. So, what staff is proposing here is adoption of all of the codes except for the Energy Code, as they have been proposed. I believe you should have those in your packet. The only code that we are talking about Options A, B, and C is the Energy Code, and you do have all three of those options in your packet. If we can get to the slide that shows the three different Options A, B, and C, I think that that will help. Keep going.

Mr. Talkin said if I can clarify one point. The energy portion that we're talking about here is in the IRC. It's not actually an Energy Code that we're adopting. The IRC is a standalone document that you can build a single-family home, and not have to go through any of the other codes. It puts the electrical/plumbing/mechanical all trying to simplify. We didn't make any amendments in the regular Energy Code on the commercial side. It's the IRC that we gave the options on.

Ms. Bishop said okay, thank you. Sorry about that. Let's keep going because this is actually just the costs. Is this a good slide to show the three options?

Mr. Talkin said yes. Option A, basically what we're changing here is allowing the R-13 to be in the walls instead of R-15 + 3 or R-20, and we're changing the energy rating index to 80. The rest of the requirements are pretty much the same as the standard we're adopting. Options A and B also deleted a requirement for a separate room for combustion burning appliances. It changed the

air exchange rate to 5. I'm trying to remember. There was one other—and allow us to use the internal cavities of walls on the internal walls for return air ducts.

Commissioner Johnson said I feel the same way I felt a little earlier, in terms of capacity, to make a very informed decision on a matter that has been thoroughly explained. I'm not sure, Greg, that I'm in a position to make the best decision that I could feel comfortable with. Now I know we have a motion and a second, but I just have to say it's very difficult to make—these are very important decisions when the agenda drags on so late. I would prefer to vote on this some other time, but I just feel the need to put that on the record and I'll vote accordingly if it's put before us.

Commissioner Ramirez said point of clarification. What are we voting on right now?

Mayor Garner said well, just let me weigh-in on this. There is some confusion especially talking with our Chief Legal Counsel. We're going to take a five-minute recess (at 11:20 p.m.) and come back to get some clarity. So, five minutes, we will readjourn in five minutes.

Mayor Garner said I'm going to bring us back to order (at 11:30 p.m.), and we're going to reconvene. I know Commissioner Johnson has a question, but before we do that, I believe Commissioner Sites had a question.

(Commissioner Stites' response was inaudible.)

Mayor Garner said okay, there's a motion. I'm going to turn this over to Legal for a response.

Misty Brown, Chief Counsel, said I realize we do have a motion and a second on the floor to approve Option C. But when this motion was made, and I'm going through my packet here, I see we have 10 separate ordinances within here amending 10 sections of the code. I can't specifically see what is Option C is being approved. In order to—this item would require 10 separate votes on each individual ordinance. Also, in order for the Commission to approve it, you would need to have before you the proposed ordinance showing the proposed changes. I don't have that and

I don't believe the Commission does. It's my understanding it is in Civic Clerk, Greg, but I don't have that before me and I'm not sure that the Commission does either. So, because of that, and the 10 separate individual actions, my recommendation would be to table the matter for now and bring it back in 30 days for the vote. I know nobody wants to hear that, but that would be my recommendation, because it's very unclear as to what we're passing at this time.

Action: **Commissioner Johnson made a substitute motion to table and defer for 30 days.**

Mayor Garner said I've got a motion and a second for, I believe C, but now I have a substitute motion to table this vote. So, I've got a motion to basically table this for 30 days. Do I have a second?

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

Mayor Garner said all right I got a motion and a second to table this for 30 days. Any discussion? Seeing none, roll call.

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

ADMINISTRATOR'S AGENDA

ITEM NO. 1 – 211581...ORDINANCE: AUTHORIZING SURVEY & DESCRIPTION OF LANDS TO BE CONDEMNED/ORDINANCE

Synopsis: An ordinance directing the Chief Counsel to commence legal proceedings to acquire the property described in the survey and necessary for the project, submitted by James Bain, Assistant Legal Counsel. On December 2, 2021, the Full Commission voted unanimously to adopt Resolution No. R-88-21, authorizing a survey of lands.

James Bain, Assistant Counsel, said the ordinance before you allows the Legal Department to begin imminent domain proceedings on the Armourdale Industrial District Pump Station Project.

We are down to two properties that need to be acquired potentially through imminent domain. They are owned by Kansas City Southern Railroad and 402 Central Avenue. Of course, we will continue to be in negotiation to acquire the properties without court involvement, but this starts the clock 45 to 60 days before we can acquire the property, if we do need to go to court, and so this action begins that clock. Joe Barnes is here with Water Pollution Control to answer any questions you have about the specific project. But the ordinance will allow us to file a petition in court and begin that property acquisition process.

Action: **Commissioner Bynum made a motion seconded by Commissioner Markley, to approve the ordinance directing Counsel to commence legal proceedings.**

Mayor Garner said just for clarity for the public that may not know, we're talking imminent domain. Can you just briefly, quickly, what is the value and the importance of this for the Unified Government?

Mr. Bain said imminent domain brings independent appraisers in which appraise the property that the government needs for Public Works' projects, and necessary Public Works' projects, which a pump station would fall into that category. Three independent appraisers come forward and value the property that we are acquiring. The property owner still has ability to appeal that valuation, but the important thing for us, and for the public, is a fair value is determined that the government must pay to acquire the property that is needed for critical Public Works' projects like this.

Mayor Garner said I get that. Just for the everyday folks it might—we need a pump station in Armourdale?

Mr. Bain said yeah, and I don't know. Joe if you want to, I don't know all the ins and outs of what a pump station does.

Joe Barnes, Water Pollution Control, said we've got an existing about a 60-year-old pump station down by Central Avenue Bridge and I-70 in the Kansas River. We've had two recent failures on it over the past 18 months. It's time to rehab the station. Consent decree requires us to expand the pump station to further capacity to eliminate overflows. We've got it started to

design. We've got a contractor on board. We're trying to fast-track this so that we don't have an additional failure of the pump station and we've retained Orrick & Erskine, LLP to help us negotiate with those property owners. We're working with those people now. We're making them offers, but we're starting the proceedings so that if we can't reach a good valuation with them and they don't like it that we can keep the project moving so we're not delayed years then we have a failing pump station that's just discharging sewer into the river.

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

Action: **ORDINANCE NO. O-76-22**, “An ordinance condemning lands and interests in lands for the location, laying-out, reconstruction, installation, expansion, repair, maintenance, operation and use of a sanitary sewer pump station located north of Central Avenue on N. 4th Street in Kansas City, Wyandotte County, Kansas, and directing the Chief Counsel to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in herein.”
Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve. Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

COMMISSIONERS' AGENDA

No items

Mayor Garner said this concludes the regular portion of our meeting. I’m going to adjourn this meeting in that particular capacity and I’m going to call us back to the Land Bank Board of Trustees, which this Unified Government consists of all the commissioners and myself.

LAND BANK BOARD OF TRUSTEES' CONSENT AGENDA

Mayor Garner said do any members of the Commission or County Administrator wish to set aside any item on the Land Bank Consent Agenda that's before you?

Mayor Garner said I got a motion and a second. There's nothing that has been brought to be set aside. With this motion and the second, is there any discussion? Seeing none, roll call.

Action: **Commissioner Kane made a motion, seconded by Commissioner McKiernan, to approve.**

Roll call was taken and there were nine “Ayes,” McKiernan, Ramirez, Johnson, Kane, Markley, Stites, Davis, Bynum, Burroughs.

ITEM NO. 1 – 211552...LAND BANK OPTION APPLICATIONS

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

A. New Construction - Single Family Homes

1. Chris Solutions LLC – 2 Homes
3815 Strong Ave. – 171504
3813H Strong Ave. – 171503
1302 S. 38th St. – 170703
2. Chris Solutions LLC – 1 Home
1536 S. 49th St. – 049690
3. Chris Solutions LLC – 1 Home
741 Shawnee Rd. - 155009
4. Monique Smith – 1 Home
4015 Coleman Ct. – 062912
5. Richard Dumas – 1 Home
1047 Riverview Ave. – 093842

B. New Construction – Multi-Family – 34 Units Total

1. Travis Wilson – 9- or 10-Unit Townhomes
1305 Ann Ave. – 081041
1307 Ann Ave. – 081042
1309H Ann Ave. – 081043
1311 Ann Ave. – 081044
1315 Ann Ave. – 081045
1319 Ann Ave. – 081046
1325 Ann Ave. – 081048
2. Raj Bhatia – 24 units
2110 N. 51st – 917814

C. New Construction – Commercial – 4 Total

1. Chris Solutions LLC – Co-Working Office Space
1604 Minnesota Ave. – 907522
2. Chris Solutions LLC - Co-Working Office Space
3510 Strong Ave. – 170670
3. Chantelle L. Sims - Affordable small eat and boutique center
6116 State Ave. – 004421
4. The Dominique Experience Foundation – Community Center
5211 Parallel Pkwy – 917907

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

ITEM NO. 2 – 211553...LAND BANK PROPERTY TRANSFERS

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

A. Yard Extension – 1 Total

1. Robert Needham
2105R McDowell Lane – 905541
Currently owns 2105 McDowell Lane – 905542

B. Property Transfers – 2 Total

1. OCP Neighborhood Association – Park
2517 N. 17th St. – 115853
2515 N. 17th St. – 115851
2213 N. 17th St. – 115850
2. CABA – Pocket Park
727 Central Ave. – 120800

C. Vacation of Right-of-Way

1. Rachel Bichara
731H Tenny Ave. – 119926

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

PUBLIC ANNOUNCEMENTS

No items.

ADJOURN

Mayor Garner said that concludes this meeting. I will entertain a motion to adjourn.

Action: **Commissioner Davis made a motion, seconded by Commissioner Markley, to adjourn.** Roll call was taken and there were eight “Ayes,” McKiernan, Ramirez, Johnson, Markley, Stites, Davis, Bynum, Burroughs; and one “No,” Kane.

Mayor Garner said thank you. That concludes our meeting. We are officially adjourned.

MAYOR GARNER

ADJOURNED THE MEETING AT 11:39 P.M.

May 26, 2022

Monica L. Sparks
Acting Unified Government Clerk

am

May 26, 2022